CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

WASHINGTON:
1912.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

VOLUME XLVIII, PART VII.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

MONDAY, *May 13, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial in the nature of a cablegram from the chairman of the Independent Party, of Ponce, P. R., remonstrating against the extension of American citizenship to the people of that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a resolution adopted by the Chamber of Commerce of Philadelphia, Pa., favoring the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented petitions of the Ladies' Aid Society of the Baptist Church of Jasper; the Highland Avenue Baptist Church, of Montgomery; the Central Presbyterian Church, of Montgomery; the Highland Avenue Christian Church, of Montgomery; the Bethel Church, of Montgomery; the Young Men's Christian Association of Montgomery; the South Side Baptist Church, of Montgomery; the Clayton Street Methodist Episcopal Church of Montgomery; and the Central Christian Church, of Montgomery, all in the State of Alabama, and of the congregations of the Methodist and Christian Churches of Goodland, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DAVIS. I present a telegram in the nature of a memorial relative to the employers' liability and workmen's compensation bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

ARGENTA, ARK.

Hon. JEFF DAVIS,
Senate Chamber, Washington, D. C.:

At the last regular meeting of our Local Union, Brotherhood of Boiler Makers and Iron Ship Builders, a resolution was adopted thanking you for the fight you have waged against the most atrocious legislation, detrimental to the interest of railroad employees, viz, the compensation bill; or, in other words, the uniform price for heads and limbs. Thanking you for the past efforts and trusting that you will exhaust all efforts to prevent passage of the same, we remain,

Yours, truly,

R. T. BOSTER.
E. WORTHSMITH.

Mr. DAVIS. I present a communication from the chairman of the Montana State legislative board, Brotherhood of Locomotive Engineers, relative to the employers' liability and workmen's compensation bill. I ask that the communication lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

To all divisions Brotherhood of Locomotive Engineers in Montana and all Brotherhood of Locomotive Engineers' legislative boards in the United States and all delegates, grand and national convention Brotherhood of Locomotive Engineers convened at Harrisburg, Pa.

DEAR SIRS AND BROTHERS: The Montana Brotherhood of Locomotive Engineers State legislative board met at Helena Saturday, April 6, pursuant to the call of the chairman, for consideration of the compensation bill now pending in National Congress, known as House bill 20487 and Senate bill 5382.

After carefully going through with the different data advanced by the advance agents of this measure, the board readily perceived that this was the most dangerous and vicious piece of legislation ever offered, State or national, against the members of the Brotherhood of Locomotive Engineers. The board wired H. E. Wills, so-called representative of the Brotherhood of Locomotive Engineers in national matters before Congress, their protests against this measure, demanding that he advise the Senators of the State of Montana in National Congress of their opposition to this measure. The board drafted resolutions containing 34 reasons against this bill. A letter from the chairman containing some 10 or 15 further reasons against the bill was sent to Mr. Wills and grand office; also a copy to all State legislative boards in the United States. Since that time two circular letters have been sent out by the chairman, which give 10 or more further reasons against this bill.

I am in receipt of a letter from the chairman of the Brotherhood of Locomotive Engineers State legislative board of Missouri, advising that he and a few brothers from other States were called to Washington by Wills for a conference on this compensation law. I have been waiting to hear who the members from Montana and Georgia were, where opposition to this measure has been advanced, as surely a man of such broad spirit as Mr. Wills would wish to hear the opposition to the bill, you can not conceive that he would only call in those who were true disciples of his on so important a conference.

Mr. Brittingham goes on to follow out Wills's line of argument, what compensation has done in foreign countries, where they never had any liability law, and don't know what liability law would have done instead of compensation. It is not necessary for me to take up his line of argument, as our resolutions and my letters have more than answered that. With the exception of his last three paragraphs, he goes on record as indorsing the action of the grand executives.

Believing that the individual members should get behind those officers and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle, following the Judases to the slaughtering pens. He says, "What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?" I ask him, "What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?" That is what Wills and his grand officer are doing—working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, "It looks to me to be on the same principle of that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy." What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executive with those brave generals? If he does, I do not question him.

Another communication from H. E. Wills, where he goes on to state that the passage of this monstrosity of a bill is assured and goes on to outline its great benefit, he also goes on to give some history of the present national liability law, the effort made to attain it and to bring it to adequate protection. But he does not tell you that on January 25, 1912, by decision of the Supreme Court, that the last leak in the great dam of the national liability bill was closed, thereby making an effective bill.

What would you think of a man, after a great dam had been built, inclosing a great reservoir holding back a great volume of water to irrigate great tracts of arid lands? Would you advocate placing a fuse with dynamite under this great structure and blowing it up, telling them that the noise and fumes from this explosion would bring down moisture for the arid lands in such a manner that we would not need to direct the water in channels for irrigating? This is true of the compensation act as compared with our perfected liability bill, and I think that the compensation bill will work out in about the same comparison as the thunder from the explosion irrigating the arid lands.

He goes on to tell you that you are assured of about 20 per cent of your monthly wages if you are totally disabled; he says that the American people guarantee you this. They do; that is, the American people guarantee this to the railway companies, and after the railway companies get this from the American people they and their Federal masters, the adjuster, will dole you out what they think you should have. Section 31 of the bill gives the railway companies the right to tax this to the consumer; you are one of the consumers; the railway men in the United States form about 20 per cent of the consumers; therefore the railway men pay 20 per cent of this insurance; pay it before they get it back, as the man that buys the article is the man who pays the freight. So you see the compensation act is nothing more to you than an insurance company, and you might just as well, and it would be cheaper for you, to pay 20 per cent to any of the old-line insurance companies. Wills's one argument is that this bill will do away with litigation to recover, notwithstanding the fact that in foreign lands, where this bill is being tried out and has been in effect for years, litigation has been increasing. He goes on to tell about the liberal provisions of the bill: Fifty dollars a month to a man with both arms taken off. He might learn to preach or practice law. How many engineers' school education is sufficient that they might fit themselves to preach or practice law? After he eliminated all those cheap attorneys, as he seems determined to do, it is reasonable to suppose that that avenue would be closed. He says that if injured they get all medical aid for 14 days. Don't they get it now?

He says the provisions of the bill were worked out in conference after a wide research into the laws of foreign countries; he says that the railway companies were heard, and that the employees were heard. The employees were not heard; their misrepresentatives were heard, and he is a misrepresentative.

He speaks of the general public. What will the general public say when the Brotherhood of Locomotive Engineers go on record as taking the cost of the liability of their injury received away from the railway companies and taxing it against the general public?

I believe that the convention convened to-day of the Brotherhood of Locomotive Engineers at Harrisburg, Pa., will be called upon to pass upon this revolutionary measure, and it is my opinion that they will be closely watched by statesmen and others of the public who are acquainted with this law, and that, should they go on record as indorsing such a monstrosity of a law, when the individual members of the organization realize the way they have been betrayed they will desert the Brotherhood of Locomotive Engineers and go to the Brotherhood of Locomotive Firemen and Enginemen—desert it like rats would a leaky vessel.

Respectfully submitted.

JAMES O'RILEY,
Chairman Montana State Legislative Board,
Brotherhood of Locomotive Engineers.

Mr. BURTON presented a memorial of Local Division No. 576, Order of Railway Conductors, of Cleveland, Ohio, remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BROWN presented a petition of members of the Nebraska State Medical Association, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. JONES. I present a number of telegrams and letters from citizens of the State of Washington, in favor of the Owen medical bill. I ask that the signatures be printed in the RECORD.

There being no objection, the telegrams and letters were ordered to lie on the table and the signatures thereto to be printed in the RECORD, as follows:

From Dr. X. P. De Donato, of Seattle; Dr. A. C. Crookall, of Seattle; Dr. Frank Rose, of Spokane; Dr. Bert Thomas, president, and Dr. Y. C. Blalock, secretary, of the Walla Walla Valley Medical Society; Mrs. R. C. McCreedie, president of the Washington State Federation of Women's Clubs of Sunnyside; Lillian C. Irwin, chairman of the health committee of the Woman's State Federation of Women's Clubs; Dr. Henry La Motte, of Seattle; Dr. J. W. Summers, of Walla Walla; Dr. J. H. Snively, of Seattle; Dr. G. D. Shaver, county coroner, of Tacoma; P. J. Gallagher, of Spokane; Dr. C. E. Haggard, of Seattle; Dr. W. W. Potter, of Spokane; Dr. Henry Power, of Spokane; Dr. C. A. Veasey, of Spokane; Dr. Wilson Johnston, of Spokane; Dr. H. A. Wright, of Seattle; Dr. Adolph Bronson, of Renton; Dr. D. E. McGillivray, of Port Angeles; Dr. F. S. Lewis, president of the Clallam County Medical Society; F. C. Robinson, of Walla Walla; Dr. Philip R. Waughop, of Seattle; Esther Allstrum, market master and food inspector of Tacoma; and Dr. George F. Cook, of Bellingham, all in the State of Washington.

Mr. JONES. I present a number of memorials from citizens of my State remonstrating against the Owen medical bill. I ask that the signatures to the memorials be printed in the RECORD.

There being no objection, the memorials were ordered to lie on the table and the signatures thereto to be printed in the RECORD, as follows:

From O. S. Hansen and sundry other citizens of North Yakima; Mrs. M. Hulshouser, of Selah; Mrs. Charles T. Hackett, of North Yakima; Nellie F. Day and 4 other citizens of North Yakima; Mrs. Martha Hoptowit and 5 other citizens of White Swan; Mrs. Madeline Hoptowit and 4 other citizens of Wapato; James F. Zediker, of North Yakima; James W. Bryan, of Bremerton; Edd A. Beekman, of North Yakima; W. V. Wells, of Anacortes; Frank M. Slagle, of Pullman; R. A. Rosenbaum, of Seattle, all in the State of Washington.

Mr. GALLINGER presented a petition of the Young People's Religious Union, of Charlestown, N. H., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a memorial of the National Protective Legion, of Waverly, N. Y., remonstrating against the adoption of certain amendments to the Code of Law of the District of Columbia, relating to fraternal beneficial associations, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a petition of sundry citizens of Corning, Kans., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry Cherokee freedmen, praying that they be reimbursed at a fair valuation for improvements which they have put upon the lands of the Cherokee Indians, which was referred to the Committee on Indian Affairs.

Mr. WETMORE presented the petition of Dr. Samuel C. Webster, of Westerly, R. I., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a resolution adopted by the Patriotic Order Sons of America in national camp at Reading, Pa., September 27, 1911, favoring the passage of the so-called Dillingham immigration bill, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6688. A bill to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'" (Rept. No. 741); and

S. 6330. A bill increasing the cost of erecting a public building at Santa Barbara, Cal. (Rept. No. 742).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally with amendment and submitted reports thereon:

S. 5354. A bill to acquire a site and for the erection thereon of a public building at Oconto, Wis. (Rept. No. 743);

S. 6459. A bill for the erection of a public building at Waynesville, N. C. (Rept. No. 744);

S. 6178. A bill for the purchase of a site and erection of a Federal building at Crisfield, Md. (Rept. No. 746); and

S. 6413. A bill for the purchase of a site and erection of a Federal building at Salisbury, Md. (Rept. No. 745).

PUBLIC BUILDING AT CONCORD, N. H.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably with an amendment the bill (S. 6585) increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H., and I submit a report (No. 747) thereon.

Mr. GALLINGER. As this is an urgent matter, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Buildings and Grounds was, in line 3, after the word "appropriation," to insert "for the extension, alteration, and improvement of the public building in the city of Concord, N. H.," so as to make the bill read:

Be it enacted, etc., That the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H., contained in an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, approved June 25, 1910, be, and hereby is, increased from $32,000 to $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY (by request):

A bill (S. 6792) for the relief of the estate of James B. Ogletree, deceased; and

A bill (S. 6793) for the relief of the heirs of Fannie Elizabeth Cole; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 6794) granting a pension to Magdalena Baer; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 6795) to control the development of water power and the use of public lands in relation thereto, and for other purposes; to the Committee on Public Lands.

A bill (S. 6796) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 6797) granting an increase of pension to Henry C. Mears (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation in Arizona; and

A bill (S. 6799) granting to the State of Arizona the Fort Grant Military Reservation for an industrial school, and for other purposes; to the Committee on Military Affairs.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 6800) to authorize the cancellation of an Omaha Indian allotment;

A bill (S. 6801) providing for the leasing of allotted Indian lands within the limits of the Quapaw Agency, in the State of Oklahoma, and for other purposes; and

A bill (S. 6802) amending the act of March 22, 1906 (34 Stat. L., 80), providing for the opening of the diminished Colville Indian Reservation in the State of Washington; to the Committee on Indian Affairs.

A bill (S. 6803) granting a pension to Henry F. Walton (with accompanying papers);

A bill (S. 6804) granting an increase of pension to Thomas A. Christy (with accompanying paper);

A bill (S. 6805) granting an increase of pension to Michael McNulty (with accompanying papers);

A bill (S. 6806) granting an increase of pension to George W. St. Clair (with accompanying papers); and

A bill (S. 6807) granting an increase of pension to Henry H. Bowman (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6808) granting a pension to Ida L. Jeffries; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 6809) carrying into effect the finding of the Court of Claims in the case of Moylan C. Fox, executor; to the Committee on Claims.

SHIPPING COMMISSIONER AT GLOUCESTER, MASS.

Mr. LODGE submitted an amendment proposing to appropriate $600 for the salary of a shipping commissioner at Gloucester, Mass., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SMITH of Arizona submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

CHARLES H. QUACKENBUSH.

Mr. BRISTOW submitted the following resolution (S. Res. 310), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be, and he is hereby, directed to lay before the Senate all correspondence in the possession of the Post Office Department between himself, the President, and all other persons relating to the discharge of Charles H. Quackenbush from the Railway Mail Service and his reinstatement.

THE INITIATIVE AND REFERENDUM (S. DOC. NO. 665).

Mr. GUGGENHEIM. I have a copy of a speech of Hon. Frank E. Gove before the Colorado State Senate August 19, 1910, on the question of submitting to the qualified voters of the State of Colorado an amendment to section 1 of article 5 of the constitution of the State of Colorado, providing for the initiative and referendum. I ask that the speech be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HOUSE BILL REFERRED.

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I ask unanimous consent that the Senate proceed to the consideration of House bill 18960, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. BURNHAM. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be acted upon as they are reached in the reading.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered. Is there objection? The Chair hears none, and that will be the order.

Mr. HEYBURN. Mr. President, I would suggest an understanding, that notwithstanding it is being read for committee amendments the entire bill be read. This is a bill in which we feel more than ordinary interest.

The VICE PRESIDENT. The bill will be read in full. That was the understanding.

Mr. HEYBURN. Yes.

Mr. BURNHAM. The whole bill will be read.

The VICE PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was under the head of "Department of Agriculture," on page 2, line 3, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 4, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand seven hundred and fifty."

Salaries, Office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; one appointment clerk, $2,000; one chief of supply division, $2,000; one inspector, $2,750.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "law," to strike out "one" and insert "three"; in the same line, after the word "law," to strike out "clerk" and insert "clerks, at"; in line 15, after the word "dollars," to insert "each," so as to read:

Three law clerks, at $2,500 each.

Mr. HEYBURN. Mr. President, we would perhaps proceed more orderly if some explanation was given why these salaries are raised. Perhaps one explanation may be comprehensive enough to answer several questions. For instance, on page 2, lines 2 and 3, a salary is raised from $2,500 to $3,000, and on the same page, in line 13, a similar raise occurs. I notice that that seems to obtain. I should like to know from the chairman of the committee, the Senator in charge of the bill, whether that is a policy running through the bill.

Mr. BURNHAM. Mr. President, in reply to the Senator I will say that there are increases in salaries in the different bureaus, but will not the Senator be content that we go through the formal reading of the bill for action on the amendments as they are reached?

Mr. HEYBURN. The formal reading has been dispensed with. I have to object now or not at all. I should like to have a correct understanding with the Senator. My suggestion was not that the formal reading of the bill be dispensed with. It was that the bill be read, as under such suspension, fully.

Mr. BURNHAM. I understand.

Mr. HEYBURN. That is all; so that the body of the bill outside of the amendments would be brought to our attention. I did not object to waiving the formal reading of the bill. I only asked that in reading it for amendment the entire bill should be read. Now, I suggest that where there seems to be a systematic raise in salaries some explanation should be made in the beginning, so that we might know as we run along and find these raises what rule was being applied to them.

Mr. BURNHAM. So far as I know, the raises have been according to the estimates made by the department, and the reasons given for the increase of salaries have been satisfactory to the committee. For instance, the salary of the chief clerk is raised. I understand from the department that the chief clerk has most important duties and his salary has not been commensurate with the salary of the same officer in other departments; that the salaries of other chief clerks, of the chief clerk in the Interior Department, in the Post Office Department, and in the Treasury Department are considerably greater. This amendment simply makes the salary of the chief clerk correspond to the salary of the same officer in other departments.

Besides, this man seems to be a very important official; his salary has not changed for some time; and the growing business of the department has made an increase of his salary reasonable. I understand that he has charge of all the buildings of the department, and not only of the buildings outside, but of the equipment, and he has charge of the supplies that go to certain parts of the department. According to the Secretary, he is a most important official, and the increase proposed by the committee seems to be reasonable.

Mr. HEYBURN. That was the reason given when the former raise in that salary was made. I think we will be confronted with it in every one of these department bills. We have had it before us twice—that is to say, we have been confronted with this condition twice.

Mr. BURNHAM. There was no increase in this salary in the last appropriation act. I do not know how long before that it was when an increase was made. The salary of the chief clerk in the three departments I have mentioned was increased by the last act from $3,000 to $4,000.

Mr. HEYBURN. Yes.

Mr. BURNHAM. This proposed increase is $500 less than the chief clerks in those departments receive.

Mr. HEYBURN. Can the Senator tell us how much increase this will make, as it is carried into the bill, in regard to the chief clerks of the various bureaus?

Mr. BURNHAM. I do not know about the other bureaus until we reach them.

Mr. HEYBURN. I went through the bill this morning, but I left the marked copy that would have enabled me more readily to refer to it at my home, not anticipating that the bill would come up, inasmuch as another notice had been given for the morning hour to-day. I am not going to make any captious objections to this bill, and I have no desire to cut the salaries below what they should be in this age of economy, but the increases seem to run pretty generally.

Mr. BURNHAM. The Senator will have in mind that this chief clerk is not the chief clerk of a bureau or a division.

Mr. HEYBURN. I know.

Mr. BURNHAM. But he is the chief clerk of the whole department, where there are some twelve or thirteen thousand persons employed.

Mr. HEYBURN. Yes; I noticed this morning with some degree of discomfort that there are something like 13,000 employees in this department. I do not know whether we have enough people left to conduct the general industries of the country or not. I have some doubt about it. However, as we reach those items I will ask the privilege of speaking of them. I do not want to have to do it again, but I desire to express my opinion at this time.

If the Senator will take the first four cases, down to nearly the bottom of page 4, he will be somewhat astonished at the uniform increases proposed over the present salaries. I have not my marked copy of the Book of Estimates here, and it would be, perhaps, at the expense of the time of the Senate for me to attempt to hunt out the items here, as I did in the preparation I made in my copy.

Mr. WARREN. I think it will relieve the Senator of doubt if I state that they are not above the estimates. I think there is only one case in the entire bill where the increase is above the estimate.

Mr. HEYBURN. Probably the estimates need the most watching in a bill of this kind. My experience here of nearly 10 years in this kind of legislation has led me to believe that it is the estimates that we want to watch. Right in connection with this bill, seven years ago we were told that one of its departments would be self-sustaining by this time. Experience has taught us that that prophecy was unfounded. You can compare it as it applies to the bill throughout and you will find that the estimates are not at all in harmony with the prophecies.

I do not want to be thought troublesome in connection with this legislation, but I am quite sure the Senator in charge will understand that, having gone right to action upon the amendments, we must be vigilant in making such objections as we have against the amendments. We have no other opportunity of dealing with them under the arrangement we have made. I invoke the patience of the Senate in considering this bill, because I think many Senators will agree with me that we will not hurry; that is, this bill will not go through speedily.

Mr. BURNHAM. If the Senator will let me explain in a few words it may save some time.

Mr. HEYBURN. Certainly.

Mr. BURNHAM. Of course the committee desires the bill to have a full hearing. We have no purpose at all to rush the bill. We only want to get it through in a reasonable time.

I wish to say a word with reference to the changes which appear on the bottom of page 2, and on page 3, and perhaps halfway down page 4. Here were some 35 mechanics three years ago. They were distributed around among the different bureaus, divisions, and offices. At that time they were brought together in one central shop, a mechanical shop, and it was found that the salaries varied; that they were unequal. This bill proposes to reclassify and readjust those salaries.

The amount of increase in those 35 instances is small. The mechanics who constitute this force came to the Secretary and told him that it was impossible for them to live upon the salaries that many of them were paid. Some of them had been a long time in the service, 25 years or more, and are efficient and capable men. Those 35 men asked for a small increase in their salaries. I will read exactly what changes were made if the Senator desires.

Mr. HEYBURN. I do not; it is not necessary. The Senator's statement makes it perfectly plain to me.

Mr. BURNHAM. The total increase of those 35 mechanics amounts to $4,040. The estimate given us was $6,690. The committee changed those salaries so that to-day the aggregate increase is $4,040.

Mr. HEYBURN. Mr. President, it occurred to me I have the memorandum somewhere which contains a statement of the increase of those offices of about, I think, $12,000, if my memory serves me.

Mr. GALLINGER. Thirteen thousand dollars.

Mr. HEYBURN. Thirteen thousand dollars, I am told; that is for this one office, an increase of $13,000. It may be perfectly proper to make the increase of $13,000; but it should be so stated, so that there would be no question about it, and so that Senators might not be put on inquiry as to why it should be done, because this is one office out of I do not know how many hundreds.

Mr. BURNHAM. If the Senator from Idaho has any inquiry with regard to a particular officer whose salary he thinks is increased by a large amount, I shall be very glad to reply so far as I can.

Mr. HEYBURN. No. I speak of the principle rather than the numerical increase. I speak of the principle of increasing the salaries of one office the duties of which have not materially changed—not changed in fact since the last appropriation bill. We have been doing this right along, probably in response to a false cry of the high cost of living. Now, I would ask the Senator if that was taken into consideration?

Mr. BURNHAM. What?

Mr. HEYBURN. The question of the high cost of living.

Mr. BURNHAM. Oh, I presume some of the requests for increase came from parties who were affected by the high cost of living, but in explanation of the total I would like to say that two law clerks were brought from what is known as the lump-sum appropriation and made officers of the Secretary's office. The salary one of those two men received was $1,800 and the other $2,000, and that $3,800 would heretofore have come from the lump-sum appropriation. But they are men who deserve all that this bill proposes to give them, and the amount of each salary was $2,500.

Mr. HEYBURN. I presume those are the ones mentioned on page 713 of the statement of expenditures of the Department of Agriculture. It interested me to understand that. I have it marked in preparing for the consideration of this bill. William J. Mangan, law examiner, at $1,000. He was paid $400 of that salary; I presume that is for a part of the year, for less than a year's service; and for his traveling expenses, $308.45, very nearly as much as he was paid for salary. It attracted my attention. Then, right next, following him appears Stephen J. Huneston, law examiner, at $1,500, and he seems to have earned only a part of that. I find another one, Gerald Griffin, land-law clerk, on the same page, who received $1,000 for salary and $73.45 for traveling expenses.

I want, at the proper time, to question the propriety of having two sets of attorneys for one department of the Government. Of course, we furnish this department with legal service under another provision of the law, and I shall want to know at the proper time why these expenses are incurred.

Page 713 of this volume is a very interesting page; it carries the expert miners and experts of all kinds. I think Senators will find some interest in an examination of that page, but I will not anticipate that part of the bill until we come to it.

I think I understand now that the Senator from New Hampshire concedes that throughout this bill there is a uniform, if not harmonious, change in salaries to a very considerable extent.

Mr. BURNHAM. To a certain extent, I presume, as other bills have averaged. I am not aware that this bill is peculiar in that respect.

Mr. HEYBURN. Now, I would suggest a parliamentary inquiry, as to whether when the Presiding Officer announces that without objection an amendment is adopted, that can not be questioned until we get into the Senate. Am I correct in that?

The VICE PRESIDENT. Of course it is understood when the Chair makes such an announcement and a Senator arises immediately after and says he objects, the objection is in ample time.

Mr. HEYBURN. But it behooves us to be vigilant to see that we are not foreclosed until the bill is in the Senate.

The VICE PRESIDENT. The Chair thinks so.

Mr. HEYBURN. And I ask that I may be excused if I seem a little prompt and perhaps elaborate in some of the objections that I may make.

Mr. JOHNSTON of Alabama. Mr. President, I should like to ask the Senator from New Hampshire a question. I wish to ask why there is such an increase in these law clerks? There has been an increase of three in this case. They already have 23 law clerks in the department. Why has it become necessary to increase the number and to increase them in the grade to which we pay the highest salaries?

Mr. BURNHAM. The increase in this case is only one. I would say to the Senator from Alabama, in reply, that this inquiry came to the committee, and the committee was assured that all of these law clerks were absolutely necessary and that the amount of law business connected with the different serv-

ices was very much larger than probably most of the committee supposed.

Mr. JOHNSTON of Alabama. The House bill carried 23 law clerks; the Senate committee has increased it to 25; and it has made these increases in the highest grade of pay.

Mr. BURNHAM. I think, in reply to the Senator, that two of those are transfers from what we call "the lump-sum appropriation" to the Secretary's office upon an increased salary; but they were already being paid substantially the same salary from the "lump-sum appropriation." They are not increased in numbers.

Mr. JOHNSTON of Alabama. I only speak of what the bill shows here in regard to the appropriation.

Mr. BURNHAM. That would not appear from the bill; they simply disappear from the "lump-sum appropriation" and appear here.

Mr. JOHNSTON of Alabama. Then you have increased, in line 24, the number of messengers from 9 to 12.

Mr. WARREN. I will say to the Senator that on the next line he will notice a decrease to correspond to the increase on line 24.

Mr. JOHNSTON of Alabama. I think that is true.

Mr. BURNHAM. In reply to the Senator from Idaho [Mr. HEYBURN] I explained, or endeavored to explain, what the changes were and why they were made at the bottom of page 2, on page 3, and about half-way down page 4. If the Senator was present, he undoubtedly is aware of that explanation.

Mr. HEYBURN. Well, Mr. President, the inquiry of the Senator from Alabama raises a question that will have to be confronted soon. I think perhaps as the groundwork for the consideration of this bill, we might as well look at it now. That is the question of the lump-sum appropriation, and that must be coupled with the transfer system. We made certain lump-sum appropriations for certain branches of the service without authority of law, so far as I am advised. They have assumed to transfer from one fund to another to a very large extent, amounting to very large sums of money, and I am curious to know by what authority a department of the Government can, under the constitutional prohibition in regard to the making of appropriations, transfer any part of the money appropriated for a certain purpose to another purpose.

Mr. BURNHAM. The Senator must be aware of the fact that in 1910, I think, by the appropriation act the Secretary of Agriculture was expressly directed to take from the lump sum and to put upon the statutory roll all executive officers and clerks and those under the grade of clerks. The Senator must be aware of that fact.

Mr. HEYBURN. I do not think that that has any application to the remarks I have just made. I think in the beginning of the consideration of this measure, inasmuch as we are going to be deliberate about it—and it involves some of the most serious questions that confront us—that we might as well spend a little time in finding out the basis upon which these appropriations are made and expended and the method of administering this department.

I recognize that the Agricultural Department of the United States is one of the greatest usefulness, and it is one that reaches an element of the people of the country that is entitled to the benefits of legislation; but I maintain that it must be appropriate legislation; I maintain that it must be wise administration; and it must be within the mandate of the law; and it is to that end that I shall ask the indulgence of the Senate to consider with a good bit of patience and some detail the provisions of this bill. It is one that we have differed about in times gone by.

The general principle upon which the bill is drawn should be understood as we start in upon its consideration, because we can not take each item and discuss it. There are thousands, perhaps hundreds of thousands, of items in this bill. We must first divide them into classes, and then we must find upon what principle the class is based, and we will, perhaps, be governed by that in our final action; at least I trust we will.

I do not believe there is any authority vested in any officer of any administrative branch of the Government to transfer an appropriation made for the War Department to the Department of the Navy, for instance. Neither the President nor any combination of executive officers could do that. Now, on the face of their official report they tell us that they have disregarded our mandate, and when we appropriated $6,600,000 for one purpose they have transferred that to another branch of the service. It is questionable whether or not Congress would have appropriated that money had it known that it was to be used for this other purpose. That was the disguise that accompanied the former appropriation bill upon this subject. We gave a lump-sum appropriation, subject to the disposition of the Secretary of Agriculture, amounting to a very large sum of money. I will doubtless be able to turn to the express reference in a moment, as I want to call attention to the language used, although it is too late to do more than criticize it.

These lump-sum salaries are directly connected with that appropriation. We were unwise enough to undertake to delegate to the Secretary of Agriculture a duty that the Constitution places upon us, and the responsibility accompanying that duty. You can turn to page 362 of this indispensable statement of expenditures of the Department of Agriculture and you will find this statement:

Original subappropriation, $31,414.

That was decreased by transferring a part of it to other subappropriations. Some of these run up into thirty, forty, fifty, or sixty thousand dollar items. Where the money that we appropriated proved excessive, as some Senators insisted that it would be, in order to meet the fact, when they were confronted with it, they transferred to some other fund the excess that was predicted, which gave them wider scope in other fields. That is one item on that page.

Mr. BURNHAM. I notice, if the Senator will allow me, that the item he is now discussing has reference to the Forest Service. Could we not wait until we get to the Forest Service before we discuss that?

Mr. HEYBURN. I am discussing a principle. It would be just as applicable if I were to go back to some of the other items.

Mr. BURNHAM. Of course the Senator is aware that when a salary is transferred from the lump-sum appropriation to the statutory roll the lump sum is diminished by that amount, as a rule.

Mr. HEYBURN. Well, I think the Senator will find that not only am I not apprised of it but that the records of the department will not bear that out.

Mr. OVERMAN. May I ask the Senator a question? Has the lump sum we have appropriated been used by the Secretary for the purpose of increasing the number of officers or increasing their salaries?

Mr. HEYBURN. If the Senator will frame that question so that it would read "Did he do it?" instead of whether he had that purpose in mind, then I would answer that he did.

Mr. OVERMAN. Has it been done?

Mr. HEYBURN. Oh, yes.

Mr. OVERMAN. And by what authority?

Mr. HEYBURN. That the Senator will have to assist us in determining; and I know he can be of great assistance in determining that legal proposition.

Mr. OVERMAN. Is that lump sum appropriated every year in order to allow these officials to create new offices and increase salaries?

Mr. HEYBURN. If I could again reframe the question of the Senator, I would say yes.

Mr. BURNHAM. Mr. President, I would not care to have that go wholly unanswered, because there is no such purpose in this legislation, nor is the Secretary of Agriculture given to any such practice. There is, as I understand, and has been all along, a general expense account, and until the legislation to which I have referred, under which certain employees were taken from what is known as the lump-sum roll and placed on the statutory roll, the department was in the habit of paying or did pay such employees from that general fund. It gave a certain elasticity for promotions and for certain changes. Now, that has been entirely obviated, so far as there was any cause for objection, by legislation which compelled the Secretary to put upon the statutory roll and take from the lump-sum roll these individual officers.

Mr. OVERMAN. Mr. President, if the Senator will allow me, from time to time the Secretary has had certain money which was in what was called the lump-sum appropriation and appointed officers not provided for by law.

Mr. WARREN. There has been nothing of that kind. This bill has carried large lump sums for purposes which included the employment of men in the meat-inspection service, for instance, and in the Forest Service. When we find there are to be annually expended large sums for help out of a lump sum, we, by legislation, may direct the Secretary to put employees upon the statutory roll as fast as possible and report to Congress.

Mr. OVERMAN. This is a reform we are going to enact now, but heretofore they have been doing that.

Mr. WARREN. They did. They expended it as we authorized them to expend it. When the Forest Service——

Mr. OVERMAN. I am not speaking only of the Forestry Department, but of other departments. I should like to ask

the chairman of the Appropriations Committee, who has to deal with other appropriation bills as well, is it so that they have been using this lump sum for that purpose?

Mr. WARREN. It is not, only where they are authorized to do it, and where, as in the meat-inspection service, it was so provided. The meat-inspection service was first provided for by an amendment offered on the floor of the Senate after the committee consideration of the bill proper had been finished. There was money so placed at the disposal of the Agriculture Department to do certain things, and it was to include the employment of the employees.

Now, possibly that was bad legislation, if the Senator wishes me to pass upon it. It is always bad legislation to appropriate lump sums to employ help in any public matter, if it can be avoided. In private life it is the way to do business, of course. In public business greater publicity is sought. Therefore these appropriations should be placed in the hands of the Secretary with the designation as to all the help that it is practicable to give employment to under the classified list.

Mr. OVERMAN. I understand that in a great many of the departments clerks have been appointed with no authority provided by the law, by taking money from the lump sum appropriated for one purpose and appointing some clerks. I am glad the Senator says he is going to stop that kind of business.

Mr. WARREN. I hope the Senator from North Carolina—and surely as a member of the Committee on Appropriations he will be glad to do it—will call our attention to every one of those instances, and if there is any one that needs correction I shall be glad to aid therein.

Mr. OVERMAN. The Senator admits that it has been done heretofore.

Mr. WARREN. No; I admit there have been large amounts expended for temporary help in emergency appropriations provided for such purposes.

Mr. OVERMAN. I do not think we ought to give them that authority beyond the amount absolutely necessary.

Mr. HEYBURN. I must claim the floor or I am liable to be misunderstood. My complaint was not against the department primarily, but against Congress. The Senator from Wyoming has suggested the situation. In the last hour of madness we made a round sum appropriation. In other words, we threw a million dollars up into the air and said to the Secretary, "Catch it and do what you please with it; only classify it," as stated by the Senator from New Hampshire.

That is the situation. The amendment was introduced at the last session by the distinguished Senator from Montana [Mr. DIXON], or four years ago. But it was represented by some friends, and it was done in exuberant defiance of the objections of those who were trying to consider the best interests of the country. It was done because they found they could do it. I never saw such a reckless piece of legislation indulged in. No one pretended to know what was going to be done with it. No one dared to stand on the floor and say it was necessary for anything. But they seized the reins and were driving along, and some one said, "Let us give them another million," and the amendment was carried.

I object to that. The fruit of it is in that which I have criticized. We authorize the Secretary to expend this money, only requiring that it be accounted for, and that is true, as suggested by the Senator from New Hampshire, and it is accounted for, and the amount is such an outrageous commentary upon careful legislation that I am impelled to address some remarks to it on this occasion. So I think we now understand the situation from which I speak.

We find on pages 26 and 27 two pages of messenger boys, which was the result of the creation of this fund of luxury. The messenger boys are not in the Forestry Service, but in the Weather Bureau. As my eye estimates these lines, about 140 messenger boys are in that service.

Mr. BURNHAM. Now, this is with reference to the Weather Bureau, and the messengers are employees of the Weather Bureau, and are scattered all over this country, and that accounts for the number. Does the Senator complain that these are specialized here, or designated here? I understand that two years ago that policy, wrong or right, no matter, was abandoned and all these individual parties were placed on the record so that the Senator or anybody else could see them.

Mr. HEYBURN. I have just said——

Mr. BURNHAM. Does the Senator complain of that or of the policy that has been abandoned?

Mr. HEYBURN. I am not complaining at all. I am pointing out the facts. These items never appeared before.

Mr. BURNHAM. Does the Senator complain that they appear now?

Mr. HEYBURN. I am not complaining at all. I am discussing this bill. I am not here as one who is complaining of some one, either the committee or the Department of Agriculture. If I were to enter a complaint at all it would be against providing so expensive a plaything for a bureau or department of the Government. I will not do that at all. I will not complain at all.

I suggest to the Senator from New Hampshire that there will be no haste in passing over these amendments. I do not care if it takes to the 1st day of June to do it.

Mr. BURNHAM. I am perfectly willing to stay here as long as is the Senator.

Mr. HEYBURN. It is not a challenge, either.

Mr. BURNHAM. I am not in any haste, and I hope the Senator will not use that as a menace.

Mr. HEYBURN. I have expressed no menace. I have expressed a candid statement of intentions to consider this bill without any regard to the urgency or the necessity of hurrying it through. I imagine it will take some time to dispose of this bill. It certainly will not be completed to-day. Now, let us keep cool-headed about it and see if we can get some wisdom from its consideration.

I now have my attention, at least at this time, addressed to the Weather Bureau, and I was commenting upon the disclosure that was incident to the action of Congress at its last session. At that time I took the liberty of expressing the same views that I am now expressing. It is not necessary to repeat errors of former bodies at all. If the last session of Congress erred, I am going to try to see that this Congress does not err without at least having knowledge of the fact that it is erring. That is the position I occupy, and therefore I shall ask the privilege of considering this measure with a great deal of careful, patient attention.

I just call attention to these pages because they discover a condition that if known when the appropriations was made would probably have defeated the appropriation. This is the first time we have a statement possessed of sufficient candor to enable us to address intelligent criticism to it.

I will undertake to say that if the statement we are now presented with had been before Congress at the last time when it was dealing with these questions, those reckless appropriations would not have been made. Senators were first put upon inquiry at that time, and we enjoined upon the department the duty of making plain that which we now have before us. Having it here, it would be a waste of time to require the department to make this candid statement if we did not consider it after it was made.

There was some opposition to the proposition that the department should make such a statement, but the wisdom of Congress determined that we should have full information, and we have. It is at our immediate control. Taking this in connection with the Book of Estimates we have the whole story of the administration of this department.

There is no department in the Government for which I have a higher appreciation than the Agricultural Department. It is very far-reaching.

Now, I shall pass those pages, only calling attention to what has been paid to the assistant observers. We did not know we had these assistant observers to any such extent as they appear on pages 21, 22, and 23. We are paying out probably forty-odd thousand dollars a year for assistant observers, paying them a thousand dollars a year each. Where they are observing and whether or not their observations are material is a question I will not pause to analyze, but Congress will take notice of the fact that it is an unusual item and one for which it appropriated in the last appropriation bill without any knowledge as to the number or the salaries involved.

Mr. CLARK of Wyoming. Will the Senator from Idaho yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I should like to know whether the Secretary of the Treasury estimated for the two law clerks who have been added—$2,500 each.

Mr. HEYBURN. I did not anticipate that the bill would be up so early, but I guess I can find it.

Mr. CLARK of Wyoming. The Book of Estimates says:

> Two law clerks, at $2,500 each (increase of one submitted), $5,000.

I should like to know whether that is an increase of one over last year or whether it is an increase of two. In carrying out the total for the law clerks of the first class, the total is carried out at $5,000.

Mr. HEYBURN. I will not pause to investigate further. If the Senator has the Book of Estimates, page 132 and following, I think he will get that information.

Mr. BURNHAM. If the Senator cares to have any statement in regard to it I will say just a word. Two law clerks at $2,500 each, were added to the one law clerk that was in the bill, making three law clerks; and we have from the department a statement with reference to the two law clerks who are referred to in this bill, and one of them, a Mr. Cronin, under the supervision of the Solicitor, is employed in the enforcement of the law connected with foods and drugs. That man was in the service at the time and was put upon the statutory roll of the Secretary at this salary.

Mr. CLARK of Wyoming. What attracted my attention to it was the Book of Estimates, page 111—the Book of Estimates prepared by the Secretary of the Treasury with reference to the Agricultural Department. It submits estimates for two law clerks, at $2,500 each, $5,000. I ask if the chairman has a supplemental estimate covering the other law clerk?

Mr. HEYBURN. I——

Mr. BURNHAM. Let me answer the Senator from Wyoming, please.

Mr. HEYBURN. Certainly.

Mr. BURNHAM. The Secretary did communicate with the committee, saying that he desired the three law clerks, two law clerks additional to the one.

Mr. CLARK of Wyoming. But they were not estimated for.

Mr. BURNHAM. Two were estimated for and the third provided, because of the letter of the Secretary.

Mr. CLARK of Wyoming. That is what I wanted to ask—whether they were estimated for.

Mr. BURNHAM. The Secretary set forth satisfactory reasons for their employment.

Mr. BORAH. I should like to ask the Senator, before he takes his seat, how many law clerks are provided for now?

Mr. BURNHAM. I think the Senator from Idaho stated the number.

Mr. HEYBURN. We find 24 law clerks on the first page of his statement, and then under the subdivisions you will find in various ones further provisions; but you will find 24 law clerks on the first page of the statement. That will give you a little more definite information.

Mr. CLARK of Wyoming. That would be 25 in the bill and 24 in the estimate.

Mr. HEYBURN. This bill is a good bit of a maze. There are some things you can find in the bill, and I say it without any animadversion upon anyone, and there are other things which you will not find in the bill at present.

Mr. BORAH. May I ask another question? Is there any showing or statement in print showing the necessity of this number of law clerks, and so forth? Was there a showing before the committee or anything of that kind that some one who is not a member of the committee may have to read?

Mr. BURNHAM. I know this, that an inquiry came to me personally why so many law clerks were provided for, and the Secretary or his assistant said there was necessity for every one, and that they had regular and constant work. It covered the whole list and the whole department.

Mr. BORAH. May I ask, Does the Senator know how many law clerks this department has now, compared with the number of law clerks the Interior Department has?

Mr. BURNHAM. I am not possessed of that information. I understand the Forestry Service requires a large number of law clerks.

Mr. BORAH. I should think so.

Mr. HEYBURN. I should be glad to know why.

Mr. BURNHAM. To attend to the business of that service in a great many ways.

Mr. HEYBURN. The forest reservations are not supposed to be open within their exterior boundaries where anybody lives except the foresters. Do they get into controversies?

Mr. BURNHAM. Yes; some controversies. The Senator is aware of the fact that sales of timber are made and surveys are made.

Mr. HEYBURN. Does that require law clerks?

Mr. BURNHAM. The department needs law clerks to make up bonds and licenses.

Mr. HEYBURN. I have examined those papers, and I know of no instance or I recall none where any lawyer had made them out. They were made by the joint effort of the attorney for the party who was getting the license to graze upon the land and the forestry officer, upon blanks.

Mr. BURNHAM. I can not go into detail in reference to the employment of every law clerk, but I can see where their services are required.

Mr. WARREN. They are required not only for the Forest Service, but with respect to the food and drugs act. That takes a large portion of the time of some of these law clerks.

Mr. BORAH. I did not understand that.

Mr. HEYBURN. What do they have to do in connection with that act?

Mr. WARREN. Everything. They have to do with the preparation of cases in order to enforce the law.

Mr. HEYBURN. No; they do not. What does the law clerk have to do with the enforcement of the pure-food act? The United States district attorney is the man who enforces the law.

Mr. WARREN. He does not attend to the details.

Mr. HEYBURN. The department has nothing to do with it except to submit the case to the United States district attorney.

Mr. WARREN. The department has all to do with it until it reaches a point where it is submitted to the Attorney General. It has to be done not only in Washington, but at every other point where the operatives of the department are employed.

Mr. HEYBURN. There has been a fictitious government built up within this department that has recently caused something of a scandal, where they have undertaken to usurp the powers of the United States attorney and the United States courts. On the floor of the Senate when that bill was before the body for consideraion that question was thrashed out. The bill came over from the House with a provision for a Bureau of Standards, with the equipment of clerks and bureau assistants, including attorneys. The Senate disagreed to that and put the whole matter under the jurisdiction of the courts of the United States. Those cases then can be prosecuted only in United States courts and by United States officers, none of which come within or are put in the provisions of the agricultural appropriation bill.

Mr. BURNHAM. It must be very apparent to the Senator from Idaho that when complaints are brought to the office there must be an examination of the complaints, and the preparation of those cases is not done by the Department of Justice. I understand these law clerks have a great deal to do with the preparation of those cases before they are submitted to the Attorney General.

Mr. HEYBURN. They have too much to do with them, as we found in a recent investigation there.

Mr. BURNHAM. They must have had some business to do, then.

Mr. HEYBURN. If there is an appropriation to be made to pay for legal services in the prosecution of those cases, it must come under a different appropriation bill. When we make appropriations for the maintenance of the courts and judges and United States attorneys we may then provide for any necessary assistants.

Mr. GALLINGER. If the Senator will permit me——

Mr. HEYBURN. Certainly.

Mr. GALLINGER. In the last appropriation bill for the Department of Agriculture a provision was inserted that hereafter the law clerks should be detailed by the Secretary of Agriculture for service in and out of Washington. That does not appear in the present bill, because it was made permanent in the bill of last year. So I apprehend—and I know very little about it—that the Department of Agriculture, if complaint is made in New Hampshire, for instance, may detail one of its law clerks to go there and investigate the matter previous to submitting it to the proper legal authority. I do not know whether that is so, but I judge it is from the phraseology of the bill of last year.

Mr. HEYBURN. Mr. President, while the Agricultural Department, through its officers, may search out a complaint of an infraction of law, they are not the only ones who may do it. One may not violate that law merely because the Agricultural Department has not discovered him in the act of doing so. That provision, of course, was as reckless as anything could be, unguarded as it is, that you might send assistant attorneys or representatives from one department of the Government anywhere to interfere with the business of another department of the Government. I am not here to disturb it, and no good would come from attacking it at this time. I just notice it in passing as a part of the scenery of this legislation.

Mr. WARREN. Mr. President, there is not a department of the Government, so far as I know, but that has its law officers and clerks; and it has been thought to be more convenient to do the work that way than to have the law business of the country all done through the Attorney General.

We have various things, not only at Washington but all over the country, that the Department of Agriculture has to attend to through men of legal education. For instance, there is the 36-hour law, or the 28-hour law, regarding the transportation of live animals on railroads, which is often violated in the

shipment of live stock at various points. The food and drugs act may be violated at any point in the United States. It is idle to talk about all that business going to the Attorney General. What does that department know about the transgressions of either the pure-food law or the meat-inspection law or the transgressions of railroads until such matters are carried up to it by those in charge? Those cases are handled by the Department of Agriculture, so far as they can be, and it is only when some great question arises that it goes to the Attorney General. It comes up from the Agricultural Department, necessarily, just the same as cases come from the other departments. If the Secretary of Agriculture has to do without law clerks there is no reason why every other department of the Government should not do without them.

Mr. HEYBURN. Mr. President, our system of government is based upon the principle that the Department of Justice will furnish every other department with any legal advice or assistance that it needs. I say to the Senator who dissents from me on that I believe I am absolutely correct in my statement. The Department of Justice was inaugurated for the very purpose of providing legal advice and assistance.

Mr. LODGE. The Senator proposes to lay down the proposition that there is a constitutional division among the departments. They are the mere creatures of statutes.

Mr. HEYBURN. I did not lay down such a proposition.

Mr. LODGE. I understood the Senator to say we had no right to employ these law clerks in the Department of Agriculture.

Mr. HEYBURN. I did not say we could or could not. I say that we have furnished a legal department of the Government that is armed, equipped, and provided for this service, and we will not have a Department of Justice in each of the other departments.

Mr. LODGE. It stands to reason that no Attorney General's office can possibly follow up the infractions of every law which other departments have to enforce. They have to be reported to the Department of Justice from the Post Office Department, from the Interior Department, and from all the different departments of the Government. It is utterly impossible that the Attorney General should follow up the enforcement of every law on the statute books.

Mr. HEYBURN. Mr. President, I think the Senator will think more and think better of that. We can just as well in this legislation give 14 law clerks to the Department of Justice as we can give them to the Department of Agriculture, and it will effectuate the same purpose.

Mr. President, I will not deal any longer with those law clerks, but I want to call attention to this question of lump-fund salaries. I will keep away from the Forest Service until that is reached, about the middle of the week. I find here the Weather Bureau, under the head of lump-fund salaries, the same objectionable principles. I find lump-sum salaries extending from page 53 to 76. I find the sums appropriated last year are paid out of this lump fund that was given. There was no specific appropriation for it. I need not recall to the minds of Senators the constitutional limitation upon making appropriations. They can only be made for a specific purpose. Appropriations made for one purpose can not be used for another.

Then again, Mr. President, an appropriation can only be made upon the estimates and for a definite purpose specified in the appropriation. Have we forgotten the Constitution of the United States? It seems for a few years that we have. We appropriate money here under the rule of thumb rather than under the provisions of the Constitution. Those are things I object to on principle.

Now, I will get the total. One hundred and eight thousand dollars was the aggregate sum of appropriations under the fund to which I have called attention. It is stated at the head of the page, $108,000 out of the lump sum, for purposes of which Congress had no knowledge. We did not know that we were making the appropriation for that purpose.

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. BURNHAM. I wish to say, from information I have, that the expenditures of the Department of Agriculture have been for some time in the precise form they are now, and the names of the individuals and the salaries are carried out under that lump sum.

Mr. HEYBURN. That is doubtless true. I am hoping and praying for a return to appropriations to be made pursuant to the Constitution of the United States, and I am speaking on behalf of that cause.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I will ask the Senator in just what form he thinks we could make our appropriations covering all these various items? We have the information as to how this money was expended and the name of each individual and the amount he received for salary and expenses. They run up into the hundreds. Some of the money has been turned back, I notice, in one or two cases. I am glad to observe that. I should like to ask the Senator just how he thinks we could frame an appropriation bill providing for the expenditure of $1,000,000, for instance, under the Bureau of Animal Industry?

Mr. HEYBURN. I will turn to the Bureau of Animal Industry. I had the Weather Bureau before me. If I thought the Constitution of the United States was unenforceable or inapplicable, I would not be so enthusiastic an admirer of it as I am.

Mr. GALLINGER. The Senator will find the Bureau of Animal Industry at page 124 of the statement of expenditures of the Department of Agriculture.

Mr. HEYBURN. I have it.

Mr. GALLINGER. It commences at page 123.

Mr. HEYBURN. That is an appropriation of $3,000,000.

Mr. GALLINGER. A little over $1,000,000, I think.

Mr. HEYBURN. It says, on page 124, for 1911, $3,000,000, at the head of the page. The trouble here is that we got the items after the bill was passed instead of before. We appropriate for a purpose, and we must have that purpose before our minds. We must know the purpose. Here we make the appropriation and find the purpose afterwards. That is the difficulty. You should just reverse that system and not be appalled at the inquiry as to how you do it. We should have had this statement of the amount necessary to be appropriated before we appropriate it. We appropriate that in a lump sum, and the Senator will find it so stated on pages 125 and 124.

Mr. GALLINGER. Yes; and, Mr. President, I find, too, that the Secretary of Agriculture has expended that appropriation, accounting for every item of appropriation, and the statement shows that he turned back into the Treasury $159,718.43. So we have explicit information as to how every item of it was expended.

Now, this may not be good legislation. It may be that we are spending too much money on the Bureau of Animal Industry, for instance; but it seems to me that the only way we can get at that is to make an investigation and ascertain whether or not the Secretary of Agriculture is profligate, whether he is doing unwarrantable things or not.

However, I still fail to understand how the Senator is going in an appropriation bill to provide for each one of these items of expenditure. I think we have to give the Secretary of Agriculture a certain amount of money, as we always have done, and then hold him to strict accountability for its expenditure, which we have done. He has responded by sending the name of every employee and the amount of money received both for salaries and expenses; and I do not for the life of me see how we can put the matter in any different shape.

Mr. HEYBURN. Mr. President, the Senator's suggestion rather illustrates the recklessness of the appropriation. The Secretary of Agriculture does not seem to have known how much he would need nor does Congress seem to have had any idea of the amount he would need.

Mr. GALLINGER. They are to receive through him $3,000,000.

Mr. HEYBURN. Of course I would not for a moment suggest that he misappropriated any of it or that it was misspent, or make any such suggestion.

Mr. WARREN. Three million dollars is the annual appropriation made by Congress.

Mr. HEYBURN. But he did not need it.

Mr. GALLINGER. I will ask the Senator how could the Secretary of Agriculture have known in advance how much he needed? He could not anticipate what circumstances were to arise in the investigation of infractions of the law all over this great country. Naturally he had to make an estimate as to what he would require. Last year he estimated a little too high, and we gave him a little more money than he needed. The balance of it is turned back into the Treasury. Whether he employed men he ought not to have employed is a matter that I do not undertake to pass upon.

Mr. WARREN. May I ask the Senator what $3,000,000 appropriation he refers to?

Mr. HEYBURN. I refer to the item on page 124 of the statement.

Mr. WARREN. The appropriation of $3,000,000 to the Department of Agriculture for meat inspection? That is an annual appropriation.

Mr. HEYBURN. But it is not meat inspection. I refer to the animal-industry inspection.

Mr. WARREN. That is, of course, inspection—the prevention of disease, and so forth, most naturally. The $3,000,000 meat-inspection item is there by legislation that was passed here years ago.

Mr. HEYBURN. Mr. President, I am not speaking recklessly, because I have been wasting some hours that I might have expended more comfortably in sleep in going over this thing; and I am not speaking merely for the pleasure of speaking. Commencing on page 124 we have the list of items; there are about 60 to the page.

Mr. GALLINGER. Will the Senator kindly read the caption?

Mr. HEYBURN. Yes.

Report of expenditures for the fiscal year ended June 30, 1911, under appropriation "Meat inspection, Bureau of Animal Industry, 1911," $3,000,000.

Of course, I am coming to meat inspection. I was not unadvised of that fact. It follows. Here are veterinary inspectors of various classes. There are about 400 of that class of employees, and their salaries run all the way up to $1,400 and $1,500. I do not know what the average would be. The amount paid in mileage is a very large item. For instance, Alford D. Bullock, page 126, received $1,800 salary and $1,760.53 traveling expenses.

Mr. GALLINGER. A great many of them received only three or four dollars for traveling expenses.

Mr. HEYBURN. Yes; but I am giving the facts. I am not talking sentiment at all. On page 125, another inspector, A. J. Pistor, received $2,250 salary, and he received $1,617.32 for traveling expenses. Another man, on page 124, Edward P. Schaffter, received $2,499.99 for salary, and he received $1,638.43 for traveling expenses; that is, for travel and station and field expenses.

Mr. WARREN. There is nothing unusual about that. We provide in the original law, which appropriates annually $3,000,000, that at every point where meat is manufactured for interstate use and sale there shall be one or more inspectors as the occasion may require. Now, those inspectors are scattered over the country to a considerable extent. We must also protect lives by inspecting outgoing and incoming meats and meat animals. We must have inspectors to visit these various places. The fact that the traveling expenses are large compared to salaries is rather to the credit of the management and the men, because a man with a not large salary, it seems, gets over a good deal of country in executing the duties of his office. That does not apply to all, but to quite a number.

Mr. HEYBURN. The Senator dropped inadvertently into an error. I am not complaining of traveling expenses in meat inspection because those are small items and amount to practically nothing. I was speaking entirely of veterinary inspectors. Of the meat inspectors, the Senator will see, if he will turn to the pages, nine-tenths or three-fourths draw nothing for expenses. Those are items like $32 and $20.

Mr. WARREN. Those inspectors are regularly located at some point. Veterinarians are inspectors in a sense, and veterinarians travel from point to point. They are to watch the meats we import and export, also to see that no foot-and-mouth or other disease may come in with live animals.

Mr. HEYBURN. Horses do not have foot-and-mouth disease.

Mr. WARREN. Cattle do.

Mr. HEYBURN. Cattle do not enter——

Mr. WARREN. Horses have glanders. Of course, the Senator knows that it is useless to discuss with me what are the diseases of horses and cattle and sheep. He knows as well as I do that they are all subject to certain diseases.

These inspectors, these veterinarians, if it is a case of glanders in horses, are to take possession of the animals and destroy them. If it is a case of foot-and-mouth disease, they have to do the same; and they have to apply the quarantine laws.

Mr. HEYBURN. I have had occasion to give some attention to the character of diseases that attack certain animals, and I know the Senator from Wyoming is thoroughly conversant with the facts.

Mr. GALLINGER. Mr. President, if the Senator from Wyoming will permit me, the Senator from Idaho has called attention to three or four cases where the agent received a large amount, or an apparently large amount, for traveling expenses, but if the Senator will go through the entire list he will find that it does not average $100. I will call his attention, for instance, on page 125, to Mr. S. W. Burt, who drew $1.80 for travel, station, and field expenses; to Mr. Boyd Baldwin, who received $1.50; and so on; and there are a great many instances in the long list given here where they did not draw a dollar. It is hardly fair for the Senator from Idaho to give the impression that these enormous amounts, or apparently enormous amounts, are be[illegible]id for traveling expenses. Here are two whole pages [illegible]re are not more than 20 out of a couple of hundred [illegible]ything. It may be that those two or three to wh[illegible] Senator alludes were paid an excessive amount for t[illegible] expenses, but I apprehend that they had to give a det[illegible]count of how they spent the money, and that the Secretary of Agriculture only allowed it to be paid on vouchers.

Mr. HEYBURN. Mr. President, I did not enter upon the criticism in detail of these items. I referred to them necessarily in considering the principle of legislation. I say that had those items been before Congress when it enacted the last appropriation bill for the expenses of this department, it would not have appropriated that sum of money. I am calling for a reform in the manner of appropriating money for these departments, and I merely mention incidentally these items, or point them out, as instances of what would, perhaps, have stayed the hand of legislation and brought it down to a proper basis.

Mr. GALLINGER. I venture to ask the Senator from Idaho how we could have had those items? The Secretary of Agriculture is a very wise man, but he is not a prophet; he could not have foreseen the necessity for the employment of these men a year ahead. We are in this bill providing for the next year after the end of this fiscal year. The Senator from Idaho does not know whether there is going to be an epidemic among cattle or horses in this country; he does not know whether there is to be expenditures called for all along the line which we can not anticipate. So I repeat my suggestion to the Senator that if there is to be any method he can suggest whereby we can make these appropriations, as he contends, constitutionally, I should like to know what that method is.

Mr. HEYBURN. I think I can state it very briefly and concisely.

Mr. GALLINGER. I am sure the Committee on Appropriations, of which I chance to be a member, would be very happy to have the Senator elaborate his scheme and explain precisely how it can be done, because, if it can be done, if we can know in advance how much money the Secretary of Agriculture is going to need to extirpate diseases of cattle or of horses that may occur all over the country, I should like to have him do it; but I can not conceive how that can be ascertained.

Mr. HEYBURN. We do it in other appropriations.

Mr. GALLINGER. Oh, no; we do not do anything that can be compared to this.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes; and then I will reply to the Senator from New Hampshire.

Mr. WARREN. I am going to follow the same line as that suggested by the Senator from Idaho.

Mr. President, I am very glad to have the Senator from Idaho bring up the subject of applying appropriations as directly and with as much accountability as possible. I hope he will give us some advice that we may profit by, but in the particular case of the meat-inspection law, which provides a continuing annual appropriation of $3,000,000, I was not in the Senate Chamber on the day, some years ago, when it was put on as a rider to the agricultural appropriation bill. I was called out of town before the matter came in, and the law was passed making an annual $3,000,000 appropriation. I am free to say that I think that the law has been of great value. It is one of those undertakings on the part of the Government that, while some portion of the expense may be foreseen and provided for beforehand, as to who shall be employed, and at what salaries, a very large part of it comes in the expenditure for emergencies and from different calls in various parts of the country, and necessarily is temporary or per diem work.

Mr. HEYBURN. I would like to ask the Senator from Wyoming if he is referring to the meat-inspection or to the veterinary service?

Mr. WARREN. If the Senator will allow me a moment, I shall explain.

I have fought against additions to the appropriation of $3,000,000 and the purposes for which they are proposed, where the intention is to carry the appropriation so far as to include all foods, drugs, and other things; but I do not know any better way than, under the legislation which provides every year $3,000,000, to hold the Secretary of Agriculture responsible

through his report here, and, as you might say, audit it in Congress. If there is any better way, I add my request to that of the Senator from New Hampshire that the Senator from Idaho shall state it.

Mr. GALLINGER. We require the Secretary to make his report.

Mr. WARREN. Every officer of the Government who has to deal with contingencies or emergencies must necessarily have some leeway. For instance, in the meat-inspection service and in the general purposes of the Animal Industry Bureau there have to be employed per diem employees for perhaps a day or three or four days or a month. We do not want to carry the salaries throughout the year for men enough to meet every contingency. There must be some place where, in case of a great conflagration, we can have extra men and pay them; or where, if an epidemic should break out and there should be any requirement necessary for the protection of the life or health of the animals of this country, men would have to be employed immediately on the best possible terms, the account then to be rendered to Congress and audited by Congress.

Mr. HEYBURN. Mr. President, I am in sympathy with the Senator from Wyoming in regard to the meat-inspection provision. No one could be more strongly in sympathy with that than am I. I was directing my remarks to the animal-industry schedule, if it may be so termed.

Mr. WARREN. Well, in a measure, Mr. President, if the Senator will allow me, the Bureau of Animal Industry has more in the way of contingencies than the other bureaus, because it takes care of the inspection of live animals which may be imported or exported and domestic animals which are running in all parts of the United States. An epidemic may break out here or a contagion there, and it must be stamped out before it is allowed to spread over the entire country. Therefore experts have to be employed; otherwise we would have a great body of men who for a portion of the year would be unemployed, and there would be no necessity for their payment.

Mr. HEYBURN. I appreciate that, but the Secretary of Agriculture on a former occasion had the equivalent of the facts which he now presents to us.

The Senator from New Hampshire [Mr. GALLINGER] has inquired as to my suggestion in dealing with this legislation. In other appropriation bills we say "for such and such a service, nine clerks, three assistants," and so on. The provision in this bill should specify the number of employees who might be engaged in this work. We so provide in other appropriation bills, which are similar to this one. We could say here, for instance, "For 360 veterinary inspectors, at so much, so many dollars." We would then know how many men we were going to have as a maximum and what the cost would be; but, mind you, this was done under a lump-sum appropriation, and we were never more fortunate in having an example that could not be criticised as to its applicability. We find here that we gave them $3,000,000 and that they expended less than that sum. Now, we find them this year, with an increased population and increased duties, asking for only $1,682,116.

Mr. GALLINGER. But, Mr. President, that does not include the meat-inspection service. They are asking for the amount stated by the Senator as against $1,654,750 last year. What they ask this year is almost exactly what is granted to them in this bill.

Mr. HEYBURN. The Senator's suggestion came before I had concluded my statement. I was reading from the bill. The total for the Bureau of Animal Industry is $1,682,116.

Mr. GALLINGER. That is less than for the meat-inspection service.

Mr. HEYBURN. Yes. I am perfectly aware of the item, which I have close at hand here, covering the meat-inspection service.

Mr. WARREN. The Senator will understand that the $3,000,000 is an annual appropriation and goes on forever unless we repeal the law authorizing it.

Mr. HEYBURN. Yes.

Mr. WARREN. The other is one that we must provide for every year. As to the $3,000,000 appropriation, I do not believe that the Secretary had really the right, under the legislation then provided, to put in beforehand the exact number of employees and the salary that would be paid to them; but he would have to specify afterwards what they were paid and that they were paid out of the $3,000,000, of course. The whole debate at the time the original law was passed, and the intent, seemed to be to place that sum of money untrammeled in the hands of the Secretary to be used as economically as possible, but with the provision that he was to be thoroughly alive to the situation, to hire whatever was necessary in the way of help, and to incur whatever expense was needed to carry out the object of the provision.

Mr. HEYBURN. Mr. President, it amounts to a commission form of government. You give the Secretary a large sum of money, being sure that it will exceed the possible necessities, and you say to him, "Here is the money, go and administer the government." That is what it amounts to. You say, "We do not know whether you will need $3,000,000 or $1,000,000"——

Mr. WARREN. I think, if the Senator will allow me right there, that up to this time the appropriation has been wisely handled by the department, and that the expenditures have not been unduly extravagant. The Senator will admit that.

Mr. HEYBURN. I am not inclined to criticize them. Even though they might at some time be open to criticism, I would not embarrass the consideration of this measure by reverting to that.

Mr. WARREN. But of course the Senator understands that the inauguration of this work was entirely new, and it was a very extensive problem.

Mr. HEYBURN. It was the inauguration of a form of running the Government by commission, vested in the Secretary of Agriculture.

Mr. WARREN. That is a quite popular mode of government just now.

Mr. HEYBURN. I have some objections to urge against it.

Mr. WARREN. So do we all have; but the Senator will admit that it is rather a popular form of government, nevertheless.

Mr. HEYBURN. No; not popular; there is much noise about it, but not many people are in favor of it. Now, how does this differ from a commission form of government? You first select a man at the head of a department, and you say to him: "Take this money and be sure you have got enough and run this government, and you select those who shall be the agents and through whom the government is run." That is government by commission. I am not clear in my mind whether it was accomplished four years ago or whether it was only inaugurated at that time. It was consummated two years ago, and at that time, if I may be pardoned for referring to my own part in it, I suggested that it was equivalent to government by commission, because it turned over to an appointed officer, to an officer whom we did not appoint and the people did not select, the power to run the government, simply giving him a round sum of money with which to do it, and requesting him to select, without any interference, those who should assist him.

In a commission form of government, through some manipulation, a certain number of men, one or more, are commissioned to administer the affairs of a city or a municipality, and they are authorized to dip into the treasury, which is the pockets of the people—it does not matter what form it may take afterwards—and get money enough with which to run the government, and then to select their own agencies. That is what is called "government by commission." No thoughtful American citizen who really understands what our Government stands for will favor that kind of government after he understands it. When he begins to think, he may suppose he understands it and approves it, but if he is capable of ultimate thought, he will not think so when he has thought.

Mr. President, I am not going, at this time at least, to deliver a homily on government by commission. I intend on some other occasion to express myself upon that question, because I have found some very good men, in whom I have had confidence, favoring government by commission. Of course, after a little while they will not favor it, for they will find that they have simply appointed guardians for themselves, and that they have the same rights that a ward has under a guardian.

Mr. President, I am not going to hinder the progress of this bill. I wanted to get this idea in the minds of some Senators, if only one—I hope in the minds of all Senators—that the lump-sum appropriation is a violation of the Constitution; it is a violation of the principles of our Government, and it is a violatin of good common sense.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. It is interesting to have the Senator call the attention of the Senate to that fact, because manifestly the Congress has been getting along as best it could in violation of the Constitution of the United States. There is not an appropriation bill, including this one, that does not provide lump-sum appropriations. Take the naval appropriation bill of last year. Here [indicating] is one lump-sum item aggregating $254,654.25, and here is another aggregating a million dollars.

Mr. WARREN. The Senator might say there is a lump-sum appropriation of fifty-odd millions in the naval appropriation bill.

Mr. GALLINGER. That is probably true; but I was simply calling attention to one or two items. I have called attention to an item of $1,000,000. For the Bureau of Navigation there was also a very large lump-sum appropriation—I have forgotten how much—but here, in the first paragraph in the first item, I notice an appropriation of $999,400 in a lump sum for the Bureau of Navigation, and so on through the bill. If we have been legislating unconstitutionally I do not know whether any——

Mr. HEYBURN. Whether it is worth while to reform the practice.

Mr. GALLINGER (continuing). Whether any of us are particularly to be blamed; but I think it would be a great task for the Senator to undertake—and I know his industry and capacity to do great work—it would be a great task for the Senator, I think, to take up the naval appropriation bill and separate it so that we can provide item by item for each appropriation in that bill.

I apprehend it is an impossible task, and I personally and as a member of the Committee on Appropriations would be delighted to have the Senator undertake it, and if he lives long enough to accomplish it we will all be willing, I think, to give him a vote of thanks from the Congress of the United States, for it will be a great achievement. But I think the Senator for once in his life would undertake a task that is absolutely beyond the possibility of accomplishment. That is my notion about it. I may be wrong.

Mr. HEYBURN. Mr. President, I appreciate the force of what the Senator from New Hampshire says and the criticism of the Army and Navy appropriation bills, especially the Navy appropriation bill, and it was only because I did not want to overburden my criticism that I did not mention other appropriation bills.

I remember one of the ablest men who ever sat in this body who occupied the seat almost behind me, calling attention to and criticising that class of appropriations in the naval appropriation bill. I learned a great deal of wisdom from the lips of that distinguished man.

Mr. GALLINGER. And yet that same man reported the naval appropriation bill year after year.

Mr. HEYBURN. He reported it because of the action of the committee, but I never heard bills more severely criticised than they were by that Senator, even though he had reported the bill. He was one man in the committee and he was in a minority in this body in regard to his views as to naval appropriation bills.

I would not charge any man in this body with having forgotten the Constitution or with having not read it, and it matters not to me how long an error has existed if the duty rests upon me and others to correct the error. This is an ancient document. It has been discredited some in later days by men who neither know nor care what the Constitution is. I am reading now from the Constitution of the United States:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Mr. GALLINGER. Does the Senator think if we appropriate in a lump sum a million dollars, that is an appropriation according to law?

Mr. HEYBURN. No; I do not; and the Senator from New Hampshire will not think it is after he has investigated the question. Let us give a little further attention to this:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Of course, no one will contend that the word "appropriation" does not mean specific appropriation, because that has been so determined; but if it had never been decided, there is no one who would contend that it did not mean a specific appropriation for a purpose named in the appropriation bill. It would not be contended by anyone that an appropriation made for the building of a battleship could be used for the building of a monument. It would not be contended by anyone that an appropriation made for the purpose of promoting the Forestry Service could be used for the purpose of maintaining the Navy.

Mr. GALLINGER. If the Senator will permit me, I quite agree with the Senator on that proposition. The Senator is absolutely correct, as he usually is. A department ought not to be permitted to divert a specific appropriation for the purpose of doing something else, and if that has been done I think it ought to be stopped.

Mr. HEYBURN. Money must be appropriated for a definite purpose. This language is open to no other construction. The purpose of writing that language into the Constitution was to anchor the appropriation to a purpose. Is appropriating a lump sum of money to be used without any defined purpose within the provisions of the Constitution?

Mr. GALLINGER. The defined purpose runs all through the bill. There is a certain amount of money for the Bureau of Animal Industry; there is a certain amount of money for the Plant Bureau; and those moneys can not be diverted to any other purpose. I think it is specifically stated what they are appropriated for. The Senator's contention is that we ought to appropriate for each individual veterinary or clerk.

Mr. HEYBURN. Oh, not at all.

Mr. GALLINGER. That we ought to appropriate for a certain number of them. I, of course, have great hesitancy in venturing an opinion as to the meaning of the Constitution in any controversy with the distinguished Senator from Idaho, but it does seem to me that when we appropriate a certain amount for the Bureau of Animal Industry we appropriate it for a specific and well-defined purpose, and under the Constitution it can well be used according to the terms of the appropriation. That is the way it strikes me.

Mr. HEYBURN. With all due deference to the Senator, because I have great confidence in his judgment and ability to apply the Constitution, let us see whether this is right. I say the question rests upon whose purpose?

> No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

It is not competent to appropriate money for the use of some other man, according to his judgment. The use must be based upon the judgment of Congress. That judgment must be a part of the purpose for which the money was appropriated, not appropriated for a purpose to be afterwards ascertained or determined by an executive officer, but for the purpose that Congress had in view when it appropriated the money. No person should be authorized to determine the purpose for which money is appropriated by Congress. Congress must not only determine the purpose, but it must express it in such language as to leave no doubt of the purpose.

I intend for the short time that I shall participate in the proceedings of this body, or whether it be short or long, to continue opposition to this method of lump-sum appropriatins, because they are in violation of the letter and of the purpose of the Constitution, and they are without warrant of reason.

Mr. President, having thus stated a general objection to this bill, to be made applicable as we reach the items that point the objection, I will let the reading of the bill proceed and confine my attention to objecting as we reach the items.

The VICE PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 2, line 17, before the word "law," to strike out "seven" and insert "eight," and in line 25, before the word "messengers," to strike out "nine" and insert "twelve," so as to read:

> One law clerk, $2,200; 10 law clerks, at $2,000 each; 8 law clerks, at $1,800 each; 3 law clerks, at $1,600 each; 1 telegraph and telephone operator, $1,600; 2 clerks, class 4; 6 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; eight clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 12 messengers or laborers, at $840 each.

Mr. STONE. Mr. President, I desire to inquire whether under the joint rule regulating printing a picture, say a cartoon, can be reproduced and printed in the RECORD?

Mr. SMOOT. The Joint Committee on Printing a number of years ago passed an order that such a thing could not be printed in the RECORD, and, Mr. President, it has strictly adhered to that rule up to the present time.

Mr. STONE. I suppose that is a good rule.

Mr. SMOOT. I think it is a splendid one.

Mr. STONE. There ought to be exceptions to it. There ought to be exceptions to all rules or almost all rules. I am sorry that I can not find some reason for urging an exception now.

Mr. President, there is a cartoon appearing in one of this morning's papers which I would be glad if it could, for its historical value, be incorporated in the CONGRESSIONAL RECORD. It appears on the first page of this morning's Washington Herald. Over the top are these words, "Saint Roosevelt, by Roosevelt." Under it are the words, "Roosevelt letter, May 10: 'There is just one candidate whom it is possible to nominate against the bosses, and that is myself.'"

The picture itself——

Mr. BORAH. Is there any way by which we can have that cartoon reproduced in the RECORD?

Mr. SMOOT. There is not.

Mr. BURNHAM. May I——

Mr. SMOOT. There is no one whom I should like to favor in this regard more than the distinguished Senator from Missouri, but as it has been the rule in the past and the appeal has been made to the joint committee not once, but, since I have been a member of the committee, a hundred times——

Mr. STONE. I am not making an appeal.

Mr. SMOOT. And we have refused to do so, therefore we can not reproduce this picture in the RECORD. I was merely stating the reason why.

Mr. BURNHAM. Mr. President, I was not aware of yielding the floor.

Mr. STONE. I have taken the floor in my own right.

Mr. BURNHAM. I ask the Chair how it fits into the appropriation bill?

The VICE PRESIDENT. The Senator from Missouri obtained the floor in his own right, and the Chair assumes that his remarks apply to the bill under consideration.

Mr. BURNHAM. What I made was simply a query of the Chair. It may have great pertinency to this bill, but I am not aware of it.

Mr. GALLINGER. The Senator from Missouri, under the head of "Animal industry," is speaking of the human industry.

Mr. STONE. I think that is a very pertinent suggestion. I will restate the case. Over the cartoon are the words "Saint Roosevelt, by Roosevelt," and under the cartoon are the words "Roosevelt letter, May 10: 'There is just one candidate whom it is possible to nominate against the bosses, and that is myself.'"

In the cartoon itself are two pictures of Col. Roosevelt, one in propria persona, as he is usually presented; that is to say, with his military hat on, his boots and spurs, with his eyeglasses on, and his teeth exposed and some indescribable heavy weapon in his right hand, and a shield presented in front held in his left hand; and just beyond that is another figure of the redoubtable colonel pictured as an angel of death or destruction, and the colonel in his proper person is looking with approval upon the angel. The angel in his left hand has a miniature human being grasped by the throat, labeled "political boss," and in his right hand another miniature being grasped by the throat labeled "the trusts," and these two he is strangling.

I should like to have the cartoon revised a little bit and print it in the CONGRESSIONAL RECORD, if that be possible.

Mr. TILLMAN. Why does not the Senator from Missouri ask unanimous consent?

Mr. STONE. I should like to have it revised, so as to be more accurately representative of the real truth of history. It is all right except in one particular. I would make it a little more personal than this artist has made it.

The VICE PRESIDENT. Will the Senator from Missouri suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I am advised that the chairman of the Committee on Agriculture and Forestry desires to go on with the appropriation bill. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, upon the request of the Senator from North Carolina, the unfinished business is temporarily laid aside. The Senator from Missouri will proceed.

Mr. STONE. I am about through. I said that I would make it a little more personal and thereby a little better fit the case. For instance, in the strong right hand of this Roosevelt angel of destruction, instead of holding the trusts I would hold Perkins, and in the left hand instead of holding the political boss I would hold McCormick—Perkins of the Steel Trust in the right hand and McCormick of the Harvester Trust in the other hand—and then with both his feet planted upon the writhing form of Munsey, who belongs to both. Then you would have a picture that ought to go into the CONGRESSIONAL RECORD, and I ask unanimous consent that it may be so revised in the way I have indicated and printed in the CONGRESSIONAL RECORD.

Mr. MARTINE of New Jersey. Who will be the artist?

Mr. SMOOT. I take it for granted that the words spoken by the Senator from Missouri will appear in the RECORD, and that that is sufficient. Therefore I object to the request as far as it relates to printing in the RECORD.

The VICE PRESIDENT. Objection is made to the request.

Mr. STONE. That shows, Mr. President, that the Senator from Utah is not entirely and intensely a Taft man, as I thought he was. He is playing both ends against the middle.

Mr. SMOOT. I rather think that that remark by the Senator from Missouri is uncalled for. That the record may be absolutely straight, I will say that no matter what the request of the Senator had been, I would have objected the same way under the rule of the Senate. It is not because I love Roosevelt more and Taft less or Taft more and Roosevelt less; it is not a question of politics; it is a question as to what shall go into the RECORD.

The VICE PRESIDENT. Without objection, the amendment on page 2, line 17 and line 24, will be agreed to, and the reading of the bill will be continued.

The reading of the bill was resumed. The next amendment was in the item of appropriation for "Salaries, Office of the Secretary of Agriculture," on page 3, line 1, before the word "assistant," to strike out "fifteen" and insert "ten"; in line 4, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand"; in line 10, before the word "hundred," to strike out "two" and insert "four"; in the same line, after the word "dollars," to insert "five cabinetmakers or carpenters, at $1,200 each"; in line 14, before the word "cabinetmakers," to strike out "two cabinetmakers or carpenters, at $1,080 each; three" and insert "eight"; in line 15, after the word "each," to strike out "one carpenter, $1,000; two carpenters, at $960 each; seven" and insert "cabinetmakers or"; in line 19, after the word "thousand," to insert "one hundred"; in the same line, after the word "dollars," to insert "one electrical wireman, $1,000"; in line 22, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in the same line, after the word "each," to insert "two painters, at $1,000 each"; in line 23, after the word "each," to strike out "one painter, $840; one painter, $720; one plumber, $1,020; four" and insert "five"; on page 4, line 2, before the word "dollars," to strike out "nine hundred" and insert "one thousand and twenty"; in the same line, after the word "each," to insert "one plumber's helper, $840"; in line 5, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in line 6, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred"; in line 8, before the word "mechanics," to strike out "three" and insert "four"; in line 9, after the word "each," to strike out "one mechanic, $1,100," and insert "one skilled laborer, $960," so as to read:

Ten assistant messengers or laborers, at $720 each; 1 chief engineer, who shall be captain of the watch, $2,000; 1 assistant chief engineer, $1,400; 1 assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 7 firemen, at $720 each; 8 elevator conductors, at $720 each; 1 construction inspector, $1,400; 5 cabinetmakers or carpenters, at $1,200 each; 2 cabinetmakers or carpenters, at $1,100 each; 8 cabinetmakers or carpenters, at $1,020 each; 2 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,000; 1 electrical wireman, $900; 2 electrician's helpers, at $720 each; 2 painters, at $1,000 each; 2 painters, at $900 each; 5 plumbers or steam fitters, at $1,020 each; 1 plumber's helper, $840; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 lieutenant of the watch, $1,000; 34 watchmen, at $720 each; 4 mechanics, at $1,200 each; 1 skilled laborer, $960; 1 janitor, $900; 18 assistant messengers or laborers, at $600 each; 21 laborers, messenger boys, or charwomen, at $480 each; 1 charwoman, $540; 8 charwomen, at $240 each; for extra labor and emergency employments, $12,000.

The amendment was agreed to.

The next amendment was, on page 4, line 20, before the word "dollars," to strike out "seventy-eight thousand nine hundred and thirty" and insert "ninety-one thousand seven hundred and eighty," so as to make the clause read:

Total for Office of the Secretary, $291,780.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 4, line 24, before the word "dollars," to insert "two hundred and fifty"; on page 5, line 6, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred"; in line 8, before the word "assistant," to strike out "one" and insert "two"; in the same line, after the word "assistant," to strike out "foreman" and insert "foremen"; in line 9, after the word "dollars," insert "each"; in the same line, after the word "each," to strike out "one assistant foreman of division, at $1,400;" and in line 11, before the word "hundred," to strike out "three" and insert "five"; so as to read:

Salaries, Weather Bureau: One chief of bureau, $6,000; 1 assistant chief of bureau, $3,250; 1 chief clerk and executive assistant, $3,000; 3 chiefs of division, at $2,000 each; 8 clerks, class 4; 9 clerks, class 3; 20 clerks, class 2; 29 clerks, class 1; 20 clerks, at $1,000 each; 9

clerks, at $900 each; 4 copyists or typewriters, at $900 each; 1 copyist or typewriter, $840; 1 telegraph operator, $1,200; 2 assistant foremen of division, at $1,600 each; 1 lithographer, $1,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Weather Bureau, on page 5, line 22, before the word "hundred," to strike out "two" and insert "three," and on page 6, line 17, before the word "dollars," to strike out "fourteen thousand nine hundred and forty" and insert "fifteen thousand nine hundred and thirty," so as to read:

One engineer, $1,300; 1 fireman and steam fitter, $840; 6 firemen, at $720 each; 1 captain of the watch, $1,000; 1 electrician, $1,000; 1 gardener, $840; 2 repairmen, at $840 each; 8 repairmen, at $720 each; 4 watchmen, at $720 each; 17 messengers, messenger boys, or laborers, at $720 each; 6 messengers, messenger boys, or laborers, at $660 each; 27 messengers, messenger boys, or laborers, at $600 each; 87 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 27 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $315,930.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "thousand," to strike out "fifty-nine" and insert "sixty-four," so as to make the clause read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $564,000.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand," so as to make the clause read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $105,000.

The amendment was agreed to.

The next amendment was, on page 8, line 4, before the word "thousand," to strike out "thirty-six" and insert "thirty-nine," so as to make the clause read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $39,500.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "dollars," to insert "five hundred," so as to make the clause read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $98,500.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the word "thousand," to strike out "three" and insert "four," so as to make the clause read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $304,000.

The amendment was agreed to.

The next amendment was, on page 8, line 21, after the word "climatology," to insert "seismology," so as to make the clause read:

For investigations in climatology, seismology, and evaporation, including the erection of temporary buildings for living quarters for observers, for river, rain, snow, ice, crop, evaporation, aerial, storm, hurricane, and other observations, warnings, and reports, and for pay of special observers and display men, $115,000.

The amendment was agreed to.

The next amendment was, on page 9, line 9, before the word "thousand," to strike out "fifty-eight" and insert "sixty-eight," so as to make the clause read:

In all, for general expenses, $1,268,750.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "dollars," to strike out "five hundred and ninety-eight thousand six hundred and ninety" and insert "six hundred and nine thousand six hundred and eighty," so as to make the clause read:

Total for Weather Bureau, $1,609,680.

The amendment was afreed to.

The next amendment was, on page 13, line 21, before the word "hundred," to strike out "five hundred and ninety-two thousand seven" and insert "six hundred and eleven thousand eight," so as to make the clause read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $611,800.

The amendment was agreed to.

The next amendment was, on page 14, line 5, after the word "dollars," to insert: "*Provided*, That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the act of June 30, 1906 (34 Stat., p. 676), are hereby extended to cover renovated butter factories as defined in the act of May 9, 1902 (32 Stat., p. 196), under such regulations as the Secretary of Agriculture may prescribe," so as to make the clause read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter, factories, and markets, $177,900: *Provided*, That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the act of June 30, 1906 (34 Stat., p. 676), are hereby extended to cover renovated butter factories as defined in the act of May 9, 1902 (32 Stat., p. 196), under such regulations as the Secretary of Agriculture may prescribe.

The amendment was agreed to.

The next amendment was, on page 14, line 16, before the word "hundred," to strike out "forty-seven thousand four" and insert "fifty-two thousand one," so as to make the clause read:

For all necessary expenses for investigations and experiments in animal husbandry, $52,180.

The amendment was agreed to.

The next amendment was, on page 15, line 10, before the word "hundred," to strike out "five thousand eight" and insert "twenty-nine thousand six," so as to make the clause read:

In all, for general expenses, $1,229,666.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

And hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the word "experiments," to insert "and the exhibition of animals, experiments in the breeding of horses for military purposes," and, in line 7, before the word "thousand" to strike out "fifty" and insert "one hundred," so as to make the clause read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, and the exhibition of animals, experiments in the breeding of horses for military purposes, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $100,000.

The amendment was agreed to.

The next amendment was, on page 16, line 10, before the word "hundred," to strike out "one million six hundred and eight thousand three" and insert "one million six hundred and eighty-two thousand one," so as to make the clause read:

Total for Bureau of Animal Industry, $1,682,116.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 16, line 15, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to read:

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $5,000; one chief clerk, $2,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 17, line 4, before the word "clerks," where it occurs the second time, to strike out "thirty-eight" and insert "thirty-nine," so as to read:

Fifteen clerks, class 2; 39 clerks, class 1; 1 clerk, $1,140.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 19, line 9, before the word "dollars," to strike out "seventy-eight thousand three hundred and seventy" and insert "seventy-nine thousand eight hundred and twenty," so as to read:

In all, $379,820.

The amendment was agreed to.

The next amendment was, on page 20, line 11, before the word "dollars," to strike out "twenty-two thousand nine hundred and thirty" and insert "twenty-nine thousand five hundred," so as to make the clause read:

For investigations of plant diseases and pathological collections, $29,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

For the investigaton and improvement of ginseng and the control of diseases detrimental to the growth of this plant, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the word "thousand," to strike out "twenty-six" and insert "thirty," and in the same line, after the word "dollars," to insert "*Provided*, That not to exceed $12,000 of this amount may be used for the purchase of spinning machinery in order to conduct the necessary tests in connection with the ginning, handling, and grading of cotton," so as to make the clause read:

For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, $30,000: *Provided*, That not to exceed $12,000 of this amount may be used for the purchase of spinning machinery in order to conduct the necessary tests in connection with the ginning, handling, and grading of cotton.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "dollars," to strike out "thirteen thousand one hundred and ten" and insert "sixty-two thousand four hundred and thirty," and in the same line, after the word "dollars," to insert "of which amount $50,000 shall be used for the purchase and distribution of drought-resistant field seeds," so as to make the clause read:

To collect, purchase, propagate, test, and experiment with seeds of interest to agriculture, including rare new seeds, bulbs, trees, shrubs, vines, cuttings, and plants, $62,430, of which amount $50,000 shall be used for the purchase and distribution of drought-resistant field seeds.

The amendment was agreed to.

The next amendment was, on page 22, line 15, after the words "improvement of," to strike out "grains" and insert "cereals"; in line 16, before the word "production," to strike out "grain" and insert "cereal"; in the same line, after the word "production," to insert "and the study of cereal diseases"; and in line 17, before the word "thousand," to strike out "seventy-five" and insert "eighty-five," so as to make the clause read:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, $85,765.

The amendment was agreed to.

The next amendment was, on page 23, line 10, before the word "thousand," to strike out "thirty" and insert "forty," so as to make the clause read:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, $40,795.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the word "dollars," to strike out "twenty thousand" and insert "twenty-one thousand nine hundred and thirty," so as to make the clause read:

For taxonomic investigations and the study of methods for the improvement of grazing lands, $21,930.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the word "dollars," to insert "*Provided*, That of the amount hereby appropriated the sum of $10,000 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock," so as to make the clause read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $251,000: *Provided*, That of the amount hereby appropriated the sum of $10,000 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock.

The amendment was agreed to.

The next amendment was, on page 23, line 20, after the word "For," to insert "farmers' cooperative demonstrations and for"; in line 24, before the word "dollars," to strike out "three hundred and thirty-two thousand nine hundred and sixty" and insert "three hundred and sixty thousand," so as to make the clause read:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $360,000.

The amendment was agreed to.

The next amendment was, on page 24, line 3, before the word "thousand," to strike out "seventy" and insert "eighty," so as to make the clause read:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $80,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 3, to insert:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing, in cooperation with the States, companies, or individuals, or otherwise, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, line 10, after the word "with," to insert "western irrigation agriculture," so as to make the clause read:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $69,600.

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "dollars," to strike out "one million four hundred and ninety-five thousand seven hundred and sixty" and insert "one million six hundred and twenty-four thousand six hundred and twenty," so as to make the clause read:

In all, for general expenses, $1,624,620.

The amendment was agreed to.

The next amendment was, on page 26, line 14, after the words "United States," to insert: "*Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $285,680, of which amount not less than $226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States.

The amendment was agreed to.

The next amendment was, on page 28, line 21, before the word "dollars," to strike out "two million one hundred and fifty-nine thousand eight hundred and ten" and insert "two million two hundred and ninety thousand one hundred and twenty," so as to make the clause read:

Total for Bureau of Plant Industry, $2,290,120.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 29, line 18, before the word "forest," to strike out "one hundred and ninety-eight" and insert "two hundred and fifty-two"; and in line 19, after the word "each," to strike out "54 forest rangers, at $1,100 each," so as to read:

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 administrative assistant, $2,000; 1 forest supervisor, $2,700; 1 forest supervisor, $2,600; 5 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 45 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 10 forest supervisors, at $1,600 each; four deputy forest supervisors, at $1,700 each; 21 deputy forest supervisors, at $1,600 each; 30 deputy forest supervisors, at $1,500 each; 25 deputy forest supervisors, at $1,400 each; 2 forest rangers, at $1,500 each; 21 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 252 forest rangers, at $1,200 each; 734 assistant forest rangers, at $1,100 each.

The amendment was agreed to.

The reading of the bill was continued to line 11, page 32.

Mr. BORAH. On what page is the Secretary reading?

The VICE PRESIDENT. The Secretary is about reporting the amendment at line 10, on page 32.

Mr. BORAH. Have we passed over the amendments on page 29? My attention was diverted.

The VICE PRESIDENT. Both those amendments were agreed to by unanimous consent. We can return to them, if the Senator desires.

Mr. BORAH. I desire to submit some remarks upon the bill at this time, unless the chairman of the committee would prefer to have the bill read through and permit me to do so afterwards.

Mr. BURNHAM. I would rather have the bill read first, proceeding as we are now doing, if the Senator does not object.

Mr. LODGE. And we will pass over those amendments.

Mr. BORAH Would the Senator be willing to pass over the Forest Service items and go back to them? My colleague, who has just left the Chamber, said he desired to give some attention to those items.

Mr. WARREN. We will pass them over.

Mr. BURNHAM. Very well.

The VICE PRESIDENT. Without objection, all the amendments under the head of "Forest Service" will be passed over, and those which were marked as agreed to, on lines 17, 18, 19, and 20, page 29, are considered as not agreed to. Does the Senator from Idaho desire his request to include the general expenses of the Forest Service, at page 32?

Mr. BORAH. I do.

There are no amendments under the Forest Service I see, except on the first two or three pages.

Mr. WARREN. On pages 48 and 49 there are amendments that I presume the Senator would not care to have us pass over, but between page 29 and page 40 it is all forestry and they might well go over together.

Mr. BORAH. I think I do not care to have the exception follow on page 48.

Mr. WARREN. Then the reading can begin at line 11, on page 48.

The VICE PRESIDENT. The Chair understood the Senator from Idaho not to desire to have the part between page 32 and page 48 passed over. Is the Chair right?

Mr. BORAH. I desire to have all the items, beginning under the head of "Forest Service" on page 28, passed over until we get to page 48.

The VICE PRESIDENT. Very good. The Chair misunderstood the Senator. The reading will begin at line 11, page 48.

The next amendment was, on page 48, line 12, after the word "dollars" to insert: "*Provided*, That all of the military reservation of Fort Wingate, N. Mex., as described in Executive order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States;" so as to make the clause read:

Zuni National Forest, N. Mex. and Ariz., $3,734: *Provided*, That all of the military reservation of Fort Wingate, N. Mex., as described in Executive order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States.

The amendment was agreed to.

The next amendment was, on page 49, line 3, before the word "thirty-two," to insert: "and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act," so as to make the clause read:

Additional national forests to be created under section 11 of the act of March 1, 1911 (36 Stat., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, $32,590.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to insert:

For the expenditure under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June 11, 1906, and the act of March 3, 1899, $50,000: *Provided, however*, That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States surveyor general, but no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

The amendment was agreed to.

The next amendment was, on page 50, line 3, before the word "thousand," to strike out "sixty-five" and insert "eighty," and in line 4, after the word "dollars," to insert "of which sum $10,000 shall be used to investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates," so as to make the clause read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, $180,000, of which sum $10,000 shall be used to investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates.

The amendment was agreed to.

The next amendment was, on page 50, line 13, before the word "dollars," to strike out "eighteen thousand four hundred and twenty" and insert "twenty-five thousand one hundred and eighty," so as to make the clause read:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, $25,180.

The amendment was agreed to.

The next amendment was, on page 50, line 14, after the word "seed," to strike out "and" and insert ", cones, and nursery stock"; in line 18, before the word "dollars," to strike out "fifty thousand" and insert "seventy-six thousand six hundred and forty"; and in the same line, after the word "dollars," to insert "*Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500;" so as to make the clause read:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, $176,640: *Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500.

The amendment was agreed to.

The next amendment was, on page 51, line 14, before the word "thousand," to strike out "two hundred and seventy-five" and insert "five hundred," so as to make the clause read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $500,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

Provided further, That hereafter an additional 25 per cent of all moneys received from such national forests during any fiscal year, including the fiscal year 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

Mr. JONES. I think, in line 5, after the word "year," the words "ending June 30" ought to be inserted, so as to read "fiscal year ending June 30, 1912."

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator will perceive that the proviso reads:

Provided further, That hereafter an additional 25 per cent of all moneys received from such national forests during any fiscal year, including the fiscal year 1912.

Mr. JONES. Is that the fiscal year beginning June 30, 1911, or is it the fiscal year beginning June 30, 1912?

Mr. WARREN. It is the fiscal year beginning in 1911 and ending in 1912.

Mr. JONES. I want to make it certain; and it seemed to me it was not absolutely certain.

Mr. WARREN. The legal term and the numbers definitely make it the fiscal year 1912—the one that commences July 1, 1911, and ends July 1, 1912. There is no doubt about that.

Mr. JONES. If that is what it means, it is all right.

The PRESIDING OFFICER. The amendment will be agreed to as printed in the bill, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 15, after the word "expenses," to strike out "two million eight hundred and ninety-nine thousand eight" and insert "three million two hundred and twenty-three thousand two," so as to make the clause read:

In all, for general expenses, $3,223,285.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that owing to conditions beyond the purchaser's control, and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms.

Mr. BORAH. I ask that that be passed over.

The PRESIDING OFFICER. The Senator from Idaho asks that that paragraph be passed over. It will be so ordered.

Mr. HEYBURN. Mr. President, on page 52 the gross sum of the appropriation of $3,223,285 is for general expenses. Now, I desire to recur——

Mr. WARREN. I wish to say to the Senator that, of course, that will be subject to the point of order when we turn back.

Mr. HEYBURN. I understand that. I will ask later to recur to the subject of the appropriation—

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, improvement, and protection of the national forests named below—

And so forth.

I ask to recur to the part of the bill that relates to that subject.

Mr. BURNHAM. What page is that?

Mr. HEYBURN. I am merely identifying it. I was reading from page 34, but it precedes the enumeration of the items for which the appropriation is made.

Mr. BURNHAM. I will say to the Senator from Idaho that during his temporary absence the provisions for the Forestry Service from page 28 to page 40 were passed over.

Mr. HEYBURN. My colleague has advised me that that has been passed over, but I did not know to what extent, and I wanted to have it certain.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 54, line 8, after the word "inspector," to strike out "two thousand seven hundred and sixty" and insert "three thousand," so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; one executive clerk, $2,000; 5 clerks, class 4; 7 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 18 clerks, at $900 each; 1 clerk, $840; 1 assistant property custodian, $900; 1 chief food and drug inspector, $3,000.

The amendment was agreed to.

The next amendment was in the item of appropriation for salaries Bureau of Chemistry, on page 55, line 16, after the word "thousand," to strike out "four hundred and twenty" and insert "six hundred and sixty," so as to read:

In all, $254,660.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the clause beginning on line 18, page 55, as follows:

General expenses, Bureau of Chemistry: For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

Mr. HEYBURN. I ask for the rereading of that unusual expression contained at the point which the Secretary has just read. However, I will find it in a moment. This is the language:

In the most general and comprehensive sense of that word.

That is on page 55. That is another innovation in legislation. I have never known that phrase to be used in describing anything that a person might or might not do.

At the bottom of page 55 the bill says:

For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word—

Why not say how it is to be done? Who is going to determine what is "the most general and comprehensive sense of that word"? Let us legislate in legislative language.

And to continue collaboration—

That is a pretty indefinite phrase, too. Then it continues:

with other departments of the Government desiring chemical investigations.

Mr. President, I ask that that paragraph may go over until we have time to contemplate it.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

The reading of the bill was resumed and continued to the end of the following clause, on page 56:

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, $4,280.

Mr. HEYBURN. I should like to inquire of the Senator in charge of the bill why we should make an appropriation for inspectors of meats or other food products to be exported? Our pure food and drugs act excepts that class of goods from these provisions. It is purely a matter that interests the shipper. He does it at his own hazard. Why our Government should investigate or expend money for it I am unable to see.

Mr. BURNHAM. I presume it is like other similar appropriations by the Government. It certainly would help this business if inspections were made, and it would add to the credit of the exports in foreign countries.

Mr. HEYBURN. The situation is about this: Exception is made in the pure food and drugs act as to articles that are exported to foreign countries having certain restrictions. The shipper or the exporter takes his own chance. I do not know that such an item has ever before appeared in the bill. It should not appear in any bill.

Mr. WARREN. It is the old language.

Mr. HEYBURN. Well, it should never have been used. There is no reason in the world why the Government should inspect exports that are to be inspected on the other side in order to apply a penalty that may possibly be imposed against them.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. This inspection is to give the Government stamp to those products exactly the same as we do to meat products.

Mr. HEYBURN. But we except them out of the law.

Mr. WARREN. Well, you excepted some things, and others you did not.

Mr. HEYBURN. We were very specific in the things we excepted.

Mr. WARREN. If the Senator will notice, it is a very small sum—$4,280.

Mr. HEYBURN. I know it is. It was only the question of why we should provide for an inspection of the thing that we provided we would not inspect.

Mr. WARREN. Of course, it is not only in the law but it is in the bill as it came from the House. It is also the same language that has heretofore appeared in agricultural appropriation acts.

Mr. HEYBURN. I merely made the suggestion. I desired to point it out, in order to avoid trouble. We agreed not to inspect these products, and now we are proposing to appropriate money to inspect them.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 57, line 13, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to read:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, $650,000.

The amendment was agreed to.

The next aemndment was, on page 57, line 13, after the word "dollars," to insert:

Provided, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent 813728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. HEYBURN. Mr. President, I shall have to be convinced by some statement that it is necessary for the Government to buy that patent before I consent to its doing so. I should want to know that it was a real patent, valid and effective, before the Government should buy it. It is some man's theory or method of testing whisky, I believe. Now, we probably have a dozen ways of doing that.

Mr. BURNHAM. I should like to call the attention of the Senator from Wyoming to this matter.

Mr. WARREN. If the Senator from Idaho wishes to have that item passed over, I have no objection.

Mr. HEYBURN. Just pass it over. It looks rather queer to me.

Mr. WARREN. This test is something that has been in use, and this provision is perhaps to avoid a suit.

The PRESIDING OFFICER. The provision will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 57, line 24, before the word "dollars," to strike out "sixty-eight thousand seven hundred" and insert "ninety-three thousand nine hundred and forty," so as to make the clause read:

Total for Bureau of Chemistry, $993,940.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 58, line 10, after the word "dollars," to insert "one soil cartographer, $1,600"; and, in line 21, before the word "dollars," to strike out "fifty thousand five hundred and

forty" and insert "fifty-two thousand one hundred and forty," so as to make the clause read:

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,000; 1 executive assistant, $2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, $1,260; 8 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $900 each; 1 soil cartographer, $1,800; 1 soil cartographer, $1,600; 1 soil bibliographer, $1,400; 1 photographer, $1,200; 3 draftsmen, at $1,200 each; 1 draftsman, $1,000; 1 messenger, $840; 2 messengers, messenger boys, or laborers, at $480 each; 1 laborer, $600; 1 laborer, $300; 1 charwoman or laborer, $480; in all, $52,140.

Mr. HEYBURN. I should like to know whether that applies to a chemical investigation of known deposits or whether it is a prospecting fund?

Mr. BURNHAM. Mr. President, I understand it is to be applied for the investigation of the possibilities of securing potash, particularly on the Pacific coast.

Mr. HEYBURN. Is it for kelp investigations?

Mr. BURNHAM. It is for kelp investigations, as I understand, and——

Mr. HEYBURN. That much money might possibly be expended to corroborate what everyone out there knows, that the kelp grows on that coast and that it contains potash or that potash may be gathered from it, but why should the Government spend money to verify that fact?

Mr. BURNHAM. I do not understand it to be exclusively for the investigation of kelp, but for general investigations wherever there is any evidence of the existence of potash.

Mr. HEYBURN. My interruption was only to make the suggestion that, really, if they will restore the lands to exploration by the old-fashioned prospector, where potash is likely to be found, they will save money. He will find it if it is there.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 60, line 8, before the word "dollars," to strike out "sixty-five thousand" and insert "eighty-three thousand eight hundred and ninety," so as to make the clause read:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $183,890.

The amendment was agreed to.

The next amendment was, on page 60, line 14, before the word "dollars," to strike out "fifty thousand eight hundred and eighty" and insert "sixty-nine thousand seven hundred and seventy," so as to make the clause read:

In all, for general expenses, $269,770.

The amendment was agreed to.

The next amendment was, on page 60, line 17, before the word "dollars," to strike out "one thousand four hundred and twenty" and insert "twenty-one thousand nine hundred and ten," so as to make the clause read:

Total for Bureau of Soils, $321,910.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 62, line 10, before the word "thousand," to strike out "fifty" and insert "including the alfalfa weevil, eighty-five," so as to make the clause read:

For investigations of insects affecting cereal and forage plants, including the alfalfa weevil, $85,000, of which sum $10,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 62, line 20, after the word "crops," to insert "sugar beet"; and in line 22, before the word "thousand," to strike out "twenty-four" and insert "thirty-nine," so as to make the clause read:

For investigations of insects affecting truck crops, sugar beet, stored grains, and other stored products, $39,500.

The amendment was agreed to.

The next amendment was, on page 63, line 6, after the word "available," to strike out "*Provided*, That not part of this sum shall be used on the Atlantic seaboard," so as to make the clause read:

For investigations of the Mediterranean fly in the United States, its Territories and possessions, $35,000, which sum shall be immediately available.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read as follows:

For investigations of miscellaneous insects, inspection work, study of insects affecting the health of man and animals, insecticides, and the importation and exchange of useful insects, $19,740.

Mr. HEYBURN. Mr. President, I think the word "investigations," which is used in all the provisions on the two pages, 62 and 63, is an insufficient one. The question is, What shall constitute an investigation? Is it an investigation merely to go and look at these various bugs and write a treatise about them? We have a lot of that and we have been having it for a long time, until we are thoroughly acquainted with practically every pest that has ever existed. I think this appropriation, which amounts in the aggregate to a very large sum of money, ought to be applied to a more definite purpose and use than that. I would say "for the investigation and extermination of these pests." What is the use of investigating them unless you spend some of the money to exterminate them?

Mr. BURNHAM. Investigation is a preliminary to their extermination, is it not?

Mr. HEYBURN. It is an expensive preliminary; it is like paying an entrance fee to a dining room.

Mr. BURNHAM. It is part of the same thing.

Mr. HEYBURN. If it is to be considered that investigation means destruction, then I will withdraw my criticism. I think that so large a sum of money should be applied both to investigation and destruction.

Mr. WARREN. To what sum does the Senator refer?

Mr. HEYBURN. I refer to the general expenditures.

Mr. WARREN. That covers all the foregoing items under this heading in the bill; but the item about which the Senator is speaking is $19,740.

Mr. HEYBURN. No; take all those items. I was going to add them, but the issue came too quickly, and I was unable to do so.

For investigations of insects affecting deciduous fruits, orchards, vineyards, nuts, etc., including investigations of the pear thrips, cranberry insects, and apple maggots, $40,600.

That is one item. Then comes the next item:

For investigations of insects affecting cereal and forage plants, including the alfalfa weevil, $85,000, of which sum $10,000 shall be immediately available.

The next paragraph reads:

For investigations of insects affecting southern field crops, including the cotton-boll weevil and other insects injurious to cotton, insects affecting tobacco, rice, and sugar cane, the Argentine ant, and life history studies of ticks, $47,160.

Some of those insects you can become thoroughly acquainted with without paying anything.

For investigations of insects affecting forests, $44,750.

These are large items. The expenditure of this money would probably destroy these insects.

For investigations of insects affecting truck crops, sugar beet, stored grains, and other stored products.

The amount was $24,500, but it is proposed to be amended so as to read $39,500. Then, here is an item standing out by itself:

For investigations in bee culture, $15,000.

There are a great many sources from which all the investigation that is required can be obtained in regard to the raising of bees. The department has published a most excellent work on bee culture, and I have recently given some attention to it in connection with the starting of bee culture.

Mr. WARREN. If the Senator will allow me, that could not be published unless we provided for the expense.

Mr. HEYBURN. It is already published.

Mr. WARREN. Yes; but there are still further items affecting bee culture.

Mr. HEYBURN. I doubt if there is anything new to be added to that science. Here are two other items:

For investigations of insects affecting citrus fruits, including the white fly, orange thrips, and scale insects, $21,500.

For investigations of the Mediterranean fly in the United States, its Territories and possessions, $35,000, which sum shall be immediately available.

Those sums added together would amount to several hundred thousand dollars. I have not, however, added them up.

Mr. WARREN. The entire footing is there—$348,250. It is on the same page, as the Senator will see.

Mr. HEYBURN. I read that, and the Senator suggested that that was for——

Mr. WARREN. It is for the expenses of the entire Bureau of Entomology.

Mr. HEYBURN. Yes; I have read all the items under that head.

Mr. WARREN. Oh, no; there are a couple of pages preceding the items the Senator has read.

Mr. HEYBURN. Yes; there are some smaller items there, but I am reading the large items, and, whatever the aggregate sum may be, I am going to move to amend by inserting in each case, after the word "investigations," the words "and destruction."

The PRESIDING OFFICER. The Chair will venture to suggest to the Senator that he would not apply that to the item relating to bee culture, would he?

Mr. HEYBURN. No; I would not apply that to bees.

Mr. WARREN. Mr. President, I have myself found considerable amusement heretofore in alluding to these various appropriations for the brown-tailed moth, the white-tailed fly,

and so forth. They are always a good text and a good subject on which to deliver a humorous lecture. I always enjoy it, whether I indulge in it myself or whether I sit as a listener, but nevertheless those who are engaged in fruit culture, in bee culture, and in various other industries find that, as much as we may trifle with the brown-tailed moth and the white-tailed fly, those insects themselves are capable of doing great damage and are not to be laughed at.

I entirely agree with the Senator that they not only need investigation but destruction, but the main thing is to get the information and deliver it to those in different parts of the country who are afflicted, and to show them the way they can, through their own agencies, destroy such pests.

Mr. HEYBURN. I am in thorough sympathy with that.

Mr. WARREN. Now, one moment more. It is rather odd, perhaps, that we should provide for "investigations of miscellaneous insects" and "the exchange of useful insects." It seems immensely funny, especially so in print, but the Senator knows there are insects that destroy others and yet are themselves harmless, or nearly so. Take the alfalfa weevil, for instance. The Secretary of Agriculture, with whom I had a very interesting conversation, believes that he will be able to import an insect, harmless otherwise, that will prey upon the insect that is destroying alfalfa. Of course, the Senator knows what the value of the alfalfa crop is in this country.

Mr. HEYBURN. Mr. President, I am not unmindful of what the Senator says. While the inoculation of plants sometimes by insects destroys the first, the second become acclimated, and they destroy the tree; but I notice in the reservations and in the parks—my attention was called to it last evening right here within sight of the Agricultural Department—trees with nests of breeding worms. There is one right down—I do not know but what it is on the agricultural grounds; I saw it last evening—that will breed enough worms to destroy orchards and half of the trees in the public parks. I think, probably, we ought to have some of this money expended right here at home. Of course I will not apply it to bees, but I still think—of course I will not apply it to bees—that the amendment should be adopted as applying to the matter to which I have referred. The paragraphs are not numbered, and it is very difficult to find the place.

Mr. WARREN. I will say to the Senator that, if the Senator in charge of the bill will agree to its insertion, I see no objection to it.

Mr. HEYBURN. These paragraphs are not numbered, but I will move to insert, after the word "investigations," on page 62, in the second paragraph, in the third paragraph, in the fourth paragraph, in the fifth paragraph, and in the sixth paragraph——

Mr. WARREN. The Senator means at the commencement of each paragraph?

Mr. HEYBURN. Yes. Let the words "and destruction" be inserted, and let the same words be inserted in the paragraph at the top of page 63 and in the second paragraph on that page.

Mr. WARREN. And the third.

Mr. HEYBURN. And to the third I think it would be applicable. I make that motion.

Mr. SWANSON. Mr. President, I should like to suggest to the Senator from Idaho that the paragraph has heretofore been confined to the word "investigations," because of the fact that the Government simply ascertains the means of destroying these various insects, and its employees do not destroy them. If it is to include destruction of the insects on the property of anyone whose trees are inflicted with these insects, the people might ask the department to destroy them on individual trees on their farms, and it would be utterly impossible to do that. I think the department insists upon the word "investigations" so as not to encourage applications from individuals for the destruction of these insects upon their property.

Mr. HEYBURN. I think the suggestion of the Senator from Virginia can well be complied with by inserting, after the word "investigations," the words "and for suggesting a means of destroying." That would cover it.

Mr. WARREN. I assume, of course, that the Senator from Idaho did not intend to go to the point of having the Government send its employees to destroy these insects?

Mr. HEYBURN. Oh, no.

Mr. WARREN. The Senator from Virginia is right.

Mr. HEYBURN. It is a good suggestion, and I will accept it.

Mr. WARREN. We should inform the people as to the methods of destruction, and that is what we do through the bulletins of the Agricultural Department.

Mr. HEYBURN. I will ask to amend the amendment I have suggested, and in each case say "investigation and instruction as to the method of destroying."

Mr. SWANSON. If the Senator will permit me, the word "investigations" has been in these appropriation bills for years. It has been given a definite interpretation by the department. I have applications from people all over Virginia, on whose property there are insects destroying fruit trees, to see if we can not send some Federal officials there to take care of their individual orchards, but the department, by having the word "investigations" there, and having given it an interpretation, simply spends the money in acquiring and destributing information as to how best to exterminate these insects which destroy the trees and crops.

Mr. HEYBURN. I did not intend to strike out the word "investigations."

Mr. SWANSON. It has a specific meaning, and if we add to it too much some constituents of mine will think I ought to be able to get a hundred officials to take care of their orchards and crops, and if we appropriate the money with the other word included it would destroy the object of the investigations.

Mr. HEYBURN. I would not think of doing that.

Mr. ROOT. Mr. President, I think it would be rather dangerous to put in the additional word suggested. It might be regarded, as the Senator from Virginia indicates, as an assumption of a greater burden on the part of the Government than it really ought to assume—that is, to go and kill every insect upon every farm instead of instructing the owners how to do it.

Mr. HEYBURN. My amendment proposes to give instructions as to how to destroy them.

Mr. SWANSON. The amendment would be entirely proper if it were certain to be given the interpretation which now prevails in the department. Their action is confined to instructions. The meaning of the term "investigations" has been fixed, the department having given it an interpretation, and if you change the phraseology I am afraid the department may give it another interpretation.

Mr. HEYBURN. I do not want any language used that would make it necessary for the Government to send anyone to destroy the insects. My idea is that the investigation shall be crystallized into information.

Mr. SWANSON. That is all right.

Mr. WARREN. I have no doubt that that is the practice, if not the specific law or rule. The Senator from Idaho is a learned lawyer. Suppose we should pass it as it is now; the Senator can shape language such as he feels may be necessary and then we can turn back to it.

Mr. HEYBURN. That is all right.

Mr. WARREN. They are now doing exactly what the Senator wishes done.

Mr. HEYBURN. These matters are coming up rapidly. I suggest that the matter remain open for further consideration, and some one——

Mr. LODGE. The amendment can be offered at any time.

Mr. HEYBURN. The amendment can be offered at any time.

Mr. WARREN. I suggest to the Senator that, if he should have the means, he communicate with the department and get information as to what the practice is.

Mr. HEYBURN. Very well.

The PRESIDING OFFICER. The Chair will inquire as to the items to be passed over. Does the suggestion embrace the matter from line 5, on page 62, to line 8, on page 63? Was that the suggestion of the Senator from Idaho?

Mr. LODGE. If I may make a suggestion, there is no need of passing over any item. The amendment suggested by the Senator from Idaho will be in order at any time. Any Senator can offer an amendment to the bill. The Senator from Idaho does not propose to strike out; he proposes to add new words.

Mr. WARREN. And those words do not take the place of any committee amendments, and they are in order at any time.

Mr. HEYBURN. If they do not come under the rule of the Senate that no amendment now adopted can be attacked until the bill comes into the Senate——

Mr. LODGE. They are not amendments to amendments, but amendments to the text of the bill.

Mr. SMITH of South Carolina. If the Senator will turn to the heading "Bureau of Entomology," on page 61, he will find that the very point he has contended for is expressed in the first paragraph:

> General expenses, Bureau of Entomology: For the promotion of economic entomology; for investigating the history and the habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture, and ascertaining the best means of destroying those found to be injurious.

It specifies to investigate those that are beneficial or injurious and the best means of destroying the injurious ones.

Mr. HEYBURN. We can see about that.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment was, on page 63, line 14, before the word "thousand," to strike out "two hundred and ninety-eight" and insert "three hundred and forty-eight," so as to make the clause read:

In all, for general expenses, $348,250.

The amendment was agreed to.

The next amendment was, on page 64, line 4, before the word "thousand," to strike out "forty-one" and insert "ninety-one," so as to make the clause read:

Total for Bureau of Entomology, $691,840.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I inadvertently passed over the provision in reference to the transportation of game, page 65, end of the paragraph nearest the top.

This is probably one of the questions that creates more disturbance than almost any other provision in the law. It says:

For the enforcement of sections 241, 242, 243, and 244 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and for the enforcement of section 1 of the act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," $12,000.

There has been a great deal of evasion of the law. The attempt to enforce this law has resulted in more or less corruption. The law has not been enforced. Certain sections of the United States are supplied with interstate game all the year round. Certain men are tried for an infraction of the law. I do not know whether any of them have been convicted or not. But it creates a disturbance.

It was not wise to enlarge the powers of the Department of Agriculture in this respect. The Department of Agriculture was an inappropriate medium through which to deal between the United States and the States. There is State legislation in regard to game. I presume every State in the United States has such legislation. We have various laws in the States in the West and Northwest which are not harmonious at all, and the question continually arises as to whether or not game taken in one State may be taken into another, and if it is taken there in violation of the law of the State within which it is taken, and if it is not in violation of the law of the State into which it is taken complications arise, because the attempts to follow up the individuals who did it have generally been followed with resistance. The officers have been utterly unable or impotent to enforce the restrictions on the sending of game from one State to another.

In fact, we should repeal that provision of the act which undertakes to confer upon the Department of Agriculture the power to prohibit the transportation in interstate commerce of game when taken in violation of the law. In other words, we should not make any of the executive departments of the Government the custodian of these rights. They are rights controverted between the State and the General Government, and I do not believe the General Government, under the interstate-commerce law or any other, will again delegate to the secretary of a department the right to say who shall and who shall not ship game from one State to another. It has caused very much important litigation and it has caused great disturbance.

Mr. WARREN. Of course the Senator from Idaho will observe that this does not enact a law.

Mr. HEYBURN. I know.

Mr. WARREN. It simply appropriates.

Mr. HEYBURN. I am criticizing the law as it exists.

Mr. WARREN. The existing law. But this is not the proper place in which to correct it.

Mr. HEYBURN. It should be corrected in some place. I make the suggestion here as we go along. I think it wise and that it would be beneficial. I deem it well enough to direct the attention of Senators to questions of this kind, where the practical operations of systems demonstrate the fact, between sessions, so to speak, that they are not wise.

They ship to Idaho quail from Minnesota and the Dakotas, which are two States where they had a closed season on quail for 17 years. The closed season is over, but last year I think for the first time. Very early we prohibited the killing of quail, and yet they would come in to our State from other States. Now, does Congress want to give the control of that important question to a bureau or department of the Government?

I merely call attention to it as we pass along so that some mind may attach itself to the situation and give it consideration.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Biological Survey," on page 65, after line 17, to insert:

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of bison to be presented to the United States by the American Bison Society, and for such other native American animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such other lands as may be necessary for the purpose of assuring an adequate, permanent water supply at a cost not exceeding the sum of $15,000, which amount, or so much thereof as may be necessary for the said purpose, is hereby appropriated. There is hereby further appropriated the sum of $17,000, or so much thereof as may be necessary, for the purpose of enabling the Secretary of Agriculture to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals; in all, the sum of $32,000, to be available until expended.

Mr. GRONNA. I ask that the amendments on pages 65, 66, and 67 be passed over.

The PRESIDING OFFICER. Without objection, the amendments on pages 65, 66, and the first amendment on page 67 will be passed over for the present.

The Secretary resumed the reading of the bill on page 67, line 11.

Mr. HEYBURN. The reading should be resumed at page 66, line 14.

The PRESIDING OFFICER. Did the Senator from North Dakota request that the amendment on page 67 be likewise passed over?

Mr. LODGE. The Senator from North Dakota did not ask that the amendment in regard to fur-bearing animals, on page 66, be passed over, did he?

Mr. GRONNA. No; I did not.

Mr. HEYBURN. No; only down to line 13, on page 66.

Mr. WARREN. I understood the Senator to ask to have the game-preserve amendments go over.

Mr. HEYBURN. Down to line 13, on page 66.

The reading of the bill was resumed on page 66, line 14.

The next amendment of the Committee on Agriculture and Forestry was, on page 66, line 17, after the word "animals," to strike out "thirty-nine thousand dollars" and insert "and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels on the national forests in California," so as to make the clause read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels on the national forests in California.

The amendment was agreed to.

The next amendment was, on page 66, line 26, before the word "thousand," to strike out "ten" and insert "twenty," so as to make the clause read:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life and crop zones, $20,000.

The amendment was agreed to.

The next amendment was, on page 67, line 18, before the word "dollars," to strike out "ninety-one thousand three hundred" and insert "one hundred and eighty-seven thousand three hundred," so as to make the clause read:

In all, for general expenses, $187,300.

The amendment was agreed to.

The next amendment was, on page 67, line 21, before the word "dollars," to strike out "one hundred and sixteen thousand four hundred" and insert "two hundred and twelve thousand four hundred," so as to make the clause read:

Total for Bureau of Biological Survey, $212,400.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 67, line 24, after the word "who," to insert "hereafter"; on page 68, line 2, before the word "dollars," to strike out "three thousand seven hundred and fifty" and insert "four thousand"; in line 3, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand seven hundred and fifty"; and in line 15, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who hereafter shall be administrative officer of the fiscal affairs of the department, $4,000; one assistant chief of division, $2,750; * * * one custodian of records and files, $1,400.

Mr. LODGE. I should like the chairman of the committee to state whether the amendment restores the salary of the chief and disbursing officer of this division to what it is at present or whether it is an increase.

Mr. BURNHAM. It is an increase.

Mr. LODGE. It is an increase?

Mr. BURNHAM. Yes.

Mr. LODGE. The House provision left the salary as it is now. The present salary is $3,750.

Mr. BURNHAM. Yes.

Mr. LODGE. Why are those salaries raised?

Mr. BURNHAM. The services rendered by that gentleman, both to the committee and to the public, are very great, and he is familiar, as chief of the Bureau of Accounts and Disbursements, with all the salaries and all the business of the department in that way, and is very helpful there.

Then, he has charge of all the disbursements of $16,000,000; and, in addition to that, the White Mountains and Appalachian appropriation will increase, and it has already increased to some extent, his work. So the amount to be disbursed will be increased by millions each year.

Mr. LODGE. Does that apply to the assistant chief also?

Mr. BURNHAM. He has to do with certain divisions. For instance, he has to do with the Weather Bureau. He makes the payments to the Weather Bureau employees and he has the place of the chief in the latter's absence.

Mr. LODGE. How does this salary compare with the salaries in other departments?

Mr. WARREN. As the chairman has stated, the Chief of the Division of Accounts and Disbursements is a very able man, and he has a great deal of business to do. He has less salary than those of equal responsibility in the Treasury Department.

Mr. LODGE. That is what I wanted to find out.

Mr. WARREN. And perhaps more responsibility than men in some other departments who have less to do. He is not only one of the most capable men, but his duties are of a financial and a fiscal nature as related to all that department.

I may say, further, that the increased salary has been recommended and estimated for a number of years. The committee has been very economical about it and has raised it once or twice $250, and the last time, a year ago, there was an understanding in the committee that on the next bill they would put the salary at this figure.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Agriculture and Forestry.

The amendment was agreed to.

The next amendment was, on page 68, after line 18, to insert:

Provided, That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

The amendment was agreed to.

The next amendment was, on page 69, line 6, before the word "dollars," to strike out "one hundred and three thousand nine hundred and twenty" and insert "one hundred and four thousand six hundred and twenty," so as to make the clause read:

Total for Division of Accounts and Disbursements, $104,620.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 69, line 12, before the word "dollars," to strike out "two thousand two hundred and fifty" and insert "two thousand five hundred"; in line 14, before the word "assistant," to strike out "one" and insert "four"; in the same line, after the word "assistant," to strike out "editor" and insert "editors"; in the same line, after the word "dollars," to insert "each"; in line 15, before the word "assistant," to strike out "four" and insert "one"; in the same line, after the word "assistant," to strike out "editors" and insert "editor"; in the same line, before the word "one," to strike out "at"; in line 16, after the word "dollars," to strike out "each"; in line 19, after the word "dollars," to insert "one draftsman or photographer, $1,600"; in line 22, after the word "dollars," to strike out "two" and insert "one"; in the same line, before the word "or," to strike out "draftsmen" and insert "draftsman"; in the same line, after the word "or," to strike out "photographers" and insert "photographer"; in line 23, before the word "one," to strike out "at"; in the same line, after the word "dollars," to strike out "each" and insert "one draftsman or photographer, $1,300"; and in line 25, before the word "draftsmen," to strike out "six" and insert "five," so as to read:

Salaries, Division of Publications: One editor, who shall be chief of division, $3,250; one editor, who shall be assistant chief of division, $2,500; one chief clerk, $2,000; two assistant editors, at $2,000 each; four assistant editors, at $1,800 each; one assistant editor, $1,600; one assistant editor, $1,400; one assistant editor in charge of indexing, $2,000; one indexer, $1,400; one assistant in charge of illustrations, $2,000; one draftsman or photographer, $1,600; one draftsman or photographer, $1,500; one draftsman or photographer, $1,400; one draftsman or photographer, $1,300; five draftsmen or photographers, at $1,200 each.

Mr. HEYBURN. I should like to have some reason assigned for increasing the salary of the editor.

One editor, who shall be chief of division, $3,250; one editor, who shall be assistant chief of division, $2,250.

It is proposed to increase it to $2,500. Of course, I suppose practice has established the meaning of the designation "one editor who shall be chief of division." Chief of what division? Chief of the editorial division? Chief of the Division of Publications?

Mr. LODGE. Yes.

Mr. HEYBURN. Why is the assistant editor's salary to be raised?

Mr. BURNHAM. It is stated here in a communication from the department:

This was included in the estimates, but was not approved by the House committee. It is for the purpose of giving promotion to an employee who has served long and faithfully and rendered exceptionally efficient service.

"Three assistant editors, increase from $1,600 to $1,800 each."

This item was included in the estimates but was not passed by the House committee. All these men are exceptionally efficient, and every one of them saves his salary annually in the economies effected in printing. They are now and for several years have been underpaid, receiving less than editors in other departments.

Mr. HEYBURN. There are four assistant editors at $1,800 each.

Mr. BURNHAM. I think the increase is $200.

Mr. HEYBURN. Let us see how many editors there are there. There seems to be an unusual number of editors. It says in the bill:

One assistant editor at $1,600.

Mr. BURNHAM. I think it is a promotion.

Mr. HEYBURN. I will not raise any objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment as reported by the Committee on Agriculture and Forestry.

The amendment was agreed to.

Mr. MARTINE of New Jersey. On page 70, line 10, I desire to offer the amendment I send to the desk.

The PRESIDING OFFICER. The Chair will suggest that that part of the bill has not been reached.

Mr. MARTINE of New Jersey. I thought we were on that page now.

The PRESIDING OFFICER. No; page 69.

The reading of the bill was resumed.

The next amendment was, in the item of appropriation for "salaries, Division of Publications," on page 70, line 4, before the word "hundred," to strike out "six" and insert "eight"; in line 10, before the word "clerks," to strike out "six" and insert "seven"; in line 11, before the word "clerks," to strike out "fourteen" and insert "thirteen"; in line 12, before the word "clerks," to strike out "thirty-seven" and insert "forty-two," so as to read:

One assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,800; 1 foreman, miscellaneous distribution, $1,500; 1 assistant foreman, miscellaneous distribution, $1,100; 1 foreman, Farmers' Bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 2; 7 clerks, class 1; 13 clerks, at $1,000 each; 42 clerks, at $900 each.

The amendment was agreed to.

Mr. MARTINE of New Jersey. In line 10 I offer the amendment I send to the desk.

Mr. LODGE. Is it a committee amendment?

The PRESIDING OFFICER. It is an amendment proposed by the Senator from New Jersey, and the Chair is of the opinion that consent was given to consider first committee amendments. If the Senator from New Jersey will withhold the amendment until the committee amendments are disposed of, it will be in order.

Mr. MARTINE of New Jersey. All right.

Mr. SWANSON. I should like the attention of the chairman of the committee. On line 8, page 70——

Mr. BURNHAM. That is a similar amendment.

Mr. SWANSON. I think the committee will agree to this when I call their attention to it.

Mr. BURNHAM. Perhaps the Senator had better wait until the reading of the bill shall have been concluded.

Mr. SWANSON. I may not be here then, and I should like very much to have it taken up now. The bill says:

One foreman, Farmers' Bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200.

Mr. BURNHAM. I will say to the Senator that I am not aware of any objection to the amendment, but the Senator who was last on the floor was asked to wait, and I must ask the Senator from Virginia to wait.

Mr. SWANSON. Very well.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill. The next amendment was, on page 70, line 13, before the word "clerks," to strike out "twenty-five" and insert "twenty-one"; in line 16, before the word "skilled," to strike out "twenty-seven" and insert "twenty-six"; in line 19, before the word "folders," to strike out "four" and insert "1 assistant chief folder, $960; three"; in line 20, after the word "each," to insert "1 skilled laborer, $1,100"; in line 21, before the word "skilled," to strike out "three" and insert "two"; and on page 71, line 9, before the word "dollars," to strike out "one hundred and ninety-three thousand two hundred and twenty" and insert "one hundred and ninety-five thousand three hundred and fifty," so as to read:

Twenty-one clerks, at $840 each; 20 skilled laborers, at $840 each; 13 skilled laborers, at $780 each; 26 skilled laborers, at $720 each; 1 chief folder, $1,000; 1 assistant chief folder, $960; 3 folders, at $900 each; 1 skilled laborer, $1,100; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 2 laborers, at $660 each; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $195,350.

The amendment was agreed to.

The next amendment was, on page 72, line 8, before the word "dollars," to strike out "eighteen thousand two hundred and twenty" and insert "twenty thousand three hundred and fifty," so as to make the clause read:

Total for Division of Publications, $220,350.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 73, after line 19, to insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the division of markets. The chief of said division shall receive a salary of $3,000 per annum and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

That the Chief of the Bureau of Statistics shall have power and authority to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of said Chief of the Bureau of Statistics to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

That it shall be the duty of the Chief of the Bureau of Statistics to collect, through the said Division of Markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said Division of Markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said Division of Markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

That the Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said Division of Markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1913.

Mr. LODGE. That amendment is, I think, embodied in a bill now pending on the calendar. I dare say it is a very good measure, but it is a very large measure to put on an appropriation bill in the form of an amendment. It is clearly general legislation. I think it ought to pass as a separate bill, and I make the point of order that it is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LODGE subsequently said: Mr. President, I merely desire to say that in making the point of order I had no desire to cut off discussion. If any Senator wishes to speak to the amendment, I am perfectly willing to withhold it. Nor have I, I think, any objection to the substance of the amendment, but I believe we ought to pass it in the form of a bill. It seems to me we ought not to put it on an appropriation bill, where I think we should avoid legislation as much as possible. I did not intend to cut off any debate by making the point of order. If any Senator desires to speak, I will gladly withhold the point of order.

Mr. SMITH of Georgia. Mr. President, I am not prepared to deny that if the point of order is pressed the provision for a division of markets must go out of the appropriation bill.

I will, however, explain to the Senate, by courtesy of the Senator from Massachusetts, the purpose of the measure and why we embodied it in the appropriation bill. There is a bill upon the same subject reported unanimously from the Committee on Agriculture and Forestry to the Senate, which is on the Senate Calendar.

We believe the measure has real merit and there are advantages to be derived from passing it as a part of the appropriation bill. The Department of Agriculture already has a Statistical Bureau. The work of this bureau is mainly to gather information with reference to the amount of crops produced by the farmers in our country.

Through this new division it is intended that information shall be gathered as to the consumption and demand for farm products. It is expected that the division will gather this information with reference to the staple crops and also with reference to the perishable products. With a division prepared to furnish, on application, to farmers the demand for both staple and perishable crops and also prepared to furnish consumers the localities in which crops, especially perishable crops, can be easily purchased, the farmers will be substantially aided in marketing their crops.

It is proposed that through this division investigations as to the system of marketing farm products, cooperative or otherwise, in practice in the various sections of the United States and in foreign countries shall be collected. This information is to be distributed to farmers and farm organizations and also to societies of consumers throughout the various agricultural sections of the country and to be made available for use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents.

It is provided that investigation shall be made of the demand for farm products in the various trade centers and the current movements of such products, giving specific data as to supply, normal demand, and price, with the view of furnishing information as to the best available market. It is also provided that by telegraph, mail, or otherwise reports shall be made to the farmers and farm organizations, furnishing to them information and statistics which may enable them to adopt the best plans of marketing to facilitate the handling of farm products at the lowest cost.

It is believed that the measure will be a real help to the farmers throughout the country. It has received the approval of the president of the Farmers' Union and of leading members of that organization and of other farm organizations.

The Secretary of Agriculture has approved it. Similar measures are pending in the House in the shape of bills creating bureaus, either in the Department of Commerce and Labor or in the Department of Agriculture.

We believed that a bureau is unnecessary and that the most economic way to do the work was to make it a division in the present Statistical Bureau of the Department of Agriculture. If it is passed in its present shape, it will readily be accepted in the House and immediate action would seem to be sure.

We have put the measure in a bureau of the Agricultural Department, where a good deal of the same kind of work is already being done, and if it can remain in the appropriation bill without objection and be passed by the Senate the final passage of the measure will be substantially facilitated.

Mr. LODGE. I had not examined the provision with any care. I had supposed that it created a new bureau. It seemed to me to open the door to very large and indefinite expenses. I now understand that it is merely to add a division to the existing statistical bureau.

Mr. SMITH of Georgia. Yes; that is all.

Mr. LODGE. After listening to the explanation of the Senator from Georgia, it seems to me it is a measure which would be of very great benefit to the farmers, and I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. Without objection, the amendment is agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 76, line 9, before the word "thousand," to strike out "forty" and insert "ninety," so as to make the clause read:

Total for Bureau of Statistics, $290,680.

The amendment was agreed to.

The next amendment was, under the head of "Library, Department of Agriculture," on page 76, line 12, after the word "three," to strike out "$1,600," so as to make the clause read:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 2 clerks, class 1, 1 of whom shall be a translator; 5 clerks, at $1,000 each; 5 clerks, at $900 each; 1 clerk, $840; 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 1 messenger, $720; 3 messengers, messenger boys, or laborers, at $480 each; 1 charwoman, $480; in all, $25,780.

The amendment was agreed to.

The next amendment was, on page 77, line 6, after the words "Total for," to strike out "library" and insert "Library," so as to make the clause read:

Total for Library, $41,280.

The amendment was agreed to.

The next amendment was, under the head of "Contingent expenses," on page 77, line 25, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department.

So as to make the clause read:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the department, $106,066: *Provided*, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department: *Provided further*, That the Secretary of Agriculture may hereafter exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 82, line 23, before the word "thousand," to strike out "twelve" and insert "sixteen," so as to make the clause read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $16,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, after the word "dollars," to insert "*Provided*, That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a thorough investigation to be made and report to Congress at the opening of the next session upon the feasibility and the economy of irrigation by the reservoir system or plan in western Kansas and western Oklahoma," so as to make the clause read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $98,300: *Provided*, That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a thorough investigation to be made and report to Congress at the opening of the next session upon the feasibility and the economy of irrigation by the reservoir system or plan in western Kansas and western Oklahoma.

The amendment was agreed to.

The next amendment was, on page 83, line 24, after the word "Washington," to insert "and elsewhere, rent outside the District of Columbia," and on page 84, line 1, before the word "dollars," to strike out "ninety-six thousand seven hundred" and insert "one hundred and twenty-five thousand," so as to make the clause read:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $125,000.

The amendment was agreed to.

The next amendment was, on page 84, line 4, before the word "hundred," to strike out "sixty-four thousand four" and insert "ninety-six thousand seven," so as to make the clause read:

Total for Office of Experiment Stations, $1,896,700.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 85, after line 22, to insert:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $30,000.

The amendment was agreed to.

The next amendment was, on page 86, line 11, before the word "thousand," to strike out "thirty-five" and insert "sixty-five," so as to make the clause read:

In all, for general expenses, $165,100.

The amendment was agreed to.

The next amendment was, on page 86, line 13, before the word "thousand," to strike out "one hundred and seventy-two" and insert "two hundred and two," so as to make the clause read:

Total for Office of Public Roads, $202,120.

The amendment was agreed to.

The next amendment was, on page 86, after line 14, to insert:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, of office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, on page 87, line 3, before the word "dollars," to strike out "fifteen million six hundred and forty-six thousand three hundred and sixty-six" and insert "sixteen million five hundred and nine thousand nine hundred and seventy-six," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, $16,509,976.

The amendment was agreed to.

The reading was continued to page 87, line 22, the last paragraph being as follows:

Enforcement of the insecticide act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $87,000.

Mr. HEYBURN. Mr. President, that seems like a most extravagant appropriation to make for the enforcement of an act. The Agricultural Department can only present the matter or cause it to be presented to the courts. The law is enforceable in the courts and not in the Agriculture Department. They are not given any jurisdiction to enforce the law by the terms of the act. Why should it be necessary for them to spend $87,000 in order to induce the courts to enforce the law?

I merely suggest the objection now. I will probably later make a more effective demonstration in regard to it.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment was, under the head of "Miscellaneous," on page 88, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one million," so as to make the clause read:

Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $1,000,000.

Mr. HEYBURN. Let that amendment remain until we come to discuss the Forest Service.

The PRESIDING OFFICER. The Senator from Idaho desires to have it passed over?

Mr. HEYBURN. Yes; let it be passed over.

The PRESIDING OFFICER. Without objection, that order will be made.

The next amendment was, on page 88, after line 2, to insert:

That hereafter, when employees of the Department of Agriculture, either on lump-fund or statutory rolls, are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe.

Mr. HEYBURN. In line 4, I move to strike out the words "either lump-fund or."

Mr. WARREN. If the Senator strikes out those words, does he not also want to strike out the words "on statutory rolls"?

Mr. HEYBURN. Of course they are all statutory rolls.

Mr. WARREN. They must be one or the other.

Mr. LODGE. I think "lump-fund" is a very poor term if it did emanate from the department to be put in a statute.

Mr. WARREN. It may be a poor term, but its use is well known to designate it.

Mr. LODGE. However, it is not necessary to carry it into the statute.

Mr. WARREN. Both terms should either remain in or go out.

Mr. LODGE. Let them both be taken out.

Mr. HEYBURN. Yes; I move, on line 4, page 88, to strike out the words "either on lump-fund or statutory rolls."

Mr. LODGE. That covers all employees.

Mr. HEYBURN. Yes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 88, after line 13, to insert:

That hereafter officials and employees of the Department of Agriculture, either on lump-fund or statutory rolls, may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business.

Mr. HEYBURN. In line 15, page 88, I move to strike out the words "either on lump-fund or statutory rolls."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 88, after line 19, to insert:

And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. I ask that that amendment may go over until we reach the consideration of the Forest Service.

The PRESIDING OFFICER. It will be passed over, without objection.

The next amendment was, on page 89, after line 6, to insert:

To enable the Secretary of Agriculture to make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Lethbridge, Alberta, Canada, in October, 1912, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, after line 13, to insert:

To enable the Secretary of Agriculture to meet the emergency caused by the continuous spread of the chestnut-bark disease by continuing the study of the nature and habits of the parasitic fungus causing the disease, for the purpose of discovering new methods of control, and by putting into application methods of control already discovered, $40,000, of which sum $20,000 shall be immediately available, and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent, in the District of Columbia and elsewhere, as may be required: *Provided*, That of this sum not exceeding $10,000 shall be used in the study of the relation of insects to the chestnut-bark disease.

Mr. LODGE. Mr. President, this amendment relates to a matter of very great importance, indeed. The destruction of the chestnut trees in my part of the country, and especially through the Middle States and in Pennsylvania and that region where they are very fine, is of the most serious character. We are threatened with the loss of trees of very great value and of great importance to all that country.

This amendment is thoroughly approved of, but the work, whatever it may be, ought to be done at once. There ought to be no delay, and the amount of money ought to be increased so as to enable the Secretary to deal with it immediately, if there is to be any hope of saving the chestnut trees. I move, therefore, to increase the amount from $40,000 to $80,000.

Mr. HEYBURN. I should like to ask the Senator a question. I took some pains to visit one of the tracts that was infected last season, and so far as my information went, I could not find that the tree was killed at the roots. It seemed to be an attack upon the foliage of the tree more than otherwise. There is a remedy in a case of that kind; chestnut trees, of course, sprout up from the roots. It seems to me some provision for the destruction or taking down of a tree and cutting it up to be used for building or any other purpose would answer without any difficulty. If the trees are killed at the roots of course it presents a much more difficult problem. I did not know but that the Senator might have some information in regard to it.

Mr. LODGE. I have no special information in regard to it and I do not think the disease of the chestnut trees is very well understood now. It has appeared recently. I only know that it is killing trees very rapidly. As I have understood it, chiefly as expressed in the amendment, and as I have understood it from my own slight observation, the disease affects them through the bark; but the result is unquestioned. It is destroying all the chestnut trees pretty much through the Eastern and the Middle States.

Mr. MARTINE of New Jersey. Mr. President——

Mr. WARREN. I wish to ask the Senator from Massachusetts——

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 89, line 9, before the word "thousand," strike out "forty" and insert "eighty."

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. I wish to ask whether Massachusetts has appropriated money out of the State fund? Pennsylvania has made very large appropriations, and I think some of the other States have done so, to cooperate with the United States in eradicating this disease.

Mr. LODGE. The Massachusetts Legislature has, I think, appropriated for it. Our chestnut trees in Massachusetts are not at all as numerous as they are farther to the West and the South. The State has spent a great deal of money in the preservation of its trees. The amendment, however, requires cooperation with the States.

Mr. BACON. I do not know that it is very important to state, but the Senator said that this is a recent matter. I wish to state in this connection that in my part of the country it is not a recent matter. I can recollect when I was a schoolboy the whole of what we know in my State as middle Georgia was almost one vast forest of chestnut trees. Of course there were places where there were oak and hickory and trees of that kind, but generally throughout that section there were large forests of chestnut trees. There is now scarcely one left. That was a good many years ago; it was before the Civil War. I think it was the most general tree to be found in all that section of country. I recollect it distinctly when I was a schoolboy and a good many incidents therewith.

Mr. LODGE. When I said recent I meant the ravages of the disease, which in the last few years have excited general alarm through the Eastern and Middle States lest all the trees should be destroyed.

Mr. BACON. I will state to the Senator that while I have no technical knowledge on the subject of the general question throughout the country, they had then reached a certain period in the evolution of that species of vegetation when the time had come for them to disappear.

Mr. LODGE. That is possible.

Mr. BACON. There did not seem to be any very specific disease.

Mr. OLIVER. I hope that the amendment offered by the Senator from Massachusetts will prevail, and I suggest that more than $20,000 of this money be made immediately available.

Mr. President, this is a pest from which we are suffering particularly in the State of Pennsylvania, and it is rapidly spreading to other States. Resolutions upon the subject have been passed by the State Board of Agriculture, the State Grange, by the Forestry Association, and by other bodies of the State of Pennsylvania. The resolutions adopted by the Forestry Association are particularly applicable. I will suggest that the State of Pennsylvania itself has appropriated $275,000, which is now being used by a commission for the particular purpose of investigating this blight. I ask that the Secretary read the resolutions of the Pennsylvania Forestry Association, to which I have referred.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE PENNSYLVANIA FORESTRY ASSOCIATION,
Philadelphia, Pa., December 20, 1911.

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.

SIR: I wish to call your attention to resolutions passed by the Pennsylvania Forestry Association at their annual meeting on December 11, 1911, as follows:

"Whereas the chestnut-tree blight has caused a loss to the Nation estimated at $25,000,000 and threatens the destruction of the chestnut forests of the country; and

"Whereas there is great need for further investigation into the habits, distribution, and methods of control of the chestnut blight fungus in this and adjoining States:

"*Resolved*, That the Pennsylvania Forestry Association strongly urges the Pennsylvania delegation in Congress to support the bill which has been introduced into both Houses appropriating $80,000 for the use of the United States Department of Agriculture in investigating the chestnut blight."

It is hoped that you will support this bill. The Commonwealth of Pennsylvania appropriated $275,000 to be used in combating this disease, and every possible means is being employed to check the further spread of the blight. This is a national problem, however, since the blight has appeared in Maryland, Virginia, West Virginia, New York, and most of the New England States, and the assistance and cooperation of the National Government would be most acceptable.

Very respectfully,

F. L. BITLER, *Recording Secretary.*

Mr. SWANSON. Mr. President, I rise to advocate the amendment offered by the senior Senator from Massachusetts [Mr. LODGE]. This blight is very extensive. It is very rapid and destructive in its methods. The Legislature of Virginia has made an appropriation to cooperate with the Federal Government in this matter. I do not think that in the preservation of our forests this Government can afford to be parsimonious. One of the most important matters in connection with the wealth of this Nation is the preservation of its forests. Not only on account of the value of the timber, not only on account of the protection and benefit it gives to watersheds and rivers and the prevention of devastation caused by overflows, but the considerations of beauty and many other considerations induce me to conclude that this should not be a parsimonious appropriation.

It would seem to me that the Federal Government could very easily afford to appropriate the amount named by the Senator from Massachusetts. If these trees are to be saved it should be done quickly and promptly. Large forests and large trees are being rapidly destroyed. We have not ascertained the cause of the blight. Experiments have been made in a desultory way, but no scientific investigation has yet been made as to the means to arrest this blight. I hope the chairman of the committee will agree to the amendment offered by the Senator from Massachusetts.

Mr. MARTINE of New Jersey. Mr. President, I desire simply to say that I heartily indorse the amendment offered by the Senator from Massachusetts. In my own experience, this blight has been most destructive. It is not confined to young trees, but trees that I know to be 50 years old have been attacked and destroyed by it.

In answer to the suggestion made by the Senator from Idaho, I will say the roots of the trees are not usually left alive—only in exceedingly rare instances are the roots left intact—but I can cite the cases of trees 20 inches and more in diameter whose roots as well as trunks and branches are dead from this cause.

To us in New Jersey the chestnut tree is the most valuable timber we have. It is not only used for general building and fencing purposes, but it is used for interior finishing. Almost any appropriation within reasonable bounds would be wise on the part of the United States Government to attempt to stay the destruction by this blight.

Mr. BURNHAM. Mr. President, so far as I have any authority to do so, I shall be very glad to accept the amendment proposed by the Senator from Massachusetts. I wish to add, in support thereof, the closing words of the report of the chief of the bureau, Dr. Galloway, to the Secretary of Agriculture, in which he says:

> In view of the immense value of the chestnut forests of the United States, estimated at from $300,000,000 to $400,000,000, and the wide territory already affected by the disease, which has caused damage to the extent of at least $25,000,000, we believe that the amount proposed to be appropriated—
>
> That is, $80,000—
>
> is none too large.

I hope the amendment to the amendment will be agreed to.

The amendment to the amendment was agreed to.

Mr. OLIVER. On page 89, line 20, I move to strike out the word "twenty" and to insert "thirty."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 89, line 20, in the amendment of the committee, after the word "sum," it is proposed to strike out "twenty" and to insert "thirty," so as to read:

> Of which sum $30,000 shall be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 90, after line 6, to insert:

> To enable the Secretary of Agriculture to establish and maintain an agricultural experiment station near Jerome, Lincoln County, Idaho, on Government land, for the irrigation of which water will be furnished free of charge as long as the land is used by the Government for experimenting in the cultivation, acclimating, and development of the most nutritious and productive types of potatoes, and for the purpose of experimentation and development of American sugar-beet seed adapted to the irrigated lands of the arid West, and for the erection of the necessary buildings, the preparation and distribution of reports and bulletins, and other necessary expenses, $10,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 18, to insert:

> Hereafter so much of the act of May 26, 1910 (36 Stat., p. 416); as requires the Secretary of Agriculture to transmit annually to the Secretary of the Treasury, for submission to Congress, detailed estimates for executive officers, clerks, and other employees in the various bureaus, offices, and divisions of the Department of Agriculture shall not apply to such employees in the meat-inspection service or employees engaged in the enforcement of the insecticide act of 1910.

Mr. CHAMBERLAIN. Mr. President, I was on the committee which reported this bill, but I do not remember the reasons given by the Secretary of Agriculture for the amendment, and I should like to know what he said about it.

Mr. BURNHAM. I think the understanding of the committee was that we should communicate with the Secretary of Agriculture and get a definite answer with reference to this amendment; and the Secretary's answer states:

> I return herewith proposed draft of amendment with my approval. I suggest a change in it as submitted herewith.

That change has been made. So that the Secretary of Agriculture has approved the amendment.

Mr. CLARK of Wyoming. Mr. President, can the Senator in charge of the bill tell why these particular employees should be excepted from the general provision of the law?

Mr. BURNHAM. As I understand, this provision is intended so that the meat-inspection and insecticide acts shall go on; that each of those branches shall take care of its own expenses.

Mr. WARREN. If those employees come up under the regular statutory roll for general appropriation, it would still leave the $3,000,000 intact. The proposition is to take out of the $3,000,000—which is the annual appropriation made year after year and made so by the terms of the original act—the pay of all of the employees thereunder; and each year there is reported to Congress the amount paid out, and so forth. It is hard to estimate the expenditure beforehand, and of course you can hardly estimate for individuals that are employed only by the day as the emergency arises. This is rather in the line of economy than otherwise, because it prevents any money being used in the payment of men working under this three-million-dollar appropriation.

Mr. CLARK of Wyoming. I understand that this exception does not include the regular employees of the department.

Mr. WARREN. Not at all.

Mr. CLARK of Wyoming. But it only includes those employed from time to time as the occasion demands.

Mr. WARREN. Those that are payable under the three-million-dollar appropriation whether they are employed by the year or otherwise.

Mr. CLARK of Wyoming. I still can not understand why they should not be estimated for the same as are any other employees.

Mr. CHAMBERLAIN. I can not but believe that that provision ought not to be inserted in this bill. The Inspection Bureau of the department is now undergoing an inspection. A charge is made—and there is some proof tending to show it—that there is not that publicity given to the service that ought to be given to it. It seems to me that in inserting this clause in the proposed law we are doing away with some of the publicity, at least, that now exists under the law as it is to-day. I hate to object and make the point of order that the amendment is new legislation, but I should really like to have a better explanation than has been given for excepting this particular class of employees from the statute.

Mr. WARREN. I will admit that I may have made a poor explanation, but I will state that here are $3,000,000 a year appropriated, in terms providing for all expenses. Under that appropriation the employment of the men and all expenses come out of the $3,000,000. In the insecticide act there is another

appropriation of what we call a lump fund. We provide there that that sum shall be all that shall be used for that purpose. Now, if you paid upon a statutory roll, they would have to come up as regular employees of the department in an estimate to the Treasury Department, and their pay would come out of the regular fund. The only way that this service could be estimated for in advance would be for the Secretary of Agriculture to presume upon what he may want, estimate the salaries of the men, take that estimate to the Secretary of the Treasury, and have him submit the estimate for them to Congress, as payable out of a special fund, but even then without some legislation it could not be advantageously done.

Mr. HEYBURN. Mr. President, I want to inquire of the Senator from Wyoming whether or not he is referring to the $3,000,000 fund in connection with the entire service, or whether he is referring to the $3,000,000 fund in regard to the Forest Service?

Mr. WARREN. No; not the Forest Service at all. The $3,000,000 is for the inspection of meat.

There is another sum, that we passed a while ago, that applies to the specific laws as to insecticides and fungicides. That is intended to be a round sum, out of which the Secretary of Agriculture provides for all expenses. We have provided otherwise here, as near as we can, for the publicity to which my colleague alludes, and which it is very proper to keep in view:

That hereafter as much of—

And so forth.

Mr. HEYBURN. From what page does the Senator read?

Mr. WARREN. I am now referring to page 90. I think I have it here. If not, I shall find it somewhere else. That is to say, the Secretary of Agriculture each year renders specifically his account, showing every man he has employed and the money he receives; so that the publicity part of it exceeds the degree of publicity that it would receive if they were carried in the classified service. To estimate beforehand for the sums that may be expended would be extremely difficult. So long, however, as we make it obligatory that all of the clerks and employees shall be paid out of that sum, we keep it separate in the manner that is provided here.

Mr. HEYBURN. My attention was drawn to the following statement on pages 170 and 171 of the Statement of Expenditures, Department of Agriculture, for the fiscal year ending June 30, 1911:

Total amount of appropriation	$3,000,000.00
Total expenditures under above groups	2,861,587.16
Unexpended balance on Aug. 31, 1911	138,412.84
Balance to be turned back in Treasury (estimated)	121,264.05

That all deals with the $3,000,000 appropriation. It appears that there is a balance to be returned to the Treasury out of that appropriation. That is true of other schedules, if I may term them such, and it is true in the Forest Service, that there is a large balance to be turned back into the Treasury.

Mr. WARREN. I do not want to presume as to what the Senator may have in mind, but if there is a balance it goes back to the Treasury, of course.

Mr. HEYBURN. Then why should we reappropriate a sum in excess of the conceded necessities? That $3,000,000 appropriation is not a sacred appropriation. Every Congress may, of course, deal with any law that exists on the statute books. We are about to appropriate more than the amount necessary to meet the expenses of the service indicated.

Mr. WARREN. But at other times the full amount has been used, and they have even been short. It happened that they had a balance last year. They were able to get through with less than the amount appropriated; but that is not, I think, a sufficient warrant for us to repeal the statute as it stands—providing for the annual appropriation of $3,000,000. If we should renew the appropriation and this year there should be another surplus, and perhaps a larger one, and next year there should be again another, I would join with the Senator in an effort to reduce the annual appropriation, but so far the amount appropriated has been sometimes less and sometimes more than was needed, and I think oftener less than more. I speak without my notes, of course, before me, but that is my remembrance of it.

Mr. HEYBURN. There is one place in the statement of expenditures where it is stated that there is $1,800,000 to be turned back. Ought not these sums—I suppose they will be turned back——

Mr. WARREN. Will the Senator stop right there a moment? I know to what he refers. He refers to the million dollars, I assume, appropriated as an emergency fund for forest fires.

Mr. HEYBURN. No; I do not refer to that particularly.

Mr. WARREN. A large part of that amount has been turned back to the Treasury.

Mr. HEYBURN. I had it a moment ago——

Mr. WARREN. I will say that that question will come up, and perhaps I ought to say that a year or two years ago we had——

Mr. HEYBURN. The Senator will find it on page 771:

Balance to be turned back in Treasury (estimated), $1,814,631.70.

Mr. WARREN. I have not that before me. From what fund was that?

Mr. HEYBURN. That is under the Forest Service.

Mr. WARREN. Yes. Now, Mr. President——

Mr. HEYBURN. I am only citing that for the purpose of inquiring whether the Senator has information as to whether or not these sums will be turned back into the Treasury before or at the end of the fiscal year and be available as a part of the money to meet our appropriation bills?

Mr. WARREN. At the end of each fiscal year the unused portion of the annual appropriation of $3,000,000 goes back into the Treasury for general use. The appropriation to which the Senator alludes occurred in this way: We had, the year before, an emergency which justified the use of money without an express appropriation, under the emergency clause.

Mr. HEYBURN. We may think we had, but we violated the Constitution when we undertook to do it.

Mr. WARREN. That may be so, but the whole procedure of the Government is based upon that emergency clause. In case of war or in case of a great forest fire it has always been made use of and probably always will be. We had fires that cost some seven or eight hundred thousand dollars.

Mr. HEYBURN. Where?

Mr. WARREN. All over the country, particularly in the Northwest.

Mr. HEYBURN. All right. I will discuss, when I come to it, the cost of those fires.

Mr. WARREN. Very well. The Secretary came to Congress and, after his presentation of the case, got $750,000 in a deficiency bill to cover the expenditure, and no voice was raised against it. In the next year the Congress saw fit, in view of that emergency, to place a million dollars at the disposal of the Secretary of Agriculture for emergency purposes. He used only about $22,000 of it and the balance went back into the Treasury. That is the large sum to which the Senator has referred.

Mr. HEYBURN. That is a fine illustration of what I have contended for here. A lot of exaggerated newspaper statements and pictures of whole communities burning up came to the attention of Congress. Congress immediately took the words of the sensational reporters that there were millions of dollars worth of property being destroyed, and it turned out that it was about the cost of one good stock farm.

Mr. WARREN. Does the Senator claim that the fires of two years ago, during the continuance of which a portion of the Army was called out to aid in suppressing them, were "one-stock-farm" fires?

Mr. HEYBURN. I was on the ground and saw those fires. I know something about them and may, if I find occasion, tell something about them.

Mr. WARREN. The Senator did not tell us about them when we appropriated $750,000 in a deficiency bill to cover the expenditure.

Mr. HEYBURN. If the Senator will refer to the RECORD, his memory will be refreshed as to what I said then. I may take chances on repeating myself to-morrow.

Mr. WARREN. I hope the Senator will refer to the RECORD of which he speaks to refresh his own memory. I think it justifies the confidence reposed in the officers of the Department of Agriculture that with that large sum at their disposal—a million dollars for that purpose—they expended only $22,000 and turned the rest back into the Treasury.

Mr. HEYBURN. I am sorry it was not all turned back. I am sorry that they were compelled to spend any of it, because all loss and destruction is deplorable.

Mr. WARREN. So am I. I am very sorry.

Mr. HEYBURN. But we are now dealing with the Treasury of the United States, and we do not want to deal with it recklessly.

Mr. WARREN. Does the Senator wish to cut down the $3,000,000 a year for the inspection of meat?

Mr. HEYBURN. No; I do not know that I want to cut that down. I am going to consider those questions. I rose principally to establish the status of this $3,000,000 appropriation. The Senator from Wyoming had, as I understood him, spoken of it as a fund that we have no control over, as an appropriation

that had been made, and was a continuing appropriation. I do not so understand.

Mr. WARREN. Mr. President, however the Senator understands it, we appropriated it in this way, that hereafter annually there should be paid so much, just like the amount under the Hatch and Morrill Acts that go to the agricultural colleges. It is true that we could amend the law; it is true that we could change the law; but there is that much appropriated and provided for exactly the same as a quite large class of other standing annual appropriations.

Mr. HEYBURN. Mr. President, the distinction is obvious between the Morrill Act appropriation and this appropriation. That act was made for the establishment and maintenance of educational institutions. This is simply for the current expenses of the Government, and, under the law, we are bound to observe the necessities and confine the appropriations within the limit of the necessities. When it is demonstrated, as it is year after year, that $3,000,000 is not needed and that $1,000,000 is sufficient, would we be held to appropriate $3,000,000, not for some private institution or the advancement of some science but for the payment of expenses? The payment of expenses is a very definite proposition; expenses exist only to the extent that they exist.

I wanted to call attention to the $3,000,000 item in the Bureau of Animal Industry. I shall probably, when we reach the reserved paragraphs of the bill, call attention to the $3,000,000 appropriation in the Forestry Service, as well as to the $1,000,000 appropriation for the protection of timberlands against fire, but I only rose on this occasion to discuss the $3,000,000 claimed to be an obligatory appropriation upon Congress for the Bureau of Animal Industry.

Mr. WARREN. And it is so until repealed.

Mr. HEYBURN. But if we fail to appropriate it, it is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The totals will be changed to correspond with the amendments after the bill shall have been completed.

Mr. SWANSON. Mr. President, if that completes the committee amendments I desire to offer an amendment.

The PRESIDING OFFICER. Is it the desire at the present time to go back and take up the items that were passed over?

Mr. SWANSON. It seems to me——

Mr. SUTHERLAND. Mr. President, I have an amendment which I desire to offer to a committee amendment, on page 2, and I will ask leave to return to that page for that purpose.

The PRESIDING OFFICER. The Senator from Utah offers an amendment to a committee amendment. If there be no objection, the amendment to the amendment will be entertained now.

Mr. BURNHAM. Mr. President, I will say that there is no objection to that course so far as the committee is concerned.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 14, before the word "law," it is proposed to amend the committee amendment by striking out "three" and inserting "one," and after the word "law" by inserting the words "clerk, at $3,000; 2," so as to read:

One law clerk, at $3,000; 2 law clerks, at $2,500 each.

Mr. SUTHERLAND. The purpose of that amendment, Mr. President, is to pay to the law clerk who acts as Solicitor in the absence of the Solicitor $3,000 instead of $2,500 per annum. I will say to the Senate that the employees holding similar positions in the Department of Commerce and Labor, in the Treasury Department, in the Interior Department, and in the State Department receive that amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. FLETCHER. I ask that the amendment be stated again. I did not understand it.

The PRESIDING OFFICER. The amendment to the amendment will again be stated.

The Secretary again stated the amendment to the amendment.

Mr. FLETCHER. Mr. President, I think that is a mistake, and I hope the Senate will not agree to it. The recommendation of the Secretary is that there should be three of these clerks. He has shown the necessity for them, and I do not think we ought to change the number back to one.

The PRESIDING OFFICER. The Chair will suggest that it does not change the number, but increases the salary of one of the clerks.

Mr. FLETCHER. Very well. I understood that the amendment would restore the text of the House bill.

Mr. SMITH of Georgia. It provides for one law clerk at $3,000 and two law clerks at $2,500.

Mr. SUTHERLAND. That is correct.

Mr. FLETCHER. Then I have no objection to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SWANSON. I desire to offer an amendment. On page 70, line 8, I move to strike out "two" and insert "five." I call the attention of the chairman of the committee to the amendment.

Mr. BURNHAM. I have no objection, so far as I have power, to accepting the amendment.

Mr. SWANSON. In line 11, page 70, I should like to state to the committee and also to the Senate that the foreman of this Bureau of Distribution now gets $1,200.

Mr. SMITH of South Carolina. Is the Senator correct in stating the place?

Mr. SWANSON. Page 70, line 8. The amendment proposes to pay the foreman of the Farmers' Bulletin distribution exactly the same salary as is paid to the foreman of the miscellaneous distribution. That is $1,500. Now, under the bill here the forewoman under the foreman gets $1,400; another forewoman gets $1,200.

It seems to me that this man, who has been there a long time, foreman of this division, should be paid the same salary that is paid the foremen of other divisions which have less work.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 70, line 8, strike out "two" and insert "five," so as to read:

One foreman, Farmers' Bulletin distribution, $1,500.

The amendment was agreed to.

Mr. MARTINE of New Jersey. I desire——

Mr. CLARK of Wyoming. I rise to a point of order. I supposed the committee amendments were all to be disposed of before individual amendments were considered.

Mr. MARTINE of New Jersey. I thought the committee amendments had been considered.

Mr. CLARK of Wyoming. No.

Mr. WARREN. There were quite a large number which we passed over.

The PRESIDING OFFICER. Committee amendments will be considered at the present time.

Mr. WARREN. I suggest that we turn to page 65. I notice that the Senator from South Dakota [Mr. CRAWFORD] is in his place.

Mr. MARTINE of New Jersey. I desire to inquire of the Chair when it will be in order for me to present the amendment? If the bill is passed, I can not amend it. I will say that I have submitted my amendment to the chairman of the committee, and it meets with his approbation.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Jersey that as soon as the committee amendments are disposed of—those in the bill—the Senator will be recognized.

Mr. SWANSON. It seems to me we agreed that certain parts of the bill should be passed over. Now that we have considered the other committee amendments, it seems to me we should first proceed to perfect those amendments in the bill which have not been considered.

The PRESIDING OFFICER. Consideration of the committee amendments passed over can be demanded at any time, and it is now demanded, and the first amendment which has been passed over will be stated.

Mr. CRAWFORD. I ask the Senate to recur to the amendment passed over at my request on page 25.

The PRESIDING OFFICER. The Chair thinks the amendments passed over ought to be taken up in order. The first amendment will be stated.

The SECRETARY. On page 28, relative to the Forest Service.

Mr. BORAH. I should like to ask the chairman in charge of the bill if he desires to complete the bill to-night? There is going to be some extended discussion upon that portion of the bill which relates to the Forest Service. I should prefer to discuss it to-morrow, and yet if it is the desire of the Senator to go ahead I will not inconvenience him.

Mr. BURNHAM. Of course, I would be very glad to get through with the bill to-night, but if there is going to be any prolonged discussion I should like to see it completed, with the exception of the forestry matters.

The PRESIDING OFFICER. If there be no objection, the amendments relating to the Forest Service will be passed over

for the present, and the next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is, on page 53, to insert at the top of the page——

Mr. HEYBURN. That belongs to the Forest Service.

The PRESIDING OFFICER. It will be passed over.

Mr. NELSON. Has that amendment been read?

The PRESIDING OFFICER. The amendment goes over as being a part of the Forest Service appropriation.

The SECRETARY. The next paragraph passed over is, on page 55, relative to "General expenses, Bureau of Chemistry."

Mr. HEYBURN. That was passed over because of the unusual and ambiguous language in which the section is clothed.

Mr. WARREN. Is that the one regarding the Marsh test?

Mr. HEYBURN. I will read it, and perhaps the committee will undertake its revamping.

On page 55, commencing in line 18, it reads:

General expenses, Bureau of Chemistry: For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture.

Now, this is the language that is unusual:

In the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

Mr. President, I think that preamble should be stricken out, and we might begin with the words "for chemical apparatus," which occur on the next page. No legislation should be clothed in any such language.

The PRESIDING OFFICER. Does the Senator from Idaho make a motion?

Mr. BURNHAM. What amendment does the Senator suggest?

Mr. HEYBURN. I suggest striking out all of it down to line 3, on page 55, and then enumerating what you propose to do.

The PRESIDING OFFICER. Does the Senator from Idaho make that motion?

Mr. HEYBURN. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 55, after the heading in line 18, strike out down to and including line 2, on page 56, as follows:

For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

The amendment was agreed to.

The SECRETARY. The next passed over amendment is relative to the Wind Cave Reservation.

Mr. WARREN. I beg pardon. There is an amendment on page 57 that was passed by. The Senator from Idaho wished some information about it. I have the correspondence here.

Mr. HEYBURN. I would be very glad to be informed. It is an unusual proceeding.

The PRESIDING OFFICER. The amendment will first be stated.

The SECRETARY. On page 57, after the word "dollars," in line 13, it is proposed to insert:

Provided, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent 813,728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. WARREN. The House committee passed this amendment and put it in the bill, but under the rules of the House it was stricken out. The President sent some correspondence here, or directed Mr. Hilles to forward it. I will send it to the desk that it may be read.

It seems that this test has already been used more or less by the Government, and it is desirous of obtaining the right to use it, and the amount stated is not only for the use of it hereafter, but to settle for any use of it made heretofore.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

CINCINNATI, *April 5, 1912.*

His Excellency WILLIAM HOWARD TAFT,
President of the United States, Washington, D. C.

SIR: In my letter to you of December 11, 1909, I referred to you for your consideration the question of compensation by the Federal Government for the use of the process of Letters Patent No. 813,728, owned by Messrs. Alfred C. Marsh and Louis H. Weissleder, and popularly known as the "Marsh test."

You thereupon appointed a special committee for investigation of the matter, this committee consisting of representatives from the Treasury Department, the Department of Agriculture, and the Department of Justice.

This committee reported favorably and recommended the payment of $5,000 for the patent, and the recommendation of the committee was approved by the solicitor and Secretary of the Department of Agriculture and by the principal officials of the Treasury Department and Department of Justice, and you indorsed the report, "I favor this purchase if authority exists to carry it out."

The Department of Justice concluded that it was best to present the matter of payment to Congress, and this has been done in the form of a proviso in Agricultural bill (H. R. 18960), this proviso being found on page 56 of that bill in the following language:

"*Provided*, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by Letters Patent 813728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said proceed by the United States."

In Report No. 271 accompanying this bill the House Committee on Agriculture, Mr. LAMB, chairman, on page 5 of the report, commented on this proviso as follows:

"This new language has been added at the request of the Attorney General, and the Chief of the Bureau of Chemistry states that it is the best test for artificial coloring in liquors of any kind, and the department has been using this patented test without compensation to the patentee."

I was in hope that with all these favorable recommendations there would be no further delay in obtaining payment to the owners of the patent, but I notice from the CONGRESSIONAL RECORD of March 11 last that this proviso went out on a point of order.

From the circumstances in connection with the matter I am convinced that it did not go out on any consideration whatever of the merits; in fact, the merits were not given any consideration on the floor of the House, but that the time reserved for the consideration of this agricultural bill in the House had practically been consumed when the proviso was reached, and that the House desired time for the consideration of other matters in the bill, and that in order to save time this proviso was simply stricken out, as will appear from the CONGRESSIONAL RECORD of the issue of Monday, March 11, last.

The agricultural bill as passed by the House has been sent to the Senate, and I presume has been referred to the Senate Committee on Expenditures in the Department of Agriculture, of which Mr. HENRY F. LIPPITT, of Rhode Island, is chairman.

It is with some hesitancy that I approach you on the subject, as the matter is now in the legislative branch of the Government, but I wish to advise you of the present status of the matter, to see whether something can not be done to expedite compensation to the owners of the patent.

It does not seem to me that the Government ought to be placing itself in the position of knowingly using the process of the patent and to gain the enormous benefits it has from this process, and fail to promptly make the comparatively small payment mentioned in this case, especially as the thorough investigation of the matter by all the departments resulted in unanimous recommendation in favor of the purchase by every official who has given the matter consideration. The claim is not one where the owners of the patent have insisted on an exorbitant payment, or even on a payment which to them appears commensurate with the benefits derived by the Government, but have readily agreed to the recommendations of the committee.

While viewed in a certain light, the matter is now before the legislative branch of the Government, it would seem to be not exclusively so, for it concerns a very important tool of the Government, and it is a tool that is required by the departments mentioned, and has been and is being used by them very extensively. The executive branch is at all times perfectly justified in insisting upon the legislative branch providing it with the necessary tools to transact its business.

I hope that some action can be taken so that the real situation and the real merits of the case and the smallness of the compensation asked can be brought home to Congress, so that this matter may be disposed of and the owners of the patent promptly paid for the same.

Prompt action should be taken for the reason that the Senate committee is now giving the agricultural bill consideration and is about to report.

Appreciating anything that the executive branch of the Government can do in this matter, I am,

Respectfully,

A. F. HERBSLEB.

Concurred in by me:

JOHN ELIAS JONES,
On behalf of A. C. Marsh.

Mr. BORAH. I was not able to follow the reading very well, and I do not know what the Government wants with this test. What does the Government want to buy it for? For what use?

Mr. WARREN. I do not suppose the Government is going into the whisky question as a business, but in the pure food and drugs act and in the general consideration that the Government is giving to pure food and drink the departments have been called upon, as Senators know, to ascertain the quality of whisky; and I know it has been a question "What is whisky?" This is one of the tests that has been used.

Mr. BORAH. It ought to be determined by the experts. Has the Government been using this test right along?

Mr. WARREN. It has to some extent; I do not know how extensively.

Mr. BORAH. Is there any reason why the Government should not use it right along?

Mr. WARREN. Well, there is perhaps no reason why the Government, as it is strong enough, should not enter the house of the Senator, or mine, and take anything it sees fit, but when a man has a patent and has rights the Government should not invade them.

Mr. BORAH. Is that true?

Mr. WARREN. That is true. This is to buy for the Government that patent.

Mr. BORAH. If a patent runs against the Government, upon what theory has it been using this test?

Mr. WARREN. As a matter of accommodation, I presume. The Government has repeatedly used patents without authority, and we have had large bills in the Claims Committee and the Military Affairs and other committees to compensate for such use, and we have paid large amounts for such use.

The Government sometimes finds itself under the necessity of using a patent without arrangements for its use, and it uses it bodily *and* forcibly and settles afterwards. Moreover, a patentee often wants to have the Government use his device in order that he may have the Government pass upon its efficiency, and later on the Government, if it finds it satisfactory, makes compensation.

This is a matter of no moment to the committee and certainly is none to me, but it is sent up from the Executive Office for the consideration of the committee and is indorsed by the executive department.

Mr. NELSON. It seems to me this patent can not be valid, for the reason that I remember when we had the pure-food law here printed circulars were handed around from various manufacturers showing how to color whisky, how to blend it, how to age it. Formulas were given how to make 10-year-old whisky, how to make 15-year-old whisky, how to color it, and how to age it, and all those things. So it is no longer a secret, and I do not see the occasion, in view of what transpired at that time, to buy this obsolete patent.

Mr. WARREN. It is not a patent to make whisky, but it is a test to enable the Government to detect in whisky artificial coloring matter, and so forth.

Mr. NELSON. We can all test it. It does not require any patented machine or apparatus to determine what whisky is. I can always tell by a man's breath whether it was a blend or a straight whisky.

Mr. WARREN. I wish at this time to testify that the country would like to purify the breath of those who take whisky, and the odor of whisky itself, and would like to see something done about it; but if the Senator thinks each one should pass upon his own whisky we might apply that to food, and say we have entirely too much legislation with respect to what we ought to eat and drink otherwise.

Mr. BORAH. I raised my objection in good faith. I do not understand why the Government should enter upon this principle, either from a legal or a moral standpoint; but I shall not object to its consideration to-night. However, if the bill is to go over, I should like to have this item go over until to-morrow.

Mr. HEYBURN. I should like to have the Senator apprised as to the correspondence. There is no letter from the President *recommending that* we acquire this patent. The President does not express any view, one way or the other.

Mr. WARREN. I did not claim that the letter was from the President.

Mr. HEYBURN. I was not charging the Senator with that.

Mr. WARREN. A part of the papers the Senator has there are private papers, in nowise pertaining to the so-called Marsh test, and I did not expect to have them read.

Mr. HEYBURN. That puts a different phase on it. I will hand them back to the Senator.

Mr. WARREN. It is only this one [indicating]. These [indicating] are all right.

The PRESIDING OFFICER. Senators will please address the Chair and get permission to interrupt.

Mr. HEYBURN. I will invite the attention of the Senate for a moment to the letter which has been read inasmuch as the Senator says he has no objection.

Mr. WARREN. I account for its being addressed to me by the fact that I had charge of the last Agriculture appropriation bill before this one. For that reason, I assume, it was addressed to me.

Mr. HEYBURN. The letter is addressed to the Senator from Wyoming, and I call the attention of my colleague to it:

THE WHITE HOUSE,
Washington, April 8, 1912.

MY DEAR SENATOR WARREN: I send you herewith, by direction of the President, a letter which he has received from A. F. Herbsleb, of Cincinnati, Ohio, concerning the claim of Alfred C. Marsh and Louis H. Weissleder.

Sincerely, yours,
CHARLES D. HILLES,
Secretary to the President.

Hon. F. E. WARREN, *United States Senate.*

He does not say that he believes it to be true or untrue, and it is only fair to say that the letter inclosed is from an attorney and counselor at law in Cincinnati—I presume one of the attorneys of the whisky men.

Mr. WARREN. The Senator ought not to assume that I am undertaking to deceive him or the Senate in any way.

Mr. HEYBURN. I am not assuming that the Senator would do that in any way.

Mr. WARREN. The letter came from the executive department for investigation by the committee, and when the Secretary of Agriculture came before the committee he brought up the matter and recommended it. It went in the bill on the House side, but went out on a point of order, and the Secretary asked us to insert it.

Mr. MARTINE of New Jersey Mr. President, I will say—not in the sense of a man experienced in the matter of the color of whisky—that it seems to me the amendment involves a sheer waste. It would seem to me that an examination as to whether liquor was pure or not would establish well enough whether there was coloring matter in it or not. And, pray God, what difference is there if there is a little coloring matter in it? What difference does it make, if the whisky is good—and generally whisky is pronounced good.

To those of the Senate who may be in doubt as to the color of whisky, I say: Come to the glorious Commonwealth of New Jersey, where they brew rivers of an elixir known as applejack. Whether colored or otherwise, it is rich in aroma, delirious as an intoxicant, promoting happiness, health, and longevity. This being so, I hold it to be a crime to squander the people's money only to establish a color. Why, Mr. President, after a couple of drinks of New Jersey liquor they would not be able to detect that there were colors in a rainbow. But, Mr. President, dismiss this question, and on the adjournment I invite you to come to New Jersey and see, taste, and test for yourself. Come!

Mr. BORAH. I desire to know what the Government wants with it?

Mr. WARREN. Before the work was over this board was appointed, as stated in the letter, by the executive department, consisting of a representative of the Department of Justice and the Department of Agriculture and the Treasury Department. They reported in favor of this test, and it was indorsed by this department, and the department has asked for it. It is an easy matter to dispose of if there is any opposition to it.

Mr. BORAH. Who were the committee?

Mr. WARREN. The members of the committee are not named, but the committee consisted of representatives from the Treasury Department, the Agricultural Department, and the Department of Justice.

Mr. BORAH. If the matter was properly examined by a committee that did not represent the interests of those who desire to sell the patent, it would be, of course, worthy of consideration, but we have not anything before us now, as I understand the reading of the letter, except the correspondence from some one who desires to sell this test.

Mr. WARREN. We have the letter of those who called attention to the fact that it was laid before the President; that the President had appointed a committee of representatives from these three departments; that these three departments recommended the purchase of it, for the Agricultural Department; and that the Agricultural Department recommended it to Congress. It went in the bill on the House side, and some one had it stricken out on the floor on a point of order, and we have introduced it here.

Mr. BORAH. Has the Senator there the recommendation of the committee and the ground for the recommendation?

Mr. WARREN. Here?

Mr. BORAH. Yes.

Mr. WARREN. I have not.

Mr. BORAH. That is what I want to see. But if the Senator desires to vote on it, I will agree to a vote on it.

Mr. HEYBURN. There is one thing that should be made clear. A suggestion was made, I think by the Senator from Wyoming, that the question as to what was whisky had been considered and much attention given to it by the department, and that that was evidence tending to show that the department had occasion to deal with this question.

They have just as much occasion to deal with this question as with the question, "What is whisky?" It was purely voluntary action on their part. There is no legal function that they are called upon to perform that made it necessary to enter into a consideration of what was whisky, because that is a question which has to be settled by the court, involving the question as to whether or not it is whisky.

But some of those who were engaged in that overleaping of the limits of jurisdiction, failing to distinguish between the Department of Justice and the Department of Agriculture, entered upon the consideration of a moot question as to what was whisky. That affords no ground whatever for the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The SECRETARY. The next passed over amendment is on page 65, after line 17, to insert:

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of bison to be presented to the United States by the American Bison Society, and for such other native American animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such other lands as may be necessary for the purpose of assuring an adequate, permanent water supply at a cost not exceeding the sum of $15,000, which amount, or so much thereof as may be necessary for the said purpose, is hereby appropriated. There is hereby further appropriated the sum of $17,000, or so much thereof as may be necessary, for the purpose of enabling the Secretary of Agriculture to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals; in all, the sum of $32,000, to be available until expended.

Mr. GRONNA. Mr. President, I asked that these amendments be passed over because I was not quite familiar with their provisions. To the establishment of a national game preserve for the protection of bison I have no objection, but on line 24 of page 65 it provides:

For such other native American animals as may be placed therein.

I do not know whether it is the intention to have the Government go into the business of stock raising or not. We hear a great deal said against the Government ownership of railroads and other public utilities. Now, it may be that it is all right for the Government to engage in stock raising. There seems to be no objection to that.

The information I desire to get from the Senator from South Dakota [Mr. CRAWFORD] is this: The amendment authorizes the Secretary of Agriculture to acquire this land by condemnation, and so forth. I should like to know how much of this land is proposed to be purchased by the Agricultural Department for this game preserve.

Mr. CRAWFORD. The Government has at this time 10,500 acres of land in the Black Hills known as the Wind Cave National Game Preserve. It belongs to the Government. The cave is a curiosity which is frequented by visitors. The large tract of land is lying there idle. The American Bison Society, of which Mr. Hornaday is chairman, has for a number of years been raising and protecting what few specimens we have left of the American bison. This society made application to the Government to make some arrangement by which it could turn over to the Government to be kept in this reservation as pasture some 15 native American bison. The representative of that society went out there, looked over the reservation, and reported that it was very suitable for the purpose, save and except to make it a success it was necessary to get a small tract of land adjacent to this large tract of 10,500 acres in which there was a natural flow of water the year around which these animals would have access to.

Mr. BORAH. Mr. President——

Mr. CRAWFORD. Just let me finish this statement. Dr. Palmer, of the Department of Agriculture, came before the committee and said they had received information as to the price at which they could secure 400 acres of land adjacent to the reservation in which there was water, giving the figure at which the 400 acres of land containing the water could be secured, namely, $15,000.

Now, as a business transaction, if we have a tract of 10,500 acres of land without water and can secure adjacent to it a tract of 400 acres of land with water sufficient to water the animals that are to be kept on it, it is a very good proposition on the part of the Government to secure that 400 acres of land. The only expense involved is $15,000 for the purpose of purchasing this small tract of 400 acres adjacent to the large tract of 10,500 acres for the purpose of getting water. The other item is for fencing the reservation, in order that these animals may be placed there. There are 15 of the bison in possession of the American Bison Society, which they propose to put into this pasture. The expense of the bison is nothing to the Government at all. The other refers to other animals and has relation simply to the elk. There was a proposition also to put some elk in this pasture. I will say to my good friend the Senator from North Dakota that I do not think the keeping of 15 or 25 head of native buffalo and a few large elk in the pasture will in any way jeopardize the land-holding industry of the United States.

Mr. GRONNA. If the Senator will allow me, I want to strike out the word "animals" and insert in lieu the word "elk." Would the Senator have any objection to that amendment?

Mr. CRAWFORD. None whatever. I am not responsible for the use of the words in the amendment of the committee.

Mr. GRONNA. I move as an amendment that the word "animals" be stricken out and the word "elk" inserted.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator will allow the amendment to be stated?

Mr. BORAH. Certainly.

The SECRETARY. On page 65, line 24, after the word "American," strike out "animals" and insert "elk."

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. CRAWFORD. Does the Senator desire to discuss the question?

Mr. BORAH. Yes; and to ask for some information.

There are now about 200,000,000 acres of land withdrawn in this country. I do not understand the necessity of this movement which is on foot to create forest game reserves in different parts of the Union in addition to the 200,000,000 acres of reserve lands which we have already.

There are several parks in which these bison are kept, and they can just as well be kept there as here where we are going to purchase this land. I do not understand the necessity of purchasing private land which ought to be in private ownership and not in public ownership, as we have such a vast amount of reserved land already. Neither do I understand the necessity of preserving upon the face of the earth these bison. What possible benefit can they be to anyone? They look just as well in photographs as they look in reality, and when they are gone the country and the world will be no worse off than before. What possible reason is there for preserving them? Does the Senator know of any?

Mr. CRAWFORD. If the Senator is expressing himself with cold matter of fact on the question of commercial value, I do not suppose there is any, but we have been in the habit, and I presume we will continue to be in the habit, whether it is a curious one or not, of indulging in things of this kind for their relation to natural history if for nothing else. While the native American bison is not a handsome animal, he has cut a very large figure in the history of the United States, and I do not think we want to have the species become extinct.

Mr. NELSON. Mr. President, if the Senators will yield to me, I will explain to them the great value and use of the buffalo. When I first came to Minnesota, in 1871, nearly every farmer and all the people I met had fur overcoats and they were of buffalo skin. They were the very best of overcoats. A farmer at that time could buy an ordinary fur overcoat for $16, and if it was silk lined you could get elegant coats for $25. I have worn them when the weather was 25 and 30 degrees below zero, and our people have to wear fur coats in such weather. Those coats were used by everybody.

They kept on slaughtering those bison. I remember one winter when a fellow came through our little town. He had four or five sled loads of buffalo skins. I bought a fine one for $4 and another one not quite as good for $3, and out of the two I had a fine overcoat made, that lasted me for years and years.

What have our farmers got to wear now? Most of their fur coats are of dogskin and other kinds of plunder. I should like to see the bison herds restored, so that all farmers could have the old-time buffalo overcoat that we used to wear in the old days in Minnesota. There is nothing, either for warmth, for protection, or for wear, equal to the overcoats made from buffalo skins. I hope to God we can have the buffalo herd restored, so that all the farmers in the northwestern country can have heavy buffalo robes and overcoats, as in the good old days before we had the initiative and referendum and the recall and all other fads.

Mr. ROOT. Mr. President——

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I want to express hearty approval of the observations made by the Senator from Minnesota. When I was a boy in northern New York there was no farmer so poor that he could not have one or two buffalo robes for his sleigh. The American bison is an animal which affords the great advantage of furnishing a warm covering for winter and food at the same time. If he is raised and killed, both his skin and his meat are valuable. I think it very desirable if we can preserve this species and so stimulate the raising of buffalo.

May I make one suggestion as to the amendment proposed by the Senator from North Dakota?

Mr. BORAH. Yes.

Mr. ROOT. I think it would be unfortunate to leave the bill so that it will provide a range for a herd of bison "and other native American elk."

Mr. GRONNA. Does the Senator from New York know of any other animal that he thinks he would like to include?

Mr. OVERMAN. Mr. President, I hope we will not strike out the word "animal." We might want to put in "'coon." In the old days they wore 'coon-skin caps with buffalo overcoats. Let us go back to the old days.

Mr. BORAH. Mr. President——

Mr. CRAWFORD. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from South Dakota.

Mr. BORAH. I thought the Senator yielded when I said I wished to ask for information.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. CRAWFORD. I do.

Mr. BORAH. I do not think the Senator from New York or the Senator from Minnesota expects that we shall ever have sufficient bison in this country to restore the overcoats at the price they were purchased in the old days. Of course, I presume that is a mere matter of pleasantry. This is a fad—nothing else in the world—and it will never amount to anything except to preserve a few of these animals to satisfy the taste of some of those who are engaged in this kind of work.

But even if we are going to raise these animals for the purpose of supplying overcoats, why not put them somewhere on the 200,000,000 acres we already have? Is there any reason why they will grow better fur or better skins on this particular scheme of the Senator from South Dakota than in the 200,000,000 acres scattered all over the United States? We are driving the settlers into Canada while we are endeavoring to raise buffalo in this country. I think it is better to give a chance for the common overcoat and the common citizen instead of having no citizen and having the buffalo.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. I wish to inquire of the Senator whether he has considered the plan of promoting the cultivation of buffalo by a protective tariff on them as you do on sheep?

Mr. BORAH. This is a bounty, which is altogether better than a protective tariff.

Mr. CRAWFORD. Mr. President, the fact is that this is a part of the 200,000,000 acres of land about which the Senator is talking. This 10,500 acres is a part of a forest reserve now, and it is a natural habitat of the bison. In the early days they lived there on the native pasture, and they can do so now. It involves no expense except to turn these animals into that pasture. If the water is furnished they can maintain themselves. The Government owns the land. It is a simple proposition of acquiring 400 acres additional for the water and putting fences around it, and the question is solved so far as these few head of native buffalo are concerned.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. I do.

Mr. CLARK of Wyoming. I am in accord with the Senator in his desire to preserve the buffalo, but I suggest to him whether we have not already a fine buffalo range in the Yellowstone National Park, consisting of, I think, 2,000,000 acres of land. There is quite a large and, I understand, a thriving and growing herd of buffalo now taken care of there. They are looked after by the Government officials in that park.

Is this provision necessary in view of the fact that we have already established in the Yellowstone Park what you might call a buffalo reserve with ample range for them? I very much doubt whether 10,000 acres fenced in would protect the buffalo, but we have 2,000,000 acres in the Yellowstone National Park. I ask for information.

Mr. CRAWFORD. This is simply a little proposition for the preservation of 15 or 20 head of bison which the American Bison Society is interested in keeping alive. The remnants of the bison are offered to be given to the United States if the Government will furnish the pasture. They have examined this pasture and they find it suitable and desirable. They propose to turn these animals in there if the Government will simply put a fence around what is already a Government reservation and secure water on the small tract of 400 acres adjacent.

Mr. CLARK of Wyoming. My suggestion was drawn out by the fact that we have already practically a reservation which includes this among other purposes, and the question is whether we shall go to work and expend $30,000 or $40,000 now and incur a continuous expense to accomplish the same purpose.

Mr. CRAWFORD. I do not understand that there will be any expense in addition to the fencing.

Mr. BORAH. It will take several keepers to look after the buffalo.

Mr. CRAWFORD. I do not know about keepers.

Mr. BORAH. There will be one keeper for every buffalo inside of the next five years.

Mr. CRAWFORD. Apparently there is great fear in Idaho and Wyoming that we may infringe on their native game preserves if we have 15 or 25 head of buffalo put in a park in the Black Hills.

Mr. CLARK of Wyoming. Mr. President, I resent the statement of the Senator from South Dakota. I asked a question which I think is reasonable.

Mr. CRAWFORD. I will say to the Senator that I am not informed.

Mr. CLARK of Wyoming. We are considering a question of public expenditure. I did not make any statement as to my view. I asked the Senator what he thought of the Yellowstone National Park proposition.

Mr. CRAWFORD. I do not know about the number in any of the other forest reserves. I am not informed about that.

Mr. BORAH. I presume there can be no possible reason for separating these 15 head of bison from the other bison found in the United States unless there be some difference in the breed or something of that kind. If there is, perhaps there may be a reason for it.

Mr. NELSON. If the Senator will allow me, there are two good reasons. They need water for the buffalo. That is the object of getting the 400 additional acres of land. I can readily see that the Wind Cave will be a great shelter to the buffalo in winter. [Laughter.]

Mr. BORAH. I want to ask one more question. What kind of land is this 400 acres?

Mr. CRAWFORD. It is land very much like the rest, but it has water on it.

Mr. BORAH. Is it land fit for cultivation, fit for homes?

Mr. CRAWFORD. No, sir. That whole region is not adapted to the general purpose of farming, because it is on the plateau and has always been and probably always will be a range country rather than an agricultural country. It is naturally a range country where the native buffalo grass grows, and it is a natural habitat for the buffalo. It has not been devoted to small farming and probably never will be. It is a most natural region for these animals to prosper in. It is a pasturage.

Mr. SHIVELY. Mr. President, I understand that the Government already owns the ten thousand and more acres.

Mr. CRAWFORD. It does.

Mr. SHIVELY. On the ten thousand and more acres there will be the food for the buffalo?

Mr. CRAWFORD. Yes, sir.

Mr. SHIVELY. And Wind Cave will be a shelter for the buffalo?

Mr. CRAWFORD. The Senator from Minnesota said so. I would not dispute the Senator from Minnesota.

Mr. SHIVELY. And all that is required is some additional land to furnish water for the buffalo?

Mr. CRAWFORD. There is some water near by, which they have an option on.

The PRESIDING OFFICER. The Chair understands the Senator from New York moves to strike out the word "other."

Mr. ROOT. No, sir.

Mr. GRONNA. I was going over this rather hurriedly. I will ask the Senator from South Dakota if he would have objection to the following amendment:

After the word "animals" add "such as moose, deer, and elk," and then leave the language as it is?

Mr. SMITH of South Carolina. Mr. President, I suggest in place of striking that out, how would it do to insert "such other American game animals as may be placed there"?

Mr. GRONNA. Some claim that the buffalo is a domestic animal. I have no objection to that.

Mr. SMITH of South Carolina. I think that will cover the point the Senator is making.

Mr. GRONNA. I think my amendment would cover it if we add after the word "animals" the language, "such as moose, elk, or deer."

Mr. SMITH of South Carolina. Then the Senator would be satisfied with any kind of animals. I think the word "game" would evidently cover the point.

Mr. GRONNA. I will accept the language of the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, the vote inserting the word "elk" will be reconsidered. Will the Senator from South Carolina restate his amendment.

Mr. SMITH of South Carolina. After the word "American" I move to insert the word "game."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "American," in line 24, on page 65, it is proposed to insert the word "game," so that it will read:

And for such other native American game animals as may be placed therein.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, when I asked that this amendment go over, it was for the purpose of moving to strike out the word "bison" and inserting "buffalo." The American people have always known that animal as a "buffalo," although scientifically it is known as a "bison." I move to strike out the word "bison" in line 22 and to insert the word "buffalo." Then everybody will known what we mean.

Mr. WARREN. Does the Senator mean where the society is named?

Mr. HEYBURN. No; I do not care for the society. It may call itself by any name it pleases, but the animal we want legislatively to be a buffalo.

Mr. CRAWFORD. Mr. President, that is the name of a society. You can not change the name of a society by an amendment to an appropriation bill.

Mr. HEYBURN. I am not proposing to change the name of the society.

Mr. WARREN. The Senator from Idaho refers to the word "bison" in the line above, where the society is named.

Mr. CRAWFORD. I imagine we all understand what the meaning of the word is.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 65, line 22, it is proposed to amend the committee amendment by striking out the word "bison" and in lieu thereof inserting the word "buffalo."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, it seems to me that the land where water is would be quite large enough for what number of buffalo—is it 12? The amendment uses the term "herd," but there is no particular number of animals that constitute a herd in law, and I should like to know what the number is. Some Senator mentioned the number, and I think he said 12.

Mr. BORAH. Fifteen.

Mr. CRAWFORD. Twenty-five was the last statement.

Mr. HEYBURN. Well, 25 buffalo do not need 10,000 acres of land. I just had the one object in asking to have it go over.

The PRESIDING OFFICER. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next committee amendment passed over was at the top of page 57, to insert:

For the establishment of a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than 2,000 acres in township 41 north, ranges 115 and 116 west, $50,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve.

Mr. HEYBURN. I ask that that go over, to be considered in connection with the forest-reserve provisions.

The PRESIDING OFFICER. It will be passed over on the request of the Senator from Idaho, if there be no objection.

Mr. WARREN. Does the Senator think that that has any reference to the forest-reserve portion of the bill?

Mr. HEYBURN. In my judgment it has, and the proposition there will be discussed in connection with the forest reserves.

Mr. WARREN. I want to say to the Senator that the reserve proposed to be created is not in any existing forest reserve, and the provisions relating to the forest reserves would have no reference to this item.

Mr. HEYBURN. That is true; but I intend to trespass upon the patience of the Senate while I consider the propriety of creating game preserves, for which there is no law, and to consider the question as to whether or not we are now going to inaugurate a law for the creation of game preserves.

Mr. WARREN. Let me say to the Senator that this hardly affects that question. The elk drift out in the winter from the Yellowstone Park—which of course is an old reserve, established long before there were any forest reservations—and many of them die every winter unless taken care of. It is in the interest of economy to provide a place into which they may drift in winter, that they may there be provided for and go back to the Yellowstone Park in the summer season.

Mr. HEYBURN. I am personally acquainted with those elk; I have seen them in their home, and I have eaten some of them in the neighborhood of it. I believe in protecting them. I would protect those elk until they can get Jersey cows up there. I thought when some Senator spoke about having an animal—I think it was the Senator from New York [Mr. ROOT]—which would furnish clothing and food that we have that kind of an animal out in Idaho that will take the place of any of them, and that is the sheep. I am not going to prolong the discussion over this matter. I only want to say that I am going to discuss, in connection with this bill, the right and the propriety of creating game preserves.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. WARREN. Mr. President, I do not understand that the Senator insisted upon the amendment going over.

Mr. HEYBURN. No; I can raise the question on the amendment in the Senate if I desire to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. On page 88, after line 19, it is proposed to insert the following:

And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. I ask that that go over. That is so intimately associated with the question to be discussed which is reserved that I think it ought to go over.

The PRESIDING OFFICER. Without objection, the amendment will go over. That completes the committee amendments, except those passed over.

Mr. OVERMAN. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from New Hampshire will accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, lines 23 and 24, it is proposed to amend the committee amendment by striking out "three hundred and sixty thousand" and inserting in lieu thereof "five hundred and sixty thousand," so as to read:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $560,000.

Mr. OVERMAN. Mr. President, it will be noticed that for the boll weevil the House appropriated $332,960, and for the farmers' demonstration work only the sum of $30,000 was appropriated. We have been appropriating money for the buffalo and other animals, and I want to increase the appropriation for farm demonstration work from $30,000 to $200,000.

Farm demonstration work is doing more for this country to-day, by reason of a fund Mr. Rockefeller has given, than anything else in aiding our people in increasing the yield and the acreage in wheat and in corn. This is but a small pittance, but it will help in demonstrating to the farmers what kind of seed to use, the necessity of getting new seed, and increasing the acreage in corn and cotton. I think it is a very important matter, and I hope the Senator from New Hampshire will accept the amendment.

Mr. BURNHAM. Mr. President, this amendment was not presented to the committee, and I should like to have it go over until to-morrow, so as to have time to consider it.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw the amendment?

Mr. OVERMAN. No; let it stand, and it can be taken up to-morrow.

Mr. BURNHAM. Very well; let that be the understanding. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 14, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy grace, O Lord God, our heavenly Father, possess our minds and hearts this day, that our paths may be bright, our ways gentle, our work efficient in Thy sight; and all praise shall be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army;

S. 5608. An act providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes;

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho;

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho;

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.;

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.;

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stats. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake;

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky;

S. 5507. An act for the relief of A. W. Cleland, jr.;

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6245. An act to provide for an enlarged homestead entry in Arizona, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes;

S. 5952. An act to provide for an enlarged homestead entry in Nevada, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors;

S. 2949. To establish a hydrographic station at Los Angeles, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North, between Pembina, N. Dak., and St. Vincent, Minn.;

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes;

S. 5906. to provide for the erection of a public building at Keyser, W. Va.;

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; and

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

The message also announced that the Senate had passed with amendments the bill H. R. 20840, entitled "An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia," in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes; and

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 5608. An act providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.; to the Committee on Public Buildings and Grounds.

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky; to the Committee on Claims.

S. 5507. An act for the relief of A. W. Cleland, jr.; to the Committee on Indian Affairs.

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary; to the Committee on Claims.

S. 4791. An act authorizing the patenting of certain lands to rural high school district No. 1 of Nez Perce County, Idaho; to the Committee on the Public Lands.

S. 6245. An act to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes; to the Committee on Indian Affairs.

S. 5952. An act to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors; to the Committee on Interstate and Foreign Commerce.

S. 2949. An act to establish a hydrographic station at Los Angeles, Cal.; to the Committee on Naval Affairs.

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911"; to the Committee on the Judiciary.

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.; to the Committee on Interstate and Foreign Commerce.

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington; to the Committee on Military Affairs.

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes; to the Committee on Naval Affairs.

S. 5906. An act to provide for the erection of a public building at Keyser, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; to the Committee on Public Buildings and Grounds.

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits; to the Committee on the Public Lands.

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake; to the Committee on the Public Lands.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being the day set apart for the consideration of business from the Committee on the District of Columbia, I move to take up Senate bill 2224, to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Speaker to lay before the House House joint resolution 39, with a Senate amendment, in the nature of a conference report.

Mr. JOHNSON of Kentucky. I ask for the regular order, Mr. Speaker.

Mr. RUCKER of Missouri. It is a privileged report.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I would like to inquire whether the bill referred to by the gentleman from Missouri [Mr. RUCKER] is here in the shape of a conference report or not?

Mr. JOHNSON of Kentucky. It is not a conference report, Mr. Speaker.

The SPEAKER. The Chair will state to the House that where there is a dispute about conference reports and other matters being taken up, in the very nature of things the conference reports ought to have the right of way.

Mr. JOHNSON of Kentucky. Mr. Speaker, I insist on the regular order.

The SPEAKER. There is this much to be said about it: The matter is here in the shape of an attempt to try to get the two Houses together upon it.

Mr. BARTLETT. The Speaker made a reference to conference reports.

The SPEAKER. Yes; the Chair stated that, but the Chair was referring to the machinery of the House that tends to bring a matter in conference to an ultimate conclusion.

Mr. BARTLETT. Yes; but I desire to suggest to the Speaker, if the Chair will permit, that there is a difference as a matter of privilege between the consideration of a conference report and a mere matter on the Speaker's table, a report or message from the Senate informing the House of its action upon a certain measure. As I undersand the situation—and if I am incorrect in the statement that I make of it I would be glad to be corrected by the Speaker—if I understand the proposition before the House correctly, there is no report of the conferees of the House, no report to the House of the result of their conference. The conferees on the part of the House have not made any report to the House. The Senate conferees reported to the Senate a disagreement. The Senate, on motion of a Senator, took a vote upon the proposition that the Senate recede from its amendment to the House resolution. The Senate voted down that proposition.

The SPEAKER. The Chair would like to ask the gentleman from Georgia a question.

Mr. BARTLETT. I will be glad to answer it if I can.

The SPEAKER. Is not the whole machinery about conference reports, and so on, and so on, made privileged for the purpose of reaching the ultimate stage of any legislation?

Mr. BARTLETT. That is true. But we have no conference report here, Mr. Speaker, and if there was a report from the conferees, then it would be a matter of absolute privilege to take it up and for the House to dispose of the matter. I do not wish to occupy the position, Mr. Speaker, that business upon the Speaker's table can not be called up and disposed of, but I do occupy the position, Mr. Speaker, that a conference report is of greater privilege and priority than a mere message from the Senate informing the House of the action of the Senate upon a particular House bill or resolution; and therefore I rose to a parliamentary inquiry before the proposition was put or acted upon, in order that the Speaker might state to the House the exact parliamentary situation of this resolution.

The SPEAKER. The Chair will state it, and if he does not state it correctly, somebody that knows exactly the details will please state it.

Mr. MANN. Mr. Speaker, may I call the attention of the Speaker to the situation?

Mr. BARTLETT. May I inquire—if the gentleman will allow me to continue for a moment, or I will yield to him if he desires—may I inquire of the Speaker whether the conferees on the part of the House have made any report to the House on the action of the House conferees as to the conference on the difference between the two Houses?

Mr. RUCKER of Missouri. I will say no.

The SPEAKER. The conferees of the House have not made any such report. The Senate sent a message over to the House stating that they adhered to the Senate amendment.

Mr. BARTLETT. Exactly, and that is upon the Speaker's table.

The SPEAKER. That is upon the Speaker's table, and it is a privileged matter.

Mr. BARTLETT. I do not dispute that proposition, Mr. Speaker. Far be it from me to do so, because I am too familiar with the rules to dispute the proposition. But I suggest to the Speaker, if he will pardon me for making the suggestion, that that did not assume the same character of privilege as would put everything else out of the way.

The SPEAKER. The gentleman from Texas [Mr. BURLESON], for instance, has a proposition about a conference report, and if he had brought in a conference report and were in here with the report and he and the gentleman from Missouri [Mr. RUCKER] were competing with each other for recognition, the Chair in his discretion would recognize the completed conference report of one committee in preference to an unfinished conference report of the other. But no such situation has arisen here.

Mr. BARTLETT. But, Mr. Speaker, if the Chair will indulge me a moment, the conferees did report to the Senate.

Mr. MANN. No.

Mr. BARTLETT. Then I will withdraw from what I said. I thought they did. The Senate conferees went into the Senate and made a motion that the Senate recede from its amendment, which was voted down, and the House conferees, as I understand it, or the Senate conferees, have made no report to either House; and the matter in dispute between the two Houses, so far as the Journals of the two Houses show, is still in conference between the two Houses and not here for consideration.

The SPEAKER. But it is not still in conference, because the conference broke up without an agreement.

Mr. BARTLETT. Mr. Speaker, at the proper time I desire to be recognized to make a preferential motion.

The SPEAKER. The gentleman's rights will be protected.

Mr. MANN. Mr. Speaker, the House passed a resolution. It went to the Senate. The Senate amended the resolution. It came back to the House. The House disagreed to the Senate amendment, and the matter went to conference. In the Senate, without any report from the committee of conference, action was taken upon the resolution, as was perfectly proper, and that action has been messaged over to the House and is now on the Speaker's table. It has got beyond the point where it has to go to a committee.

Now, Rule XXIV provides that the daily order of business shall be as follows:

First. Prayer by the Chaplain.
Second. Reading and approval of the Journal.
Third. Correction of reference of public bills.
Fourth. Disposal of business on the Speaker's table.

This resolution is on the Speaker's table to be disposed of.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The Chair will make a general statement about this, as it will save trouble hereafter.

The Chair has no knowledge of what sort of motion the gentleman from Missouri [Mr. RUCKER] proposes to make, and the Chair does not care to know. That is the gentleman's right. He may ask for a new conference, if he wants to, to insist on consideration of the Senate amendment; or he may move to concur in the Senate amendment; or he may make any other motion that is proper; and if the gentleman from Georgia [Mr. BARTLETT] wants to make a preferential motion, he has a perfect right to do it; but the entire machinery of the House, especially with reference to conference reports, is intended, in

the light of the experience of the House, to bring things to an ultimate conclusion; because if a conference report did not have the right of way, then there would be no limit to this session except the first Monday in December. In recognizing various gentlemen for various purposes the Chair must keep in view the promotion of necessary public business.

Mr. BARTLETT. Mr. Speaker, if the Chair will pardon me, I have made no point of order on the proposition. I merely endeavored, if I could, to get the parliamentary situation before the House, so that those of us who did know what it was might act in accordance with the rules of the House. Now, Mr. Speaker, I do not doubt the right of the conferees, or of any Member of the House, to call for the submission of matters upon the Speaker's table which are privileged. The only thing I suggested that might contravene that idea was that that particular kind of privileged matter was not of the degree of privilege that a conference report was, and that is all I have done.

The SPEAKER. If the gentleman will permit, the gentleman rose to a parliamentary inquiry.

Mr. BARTLETT. Yes; that is all I could do, Mr. Speaker, to get the floor.

The SPEAKER. But under the guise of a parliamentary inquiry the gentleman very skillfully raised two or three points of order.

Mr. BARTLETT. I do not know whether I did it skillfully or not, but I intended to do just exactly what I did.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Was not to-day set apart by unanimous consent for consideration of business coming from the District Committee?

The SPEAKER. This is the regular District day.

Mr. SIMS. The regular District day, and not by unanimous consent?

The SPEAKER. It is.

ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Chair to lay before the House House joint resolution 39, with the Senate amendments.

The SPEAKER. The Chair lays before the House a certain House joint resolution, with Senate amendments, which the Clerk will report by title.

The Clerk read the title of House joint resolution 39, proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The SPEAKER. The Clerk will now report the resolution of the Senate adhering to its amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
April 23, 1912.

Resolved, That the Senate further insist upon its amendment to the joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RUCKER of Missouri. Mr. Speaker, it is my purpose at the proper time to move that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. BARTLETT. Will the gentleman make that motion now?

Mr. RUCKER of Missouri. I do not make that motion now, but I am simply trying to notify gentlemen of what I propose to do.

Mr. BARTLETT. I have a preferential motion.

The SPEAKER. The Chair will recognize the gentleman from Georgia in ample time.

Mr. BARTLETT. But, Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has the floor.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. My point of order is that if the gentleman from Missouri declines to make any motion at all, then any Member who has a preferential motion has a right to make that motion now.

The SPEAKER. Undoubtedly the right to make a motion is not confined to the gentleman from Missouri.

Mr. RUCKER of Missouri. Mr. Speaker, I have announced what motion I intend to make.

The SPEAKER. The gentleman will have to make his motion.

Mr. RUCKER of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment known as the Bristow amendment, and concur in the same.

The SPEAKER. The gentleman from Missouri moves that the House recede from its disagreement to the Senate amendment and concur therein.

Mr. BARTLETT. Mr. Speaker, I make the preferential motion which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "*Provided*, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election.

Mr. RUCKER of Missouri. Mr. Speaker——

Mr. BARTLETT. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Having offered a preferential motion which tends to bring the two Houses together, I claim that that is the first question to be debated, and that the Member offering that motion is to have control of the time and debate so far as his side is concerned upon that motion.

The SPEAKER. Undoubtedly, when the time for voting comes the motion offered by the gentleman from Georgia is first to be voted upon.

Mr. BARTLETT. But, Mr. Speaker, that is not the point of order I made.

Mr. RUCKER of Missouri. I claim that I have the floor.

The SPEAKER. The gentleman from Missouri was recognized and is entitled to the floor for one hour.

Mr. RUCKER of Missouri. Mr. Speaker, unless there can be an agreement for a reasonable time for debate within an hour the gentleman from Missouri will move the previous question on these motions. If there is anybody opposed to this measure, I will agree as to the time to be allowed for debate.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I raise the point of order, and ask the judgment of the Chair upon it, that the gentleman from Missouri having moved to concur in the Senate amendment, and I having made a preferential motion to concur in the Senate amendment with an amendment, which motion takes precedence over the motion to concur, that that motion is to be first disposed of, and that the party offering the motion is entitled to proceed and discuss that motion and control the time for one hour.

The SPEAKER. The situation is this: Both motions are pending, and when the vote is taken the vote will first be taken on the motion offered by the gentleman from Georgia. In the meantime the gentleman from Missouri has the floor and is entitled to one hour. He is entitled to do what he pleases with that hour under the rules of the House. If he wants to move the previous question he has the right so to do.

Mr. BARTLETT. Anybody can move the previous question.

The SPEAKER. But he can not do it while the gentleman from Missouri has the floor.

Mr. RUCKER of Missouri. Mr. Speaker, if we can not agree as to the time for general debate something will occur suddenly.

Mr. BARTLETT. Oh, there is no question as to what the gentleman from Missouri will do.

Mr. PAYNE. There is nobody on this side that is opposed to this proposition.

Mr. RUCKER of Missouri. Is there anybody on this side of the House that is opposed to the proposition?

The SPEAKER. The Chair will recognize the gentleman from Georgia [Mr. BARTLETT] as having charge of the opposition.

Mr. BARTLETT. And I am proud to occupy that position, Mr. Speaker.

Mr. RUCKER of Missouri. How much time does the gentleman from Georgia want for debate?

Mr. BARTLETT. I want about an hour myself.

Mr. RUCKER of Missouri. And how much time for that side?

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a question for unanimous consent.

The SPEAKER. Touching this matter?

Mr. HENRY of Texas. Touching this matter.

Mr. BARTLETT. I think the gentleman from Missouri and I can agree upon the time.

The SPEAKER. The gentleman from Texas asks unanimous consent to make a request.

Mr. HENRY of Texas. I ask unanimous consent that 30 minutes' time be allowed to the gentleman from Missouri and 30 minutes' time to the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. And at the end of that time the previous question to be considered as ordered?

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this matter shall extend for one hour, the gentleman from Missouri and the gentleman from Georgia shall have half an hour each, and that at the end of the hour the previous question shall be considered as ordered.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that debate may be limited to two hours—one hour on a side, the gentleman from Georgia to control one hour and I to control the other.

The SPEAKER. The gentleman from Missouri asks, in lieu of the request of the gentleman from Texas, that general debate be limited to two hours, one hour on a side; that the gentleman from Georgia [Mr. BARTLETT] may control one hour and the gentleman from Missouri [Mr. RUCKER] the other hour; and at the end of the expiration of the two hours the previous question shall be considered as ordered.

Mr. BARTLETT. The previous question on what?

The SPEAKER. On these two motions. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I desire to know if the business for District day will follow immediately after this matter is disposed of?

The SPEAKER. The District business will follow immediately after these motions are disposed of unless a supplemental privileged motion or request is made. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PEPPER, for eight days, on account of important business.

To Mr. HEFLIN, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. KAHN, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of House bill 5748, granting a pension to Mary Burnet, Sixty-second Congress, no adverse report having been made thereon.

ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to have read from the Clerk's desk a letter written April 27, 1912, by John M. Stahl, of Chicago, legislative agent of the Farmers' National Congress, on this subject.

The Clerk read as follows:

FARMERS' NATIONAL CONGRESS,
UNITED STATES OF AMERICA,
Chicago, April 27, 1912.

Hon. WILLIAM W. RUCKER,
The House, Washington, D. C.

DEAR SIR: The Farmers' National Congress, which for 20 years has advocated the direct election of United States Senators, is indeed gratified to observe that the joint resolution bearing on this reform is about to receive the sanction of both Houses, and largely because of the conciliatory attitude of the House. This confirms the opinion we have always entertained and expressed that the Congress of the United States is a remarkably high-minded, honorable, and patriotic body, earnestly desiring to do that which will be for the public welfare and ready to surrender small differences of opinion to gain real progress and reform.

We most earnestly hope that when the joint resolution above referred to comes to a vote in the House next week that it will receive a large favorable vote, making such a large majority in its favor as will carry much weight to State legislatures.

The farmers of the United States are watching with much interest the course of the two Houses of Congress on this and other measures, and will note with interest the votes of individual Members of Congress.

I most earnestly ask you to use a moment of the precious time of the House to communicate to it the very earnest wish of the farmers of the United States, as expressed through the Farmers' National Congress, for the passage of the joint resolution for the direct election of Senators, coupled with our very high opinion of the Congress of the United States and belief in its sincerity, ability, and patriotism.

I have the honor to be,
Very respectfully, yours,

JOHN M. STAHL,
Legislative Agent, Farmers' National Congress.

Mr. AUSTIN. Mr. Speaker, before the gentleman from Missouri yields the floor I would like to ask him if he has a letter from the Woman's National Suffrage Association, or Mrs. Bennett, of Kentucky, which he could read to the House?

Mr. RUCKER of Missouri. I have received a letter from the gentleman's constituent, which I will transmit to him.

Mr. AUSTIN. She is not a constituent of mine.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know who has the conclusion of this debate as it now stands, the gentleman from Missouri or myself? The first motion comes from him, but my motion is a preferential motion, and being the first to be voted on should I not have the close of the debate?

The SPEAKER. The Chair would think that the gentleman from Missouri has the right to conclude the debate.

Mr. RUCKER of Missouri. That has been the universal practice.

Mr. BARTLETT. I do not think it has been the universal practice.

The SPEAKER. The motion of the gentleman from Missouri brings the two Houses together.

Mr. BARTLETT. So does mine, Mr. Speaker.

The SPEAKER. If some gentleman were to arise and make the motion to amend the amendment of the gentleman from Georgia, why, then, according to his own theory, the closing of debate would shift to that Member.

Mr. BARTLETT. Not at all, Mr. Speaker.

Mr. RUCKER of Missouri. The parliamentary practice is that I would have the closing of debate.

Mr. BARTLETT. The gentleman has not investigated the practice.

The SPEAKER. The practice is, a Member occupying the position of the gentleman from Missouri, with reference to this bill, would have the closing.

Mr. RUCKER of Missouri. And the gentleman from Georgia knows the precedents—— [Cries of "Regular order!"]

The SPEAKER. The Chair is willing to hear the gentleman on the question of order.

Mr. BARTLETT. I merely wanted to have the question of procedure settled.

The SPEAKER. The Chair thinks that the closing of debate rests with the gentleman from Missouri.

Mr. BARTLETT. All right.

The SPEAKER. The Chair recognizes the gentleman from Georgia for one hour.

Mr. BARTLETT. Mr. Speaker, it is unfortunate that a question of so much importance to all the people of the United States, involving a question of a radical change in the form of our Government, should be permitted to be considered but for an hour on each side. It is unfortunate that a proposition so vital to the welfare, the continued progress of prosperity of the section from which I come—to the 13 States of this Union known as the Southern States—in which they are vitally interested, should be permitted to be discussed so briefly. It is still more unfortunate, Mr. Speaker, that a proposition which has time and time again received the condemnation of this Democratic House, certainly upon two roll calls, should now be approved by this House and the Democratic position thereon reversed, and that only an hour should be given to those who would uphold the right and dignity of this House; it is true that the gentleman from Missouri [Mr. RUCKER] can take an hour to show the reasons why he has receded from his former position, but he may occupy the entire hour himself, he may occupy the entire day if he chooses, he may speak until the hours become days and the days become weeks and the weeks become years and the years become cycles and ages, but the gentleman from Missouri will never be able to satisfy the country and this House why this radical change on the position which he presents to the House is justified. Mr. Speaker, I recall some of the history of this resolution. Last year, on April 13, the gentleman from Michigan [Mr. YOUNG] offered, as an amendment to the Rucker resolution, this same identical amendment, which reappears as the Bristow Senate amendment. It was advocated then by Members upon that side, and especially and strongly by the gentleman from Kansas [Mr. JACKSON]. In the debate the gentleman from Missouri [Mr. RUCKER] himself resisted its adoption in earnest and eloquent language, and called upon this side of the House to vote down this proposition, and upon a roll call a majority of 66 Democrats was then recorded against the identical proposition. On the 21st of April, 1911, when a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED] that the House concur in the amendment, and the gentleman from Missouri again was heard in debate against it, the House, by a majority of 60—111 yeas and 171 nays—refused to concur in this Senate amendment. Through the long summer months, the fall months, and the winter months, and now into the coming of summer again, this proposition lay in the conference committee, with a determination on the part of the conferees to stand by the will of the House and not to accede to the demands of the Senate.

And now, Mr. Speaker, we have the remarkable proposition, without any report from the conference committee, that the House turn its back upon what it did upon former occasions upon this very identical bill and vote to take up the Senate amendment and adopt it by concurring in it. Mr. Speaker, this amendment has somewhat of a history. In the last Congress it was what is known as the Sutherland amendment, and it was voted down in the Senate, and the very Senator who is

the author of this amendment in the Senate this Congress, a Senator from Kansas, voted against this proposition, then known as the "Sutherland amendment." When he returned home to Kansas meetings were held and certain organizations of colored voters demanded that Congress pass this amendment, and the Senator from Kansas offered it again and became its chief champion.

So this might well be dubbed "the Kansas Negro amendment to the Constitution." But time passed, and still no sign of agreement by our conferees, until there came to this city a few days ago a distinguished Democrat, who is the titular head of the party, or at least until we can have another convention; and after a conference with certain leaders of this House it was announced in the newspaper which I hold in my hand—the Washington Post—that Mr. Bryan had come, and after he had conferred with certain gentlemen—the Speaker of this House, the chairman of the Committee on Rules, the chairman of the Committee on Election of President and Vice President—orders had been given to have the House act upon this amendment and recede from its disagreement with the Senate and to accept the same. That is published in the Washington Post.

Mr. RUCKER of Missouri. May I ask the gentleman from Georgia a question?

Mr. BARTLETT. Yes.

Mr. RUCKER of Missouri. Do I understand that the paper said that orders had been given?

Mr. BARTLETT. I do not say the paper said orders had been given, but that is the effect of it, and from what is now occurring it looks very much like orders were given and they are being followed.

Mr. RUCKER of Missouri. That is the gentleman's conclusion about it.

Mr. BARTLETT. Of course, that is my conclusion and that is the conclusion that everyone would draw from this article and the change of front of the gentleman. What other reason can the gentleman from Missouri give for his turnabout face upon this proposition? The gentleman from Missouri marches out of this House backed by a majority of 66, and 60 of his Democratic colleagues of this House, enthused with the belief that he was right, and enthused, I apprehend, with a determination to stand by the will of the House. We supposed that like a knight errant, panoplied with the right that this House should have its will when 66 majority demanded it he would insist on it and we followed him, and we followed him in the contest believing that he would stand firm against the senatorial position and not yield. And lo and behold, instead of being a knight errant, bold and gallant, we find him a mere Don Quixote, returning with his favorite bill upon a stretcher after he had charged the windmills of the Senate. [Laughter and applause.] So the gentleman from Missouri comes back disfigured, maimed, his lance broken, followed by his faithful attendant, the gentleman from New York, whom I will not call his Sancho Panza, because, while he was the only attendant of the gentleman from Missouri in this wonderful crazy charge upon the Senate windmills, still the gentleman from New York did endeavor valiantly to uphold the dignity and right of the House.

So, Mr. Speaker, we are asked to-day to reverse our position. The gentleman from Missouri [Mr. RUCKER], after pledges to the House by his vote, comes back and asks that this amendment, originating in Kansas, demanded chiefly and first by the negro voters of Kansas at the hands of Senator BRISTOW, who before had voted against it, shall be agreed to; that this House shall forget its dignity, subvert its will, and pass a law which means the death of this amendment, for, if adopted, it will tend to bring about ruin and chaos again in the sections which some of us represent, and will never receive the approval of those States.

Mr. Speaker, I do not know how else to account for the sudden change of opinion of the gentleman from Missouri [Mr. RUCKER]. I do not know how to account for it unless there be some overweening and dominant power that demands this legislation at our hands. I revere great statesmen; I love my party; I have never scratched a ticket from President to coroner.

I come from a section of country, Mr. Speaker, that during all the political defeats and adversities of the party has never wavered in its devotion to Democracy. We have kept alive, like the vestal virgins of old, the faith and the fire burning upon the altar of our party when others, including Missouri, followed strange gods and hungered after the fleshpots of Egypt. [Applause.] We have not asked for offices, nor have we asked a share in the administration of the Government. I have stood in this House when only 100 Democrats from all this vast domain of ours could answer the roll call on this side; when there were only 10 Democrats from all the States other than the Southern States. But through such times we have kept the flag flying, we have kept the faith, we have kept the sacred fire alight upon the altar, asking nothing, demanding nothing. You can have your offices, you can have your patronage, but keep away from us the prospects and the probability of reenactment of the former infamous Federal election laws. [Applause.]

Mr. Speaker, I will not recount, because time is too short and the occasion does not demand it, the tribulation, the sorrows, the suffering, the horror, and the infamy of those years—1867 to 1894—when the Federal election law was on the statute books up to the hour when they were repealed by a Democratic Congress. The act of 1894 repealing these Federal election laws was signed by that illustrious Democratic President—the only one we have elected since the war—and he will go down in history as a great President along with Washington, Jefferson, and Madison, though perhaps not so great, but able, honest, faithful, and true—Grover Cleveland, of New York. [Applause.] Some may differ from me as to his greatness, some may malign him, but he will live in history as a great President, who tried to do right as he saw it, when those who have maligned and defamed him are justly forgotten.

Now, Mr. Speaker, the purpose of this Senate amendment is plain. The Senator from New York [Mr. ROOT], while this amendment was being discussed, said:

> My proposition is, that if the Members of the Senate are to be elected at popular elections, the Government of the United States must retain the power to make those elections honest and fair and free; the power to say, if the regulations prescribed by the State are not adequate to that end, that they shall be superseded by regulations made by the Congress of the United States. My proposition further is that without that power accompanying this change in the method of the election of Senators, if the change be made, the Government of the United States has surrendered the power for its own preservation and protection.

As evidence of the purpose of the advocates of this amendment I quote from the CONGRESSIONAL RECORD of date February 10, 1911, as follows:

> Mr. BACON. Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses, as they are called, all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress *should* conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?
>
> Mr. ROOT. Without the slightest doubt.
>
> Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.
>
> Mr. ROOT. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so.

Mr. RUCKER of Missouri. Does the gentleman from Georgia [Mr. BARTLETT] concede that the Federal Government has power to fix the qualification of voters?

Mr. BARTLETT. Concede its power to fix the qualification of voters?

Mr. RUCKER of Missouri. Of voters.

Mr. BARTLETT. In the case of Congressmen; yes.

Mr. RUCKER of Missouri. That the Federal Government has the power to fix the qualifications of voters?

Mr. BARTLETT. Yes; I do.

Mr. RUCKER of Missouri. I just wanted to get the gentleman's statement of it.

Mr. BARTLETT. If the gentleman will read the case of Siebold *v.* the United States he will find the courts so held.

Mr. RUCKER of Missouri. I merely want to say that the gentleman knows a good many authorities, where the Supreme Court has held affirmatively time and again that the General Government has no such power.

Mr. BARTLETT. Mr. Speaker, the gentleman from Georgia has tried to become familiar with the authorities upon this question, and I could give the names of the cases and the volumes in which they are to be found if I had the time. The gentleman has confounded that proposition with the idea that the Congress of the United States has not the power under the fourteenth and fifteenth amendments to prescribe the qualifications, and the States having prescribed them, and not having violated the fourteenth and fifteenth amendments, in not making the distinction on account of race, color, or previous condition, the Supreme Court, God bless it, has sustained our franchise laws.

Mr. RUCKER of Missouri. Mr. Speaker, I understand——

The SPEAKER. Does the gentleman from Georgia [Mr. BARTLETT] yield to the gentleman from Missouri [Mr. RUCKER]?

Mr. BARTLETT. I have to yield.

Mr. RUCKER of Missouri. No; you do not.

Mr. BARTLETT. I will yield.

Mr. RUCKER of Missouri. I beg the gentleman's pardon. As I understand the decision upon this, after the State has enacted a law fixing the qualification of voters then the Federal Government has power to see that every State exercises the law prescribed by the State.

Mr. BARTLETT. I put the opinion of Senator ROOT against the gentleman. Then the Senator gives us notice as to what it does mean, and that the Bristow amendment means that Congress, under this amendment, will have power to fix the qualifications of electors, and to the question that the Senator asked him on the floor of the Senate he said, "Without the slightest doubt."

He said:

I mean to put you on notice now, and put the whole country on notice, if my words can do so.

I do not know what the law may be, but I know what the great lawyer in the Senate who advocated it said it meant, and he put the country on notice that he intended it to mean that. That may be an answer to the gentleman; I do not know.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. BARTLETT. Yes.

Mr. COOPER. Is not this clause in the amendment: "The electors in each State shall have the qualifications requisite for electors in the most numerous branch of the legislature"?

Mr. BARTLETT. Yes; it has been there ever since the Constitution was enacted.

Mr. COOPER. Does the gentleman claim that under that provision the Congress of the United States would have the right to go into the States and prescribe the qualifications of the voters?

Mr. BARTLETT. I think that fixes the qualifications of electors when they shall be qualified to vote for the most numerous branch of the legislature.

Mr. COOPER. I always understood, and was taught so when I first began the study of law, that suffrage was not a Federal right at all, but that it was a privilege conferred by a State, and the only condition prescribed by a State was that when the State fixes the qualifications there should be no discrimination on account of race, color, or previous condition of servitude.

Mr. BARTLETT. I will read what Mr. BRISTOW, the author of this amendment, said on the subject:

I do not believe it takes away from the Federal Government the power to appoint a marshal or organize an army, as the Senator from Georgia [Mr. BACON] indicates with such emphasis. If the Federal Government can organize an army now to protect any State or the elections in any State, it can do so if this amendment is adopted.

Mr. COOPER. Will the gentleman permit an interruption right there?

Mr. BARTLETT. Yes.

Mr. COOPER. Under the Constitution as it is to-day, and as the gentleman will leave it, has not the Congress the right to go into a State so far as the election of Representatives in Congress is concerned? If the gentleman wants to conjure up a scarecrow——

Mr. BARTLETT. Oh, if the gentleman wants to ask me a question, I will be glad to answer it; but the gentleman ought not to undertake to argue the question in my time.

Mr. COOPER. We have not changed the authority of Congress?

Mr. BARTLETT. No; and you will not succeed in enacting this amendment, because the States will not vote for it.

Mr. COOPER. So far as the action of Congress is concerned, does the gentleman apprehend any danger from Members of Congress?

Mr. BARTLETT. I do not for the present.

Mr. COOPER. Then why do you apprehend any danger for your Senators? The same people will vote at the same election.

Mr. BARTLETT. Well, I wish I had more time to give the gentleman an opportunity to make a speech against my amendment. I do not think he hurts it any. On the contrary, I think he helps it.

Mr. Speaker, I was a Member of this House for 16 years, when the Republicans had the majority; I have seen Republicans discountenance and vote down and frown down any effort to reenact a Federal election law or to deprive us of representation because of our election laws in the Southern States, passed to protect us from the ignorant and vicious voter. Twenty-two years ago, when that great Speaker and statesman, Thomas B. Reed, was at the helm in this House, nobody was permitted to do it, although certain distinguished Republicans, on account of overzeal or through reasons of expediency, offered the amendment. Then followed that noble and genial gentleman, David B. Henderson, from Iowa, who was a one-legged Federal soldier who had fought for the cause of the Union and left a part of his manly body upon the battle field. He also frowned upon it. Then came that great old Roman, honest, earnest, sincere, Uncle JOE CANNON, as Speaker. [Applause.] I do not believe with him politically, and do not agree with many things that he did; I have censured him from the political standpoint; but he stood like the rock of Gibraltar, even in a Republican caucus, where his own political life might be at stake, and frowned down and fought down and voted down any effort to rejuvenate and renew the infamous Federal election laws or to injure the South. [Applause.]

And while others may censure, while others may criticize and malign and abuse him, justly or unjustly, he has a place in the hearts of the people of the South that will not be erased because of his generous treatment of the southern people. [Applause.] He may have made political success possible for some of us; nevertheless he did, although stalwart Republican, as he was, as much as anybody to allay the bitterness of the past between the sections, and I take this occasion to give him the thanks of my people. [Applause.]

Mr. Speaker, on Thursday last there gathered within my home town the remnant of the Confederate veterans, the last fragment of that heroic and glorious army that marched beneath the fiery flag of the Southern Confederacy and immortalized southern bravery and valor on every battle field of the Civil War. [Applause.] In thinned ranks and with wasted and tottering forms they joined together with their comrades in celebrating the glories of the past and the valor of their comrades. Before they adjourned, with only one dissenting voice in a meeting of 16,000 soldiers, they passed a resolution in response to the invitation of Gen. Tribble, the commander in chief of the Grand Army of the Republic, agreeing that next year they would meet him and the survivors of the Union Army on the battle field of Gettysburg [applause] to celebrate the anniversary of that great battle by recalling its memories with one another on the field where 50 years ago they stood in battle array, with bayonets pointed at each other's throats, confronting death, and making immortal not simply Union soldiers' and Confederate soldiers' valor, but making immortal the heroism of the American soldier. [Applause.] Is it not time, in God's name, that legislation should stop or, rather, not be renewed, that would reopen the scars that have healed? And shall it be the work of a Democratic House to again reopen and renew the bitterness of the past?

Even to the gentlemen who fathered these propositions that a Republican Congress voted down I now bear no animosity nor do my people bear any animosity. We honor you, because you have recognized the peculiar situation in my country and have said to us, "God bless you in your efforts to solve a problem the like of which no people in the tide of time ever faced."

And now, when Republicans for 16 years have refrained from doing it, the Democratic majority, at the demand of somebody, proposes to do what a Republican House never permitted to find its way on the calendar. When I say to my people at home that my Democratic friends in the North, the East, and the West in a Democratic House have done that which no Republican House ever succeeded in doing when it had a majority ranging at times from 13 to 150, I will tell you what they will say to me. We have followed the Democratic flag. We followed Bryan in three unsuccessful campaigns. Some of us here have taken our political lives in our hands in order to support him. There are friends and neighbors of mine who did not agree with him, and it has taken 15 years to allay their opposition, simply because I was a supporter of the present titular leader of my party. But neither Mr. Bryan, nor the Speaker of this House, nor the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, nor the gentleman from Missouri [Mr. RUCKER] can drive me or compel me to vote for a proposition which my nature condemns and which my people universally denounce. [Applause.] When a Democratic House shall put this infamy upon my people—I measure my words and mean what I say, with all due respect for those who vote for it and without meaning any offense—when a Democratic House shall put this infamy upon my people, I will give you notice now, in order that you may well reflect upon it, that you test to the breaking point our party loyalty in the coming election. We are for tariff reform. We are for the exercise of the powers of government to control and regulate interstate commerce and to regulate the trusts. We are for an economical expenditure of the Government funds; but, above all these, is our determination to preserve white supremacy. I hear it whispered by some that this is poor Democracy, but those who favor this proposi-

tion will not receive the indorsement and support of my people. I am as true a Democrat as ever lived. I have never scratched a ticket, as I have stated, from President to coroner, and I never shall.

But above the question of the tariff and the economical administration of the Government and the control of trusts and the regulation of interstate commerce arises this vital question for my people. And if a Republican majority would not put it on us for 16 years, shall it be said that the first Democratic majority in 16 years shall do that which no Republican Congress since 1890 ever dared to do? If so, then my people, while they are better Democrats than the people who support these propositions, will not give their approval or their sanction to that set of men who indorse such a doctrine. Call that treason if you please. But if that be treason to the Democratic Party, make the most of it. [Applause.]

How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman from Georgia has consumed 35 minutes.

Mr. BARTLETT. Mr. Speaker, I feel deeply in this matter, and I fear I have taxed my own strength and the patience of the House too far. I would not ordinarily speak as I do, but I feel deeply upon this proposition. I would not utter what I have said, nor would I endeavor to call attention to the difference in the party concerning this proposition, but the party might as well understand it. We have never faltered in our faith to the candidate or to the ticket. When others deserted, when others failed, with the ring of the true metal we answered every call.

This is vital. This bill gives Congress authority to erect in our midst an election board, a returning board, election judges, and supervisors. My amendment prevents Congress from doing these things. As a boy, and even after I grew to manhood, I have seen elections conducted beneath the bayonets of United States troops, by United States marshals, by Federal supervisors, and returning boards. I experienced the nightmare and the horror of it. We have got away from that, thanks in great measure to the patience, to the good will, to the desire of the Republican Party to let us alone. To those who in this great struggle have given us their sympathy we extend our thanks.

We are grateful to those of you who in that great trial gave us your help and forbearance. To those of you over on that side or on this side—Republicans, Populists, or Democrats—who in this hour propose to enact such a law and criticize us for resisting it, I say to you that we shall go on pursuing the course we feel to be right, and those who censure and criticize us will be consigned to the calm indifference of our contempt. [Applause.]

Mr. Speaker, the wisest man the world is said ever to have known, the man who wrote the Proverbs, said once:

> There be three things which are too wonderful for me; yea, four which I know not:
> The way of an eagle in the air, the way of a serpent upon a rock, the way of a ship in the midst of the sea, and the way of a man with a maid.

Unfortunately for Solomon he did not live in this day. The other thing that would have been too strange and wonderful for him would be the ways of the gentleman from Missouri [Mr. RUCKER] in his performance as conferee between the two Houses. Solomon was not wise enough to understand it, and therefore I will not undertake it.

Mr. Speaker, I have presented, hurriedly and disconnectedly, my objections to this amendment.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. BARTLETT. Always.

Mr. PROUTY. The gentleman several times during this discussion has referred to 13 States. What States did the gentleman refer to?

Mr. BARTLETT. Virginia, North Carolina, South Carolina, Georgia—I will speak for Georgia by authority—Alabama, Tennessee, Arkansas, Mississippi, Louisiana, Texas, and Oklahoma. These States that went through the hell and fire of reconstruction.

Mr. PROUTY. The gentleman means the Confederate States, the States that formed the southern confederacy?

Mr. BARTLETT. Yes.

Mr. PROUTY. And the gentleman is opposed to the amendment because it gives to the Federal Government power to supervise elections?

Mr. BARTLETT. Yes.

Mr. PROUTY. Did the gentleman know that the constitution of the southern confederacy provided for exactly the same thing that we are seeking to put in?

Mr. BARTLETT. I do not care if it did; I would not vote for it now.

Mr. PROUTY. Article 1, section 5, paragraph 1:

> The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, subject to the provisions of this constitution, but the Congress may at any time make or alter such regulations, except as to the time and place of choosing Senators.

Mr. BARTLETT. That is the same as it is in the Constitution of the United States and has been since 1789.

Mr. PROUTY. And the gentleman is trying to take it out.

Mr. BARTLETT. No; I am not trying to take it out. I want it to stay in. It is the provision that you were trying to amend.

Now, Mr. Speaker, my amendment proposes simply to provide that Congress shall not have any power hereafter to supervise the voters in a State, to establish election boards, appoint supervisors of election or returning boards, or to use the Army or the United States marshals at the polls. If that is adopted, then this amendment can be adopted. I appeal to every man on this side of the House, every Democrat, to vote for that amendment.

Mr. Speaker, I know not what may be the result of this amendment. I know that the Democratic Party ought to grant to that great Democratic region from which I come and from which the majority Members on this side come, the poor privilege of adopting this amendment of mine before it passes this new law amending the Constitution. I know as far as the ultimate results are concerned that it will never become a law by amendment of the Constitution of the United States if it is not agreed to, for the adoption of the Bristow amendment rings the death knell for this original resolution.

Be that as it may, Mr. Speaker, we of the South shall go on in the future as we have in the past. In spite of reconstruction and its infamous results, in spite of the Federal election laws, in spite of all that we have arisen from our desolation and our destruction until we stand united, unrivaled in our commercial and agricultural powers and everything that makes up great and powerful States. The vine has yielded its fruit, the earth its increase, and the sun in the heavens the sunshine, the dew and the rain, and in spite of Republican law we have prospered. We are prosperous because we have been enabled by our own efforts to solve in our own way and in God's own appointed time the problems that confronted us. If this opportunity shall be taken now to retard that great prosperity by a Democratic House, well and good, Mr. Speaker, we shall go on in the future as in the past, devoted to our principles of local self-government and the supremacy of the Anglo-Saxon race. We will make our way forward still, and we will stand by our convictions and duties regardless of party, regardless of objections, regardless of all things till—

> Wrapt in flames the realms of ether glow
> And heaven's last thunder shakes the world below.

[Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time, which is 15 mintues.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 15 minutes to the gentleman from Texas [Mr. HENRY].

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized.

Mr. HENRY of Texas. Mr. Speaker, it is a matter of regret that I can not relieve the anxiety of the gentleman from Georgia by agreeing with him in his position. I come from the same part of this country from which he hails, the South, and have no dread of the occurrences predicted by him in his remarks. I am against the amendment proposed by the gentleman from Georgia [Mr. BARTLETT] to the motion made by the gentleman from Missouri [Mr. RUCKER], because I know that if this amendment goes back to the Senate of the United States by reason of the Bartlett encumbrance the election of Senators by direct vote of the people will be postponed for many years, and the proposition will die there. [Applause.]

I am in favor of the election of United States Senators by a direct vote of the people of the respective States of this Union.

Mr. Speaker, much has been said on this question, and yet it seems to me that it is necessary to say but little in order to arrive at a correct solution of the problems before us. The gentleman's argument has covered a wide range of topics not at all relevant to the subject. In the first place, he has stated that Mr. Bryan had come to the city of Washington and whispered in the ears of the Speaker and the gentleman from Missouri and my ear that the Bristow amendment should be adopted. Mr. Speaker, long before I talked with Mr. Bryan about this matter, and long before knowing his position, I wired the gentleman from Missouri while I was in Worcester, Mass., favoring the motion he is making to-day and wished to be paired in favor of it.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HENRY of Texas. I have not the time to yield and regret it. Let me say for the gentleman's benefit to-day that if he would allow himself to follow Mr. Bryan a little oftener he would be more frequently right. [Applause.]

Mr. BARTLETT. And be certain to get beat, too, every time. [Laughter and applause.]

Mr. HENRY of Texas. Yes; as long as Democrats stab the Democratic nominee there is danger of defeat. [Applause.]

Mr. BARTLETT. That is the truth, whether it is acceptable or not.

Mr. HENRY of Texas. Now, Mr. Speaker, let us argue this question as lawyers should and see what it means. We find in the Constitution as our fathers wrote it originally, Article I, section 3:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

That was the original clause. Then we turn over to section 4 and call to it the attention of this House and the country to-day in order that we may understand the question upon which we are to vote, and not allow it to be confused by a lot of sophistries, as the gentleman from Georgia is endeavoring to do.

Mr. BARTLETT. Better have sophistries than nothing at all. [Laughter.]

Mr. HENRY of Texas. This section reads:

The times and places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, *but the Congress may at any time by law make or alter such regulation except as to the places of choosing Senators.*

Why, gentlemen, hearing the supposed argument of the gentleman from Georgia [Mr. BARTLETT], no one could discover that he had ever read that clause of the Constitution. [Applause.] He conjures up "force bills" and says they will be put upon the South again. There is no man anywhere who has higher regard for the sovereignty and rights of the States than I have, but "force bills" have no terror for me in this day and generation, for they are not again coming. My God, will sectionalism never cease and will not men on both sides of this House lay it aside when we are considering a great constitutional question? [Applause.] Let me say to the gentleman from Georgia that there was never a time during the 125 years' existence of this Government when Congress could not reach out and lay its hands upon every State of this Union in regard to the elections of Senators and Representatives both, except as to the *places* of choosing the Senators. Now, what does that mean? It simply implies that our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to regulate elections of Representatives and Senators.

Our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to take control of the elections of Representatives if they so desired, and while they have taken charge of the election of Representatives, the same men who voted for Representatives in Congress were voting for the members of the legislature who were to choose the Senators. It is all one election, and every man who intelligently reads the Constitution and statutes understands it. What is the proposed amendment which the gentleman says is so dangerous to the country. Let us anaylze it, which as lawyers and patriotic citizens we should do. Here it is, the Bristow amendment, that the gentleman from Georgia endeavors to make appear so dangerous before the American people:

The Senate of the United States shall be composed of two Senators from each State, *elected by the people thereof*, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

Instead of this Federal Government undertaking to fix the qualifications of electors, this amendment leaves in the Constitution the power providing that the States *shall fix the qualification of the electors that choose the Senators and Representatives for the State legislatures.* [Applause.] It preserves that right to the people of the various States, and does not take it away from them. Let gentlemen meet the question as it is written in the very face of the amendment and not try to confuse it with sophistry. What more? It proceeds to provide—

That the legislature of any State may empower the executive thereof to make temporary appointments until *the people fill the vacancies by election as the legislature may direct.*

That is the Bristow amendment, and is all there is to it. The gentleman from Georgia is trying to strike out of the Constitution something that was placed there when this Government was formed. [Applause.]

I am trying to keep in the Constitution what our fathers wrote there in order that we may this day institute one of the greatest reforms in the history of the Government by providing for the election of United States Senators. [Applause.] Ah, Mr. Speaker, if we will but concur in this amendment we will have no force bills in the future. There will be brotherly love between the people of every part of this great country; there will be no endeavor on the part of Senators and Representatives to stifle the voice in the different States; but the time will come, and that speedily, when the voters will choose their own Senators by direct election. Expulsion and charges of corruption may cease at the other end of the Capitol [applause], and that body will be the people's forum as well as this House, and destroy the power that now controls legislatures and fills some seats with those who are friendly to special privilege and predatory wealth and those seeking favors from the Government. Therefore I am glad of the opportunity to vote for this motion made by the gentleman from Missouri, and thus vote down the amendment designed to bury it in the Senate of the United States, where it can never again come to life. [Applause.] I am glad to say on this occasion that if we concur in the Bristow amendment we do no violence to those things our fathers placed in the Constitution, but preserve and perpetuate their ideas of government, the genius of this Republic, and make it possible for the people to control every branch of their Governments, both Federal and State. Therefore I proudly cast my vote in favor of the motion offered by the gentleman from Missouri [Mr. RUCKER.] [Loud applause.]

Mr. BARTLETT. Mr. Speaker, right at this point, since the gentleman from Texas [Mr. HENRY] has awakened so suddenly to a knowledge of the Constitution, I desire to call the attention of the House to the votes of the gentleman from Texas upon this constitutional question on two separate occasions. On the 13th day of April, 1911, the gentleman from Michigan [Mr. YOUNG] offered this identical proposition as an amendment to the Rucker bill amending the Constitution. After argument, in which, I believe but I am not positive, the gentleman from Texas participated, a roll call was had on that day, and upon this roll call the gentleman from Texas, the constitutional lawyer from Texas, so well informed of what it means now, voted "no," to be found on page 241 of the RECORD. Again, on June 21, 1911, this identical Bristow amendment was up before the House and a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED], one of the conferees upon this bill, to concur in that amendment and to concur in this amendment now pending which is to be voted upon, and the gentleman from Texas, who now parades himself as so well informed upon the question and the want of danger in the amendment, voted "no," and that is to be found on page 2433 of the RECORD of this Congress. Men change, times change, but the gentleman from Texas keeps pace even with the gentleman from Missouri in his kaleidoscopic changes on this question. I yield to the gentleman from Mississippi [Mr. SISSON] five minutes.

Mr. SISSON. Mr. Speaker, before I begin to address myself to this question, since this matter is of so much importance, I will at this time submit a request that the time be extended 1 hour, 30 minutes to be controlled by the gentleman from Missouri and 30 minutes by the gentleman from Georgia. This is a very important question, and I ask to submit that request. I have consulted the gentleman from Missouri, and he states that he would not object.

Mr. RUCKER of Missouri. I will not object.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Mississippi asks unanimous consent that this debate be extended for one hour, the time to be controlled one-half by the gentleman from Georgia and one-half by the gentleman from Missouri. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I object.

Mr. SISSON. I hope the gentleman will not object. You had 15 minutes, and many gentlemen here want to speak.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] objects. The gentleman from Mississippi [Mr. SISSON] has five minutes.

Mr. SISSON. I ask the gentleman from Texas [Mr. HENRY] to withhold his objection. This is a very important matter to the country. [Cries of "Regular order!"]

Mr. HENRY of Texas. Mr. Speaker, I withdraw the objection, inasmuch as gentlemen seem to be anxious to speak.

The SPEAKER pro tempore. Is there objection to the request made by the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. MANN. I understand that shall not affect the order as to the previous question?

Mr. SISSON. Not at all.

Mr. BARTLETT. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I am going to be just as frank with the membership of this House as it is possible for a man to be. I realize fully that this amendment places the elections of the Senators in exactly the same condition, if the amendment is voted for by the States, that the Constitution now places the election of Members of the House of Representatives. But there is a vital reason why the fathers of this Republic made a distinction. Under the present Constitution it is not possible for the Federal Government to control the election to both branches of Congress, because under the present Constitution the only thing that the United States Senate can do in reference to the election to the Senate would be to determine whether or not the State legislature had acted honestly and fairly in the election of the Senator. But if this amendment shall go through, then you tear away the legislature of the State and you permit the supervision of elections in the State for Senators just as you may now supervise the election in reference to a Congressman.

Now, in this piping time of peace, when all are dwelling together in unity and fraternal love, we do not need necessarily constitutional protection. And the time may come in the future, in our large territory, which is rapidly being built up, that the cry of Federal encroachment may not come from the South, but from the small New England States, because they are entitled, under the Constitution, to equal representation in the Senate irrespective of the number of people which they have. The large States may become restive over that large representation. The fathers of the Republic so drew this Constitution that the people could protect the Federal Government in the election of Members to the House, and in the event that there was any disposition to change the form of Government and deprive the Federal Government of its rights in the Congress of the United States, it would have the right to protect the Government of the United States. The debates on this question were as voluminous as any other debates at the time the Constitution was adopted, and they reached a compromise so that you might preserve the Federal Government in its sphere and you might protect the State government in its sphere.

The amendment says:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Who, then, shall determine under the State constitution and the State regulation as to election of United States Senator whether a man is qualified and legally entitled to vote? If you pass a Federal election law, then the law of each State will be construed by a Federal court or it will be construed by a Federal commissioner of elections, and when a qualified elector presents himself at the polls to vote his right to vote will not be determined by officers who are appointed and elected by the State legislature which made the law, by the people of the State who made the constitution, but the construction of that State constitution, the construction of the laws placed on the statute books by the State legislatures, will be construed and enforced by Federal officeholders. Why, gentlemen of the House, I care not what you may write in the statutes of these States. I care not what constitutional provision you may have in times of peace. It is in times of stress and storm and in times of political passion that we need some rock, some anchor and protection. In such times, when the tempest of passion runs high and Congress becomes wild with partisanship and ignores the rights of the minority under the present system, the Supreme Court can protect this minority as it has done in the past, but if this amendment becomes a part of the Constitution and the control of the election shall be in the hands of a brutal majority—put it, if you please, a brutal Democratic majority, a brutal Republican majority, a brutal Socialistic majority—then these officers that shall be elected to fill these elective positions will determine whether these State laws have been complied with, and in so doing will, of course, hold that they were, because their election would be by the same system, and the Executive, being chosen by the same method, would also be biased, and though fraud was so rank that it smelled to heaven the election would be declared regular.

I appeal to the membership of this House to be practical about it. Do not be demagogic. I am in favor of the election of the United States Senators by direct vote of the people, but I want it to be by direct vote of the people of these States in accordance with their own will, in accordance with their own wishes, in accordance with their own constitution; and in order that we may have this you must have the election laws of each State administered by the people that make these State constitutions and the State laws. And if the gentlemen call that demagogic, if you call that sophistry, then indeed you know nothing about how elections are conducted. No man will tell me that the men who fought at the other end of this Capitol so vigorously were fighting for nothing; no man will tell me, when you shall vote down the amendment offered by the gentleman from Georgia [Mr. BARTLETT], that there is not a purpose somewhere to defeat the election of Senators by direct vote of the people by the States, which will decline to surrender this power.

If that be the purpose, if that be the object, if that be the aim, then you gentlemen who submit this amendment to the people will be looked upon as being enemies of elections of the United States Senators by direct vote of the people. Let us not, in God's name, place this chalice to the lips of the people of the States and ask them to drink it to the dregs. I ask that the State of Maine, of New Hampshire, of Vermont, shall have the sovereign right to determine whom they shall send to the Senate. But you take from them that right when you tell them: "Although you may write your laws you have not the patriotism, you have not the interest, you have not the integrity to enforce them, but we will have the election held by a body that has nothing to do with the making of the laws, and shall have nothing to do with the selection of the officers who hold the election." What an anomaly!

Mr. Speaker, the people of the States should not adopt this amendment in its present form. To do so places all power in the Federal Government. It is not enough to say that the Federal Congress will not exercise its power. Every Member who has spoken on this question, save one or two have said that those of us who oppose the Bristow amendment are unnecessarily alarmed. They say that we are too easily frightened, and that this power will never be exercised, and that if they thought it would that they would be against this amendment. This is an admission that the Bristow amendment is unwise and dangerous. The surest way to prevent Federal control of elections of United States Senators is not to deprive the States of the power to control their own elections. When this amendment is submitted to the States they will be asked to surrender their power over the only branch of the Federal Government that they now control, and to place in the Congress of the United States the power to control the elections in the States. It is begging the question to say that Congress will never avail itself of that power. If it will never avail itself of that power it is because they ought not to have it.

Let us examine a moment and see what the amendment does. If adopted, Congress can appoint officers to take charge of the registration books of the States and determine who may or may not register under the State law. Congress can appoint officers to hold the elections, and allow those to vote whom these officers in their discretion should decide has the right to vote. These Federal officers of elections will count the votes and make certificates of election. Every Congressman and every Senator who holds a certificate of election will hold it at the hands of those Federal officers. If the State election should happen on the same day, under the State constitution, then the Federal officers could hold in their hands the election machinery and actually control our State elections.

I do not care who writes and makes the laws of a State if you will let me administer those laws. Gentlemen on the floor say that Congress can not fix the qualifications of voters. No; the State laws will do that. But who cares who makes the laws? It is a question of enforcement and administration. You leave the State the miserable privilege of writing her own statutes, but you degrade and humiliate her by depriving her of the right to have her own officers of her own elections to enforce these laws. You take away, or are, rather, asking each State to surrender her only shield and buckler. You would ask in this amendment that these States lie helpless and prostrate without a single weapon of defense against Federal encroachment. You say that Congress can now control, if it desires, the election of Congressmen, and that for that reason the States should now be stripped of all power of protection, and you would submit this amendment to them and ask them to throw themselves upon the mercy of Congress. Will they do it? Not if they understand the proposition.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. SISSON. Yes.

Mr. JACKSON. The gentleman does not believe it would be possible, and he does not advocate any change in the Constitution that would prevent the Senate from being the judge of the qualifications of its own Members, does he?

Mr. SISSON. Oh, no. I say this: I want the Senate to be the judge of its own election after the election is made and returned.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISSON. Mr. Speaker, I ask for five minutes more.

Mr. BARTLETT. I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. SISSON] is extended five minutes.

Mr. JACKSON. Then the result would simply be that the Senate could keep out of its Chamber any man who was elected from any of those States, and there would not be any difficulty, would there, in denying the right of the State to representation at all in the Senate?

Mr. SISSON. I understand the gentleman's question, but the State would still have the sovereign right to send whom she pleased. But if this amendment were adopted her laws would be construed, we will say, by a Democratic majority, and the President of the United States, vested with authority to appoint these election officers, would construe the law of the States and would construe the qualifications of the electors of the States, and would determine who should and who should not vote, and you would thereby deprive the States of one of their sovereign prerogatives and powers which they now have.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. SISSON. I do.

Mr. CANNON. Suppose a State or States refused to send Senators. Would not the Senate exist by virtue of some other authority than itself, and therefore——

Mr. SISSON. Yes; and at the very beginning of the Government—and I am sure the gentleman is familiar with it—there was a fear expressed in the debates of the Constitutional Convention to the effect that Senators would not be sent to the Senate and that Members of the House would not be sent to the House by their districts, and therefore, when they were discussing this matter in the original Constitutional Convention, they made this compromise, that the Federal Government might protect and preserve itself. But they did not go to the extent that some of the members of that convention desired to go at that time—notably those who followed Mr. Hamilton—to give the absolute right to the Federal Government to control absolutely the election of all Federal officers, but they got this compromise. They worked up a compromise, and my recollection is that Mr. Franklin, who was one of the great compromisers, evolved this plan and it finally went through.

Now, if you change this method, you would have the anomalous condition of one body politic making the law and another body politic construing or enforcing the law. Now, it would be in times of political storm—it would only be when the stress was great—that a Federal election law could ever be passed. Then, as in war, thousands of things that would not be tolerated in time of peace would be tolerated, and the purpose of this Constitution is to protect people in their rights in time of stress and storm.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. SISSON. I do.

Mr. HAMLIN. Does not the gentleman understand that the only effect of the adoption of this conference report, if it should become a part of the Constitution, would be in his own State to change the election of United States Senators from an election by the legislature to an election by the voters of the State?

Mr. SISSON. The gentleman knows little about the contention if he contends that, because, under the present Constitution, you can not reach the electorate by any act of Congress. You can not go back and lay violent hands on it. You can, so far as the House of Representatives is concerned. But a State, if it is denied the right to send Representatives to Congress, can still elect, under her own law and legislature, her Senators, and can send her Senators to the other end of the Capitol and there protect the State in its rights, and there become a check on the brutal majority of this House.

I recall how the people of the South prayed, when Mr. LODGE, of Massachusetts, introduced the force bill here, against its enactment. I recollect as a young man how we listened night and day at the telegraph office for news of the result. I recall how a Senator from my own State, who has passed away, Senator George, spoke for parts of three days against the bill; and I recollect how they telegraphed to Senator Stewart, and the wires were quivering and vibrating with the intelligence that Senator Stewart was on his way to the Capitol, although he left a sick bed at his home to come; and when Senator Stewart, under the influence of Gov. Foote's daughter—that good Mississippi woman who nursed him in his sickness—and who hurried on a special train from the West to this city and that great Republican when he reached the Senate cast his vote against the force bill and killed the force bill; and I recollect the rejoicing all over the South.

And let me say to you that since we have had honest and fair elections in the South my own State has had millions of dollars of northern capital invested within its boundaries, millions of dollars have gone into Mississippi, millions of dollars have been spent for land, and millions of dollars have been invested in timber and land by people from Illinois and Ohio and Indiana and all the principal Northern States.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. SISSON. I regret that I can not.

Mr. MANN. I will yield to the gentleman two minutes out of my time.

Mr. SISSON. With that understanding, I will yield to the gentleman.

Mr. MANN. The gentleman from Missouri has agreed to yield to me time, and I ask him to give to the gentleman from Mississippi [Mr. SISSON] two minutes out of the time promised to me.

Mr. RUCKER of Missouri. Certainly; I will do that. Mr. Speaker, I yield two minutes to the gentleman from Mississippi.

Mr. MANN. The Lodge bill, to which the gentleman referred, related to the election of Members of the House of Representatives, did it not?

Mr. SISSON. Only to Members of the House of Representatives; yes.

Mr. MANN. And this resolution, as passed by the House, does not propose to change that part at all, does it?

Mr. SISSON. No, sir.

Mr. MANN. So that even if the resolution should pass in the form in which the gentleman advocates it, the Lodge bill, if reenacted, would still be constitutional.

Mr. SISSON. It would be constitutional.

Mr. MANN. So that all the argument the gentleman makes about the Lodge bill falls to the ground, because no one is offering to change the constitutional authority which was behind the Lodge bill.

Mr. SISSON. But the point in the Lodge bill was that at that time it was killed in the Senate; but if the same majority could have controlled the Senate that controlled this House, then the same will and the political exigency would have existed there that existed here, and the result would have been that it would have become a law.

Mr. MANN. That would not make any difference. It is the question of power that the gentleman is talking about.

Mr. SISSON. Now, in concluding these remarks I want to say that if this amendment becomes a law, in time of stress and storm the desire to pass a Federal election bill will be multiplied tenfold, because then you can control both branches of Congress, whereas if you can only control one branch the passage of such a law would be remote, because under the present Constitution you could not affect the Senate by a force bill.

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to my colleague from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I do not know that I will occupy all the time which has been allotted to me, but I do want to make this observation: If there is any one thing that I think the people of the whole country, regardless of party, are demanding to-day, it is that United States Senators shall be elected by direct vote of the people. [Applause.] I think we can not be mistaken on that proposition.

This conference report is not as I would like to have it. I am sure it is not as the chairman of the committee in charge of this bill in the House would have liked to have had it, but I am sure that it is the very best that he could get. We can not shut our eyes to the fact that there is scarcely any legislation of a general nature that is not the result of a compromise, and I believe that the imagination of some gentlemen here, who pretend to see great evil to flow from this legislation, is not founded on real facts.

I yield to no man in this House in my admiration for the South. I was born there, and I lived there for several years of my life. My father was a Confederate soldier for four years, and lived in the South during the reconstruction period. I have heard him describe conditions there at that time, and have read of it, and naturally I have an abhorrence for the conditions that existed there at that time, but I am charitable enough to believe that every man on this floor, regardless of

politics, agrees with me that such a condition could not again exist in this country. The people of the North would not tolerate it. I do not believe there is any danger of a return to that condition of things in this country. [Applause.] I do not believe that Members upon this floor, however strenuously they protest, believe, deep down in their hearts, that such a condition will again exist in the South. It seems to me that the gentleman from Wisconsin [Mr. COOPER] hit the nail on the head a few moments ago when he asked the gentleman from Georgia [Mr. BARTLETT] if there was any interference now by the Federal Government in the election of Members of this House, or if he anticipated any interference, or felt that there might be any.

Mr. BARTLETT. If I may interrupt the gentleman, there is no interference now, because the law that authorized it was repealed in 1894.

Mr. HAMLIN. But the law that governs the election of Members to this House now will be the same law that will govern the election of United States Senators if this conference report is agreed to.

Then the gentleman from Wisconsin [Mr. COOPER] asked the gentleman from Georgia, if that be true, why does he anticipate that any interference would be had in the election of Members of the other branch of Congress.

Mr. BARTLETT. If a Democratic majority pass this sort of a bill, there is no telling what a Republican majority may do.

Mr. HAMLIN. It seems to me this is a tempest in a teapot. All the change the Senate made in the resolution as it passed this House is the striking out of this one provision:

> That the times, places, and manner of holding elections for Senators shall be prescribed in the several States by the legislatures thereof.

Otherwise the law is left as it exists to-day. Now, it is up to us. Do we want to give the people a chance to amend the Constitution so as to permit them to elect the Senators by a direct vote?

We can not deny the fact that the Senate has emphatically refused to submit this constitutional amendment in any other form than that reported in this conference report, and it is up to us to say whether or not we are going to yield to the demands of the people of this country and give the States an opportunity to adopt this amendment, if they want to adopt it, or refuse to agree to this conference report and thereby defeat the whole proposition. I am in favor of adopting this conference report. [Applause.]

Mr. FAISON. If the gentleman from Missouri is so much in favor of this resolution now, why did he go on record against it repeatedly in the last Congress?

Mr. HAMLIN. The gentleman certainly was not listening to the first part of my remarks, or he would know that I said I very much preferred the resolution as we passed it in the House, not so much on account of the difference in the provisions as that it left it absolutely clear, so that there could be no question about the right of the States to control these elections. I believe the States ought to have that right. I believe they will have the right under this amendment in case it is adopted, but if we could have gotten it through as we passed it in the House, then there could have been no question about it.

Mr. FAISON. Will the gentleman yield again?

Mr. HAMLIN. Yes.

Mr. FAISON. The gentleman well knows that the law is not a question of what he believes it is, but it is a question of what the law is. If the gentleman prefers to have it stay in——

Mr. HAMLIN. I understand the gentleman's question. It is more to satisfy just such friends as the gentleman from North Carolina is that I would like to have it as the House passed it, so that he could sleep well at night and not be uneasy.

Mr. FAISON. You admit that you much prefer this?

Mr. HAMLIN. I say I would prefer to have it pass just as we passed it in the House, so there would be no doubt about what it meant; but I do not share with the gentleman the fear that, in case this proposed amendment should become a part of the Constitution, there would be any interference by the Federal Government in the election of United States Senators. I want to say, so far as the South is concerned, and I say it to the everlasting credit of the South, that in the last few years the scandals that have arisen over the election of Members of the United States Senate have not originated in the Southern States, but have originated in the States of the North, which are not afraid of this resolution in its present form. [Applause.]

Mr. COLLIER. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. COLLIER. The gentleman says that he is really in earnest in his desire to see Senators elected by direct vote of the people?

Mr. HAMLIN. I am.

Mr. COLLIER. Does not the gentleman know that this amendment was put on the bill for the absolute purpose of defeating the election of Senators by popular vote?

Mr. HAMLIN. I do not know that that was the purpose of the amendment, and I would hesitate to impugn the motives of the Senator who offered it. But if it was his purpose, it is in our power to fool him, and I hope that we will do so. I know very well if we fail to agree to this conference report that there will be no constitutional amendment providing for the election of United States Senators by direct vote of the people for years to come.

I am hoping that the good people of the Southern States will see that it is for their interest and the interest of the whole country—and they are patriotic—that this proposed amendment is written into the Constitution of the United States. When we do that the other body will be very much more responsive to the will and desires of the people than it is now.

Now, I hold no brief in defense of my colleague from Missouri, Judge RUCKER. He needs no defense; he is amply able to take care of himself. But I want to say, however, that I know from all that he has said on this floor and in private conversation that his desire and earnest wish has been to have the Senate agree to the resolution as it was passed by this House; this he was unable to accomplish, and he feels it his duty, and I think he is right, to the great body of the people in this country, who are the real authority—we are only the agents here to represent them—he believes that it is his duty to report here a resolution to be submitted to the States of the Union and give them the opportunity to amend the Constitution if they wish; and therefore he has made the motion that this conference report be agreed to.

You may criticize my colleague about changing his position upon this question, but we who know him know that he is only anxious to respond to the earnest desire of the people of the country for this reform, and when he can not get just what he wants he has the courage to take the best that he can get, and then take the people into his confidence and tell them that he did the best he could for them. We who know him do not doubt his good intentions, and the people of Missouri have confidence in him, and the people of this country will applaud him for what he has done. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, it is going to be determined to-day by this House whether a great reform long demanded by the American people is to be granted or not. The responsibility is not going to rest on the Senate. If it shall fail it will rest on this House. If it shall fail because of a lack of two-thirds vote the responsibility will not rest upon this side of the aisle to-day, but upon the other side of the aisle. I know that there are Members upon that side who propose to vote against the concurrence in the Senate amendment who believe that they can say to the American people that the Senate is to blame for the failure of this great reform. But, Mr. Speaker, it will not lie in the mouth of any Democratic Member to make such a charge, for the very purpose of this amendment—the reason for it—is that there is a conviction upon the part of the American people that the Senate does not represent the American people as it should, and you will not be able to go before the people and say "these men who are misrepresenting the American people are to blame because this resolution was not adopted."

There has been a great deal of debate upon the merits of this proposition, but I am not going to take any time upon it now. I do want to insert in the RECORD a short paragraph from the report of the constitutional convention which I have not heretofore seen used, and it is interesting. I quote from Madison's papers, page 813:

> Mr. Dickinson moved that Senators be chosen by the legislature. He said, as a reason, he wished the Senate to consist of men most distinguished for their rank in life and their weight of property and bearing as strong a likeness to the membership of the House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than in any other mode.

Mr. Speaker, there were prophets in those days. It will not do for anyone who votes to defeat this resolution to-day to say that this kind of men are to blame for the failure of it and not this House.

Now, Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Georgia [Mr. BARTLETT] and those of the gentleman from Mississippi [Mr. SISSON], and to hear these gentlemen, Mr. Speaker, one wonders whether in their minds the war is over or not. Why, Mr. Speaker, whenever anything like the statements that have been made here to-day are made in this House by Members on this side, they

have been deprecated on that side of the House. Only the other day the gentleman from Wisconsin [Mr. COOPER] quoted from a speech by Mr. Garfield, where reference was made to the late war, and he was immediately criticized on that side of the House. Mr. Speaker, who is raising the question of sectionalism now with reference to this resolution? If this resolution should be finally adopted, as you gentlemen want it adopted, that matter of sectionalism will become more or less of an issue in every State of the Union, and you men from the South will be responsible for it.

There is no such thing as sectionalism now. We have a united North and South, and I want to see it remain that way, and that is why I want to remove this question of sectionalism from this question and favor the motion of the gentleman from Missouri. [Applause.]

Mr. ADAMSON. Mr. Speaker, I regret to observe that distinguished gentlemen who on other subjects and other occasions exhibit considerable acumen appear at this time to be utterly unable or entirely unwilling to differentiate between the limited difficulty and danger of Federal interference with elections by State legislatures on the one hand, and the much dreaded and much more easy and infinitely more dangerous intermeddling with popular elections held in the States. That is the essential difference which appears to me plain enough for anybody to see between the two propositions before the House. I am perfectly satisfied with the existing provision of the Constitution as operating and intended to operate on elections by the legislature, but a radical change is proposed, which introduces new methods and invites new dangers. It is proposed that the Senators shall be chosen by direct vote of the people of the States, not of their own volition but by constitutional mandate. Those States which really desire the election of Senators by the people have provided for it by primary elections. Others, if they should come to desire it, could adopt the same method; but it is insisted that all States can not or will not do it, therefore it is necessary to change the plan through an amendment to the Constitution and compel all States to select Senators by popular election. We are willing to have that and have voted for it. The only condition we placed upon it was the fair and reasonable provision that the States should determine the time, place, and manner of election. The reasons for it were manifest in this House, which passed the measure with that qualification by an overwhelming majority. It is strange to me that the leaders in charge, who are now beating a retreat, should have persisted in that course if it was erroneous, thereby delaying action for a whole year. They say we were right and still protest that they desire the resolution in the form originally adopted by this House, but they say we are whipped, that we can not carry it our way, and that therefore we ought to surrender and vote with our opponents to put the wrong upon us. That is not my theory of waging war, practicing law, or practicing statesmanship. If wrong finally prevails over me I will probably submit after the die is cast, but I will never consent and contribute to my own destruction by voting with the other side to run over and demolish me. That would be a species of self-destruction bordering on suicide, of which I will never be guilty.

The Federal Government will never have constitutional authority to intermeddle with popular election of Senators in the States until the amendment is adopted. If we vote it down we may secure one in proper form, as we first adopted it. It is very poor tactics to dally along with the Senate and give them to understand, either expressly or tacitly, that if they do not yield we will. It is the fault of the Senate, aided by the vacillating weakness of our own leaders, if this resolution goes through in its amended form, which, in my judgment, will be infinitely worse than defeating the amendment. If we would defeat the resolution of the gentleman from Missouri and let the Senate know we mean it, the Senate will either recede and pass the unamended resolution now or leave the matter open, so that action can be secured in the future. I for one will not vote to foreclose the matter and pass thereby down to the States a resolution which, in its amended form, is a stultification of ourselves, an insult to American intelligence, a departure from American principles, and a dangerous experiment, fraught with possible calamity to our country and its institutions, nor are my apprehensions confined to my own section. The failure of reconstruction, the assertion of our manhood, and the survival of our civilization to illustrate Americanism in this country and ultimately dominate its statesmanship and civilization demonstrate the inability of Federal interference to hurt us. But there are States in this Union in which the character of the population and conditions in their large cities bid us sit up and take notice. They are now represented by men committing the fatal error of voting to bring upon them the evils which we seek to avert. I shall vote for the Bartlett resolution. Failing in that, I shall vote against the resolution of the gentleman from Missouri, leaving the field open for wiser and better action in the future, when wiser and better counsels prevail in both Houses. I fear that too much politics at this time imperils our safety.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DICKINSON].

[Mr. DICKINSON addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. HAMILTON].

[Mr. HAMILTON of West Virginia addressed the House. See Appendix.]

Mr. MONDELL. Mr. Speaker, my good friend the gentleman from Georgia [Mr. BARTLETT] and I generally find ourselves in agreement on questions touching the relative powers, jurisdiction, and sovereignty of the States and the Federal Government, but in the matter now before us I am unable to admit the soundness of his premises to follow his logic or agree with his conclusions.

The gentleman from Georgia prides himself on the jealous care with which he would guard the sovereignty of the people within the States. In that attitude I commend him and generally agree with him. But the difference between the gentleman from Georgia and myself seems to be that while I insist upon the maintenance of the division of authority, power, and responsibility established by the Constitution, and would maintain it as established, the gentleman from Georgia appears to be insistent that the balance established by the Constitution shall be modified and changed in the direction of enlarging the power and authority of the State and in the same degree curtailing the jurisdiction of the Federal Government.

The gentleman from Georgia may be able to persuade himself that this proposed amendment to the Constitution in the form before us would extend and enlarge the powers of the Federal Government, but I do not believe that he will be able to persuade any considerable number of people that such is the case. What the proposed amendment would accomplish, to wit, the election of Senators by popular vote, the people generally desire; and this is the only change in the Constitution, direct or indirect, which the measure as presented by the conferees would accomplish.

As modified by the amendment proposed by the gentleman from Georgia, this amendment to the Constitution, if adopted, would indeed give the people an opportunity to elect their Senators directly; but it would at the same time take from the Federal Government the authority it now has with respect to the election of Senators. Where my friend from Georgia and I part company, therefore, is at the point where he proposes to curtail the jurisdiction of the Federal Government. The Constitution as it stands, as the fathers drafted it, is in this respect good enough for me. The balance of power between the States and the Federal Government, as the fathers fixed it, is satisfactory to me; but the gentleman from Georgia, who in one breath talks eloquently of keeping the faith, in the very next breath would deny the faith by breaking the terms of the compact.

This is a very simple matter; the people throughout the country have expressed a desire to elect their Senators by direct popular vote. So strong is the sentiment in favor of such a plan that many States have sought to accomplish indirectly what could not be accomplished directly without a change in the Federal Constitution. In response to the demand, voiced from all portions of the country, Congress addressed itself to the consideration of an amendment which, if adopted, will give the people just what they seem to desire in this matter. No disturbance of the balance of sovereignty and jurisdiction between the States and the Federal Government is involved, or would have been thought of, except that certain gentlemen, who seem anxious to disturb and readjust the relations which the Constitution established between the Nation and the S ates, seem to feel that this was an opportune time to accomplish it; but, fortunately for the country, there is sufficient patriotism on both sides of the aisle to override a view which would deny the people the right to elect Senators by direct vote unless a further provision, which no considerable number of our people have ever demanded, should be agreed to.

Gentlemen will not succeed in their efforts to rehabilitate the thin and faded ghost of Federal interference with local election in connection with this matter. The people will not be deceived; they desire an opportunity to elect their Senators by direct vote, and their demand that they be given this opportunity has nowhere been coupled with a demand that at the

same time the constitutional balance between the States and the Nation shall be disturbed. In my opinion, an attempt to deny the people that which they insist upon in connection with the election of Senators, on any such flimsy pretense, will be no more successful in Georgia or in Texas than in Wyoming or Massachusetts.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I am heartily in favor of the general proposition. The evolution of political institutions requires that the Government should gradually come more and more to the people and come more and more under their direct control. That evolution has gone on in this country for over 100 years without any provision having been made in our organic law to meet it. It is my judgment that the time has come not only to put the second House of our legislative branch under the control of the people, but to put the executive branch, which is now two degrees removed, into the direct control of the hands of our people.

But I will not discuss that phase of the question. I am in favor of taking action now that will insure the submission of this amendment. [Applause.] The part of the amendment that provides for the qualifications of electors for Senators guarantees the complete control of the electors in each State by the State itself. [Applause.] That part of the bill is fundamental and protects the States against danger of Federal interference. The power of Congress to control the time, place, and manner of election is really only an incidental matter in comparison with the control of the qualifications of electors. I was in favor, and still am in favor, of the amendment in the form in which it was reported by the House, and I wish it could have been adopted in that form, but I do not believe that a question that is not fundamental should be allowed to endanger the ultimate passage of the measure. I want to say to my friends on this side of the House who are worried over the Bristow amendment that I feel deeply in this matter, and am in sympathy with them on the broad proposition of protecting the States in their rights, but I do not have any misgivings about the Federal Government of the United States imposing upon any section of the United States. [Applause.] I do not believe it will enter the heart of one American citizen in 10,000 to employ Federal troops, or any other form of coercion, upon any section in the United States. [Applause.] The Federal Government is nothing but an instrument of all the States, and the Southern States themselves make up a considerable part of the number of all the States.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HOBSON. Certainly.

Mr. BARTLETT. Is not the gentleman aware that the advocates of this particular amendment in the Senate stated that the purpose of the amendment was that the Congress should have the power to control the election laws of States such as the State of Alabama, that provided a grandfather clause in its election laws?

Mr. HOBSON. I will say to the gentleman that fortunately the wishes of such men did not ultimately prevail even in reconstruction days, and certainly could not prevail now. [Applause.]

Mr. BARTLETT. I will say to the gentleman, because Alabama, like Georgia and Mississippi, asserted her right to supremacy under the law and above the law.

Mr. HOBSON. I have confidence in all the American people to abide by the Constitution, and when this amendment, insuring to each State the right of imposing the qualifications of the electors, becomes a part of that organic law, no matter what might be the desires of individual Members of the other branch or of this branch for that matter, to the contrary, it would be physically impossible for the Federal Government——

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman from Alabama one minute, in order to answer a question.

The SPEAKER. The gentleman from Georgia yields to the gentleman one minute——

Mr. RUCKER of Missouri. I yield to the gentleman from Alabama five minutes additional.

The SPEAKER. The gentleman from Alabama has six minutes.

Mr. BARTLETT. All right; I will yield him the minute; I will stand by what I said. Now, does not the gentleman know that the author of this particular amendment in the Senate, Senator BRISTOW, has stated that the purpose of the bill was to control the election of Senators in Congress, and he thought it did give the power to use the Federal Army and United States marshals at the polls?

Mr. HOBSON. I will answer the gentleman, and say that I am not acquainted with the personal wishes of Senator BRISTOW, whom the gentleman quoted, but I have been reliably informed by those in a position to know that the original purpose in refusing to accept the amendment on grounds held by the gentleman himself was to defeat the bill.

Mr. BARTLETT. Do you think Senator BRISTOW desired to defeat the bill?

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. BARTLETT. I beg the Chair's pardon, Mr. Speaker.

Mr. HOBSON. I will very gladly yield, and I will let the gentleman assume that I yield at any time, Mr. Speaker, so the gentleman can proceed without loss of time.

Mr. BARTLETT. I apologize to the Chair.

The SPEAKER. No apology is necessary.

Mr. BARTLETT. Does the gentleman believe that Senator BRISTOW offered this amendment for the purpose of defeating the election of United States Senators by the people?

Mr. HOBSON. On the contrary, I feel that Senator BRISTOW offered it in all good faith. [Applause.] But I have not the same confidence in the purposes of those who brought up the sectional matter [applause], with regard to the ultimate——

Mr. BARTLETT. May I interrupt the gentleman?

Mr. HOBSON. Certainly.

Mr. BARTLETT. The gentleman's information as to what the views and purposes of those who offered this matter are a matter of entire indifference to me; but the gentleman ought to know—or does he know—that Senator BRISTOW once, like the gentleman from Alabama, voted against this particular amendment.

Mr. HOBSON. I do not know what Senator BRISTOW's position is. I know that to-day, if there were a chance of having the amendment in the form in which it came from our committee, in which it passed the House, if there were any chance of having it in that form, and the price was voting against it in its present form, I would vote against it again in its present form. I prefer the form in which our committee reported it and which the House accepted, but that is not the real question now.

It is clearly a question of whether we will have it as it comes to us now or not have it at all. [Applause.] The gentleman refers to the power of the Federal Government to send troops, marshals, and others. That power will not be enhanced one jot or one tittle more than it exists to-day with regard to elections for Members of this House. I am not in favor of having the Government exercise such power. I do not even like the thought of the Government holding the power of imposing Federal restrictions of any kind upon the election machinery or upon the local institutions of the States, but holding this power is nothing new. The power has existed since this Government began in just as complete a form as it would exist when this amendment is adopted. In my judgment, the very surest way to prevent the exercise of such power is to accept the Senate amendment and place the Senate in the hands of the people. Then a generation would not elapse, as it has in this case, in getting the Senate to submit a legitimate reform demanded by the people. Then we might get an amendment that would take this power from the hands of the Government in respect to both Houses of Congress.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HOBSON. Certainly.

Mr. COOPER. I agree with the gentleman that there is not the remotest probability of Federal interference in elections. The time for that has long passed. But I do object to the statement so frequently indulged in here that the election of a United States Senator—and the gentleman himself intimated it—is an affair of a State alone. The title of a Senator is "Senator of the United States," from a State. A vote of a Senator from Alabama is as potent in my district in Wisconsin as is the vote of one of the Senators from the State of Wisconsin, and——

The SPEAKER. The time of the gentleman has again expired.

Mr. COOPER. I ask that the gentleman have two minutes more.

The SPEAKER. The Chair has no control over the time.

Mr. RUCKER of Missouri. I yield the gentleman two minutes additional.

The SPEAKER. The gentleman from Missouri yields the gentleman from Alabama two minutes more.

Mr. HOBSON. Mr. Speaker, it is largely to answer the gentleman from Wisconsin that I accept this much indulgence. I

want to say to the gentleman from Wisconsin in connection with my statement that, while I possess complete confidence in the United States, of which my State is a part, I believe the integrity, the prosperity, and the perpetuity of the United States depend more upon safeguarding the principle of local self-government in the individual States than upon any other principle of government. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman from Missouri has used 44 minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Kansas [Mr. TAGGART] five minutes.

Mr. TAGGART. Mr. Speaker, this measure, prescribed in a disagreeable form, has been offered to this House as an amendment in the full faith and belief that it will not be adopted. It has been offered to the House as a disagreeable proposition. The election of United States Senators has been advocated by both parties in nearly every State in this Union. It has been voted in the Senate, and it has been voted in the House. We are all for it, and yet there is attached to it a sort of supervisory control by the United States Government that was deliberately intended to make it obnoxious to this House.

The gentleman from Georgia [Mr. BARTLETT] has offered an amendment which will relieve it of that obnoxious feature. I will vote for that amendment; and should that amendment fail, I will vote for the Senate proposition of election of United States Senators by direct vote of the people.

Do you realize that the United States now has power to superintend the election of each one of us? That power was put into the Constitution by the framers of it. That power was exercised during what was called "reconstruction days," but in 1894 every statute having reference to the election of Members of Congress was deliberately abolished by both Houses of Congress.

And as a part of my remarks I now wish to call attention and ask leave to have incorporated in the RECORD the act of February 8, 1894, entitled:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

A comprehensive series of statutes was repealed by that act, and there now remains no act on the statute books of the United States regulating the election of Members of this House except the act that was passed a year ago requiring each of us to give an account of moneys expended in candidacies for nomination and election.

The following is the act of February 8, 1894, referred to:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

[*Act of Feb. 8, 1894, ch. 25, 28 Stat. L., 36.*]

[SEC. 1.] [*Election laws repealed—Election supervisors and special deputies abolished*]: That the following sections and parts of sections of the Revised Statutes of the United States be, and the same are hereby, repealed; that is to say, of title "Elective franchise," sections 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, relating to the appointment, qualification, power, duties, and compensation of supervisors of election; and also sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, of same title, relating to the appointment, qualification, power, duties, and compensation of special deputies; and also of title "Crimes," sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, but the repeal of the sections hereinbefore mentioned shall not operate so as to affect any prosecutions now pending, if any, for a violation of any of the provisions of said sections; and also part of section 643, as follows: "Or is commenced against any officer of the United States or other person on account of any act done under the provisions of title 26, 'The elective franchise,' or on account of any right, title, or authority claimed by any officer or other person under any of said provisions." (28 Stat. L., 36.)

Revised Statutes, section 643, above referred to, relates to the removal of causes from State to Federal courts against United States officers acting under color of office. See Judiciary.

The sections of the Revised Statutes repealed by the above section are set out in the notes following section 3 of this act.

SEC. 2. [*General repeal*]: That all other statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be, and the same are hereby, repealed. (28 Stat. L., 37.)

SEC. 3. [*When act takes effect*]: That this act shall take effect from and after its passage. (28 Stat. L., 37.)

Election supervisors and special deputy marshals abolished—Repealed sections of Revised Statutes.—The following are the sections of the Revised Statutes repealed by this act:

"SEC. 2002. No military or naval officer or other person engaged in the civil, military, or naval service of the United States shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls." (Act of Feb. 25, 1865, ch. 52, 13 Stat. L., 437.)

"SEC. 2005. When, under the authority of the constitution or laws of any State or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote and being otherwise qualified shall be entitled to vote in the same manner and to the same extent as if he had, in fact, performed such act." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, account, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this title, who by threats or any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote of the right to vote on account of race, color, or previous condition of servitude, his right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein." (Act of May 31, 1870, ch. 114, 16 Stat. L., 146.)

"SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are 2 citizens thereof, or whenever, in any county or parish, in any congressional district, there are 10 citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than 10 days prior to the registration, if one there be, or, if no registration be required, within not less than 10 days prior to the election, shall open the circuit court at the most convenient point in the circuit." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.

"SEC. 2013. The circuit court, when opened by the judge as required in the two preceeding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial, or municipal law, and to personally inspect any [and] scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry lists, and tallies or check books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept." (Act of Feb. 8, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within 10 days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of elections; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of 10 citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the 10th day of June, 1872." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, 10 cents; for affixing a seal to any paper, record, report, or instrument, 20 cents; for entering and indexing the records of his office, 15 cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, 15 cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of $5 per day for each day he is actually on duty, not exceeding 10 days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of 20,000 or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 438; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to

hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempts to do so, he shall be punished by a fine of not more than $500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"SEC. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

"SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433.)

"SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient prima facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

"SEC. 5515. Every officer of an election at which any Representative or Delegates in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section 5511." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

This section was amended by the act of February 18, 1875, chapter 80, Eighteenth Statutes at Large, page 320, by changing the last word from "ten" to "eleven," as above given.

"SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of such persons shall be punished by a fine of not less than five hundred nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment." (Act of Apr. 20, 1871, ch. 22, 17 Stat. L., 13.)

"SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title 'The elective franchise,' and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $200 and not more than $500, or by both fine and imprisonment, and shall pay the costs of prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of title 'The elective franchise,' refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than 30 days, or by a fine of not more than $100, or by both, and shall pay the costs of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

I believe in the common sense of the American people. I do not believe that the apprehensions of the gentleman from Georgia [Mr. BARTLETT] are justified. I do not believe——

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I ask for two minutes more.

Mr. RUCKER of Missouri. Mr. Speaker, how much time has the gentleman used?

The SPEAKER. Five minutes.

Mr. RUCKER of Missouri. I will yield to the gentleman two minutes more.

Mr. TAGGART. In the brief time allowed to me, I want to call attention to section 4 of the Constitution, as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. (Const., I, 4.)

Each House shall be the judge of the elections, returns, and qualifications of its own Members. (Const., I, 5.)

And in conclusion I wish especially to call attention to chapter 13 of the Autobiography of Senator Hoar, in which that late distinguished and beloved Senator called attention to an act that was proposed to regulate elections in the United States and what became of it.

CHAPTER 13.

THE FEDERAL ELECTIONS BILL.

In December, 1889, the Republican Party succeeded to the legislative power in the country for the first time in 16 years. Since 1873 there had been a Democratic President for four years, and a Democratic House or Senate or both for the rest of the time. There was a general belief on the part of the Republicans that the House of Representatives, as constituted for 14 years of that time, and that the Presidency itself when occupied by Mr. Cleveland, represented nothing but usurpation, by which, in large districts of the country, the will of the people had been defeated. There were some faint denials at the time when these claims were made in either House of Congress as to elections in the Southern States. But nobody seems to deny now that the charges were true. Mr. Senator TILLMAN, of South Carolina, stated in my hearing in the Senate:

"We took the Government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

"I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you, gentlemen of the North, that your slogans of the past—brotherhood of man and fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, and we shoot them in South Carolina, when they come in competition with us in the matter of elections. You do not love them any better than

we do. You used to pretend that you did; but you no longer pretend it, except to get their votes.

"You deal with the Filipinos just as you deal with the negroes, only you treat them a heap worse."

No Democrat rose to deny his statement, and, so far as I know, no Democratic paper contradicted it. The Republicans, who had elected President Harrison and a Republican House in 1888, were agreed, with very few exceptions, as to the duty of providing a remedy for this great wrong. Their presidential convention, held at Chicago in 1888, passed a resolution demanding, "effective legislation to secure integrity and purity of elections, which are the fountains of all public authority," and charged that the "present administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and the laws of the United States."

In the Senate at the winter session of 1888 and at the beginning of the December session of 1889, a good many bills were introduced for the security of national elections. Similar bills were introduced in the House. A special committee was appointed there to deal with that subject. I had, myself, no doubt of the constitutional authority of Congress, and of its duty, if it were able, to pass an effective law for that purpose.

I was the chairman of the Committee on Privileges and Eelections, and it was my duty to give special attention to that subject. I had carefully prepared a bill in the vacation, based on one introduced by Mr. Sherman, providing for holding, under national authority, separate registrations and elections for Members of Congress. But when I got to Washington, I found, on consultation with every Republican Senator except one, that a large majority were averse to an arrangement which would double the cost of elections throughout the country, and which, in States where personal registration every year is required, would demand from every citizen his presence at the place of polling or registration four times every alternate year. That is, in the years when there were Congressmen to be elected he must go twice to be registered—once for the State election, and once for the congressional—and twice to vote. So I drew another bill. I say I drew it. But I had the great advantage of consultation with Senator Spooner of Wisconsin, a very able lawyer who had lately come to the Senate, and I can hardly say that the bill, as it was finally drafted, was more mine or his. This bill provided, in substance, that there should be national officers of both parties who should be present at the registration and election of Members of Congress, and at the count of the vote, and who should know and report everything which should happen, so that all facts affecting the honesty of the election and the return might be before the House of Representatives. To this were added some sections providing for the punishment of bribery, fraud, and misconduct of election officers.

In the meantime the House of Representatives had appointed a special committee charged with a similar duty. Members of that committee saw me and insisted, with a good deal of reason, that a measure which concerned the election of Members of the House of Representatives should originate in that body. Accordingly the Senate committee held back its bill and awaited the action of the House, which sent a bill to the Senate, July 15, 1890. The House bill dealt not only with the matter of election, but also with the selection of juries, and some other important kindred subjects. Our committee struck out from it everything that did not bear directly on elections; mitigated the severity of the penalties, and reduced the bulk of the bill very considerably. The measure was reported in a new draft by way of substitute. It remained before the Senate until the beginning of the next session, when it was taken up for action. It was a very simple measure.

It only extended the law which, with the approbation of both parties, had been in force in cities of more than 20,000 inhabitants, to congressional districts, when there should be an application to the court, setting forth the necessity for its protection. That law had received the commendation of many leading Democrats, including S. S. Cox, Secretary Whitney, the four Democratic Congressmen who represented Brooklyn, and Gen. Slocum, then Representative at large from the State of New York. It had been put in force on the application of Democrats quite as often as on that of Republicans. We added to our bill a provision that in case of a dispute concerning an election certificate, the circuit court of the United States in which the district was situated should hear the case and should award a certificate entitling the Members to be placed on the clerk's roll, and to hold his seat until the House itself should act on the case. That provision was copied from the English law of 1868, which has given absolute public satisfaction there. This was the famous force bill, and the whole of it—a provision that, if a sufficient petition were made to the court for that purpose, officers appointed by the court, belonging to both parties should be present and watch the election; that the judge of the circuit court should determine, in case of dispute, what name should be put on the roll of the House of Representatives, in the beginning, subject to the constitutional power of the House to correct it, and that a moderate punishment for bribery, intimidation, and fraud, on indictment and conviction by a jury of the vicinage, should be imposed. That was the whole of it.

But the southern Democratic leaders with great adroitness proceeded to repeat the process known as "firing the southern heart." They persuaded their people that there was an attempt to control elections by national authority. They realized that the waning power of their party at the South—many of whose business men saw that the path of prosperity for the South as well as for the North lay in the adoption of Republican policies—might be reestablished by exciting the fear of negro domination. The northern Democrats, either very ignorantly or willfully, united in the outcry. Gov. William E. Russell, of Massachusetts, a gentleman of large influence and popularity with both parties, telegraphed to President Cleveland a pious thanksgiving for the defeat of this "wicked bill."

Some worthy Republican Senators became alarmed. They thought, with a good deal of reason, that it was better to allow existing evils and conditions to be cured by time and the returning conscience and good sense of the people rather than have the strife, the result of which must be quite doubtful, which the enactment and enforcement of this law, however moderate and just, would inevitably create.

On reflection I came myself to the conclusion that while the bill was reasonable and there was no reasonable doubt of the power of Congress to enact it, yet the attempt to pass it if it were to fail would do the cause infinite mischief. It would be an exhibition of impotence, always injurious to a political party. It would drive back into the Democratic Party many men who were afraid of negro domination, who looked with great dislike on the assertion of national power over elections, and whom other considerations would induce to act with the Republicans. So I thought it was best to ascertain carefully the prevailing opinion and see if we were likely to get the bill through, and if we found that unlikely not to proceed far enough to have a debate in either House.

Accordingly I visited the House of Representatives, saw several of my Massachusetts colleagues and some other leaders. They agreed that if I found that the bill could not in all probability pass the Senate it should be arranged to lay it aside in the House without making any serious movement for it there. After that arrangement was made there was a Senate caucus. I brought up the matter and moved the appointment of a committee to consider the whole question of legislation with reference to the security of elections. A gentleman who had recently become a Member of the Senate rose and quite angrily objected to taking up the matter for consideration. He declared that he would not consent to have the subject introduced in a Republican caucus. The proceedings of such caucuses are supposed to be kept from the public. But they are pretty sure to leak out. I could not very well get up and say that my reason for asking for a committee was to see whether the law should be suppressed or not. So I did not urge my motion. But I did the best I could.

Before reporting the bill I saw every Republican Senator and obtained his opinion upon it. I have in my possession the original memoranda of the various answers. Not only a majority of the Republican Senators, but a majority of the whole Senate declared emphatically for an election bill. I further consulted them whether the authority, in case of a disputed election, to order, upon hearing, the name of the person found to be elected to be placed on the roll should be lodged in the United States courts or in some special tribunal. Two or three preferred that the court should not be invoked. But a majority of the whole Senate favored vesting the power in the courts, and those who preferred another way stated that they were willing to abide by the judgment of the committee.

When the House bill came up it was, on the 7th of August, 1890, reported favorably with my bill as a substitute. Meantime the McKinley tariff bill, which Mr. Cleveland had made, so far as he could, the sole issue in the late election, had been matured and reported. It affected all the business interests of the country. They were in a state of uncertainty and alarm. Mr. Quay, of Pennsylvania, proposed a resolution to the effect that certain enumerated measures, not including the election bill, should be considered at that session, and that all others should be postponed. That, I suppose, would have had the entire Democratic support and Republicans enough to give it a majority. It would have postponed the election bill without giving any assurance of its consideration at the short session. So a conference of Republicans was held at which an agreement was made, which I drew up, and signed by a majority of the entire Senate. It entitled the friends of the election bill to be assured that it would be brought to a vote and passed at the short session, if there were then a majority in its favor. This is the agreement, of which I have the original, with the original signatures annexed, in my possession:

"We will vote: 1. To take up for consideration on the first day of the next session the Federal election bill, and to keep it before the Senate to the exclusion of other legislative business, until it shall be disposed of by a vote. 2. To make such provision as to the time and manner of taking the vote as shall be decided, by a majority of the Republican Senators, to be necessary in order to secure such vote, either by a general rule like that proposed by Mr. Hoar, and now pending before the Committee on Rules, or by special rule of the same purport, applicable only to the election bill."

At the next December session the bill was taken up for consideration and, after a few days' debate, there was a motion to lay it aside. Since the measure had been first introduced, the sentiment in certain parts of the country in favor of the free coinage of silver had been strengthened. Several of the Republican Senators were among its most zealous advocates. There was a motion to lay aside the election bill, which was adopted by a bare majority, the Democrats voting for it and several of the silver Republican Senators, so-called. All but one of these had signed their names to the promise I have printed. I never have known by what process of reasoning they reconciled their action with their word. But I know that in heated political strife men of honor, even men of ability, sometimes deceive themselves by a casuistic reasoning which would not convince them at other times.

The election bill deeply excited the whole country. Its supporters were denounced by the Democratic papers everywhere, North and South, with a bitterness which I hardly knew before that the English language was capable of expressing. My mail was crowded with letters, many of them anonymous, the rest generally quite as anonymous, even if the writer's name were signed, denouncing me with all the vigor and all the scurrility of which the writers were capable. I think this is the last great outbreak of anger which has spread throughout the American people.

I got, however, a good deal of consolation from the stanch friendship and support of the Republicans of Massachusetts, which never failed me during the very height of this storm. Whittier sent me a volume of poetry which he had just published, with the inscription written on the blank leaf in his own hand, "To George F. Hoar, with the love of his old friend, John G. Whittier." I think I would have gone through ten times as much objurgation as I had to encounter for those few words.

There has never since been an attempt to protect national elections by national authority. The last vestige of the national statute for securing purity of elections was repealed in President Cleveland's second administration, under the lead of Senator Hill, of New York. I have reflected very carefully as to my duty in that matter. I am clearly of the opinion that Congress has power to regulate the matter of elections of Members of the House of Representatives and to make suitable provisions for honest elections and an honest ascertainment of the result, and that such legislation ought to be enacted and kept on the statute book and enforced. But such legislation, to be of any value whatever, must be permanent. If it only be maintained in force while one political party is in power and repealed when its antagonist comes in, and is to be a constant matter of political strife and sectional discussion, it is better, in my judgment, to abandon it than to keep up an incessant, fruitless struggle. It is like legislation to prohibit by law the selling of liquor. I believe that it would be wise to prohibit the sale of liquor, with the exceptions usually made in prohibitory laws. But if we are to have in any State, as we have had in so many States, a prohibitory law one year, another with different provisions the next, a license law the next, and the difficulty all the time in enforcing any of them, it is better to give the attempt at prohibition up and to adopt a local option, or high license, or some other policy. In other words, it is better to have the second best law kept permanently on the statute book than to have the best law there half the time.

So after Senator Hill's repealing act got through the Senate, I announced that so far as I was concerned and so far as I had the right

to express the opinion of Northern Republicans, I thought the attempt to secure the rights of the colored people by national legislation would be abandoned until there were a considerable change of opinion in the country, and especially in the South, and until it had ceased to become matter of party strife. To that announcement Senator Chandler, of New Hampshire, who had been one of the most zealous advocates of the national laws, expressed his assent. That statement has been repeated once or twice on the floor of the Senate. So far as I know, no Republican has dissented from it. Certainly there has been no bill for that purpose introduced in either House of Congress, or proposed, so far as I know, in the Republican press or in any Republican platform since.

The question upon which the policy of all national election laws depends is, At whose will do you hold your right to be an American citizen? What power can you invoke if that right be withheld from you? If you hold the right at will of your State, then you can invoke no power but the State for its vindication. If you hold it at the will of the Nation, as expressed by the people of the whole Nation under the Constitution of the United States, then you are entitled to invoke the power of the United States for its enforcement whenever necessary. If you hold it at the will of the white Democracy of any State or neighborhood then, as unfortunately seems to be the case in a good many States, you will be permitted to exercise it only if you are a white man, and then only so long as you are a Democrat.

I have had during my whole life to deal with that most difficult of all political problems, the relation to each other, in a Republic, of men of different races. It is a question which has vexed the American people from the beginning of their history. It is, if I am not much mistaken, to vex them still more hereafter. First the Indian, then the Negro, then the Chinese, now the Filipino, disturb our peace. In the near future will come the Italian and the Pole and the great population of Asia, with whom we are soon to be brought into most intimate and close relation.

In my opinion, in all these race difficulties and troubles, the fault has been with the Anglo-Saxon. Undoubtedly the Indian has been a savage; the Negro has been a savage; the lower order of Chinamen have been gross and sometimes bestial. The inhabitants of the Philippine Islands in their natural rights, which, as we had solemnly declared to be a self-evident truth, were theirs beyond question, have committed acts of barbarism. But in every case these inferior and alien races, if thef had been dealt with justly, in my opinion would have been elevated by quiet, peaceful, and Christian conduct on our part to a higher plane and brought out of their barbarism. The white man has been the offender.

I have no desire to recall the story of the methods by which the political majorities, consisting in many communities largely of negroes and led by immigrants from the North, were subdued.

This is not a sectional question.

It is not a race question. The suffrage was conferred on the negro by the Southern States themselves. They can always make their own rules. If the negro be ignorant, you may define ignorance and disfranchise that. If the negro be vicious, you may define vice and disfranchise that. If the negro be poor, you may define poverty and disfranchise that. If the negro be idle, you may define idleness and disfranchise that. If the negro be lazy, you may define laziness and disfranchise that. If you will only disfranchise him for the qualities which you say unfit him to vote and not for his race or the color of his skin, there is no constitutional obstacle in your way.

So it was not wholly a race or a color problem. It was largely a question of party supremacy. In three States—Alabama, South Carolina, and Florida—white Democrats charged each other with stifling the voice of the majority by fraudulent election processes, and in Alabama they claimed that a majority of white men were disfranchised by a false count of negro votes in the black belt.

It was not wholly unnatural that the men who, in dealing with each other, were men of scrupulous honor and of undoubted courage should have brought themselves to do such things, or at any rate to screen and sympathize with the more hot-headed men who did them. The proof in the public records of those public crimes is abundant. With the exception of Reverdy Johnson, of Maryland, there is no record of a single manly remonstrance or expression of disapproval from the lips of any prominent southern man. But they had persuaded themselves to believe that a contest for political power with a party largely composed of negroes was a contest for their civilization itself. They thought it like a fight for life with a pack of wolves. In some parts of the South there were men as ready to murder a negro who tried to get an office as to kill a fox they found prowling about a henroost. These brave and haughty men who had governed the country for half a century, who had held the power of the United States at bay for four years, who had never doffed their hats to any prince or noble on earth, even in whose faults or vices there was nothing mean or petty, never having been suspected of corruption, who, as Macaulay said of the younger Pitt, "If in an hour of ambition they might have been tempted to ruin their country, never would have stooped to pilfer from her," could not brook the sight of a legislature made up of ignorant negroes who had been their own slaves, and of venal carpetbaggers. They could not endure that men, some of whom had been bought and sold like chattels in the time of slavery, and others ready to sell themselves, although they were freemen, should sit to legislate for their States with their noble and brave history. I myself, although I have always maintained, and do now, the equal right of all men of whatever color or race to a share in the government of the country, felt a thrill of sadness when I saw the Legislature of Louisiana in session in the winter of 1873.

There was a good deal of to provoke them also in the character of some of the northern men who had gone to the South to take an active part in political affairs. Some of them were men of the highest character and honor, actuated by pure and unselfish motives. If they had been met cordially by the communities where they took up their abode they would have brought to them a most valuable quality of citizenship. If northern immigration and northern capital had been welcomed at the South, it would have had as helpful an influence as it had in California and Oregon. But the southern men treated them all alike. I incline to think that a large number of the men who got political office in the South, when the men who had taken part in the Rebellion were still disfranchised and the Republicans were still in power, were of a character that would not have been tolerated in public office in the North. Gen. Willard Warner, of Alabama, a brave Union soldier, a Republican Senator from that State, was one of the best and bravest men who ever sat in that body. Gov. Packard, of Louisiana, was, I believe, a wise and honest man. But in general it was impossible not to feel a certain sympathy with a people who, whatever else had been their faults, never were guilty of corruption or meanness or the desire to make money out of public office, in the intolerable loathing which they felt for these strangers who had taken possession of the high places in their States.

President Grant gave the influence and authority of his administration toward maintaining in power the lawfully chosen Republican State governments. But in spite of all he could do they had all been overthrown but two when the presidential election was held in 1876. Those two were South Carolina and Louisiana. The people of those two States had chosen Republican governors at the State election held on the same day with the election of the President. But these governors could not hold their power 24 hours without the support of the national administration. When that was withdrawn the negro and carpetbag majority was powerless as a flock of sheep before a pack of wolves to resist their brave and unscrupulous Democratic enemy, however inferior the latter in numbers.

In attempting to give a dispassionate account of the history of this great question which has entered so deeply into the political and social life of the American people almost from the beginning, it is hard to measure the influence of race prejudice, of sectional feeling, and of that other powerful motive, eagerness for party supremacy.

Suffrage was conferred upon the negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude.

But I am bound to say—indeed, it is but to repeat what I have said many times—that my long conflict with their leaders has impressed me with an ever-increasing admiration of the great and high qualities of our southern people. I said at Chicago in February, 1903, what I said, in substance, 20 years before in Faneuil Hall, and at about the same time in the Senate:

"Having said what I thought to say on this question, perhaps I may be indulged in adding that although my life, politically and personally, has been a life of almost constant strife with the leaders of the southern people, yet as I grow older I have learned not only to respect and esteem, but to love, the great qualities which belong to my fellow citizens of the Southern States. They are a noble race. We may well take pattern from them in some of the great virtues which make up the strength, as they make the glory, of free States. Their love of home, their chivalrous respect for woman, their courage, their delicate sense of honor, their constancy, which can abide by an opinion or a purpose or an interest of their States through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing—covetousness, corruption, the low temptation of money has not yet found any place in our southern politics.

"Now, my friends, we can not afford to live, we don't wish to live, and we will not live, in a state of estrangement from a people who possess these qualities. They are our kindred, bone of our bone, flesh of our flesh, blood of our blood, and whatever may be the temporary error of any Southern State I, for one, if I have a right to speak for Massachusetts, say to her, 'Entreat me not to leave thee, nor to return from following after thee. For where thou goest I will go, and where thou stayest I will stay also. And thy people shall be my people and thy God my God.'"

In July, 1898, I was invited to deliver an address before the Virginia Bar Association. I was received by that company of distinguished gentlemen with a hospitality like that I had found at Charleston the year before. Certainly the old estrangements are gone. I took occasion in my address to appeal to the Virginia bar to give the weight of their great influence in sustaining the dignity and authority of the Supreme Court, in spite of their disappointment at some of its decisions of constitutional questions. They received what I had to say, although they knew I differed from them on some of the gravest matters which concerned the State and had been an antislavery man from my youth, with a respect and courtesy which left nothing to be desired. At the banquet which followed the address this toast was given by William Wirt Henry, a grandson of Patrick Henry, himself one of the foremost lawyers and historians of the South. I prize very highly the original which I have in his handwriting.

"Massachusetts and Virginia.

"Foremost in planting the English colonies in America;

"Foremost in resisting British tyranny;

"Foremost in the Revolution which won our independence and established our free institutions;

"May the memories of the past be the bond of the future."

My own endeavor during my long public life has been to maintain the doctrine of the Declaration of Independence, which declares the right of every man to political equality by virtue of his manhood, and of every people to self-government by virtue of its character as a people. This our fathers meant to lay down as the fundamental law of States and of the United States, having its steadfast and immovable foundation in the law of God. It was never their purpose to declare that ignorance or vice or want of experience of the institutions of a country should not disqualify men from a share in the Government. Those things they meant to leave to the discretion of the power, whether State or National, which was to prescribe the qualifications of suffrage. But they did not mean that the accident of birthplace or the accident of race or the accident of color should enter into the question at all. To this doctrine I have, in my humble way, endeavored to adhere. In dealing with the Chinese or any class of immigrants I would prescribe as strict a rule as the strictest for ascertaining whether the immigrant meant in good faith to be an American citizen, whether he meant to end his life here, to bring his wife and children with him, whether he loved American institutions, whether he was fit to understand the political problems with which the people had to deal, whether he had individual worth or health of body or mind. I would make, if need be, 10 years or 2 years as the necessary period of residence for naturalization.

I would deal with the negro or the German or the Frenchman or the Italian on the same principle. But the one thing I have never consented to is that a man shall be kept out of this country or kept in a position of inferiority while he is in it because of his color, because of his birthplace, or because of his race.

One matter in connection with the management of the elections bill I have never been able to think of since without a shudder. The Democrats in the Senate, led by Mr. Gorman, the most skillful of their leaders, endeavored to defeat the bill by the tactics of delay. If the debate could be prolonged so that it was impossible to get a vote without the loss of the great appropriation bills, or some of them, the bill of course must be laid aside. So the Republicans, on the other hand, as is usual in such cases, refrained from debate, leaving their antagonists to take up the time. Every afternoon at about 5 o'clock some Democrat would come to me saying that he was to take the floor, but that he did not feel well or was not quite ready with some material,

and ask me as a personal favor to let the matter go over until the next morning. This happened so often that I became satisfied it was a concerted scheme, and made up my mind that I would not yield to such a request again.

But one afternoon Senator Wilson of Maryland, a quiet and most estimable gentleman, whom I had known very well, and for whom I had a high regard, came to me and said he felt quite unwell; he could go on that afternoon, if I insisted upon it; but he would like much better to put off speaking till the next day. I was just beginning my answer to the effect that I had heard that so often that I had determined I would not yield again to the request. But I said to myself, It can not be possible that this man would undertake to deceive me. He is a gentleman of high character, absolutely honorable and incapable of falsehood. So I answered, "Of course, Mr. Wilson, if you are ill, I will consent to your desire." Mr. Wilson made his speech the next day. This was December 15. A few weeks after, on the 24th of February, Mr. Wilson died suddenly of heart disease. It was an affection of which he had been conscious for some years, and which he had for some time expected would cause sudden death. I dare say if he had been compelled to proceed with his speech that day it would have been fatal. In that case my life would have been embittered by the memory.

We had a meeting of the Republican members of the committee, for consultation, before we reported the bill. Mr. Evarts, while he approved the principle of the measure, shared very strongly my own hesitation, caused by the fear of the political effect of the defeat of a measure likely to excite so much angry strife throughout the country. After hearing the opinion of those who favored going on with the bill, Mr. Evarts said: "I spent a Sunday with Judge Kent on the Hudson a good many years ago, with several New York lawyers. We all went to the Episcopal Church in the forenoon, and dined with the judge after church. During the service one of the company kept far behind in the responses, which annoyed the judge a good deal. At dinner he broke out, 'Davis, why can't you descend into hell with the rest of the congregation?' I will descend into hell with the rest of the congregation."

Mr. Evarts made the descent and stood loyally by the measure in the debate to the best of his great ability.

I do not know of anything quite so instructive as the manner in which the attempt to regulate elections was disposed of at that time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, some 10 or 12 years ago I offered an amendment to a pending bill in this House to elect United States Senators by the people, and the bill was amended and passed by this House practically with the unanimous vote of this side of the House and most of the votes on that side of the House providing for the election of United States Senators by the people without any more limitations than are contained in the bill now offered by the gentleman from Missouri [Mr. RUCKER]. [Applause on the Democratic side.]

I have no fear of a force bill. [Applause on the Democratic side.] I have no fear that the people of the North desire any more to control the election machinery of the Southern States to-day than the people of the South desire to control the election machinery of the North. [Applause on the Democratic side.]

Mr. Speaker, I am in favor of the maintenance of the fundamental principles of the Constitution of the United States in their integrity, as established by our fathers. I believe that those great fundamental principles that are written in the Constitution of the United States are there to protect the rights and the liberties and the property of the minority, and to see that they are not destroyed by the ruthless hands of a brutal majority any more than they should be destroyed by a czar or a kingly power. [Applause.]

Mr. Speaker, I believe that the Government of the United States should be controlled by the people of the United States [applause], and be responsive to the sober, deliberate judgment of a majority of the people of the United States, as determined and exercised by their chosen representatives in the Congress of the United States. I believe that in the past it has been demonstrated that our present method of electing United States Senators does not make them responsive to the deliberate and sober judgment of the American people at all times. [Applause on the Democratic side.]

I do not believe that the election of United States Senators by the people will overthrow the guaranties of the Constitution of the United States. On the other hand, I believe it will bring our Government in closer touch with the American people than it is to-day. [Applause.]

It will make it more responsive to the real will of the American people, and in this day and hour, when new theories are being advanced, when it is being proclaimed that we should tear down the fundamental principles, that we should go back to the old idea of a direct Democracy and legislate absolutely by the voter himself instead of his representative, I do not believe you can pass any bill, Mr. Speaker, that will do so much to strengthen and sustain the Constitution of the United States as it was established by our fathers as this bill, authorizing the people of the United States to elect by their own votes their representatives in the Senate of the United States as well as in this House. [Applause.]

Now, if I could select, I would enact the bill that we voted for in the House originally. I prefer that form of the bill, but I realize, as every other man within the sound of my voice realizes, that if you do not pass this bill as it is proposed by the chairman of the committee, the gentleman from Missouri [Mr. RUCKER], you defeat the proposition, and it will not be submitted to the people of the United States for them to pass upon.

We are not enacting this into law. If it is a vicious proposition, one more than a fourth of the States can defeat it. It goes to the people and the States for their determination. I would vote for the proposition offered by the gentleman from Georgia [Mr. BARTLETT] if I had not reached the conclusion that the adoption of his amendment would endanger the vital proposition that is pending before the House. If I were assured that the proposition offered by the gentleman from Georgia could be adopted as an amendment and passed by the Senate of the United States; if I were assured that we could adopt his amendment and that it would go to the Senate and the bill would yet come back here and we would get a chance to vote on it I would vote for the proposition offered by the gentleman from Georgia. But, believing as I do, that if we adopt that amendment and send the bill back to the Senate of the United States we would thereby ring its death knell, and that the only chance, after awaiting for decades, of giving the people of the United States an opportunity to vote on a constitutional amendment that will give them the free right to select their representatives, to voice their will in both branches of Congress, is to pass this resolution as proposed by the gentleman from Missouri [Mr. RUCKER]. I, with my vote, will sustain him when the roll is called. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. BARTLETT. How much time is there remaining, Mr. Speaker, upon this side?

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 31 minutes remaining and the gentleman from Georgia [Mr. BARTLETT] 24 minutes.

Mr. BARTLETT. Does the gentleman from Missouri want me to proceed now?

Mr. RUCKER of Missouri. If the gentleman will.

Mr. BARTLETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, the original resolution proposing to amend the Constitution so as to provide for the popular election of Senators, was a House resolution. After full debate it was passed in this body by an overwhelming majority. Prior to its passage the House voted down two amendments designed to leave in the hands of Congress the paramount authority to make regulations relating to the time, place, and manner of holding elections for United States Senators. In the form in which the joint resolution passed this body, it was expressly provided that this power of regulation should be exclusively lodged in the legislatures of the respective States. The vice of the Bristow, or Senate amendment to this resolution consists in the fact that it strikes out this provision for exclusive State regulation, and leaves the power in the hands of the States, subject to Federal control. We are now asked to recede from a position which we maintained by three separate votes of record, and agree to a proposition which we solemnly rejected by those votes.

I would like to know what sufficient argument has been advanced to-day to justify this House in receding from an attitude which it so deliberately adopted, or why it is so strenuously insisted that we should accede to an objectionable amendment that was adopted in the coordinate branch by a majority of one?

Why does my friend from Alabama [Mr. UNDERWOOD] insist with such confidence that if we adopt the amendment offered by the gentleman from Georgia, we sound the death knell of the movement for the popular election of United States Senators? The attitude of the Senate has for many years, been one of hostility to this method of selecting the Members of that body.

Should the Senate with its well-known record of hostility, or indifference to this amendment, designed to bring the Members of the so-called upper branch, into more direct and responsive relations to the people, decide to reject the whole proposition from hostility to the Bartlett amendment, there will be no

difficulty on the part of the American people in placing the blame for this rejection where that blame belongs. Should we lose the amendment at this session we will not lose it for all time. It will be at most a mere temporary defeat that the real friends of this movement can well afford to hazard, to gain the greater victory. [Applause.] There is another House of Representatives to be elected this fall. There are other Senators to be elected, in the near future, and I have no apprehension, Mr. Speaker——

Mr. RUCKER of Missouri. The gentleman means that we could introduce a new resolution and put it through the Senate again at the next session?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. The gentleman means that we could probably get votes enough to pass it?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. Does not the gentleman know that it would be impossible to get a two-thirds vote of that Senate now on any proposition like this?

Mr. SAUNDERS. I only know this, that on a great, fundamental proposition like this, on the one side of which is the popular branch of Congress, and the great American people, and on the other, the Senate of the United States, that body can not continuously maintain an attitude of opposition to the popular will. I know this as well as I know anything. I know that the history of all reforms is that the House of Representatives continues to put a proposition up to the Senate, until finally the pressure of public opinion compels that body to adopt it. This is the history of progressive legislation in this country. It is, I may say, the history of progressive legislation in all free countries.

A sectional element has been injected into the consideration of this question, which has no proper place here. We of the South are no more acutely interested in this amendment than the Members from the East, or the North, or the West.

The possible danger of force bills, brings no greater apprehension to us, than it should bring to the Members from other sections who believe in the rights of the States.

This proposition should be considered on its merits, unrelated to the unhappy legislation of the era of reconstruction, save only as that legislation illustrates the powers claimed by Congress under the paramount authority to make regulations for the manner of holding elections for Representatives. I would like to ask my friends on the other side, and for that matter some of my friends on this side, why it is that they reiterate the assertion that they have no apprehension that the time will ever come again when deputy marshals, or Federal supervisors, or Federal soldiers will attend the elections for Members of this body. They say that these things have passed away, never to return; and yet they insist upon retaining in the Federal Constitution that provision upon which, and upon which alone, rests the authority to order this interference with the orderly conduct of elections in the States.

I favor the amendment as it originally passed this House, because it remits to the States the authority to prescribe the times, places, and manner of holding elections for Senators. There is no man on, or off this floor who can define the limits of the Federal authority to interfere with the regulations of the States touching the manner of holding elections for Members of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman three minutes more.

Mr. SAUNDERS. When the Constitution declares that the Congress shall have paramount authority to provide regulations with respect to the time, the place, and the manner, of holding elections, we are at no loss to know the meaning of that instrument so far as it relates to the time, and the place. But there is no participant in this debate who can inform this House what is comprehended in the power to make regulations as to "the manner of holding elections," or who will undertake to establish its delimitations. I affirm that it is a dangerous thing for a free people to preserve in their organic law, a provision of indefinite authority, one never likely to be used, save in time of political stress, and then used only to be abused. Why this insistence upon the retention of a provision affording a power which it is stoutly insisted will never be exercised?

Mr. JACKSON. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas?

Mr. SAUNDERS. I yield to the gentleman from Kansas.

Mr. JACKSON. Does the gentleman mean to argue that he would advocate the repeal of that provision concerning the election of Members of this House?

Mr. SAUNDERS. With respect to the time, place, and manner?

Mr. JACKSON. Yes.

Mr. SAUNDERS. I certainly would, for this reason, Mr. Speaker——

Mr. JACKSON. Then, the gentleman believes that this House and the Senate should have no power whatever over the manner in which their Members should be elected?

Mr. SAUNDERS. Does the gentleman from Kansas know what are the limits of the power conferred by that language?

Mr. JACKSON. I think the courts have settled that pretty well.

Mr. SAUNDERS. Never so far as I am aware. The extent of that authority has never been fixed, or its limits ascertained to any definite or certain degree. A large power of some sort is conferred, a power that is dangerous in proportion to its uncertainty.

Mr. JACKSON. The gentleman can say the same thing about a great many other definitions, but the courts have had no trouble in applying this.

Mr. BARTLETT. Oh, but they have.

Mr. JACKSON. They have had no trouble in applying this in a way entirely just to everyone concerned.

Mr. SAUNDERS. This is a matter of fundamental power, of fundamental relation between the States and the Nation, and the language by which this power is conveyed, and this relation is established, is vague, and indefinite. The unknown is always terrifying, and the indefinite should always be made definite, or else eliminated. The State of the gentleman from Kansas is as much interested in opposing the Bristow amendment as is my own State.

The SPEAKER. The time of the gentleman has again expired.

Mr. BARTLETT. I yield to the gentleman two minutes.

Mr. JACKSON. Will the gentleman allow me?

Mr. SAUNDERS. I can not yield in two minutes. I have no objection if you will give me the time.

Mr. JACKSON. I have no time to yield.

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. SAUNDERS. This House has some Members who have been here long enough to have participated in the debate on the force bill. There are many others who followed the course of the same debate, and we all know that when that bill was before this body, and the subject of discussion, the advocates of the measure, relied exclusively upon the provision relating to the manner of holding elections, to justify its objectionable provisions. You gentlemen say that the days of the force bill will never return. Why then do you desire to retain a provision upon which the authority to enact such a bill rests, and rests exclusively?

Mr. Speaker, it is fundamentally true that no constitution should include any provision that undertakes to establish relations, and afford authority that are insusceptible of exact ascertainment. If the gentlemen on that side are sincere, and the gentlemen on this side are equally sincere, in believing that never again will the effort be made to enact a force bill, then take advantage of this era of good feeling to strike from the Constitution the clause which continues the possibility of such a measure as the outcome of some future Congress not so happily constituted.

Now is the time to stand by our former action. Never fear that our consistent adherence to the attitude embodied in the passage of the House resolution, will cause us to lose this great, this progressive, this fundamental measure of reform in the method of selecting Senators of the United States.

The suggestion that the other body will kill the whole proposition unless we agree to the Bristow amendment, should not influence our action. This movement will not die in that fashion. A temporary reverse is often the prelude of a more complete and glorious victory. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I now yield eight minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, during my term of service in this House the House has passed three or four or five times a resolution for an amendment to the Constitution to provide for the direct election of Senators. Every time that that resolution has been passed, previous to this Congress, it has been passed in substantially the form of the present Senate amendment. On each of these occasions when the resolution was passed in a Republican House I did not hear the gentleman from Georgia

[Mr. BARTLETT] or any other gentleman from the South express opposition to the resolution or express fear of its effect.

These resolutions were each passed practically by unanimous consent in the House, practically by unanimous vote in the House, and each time the resolution passed it involved precisely the same question that is now presented before the House by the Senate resolution.

I fail to understand why gentlemen, when these resolutions were in the House before, did not express opposition to the resolutions if they were opposed to them on the merits of the proposition. Each of these former resolutions died without action of the Senate.

We have now passed a resolution in the House which has been passed with an amendment in the Senate, and for the first time, except when it was sent to conference, for the first time in the history of the Republic we have an opportunity to-day to eventuate into a passed resolution and present a question to the States that we have been urging in this House for years [applause], and when the supreme moment comes, when the final opportunity offers itself, gentlemen who sat silent in their seats before, now find imaginary, ghost-like objections to the proposition. [Applause.]

The gentleman from Virginia [Mr. SAUNDERS] who has just spoken seems to assume that the original House resolution amended the provision of the Constitution to which he referred, but it does not do so at all. The provision of the Constitution giving Congress the power to fix the time, place, and manner of electing Members of the House is not proposed to be changed by the House resolution. The authority under which the force bill was legislated would still remain in the Constitution. The objections are imaginary; they are not well founded. We ought to preserve to the General Government at all times the supreme right in the last resort to preserve its existence by controlling the manner of elections, if it becomes necessary. No one believes that in our day it will become necessary to control the manner of elections in the States, but who can predict what may happen in the far future in some particular State? I am in favor of preserving the authority to the General Government, and in favor to-day, now, while we have the chance, of passing a resolution which will submit to the States a popular and needed reform—the election of Senators by the people. [Applause.] Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Missouri has 25 minutes remaining.

Mr. BARTLETT. Does the gentleman from Missouri propose to close with one speech?

Mr. RUCKER of Missouri. Yes.

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, of course this question can not be argued in 4 minutes, but it may be illustrated. At present, under our Constitution, the Senate of the United States is chosen by the legislatures of the different States, and under that express provision of the Constitution there has never been found any means by which the Federal Government can project itself into the election of Senators by the presence of either troops or the judging of the qualifications of electors, or the appointment of supervisors of elections or judges of elections, or the use of United States marshals. With the Bartlett amendment we may obtain the election of Senators by direct vote of the people and yet preserve to the States the same, sole State control of such elections as we have now. But without that amendment a new element is injected into the election of Senators, to wit, the Federal power to provide the qualification of electors of Senators, the Federal appointment of supervisors of the election of Senators and judges of elections, the use of United States marshals, and the use of the United States troops at the election of Senators whenever the party in power nationally may be tempted to exercise such power. Whether this may happen next year or 20 years from now I know not.

Now, the illustration I wish to make is this. It is an old story, but it puts the question before us clearly: A simple-minded youth on one occasion was dividing the flocks of his father with a wiser brother. There was one magnificent sheep in the bunch that Simple Billy loved to distraction. The wiser brother divided the sheep into two flocks and placed this magnificent sheep in among a lot of poor, scabby sheep, and then he said to Billy, "Take your choice." Simple Billy studied long, but at last he turned himself sadly from his much-loved favorite. With sorrow and longing he looked at his sheep and said, "I love you, but I can't love your company."

Now, the election of Senators by direct vote of the people is my desire, but you include in the plan of that election the scabby sheep of the power of the Federal Government to provide qualifications for electors; you put in the scabby sheep that authorizes the establishment of supervisors of elections; you put in the scabby sheep that will authorize the Federal Government to appoint judges of elections; you put in the scabby sheep that will authorize the Federal Government to appoint United States marshals to supervise elections and place the military authorities and troops of the Federal Government in charge of the election of Senators. For one I may love the magnificent sheep as did Simple Billy, but I do not like the company he is in. [Applause.]

For one, Mr. Speaker, I will not cast my vote to tear down the temple in which is the last refuge of State sovereignty. [Applause.] I will maintain as far as I know the inviolable autonomy of indestructible States; I will spell Nation with a big "N," but also spell State with a big "S." [Applause.]

No man can say what the future may bring forth, and because all is peaceful now is no reason we may not have evils to encounter in the future; not in the South alone, but in the West and in the North. [Applause.] In this measure, without the Bartlett amendment, we attack the very corner stone upon which the indestructibility of the States rests and pave the way for their destruction.

Mr. RUCKER of Missouri. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Speaker, when this proposition came up before the House for consideration originally, I voted for it, because I believed then, as I believe now, that the creation of power upon the theory that it is not going to be exercised or employed is a principle that is wrong and pernicious in government. It is an untenable principle, and the elimination of such a provision from the Constitution is an imperative necessity. There were two great reforms contemplated by that legislation. First, the election of Senators by direct vote of the people [applause], and, secondly, the elimination from the Constitution of that provision which created a power and authority in the Government upon the theory that it would never be employed. Not being able to secure the accomplishment of both of these reforms, as a member of the conference committee representing this House I yielded the lesser evil to the accomplishment of the greater reform, because I believed that the demands for the reform contemplated by this resolution appealed more forcibly and more potentially to the minds and the hearts and the patriotism of the American people than would the other one. [Applause.]

For that reason I come here to this House to-day prepared to vote for the proposition that is submitted to us by the committee, knowing full well that if that proposition is accepted by this House this great reform will assuredly be consummated. We will effect a reform, universally demanded, which has agitated the country for the last 25 or 30 years. And when legislators, honestly seeking true reform, are confronted by the condition which will guarantee the successful accomplishment of their purpose, it is their patriotic duty to yield a moiety of their demands in order that the paramount issue may be crystallized into law, and for that reason I will support, and I honestly believe every Member of this side of the House will be fully justified in supporting, the proposition which now calls for our wise and careful consideration. [Applause.]

The fears entertained by some Members on this side of the House are not justified by the conduct of the Government in dealing with the constitutional regulations affecting the election of Senators. Never during the existence of the Republic have the powers intrusted to the Government by the Constitution been exercised to the detriment either of the people or of the States. The time for the accomplishment of this great reform is at hand. The opportunity to carry it into effect is here. Should we fail to take advantage of it, we will be held to a strict accountability for our stewardship before the country. There is but one course to follow, and that is the unqualified support of this resolution. In its support we will fulfill our pledges to the people and perform our patriotic duty to the States and to the Republic. [Applause.]

Mr. BARTLETT. I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, it is admitted, under the provisions of the Constitution as it stands now, that the Congress of the United States, if it saw proper to exercise the power conferred, can superintend and supervise the elections of Members of this House. It is admitted that under the provisions of the Constitution as it exists to-day the Congress of the United States has not the power to the same extent to supervise and superintend the election of United States Senators. The purpose when the Constitution was adopted was to preserve this distinction, giving to the Government of the United States the right to supervise the election of the Members of the House, but

denying to the Government of the United States the right to supervise the election of United States Senators and reserving that right to the States. Then it is proposed by this provision, as it is written in this resolution, to give to the Congress of the United States the same right to superintend and supervise the election of Senators as it has to supervise the election of Members of the House. I favor the election of United States Senators by the people. I have so voted and advocated it during my political life, and I would gladly vote for the provision to-day as it passed the House and went to the Senate, but I regret I shall not have an opportunity to do so. The fact that Members insist on keeping the provisions of this resolution as it exists to-day shows that they intend to take away from the States some of the power which they now have and correspondingly confer it upon the Government of the United States. I can not conscientiously vote for that proposition, and I will not do so. I will never vote to take any power now conferred upon the States away and give it to the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman has eight minutes left.

Mr. BARTLETT. Mr. Speaker, the Democratic platform of 1908 contains a provision which is as follows:

Believing, with Jefferson, in "the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies," and in "the preservation of the General Government in whole constitutional vigor as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestion, now frequently made, that the powers of the General Government should be extended by judicial construction.

Mr. Speaker, the Democratic caucus that met in this Hall immediately on the assembling of this Congress declared in favor of certain measures, and declared in favor of the Rucker bill, which passed this House, and this House, on the 13th of April, voted for the Rucker bill and voted down the Young amendment, which is identical in word, in language, and in every way with the proposed amendment. The bill then went to the Senate, and the Senate added or substituted for our bill the Bristow amendment, and on the 21st day of June, 1911, each Member on this side of the House, by a majority of 60, voted against this identical proposition, and now, with the hands of this House tied by caucus, with the direction by a unanimous vote of the caucus to stand and vote for the original Rucker bill, we come in here to-day and we find the gentleman from Missouri and the Democratic floor leader on this side of the House advocating that which the Democratic caucus refused to advocate and advocating that which he voted against in a Democratic caucus, and again on the 13th day of April and on the 21st day of June, 1911. Mr. Speaker, I do not think that it is the duty of this House, because the Senate has seen fit to vote upon an amendment which has twice been voted down, which finds no place in the Democratic caucus, to now support it because the Senate upon one vote declines to recede. Shall we surrender tamely, supinely, and cowardly the position of the House to the Senate? Ah, Mr. Speaker, I regret to see the gentleman from Alabama take the position that he did. I will not state that it is a disappointment to me, because that is immaterial, but I had reason to hope, I had his assurance that this amendment that I offered would be voted for and supported by him. I have no criticism to make upon his change of opinion, because he had the right to make that change, but it is fortunate for the gentleman from Alabama that he did not make that speech 10 days ago.

Mr. Speaker, it was never the intention of the framers of the Constitution that Congress should control or regulate the election of Representatives in Congress except when the States failed or neglected to make the necessary regulations as to the holding such elections. As showing this intent, I quote the following:

The convention of the State of South Carolina used this language when it passed upon the question of the adoption of the Constitution. In its articles of adoption the State said:

"And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people, under the operation of a General Government, that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution."

The State of Virginia, in its act of June 26, 1788, adopting the Constitution, used this language:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same."

North Carolina adopted the Constitution in 1789, and in so doing used the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse or fail to exercise it, and that Congress should not interfere in prescribing the times, places, and manner of holding elections except when the legislature of any State should neglect or refuse or be incapable to prescribe the same.

The State of New York, from which, as I said, I have copied this amendment, although it is almost in the same language in the resolutions adopted by the other States, ratified the Constitution on the 28th of July, 1788, and used this language in the act of ratification:

"Under these impressions"—

Which had been previously stated in the resolution—

"Under these impressions, and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises."

Rhode Island, June 26, 1790, used the same language as did the State of New York—only stronger.

Pennsylvania said, in the article adopting the Constitution:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue."

The State of Massachusetts, February 6, 1789, used this language:

"That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

And Massachusetts, in the same document, went on to say:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article."

New Hampshire ratified on June 21, 1788, and used in recommendation the same language as did Massachusetts.

Mr. Speaker, what is the amendment I offer? I propose by this amendment to declare and say that the Congress shall not have the power to order or change the qualifications of the electors of a State. What Democrat will rise in his place here to-day and say he is in favor of the United States Congress changing or altering or providing for the qualifications of voters in the various States, or that power should not remain where it has been lodged since the foundation of this Government? The Supreme Court of the United States has repeatedly upheld the right of the States to regulate the right of suffrage, and who among the Democratic majority will declare he is in favor of changing this law, as you will if you oppose my amendment?

Stand up. I pause that you may do so. When you do, you mark yourself as not being in favor of a Democratic doctrine. What man is there on this side that is in favor of the appointment of supervisors of elections, judges of elections, and returning boards? What Democrat on this side is in favor of that? If there are any, stand up and say that you are in favor if it. What Democrat on this side is in favor of permitting the use of United States marshals and military forces and the Army of the United States at the polls during elections? If there be any Democrat who is in favor of it, stand up and have the nerve to say it. All that the amendment I propose provides is that Congress shall not have authority hereafter to do these things. Do you Members from Indiana remember the prosecution of your citizens there under the Federal election law? Are you in favor of granting Congress that power under the Bristow amendment? If you are, vote against my amendment.

Mr Speaker, I close this debate as I began. The people of Georgia, whom I have the honor, in part, to represent on this floor and whom I have endeavored faithfully, if not efficiently, to represent for 17 years, are Democrats by faith, by environment, and by all the things that they hold holy and sacred. And, Mr. Speaker, our social system and local self-government will be preserved by the white people of the South for themselves and their posterity in spite of all that can be said or done by busybodies or intermeddlers.

The immutable laws of God can not be changed or be made to bend to serve the ideas or purposes of would-be philanthropists or pretended reformers.

The immutable decrees of Providence that make the Caucasian—the Anglo-Saxon—the superior race; that forbid its deterioration, by submission to an inferior race, have stood the test through the moral and physical convulsions of more than

20 centuries, and will stand the test of the centuries yet to come, till—

> The cloud-capped towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, and all which it inherit, shall dissolve.

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Missouri [Mr. RUCKER] yield me one minute of his time?

Mr. RUCKER of Missouri. I will.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. Mr. Speaker, we propose to stand by the Democratic Party, but, above all, we propose to stand by that determination we made during the trying years of the reconstruction period and have kept through all the years, to preserve inviolable the white supremacy and the Caucasian control of our section. And now in this hour, when our own party associates would again subject us to the like dangers—

> Lord God of Hosts, be with us yet,
> Lest we forget, lest we forget.

[Applause.]

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 21 minutes remaining.

[Mr. RUCKER of Missouri addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I am advised that there are a good many Members in the House who would like to extend remarks in the RECORD, both for and against this amendment; therefore I ask unanimous consent that any Member may have five legislative days within which to extend remarks.

Mr. BARTLETT. Does the gentleman mean those who have spoken upon the measure?

Mr. RUCKER of Missouri. No; any Member.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all Members may have five legislative days in which to extend or to print remarks in the RECORD.

Mr. MANN. On this subject?

The SPEAKER. On this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. The previous question has been ordered.

Mr. SAUNDERS. I wish to ask unanimous consent, Mr. Speaker, that the amendment of the gentleman from Georgia be reported.

The SPEAKER. The Clerk, without objection, will again report the motion of the gentleman from Georgia. The Chair wishes to state that the vote will first be taken on the motion of the gentleman from Georgia that the House concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "*Provided*, That Congress shall not have the power or authority to provide for the qualification of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States, or troops of the United States at the polls during the said election."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Missouri [Mr. RUCKER] moves that the House recede from its disagreement. Now, the motion of the gentleman from Georgia, if put at this time, must be also that the House recedes from its disagreement and concurs in the amendment with an amendment, because the first thing the House has to do is to recede.

Mr. BARTLETT. I thought I put it in proper form. It is a difference of tweedledee and tweedledum.

Mr. MANN. We are in disagreement with the Senate amendment, and we must first recede before we can agree to it.

Mr. BARTLETT. I yield to the superior knowledge of the gentleman from Illinois in parliamentary law.

Mr. MANN. I suggest that the gentleman add to his motion a motion to recede.

Mr. BARTLETT. I will if it will not lose its preferential status.

Mr. MANN. Oh, no.

Mr. BARTLETT. Then, Mr. Speaker, I ask unanimous consent to modify my amendment and move that the House recede and concur in the Senate amendment with the amendment.

The SPEAKER. The Clerk, without objection, will add to the gentleman's motion that the House recede from its disagreement and concur in the Senate amendment with the following amendment. The Clerk will report the motion as it now stands.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment and concur in the Senate amendment, with the following amendment, etc.

The SPEAKER. The question now is on the motion of the gentleman from Georgia.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 189, answered "present" 5, not voting 109, as follows:

YEAS—89.

Adamson	Doughton	Hughes, Ga.	Saunders
Aiken, S. C.	Dupré	Hull	Sherley
Bartlett	Edwards	Humphreys, Miss.	Sims
Beall, Tex.	Ellerbe	Jacoway	Sisson
Bell, Ga.	Estopinal	Johnson, Ky.	Slayden
Blackmon	Faison	Jones	Small
Booher	Ferris	Kahn	Smith, Tex.
Brantley	Finley	Kitchin	Stedman
Broussard	Flood, Va.	Knowland	Stephens, Miss.
Bulkley	Floyd, Ark.	Korbly	Stephens, Tex.
Byrnes, S. C.	Garner	Lee, Ga.	Taggart
Byrns, Tenn.	Garrett	Lever	Talbott, Md.
Callaway	Glass	Linthicum	Thomas
Candler	Goodwin, Ark.	Macon	Tribble
Cantrill	Gregg, Tex.	Moore, Tex.	Turnbull
Carter	Hardy	Oldfield	Watkins
Clayton	Harrison, Miss.	Padgett	Webb
Collier	Harrison, N. Y.	Page	Wickliffe
Covington	Hay	Pou	Witherspoon
Cravens	Hayes	Ransdell, La.	Young, Tex.
Dent	Holland	Roddenbery	
Dickson, Miss.	Houston	Rothermel	
Dies	Howard	Rouse	

NAYS—189.

Adair	Esch	Konop	Rainey
Ainey	Evans	Kopp	Raker
Akin, N. Y.	Farr	Lafferty	Rauch
Alexander	Fergusson	La Follette	Redfield
Allen	Fitzgerald	Lawrence	Rees
Anderson, Minn.	Fordney	Lee, Pa.	Reilly
Anderson, Ohio.	Fornes	Lenroot	Reyburn
Ansberry	Foss	Levy	Roberts, Mass.
Anthony	Foster	Lewis	Rubey
Ashbrook	Fowler	Lindbergh	Rucker, Colo.
Austin	Francis	Lloyd	Rucker, Mo.
Barchfeld	French	Lobeck	Russell
Barnhart	Fuller	Loud	Scully
Bartholdt	Gallagher	McCall	Sharp
Boehne	Gardner, N. J.	McCoy	Sherwood
Borland	George	McDermott	Slemp
Bowman	Good	McGillicuddy	Sloan
Buchanan	Gould	McGuire, Okla.	Smith, J. M. C.
Burke, Wis.	Graham	McKenzie	Steenerson
Burleson	Gray	McKinney	Stephens, Cal.
Butler	Green, Iowa	McLaughlin	Stephens, Nebr.
Cannon	Greene, Mass.	Madden	Sterling
Cary	Gregg, Pa.	Maguire, Nebr.	Stevens, Minn.
Catlin	Hamill	Malby	Stone
Cline	Hamilton, Mich.	Mann	Sweet
Connell	Hamilton, W. Va.	Martin, Colo.	Talcott, N. Y.
Conry	Hamlin	Martin, S. Dak.	Taylor, Colo.
Cooper	Hanna	Miller	Thayer
Copley	Harris	Mondell	Tilson
Crago	Hartman	Moon, Pa.	Towner
Crumpacker	Haugen	Morgan	Townsend
Cullop	Hayden	Morrison	Tuttle
Currier	Heald	Morse, Wis.	Underhill
Dalzell	Helgesen	Moss, Ind.	Underwood
Daugherty	Henry, Conn.	Murray	Utter
Davis, Minn.	Henry, Tex.	Neeley	Vare
Davis, W. Va.	Hensley	Nelson	Warburton
De Forest	Higgins	Norris	Wedemeyer
Denver	Hill	Nye	White
Dickinson	Hobson	Olmsted	Wilder
Difenderfer	Howell	Parran	Willis
Dixon, Ind.	Hughes, N. J.	Payne	Wilson, Ill.
Dodds	Jackson	Pepper	Wilson, Pa.
Donohoe	Kendall	Peters	Wood, N. J.
Doremus	Kennedy	Post	Young, Kans.
Driscoll, D. A.	Kent	Pray	
Driscoll, M. E.	Kinkaid, Nebr.	Prince	
Dyer	Kinkead, N. J.	Prouty	

ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

NOT VOTING—109.

Ames	Clark, Fla.	Gudger	Lafean
Andrus	Claypool	Guernsey	Lamb
Ayres	Cox, Ind.	Hammond	Langham
Bates	Cox, Ohio	Hardwick	Langley
Bathrick	Curley	Hawley	Legare
Berger	Curry	Heflin	Lindsay
Bradley	Danforth	Helm	Littlepage
Brown	Draper	Hinds	Littleton
Browning	Fairchild	Howland	Longworth
Burgess	Fields	Hubbard	McCreary
Burke, Pa.	Focht	Hughes, W. Va.	McHenry
Burke, S. Dak.	Gardner, Mass.	Humphrey, Wash.	McKellar
Burnett	Godwin, N. C.	James	McKinley
Calder	Goeke	Johnson, S. C.	McMorran
Campbell	Goldfogle	Kindred	Maher
Carlin	Griest	Konig	Matthews

Mays	Porter	Sheppard	Taylor, Ala.
Moon, Tenn.	Powers	Simmons	Taylor, Ohio.
Moore, Pa.	Pujo	Smith, Saml. W.	Thistlewood
Mott	Randell, Tex.	Smith, Cal.	Volstead
Murdock	Richardson	Smith, N. Y.	Vreeland
Needham	Riordan	Sparkman	Whitacre
O'Shaunessy	Roberts, Nev.	Speer	Wilson, N. Y.
Palmer	Robinson	Stack	Woods, Iowa
Patten, N. Y.	Rodenberg	Stanley	Young, Mich.
Patton, Pa.	Sabath	Sulloway	
Pickett	Sells	Sulzer	
Plumley	Shackleford	Switzer	

So (two-thirds not having voted therefor) the amendment of the gentleman from Georgia [Mr. BARTLETT] was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. PATTEN of New York with Mr. FAIRCHILD.

For one week:

Mr. BROWN with Mr. LANGHAM.

Until May 21:

Mr. BURGESS with Mr. WEEKS.

For two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

Until further notice:

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. O'SHAUNESSY with Mr. CALDER.

Mr. COX of Indiana with Mr. DANFORTH.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHEPPARD with Mr. BATES.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SABATH with Mr. MATTHEWS.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. PUJO with Mr. MCMORRAN.

Mr. AYRES with Mr. SPEER.

Mr. BURNETT with Mr. MCCREARY.

Mr. CARLIN with Mr. AMES.

Mr. CLAYPOOL with Mr. BROWNING.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. CURLEY with Mr. FOCHT.

Mr. GOEKE with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. HINDS.

Mr. GUDGER with Mr. HOWLAND.

Mr. HAMMOND with Mr. HUBBARD.

Mr. LEGARE with Mr. MCKINLEY.

Mr. LINDSAY with Mr. MOTT.

Mr. MCHENRY with Mr. MURDOCK.

Mr. MCKELLAR with Mr. NEEDHAM.

Mr. MAHER with Mr. PICKETT.

Mr. SMITH of New York with Mr. ROBERTS of Nevada.

Mr. STACK with Mr. PLUMLEY.

Mr. STANLEY with Mr. SMITH of California.

Mr. SULZER with Mr. HAWLEY.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. WHITACRE with Mr. YOUNG of Michigan.

Mr. WILSON of New York with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. LONGWORTH.

Mr. JAMES with Mr. PATTON of Pennsylvania.

Mr. ROBINSON with Mr. WOODS of Iowa.

Mr. PALMER with Mr. MOORE of Pennsylvania.

Mr. HEFLIN with Mr. LAFEAN.

Mr. GODWIN of North Carolina with Mr. VREELAND.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. MOON of Tennessee with Mr. SIMMONS.

Mr. KONIG with Mr. HUMPHREY of Washington.

Mr. KINDRED with Mr. PORTER.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. HELM with Mr. RODENBERG.

Mr. LITTLETON with Mr. DWIGHT.

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri [Mr. RUCKER] to recede and concur.

Mr. RUCKER of Missouri. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 39, answered "present" 5, not voting 110, as follows:

YEAS—238.

Adair	Allen	Ashbrook	Beall, Tex.
Aiken, S. C.	Anderson, Minn.	Austin	Boehne
Ainey	Anderson, Ohio	Barchfeld	Booher
Akin, N. Y.	Ansberry	Barnhart	Bowman
Alexander	Anthony	Bartholdt	Buchanan
Bulkley	Garner	Lindbergh	Rothermel
Burke, Wis.	Garrett	Linthicum	Rouse
Burleson	George	Lloyd	Rubey
Butler	Good	Lobeck	Rucker, Colo.
Byrnes, S. C.	Gould	Loud	Rucker, Mo.
Byrns, Tenn.	Graham	McCall	Russell
Callaway	Gray	McCoy	Scully
Cannon	Green, Iowa	McDermott	Sharp
Cantrill	Greene, Mass.	McGillicuddy	Sherley
Cary	Gregg, Pa.	McGuire, Okla.	Sherwood
Catlin	Guernsey	McKenzie	Simmons
Clayton	Hamill	McKinley	Sims
Cline	Hamilton, Mich.	McKinney	Slemp
Connell	Hamilton, W. Va.	McLaughlin	Sloan
Conry	Hamlin	Madden	Small
Cooper	Hanna	Maguire, Nebr.	Smith, J. M. C.
Copley	Harris	Malby	Smith, Tex.
Covington	Harrison, N. Y.	Mann	Stedman
Crago	Hartman	Martin, Colo.	Steenerson
Cravens	Haugen	Martin, S. Dak.	Stephens, Cal.
Crumpacker	Hayden	Miller	Stephens, Nebr.
Cullop	Hayes	Mondell	Stephens, Tex.
Currier	Heald	Moon, Pa.	Sterling
Dalzell	Helgesen	Moon, Tenn.	Stevens, Minn.
Daugherty	Henry, Conn.	Morgan	Stone
Davis, Minn.	Henry, Tex.	Morrison	Sweet
Davis, W. Va.	Hensley	Morse, Wis.	Taggart
Denver	Higgins	Moss, Ind.	Talbott, Md.
Dickinson	Hill	Murray	Talcott, N. Y.
Difenderfer	Hobson	Neeley	Taylor, Colo.
Dixon, Ind.	Houston	Nelson	Thayer
Dodds	Howell	Norris	Thistlewood
Donohoe	Hughes, N. J.	Nye	Thomas
Doremus	Hull	Olmsted	Tilson
Doughton	Jackson	Padgett	Towner
Driscoll, D. A.	Johnson, Ky.	Page	Townsend
Driscoll, M. E.	Jones	Parran	Tuttle
Dyer	Kahn	Payne	Underhill
Ellerbe	Kendall	Pepper	Underwood
Esch	Kennedy	Peters	Utter
Evans	Kent	Post	Volstead
Farr	Kinkaid, Nebr.	Pou	Warburton
Fergusson	Kinkead, N. J.	Powers	Watkins
Ferris	Kitchin	Pray	Webb
Finley	Knowland	Prince	Wedemeyer
Fitzgerald	Konop	Prouty	White
Fornes	Kopp	Rainey	Wickliffe
Foss	Korbly	Raker	Wilder
Foster	La Follette	Ransdell, La.	Willis
Fowler	Lawrence	Rauch	Wilson, Pa.
Francis	Lee, Pa.	Redfield	Wood, N. J.
French	Lenroot	Rees	Young, Kans.
Fuller	Lever	Reilly	Young, Tex.
Gallagher	Levy	Reyburn	
Gardner, N. J.	Lewis	Roberts, Mass.	

NAYS—39.

Adamson	Dupré	Harrison, Miss.	Oldfield
Bartlett	Edwards	Hay	Roddenbery
Bell, Ga.	Estopinal	Holland	Saunders
Blackmon	Faison	Howard	Sisson
Brantley	Flood, Va.	Hughes, Ga.	Slayden
Broussard	Floyd, Ark.	Humphreys, Miss.	Stephens, Miss.
Candler	Glass	Jacoway	Tribble
Collier	Goodwin, Ark.	Lee, Ga.	Turnbull
Dent	Gregg, Tex.	Macon	Witherspoon
Dickson, Miss.	Hardy	Moore, Tex.	

ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

NOT VOTING—110.

Ames	Fairchild	Langley	Roberts, Nev.
Andrus	Fields	Legare	Robinson
Ayres	Focht	Lindsay	Rodenberg
Bates	Fordney	Littlepage	Sabath
Bathrick	Gardner, Mass.	Littleton	Sells
Berger	Godwin, N. C.	Longworth	Shackleford
Borland	Goeke	McCreary	Sheppard
Bradley	Goldfogle	McHenry	Smith, Saml. W.
Brown	Griest	McKellar	Smith, Cal.
Browning	Gudger	McMorran	Smith, N. Y.
Burgess	Hammond	Maher	Sparkman
Burke, Pa.	Hardwick	Matthews	Speer
Burke, S. Dak.	Hawley	Mays	Stack
Burnett	Heflin	Moore, Pa.	Stanley
Calder	Helm	Mott	Sulloway
Campbell	Hinds	Murdock	Sulzer
Carlin	Howland	Needham	Switzer
Carter	Hubbard	O'Shaunessy	Taylor, Ala.
Clark, Fla.	Hughes, W. Va.	Palmer	Taylor, Ohio.
Claypool	Humphrey, Wash.	Patten, N. Y.	Vare
Cox, Ind.	James	Patton, Pa.	Vreeland
Cox, Ohio	Johnson, S. C.	Pickett	Whitacre
Curley	Kindred	Plumley	Wilson, Ill.
Curry	Konig	Porter	Wilson, N. Y.
Danforth	Lafean	Pujo	Woods, Iowa
De Forest	Lafferty	Randell, Tex.	Young, Mich.
Dies	Lamb	Richardson	
Draper	Langham	Riordan	

So (two-thirds having voted in favor thereof) the motion of the gentleman from Missouri [Mr. RUCKER] was agreed to.

The Clerk announced the following additional pairs:

Mr. RICHARDSON with Mr. CALDER.

Mr. BORLAND with Mr. CURRY.

Mr. DIES with Mr. MOTT.

Mr. GOEKE with Mr. PLUMLEY.

For the vote:

Mr. O'SHAUNESSY with Mr. WILSON of Illinois.

The SPEAKER. The gentleman from Oklahoma.

Mr. CARTER. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. CARTER. I was called from the House during the latter part of the previous roll call by two gentlemen from Oklahoma, Hampton Tucker and D. C. McCurtain, of McAlester, to discuss some pending legislation, and when I returned my name had just been passed. I was absent only a few moments and was here during the major portion of the time of both roll calls. I do not like the Bristow amendment, but I strongly favor the main proposition, the election of Senators by direct vote of the people, and I desire to vote "aye" if it is now possible to do so.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. O'SHAUNESSY. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. O'SHAUNESSY. I do not think I was, Mr. Speaker.

The SPEAKER. The gentleman does not qualify.

The announcement of the vote as above recorded was received with applause.

Mr. SISSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SISSON. Article V of the Constitution requires that two-thirds of both Houses, when they deem it necessary, may propose amendments to the Federal Constitution. Now, two-thirds of both Houses have not voted for this proposition.

The SPEAKER. It has always been held that two-thirds of the House means two-thirds of a quorum.

Mr. SISSON. Mr. Speaker, that can not be the proper construction in reference to this article, but because every other——

The SPEAKER. Will the gentleman suspend half a minute?

Mr. MANN. Mr. Speaker, I make the point of order that nothing is in order except the announcement of the result of the vote.

Mr. SISSON. I want to be heard on this, Mr. Speaker.

The SPEAKER. The gentleman will be heard on the point of order. The Chair wishes to state the ruling. It has been held uniformly, so far as the Chair knows, that two-thirds of the House means two-thirds of those voting, a quorum being present.

Mr. SISSON. Now, Mr. Speaker, I am not going to worry the Chair with comparing this article of the Constitution with the other articles of the Constitution where there have been a number of decisions of the Chair with reference to what constitutes a quorum. I have read the decision—there has been but one, and that by Speaker Reed—construing this particular clause of the Constitution. If the Chair shall hold with Speaker Reed on this proposition, we are in the absurd situation that only the fraction of a vote more than one-third of the membership may pass a constitutional provision.

Article V of the Constitution is perfectly distinct. It says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

It is not necessary to go further except to say in all other cases with reference to legislation it states that a majority shall be required to constitute a quorum for the transaction of business, and the passage of an ordinary bill requires only a majority of that quorum. But the language of the Constitution is such that it makes it absurd to say that a fraction of more than one-third of the membership of this House constitutes two-thirds of the House.

If the Chair should hold that the definition "the House" means simply a bare majority of the House, and does not constitute the entire membership of the House, then the ruling of Speaker Reed would be correct, but the House of Representatives is made up now of 394 Members. If you have 394 Members that constitute this House, then the entire membership of the House, under Article V, if it means anything, is required.

Now, there are some other matters that might help us out on this matter. For example, the Supreme Court in passing upon one clause of the Constitution, in speaking of passing a bill over the veto of the President, says it shall be by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill. Now, the Constitution provides that in case of a bill it only takes a majority to pass it. Therefore, the Supreme Court held in that case that two-thirds of a quorum was all that was necessary, and with that single exception there has never been any construction of Article V except that by Speaker Reed.

The SPEAKER. The Chair will ask the gentleman if it is not true that all the constructions he has been able to find go one way?

Mr. SISSON. There is only one on this clause.

The SPEAKER. The gentleman just cited one from the Supreme Court.

Mr. SISSON. That was with reference to the passage of a bill over the veto of the President.

The SPEAKER. If it will hold on the passing of a bill over the veto of the President, what reason is there that it would not hold good on this?

Mr. SISSON. Because the Constitution specifically provides it shall be passed by two-thirds of the Senate and House of Representatives, according to rules and limitations we prescribed in case of a bill, and it only requires a majority of a majority to pass a bill. It only requires, in other words, one more.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I demand the regular order.

The SPEAKER. The regular order is for the gentleman from Mississippi to discuss his point of order.

Mr. RUCKER of Missouri. I did not know he made a point of order.

Mr. SISSON. I did. It takes two-thirds of the number necessary to pass a bill in order to pass a bill over the President's veto. Now, in that case the Supreme Court, in arguing the question, argues at length, and but for the language provided in case of a bill it is perfectly clear the court would have held this language—"two-thirds of both Houses"—meant the entire membership of the House.

If it means the entire membership of the House, then it takes 260-odd votes to pass this joint resolution. If the construction placed upon it by Speaker Reed is the proper construction, then we have an absurdity in the Constitution—that one more than one-third of the membership of this House can propose an amendment to the Federal Constitution, and, that being the case, this provision of the Constitution is meaningless when it requires two-thirds to pass it.

The SPEAKER. It has been held time out of mind that when the phrase or collocation of words, "the House of Representatives" is used, it means a quorum of the House—that is, 198 Members in this House. If it can do one thing with a bare quorum it can do anything.

Now, last Friday, for instance, they had precisely a quorum on a bill here. It is true that they had to wait an hour or so to get that 197 men. Now, if 99 had voted one way and 98 had voted the other way, you would have had a bill passed by 99 votes out of 393 in the House; and what precedents there are, both of the Supreme Court and of the Speaker—because Mr. Speaker Reed rendered an opinion—held that in a situation like this "two-thirds" meant two-thirds of those voting, provided it was a quorum.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. BARTLETT. I ask the indulgence of the Speaker for a moment, before he renders a decision; just a moment, Mr. Speaker. I am as much opposed to the adoption of this amendment as anyone, but I am also interested in having a correct decision made. I desire to say that, in my judgment, following the precedents of the House—and I have them before me—when it is held that two-thirds are required to adopt an amendment to the Constitution, they mean two-thirds of those present, a quorum being present. I refer the Speaker to the decision to be found in the fifth volume of Hinds' Parliamentary Precedents, section 7028 and following.

The SPEAKER. The Chair has those before him.

Mr. BARTLETT. It was held, as there reported, that the Constitution requires two-thirds of those voting when a quorum is present. I am interested, Mr. Speaker, in having a proper ruling, and I doubt not the Chair will make it and decide that it requires two-thirds to recede from our disagreement and to concur in this amendment.

The SPEAKER. The Chair has stated that the final act in submitting a constitutional amendment requires two-thirds, and this is the final act in submitting this amendment to the American people, so far as the House of Representatives and the Senate are concerned. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I move to reconsider and lay that motion on the table.

Mr. SISSON. One moment, Mr. Speaker. I have gone carefully into these precedents, and with the exception of the decision by Speaker Reed there is no precedent on this particular article of the Constitution. In every other case there was some limitation in the clause, like the one to which I called the attention of the Chair. But in this particular clause of the Constitution there is no such limitation, and article 5 was placed there for the purpose of guarding the instrument as it was

passed. I can not get any construction or any language in any other clause of the Constitution that would warrant the decision reached by Speaker Reed, because this language is perfectly specific, and it hinges, of course, on what constitutes the House of Representatives.

There was quite a discussion in the House at the time, and quite a discussion in the Senate upon the passage of one of the amendments in the Senate, and it was then contended by the better lawyers in the Senate that it required two-thirds of that body to pass a constitutional amendment. But that was in the days when tempests were brewing and the majority was barely a majority; a quorum, but lacking a number of votes of being a majority of the entire Senate. That being true, if the Chair will examine carefully the precedents he will find that Speaker Reed's decision was the only decision in this House that holds that the words "the House of Representatives" mean that the House is made up only of a quorum.

The SPEAKER. The Chair will state to the gentleman and to the House that if the question had never been raised before, and Speaker Reed had never decided it, the present occupant of the Chair would decide it the very same way that Speaker Reed decided it. [Applause.] By the vote just taken the House votes to recede from its disagreement to the Senate amendment and to concur in the Senate amendment, two-thirds having voted therefor. [Applause.]

On motion of Mr. RUCKER of Missouri, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON], chairman of the Committee on the District of Columbia, is recognized.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The bill was read, as follows:

Be it enacted, etc., That section 1 and section 7 of the act of Congress entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and they are hereby, amended to read as follows:

"SECTION 1. That from and after the date of approval of this act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than four stories, or more than 55 feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height."

"SEC. 7. That for the purposes of this act the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. No parapet walls shall extend above the limit of height except on nonfireproof dwellings, where a parapet wall or balustrade of a height not exceeding four feet will be permitted above the limit of height of building permitted under this act."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That there shall be, and is hereby, created a board of osteopathic examiners, which will consist of five members, to be selected by the Commissioners of the District of Columbia from a list of 10 practitioners of osteopathy in the District of Columbia, said list to be furnished by the president of the Osteopathic Association of the District of Columbia, and shall include only such practitioners who are qualified as hereinafter provided. Such list shall be transmitted annually to the Commissioners of the District of Columbia under the seal of said association, and shall be signed by the president and secretary thereof, and the commissioners shall make further appointments to the board of osteopathic examiners from the list last submitted. In case of failure of said association to submit said list, the commissioners shall appoint members in good standing of said association without restriction: *Provided, however*, That said members shall be qualified as hereinafter required by graduation and practice. Within 30 days after the commissioners shall have notified the several members of their appointment, each member shall forward to said commissioners the following oath: "I do swear that I will faithfully perform the duties of a member of the board of osteopathic examiners for the District of Columbia to the best of my ability, so help me God," after which the commissioners shall issue to each of the examiners a certificate of appointment.

SEC. 2. That the members of said board first appointed, as hereinbefore provided, shall be practitioners of osteopathy of good moral and professional character, and graduates of colleges or schools of osteopathy recognized by the American Osteopathic Association, and that thereafter no person shall be eligible for such appointment unless, in addition to the qualifications hereinbefore prescribed, he has first obtained a license to practice osteopathy in the District of Columbia under the provisions of this act: *Provided*, That no member of said board shall hold said position while in any manner financially interested in any osteopathic school or college, or connected with the faculty or management of such school or college.

SEC. 3. That the term of office of the members of said board of osteopathic examiners of the District of Columbia shall be for a term of three years: *Provided*, That of the first members of the board two shall be appointed for one year, two for two years, and one for three years. Any vacancy that may occur from any cause shall be filled for the unexpired term by the Commissioners of the District of Columbia from the list last submitted as provided in section 1 of this act.

SEC. 4. That said board of osteopathic examiners of the District of Columbia shall within 30 days after its appointment organize by electing a president, a secretary, and a treasurer, who shall hold their offices until their successors are elected and qualified. The treasurer shall give bond with security in such sum as said board may determine. Said board shall make such regulations as may be necessary to carry into effect the provisions of this act. There shall be at least one regular meeting of said board each year, and this meeting shall be held in the city of Washington on the last Tuesday in June. Special meetings may be held upon the call of the president and two other members. A majority of said board shall constitute a quorum. Said board shall adopt a seal, keep a record of its proceedings, and a register of all applicants for license to practice osteopathy in the District of Columbia. Said register shall show the name, date of birth, and place of residence of each candidate and the name and location of the institution granting the applicant the degree of doctor or diplomate in osteopathy, the date of his or her diploma, and also whether the applicant was denied or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

SEC. 5. That all fees provided for in this act shall be paid in advance to the treasurer of the board of osteopathic examiners of the District of Columbia, to be held as a fund for the use of said board. No funds shall be paid out except on a warrant signed by the president and secretary of said board, and no expense shall be created in excess of the fees and fines as herein provided, but such funds shall be applied by said board to the payment of its expenses and to making a compensation to each member thereof not to exceed $5 per diem for each day of actual service in the discharge of his duties under this act.

SEC. 6. That any person who was engaged in the practice of osteopathy in the District of Columbia on the 1st day of February, 1912, may deliver to the secretary of the board of osteopathic examiners of the District of Columbia within 90 days after the approval of this act a written application for a license to practice osteopathy in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age, is of good moral character, and had previously obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, and upon the payment of a fee of $10 said board shall issue to said applicant a license to practice osteopathy in the District of Columbia, which license shall have like effect for all purposes as a license issued after examination by said board of osteopathic examiners of the District of Columbia, as herein provided. Every license issued by said board shall be signed by each member of said board of osteopathic examiners and shall have affixed to it by the person authorized to affix the same the seal of said board of osteopathic examiners.

SEC. 7. That any person, other than as provided in the preceding section, who desires to enter on the practice of osteopathy in the District of Columbia from and after the approval of this act shall make a written application to the secretary of said board of osteopathic examiners for a license to practice osteopathy in the District of Columbia. Application shall be made upon a form prescribed by the board and shall be accompanied by a fee of $25, together with satisfactory proof that the applicant is at least 21 years of age, is of good moral character, and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent, and has obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, provided such school or college prescribes a four-year course of at least eight months in each year as a prerequisite to its diploma in osteopathy. Upon complying with these conditions, said board of osteopathic examiners, if satisfied with the same, shall admit said applicant to examination before them, which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, histology, pathology, bacteriology, diagnosis, hygiene, obstetrics, gynecology, surgery, medical jurisprudence, principles and practice of osteopathy, and diseases of the eye, ear, nose, and throat. If the examination is satisfactory to said board of osteopathic examiners, and the applicant shall have made an average of not less than 75 per cent upon all subjects examined upon, with not less than 65 per cent in any one subject, said board of osteopathic examiners shall issue forthwith to said applicant a license to practice osteopathy in the District of Columbia, when it shall have been recorded in the office of the clerk of the Supreme Court of the District of Columbia, and the date and place of record has been certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of 50 cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book which the health officer shall provide for that purpose, his or her name and address. Whenever a license is revoked by said board of osteopathic examiners, the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration. In case the applicant fails to pass a satisfactory examination, said applicant may, at any subsequent meeting of said board of osteopathic examiners within two years, have the privilege of a second examination without the payment of additional fee.

SEC. 8. That any applicant examined and licensed by the board of osteopathic examiners or other lawful authority of any State or Territory of the United States, and having practiced in the jurisdiction thereof for a period of at least one year, may, on personally appearing before and upon the payment of a fee of $25 to the board of osteopathic examiners of the District of Columbia, and filing with the secretary of the said board a copy of said license, certified by the affidavit of the president and secretary of the board granting said license, and upon showing also that the standard or requirement adopted by said board of examiners that issued said license is substantially the same as is provided by section 7 of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges of this act.

SEC. 9. That the license provided for in this act shall authorize the holder to practice osteopathy as taught and practiced in the schools or colleges of osteopathy recognized by the American Osteopathic Association.

SEC. 10. That osteopathic physicians shall observe and be subject to all regulations of the District of Columbia relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, and such reports shall be accepted and honored by the officers or department to whom the same are made.

SEC. 11. That the board of osteopathic examiners of the District of Columbia may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

SEC. 12. That any person who shall fraudulently practice or pretend to practice or use the science or system of osteopathy in treating diseases of the human body; who shall buy, sell, or fraudulently obtain any diploma, license record, or registration to practice osteopathy, or who shall use any of the forms or letters "Osteopath," "D. O.," "Osteopathic physician," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms is engaged in the practice of osteopathy, without having first complied with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than $50 nor more than $500, or by imprisonment in the District Jail for a period of not less than 10 nor more than 90 days, or by both such fine and imprisonment: *Provided*, That this act shall not apply to commissioned surgeons in the United States Army, Navy, or Marine-Hospital Service, nor to legally registered osteopathic physicians called from any State or Territory to attend specified cases in the District of Columbia, nor to practitioners of osteopathy during the period between the date of the approval of this act and the issue of license as provided by this act. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

SEC. 13. That nothing in this act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopaths or claim to practice osteopathy.

SEC. 14. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "examiners," insert the words "for the District of Columbia."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follow:

Page 1, line 8, after the word "the," strike out the words "president of the."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 3, after the word "make," strike out the word "further" and insert the words "all future."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 20, after the word "moral," strike out the words "and professional."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 20, strike out the word "security" and insert the word "surety."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 21, after the word "such," strike out the word "regulations" and insert the word "by-laws."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 2, after the word "members," insert the words "of the board."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 19, after the word "no," strike out the word "expense" and insert the word "debt."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 5, line 19, strike out the words "each member" and insert the words "a majority."

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Kentucky a question. Is it the intention to examine these practitioners and issue to them licenses, when only a majority of the board believe that the license should be issued?

Mr. JOHNSON of Kentucky. No; that was not the intention. The question has arisen as to another medical board here, that if any one of the five members should be absent in Europe or should be ill or away for any cause, a license could not be issued, and it is to cover situations of that kind that we have provided that a majority of the board may issue licenses.

Mr. FOSTER. So it is not the intention, if a minority of the board should decide that an applicant was not entitled to a license, the majority might issue it.

Mr. JOHNSON of Kentucky. No; that was not thought of in the matter. It was only to provide against the absence or illness of members of the board.

Mr. FOSTER. There was one other matter about which I wished to inquire, and that was the striking out in line 20, page 2, of the word "professional."

Mr. JOHNSON of Kentucky. That has gotten to be quite a question now, as to what constitutes ethics. It might be held by the board that it was unprofessional to advertise, and other little things of that kind, and the committee thought best to strike out the words "and professional."

Mr. FOSTER. So you just provide that the applicant shall be a practitioner of osteopathy of good moral character. This takes nothing into consideration as to the professional character of the applicant.

Mr. JOHNSON of Kentucky. We think the words "of good moral character" cover the ground sufficiently.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, on page 6, by striking out, in lines 7, 8, and 9, the words "and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, line 16, after the word "examiners," strike out the words "if satisfied with the same."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, lines 22 and 23, strike out, after the word "if," the words "the examination is satisfactory to said board of osteopathic examiners and."

Mr. MILLER. Mr. Speaker, I would like to ask the chairman of the committee a question. I notice the requirements outlined in section 7 are what might be termed very severe and not as applied to other branches of the medical profession, but possibly might be applied to the profession of osteopathy. I would like to inquire how many of the present practitioners of osteopathy in the District of Columbia the provisions of this bill would very likely preclude from securing permission to practice?

Mr. JOHNSON of Kentucky. None.

Mr. MILLER. I notice that those who are in practice at the date of January 1, 1912, are not obliged to submit to as severe an examination as the applicants hereafter are obliged to pass.

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MILLER. That is the provision of the bill; was there any special reason for that?

Mr. JOHNSON of Kentucky. Those who are already practicing are the graduates of some one of the schools provided for in this bill.

Mr. MILLER. Is it not a fact that there are a large number of osteopaths practicing in the District of Columbia who are really, as you might say, not first class?

Mr. JOHNSON of Kentucky. This bill describes who is an osteopath, and all those who do not come under that description are not permitted to practice.

Mr. MILLER. How many schools now teach osteopathy that are equipped to qualify and graduate students to pass the examination prescribed here?

Mr. JOHNSON of Kentucky. I have no idea.

Mr. MILLER. Is it not a fact that there are just two?

Mr. JOHNSON of Kentucky. I do not know.

Mr. MILLER. There is one at Kirksville, and I was wondering if this bill would really send osteopathic students to one of three schools.

Mr. LLOYD. There are several schools of osteopathy. The one at Kirksville is the parent school. There is one at Des Moines, one at Los Angeles, and several others.

Mr. MILLER. Are they all qualified to give this course of instruction?

Mr. LLOYD. There are many schools that are qualified and there may be some that are not, just the same as in the medical profession there are qualified schools and schools that a diploma would not be accepted from. I think there are six or seven osteopathic schools.

Mr. JOHNSON of Kentucky. Under this bill a diploma itself does not entitle one to practice; they must have a diploma and pass this examination.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 7, line 10, by striking out the word "same" and inserting the word "original."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, line 17, by striking out the words "a satisfactory" and inserting the word "the."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 7, line 22, by striking out the words "examined and."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 1, strike out the word "may."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 17, after the word "all," insert the words "the laws and all legal."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 8, section 11, line 25, by striking out, after the word "felony," the words "or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy."

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman, the chairman of the committee, a question. Why is it provided in this section only for those who are convicted of a felony and nothing more?

Mr. JOHNSON of Kentucky. What more would the gentleman have?

Mr. FOSTER. I think it would be an unfortunate thing for a man to be practicing osteopathy or any other profession who is addicted to drugs or vicious habits.

Mr. BARTLETT. That is not a crime.

Mr. FOSTER. I am not talking about its being a crime, but I am talking about the granting of a certificate and revoking the same only upon the conviction of a felony.

Mr. BARTLETT. But a man who is convicted of a felony ought not to practice.

Mr. FOSTER. I believe that, too.

Mr. JOHNSON of Kentucky. When you get down to the vices, that becomes a different matter.

Mr. BARTLETT. Infirmities, either.

Mr. FOSTER. It seems to me a man who is addicted to vices, rendering him unfit to practice osteopathy, ought not to be permitted to practice.

Mr. JOHNSON of Kentucky. But when you get into the question of vices, cigarette smoking, and things of that kind, you had better pass them along. Then, besides, there is ample protection in the bill as to their moral character, and all that.

Mr. FOSTER. Yes; but you confine it to this one thing.

Mr. JOHNSON of Kentucky. And I suspect if you get out among the pill doctors with a provision like this that you would find just as many of those addicted to vices.

Mr. FOSTER. I agree with the gentleman, but I will say to the gentleman from Kentucky that the law providing for the licensing of physicians provides more than this does.

Mr. JOHNSON of Kentucky. Yes. I think it goes too far.

Mr. FOSTER. They are very restricted, much more than you restrict them in a bill of this kind.

Mr. JOHNSON of Kentucky. But you are not restricting the other physicians more in the District of Columbia. These men do not make mistakes by writing the wrong prescription.

Mr. FOSTER. But you provide by saying an osteopathic physician is permitted to treat all manner of diseases.

Mr. JOHNSON of Kentucky. Yes; but they do not give any medicine.

Mr. FOSTER. Certainly; but sins of omission sometimes are as great as sins of commission.

Mr. JOHNSON of Kentucky. They may rub in the wrong place, that is all.

Mr. FOSTER. A man might be injured by the fact that he ought to have other treatment. I am not going to offer any amendment, although I think it is wrong to do that.

Mr. JOHNSON of Kentucky. This is the best we can do.

Mr. FOSTER. I think that is a mistake.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

Mr. JOHNSON of Kentucky. Mr. Speaker, I withdraw the motion.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the bill H. R. 17681, the District of Columbia appropriation bill, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Texas calls up the District of Columbia appropriation bill and asks that the Senate amendments be disagreed to, and that the House ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I desire, when that bill comes up, to have a separate vote on certain amendments. I have no objection to granting unanimous consent for the consideration of the Senate amendments.

The SPEAKER. That is not what the gentleman from Texas asked.

Mr. MANN. I understand.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that all the Senate amendments be disagreed to except Senate amendments 250 to 258, inclusive, and that those amendments be considered in the House as in the Committee of the Whole House.

Mr. MANN. Except amendment No. 253.

Mr. BURLESON. Except amendment No. 253.

The SPEAKER. The Chair did not understand the gentleman's remark.

Mr. MANN. Mr. Speaker, I understood the gentleman from Texas to ask unanimous consent to disagree to all Senate amendments except 250, 251, 252, 254, 255, 256, 257, and 258.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House disagree to all the Senate amendments on the District of Columbia appropriation bill except 250, 251, 252, 254, 255, 256, 257, and 258, and asks that those amendments be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The Clerk will report amendment No. 250.

The Clerk read as follows:

Page 54, after line 17, insert:
"For the purchase of additional ground adjacent to the Corcoran School, for the extension of said school, to be immediately available, $11,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Texas moves that the House nonconcur, and the gentleman from Illinois [Mr. MANN] makes a preferential motion that the House concur, in Senate amendment No. 250. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report amendment No. 251.

Mr. BURLESON. A parliamentary inquiry, Mr. Speaker. Was the last motion equivalent to nonconcurring in the Senate amendment?

The SPEAKER. That is the rule. The Clerk will report the Senate amendment No. 251.

The Clerk read as follows:

On page 54, before line 17, insert:
"Toward the construction of a new Central High School building, including grading and other work necessary to prepare the site for the building, and the total cost of said building, under a contract which is hereby authorized therefore, shall not exceed $725,000, $250,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment. I am willing to consider that amendment and the next amendment together, if the gentleman desires.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the two amendments be considered together.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment 252.

The Clerk read as follows:

On page 67, after line 16, insert:
"Toward the construction of a new (colored) M Street High School, and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed $400,000, $150,000."

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in Senate amendments 251 and 252, and the gentleman from Illinois [Mr. MANN] moves to concur in the same. The question is on the motion of the gentleman from Illinois [Mr. MANN] to concur.

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Ninety-nine Members are present. The Doorkeeper will close the doors——

Mr. LEVY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. LEVY] moves that the House do now adjourn. That motion, under the circumstances, has to be seconded by a majority of those present.

Mr. MANN. Well, Mr. Speaker, I submit the Chair is mistaken about that. The motion to adjourn only has to be seconded after it has been defeated once in the House.

Mr. LEVY. I withdraw the motion, Mr. Speaker.

Mr. MANN. The motion to adjourn has to be seconded after it has been once defeated in the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct, and the gentleman from New York [Mr. LEVY] withdraws his motion to adjourn.

The Doorkeeper will cose the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of concurring in the amendments Nos. 251 and 252 will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 76, nays 140, answered "present" 5, not voting 171, as follows:

YEAS—76.

Ainey	Gardner, N. J.	Knowland	Pray
Anderson, Minn.	Good	Kopp	Prouty
Austin	Green, Iowa	La Follette	Rees
Bowman	Greene, Mass.	Lawrence	Slemp
Butler	Guernsey	Lenroot	Sloan
Cannon	Hamilton, Mich.	Lindbergh	Smith, J. M. C.
Catlin	Harris	McKinley	Steenerson
Cooper	Haugen	McKinney	Stephens, Cal.
Crago	Hayes	McLaughlin	Sterling
Dalzell	Helgesen	Madden	Stevens, Minn.
Davis, Minn.	Higgins	Malby	Thistlewood
De Forest	Hill	Mann	Tilson
Dodds	Humphrey, Wash.	Miller	Utter
Driscoll, M. E.	Jackson	Morgan	Volstead
Dyer	Kahn	Morse, Wis.	Wedemeyer
Esch	Kendall	Nelson	Wilder
Farr	Kennedy	Norris	Willis
Fordney	Kent	Nye	Wilson, Ill.
French	Kinkaid, Nebr.	Payne	Young, Kans.

NAYS—140.

Adamson	Dies	Hughes, Ga.	Reilly
Aiken, S. C.	Dixon, Ind.	Hughes, N. J.	Roddenbery
Alexander	Donohoe	Hull	Rothermel
Allen	Doremus	Humphreys, Miss.	Rouse
Anderson, Ohio	Doughton	Jacoway	Rubey
Ansberry	Driscoll, D. A.	Johnson, Ky.	Rucker, Colo.
Ashbrook	Edwards	Jones	Russell
Barnhart	Ellerbe	Kinkead, N. J.	Saunders
Bartlett	Evans	Kitchin	Scully
Beall, Tex.	Faison	Konop	Sharp
Bell, Ga.	Ferris	Korbly	Sims
Blackmon	Fitzgerald	Lee, Ga.	Sisson
Boehne	Flood, Va.	Lee, Pa.	Slayden
Booher	Floyd, Ark.	Levy	Smith, Tex.
Buchanan	Foster	Lewis	Stephens, Nebr.
Bulkley	Francis	Lloyd	Stephens, Tex.
Burleson	Gallagher	Lobeck	Stone
Byrnes, S. C.	Garner	McCoy	Sweet
Bryns, Tenn.	Garrett	Macon	Talbott, Md.
Candler	George	Maguire, Nebr.	Talcott, N. Y.
Cantrill	Glass	Martin, Colo.	Taylor, Colo.
Carter	Goodwin, Ark.	Moon, Tenn.	Thayer
Clayton	Graham	Morrison	Thomas
Cline	Gray	Moss, Ind.	Townsend
Collier	Gregg, Pa.	Murray	Tribble
Connell	Gregg, Tex.	Neeley	Turnbull
Conry	Hamill	Oldfield	Tuttle
Covington	Hamilton, W. Va.	Page	Underwood
Cravens	Harrison, Miss.	Pepper	Watkins
Daugherty	Hay	Post	Webb
Davis, W. Va.	Hayden	Pou	White
Dent	Henry, Tex.	Raker	Wickliffe
Denver	Hensley	Ransdell, La.	Wilson, Pa.
Dickinson	Holland	Rauch	Witherspoon
Dickson, Miss.	Howard	Redfield	Young, Tex.

ANSWERED "PRESENT"—5.

Cary	Gillett	Houston	McDermott
Davenport			

NOT VOTING—171.

Adair	Bradley	Campbell	Danforth
Akin, N. Y.	Brantley	Carlin	Davidson
Ames	Broussard	Clark, Fla.	Difenderfer
Andrus	Brown	Claypool	Draper
Anthony	Browning	Copley	Dupré
Ayres	Burgess	Cox, Ind.	Dwight
Barchfeld	Burke, Pa.	Cox, Ohio	Estopinal
Bartholdt	Burke, S. Dak.	Crumpacker	Fairchild
Bates	Burke, Wis.	Cullop	Fergusson
Bathrick	Burnett	Curley	Fields
Berger	Calder	Currier	Finley
Borland	Callaway	Curry	Focht
Fornes	Kindred	Mott	Sherley
Foss	Konig	Murdock	Sherwood
Fowler	Lafean	Needham	Simmons
Fuller	Lafferty	Olmsted	Small
Gardner, Mass.	Lamb	O'Shaunessy	Smith, Saml. W.
Godwin, N. C.	Langham	Padgett	Smith, Cal.
Goeke	Langley	Palmer	Smith, N. Y.
Goldfogle	Legare	Parran	Sparkman
Gould	Lever	Patten, N. Y.	Speer
Griest	Lindsay	Patton, Pa.	Stack
Gudger	Linthicum	Peters	Stanley
Hamlin	Littlepage	Pickett	Stedman
Hammond	Littleton	Plumley	Stephens, Miss.
Hanna	Longworth	Porter	Sulloway
Hardwick	Loud	Powers	Sulzer
Hardy	McCall	Prince	Switzer
Harrison, N. Y.	McCreary	Pujo	Taggart
Hartman	McGillicuddy	Rainey	Taylor, Ala.
Hawley	McGuire, Okla.	Randell, Tex.	Taylor, Ohio
Heald	McHenry	Reyburn	Towner
Heflin	McKellar	Richardson	Underhill
Helm	McKenzie	Riordan	Vare
Henry, Conn.	McMorran	Roberts, Mass.	Vreeland
Hinds	Maher	Roberts, Nev.	Warburton
Hobson	Martin, S. Dak.	Robinson	Weeks
Howell	Matthews	Rodenberg	Whitacre
Howland	Mays	Rucker, Mo.	Wilson, N. Y.
Hubbard	Mondell	Sabath	Wood, N. J.
Hughes, W. Va.	Moon, Pa.	Sells	Woods, Iowa
James	Moore, Pa.	Shackleford	Young, Mich.
Johnson, S. C.	Moore, Tex.	Sheppard	

So the Senate amendments were not concurred in.

The Clerk announced the following additional pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. MCGILLICUDDY with Mr. HOWELL.

Mr. MOORE of Texas with Mr. LOUD.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PADGETT with Mr. MCKENZIE.

Mr. PETERS with Mr. OLMSTED.

Mr. RAINEY with Mr. MONDELL.

Mr. RUCKER of Missouri with Mr. PARRAN.

Mr. SHERWOOD with Mr. REYBURN.

Mr. SMALL with Mr. TOWNER.

Mr. STEDMAN with Mr. WARBURTON.

Mr. STEPHENS of Mississippi with Mr. WOOD of New Jersey.

Mr. BURKE of Wisconsin with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. HENRY of Connecticut.

Mr. LEVER with Mr. HEALD.

Mr. DIFENDERFER with Mr. CRUMPACKER.

Mr. DUPRÉ with Mr. CURRIER.

Mr. FOWLER with Mr. FOSS.

Mr. GOULD with Mr. MOTT.

Mr. HARDY with Mr. FULLER.

Mr. HARRISON of New York with Mr. HANNA.

Mr. CULLOP with Mr. COPLEY.

Mr. BROUSSARD with Mr. BARTHOLDT.

Mr. ADAIR with Mr. ANTHONY.

Mr. BRANTLEY with Mr. BARCHFELD.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. JAMES with Mr. MCCALL.

Mr. MCDERMOTT with Mr. CARY.

Mr. FINLEY with Mr. HARTMAN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Further proceedings under the call will be suspended. The Doorkeeper will open the doors. The motion to concur is lost, which is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I ask that the next amendment be reported. I ask unanimous consent that the next five amendments be reported and nonconcurred in in gross.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that the next five amendments be reported and nonconcurred in in gross.

Mr. MANN. I object.

The SPEAKER. The Clerk will report amendment numbered 254.

The Clerk read the Senate amendment, as follows:

For the erection of an 8-room extensible building on the site purchased west of Soldiers' Home grounds, south of Rock Creek Road, $60,000.

Mr. BURLESON. Mr. Speaker, I move to nonconcur in the Senate amendment.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 105.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. MANN. Mr. Speaker, I withdraw the demand for tellers.

The SPEAKER. The "noes" have it, and the House refuses to concur, which is equivalent to nonconcurrence.

Mr. BURLESON. I ask unanimous consent that Senate amendments numbered 255, 256, 257, and 258 be acted upon in gross, and I move to nonconcur in those amendments.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to act on the four amendments named in gross. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move that the House concur in the four Senate amendments named.

The SPEAKER. The Clerk will report the Senate amendments named.

The Clerk read the Senate amendments, as follows:

For the construction of a four-room annex to the Takoma School, $36,000.

For the construction of a four-room annex to the Chevy Chase School, including grading of site, $36,000.

For the construction of a four-room annex to the Birney School, $35,000.

For the construction of a four-room annex to the Congress Heights School, $36,000.

The SPEAKER. The motion of the gentleman from Illinois [Mr. MANN] is to concur in the four amendments just read. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER. That is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I move that the House request a conference.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves that the House request a conference on the disagreeing votes of the two Houses. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio.

INJUNCTIONS.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 520 (H. Rept. 696).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. That there shall be three hours' general debate on said bill and one substitute to be offered, and considered as pending, by the gentleman from Illinois [Mr. STERLING], and at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion.

Mr. MANN. Mr. Speaker, I desire to reserve all points of order on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order on the resolution.

Mr. HENRY of Texas. Mr. Speaker, if the House will indulge me just a moment, it is my intention to ask that the House take a recess until 11 o'clock to-morrow morning, and that at that time this rule be taken up for consideration, when an endeavor will be made to agree as to the time for discussion of the rule.

Mr. GARNER. Let the gentleman make the request for unanimous consent.

Mr. HENRY of Texas. I ask unanimous consent that that be the order.

Mr. MANN. That when the House meets to-morrow it meet at 11 o'clock.

Mr. HENRY of Texas. That the House take a recess until 11 o'clock to-morrow morning.

Mr. MANN. Let the gentleman present his request.

The SPEAKER. What is the request of the gentleman from Texas?

Mr. HENRY of Texas. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I was trying to carry out an understanding I endeavored to have with the gentleman from Illinois [Mr. MANN].

Mr. MANN. I did not have the understanding.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

Mr. HENRY of Texas. Does the gentleman want to make an agreement now about the time for debate of the rule?

Mr. MANN. Let that go until to-morrow.

FEDERAL COURT, NORTHERN DISTRICT OF MISSISSIPPI.

Mr. HENRY of Texas. I think the gentleman from Alabama has a conference report which he desires to present.

Mr. MANN. I suggest that that ought to come in later.

Mr. CLAYTON. The conference report was printed in the RECORD on Saturday.

The SPEAKER. The gentleman from Alabama presents a conference report on a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. The Clerk will read the conference report.

Mr. CLAYTON. I ask that the statement be read in lieu of the report.

Mr. MANN. Reserving the right to object, what is the bill about?

Mr. CLAYTON. It relates to a Federal court in Mississippi. The gentleman will remember that the Senate amended it by putting on a provision with reference to a court in Michigan.

Mr. MANN. I remember, and I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT (NO. 687).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments as follows:

Page 4, after line 2, insert: "*Provided*, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year."

Amend the title so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

H. D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
A. O. BACON,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 19238 submit the following statement:

The House bill provided for the creation of a division of the Federal court for the northern district of Mississippi, and the Senate amended the bill by adding a section which provided for holding court for the western district of Michigan at Sault Ste. Marie. The Senate conferees agreed to recede from its amendment, and the bill, as now reported, is in the exact terms of the bill as it passed the House.

HENRY D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

The conference report was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under the order previously made, adjourned until Tuesday, May 14, 1912, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 24493) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 24494) making it unlawful for one fraternal organization to use as a name any part of the name or title of another fraternal organization; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: A bill (H. R. 24495) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 24496) requiring banks, trust companies, and individual bankers in the District of Columbia to publish certain deposits, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 24497) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 24517) to regulate the interstate and foreign shipment of milk, butter, and cheese; to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: A bill (H. R. 24518) authorizing resurveys and retracements in Montana; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24498) granting an increase of pension to Napoleon Sites; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24499) granting an increase of pension to Benjamin W. Sholty; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 24500) for the relief of James J. Gildea; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 24501) granting an increase of pension to Galon S. Huston; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 24502) to enroll Alexander P. Powell and others as Choctaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24503) granting a pension to Michael Eller; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 24504) granting an increase of pension to John P. Harris; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 24505) granting a pension to Ellen Thompson; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 24506) granting an increase of pension to Thomas F. Stevens; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 24507) for the relief of W. H. Tuck; to the Committee on War Claims.

Also, a bill (H. R. 24508) for the relief of J. M. Timmins; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 24509) granting an increase of pension to John A. Gibson; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 24510) granting a pension to Peter F. Weasel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24511) granting an increase of pension to Hiram F. Butler; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24512) granting an increase of pension to Henry M. Chase; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24513) granting a pension to Herman Rehn; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 24514) granting a pension to James A. Small; to the Committee on Pensions.

Also, a bill (H. R. 24515) granting an increase of pension to Theodore Moser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24516) granting an increase of pension to William Newsom; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 24519) granting an increase of pension to Timothy W. Reardon; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 24520) for the relief of J. M. Hunnicutt; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 24521) granting a pension to Isabelle Davis; to the Committee on Pensions.

Also, a bill (H. R. 24522) granting an increase of pension to William H. Beacht; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 24523) granting a pension to Helen O. Stewart; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24524) granting a pension to Mrs. L. L. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 24329, for the relief of Alex B. Henderson, Company E, Eighty-eighth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

Also, petition of David J. Crowley and 5 other citizens of Newark, Ohio, against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of the Savannah Chamber of Commerce, in favor of passage of the semicentennial emancipation exposition bill for celebrating the negro's freedom; to the Committee on Appropriations.

Also, petition of the Savannah Chamber of Commerce, opposing passage of House bill 16844, requiring sellers to place names on packages; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Chamber of Commerce, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Cotton Exchange, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petition of the board of game commissioners, favoring passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of the Gardner bill and Burnett bill for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Luzerne County Medical Society, Wilkes-Barre, Pa., favoring passage of the Owen bill to establish the United States public-health service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young Men's Hebrew Association, Wilkes-Barre, Pa., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Chester Lodge, No. 119, I. O. A. I., of Chester, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Memorials of Ohio Lodge, No. 269, Independent Order B'rith Abraham; Abraham Lincoln Lodge No. 52, United States Grand Lodge B'rith Abraham; citizens' mass meeting at Cleveland, Ohio; Abraham Hershburg Lodge, No. 177, Independent Order B'rith Sholom, Cleveland, Ohio; Independent Order B'rith Abraham, Gatth Epl, Lessing Lodge, No. 37, Cleveland Ohio, protesting against the Dillingham and Burnett immigration bills requiring an educational test; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petitions of Plimpton, Cowan & Co., of Buffalo, and Bakst Bros., of New York City, N. Y., against passage of House bill 14060, known as the Richardson bill relating to sale of drugs; and of H. M. Marks & Co., of Chicago, Ill., and Indianapolis Bolster Spring Co., of Indianapolis, Ind., against passage of House bill 16844, relating to sale of manufactured goods; and of the Newport Humane Research Club, of Newport, R. I., favoring passage of House bill 17222, relative to shipping of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of Julius Mathias, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Association of Talking Machines of Pittsburgh, Pa., and of Wm. H. Enhaus & Son and Ellen Soceney, of New York City, N. Y., against passage of the Oldfield bill, relative to amending patent laws; to the Committee on Patents.

Also, petition of T. G. Hawkes & Co., of Corning, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DONOHOE: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

By Mr. DANIEL A. DRISCOLL: Petition of Polish Blacksmith and Kalia Royal Neighbors and Giviazda Wolmosci, No.

890, and Kalina, No. 906, of New York, and Italian-American Business Men's Association of Buffalo, N. Y., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

Also, petition of the board of directors of the Maritime Association of the Port of New York, favoring improvements in New York Harbor; to the Committee on Rivers and Harbors.

Also, petition of the United Trades and Labor Council of Buffalo, N. Y., favoring passage of House bills 11372 and 23675, to compel steamships to carry sufficient lifeboats and deck crew, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. MICHAEL E. DRISCOLL: Resolutions of Central City Lodge, No. 232, Independent Order B'rith Abraham, and Sunrise Lodge, No. 496, United States Grand Lodge Order B'rith Abraham, and Hebrew school, Syracuse, N. Y., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Thread Agency, St. Louis, Mo., favoring the passage of House bill 309, relative to appropriation for relief of the flooded districts on Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of town of Silverton, Colo., and the Silverton Commercial Club, favoring passage of House bill 22081, relative to establishing a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of William Loeffel & Sons, St. Louis, Mo.; the National Association of Talking Machine Jobbers, Pittsburgh, Pa.; Thiebes Piano Co., St. Louis, Mo.; and the Koeber-Brenner Music Co., St. Louis, Mo., protesting against passage of any bill that may affect price maintenance in the present patent laws; to the Committee on Patents.

Also, petition of the Merchants' Exchange of St. Louis, Mo., protesting against any bill that would legalize boycott; to the Committee on the Judiciary.

Also, petition of Local No. 30, United Brotherhood of Leather Workers on Horse Goods, protesting against the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Hotel Jefferson, St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the Wisconsin Retail Jewelers' Association, Neenah, Wis., protesting against passage of the Oldfield bill relative to preventing the patentee or manufacturer from maintaining resale prices on patented goods; to the Committee on Patents.

Also, petition of George W. Bell Post, No. 53, Grand Army of the Republic of Wisconsin, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Blackman-Ross Co., New York, N. Y., protesting against House bill 23417, for abolishing price maintenance on patented articles; to the Committee on Patents.

Also, petition of the State Hospitals Commission of the State of New York, relative to the influx of alien insane; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the United Lithuanian Societies, of Chicago, Ill., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), relating to literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of Anti-Saloon League of Illinois, favoring passage of the interstate-liquor measures; to the Committee on the Judiciary.

Also, petition of B. Wilsey, of Sandwich, Ill., against passage of bills to amend the patent laws; to the Committee on Patents.

Also, petition of C. H. Markham, of Chicago, Ill., favoring passage of Senate amendment to rivers and harbors appropriation bill, relating to appropriation for relief of flood sufferers at Cairo, Ill.; to the Committee on Rivers and Harbors.

Also, petition of the Marine Engineers' Beneficial Association, No. 4, of Chicago, Ill., favoring passage of House bills 19405, 19406, and 19407, relating to qualifications and appointment of supervising inspectors, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of William P. Doran, of Springfield, Mo., favoring passage of House bill 17167, to grant pensions to members of Capt. William L. Fenix company; and of William Romig, of Bowmanstown, Pa., favoring passage of House bill 1339, granting pensions to survivors of Civil War who lost an arm or leg, etc.; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., and members of the Brotherhood of Paper Makers of East Millinocket, Me., favoring passage of House bill 19133, for a parcel-post express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of Mebius & Dreschen Co., Sacramento, Cal., and of Sussman, Wormser & Co., San Francisco, Cal., favoring passage of House bill 4667, that merchandise in packages must have net weight and numerical count on them; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Sacramento, Cal., protesting against passage of the Lever bill (H. R. 20281), relative to the dairy industries; to the Committee on Agriculture.

Also, petition of the Woman's Improvement Club of Livingston, Cal., and the Merced County Chamber of Commerce, favoring the San Joaquin River Flood water canal; to the Committee on Rivers and Harbors.

Also, petition of Dan P. Carter, of San Francisco, Cal., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the board of governors of the San Mateo County Development Association and the supervisors of the county of San Mateo, Cal., favoring inland harbor between Belmont and Redwood City, Cal.; to the Committee on Rivers and Harbors.

By Mr. HENSLEY: Petition of the Methodist Episcopal Church South, of Bismarck, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Resolutions of citizens of Stamford, Conn., regarding restoration of the land now occupied by the general post office in New York City to the City Hall Park; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of West Cornwall, Conn., against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolutions of South Norwalk Lodge, No. 185, Order of B'rith Abraham, of South Norwalk, Conn., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Daughters of Liberty of Butler, N. J., favoring passage of bill for educational test for immigrants, and the Workingmen's Circle of Paterson, N. J., against passage of the Dillingham bill and all bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACKSON: Petition of the International Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Kansas legislative board, Brotherhood of Locomotive Firemen and Engineers, opposing the workmen's compensation bill as passed by the United States Senate; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of C. Amos Reynolds, of Harpers Ferry, W. Va.; Frisby F. Griffith, of Trego, Md.; and 39 other citizens of Maryland, favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LINDSAY: Petitions of P. L. Stoner, of Lansing, Mich.; Isaac Roberts, of Rectors, Vernon County, Wis.; J. F. Sampson, of Lexington, Nebr.; E. B. Du Mond, of Pleasant Valley, N. Y.; A. J. Miller, of Westfield, Vt.; John Weaver, of Beaverdam; and John English, of Galion, Ohio, favoring passage of House bill 1339, for $65 pension for veterans of the Civil War who have reached age of 70 years; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Rev. J. S. Guzdek and others, protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the United Hebrew Trades of New York, protesting against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sons of the Revolution in the State of New York relative to collecting and publishing archives relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Petition of citizens of South Andes, S. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of the Brotherhood of Railway Trainmen, Square Deal Lodge, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, resolution of the United Lithuanian Societies of Chicago, Ill., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Bethel Grange, Maine, favoring passage of Senate bill 6474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolutions of Rabi Hermann Adler Lodge, No. 10; of Buad Mosha Lodge, No. 98; of Ostren Maharsho Lodge, No. 160; and of Old Constantine Lodge, No. 17, Independent Order B'rith Solomon, of Philadelphia, Pa., against passage of the Burnett and Dillingham immigration bills; to the Committee on Immigration and Naturalization.

By Mr. NELSON: Petition of members of the Madison Federation of Labor, Madison, Wis., favoring passage of House bill 22339 and Senate bill 6172, against stop-watch system in Government shops; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Independent Bessarabic Lodge, No. 119; of Providence Lodge, No. 214; and of Sons of Jacob Lodge, No. 175, Independent Order B'rith Abraham, of Providence, R. I., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the People's Educational Club, Stroudsburg, Pa., against passage of Root amendment to Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Auburn City Lodge, No. 454, Independent Order B'rith Abraham, Auburn, N. Y., protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

Also, resolution of Zangwill Lodge, No. 196, Independent Order B'rith Abraham; of Fruinnell Lodge, No. 284, United States Grand Lodge, Order B'rith Abraham; and of the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Commttee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of S. W. Roberson and others, of Denver, Colo., favoring the enactment of the old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Petition of 228 citizens of Los Angeles, Cal., favoring passage of old-age pension; to the Committee on Pensions.

By Mr. TILSON: Petition of Amalgamated Association of Steam and Electric Railway Employees of America, of New Haven, Conn., requesting favorable consideration of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. WEDEMEYER: Petition of citizens of Lenawee County, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 14, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 19, 20, 23, 27, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, and 29, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted insert "fifty"; and the Senate agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 9, 13, 15, 16, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The message also announced that the House had passed a bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, in which it requested the concurrence of the Senate.

The message further announced that the House had receded from its disagreement to the amendment of the Senate to the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. GEORGE WASHINGTON GORDON, late a Representative from the State of Tennessee. (H. Res. 535.)

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Mascoma Grange, Patrons of Husbandry, of West Canaan, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Edgar W. Anderson, president of the Men's Club, of Hanover, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Charlestown, N. H., praying for the establishment of a national bureau of health, which was ordered to lie on the table.

He also presented a memorial of the Park View Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation proposing an increase in water rates in the District, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against any change being made in the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the Illinois Lumber and Builders' Supply Dealers' Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of the board of directors of the Tocin Building, Loan & Homestead Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was referred to the Committee on Finance.

He also presented a petition of members of the Camp Fire Club, of Chicago, Ill., praying for the enactment of legislation for the protection of migratory and insectivorous game birds, which was ordered to lie on the table.

He also presented a petition of members of the Crop Improvement Committee, of Chicago, Ill., praying for the enactment of legislation to prohibit the admission of certain adulterated seeds into the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the City Council of Springfield, Ill., favoring the enactment of legislation providing for the protection of passengers on ocean-going vessels, which were referred to the Committee on Commerce.

He also presented a petition of the Washington County Medical Society, of Illinois, and a petition of sundry citizens of Fairbury, Ill., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. RICHARDSON presented a memorial of members of sundry Jewish societies of Wilmington, Del., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CULBERSON. I present a large number of memorials remonstrating against the passage of Senate bill No. 1, known as the Owen health bill. I ask the memorials be noted in the RECORD and placed on file.

The memorials were ordered to lie on the table, as follows:

Memorials from 7 citizens of Oklahoma City, 29 citizens of Tulsa, 6 citizns of Mangum, 17 citizens of Oklahoma City, 16 citizens of Cherokee, 27 citizens of Oklahoma City, 34 citizens of Ponca City, 9 citizens of Oklahoma City, 57 citizens of Nowata, 6 citizens of Oklahoma City, 7 citizens of Byron, 5 citizens of Oklahoma City, 22 citizens of Enid, 12 citizens of Oklahoma City, 42 citizens of Headrick, 13 citizens of Oklahoma City, 4 citizens of Muskogee, 7 citizens of Oklahoma City, 25 citizens of Miami, 18 citizens of Oklahoma City, 62 citizens of Chandler, 7 citizens of Supulpu, 28 citizens of Hobart, 40 citizens of Tulsa, and 13 citizens of Tuttle, all in the State of Oklahoma.

Mr. JOHNSON of Maine presented a memorial of the congregation of Beth Israel, of Bangor, Me., and a memorial of Zion Camp, No. 8929, Modern Woodmen of America, of Bangor, Me., remonstrating against the adoption of a proposed amendment to the immigration law providing an educational test for all immigrants, which were ordered to lie on the table.

Mr. TOWNSEND. I present a telegram in the nature of a petition from the Genesee County Medical Society, of Michigan, in favor of the Owen health bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FLINT, MICH., *May 13, 1912.*

Hon. CHARLES TOWNSEND,
United States Senator, Washington, D. C.:

Will you please present to the Senate the following resolutions adopted by Genesee County Medical Society:

Whereas the Senate of the United States has now under consideration Senate bill No. 1, Calendar No. 651, reported favorably from the Committee on Public Health and National Quarantine; and

Whereas the establishment of a bureau of public health, such as that for which the bill makes provision, has long been recognized by physicians as of very great public importance; and

Whereas the bill under consideration is clear and commendable and its provisions such as to meet the end in view: Therefore be it

Resolved, That the Genesee County Medical Society, at a meeting held on the 8th day of May, 1912, places upon record its indorsement of the bill, and directs that the officers of the society communicate this action at once to the Senators and Congressmen from Michigan.

NOAH BATES, *President.*
C. P. CLARK, *Secretary.*

Mr. HITCHCOCK. I present a petition signed by a large number of medical practitioners and residents of Nebraska, in favor of the Owen bill to create a bureau of health. I move that the petition lie on the table.

The motion was agreed to.

Mr. HITCHCOCK presented memorials of sundry citizens of David City, Rising City, Bloomington, Fremont, and Bethany, all in the State of Nebraska, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. POMERENE presented a petition of sundry citizens of Dayton, Ohio, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Canton, Ohio, praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Woman's Christian Temperance Union of Portsmouth, R. I., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a memorial of sundry citizens of Bethany, Fremont, Bloomington, and Lincoln, all in the State of Nebraska, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the United Evangelical Church of Middleburg, Pa., and a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State

liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Independent American Lodge, No. 35, Independent Order B'rith Sholom, of Philadelphia, Pa., and a memorial of Tifares Israel Lodge, No. 131, Independent Order B'rith Sholom, of Shenandoah, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the local branch of the Woman's Auxiliary of the Diocese of Erie of the Christ Protestant Episcopal Church, of Meadville, Pa., praying for the enactment of legislation providing medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Philadelphia, Pa., and a petition of the Pennsylvania Spiritualists' Association, praying for the adoption of uniform international regulations to safeguard the lives of persons on ocean steamers, which were referred to the Committee on Commerce.

Mr. DU PONT presented a petition of sundry citizens of Wilmington, Del., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the establishment of a department of health, which was ordered to lie on the table.

IMPROVEMENT OF ROADS.

Mr. JONES. I present a communication from the president of the American Automobile Association in regard to the improvement of roads, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD, together with the names at the head of the letter.

The VICE PRESIDENT. Without objection, the request will be complied with.

The letter is as follows:

[Officers: Robert P. Hooper, president, Pennsylvania Motor Federation; Frank M. Joyce, first vice president, Minnesota State Automobile Association; Laurens Enos, second vice president, New York State Automobile Association; C. L. Bonifield, third vice president, Ohio State Automobile Association; Ralph W. Smith, fourth vice president, Colorado State Automobile Association; F. L. Baker, fifth vice president, Automobile Club of Southern California; A. G. Batchelder, chairman executive committee, 437 Fifth Avenue, New York; H. A. Bonnell, treasurer, Associated Automobile Clubs of New Jersey; John N. Brooks, secretary, Connecticut State Automobile Association. Executive committee: Robert P. Hooper, president; A. G. Batchelder, chairman; Lewis R. Speare, F. T. Staples, Frank G. Webb, H. L. Vail, P. J. Walker, H. E. Coffin, Frank M. Joyce, J. H. Weeks, E. C. Smith, A. H. Knoll, J. H. Edwards, Dr. A. P. Overgaard, H. J. Clark, C. M. Robinson, John A. Wilson, David Beecroft, John N. Brooks, Powell Evans, P. M. Milner, Preston Belvin, J. P. Coghlin, Paul C. Wolff, James T. Drought, S. A. Miles, F. C. Battey, Charles E. Doe, Edwin S. George, H. A. Bonnell, H. Crim Peck, H. B. Race, W. E. Moyer, H. M. Rowe, S. D. Capen, H. L. Gordon, William M. Stevenson, Oliver Quayle, W. E. Metzger, C. H. Verschoyle. Including chairmen of boards: Charles Thaddeus Terry, legislative board, 100 Broadway, New York; William Schimpf, contest board, 437 Fifth Avenue, New York; George C. Diehl, good roads board, 575 Ellicott Square, Buffalo, N. Y.; Howard Longstreth, touring information board, 437 Fifth Avenue, New York.]

AMERICA'S ORGANIZATION OF AUTOMOBILISTS,
"AMERICAN MOTORIST," OFFICIAL PUBLICATION,
NATIONAL HEADQUARTERS, 437 FIFTH AVENUE,
New York, May 13, 1912.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SIR: The growing demand for Federal aid in highways improvement is very clearly demonstrated in the numerous letters which are daily received at the national headquarters of the American Automobile Association from its 44 State associations and 340 affiliated local clubs, besides the thousands of individual members in all parts of the country.

The belief is quite general that the Federal Government should at least cooperate with the States in the construction of a comprehensive system of national highways.

Since we have progressed from the town to the county road, and from the county to the State road, the next logical step is the national or interstate road. Highways construction and maintenance within reason and of national scope is demanded. Hence we speak for a system of national routes which shall connect the various States and thus make possible at all times an interchange of commercial and social interests.

I would personally appreciate an expression of opinion as to your public position in this now most important avenue of Federal participation which we believe should enlist your thought and activities.

We are sending you under separate cover copy of the proceedings of the first annual Federal aid good roads convention held at Washington, January 16 and 17, believing that you will find therein much that will be of interest to you and perhaps be of value in defining the country-wide extent of the good-roads question.

Very truly, yours,

ROBERT P. HOOPER,
President American Automobile Association.

Mr. HEYBURN. Mr. President, I would like to make a suggestion and that it may be considered by Senators. It has seemed to me that communications from persons outside this body on general questions, newspaper articles, and speeches of others than Members of Congress ought to be printed in an appendix to the RECORD. I notice in picking up the RECORD, right in the beginning of a copy, when we refer to it for purposes of determining what we are to do and what we have done, we find pages of it taken up with outside communications. It may be all right to print them; I have not felt inclined to object; but I think it would be well for us to consider the question as to where they should be printed. They should be printed at the end of the day's proceedings under the title of appendix. I commend that to Senators for their consideration.

REPORTS OF COMMITTEES.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6174) for the erection of a public building at the city of Douglas, State of Arizona, reported it with an amendment and submitted a report (No. 748) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 749);

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 750); and

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 751).

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin, reported it without amendment and submitted a report (No. 752) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 6811) granting an increase of pension to Henry Johnson (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891; to the Committee on Indian Affairs.

By Mr. CATRON:

A bill (S. 6813) to remove the charge of desertion from the military record of John Kircher; to the Committee on Military Affairs.

A bill (S. 6814) for the relief of Alexander Read; to the Committee on Claims.

A bill (S. 6815) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope; to the Committee on Indian Depredations.

By Mr. HEYBURN:

A bill (S. 6816) granting an increase of pension to Jeremiah Williams (with accompanying paper); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6817) granting an increase of pension to William Kenoyer (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6818) granting an increase of pension to Samuel Cornwell (with accompanying papers);

A bill (S. 6819) granting an increase of pension to John Rains (with accompanying papers);

A bill (S. 6820) granting an increase of pension to Thomas Davis;

A bill (S. 6821) granting an increase of pension to Barzilla B. Jones (with accompanying papers);

A bill (S. 6822) granting an increase of pension to Robert A. Boyd (with accompanying papers);

A bill (S. 6823) granting an increase of pension to Bert Goodknight (with accompanying papers);

A bill (S. 6824) granting an increase of pension to George W. Williams (with accompanying paper);

A bill (S. 6825) granting a pension to Clara H. Scott (with accompanying paper);

A bill (S. 6826) granting a pension to Maria C. Faulkner (with accompanying paper);

A bill (S. 6827) granting an increase of pension to Samuel W. McGuire;

A bill (S. 6828) granting an increase of pension to James Hawkins;

A bill (S. 6829) granting a pension to George W. Whitman; and

A bill (S. 6830) granting an increase of pension to Eli Haskett; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6831) granting a pension to Adeline E. Ferrell; and

A bill (S. 6832) granting an increase of pension to Sarah D. Shaw; to the Committee on Pensions.

BILLS OF LADING.

Mr. POMERENE. I introduce a bill relating to bills of lading in commerce with foreign nations and among the several States. This is a redraft of Senate bill 4713, introduced by me some time ago. I ask that it may be printed and lie on the table and later I expect to offer it as a substitute for Senate bill 957, relating to bills of lading, reported by the Interstate Commerce Committee.

The bill (S. 6810) relating to bills of lading in commerce with foreign nations and among the several States was read twice by its title.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CATRON submitted an amendment proposing to increase the salary of the surveyor general of New Mexico from $2,500 per annum to $3,000 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for experimental mail delivery from $100,000 to $300,000, intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing to change the date for the promotion of clerks in class A to grade 3 from June 30, 1913, to June 30, 1912, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $1,200 each for two clerks at charging desk, reading rooms, Library of Congress, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

PERSONNEL OF COMMISSIONS.

Mr. OVERMAN submitted the following resolution (S. Res. 311), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate a statement of the number and personnel of commissions now in existence under congressional and executive authority, the salaries paid to members, officers, and employees of such commissions, and the individual and total expenses of each commission and member thereof for the fiscal year ended June 30, 1911.

NAVY PAYMASTERS.

Mr. WETMORE. I move that the bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

Mr. GALLINGER. I enter a motion to reconsider the votes by which the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was ordered to a third reading and passed.

I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On May 11, 1912:

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile;

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River in western Shawnee County, or in Wabaunsee County, in the State of Kansas;

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

SAVANNAH RIVER DAMS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

Mr. BACON. I move that the Senate disagree to the amendment adopted by the House, ask for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BOURNE, and Mr. FLETCHER conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GALLINGER, Mr. CURTIS, and Mr. FOSTER conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 19236. An act to regulate the practice of osteopathy in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from North Carolina [Mr. OVERMAN], on page 23.

Mr. OVERMAN. I ask unanimous consent to withdraw that amendment and offer in lieu of it the one I send to the desk.

The VICE PRESIDENT. The former amendment is withdrawn, and the Senator from North Carolina submits the following amendment in lieu thereof.

The SECRETARY. On page 23, in line 15, after the word "practice," add the words "and for farm demonstration work."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. In lines 15 and 16, I move to strike out the words "two hundred and fifty-one," before the word "thousand," and insert in lieu thereof the words "five hundred."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. After line 24, on page 23, insert:

That for the purpose of establishing an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the kind and character of plants, shrubs, and trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States, and for the purchase of necessary stock and machinery, the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire to call the attention of the Senator from Idaho [Mr. HEYBURN] to page 55. Yesterday the Senator moved to strike out, on page 55, after the heading in line 18, down to and including line 2, on page 56,

and that motion was agreed to. The Senator particularly objected to the use of the words "in the most general and comprehensive sense of that word." There is no objection to those words going out, but striking out the paragraph is quite a serious matter, as it interferes with investigations in several other departments, the testing of drugs, paper for the Government Printing Office, and so forth. I will ask the Senator if he will not be willing to have that action reconsidered, and simply have the words to which the Senator particularly objected stricken out.

Mr. HEYBURN. Mr. President, I have no objection. My intention was to strike out those words. If more was included than would accomplish that purpose, I have no objection to the portion being restored.

The VICE PRESIDENT. Without objection, then, the vote by which the entire provision was stricken out is reconsidered, and the Senator from Idaho offers the following amendment.

The SECRETARY. In lines 22 and 23, on page 55, strike out the words "in the most general and comprehensive sense of that word."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. TOWNSEND. Mr. President, I offer several amendments to the bill, on pages 7 and 8, having one purpose in view, namely, the provision for the establishment of a weather station in the Saginaw Valley of Michigan. The peculiar conditions there have been recognized by the department, and the department has approved of this proposition. I offer the amendments which I send to the desk to effect that purpose.

The VICE PRESIDENT. The Senator from Michigan offers certain amendments, which will be stated.

The SECRETARY. On page 7, line 23, before the word "thousand," it is proposed to strike out "sixty-four" and to insert "sixty-nine," so as to read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $569,000.

The amendment was agreed to.

The SECRETARY. On page 8, line 2, after the word "thousand," it is proposed to insert "five hundred," so as to read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $105,500.

The amendment was agreed to.

The SECRETARY. On page 8, line 4, after the word "thereto," it is proposed to strike out "thirty-nine" and insert "forty-two," so as to read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $42,500.

The amendment was agreed to.

The SECRETARY. On page 8, line 10, after the word "grounds," it is proposed to strike out "ninety-eight" and to insert "ninety-nine," and in line 11, after the word "thousand," to strike out "five hundred," so as to read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $99,000.

The amendment was agreed to.

The SECRETARY. On page 8, line 17, before the word "thousand," it is proposed to strike out "four" and to insert "five," so as to read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $305,000.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment. The portion of the bill between pages 28 and 48 was passed over. The Secretary will now read that portion of the bill.

Mr. HEYBURN obtained the floor.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. I yield to the Senator from Florida.

Mr. FLETCHER. I merely want to suggest that, in view of the amendment offered by the Senator from Michigan [Mr. TOWNSEND], we shall have to change the footing of the totals in lines 12 and 13, on page 9.

The VICE PRESIDENT. As a rule, the Senate at the conclusion of the consideration of a bill, by unanimous consent directs that the Secretary correct the totals to correspond with the amendments which have been made.

Mr. MARTINE of New Jersey. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. On page 70, line 10, it is proposed to strike out the word "two" in "class two," and insert "three," to read "class three."

The amendment was agreed to.

Mr. HEYBURN. Mr. President, if it were within the rules, I should suggest the absence of a quorum in the Press Gallery. I am going to send out a message to the people that I should like to send through the press, but, if compelled, I will send it over their heads.

Mr. President, the largest question, so far as governmental policy and procedure are concerned, that Congress will be called upon to consider is that which I will, to the best of my ability, now present. We talk about conserving this and that, and I have been charged with being an enemy to conservation. It depends upon what you are conserving whether I am its friend or its enemy. I am going to speak in the interest of conserving opportunity to the people of this country, young and old. Opportunity is the most important asset that a man, woman, or child has at any period of existence. Opportunity was the underlying principle and basis that prompted the organization of this Government. It was the underlying motive or the controlling motive that brought the people across the sea to settle in the unknown land. Opportunity maintained them on the Atlantic coast and sent them drifting westward to a broadening field. It is involved in the consideration of this question. I shall not discuss minute details. I shall endeavor to keep out of my discussion any possible thought or expression of rancor or unconsidered opposition, but only, if I can have the attention—and I am sure I shall—of Senators, to set thought in the right direction.

A spoiler entered the field of opportunity a few years ago. I need not to attack the motives of the spoiler. I think it was an unconscious evil, but none the less deadly. The growing, increasing population of this country requires increased and increasing facilities for support. You withdraw a large per cent of the productive assets and then complain of the increase in the cost of living, just as though you would withdraw from the warehouses and from the markets 25 per cent of the assets upon which the people must exist and then complain that prices were higher. In the case of the forest reserves, we have withdrawn, first, the valuable asset of more than 100,000 young, vigorous, and capable men from industrial enterprise and placed them upon the pay roll of this institution. The withdrawal of 100,000 men from the productive fields of energy and enterprise is a serious question. It was suggested—at least I so gathered from a publication I saw some months ago—that Mr. Pinchot had stated as one of the purposes of such withdrawals that it would educate these men along military lines, educate them in discipline, and that they would be available as a reserve military force. I think I have gone to the limit in violation of my suggestion that I would keep this upon a high plane when I revert to that, but it comes to me as one of the vague and wild suggestions for which those against whom I speak to-day are responsible.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. Did I understand the Senator from Idaho correctly to say that 100,000 men had been withdrawn from productive industry and placed upon the Government pay roll?

Mr. HEYBURN. Yes; I made that statement. I gathered it from investigations during last night from sources that will commend themselves to the Senator as reliable.

Mr. HITCHCOCK. It is rather an amazing statement that 100,000 men are on the Government pay roll for conservation purposes, and I would like to have the Senator elucidate it.

Mr. HEYBURN. It does not follow that the withdrawal from the field of industry is confined to the single individual. The withdrawal of one man from gainful enterprise in this country results generally in the withdrawal of the opportunity from several others.

Mr. HITCHCOCK. I was more particularly dwelling upon the statement that 100,000 men had been placed upon the Government pay roll.

Mr. HEYBURN. I think, if the Senator will read my remarks or refer to them where he has doubt, he will find that I will have balanced my statements along the lines of accuracy when I have finished the presentation of any one of these subjects.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. Will the Senator allow me a word just there?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I will say to the Senator from Nebraska that the officer quoted by the Senator from Idaho—Mr. Pinchot—did say in a public address in this city, which has been published, bound, and sent out, that in order to properly administer the forests of this country would require a force not of 100,000, but of 117,000 men.

Mr. HEYBURN. Yes; I read that statement, and I gave him the 17,000 men in order that I might be liberal.

You not only withdraw these young men—and they are young men, because they are not eligible after a certain period—from gainful enterprise to a field where they must be content with a limited income, but you withdraw 200,000,000 acres of land from production. I will be met, perhaps, with the response that that land is nonproductive. Then it need not be withdrawn for any purpose; it will take care of itself; its poverty will protect it. The fact is that the land withdrawn, 200,000,000 acres—and I am using round figures for convenience—is land capable of contributing to the productiveness of the country and the welfare of its citizens, and those responsible for withdrawing it dare not say that that is not true, else they admit that they have done a vain thing at a large expense.

It cost to administer this asset $22,440,000 last year. If the Government can justify itself in spending $22,000,000 to conserve that which is useless, I would be interested to know how it is to be done.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I yield to the Senator.

Mr. CHAMBERLAIN. I merely wanted to ask the Senator a question in that connection. He says it cost $22,000,000 last year. Does not the Senator mean that it cost $22,000,000 from 1902 until 1912?

Mr. HEYBURN. I have a sheet, obtained this morning from the department, and I am going to give very accurate figures when I undertake to give accurate figures. In general speech I will deal in round numbers for convenience, and I will make these tables available to any Senator either during my remarks or afterwards.

Mr. CHAMBERLAIN. Mr. President, the reason I called attention to the statement is because I have a statement from the same source in which it is set forth that the expenditure was $22,490,972.59 for the 10 years beginning in 1902, and I thought possibly the Senator had overlooked the date.

Mr. HEYBURN. That is the total amount expended. I have the figures here for the total expended each year and then the aggregate. The Senator is correct—and if I said anything to the contrary it was an inadvertence—when he says that that covers from 1902 to 1911.

Mr. CHAMBERLAIN. Inclusive.

Mr. HEYBURN. Yes. By this system of withdrawal you disturb the relation of the producer to the consumer, and then you complain of the increased cost of living. The assets of the producer in this country are land and labor, and I include the by-products in those classifications. When you withdraw so large a quantity of land you diminish the capital from which labor is to draw its opportunity and, consequently, you diminish the product, and thus you disturb the balance between these factors of government.

Solitude is never productive. If the law is obeyed, a forest reserve is a solitude; it is not a workshop; it is withdrawn from the settlement of men. It is a place under the guardianship or the immediate control of employees. No man who has given thought to the question will contend that the Government of the United States should itself engage competitively in business with its citizens, who are the Government. Unused land is not productive land. The idleness of most men is involuntary. I state these axioms as a sort of text for what I am going to say.

Mr. OVERMAN. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. I am very much interested in the statement the Senator has made about these hundred thousand men being used as soldiers in case of war. Do they drill them? Do they have uniforms? How do they expect to make soldiers out of these hundred thousand men?

Mr. HEYBURN. I do not expect to; it was Mr. Pinchot who had that idea. I was merely citing it as a curiosity in literature and history.

Withdrawn opportunity is wasted opportunity. We waste the man, we waste the land, and we destroy the opportunity and we pay for it. Last year we paid something over $6,000,000.

We were told in 1904, when I first had thrust upon me the duty of discussing this question—and it was new—that after the next year at most this service would be self-sustaining. There are Senators here who well remember that promise. They demonstrated it to the line—that is, to the line of their satisfaction—that it would be not only a great conservation of natural resources but a system that would yield a steady income to the Government. Those two propositions have diverged every year. The deficit has been greater every year.

Mr. OVERMAN. I remember that statement being made upon the floor, that it would be self-sustaining. Would the Senator tell us what was the revenue for last year?

Mr. HEYBURN. I will just take this occasion to give you the revenue and the expenditures for each year since that time. That was in 1904. We gave this department $348,773.31 to investigate this question. That was in the appropriation act of 1904. In the appropriation act of 1905 we gave them $348,539.09 for the same purpose, and in addition to that we gave them for the administration, protection, et cetera, of the national forests—and et cetera is the largest item in the bill—$288,516.86, and for permanent improvements in national forests we gave them $2,762.18, making for the year 1905, $639,818.13, as against $348,773.31 for the year in which the promise was made.

The income in the year 1904 was $58,436.19, leaving as a deficit the difference between $350,000 and $58,000.

Again, they renewed their promises in 1905 and said that it was merely due to the weather or some such contingency that they had not made good their promises, but if we would give them the opportunity they surely would the next year. So we gave them $642,187.68, very nearly double the appropriation of 1904, but they were going to do better work. The income that year was $73,276.15 against the expenditure of $642,000.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HEYBURN. Certainly.

Mr. FALL. Is it not a fact that they expended their income as well as the amount appropriated by Congress?

Mr. HEYBURN. Yes; in those years. But we stopped it.

Mr. FALL. Does the Senator say we have stopped it?

Mr. HEYBURN. Yes. In that year we compelled them to turn it into the Treasury. They were receiving the money and violating the Constitution by paying it out without an appropriation.

Mr. FALL. Does the Senator state that that has been stopped?

Mr. HEYBURN. Yes; they must now turn the money into the Treasury.

Mr. FALL. Is it not a fact that they draw the money out of the Treasury, expend it, and then come before Congress for additional appropriations? In other words, is it not a fact that, while we appropriate $5,000,000 in this bill for the service, the income will be spent also?

Mr. HEYBURN. That is true, in a measure.

Mr. FALL. That is true, I know, in reference to one of the States.

Mr. HEYBURN. We are beginning to run into larger figures now. In 1906 the cost of maintaining the forests, for which we appropriated, was $1,191,400.21, and the receipts were $767,219.96. In 1907 their expenditures were $1,827,189.51 and their receipts were $1,571,059.44. But in 1908 when the great contest over this question was waged in Congress, and they were defiant as they never had been before, and when they held the reins in their hands and drove it under the lash, we gave them $3,458,790.83, and we gave them a million of it just by putting it on, without accounting for it. It was an amendment offered by my colleague who sits on my right when he is here. I do not mean my colleague from the State of Idaho. After we had given them until we were breathless, it was suggested to give them another million, and it was tossed up in the air and the Secretary was told to catch it and do what he pleased with it. That was the high tide of forest reserves. In that year we gave them $3,458,000 instead of $1,827,000 the year before, and they expended $1,842,281. We gave them financial dyspepsia. They could not digest the money we gave them, and when the Forest Service gets so bad that it can not digest an entire appropriation there is something wrong with both.

Mr. HITCHCOCK. Does the Senator from Idaho criticize the Forest Service for closing the year with an unexpended balance? Would he expect the service to expend money unless it was necessary? Is it not to the credit of the service that they had an unexpended balance?

Mr. HEYBURN. I am neither giving credit to nor taking away credit from the Forest Service. I am stating the facts.

Mr. HITCHCOCK. I think the Senator is criticizing——

Mr. HEYBURN. I may in the closing moments of my observation, and it would be based largely upon the sentiment expressed by the Senator. I am speaking of the manner of administration in an impersonal way.

Mr. HITCHCOCK. It strikes me that to close the year with an unexpended balance is to the credit of the Forest Service, and justifies the confidence reposed in them.

Mr. HEYBURN. If there is anything for which they are entitled to credit I am glad of it.

That was in 1908. We gave for administration, protection, et cetera, $2,526,098.02. Most of that was under the last enumerated item, et cetera. They sold timber in that year to the amount of $849,027.24. If I had time I should like to go into and analyze what they call sales of timber, but I have not time this morning. But in that year they collected for grazing and other uses $993,254.63.

They collected that for the use of lands that were not forest lands at all. They collected that from land which should have been open to settlement by the American citizen.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. CHAMBERLAIN. I am sure the Senator from Idaho does not want to misstate the fact in reference to that. Much of this land that is used for grazing is within the forests and on the mountain side.

Mr. HEYBURN. I have been through the forests in the State of Oregon many times, as well as those in my own State, and I know grass grows to some extent in the forests. I know that the official report of the Forestry Department made four years ago stated that one-third of the land in forest reserves had no timber at all upon it.

Mr. CHAMBERLAIN. I can speak with knowledge with reference only to my own State, and nearly all the reserves are forest lands, and they are rented for grazing purposes, both in the Cascade and the coast ranges.

Mr. McCUMBER. If the Senator from Oregon will allow me, we can trade him 11,000 acres in our State that has been set aside for a forest reserve on which there is not a stick of timber on any portion of it, with the exception of possibly in the crevices in some parts. There there are some old cedars that scientists, so I am informed, say are about 3,000 years old, and they are about 6 inches in diameter—the largest ones. So I do not know how long it is going to take to reforest that section.

I simply add that to the information about the quantity of timber on land that is reserved as forest reserves, and I say frankly that I know that country, and I know there is no timber whatever on a single acre of it.

Mr. CHAMBERLAIN. If the Senator will permit me for a moment, I do not mean to say that there are not lands embraced within these reserves, so called, that have no timber on them. The point I made had relation to the statement of the Senator from Idaho that this money was received from lands which were not timbered at all. I say, as a matter of fact, most of these moneys that are received for grazing purposes are received from lands within the forest reserves, and they are covered with timber as a matter of fact; at least, that is the fact in my State; and I think it is largely true in Washington and Idaho as well.

Mr. HEYBURN. I referred specifically to the lands reported as nontimbered, one-third of the area.

Now, the comparison of the year 1907 and 1908 is instructive. It cost about $50,000 more to investigate in 1908 than it did in 1907. This term "investigation" includes sending men around to towns lying adjacent to apparently timbered lands which can be seen upon the mountains, and inquiring in some places where men meet as to whether or not that land has timber on it. Some old settler will say, "The finest timber you ever saw. I shot a bear there last winter." That is their report.

Now, the "et cetera" item increased between 1907 and 1908—it nearly doubles—from $1,400,000 in round figures to $2,500,000. That is this indefinite expenditure of which we compelled them for the first time to render an account two years ago, if I remember correctly, upon the amendment of the distinguished Senator from Maine, Mr. Hale.

Now the permanent improvements begin to cut a figure. They are building themselves homes. When I say "themselves" I do not refer to the American citizen who is seeking a home upon which to keep his family and reside and perform the duties and obligations of citizenship, but I mean these single men from whom we have nothing to expect in the way of growth of population or wealth or anything else, who receive a salary and spend it and add nothing to the benefits of the country, except from an artistic point of view, as they move about clad in their peculiar green uniform with a little red cock feather in their hats. From an artistic standpoint they are worth something, but not enough to justify this sacrifice.

Now, listen to this comparison: For permanent improvements in national forests, 1908, $592,169.19. In 1909 it was $599,471.02. That is when they found themselves with the reins in their hands and they were moving along with a rush. In 1907 it was only $78,788.27 for that item; in 1906, it was only $23,521.28; and in 1905, $2,762.18, and yet in that one year between 1907 and 1908 they jumped from $78,000 to $592,000.

It is under the head of "permanent improvements in national forests." What do you want to improve a solitude for? What do you want to improve lands that are never to be opened to settlement for?

Why do you want to build telephone and telegraph lines and roads and trails and maintain steam launches and automobiles—I am not exaggerating—to travel around in this solitude of to-day and to-morrow and forever? There is no promise comes from them that they ever intend that these forest lands, as they call them, shall be opened to settlement.

Mr. President, more than half mankind have elected to settle in forests. When they have gone to new countries, all the nations of the earth, as they have wandered about from the beginning, have selected the timberlands in which to make their homes. Yet here is a bureau that assumes to say that you shall not live in the shade of the trees, but you must go out upon the sun-baked plain and make your home.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. Does not the Senator from Idaho realize that the exciting cause for this strong movement for the preservation and conservation of these forests, assets belonging to the people, was the fact that millions of acres had been obtained from the Government in many cases through fraud and in almost every case at an utterly inadequate price, and that the timber had then been ruthlessly cut from the land and the asset practically destroyed? And is it not a fact——

Mr. HEYBURN. Let me answer that.

Mr. HITCHCOCK. Is it not a fact that every civilized nation in the world, ahead of the United States, has taken steps and is now pursuing a policy for the preservation of its great forests?

Mr. HEYBURN. I should like to have answered those questions separately. I am afraid I may confuse them. The first one, as to the incentive for entering upon this system, is exactly on a par with the man who, finding that some one has stolen the apples from one of the trees in his orchard, goes out and cuts down the whole orchard. That is the idea.

Now, in the first place, we had the facts tabulated—I think the Senator from Wyoming had them here upon the last occasion when this question was discussed—showing that less than 3 per cent of all the charges, such as have been suggested by the Senator from Nebraska, proved upon trial to be without foundation. Less than 3 per cent of the people charged with those offenses were found to be guilty of them upon trial. That was thrashed out very thoroughly and completely, and I will only enter into it by reference.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. CHAMBERLAIN. I will ask the Senator in this connection if it is not a fact that under the act of 1907, which repealed the indemnity selection provisions of the law, there was reserved to the Santa Fe Railroad system the right to issue their scrip for the forestry lands if they saw fit to use it, and to open up these lands to entry by scrip of the Santa Fe Railroad system?

Mr. HEYBURN. I was so much aware of it at the time as to have Idaho reserved from the provisions of the act.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. HEYBURN. I do.

Mr. ASHURST. The Senator from Oregon [Mr. CHAMBERLAIN] referred to certain scrip or the right of the Santa Fe Railroad Co. to make lieu-land selections. When the historian shall write the history of Arizona, if it be an impartial history, he must write down that a former Secretary of the Interior looked on and, without any protest, saw perpetrated the most

stupendous graft and spoliation of public timber that was ever perpetrated in the history of the Nation, and in the following manner:

Under the act of June 4, 1897, those persons who owned lands within a forest reserve were permitted to surrender their lands to the Government and select an equal area of land elsewhere. The Santa Fe Railroad Co., sometime the Atchison, Topeka & Santa Fe Railway Co., by virtue of its grant of land granted by Congress to its predecessors on July 26, 1866, owned every alternate section through northern Arizona 40 miles on either side of its railroad track.

That railroad company and its grantees denuded its lands of the timber, stripped the lands until they were as bare of timber in some places as is this floor; then this company and its grantees surrendered this denuded land to the United States and selected Government timbered land elsewhere in lieu of the land surrendered. This right to make these lieu-land selections caused the bare and denuded lands belonging to the railroad company and its grantees to rise to the speculative value of from seven to ten dollars per acre. After all the Government timbered lands that could be selected were selected by this railroad company and its grantees and, as usual, the railroad company made much money by the exchange, then, too late, of course, for any practical good to the American people as a whole, the lieu-land selection act was repealed; thus, practically, under the permission of the Government's bureaucrats, some of whom are now claiming to be the true conservators of the people's forests, by silence assisted or did not object, although vigorous protests were made by Arizona citizens and by her then Delegate in Congress, and in order to accentuate, emphasize, and point out the wickedness of this graft and spoliation, a delegation of 8 or 10 of Arizona's citizens came here and personally protested to the then Secretary of the Interior without avail.

Mr. HEYBURN. The Senator speaks from intimate knowledge, doubtless, of the subject of which he speaks. I regret that he should announce that he seldom agrees with me, because I had hoped that we would act in harmony and unison here for the best interests of legislation.

I want to refer to the suggestion of the Senator from Nebraska [Mr. HITCHCOCK] with reference to the moving cause for the creation of these reserves, in which he said that it was because the law was being violated and that seemed to be the best way of meeting the condition. It would be a humiliating concession to make, that we could not enforce the law against dishonest men, even though there might have been less or more than the 3 per cent of rejected claims. I hope the day will never come when we will fly from the duties of Government and its responsibilities because of the inefficiency of our agencies to enforce the law. That will not do for a reason.

There was another reason than that. I am going to keep just as close to the facts as history will compel and enable me. There had in this country grown up great combinations of capital engaged in the lumber business and timber-land business. One of them is or was the other day, when I received a letter on the stationery of the concern, vice president of the National Conservation Association or Congress. I think the President of the United States was stated to be the president of it. But the associates of this vice president were men, at least some of them, engaged in the same enterprise as the vice president. They had acquired hundreds of thousands of acres, I would be safe in saying millions of acres, of the timber lands through various forms of manipulation. They had enough to enable them to control the retail market of the United States for a very long period. They thereafter sought to rid themselves of competition. The question was, How can we do it? Here are these bright, enterprising young men coming into the forests with their portable sawmills, coming here with a little capital to build up the lumber enterprise. How can we get rid of them? We dare not kill them. We must get rid of them. These young men were going in. Twelve hundred of them came into our State during those days. Those young men were sharp competitors in the retail market of this great concern, that owned—now my mind has been gathering up the facts—that owned millions of acres of our best timber land, selected through cooperation and agencies that enabled them to get what no other man could get. That was the Weyerhaeuser Co.

I do not believe in withholding candor in these cases. They said, "We must get rid of competition," and they then, through plausible argument and sophistry and neglect, secured the enactment of the first forestry-reserve law. That closed up an area of country as large as one of the States in the United States. That was the Bitter Root forest concern, the first one created. That was the beginning.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. HITCHCOCK. How many acres of land did the Senator say the Weyerhauser syndicate controlled?

Mr. HEYBURN. I first stated hundreds of thousands. I then cast my mind, as I was speaking of the subject, and I felt justified in saying millions of acres.

Mr. HITCHCOCK. Will the Senator explain how the Weyerhaeuser syndicate procured that forest land which formerly belonged to the Government of the United States?

Mr. HEYBURN. Yes. In the first place, after the Northern Pacific Railroad Co. had cut over the Mount Rainier Forest Reserve to a large extent, they then secured the privilege of exchanging that land through the means of having a forest reserve created, and the law enacted in connection with it gave them the right to select an equivalent quantity of land elsewhere. That land passed largely into the hands of the Weyerhaeuser syndicate. The Weyerhaeuser syndicate has more heads and more tails to it that any other animal that has yet been discovered.

Mr. HITCHCOCK. Let me ask the Senator this question: Suppose that Government timberland originally, instead of being permitted to pass into the hands of the Weyerhaeuser syndicate and other lumber speculators for a mere song, had been retained as Government property and the timber sold off in a scientific process, as is now the practice in Germany, would not the country have been much better off? In other words, would we not have been better off if we had adopted a policy of conservation before we did instead of at so late a date?

Mr. HEYBURN. We would not have been worse off than we are now. But a comparison with Germany immediately arrests my zeal in any discussion. If I thought as well and as highly of the conditions in Germany and in regard to other foreign countries frequently mentioned, I would go there; I would not remain here a day. If they had a better tariff system, a better forestry system, a better agricultural system, I would go there. But they have not. There is not another country on earth that has any system as good as that which is in the uses of the American people and that will be realized to them when they have time to work out the problems.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. The Senator seems to blame the conservation system, or, if you please, the national forest reserve system, for the immense holdings of the Weyerhaeuser people. I will ask if it is not a fact that Congress itself is rather to blame in that when it authorized the location of a reserve and put in it the express provision that the railroad company might through its indemnity scrip have selection in other places than the logged-over land they cut?

Mr. HEYBURN. The Senator reverses the proposition. As to the large holdings of the Weyerhaeusers, I use them only as representative of a class. I could name 40, or at least 20, others here. When the Senator says that I charge the forest-reserve system with the existence of those people, that is the opposite of the proposition. I charge the forest-reserve system with those people or to them; they are responsible for it.

Mr. WARREN. Mr. President——

Mr. HEYBURN. I yield to the Senator from Wyoming.

Mr. WARREN. In addition to what the Senator from Oregon has said, we have to go back even further than the inauguration of the forestry system to find where there could be large accumulations of the timberlands. We have to go back to the law which authorized the transcontinental railroad land grants, which gave the railroads the alternate sections—in some cases 20 miles on each side of the railroad and in other cases 40. It was easy for those men to accumulate great timber holdings there. That was the commencement of it, and that is one of the factors which led into the perhaps foolish legislation which permitted the exchange of which the Senator from Oregon has spoken, because in laying out a timber reserve one-half of the land in a railroad limit belonged to the railroad, and in order to control it all we took this not wise way of allowing the railroad to pass in its lands in this reserve and take in exchange timberlands outside of the railroad limits.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I do.

Mr. CLARK of Wyoming. Along that same line I desire to call the attention of the Senator from Nebraska and the Senator

from Oregon to the fact that so far as my recollection goes not one of these exchanges has been made except upon the request and recommendation of the Forest Service.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. It is a fact, nevertheless, that when under the forest-reserve system that exists to-day this looting of the public domain by corporations, as has been done in the past by men of the Weyerhaeuser stripe—and I do not mean to charge that they have obtained their lands illegally—can be done in the future, and Congress itself is to blame, rather than the men who have administered the Forestry Department, for the large holdings that people have acquired. For instance, when the Rainier National Forest was created in the State of Washington there was expressly granted to the Northern Pacific Railroad Co. the right to release its lands in the reserve to the Government of the United States and to select other lands in lieu thereof.

Mr. HEYBURN. But not to cut the timber off first.

Mr. CHAMBERLAIN. Yes; with the result that after they had cut the timber off they released to the Government of the United States 500,000 acres of land at one time, and most of the lands selected in lieu of it were in my State and it was the best land we had in the State.

So it was not the administration of the Forest Service that enabled that to be done, Mr. President, but it was Congress itself. Congress in 1907, when it pretended to repeal these indemnity selection laws, reserved to the Santa Fe system the right to exercise that right still further, and that stands as the law to-day.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I would just like to say a word because it will be appropriate here.

I am not complaining of anybody but Congress. The Senator says if anyone is to blame it is Congress. I am talking to Congress, and if I am implying blame it is directed against Congress.

Mr. Weyerhaeuser personally is as affable and pleasant a gentleman that you could meet in the world and so are those who speak for him. I have no personal feeling against him or antipathy toward him at all. I am not condemning persons, but I must refer to the things which they have accomplished, or sought to accomplish, in order to address myself at all to the subject.

Mr. CHAMBERLAIN. In this connection, Mr. President, if I may once more interrupt the Senator, the birth of the indemnity selection law is as well understood by the Senator as it is by other people who have read on the subject. It was in the railroad office, if I mistake not, although it was pretended to have had its birth in a desire to protect the innocent homesteader within the forests. After he had secured the right and after he had exercised the right under a law to release his homestead in the forest and to take up lands of equal value elsewhere, we find that these big companies who had the immense railroad grants thought that they were entitled to the same protection that the innocent homesteader was entitled to, and they prevailed upon Congress——

Mr. HEYBURN. That was the origin of it.

Mr. CHAMBERLAIN. To give them the same right, and they did get it from Congress.

Mr. HEYBURN. Mr. President, I am not quite through with the question as to the responsibility or the reason. It would be a slander upon our judicial system and those who administer the law through the courts to say that we were not capable of enforcing laws, and it would be a slander upon Congress to say that Congress was not sufficiently intelligent and brave to enact the laws to be enforced. The fact is that this country never will flee from the wrongdoer because of the success of the wrongdoer in accomplishing his purpose.

Mr. President, I was in a most interesting part of this table where we began to build the luxuries of the service. Just in that one year for permanent improvements in national forests we appropriated enough to erect some of the big public buildings needed in the city of Washington, and for whom? For citizens of the United States engaged in industrial enterprise calculated to build up and support our civilization? No; but for the building of roads and trails in the silent land, the building of telephone lines in order that these men may communicate promptly with each other, telegraph lines, electric launches upon the lakes, and, now, I understand for automobiles. That is what we are appropriating the money for to maintain this silent land, this nonproductive land, except for the pitiful sum that we receive for grazing sheep and selling a few thousand feet of lumber.

The idea of the Government of the United States undertaking to fix the price of lumber in the United States by going into the lumber business in competition with the citizenship of the country! That is what they are doing, or trying to do. Since the enactment of the law of 1904 they have advanced the price of lumber 100 per cent.

Mr. President, mark the sweep forward of this business. I was speaking of 1908, when they spent $2,526,098.02 for the administration, protection, and so forth, of national forests. In 1909 they added $400,000 to that great sum and spent $2,955,425.01; in 1910 they increased that amount to $3,752,316.91, and in 1911 to $5,335,886.97. That is the last year of which we have reports. That is for what I call the "fancy work" of the department—the building of houses and the building of roads upon which there is nobody to travel.

Mark you at this point, they pay no taxes in the State of Idaho. They throw a dole to our treasury of a small sum of money not worth mentioning out of the receipts from timber sales. We would rather have our own than to have this charity.

They undertake to specify the purpose for which this money that they give shall be used, forsooth, in violation of our State constitution, which says that these moneys may be used only for certain purposes; that is, for educational purposes. They assume to say—this department over here clothed in green assumes to say—that we shall spend it in violation of our constitution, and that we must spend a part of it for public roads. That is their contribution to citizenship and the maintenance of our State, and of other States as well.

Mr. President, they have withdrawn this land from taxation yesterday, to-day, and forever; they have withdrawn it from settlement, nowithstanding that within the scope of these withdrawals there were 85 public schools maintained according to the laws of our State; that many communities around those schools are to be shut off from the outside world, with the knowledge that no increase of value could come to their homes or other property because of isolation; that many communities in the State have been shut off from the opportunities of growth and advancement that come from larger community life. They did it as ruthlessly as the brigand takes his toll, and they call us cranks and enthusiasts because we dare to stand up for the rights we have under the law.

I am gratified that this morning so many Members of this body have given and are giving their attention to the consideration of this great question. It affects not only those who have cast their lot in that land, but it affects those from whose households and communities our young men come. The surplus sons of the East find their outlet of opportunity in that country. They are entitled to the right that these lands shall be open and free to their appropriation and lawful use. That right exists not only in the young men of the West, but it exists in the young men of the East, whose only hope or destiny in the field of prosperity lies there. We do not plead alone for the growing and increasing youth of our country in the West, but for the youth of all the country, East and West.

We were reminded yesterday and this morning that these lands belonged to all the people. Then, if they do, the duty rests upon all the people for their administration; the duty rests as much upon the inhabitant of the State of Massachusetts or of New York or of Virginia as upon those who dwell in that country, because it is the opportunity for your sons which we are seeking to protect as well as for our own.

You say that you are entitled to participate in the legislation; that you must have your toll from every dollar collected for the use of these lands or every dollar received as the value of those that are disposed of. Then come to the front and do your duty; study this question; make it a live, responsible duty, and participate with us who are more immediately connected with the subject in settling these questions right.

Has the American continent grown too large; is the United States too vast in extent for those opportunities to be developed upon which rest the future greatness of our country? No man will assert it or admit it. We need these lands to-day and we will need them to-morrow; we need them for the opportunities they afford to our citizens to settle and make homes; we need them because of the revenue they will pour into the General Treasury; we need them as the hotbeds of new industries undreamed of to-day. You have needed them in the past. When the National Treasury was bankrupt, when the printing press was the only security behind the money in the country, the States which to-day are sometimes ridiculed because of their size and population poured a golden stream into the arteries of the Nation.

From the single State of Nevada, between 1861 and 1865, $400,000,000 were poured, not in promises from the printing press but in yellow gold, the basis of commerce, the stability of our wealth. During those same years the State of Idaho poured

over $200,000,000 into the coffers of the country to sustain it in its need. Practically all the money base that you have came from these States that you would now wrap in darkness, that you would turn over to the salaried man who is not there to make a home for himself or for anyone else. These are the great States.

In looking through an old book I found some lines that years and years ago attracted my attention, and I have them here. You will recognize them. They were written when we were forming States; they were written by an Englishman when we were learning how to make a country and a government, when we were inquiring as to what constitutes a State. He wrote these lines during the days when our Constitutional Convention was sitting to consider what constitutes a State. Sir William Jones, better known in that day than this, wrote:

What constitutes a State?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned;
Not bays and broad-armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No! men, high-minded men,
With powers as far above dull brutes endued
In forest, brake, or den
As beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain;
These constitute a State.

The men who go into those new States to take advantage of the opportunities they afford constitute the State. The mountains and the streams and the water power and the forests were there when the birds sang in the morning, and yet they were dead as the clay upon which they rested. It was only when man, with his enterprise, his necessities, and his ambition, touched them with the wand of industry that they started out of those beds of clay and became States.

I think sometimes, when I contemplate the relation that those States have borne to the General Government in the production of substantial wealth, of the story of the mouse and the lion; and yet you have reduced them to the degradation of pasture fields for sheep and cattle at so much a head. You have preferred the beasts to the men; you have reduced them to a condition of vassalage, where a man must ask and beg for what is his right.

You can not walk across a forest reserve or drive a team across it without the consent of these men. I speak with knowledge; I speak with the facts in my mind of a man emigrating from one section of this country to another with his family in the white covered wagon, who was taken up by a forester with the demand that he pay for the grass upon which his tired teams pastured in the evenings. Of course I do not undertake to place all of the blame for the little idiosyncracies of this kind upon those who sit at Washington in luxurious quarters and are a part of the Government of the United States, but I speak of them as the natural and necessary outcome of a system that undertakes to compel your peers to ask for their rights at the hands of these men. An American citizen, so far as his rights under the law are concerned, is each the peer of the other. There ought to be no time, no place, no circumstance under which he would be compelled to doff the cap or bend the knee in order to enjoy his rights.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I sympathize with the Senator from Idaho in his desire to break this deadlock that exists in the West with reference to the development of our natural resources, and I have long thought that the Senators and Representatives from the dozen States that comprise that region should get together and frame a code of laws which they could present to Congress, backed by their united judgment, with a view to breaking that deadlock.

There is no one more familiar with the land laws of the United States and the general condition of the public domain than is the Senator from Idaho, and I ask him what he would recommend in the shape of present legislation. I assume that he would wish that all these withdrawals of the public domain should be terminated and the entire public domain opened up to entry under United States laws.

Mr. HEYBURN. Now, will the Senator permit me here——

Mr. NEWLANDS. I would ask him whether he would like that to be accomplished under existing land laws or would he prefer to change those land laws so as to meet the economic conditions in the West?

Mr. HEYBURN. I will give the Senator some light right here.

In the first place he asks if I would like to have public land opened up. Land that is not opened up is not public land under the decision of the Secretary of the Interior. Land that is withdrawn for any purpose ceases to be public land. That is the alleged law, and it is a law from which the poor individual can not appeal or find relief.

I would have these lands public lands, because of the fact that they belong to the public and to all of it. I would make it possible for every member of the great community which we call the public to reach out and participate in them, and I would make it as a penalty if he did not reach out and participate in them, that he could not prevent some one else from doing it.

It is, as I said in the beginning, a large question. It has become such because of mistake after mistake in legislation and in administration. A great deal of the difficulty grows out of the administration.

A few months ago in this Congress we enacted a law providing that the State of Idaho might buy a certain piece of ground containing beautiful lakes and streams for a public park, not giving it to them, but the State to pay the price assessed or levied upon it. That is all there was of it. The law provided that the Secretary of the Interior should make a deed of conveyance in the nature of a patent to the State of Idaho upon the State paying the price of that land.

What did they do? They wrote into that patent, in violation of the law and their duty, restrictions that in effect leave that land a part of the United States, notwithstanding that the State of Idaho has paid for it. They wrote it in there because they held the pen and had the power. Had I known the restrictions were being written into that patent I would have perhaps found some way of stopping the hand of the despoiler.

But it is one of the defiant things in keeping with the maladministration of the laws that we enact. Who ever dreamed, when the law was enacted, of the interpretation that would be placed upon the lieu-lands law? They kept creeping forward and forward a little more each time, until by and by we found that part of the public domain serenely in the hands of the combination that one forest preserves, because they are their own private laws, because they relieve them against competition. They want those laws to enable them to advance the price of lumber, control it, and they can cut it down or raise it. They are talking now of establishing sawmills in all these forests and going regularly into the business of cutting lumber and selling it to those who would purchase and use it in competition with those in the business.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I understand the Senator from Utah to say that, in the first place, he would really make these lands public lands, which means, I suppose, that he would end all these withdrawals and reservations and throw open the entire public domain to entry under some kind of law.

I wish to ask him—and I do not suggest it at all in the spirit of antagonism, but simply in the spirit of helpfulness—assuming that all these obstacles to the entries of the public domain were withdrawn, all these reservations and withdrawals done away with, whether he would rest content with the existing land laws; that is, the laws under which future entries of these lands could be made with a view to reducing them to private ownership?

I ask him, further, whether he would make any reservations to the public, and if so, what; and if he concluded that it was wise to make some reservations to the public, whether he would have that reservation run to the National Government or to the local State government?

It seems to me, in order to solve this question, it is essential that we of the West should point out definitely the line of legislation which we think desirable. We can hardly expect to break this deadlock unless we present to Congress some definite scheme of legislation under which these entries can be made, or, on the other hand, declare that we are entirely satisfied with the land laws as they now exist and that they need no amendment.

Mr. HEYBURN. Mr. President, I realize the importance of the Senator's remarks, but it is not necessary to decide, in discussing this question, whether or not I would favor a change or any change in the law. I believe I could safely leave that to the intelligence of those who will legislate upon this subject. I do know this, however, that for a century we failed to discover the necessity of reserving a great part of the public lands to public officers. This land is not reserved to the people. It

is reserved to use of the public officers who occupy it and get paid for it.

Mr. CHAMBERLAIN. In this connection I desire to call attention to a statement I have received from the Forester in relation to releasing from the reserves lands suited for agricultural purposes.

In district 2, with headquarters in Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon.

Mr. HEYBURN. That is easy to answer.

Mr. BORAH. Does the Senator know the reason why?

Mr. CHAMBERLAIN. Because the lands are not suited for agricultural purposes. A man can not make a living upon them.

Mr. BORAH. No man wants another to go upon a piece of land and determine for him whether or not he could make a farm of it. The farmer wants to determine for himself whether or not he can make a farm upon it and not have it determined by some other person.

Mr. CHAMBERLAIN. These lands are listed as fitted for agricultural purposes.

Mr. BORAH. By whom?

Mr. CHAMBERLAIN. By the department.

Mr. BORAH. If you should see the men who go out to determine that fact you would not blame the proposed settler for wanting to determine that fact for himself.

Mr. CHAMBERLAIN. In New Mexico 22 per cent of the tracts listed have not been filed on at all, although they have been listed as lands fitted for agricultural purposes.

Mr. HEYBURN. Will the Senator allow me one comprehensive word? They will not be settled upon, because the settler does not seek an opportunity to make a home in an isolated place, where there never can be any such surroundings as should surround an American community.

Mr. CHAMBERLAIN. What I have said goes to the statement made by the Senator that these lands are withheld from settlement, although fitted for agricultural purposes.

Mr. HEYBURN. No. It was foolish to withhold them, and it is foolish to expect that any man will enter upon land where he can not have a neighbor within 50 miles.

Mr. CHAMBERLAIN. In the Senator's own State at least 13 per cent of the lands listed for agricultural settlement have not been taken.

Mr. HEYBURN. At least 13 per cent?

Mr. CHAMBERLAIN. Yes; that is what the Forester claims.

Mr. HEYBURN. And a good many times that, and they will not be taken.

Mr. CHAMBERLAIN. I insist that if the Senator's contention were sustained by the Senate and these lands were absolutely released—and that is the proposition his argument leads to—it would lead men to take up for agricultural purposes land that is not fitted for such purposes, and it would be taken up by persons in many cases for speculative purposes entirely.

Mr. BORAH. How are these lands released?

Mr. CHAMBERLAIN. They are not released, but they are listed in the department as suitable for agricultural purposes.

Mr. BORAH. They are not released at all, and the settler knows when he goes there that it can be taken away from him. I know of instances where people have worked upon their lands one or two or three years and have been told by representatives of the department that they are not good farmers, and the farms are not good farms, and they can not have them for that purpose.

Mr. CHAMBERLAIN. I am willing to concede that the Senator is correct and that there are some lands in national forests that can be used for agricultural purposes. But if land has been listed for such purposes by the department and can not be sustained as homesteads, and if other land which has been so listed is not entered by settlers, it should be disposed of by the Government as its wisdom hereafter dictates.

Mr. HEYBURN. Who is the Government? The settler in a forest is as much a part of the Government as any other citizen.

Mr. CHAMBERLAIN. Congress represents the American people, and if they see fit they can change the law.

Mr. HEYBURN. Congress is not the people's master. It represents the people's will. Let me read a letter from the Department of Agriculture on this question that the Senator has broached as to how they deal with these men. This letter is addressed to me:

> Your letter of December 8, requesting to be advised of the status of the homestead entry of C. L. White, is received.
>
> From an examination of the records in this office it appears that Mr. White settled on the land in question before its inclusion within the boundaries of a national forest, but because of the fact of its being unsurveyed was unable to file upon it under the general homestead laws. He afterwards applied for the listing of this tract under the act of June 11, 1906 (forest homestead act), and was informed, after an examination of the land had been made, that approximately 30 acres of it would be listed with the Secretary of the Interior if he so desired, but that the remainder of the area contained a heavy stand of timber and was more valuable therefor than for agriculture.
>
> His settlement before the forest withdrawal gave him the right to enter the full 160 acres under the homestead law, provided bona fide residence and cultivation had been maintained, within 90 days after the filing of the plat of survey in the local land office. The records in the General Land Office show that sec. 4, T. 8 N., R. 8 E., B. M. (the description given in your letter), has been surveyed, and that the plat of survey was filed in the Boise land office on May 27, 1910, but they fail to show that Mr. White has ever made homestead entry of said tract. It is possible that the Department of the Interior may be able to give you some further information concerning this matter.

I followed it up. This man has lived there for a lifetime. He naturally selected land which was partially covered with timber. No sane man will go out and select prairie land unless he knows where he is going to get his timber. This man was not a squatter who went there with the intention of selling the timber. He wanted the timber, and was entitled to it.

When the homestead law became effective, it was such lands as these that became the basis of settlement. The man who went out on the prairie looked forward to secure timber rights near by or adjacent.

Mr. ASHURST. Mr. President, I received a letter this morning on this subject which is a fair sample of the injustice done to many settlers, and I should like a few moments in which to read a part of the letter.

Mr. HEYBURN. Oh——

Mr. ASHURST. It will not take more than a moment.

Mr. HEYBURN. Would the Senator mind deferring that?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Arizona for that purpose?

Mr. HEYBURN. I yield, but I prefer that matters of that kind should be presented in a Senator's own time.

Mr. ASHURST. Mr. President, I am daily receiving a great number of letters from citizens of Arizona, complaining of the arbitrary and unjust treatment they allege is dealt out to them by the forestry officials. I will select only one concrete case for illustration: Some 30 years ago one William Fourr, a man who had helped to fight the Apache Indians in the early days, helped to build up civilization and make Arizona the fair land she is to-day, settled upon 150 acres of nontimbered land in Cochise County, Ariz. He has been in the actual possession of this land over 29 years, has built thereon a three-room house, dug a well, built a windmill and water tank and set out fruit trees, and by his labor and sacrifices made it a fit habitation for himself. He is one of the sturdy pioneers, and these pioneer men and women are the people who qualified Arizona for statehood. The forest-reserve officials recently became active against Mr. Fourr, and he was indicted in the Federal court, charged with some unlawful act, in the way of some infraction of the forestry laws, but was promptly acquitted by a jury of his peers. Now the forestry officials have caused a civil suit to be brought against him, and they show every disposition to force him from this land. I am advised that these forestry officials are using every means to get possession of his improvements, and especially the water, in order, possibly, that the forestry officials may use it for a ranger station. If the forestry officials desired to administer the law with due regard to the rights of Mr. Fourr, they would release this land to the State of Arizona, as it is a part of section 32, which has been granted to the State as part of her school lands under the enabling act. But the narrow and unjust policy of the forestry officials seems to be to try to exclude, impoverish, and ruin Mr. Fourr. I thank the Senator from Idaho for this moment which he has granted to me.

Mr. HEYBURN. Here is a letter from a settler in Idaho. I sent him a communication of the Secretary in regard to his homestead, in reply to an inquiry as to its status. He addressed me under date of March 26, 1912, and says:

> That letter you got from the Secretary of Agriculture is not true. He said in the letter that where the timber stands there is soil thick with granite and coarse sand. There is no granite or sand there. It is good soil, which will not wash, and I can raise two crops of alfalfa on it. It is a funny thing that the Forestry Department can not state the truth about this land. This man Hoyt, from Ogden, who was out here last fall examining the ground, made such a complaint against this land that he could not look a man in the face. I did not see Mr. Hoyt. I was away, getting my lumber. I just wish I did see him. I would probably not have gotten in the hole I did getting my lumber and grub for the winter. I was going right ahead with my rail splitting and it was a good time to get them around the land before the snow came, when a letter from the forestry service of Ogden stated that my application must be rejected. This is a nice way to do a poor settler who is thinking of making a home for himself. I know what the Forestry Service is for—it is to hold out the settlers as much as they can.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the

industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, in order that the consideration of the Agriculture appropriation bill may go on, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Carolina, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. I do not desire to encumber the RECORD with long letters. We have larger questions; that is, questions that reach further into the rights of the people individually and collectively than the individual complaints that come from settlers.

There are certain axioms or rules that I will state now, and then because of my fatigue and condition of health I will yield to my colleague to discuss this question in his own way. Should I feel equal to the occasion later, I will ask the further indulgence of the Senate. There are certain basic principles of government not to be overlooked. The Government belongs to the people and not to the officeholders whom they select. It is not to be exploited by these officeholders for their personal gain or glory. The continuation of a department in the Government or of a bureau, or of any other section of the Government, when it is not useful to the people but only to those who hold offices within the bureau or department, should be abolished. I am going to point that with an amendment that I propose to offer before this question is laid aside.

I spoke yesterday about the principle of government by commission. It has a wide application in the consideration of this question. I will not at this time resume its consideration, but in further response to the suggestion of the Senator from Nebraska [Mr. HITCHCOCK], when he asks why this condition exists, I will tell him, in part, in addition to what I have said: There were a lot of young men blessed with more than the ordinary share of wealth and what they call social position who arrived on the scene about the time when the old landmarks of safe and conservative government were being attacked, and they were looking for something that they could take hold of so that somebody might know that they existed. They looked around soon after they arrived on the scene with a critical and envious eye. There was one archleader of these. I do not know whether he is leading now or not. He is in the midst of some kind of an affray. He says, "Who dared to undertake to arrange the universe before my arrival? What does their experience before my arrival amount to? Why should I admit that the things they have done are entitled to any consideration at my hands? It is true that that which I find is based upon the experience of men running through many generations of lives, but why can not I sit in judgment upon them at the very beginning of my experience and reform them?" Does that kind of language sound familiar to you? I was here when it started, and I was astonished to see master men, who had participated in the making of laws and the conduct of government for a lifetime, stung by the proposition. It was so new and so outrageous that they did not gather themselves in time to strike it and name it, as it was, impudence and sophistry.

They talk about the people. The only people for whom they had any consideration was themselves and those whom they intended to gather around them in seizing the inheritance of the American people as a whole. I read one of the speeches in the paper yesterday, I guess, in which it is proclaimed that the liberty of the people is at stake, and that unless some self-constituted savior reaches out his hand the people's liberties will leave them. I wonder if they know what liberty means! I wonder if they know the difference between liberty and license! The American people had to gain freedom before they could claim liberty, and it is only the free man who has liberty. Are the people of the West less entitled to that high standard of liberty which comes to them because they are free than are the people of the East? We have no masters in the West more than you have them in the East. We are not your masters nor are you ours in the question of exercising property rights in connection with the public property that belongs to all the people.

I have been reminded often on this floor that these lands belong as much to the East as to the West. Then come and get them. Come or send your sons or representatives in those fields of opportunity to share the hardships which belong to the pioneer and the blessings which come from the prosperity and growth of settlement and civilization. Let them come there and share in the payment of taxes, share in the performance of public duty, of the honors that come to men because of the performance of their duty; and then, when you do that, when a man can stand up here and say, "I am interested in that western country because my boy or some one in whom I am interested is there," then he is entitled to be heard. But if he were to stand up and say, "I am going to take away from that young man the natural rights and the enjoyment of the natural rights that belong to that country," then he would turn with shame from the consideration of men.

We are not foreigners. We went there from the same civilization that surrounded the best American citizenship. We went there because it was our inheritance, because it was a new land of opportunity, legitimate opportunity, the opportunity to participate in the making of States, in the widening of the scope and the power and the glory of our Nation. We have stood ready at all times to contribute to the general family of the American people in time of peace or in time of war. In the late War with Spain Idaho sent its regiments to the front. They shared in all the hardships and the glory of battle.

Remember you are not dealing with strangers. Why should you reach out this hand and spoil the vines of Idaho? Turn these lands back. I intend to introduced an amendment to this bill at the proper time turning these lands back into the public domain. Then, as suggested by the Senator from Nevada, we will see whether the laws fit the new conditions that will have arisen by reason of the long darkness that has enveloped us. Some of them will. The law that permits the man who has never yet exercised the right to take a homestead will be applicable. They have attempted to scare the people away from these lands by the false statement that all the good lands were taken. They have attempted to scare the people away from these lands by picturing all sorts of impossibilities. It was such conditions as are termed impossibilities that nerved the arm of the pioneer and made him reach that land, and these carpers and critics along the distant shores across the continent from that country never reached there, many because they had no need to look for larger fields of enterprise and others because they were not possessed by nature with that energy and willingness to sacrifice the comforts of life necessary to go to that frontier.

Suppose when this country was being settled along the Atlantic coast forest reserves had been created for the purpose of preserving the timber. Why, this country would have been a wilderness. Trees grow. The cutting down of a tree is not a fatal thing, although I would punish a man who would wantonly destroy a tree. I used to be termed by those who thought slightly about it a timber crank, because I opposed the cutting of trees except for useful purposes. How many men now go out and cut down a tree for the mere purpose of wasting it? Have you known of men who did it? Did you ever know of any person to destroy a tree wantonly? He had a use for it or thought he had, and he was entitled to judge of that. All this talk about the waste of forests is the chatter of men whose selfishness controls their tongue. Perhaps one man more careful than others might gain from a given tree more feet of lumber, but the great average of mankind's skill and judgment applies there as elsewhere. You might imagine that those of us in the West were stealing out in the darkness of the night to cut down the Government's trees. We are not so fond of exercise. We cut them to build fences around the land that our stock may be protected, to build the barns and the cabins, and afterwards the houses in which we live.

We can not live a community life in a forest reserve, even though the oft-repeated story is made applicable that the land may be entered if it is a forest reserve. No man is going to isolate himself by settling in any part of the country where he can not look forward to neighborhood life and neighborhood advantages, where he can not look forward to enhanced value for his lands and what his lands produce, because the whole country is growing up. No country was ever based upon a single settlement. You have got to have community life.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question, growing out of not much knowledge of the situation. I should like to have his opinion upon the question as to whether it would not be a good thing for the United States to surrender all the public lands to the States in which the lands are situated and abolish the land offices.

Mr. HEYBURN. I think it would, and it probably——

Mr. WILLIAMS. I will ask the Senator from Idaho another question: Does he not think that common sense and scientific information with regard to the question of forest conservation existing upon a restricted territorial scale, in the State of Idaho or in any other State, could be just as fully trusted as the equally scientific information around the bureaus in the city of Washington?

Mr. HEYBURN. That is, to conserve a portion of the land?

Mr. WILLIAMS. To decide how much to conserve, how to conserve it, what to conserve, and what to let go. As an example, are not the people of the State of Idaho just as good judges of their interests with regard to the conservation of natural resources, especially the conservation of forests, as the people of all the United States can have for them?

Mr. HEYBURN. Yes; Mr. President, we thought that the people of Idaho were as competent until we came down here and we found that we were not given the credit for intelligence and integrity of purpose that we had expected. But one thing we did do; perhaps the Senator's attention has not been called to it. Away back in 1904 we secured the action of this body and of both Houses of Congress that stayed the hand in Idaho, and there has been no forest reserve created there since the passage of that act.

We are the only State in the Union, so far as I know, in which that exception is made. At that time there had been created in Idaho 18,315,000 acres of forest reserves. That is about a fourth of the State. We secured the passage of a resolution here that prevented the creation of any more forest reserves in Idaho. We have had to stand here like pickets on duty ever since to prevent that being slipped out between some two phrases in an appropriation bill; but we have preserved it.

I should like to say to the Senator that a picture sometimes tells more than many words. The dark part of this map [exhibiting] is the withdrawn land in Idaho. It must be obvious that any act which would withdraw so large a proportion of the land in a State as is shown upon this map is open to suspicion.

Mr. WILLIAMS. I do not know about that. That depends upon the topography of the country, the climate, and other things.

Mr. HEYBURN. Let me say to the Senator——

Mr. WILLIAMS. Wait a minute. I do not think it is a question of percentages at all. Let me state the point I was trying to gain information upon. I am not trying to give any upon this particular question, because I have none to give. If I had it, of course I would be glad to shed my light all around here. But what I wanted to know is this: Suppose the entire public-land question in the State of Idaho were surrendered to the State of Idaho, suppose it was left to the people of the State of Idaho to determine as to what ought to be put in forest reserves and what ought not to be, and to determine with regard to that part of the land which ought to be put in forest reserves, what rules and regulations ought to be adopted in order to conserve the potentialities of the reserved districts?

Mr. HEYBURN. It should be opened to settlement.

Mr. WILLIAMS. Is not the Senator of the opinion that the people of Idaho could control that situation?

Mr. HEYBURN. There is not the slightest doubt of it.

Mr. WILLIAMS. Just as well as the people of the entire United States?

Mr. HEYBURN. They are closer to it.

Mr. WILLIAMS. And especially when the Senator from Idaho remembers that there are a good many people in the Senate and House of Representatives of the United States, like myself, for example, who have totally different climate problems to contend with and who have not got time to contend with this.

Mr. HEYBURN. I answer the Senator's question by saying that I have not the slightest doubt that the State of Idaho would control that more closely within the limits of wisdom than Congress could, because they are closer to it. They look out upon it. Every representative who goes up to the legislature from the different parts of the State is familiar with the conditions. The climate of Idaho is like that of other countries; it varies with the elevation. We have there all the way from 240 feet above sea level to ten and eleven thousand feet, and of course there is every variety of climate. The Senator spoke of it—at least I so understood him—as not having importance as an agricultural State. We will produce 18,000,000 bushels of wheat this year.

Mr. WILLIAMS. I never said one word about that.

Mr. HEYBURN. I must have misunderstood the Senator. I did not charge the Senator with having made invidious remarks at all. I only took the opportunity to show that we do things in Idaho. The county in which I live——

Mr. WILLIAMS. If the Senator will pardon me, there is this difference. Idaho possesses a large area of semiarid land. The State of Mississippi, for example, is nearly altogether a land where it rains too much.

Mr. HEYBURN. Semifluid.

Mr. WILLIAMS. Yes; semifluid. What I was striking at is this: In my intellectual humility I do not think that I am a very fair judge of a condition of things totally varying from the condition to which I am accustomed, and, as far as I am concerned personally, I would rather not be put upon a jury to decide upon a question like this, concerning which I am totally ignorant and concerning which I have not time to make myself well informed, because I have a whole lot of things to look to that concern the condition of my people.

The point I was trying to reach was to inquire of the Senator whether he does not think it would be very well for the United States Government now at this point to quit the public-land business and to surrender the public land in the States to the respective States, with, perhaps, some condition as to a percentage from their sales to be put into the National Treasury, it being an inheritance of all of them, and leaving the control of the public lands within the respective States to the respective States, each to judge what is best to be done according to the conditions there existing, which probably exist nowhere else.

Mr. CHAMBERLAIN. Mr. President——

Mr. HEYBURN. I should like to answer that question. I would say to the Senator from Mississippi that I would gladly welcome legislation which would turn the public lands of the Government over to the State for administration. As to the manner or extent of contribution to the Public Treasury that would be a matter of detail which could be readily adjusted. I have the pleasure of knowing quite a number of citizens of Idaho who came from the Senator's State and have made their homes with us. In fact, some very distinguished men in our State were born in the State of Mississippi. They have been with us for years and have distinguished themselves as progressive, good citizens. They are interested in the protection of the rights of the citizens of the States. As I said before, there is not a Senator on this floor who has not some person in our State connected in interest or acquaintance with him.

Mr. CHAMBERLAIN. Mr. President, I desire to suggest to the Senator from Mississippi that if the States undertook to take half of the timber areas within their borders the expense would be prohibitive, and we would be called upon here in Congress to assist in the protection, just as the States bordering on the Mississippi River now are calling upon us to contribute to protect the citizens against the ravages of the flood. As a matter of fact, the States could not administer this any more than the State of Mississippi could afford to build levees to protect it against overflow.

Mr. HEYBURN. Mr. President, we do all now that constitutes the administration of the law in those wildernesses called forest reserves. I am advised through an officer of one county in my State that they expended $14,000 in one year in maintaining the criminal court and prosecuting people who would take advantage of the forest reserve to make it their headquarters. Counterfeiters and that class of people take advantage of these solitudes to retreat from the observation of the public while they violate the law, and we pay the expenses.

Mr. CHAMBERLAIN. I might say, further, that in States where these reservations are private holders of timber lands are cooperating with the United States and cooperating with the States and contributing money in addition to the large appropriations which are made by Congress. I think it is true probably in the Senator's State, as it is in my own, that the private owners of timber are petitioning us, just as the States are petitioning and memorializing us, to continue these appropriations in order to assist them to protect the forests of the State.

Mr. HEYBURN. Just as the owners of houses protect their houses and the owners of barns and haystacks protect them, the timber men in our State have in employment men to act as guardians against fires. The Senator never was more mistaken in his life, if he ever was mistaken before, than in saying the States would either be embarrassed or unable to administer these lands.

Mr. CHAMBERLAIN. They might administer it, Mr. President; but even with the assistance of the Government of the United States and with the assistance of the individual timber owners, they were not able to protect the forests against the fires of 1910 and the fires of 1911. The purpose of these appropriations largely is to protect the forest against destruction by fire.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. I will ask the Senator from Nevada to pardon me a moment. I will then yield to him.

That is another as gross a fraud upon the public mind, through sensational publications, as was ever perpetrated. I saw those fires.

Mr. CHAMBERLAIN. So did I.

Mr. HEYBURN. I was there; I walked around that country with my heart sad because of the destruction that was going on.

I went back there the next summer, and the great, good God Almighty had thrown a green mantle over those mountain sides that made one forget the dread, the smoke, and the dismay of the night of the fire.

But let us look at this question fairly. The stories of these fires are exaggerated. There was no fire started in any settlement in Idaho during that period. I made it my business to investigate the matter very closely.

Mr. CHAMBERLAIN. I will ask the Senator——

Mr. HEYBURN. I want to make a concise statement, and then I will yield. I do not want my statement to be broken up.

The fires originated under the guardianship of the fire fighters. The poor fellows who were burned were the volunteers who went out from the towns and neighboring country to assist through a patriotic motive. But the fires that burned that country started within the exclusive jurisdiction of the fire fighters. I will not make any personal charge against those men, but they are as useless on an occasion of that kind as is a jay bird in a tree. The heroism of their actions consisted in trying to get away from the fire, and poor fellows were burned up—a lot of them—and I followed some of them to their graves, and my heart was saddened to think of a system that would result in such conditions.

In the early days before we had these people I was there; I have been a great many years in that country; and when a fire would start the people who lived in its vicinity would put it out. I participated, as did every other citizen who was able to do so, in putting out those fires; but now they are prohibited from even being on the forest reserve where they could be of some use. Not only did the fires not start in the settlements, but they started away back from the settlements and came sweeping up and burned and destroyed the settlers' homes. I know one settlement, right over the mountain from where I lived, where they had orchards growing ready to bear fruit, and their houses and barns built and their homes made. They thought they had reached a position where they could commence to live easy. These fires came sweeping over and burned them all up. Some of them who had not made final proof on their homesteads have never yet been able to make it, for they can not make the necessary affidavits now because the conditions do not exist.

There are other questions than those of detail that ought to control the governing principles, and I regret to be led off into the discussion of these minor details because they are not controlling, but only persuasive; but the great principles that I attempted to discuss and announced early in the consideration of this question are those that should govern. They are in this question. It is a question of right. Our rights are not less than those of the people of another section of the country. Suppose you have a right to participate in them; why do you not do it? Is the country to lie stagnant and in wilderness because the people of the East have a right to occupy it and do not exercise the right?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. Will the Senator from Idaho permit me to say a few words in reply to a query of the Senator from Mississippi [Mr. WILLIAMS]?

Mr. HEYBURN. If the Senator is only going to reply to the Senator from Mississippi, while I do not want to decline to yield, I would suggest that the Senator might do it at a later period; but still I have about reached the limit of my strength, and I am going to ask my colleague [Mr. BORAH] to take up the question, and then he can yield.

Mr. NEWLANDS. I simply wish to reply to a query. I do not propose to make a speech.

Mr. HEYBURN. I will yield, with the statement that perhaps later as some matters may occur to my mind, I shall take them up.

Mr. NEWLANDS. Mr. President, I simply wish to answer the query of the Senator from Mississippi [Mr. WILLIAMS] and not to speak at length. I have to say, in answer to the Senator, that I have no doubt the time will come when the entire public domain will be transferred to the States within which that domain rests. There is no reason why the State of Idaho should not ultimately own all that is left of the public domain within its boundaries; but the question is, when shall that transfer be made? I repudiate altogether the idea that the public domain in Idaho should be held by the National Government for the profit of the Nation.

I regard the Nation simply as the trustee for the benefit of the present and future residents of the State of Idaho, but I do believe that that trust requires the United States to protect these forests against fires, and to protect both the forest and the coal reserves against monopolistic control, and that in making the transfer of the public domain within Idaho to the State of Idaho the Government should wait until it is convinced that Idaho can adequately take care of that domain and shall turn it over under such restrictions as will prevent that large domain from falling under monopolistic control.

It is true that Idaho is an exceedingly well-governed State and that it has handled the lands which have hitherto been granted by the Nation to the State with a great deal of providence and care, but such providence has not characterized all the States, and it certainly has not characterized the weak States. Weak States, in the early days of their history, are often subject to control that results in these natural resources being turned over in large areas to single individuals, and it is the highest duty of the Nation, as trustee, to see that a premature grant is not made to the States and that conditions are imposed upon that grant which will prevent monopolistic control.

Take the State of Mississippi. The junior Senator from that State is not here; I wish he were, for I should like to ask him whether he does not regard the grant of the swamp lands to the State of Mississsippi as having been improvidently made by the National Government. Those lands have drifted into private ownership, and the owners have been unable to adequately protect them against floods, the cooperative effort of the State and of the owners has not been sufficient to protect them, and to-day they are calling upon the Nation, which originally owned those swamp lands, to aid the State and aid the owners of those properties in a cooperative effort to protect them from floods in order that they may redeem the promise of fruitfulness which they have always given. It would have been a great deal better in every one of the States had the swamp lands been retained by the General Government until some full and comprehensive plan had been developed for their reclamation. Then, that reclamation being accomplished under one sovereignty and one control, under the power of the Nation, not only as owner, but under the power of the Nation as sovereign over commerce and navigation as a part of that commerce; it would have been a great deal better had the National Government held title until the lands were fully reclaimed, and had then, by some just system of entry under the public-land laws, transferred the title to individual owners. Thus they would gradually be subjected to the taxing power of the State.

This very question is likely to arise with reference to forests. We have this deadlock simply because the Nation took alarm and found that our forests were gradually drifting under monopolistic control.

The Senator from Idaho [Mr. HEYBURN] has within the last half hour alluded to the fact that through faults either of legislation or of administration large areas of these forest lands have drifted into individual control, and that monopolists are now cooperating with the Forestry Service to make monopoly more effective by keeping the public forests out of competition with private owners. He thus practically admits that either under legislation or maladministration the forests drifted out of the ownership of the people, not in segregated parts, which would be generally beneficial, but in large areas, and subject to monopolistic control.

So it is with reference to coal deposits. Those lands have been withdrawn simply because there were evasions and frauds under existing law, and large areas, against the spirit and purpose of the law, were drifting into the hands of great corporations. The result is that between these two contending forces—the people, on the one hand, who wish the old laws to remain in order that they may be evaded, as they have been in the past, and the people on the other side, who wish those lands withdrawn until proper legislation can be passed—we have this deadlock, resulting in a partial paralysis of the West. It seems to me that the only sensible thing to do is to break this deadlock through wise legislation. I asked the Senator from Idaho whether he would suggest the laws which could be passed which would break this deadlock and open up the public domain to the proper development of its resources. There is no one more competent to frame such a code than is the Senator from Idaho, and yet he had made no suggestion. I think if the Senator from Idaho would apply a portion of the great ability and the knowledge which he possesses to the framing of a code of laws, with the purpose of breaking this deadlock, he would have little difficulty in bringing his associates from that region to his view. I know the Senator from Idaho is overburdened with legislation and with legislative work; there is no man who shirks his duty less than the Senator from Idaho; and he will pardon me if I say I think that in some

degree this is a case of misdirected energy, and that a part of the energy which is applied to denunciation of the national services in their effort under the law to protect the public domain, if applied to legislation which would break this deadlock, would be of vastly more benefit to the region which we represent.

Mr. BORAH. Mr. President, I do not rise to criticize or to oppose the appropriation provided for in this bill for taking care of our forest fires. So long as we have the forests in the condition in which we now have them and are likely to have them for some time, it is undoubtedly our prime duty to take care of them, even if the expense seems to be very heavy. I desire also to say that, while my remarks may seem to be finding fault with individuals in the service, I would prefer it be understood that I am not charging personal incompetency or dishonesty. I am criticizing a system of administration for which Congress and the departments are alike responsible, with the hope that through discussion we may arrive at a better method of applying the sound principles of conservation in which I claim to be a believer.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. Mr. President, I entirely agree with the opening sentence of the remarks being made by the Senator from Idaho, yet he must pardon me for saying that a good many of us do want some information upon this subject outside of the present condition. A good many of us are not willing to be bound by the fact that the present condition exists and by the assumption that nothing else could take its place. I should like to ask the Senator from Idaho in that connection, if he can give me the information, to tell me how the management of the semiarid lands and the forests generally in Texas, where all the public lands were reserved to the State and where the United States has never had any public lands, compares with the management of the same questions in other States, where the United States has title to the land.

Mr. BORAH. Mr. President, my remarks will be largely what might be considered an answer to the question asked by the Senator from Mississippi [Mr. WILLIAMS]. While I myself should be very glad to see some change, my opening remark was to the effect that, so long as the change is not had, we will have to take care of the forests, and I am not, therefore, opposing this appropriation; neither do I rise, Mr. President, to criticize or to discuss in a general way the general principles of conservation. That subject has been discussed so ably and conclusively by my colleague [Mr. HEYBURN] that I do not propose either to express approval or disagreement with the different features of it, further than what may be involved in a discussion of some of the details of its administration.

We have this conservation policy, and, however much we may desire to change and modify it, neither will be done except as a result of considerable education, because the theory of conservation is a very attractive one. It has a tendency, apparently, to exhilerate mentally those who entertain these ideas, and our eastern friends, who do not come in contact with its actual administration, only see the one side, and that is the attractive side.

Every right-thinking person believes, I presume, in withholding the great natural resources, in so far as it is practicable to do so, from the grasp of those who would gather them up for monopolistic purposes. We of the West believe in retaining our natural resources until such time as they can be transmitted, to be enjoyed individually by the citizens rather than collectively by some monopolistic power. But, Mr. President, the controlling and practical question now is, How can these natural resources be made available and serviceable to the people? Our forests, our power sites, our coal, and most of our public lands are withdrawn, and now the question is, How shall we make these resources available to the people? If they simply remain withdrawn they will serve no one.

Mr. WILLIAMS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. I should like to ask the Senator from Idaho if he does not think the State of Idaho could be as safely trusted to keep these lands out of the grasp of private monopoly and greedy people generally as could the United States?

Mr. BORAH. As I said a moment ago, I am going to discuss that question presently, but I will answer it by a single sentence and say that, in my judgment, it is not only more capable, but when you compare the history of the State of Idaho with reference to its dealing with its public resources, with the history of the United States with reference to its dealing with natural resources, the action of the State of Idaho is far better for the people than that of the United States. Neither has been without fault naturally, but I have no doubt the people of my State have exercised better judgment and have been more regardful of the true interests of the people than the Federal Government within our State.

Mr. WILLIAMS. That is what I understood. Furthermore, if the Senator will pardon me for a moment, I understand that the State of Texas, which has from the beginning reserved her public lands and in which the United States have never held any public lands, has managed to solve her problems about as well as the United States have solved their problems.

Mr. BORAH. The only monopoly of natural resources in Idaho has come from the possibility of creating such monopoly under Federal statutes and Federal laws, and the only successful effort to limit or control that monopolistic power comes from the laws passed by the State of Idaho. That is true with reference to every natural resource I know of within the State. If anyone desires to go further into that discussion or challenges that proposition, there are plenty of facts to sustain my statement. The fundamental principles of conservation, the fundamental principles which have to do with the retaining of natural resources to the people were found embodied in the constitution and the statutes of our State before this propaganda began as a national movement.

The western settler, with that capacity which he has to apply his wisdom in a practical way to the conditions which are about him, early embedded into the statutes of the States of the West and into their constitutions those principles upon which we are relying to-day to protect the people from the grasp and the power which would control for monopolistic purposes.

There are a few matters with reference to the administration of the conservation principles which I now desire to discuss. In the first place, I presume everyone will agree that the agricultural lands which are found within the forest reserves ought to be opened to entry. There is sufficient land in the United States for the growing of timber and unfit for anything else to make it unnecessary to undertake to make trees grow where under the laws of nature they have never grown heretofore. There is a vast amount of land within the forest reserves which is just as good agricultural land as that without the forest reserves, and those who ask that that land be put outside of the forest reserves, subjected to entry, and opened to the building of homes are not rightfully subject to the charge of being opposed to conservation. True conservation consists in reducing national resources to the practical benefit of the individual who comes within the State to help build up the Commonwealth. Vast tracts of these arid lands are utterly useless unless man expends his energy and his efforts to reclaim them. The true conservation policy would be not to hold that land within the forest reserves, where it grows neither timber nor anything else, but to throw it open to entry so that the homesteader may go there and build his home, render it subject to taxation, make it a part of the supporting power of the Government and a home for citizens of the State. The mere tying up of the land or the locking up of resources can not in any sense be conservation; and that is a lesson that some of our friends must learn before they can make conservation a reality. First of all, therefore, let us get these lands which are agricultural eliminated from the reserves. This will not hurt the reserves but help them, besides serving greatly the State in which the reserves are situated.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I desire only a moment. My understanding of the workings of the Forest Service and the theory of conservation is that the forest reserves are supposed to include lands that are unfit for agricultural purposes; that the purpose is to bring within the reservations only those lands that can not be utilized for any other purpose; and, although they may be barren now, the business of conservation is to ascertain what kind of trees they will produce, and go about the work of producing those trees on those otherwise barren and useless lands.

Mr. BORAH. Would the Senator from Florida like to have the Government of the United States purchase the agricultural lands of Florida, inclose them in a forest reserve, and drive the home builders away from them?

Mr. FLETCHER. Not at all; but, as I have said, the idea, as I understand, is only to include in forest reservations those lands which are unfit for agricultural purposes, lands which would never be settled and occupied by people who wanted to engage in the growing of crops or horticulture or agriculture.

That is the theory and, I think, the practice, so far as the two forest reserves in Florida are concerned.

Mr. BORAH. Mr. President, I imagine it is a supposition that that is true. I think that is the supposition under which our friends are laboring throughout the East who have not seen the real situation. One reason why it is very difficult to engage the attention of those who are not familiar with the circumstances in this discussion is because they assume that that which has been supposed to be true is true. We want you to know the real facts, and my object is to bring these facts before you. I would not discuss this matter merely to apparently criticize some one. I would like to present things as we know them to be.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I do.

Mr. HITCHCOCK. Is it not a fact that during recent years there have been corrections going on and surveys made, and that several million acres a year are being taken out of the forest reserves and restored to settlement?

Mr. BORAH. It is true that within the last two or three years that has been going on, but I want to call the Senator's attention to the fact it has been the persistent and constant agitation upon the part of western Senators which has brought it about. When we opened the discussion in this Chamber several years ago—and the discussion is going to last—we were met with the assertion that there were no agricultural lands within the forest reserves, and notwithstanding that fact thousands of acres have been opened and are now as fine ranches as you can find in our western country.

Mr. FALL rose.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HITCHCOCK. Let me finish this, please.

Mr. BORAH. Certainly. Then I will yield to the Senator from New Mexico.

Mr. HITCHCOCK. If it is true that several millions acres a year are now being restored to the public domain for settlement, would not the Senator from Idaho say that that is a sufficient recognition and is a sufficient adjustment of the difficulty?

Mr. BORAH. Not a sufficient one, although, praise the Lord, they are going in the right direction.

Mr. HITCHCOCK. So it seems to me we are on the safe side at least if these forest reserves have been marked out and gradually, as rapidly as the matter can be carefully and justly done, those lands which are not fit for forest reservation are being restored to the public domain for settlement.

Mr. BORAH. But if it had not been for the discussion here—and it will be continued until the purpose is accomplished—there would not have been an acre restored to the public domain.

Now, I yield to the Senator from New Mexico.

Mr. FALL. In answer to the question propounded by the Senator from Nebraska, I ask, Is it not a fact that nine-tenths or ninety-nine one-hundredths of the eliminations from forests have not been of agricultural lands? At least I can say that is true in the Southwest—that they have eliminated none of the agricultural lands from forest reserves, although they have eliminated a million acres in the last two or three years from the total of about 11,000,000 acres in forest reserves.

Mr. BORAH. They have eliminated some agricultural lands in our State. There is a vast amount which we have been trying to have eliminated, although not yet successful. It is difficult at any time to move this vast machinery so as to get any relief.

I know precisely how they feel about it. They look upon this as a great estate which belongs to them, and they move with great reluctance when that estate is to be diminished in any way. They argue that whenever a piece of land is eliminated from a forest reserve—as the report shows; and I am quoting almost the exact words of the report—and passes into individual ownership, that it passes from the people forever. The fact is when it passes to individual ownership it passes to the people forever. But the defect of administration of this feature of the law I will discuss in a few moments, and may present some data with reference to it.

Taking up the question of the disposition of the timber in these forest reserves, suppose we should continue for the next thousand years the policy that has been pursued for the last ten. Will some man who is wise upon this subject and has the theory of this subject down to a successful issue tell me what advantage the masses would derive from the proposition? If we were to continue to let stand these vast tracts of timber in the forest reserves, where the timber falls and rots or is periodically burned, and sell it to the masses of the people of the United States at a price in excess of that sold by the timber companies themselves, then what benefit would the people of the United States derive?

From information furnished me by the Forestry Bureau I learn that the average price of timber sold has advanced from $1.98 per thousand board feet in 1909 to $2.56 in 1911, and that this timber is sold, as I understand, absolutely upon the proposition of securing the greatest amount of revenue. It also appears that the rates of the forestry sales are higher than the prevailing prices of privately owned timber of the same quality and at the same distance from the market. If it be true that this timber is to be sold at a higher price than private individuals sell timber, and this is to continue, it is evident that the proposition is to become a revenue-making proposition, and that the people will be able to buy cheaper of the timber companies than they will of their own Government. It seems to me that the Government is going to be in a position pretty soon where it will owe an apology to the timber companies for having accused them of selling at trust prices. I do not think that the department, however, or the bureau is wholly to blame. Congress ought to declare a policy upon the subject.

We are asking for a practical administration of a great principle. We do not complain of the proposition on its principles, but we ask that they take it from the skies and plant it among those engaged in an actual struggle for existence, and until that is done it will be of very little benefit to the people, no matter how much pleasure it may give to those who indulge in theory. Let us make it sufficiently practical that the people at large get some advantage.

Two years ago the forest fires swept over vast tracts of country in the West, and left a lot of land burned over, as will be seen from the statement found in the report of the Secretary of Agriculture for 1911.

The fires of the calendar year 1910 covered more than 3,000,000 acres of Government timberland and 800,000 acres of private timberland within the national forest boundaries, and inflicted damages to national forest timber, including young growth, estimated at a little less than $25,000,000. The loss in timber destroyed or damaged was slightly over 6,500,000,000 board feet. In a single season the losses exceeded the total of all former years since Government protection of the forests began. Compared with the calendar year 1909, the estimated money loss in 1910 was in the ratio of more than 50 to 1. In fighting the fires special expenditures were incurred totaling over $1,000,000, besides the cost in time of the regular protective force.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. Certainly.

Mr. GALLINGER. Mr. President, I am somewhat startled at the suggestion that $25,000,000 of timber was destroyed. Does the Senator think that possible? Does he not think that somebody must have imposed upon the Secretary of Agriculture when he published that statement?

Mr. BORAH. I shall not at this time enter upon a defense of the Secretary as to his being mislead.

Mr. GALLINGER. I thought perhaps the Senator had an opinion about it. It does seem startling that that amount of property could have been destroyed.

Mr. BORAH. Our eastern friends, when they listen to those coming from the West, men who have grown up with such experiences, find a great many facts of which they were uninformed when they were legislating against the West.

Mr. GALLINGER. The eastern men have never been legislating against the West.

Mr. BORAH. We never would have had these conditions if they had not.

Mr. GALLINGER. I do not know who the Senator accuses.

Mr. BORAH. Not the Senator from New Hampshire singly, but the people who have imposed these conditions upon us without being familiar with the facts.

Mr. GALLINGER. The Senator certainly would not accuse me and my associates representing the New England States, because we have all stood by the West in every proposition it has presented for a long series of years.

Mr. WARREN. I want to say to the Senator from New Hampshire that I think that we here know that that is true. The Senator from New Hampshire has always been friendly to the West.

In relation to the loss of millions of dollars in the United States caused by forest fires, I will say, of course, it is an estimate, but when you have a forest fire covering a tract of country bigger than any one of the New England States except Maine, and possibly two or three times as large, it is hard to figure how many million dollars of property the fire may have

destroyed. It is true that millions upon millions of dollars have been destroyed by fire, and the extent of the forests there is not comparable to the forests that the representatives of the eastern country are familiar with.

Mr. GALLINGER. We understand that.

Mr. HEYBURN. I do not like to interrupt my colleague, but there is one fact I should like to state.

The burning of a forest is not always a loss. The great Coeur d'Alene mining country would not have been discovered but for the fact that it had been burned over a year or two before and was thus made available for prospecting. I know from what has occurred since that if existing conditions had existed at that time they could not have found the mines at all. The prospectors would not have gone where they were. The forest fires, as a rule, are flash fires. They follow up burned-over tracts.

As to the statement of a loss amounting to $25,000,000, I think a man might have reached into a pile of figures and picked out any other combination. He might have got some figures and put them together. Some timber was burned that some day probably would have been available, but the timber that was burned has not yet been missed in the commercial world.

Mr. CUMMINS. Mr. President——

Mr. BORAH. I yield.

Mr. CUMMINS. Mr. President, I have listened to this discussion now for two or three years. I have become convinced that something is wrong, but I should like to know just what it is that is wrong, and in just what respect the law ought to be amended in order to correct what is wrong.

I have not very much knowledge of the subject, but it seems to me there ought to be some way of preventing the occurrence of the things which are condemned here. I hope the Senator from Idaho before he finishes will give us a clear idea of how the law should be amended in order to bring about the state of affairs he thinks ought to exist. I for one shall be glad to vote for such a law and help him to correct the evils which he depicts so graphically.

Mr. BORAH. Mr. President, I will say to the Senator from Iowa to begin with that in the first instance there was something wrong; that is, in the creation of these forest reserves.

There is a map of the State of Idaho. That black portion [indicating] is withdrawn. There is almost one-third of our State that has been withdrawn from settlement or use, and in that vast area, larger than two or three of some Eastern States (you can take the great State of New York and put it down in one of those forest reserves and lose it), the timber is permitted to stand unused and unavailable. It falls and rots. The underbrush becomes heavy, and when fire strikes it you might just as well try to put down a fire in a powder mine.

These lands are not even pastured in the northern part of the State or used in any shape or form. It is absolutely impossible to protect that vast area from forest fires the way it is kept.

The figures of fires for 1910 compare as 50 to 1 with the fires previous to that time, for the reason that forest reserves are in a better condition to be burned after they have been corralled for five or six years, stopping their use by the country, and allowing the underbrush to become heavy.

Mr. CUMMINS. That brings up the very point in mind. I suppose some President withdrew those lands from entry and sale.

Mr. BORAH. That is correct.

Mr. CUMMINS. I suppose he did it under authority of law, although I do not know as to that.

Mr. BORAH. He assumed that he did.

Mr. CUMMINS. He assumed that he did. Does the Senator from Idaho want Congress to take away from the President of the United States the right to withdraw lands from entry and sale and embrace them in forest reservations, and if any forest reservations are to be preserved how ought we to define them and who must prescribe the limits for them?

Mr. BORAH. In the first place, what we want as a practical proposition and above all other things is to have taken out of that vast area all that portion of the land which is agricultural land and which ought to be open to settlement, where the settler would go and not only become a home builder and a payer of taxes, but in a large measure would be a protector of the forests. I undertake to say, notwithstanding the statements to the contrary in the report, that there are thousands and thousands of acres which would be settled up within the next five years if thrown open to entry, and such settlement would be one of the best means of protection we could possibly have for the rest of the reserve. We want these lands upon which no valuable timber stands or has ever stood, all agricultural lands, made available to settlement. We do not want that decided by some special agent wholly unfamiliar with lands passing upon each application, but we want all lands classified and then thrown open so the settler may go and acquire title under the general laws relative to acquiring homesteads.

Mr. SMOOT. I suggest to the Senator from Iowa that the withdrawal authority——

The PRESIDING OFFICER. The Senator from Utah will have to speak louder. He can not be heard at the desk.

Mr. SMOOT. A law was passed withdrawing from the President of the United States the authority to make any further additions to forest reserves in certain States.

Mr. CUMMINS. I understand that originally they must have been withdrawn through the authority of the President.

Mr. SMOOT. They were withdrawn by the President.

Mr. CUMMINS. The complaint, however, is that the withdrawal included a great deal of land that did not properly belong in a forest reserve.

Now, my question, which I propounded to the Senator from Idaho and will submit to the Senator from Utah as well, is, How are we to correct that mistake? Who are we to appoint to determine whether certain land ought to be in a forest reserve or ought not to be in a forest reserve? Palpably such land as the Senator from Idaho describes ought not to be in forest reserves. Let us do something about it. Let us create some sort of a body that will take such land out of forest reserves.

Mr. SMOOT. In answer to the Senator from Iowa I will state that the Forester, on April 11, 1912, addressed a letter to the Secretary of Agriculture in which he outlined a plan for the classification of all the lands within the forest reserves, and as soon as that classification is made I am told that all agricultural lands will be eliminated from the forest reserves and be open to entry the same as all other agricultural land in the United States.

Mr. BORAH. I do not reflect upon the good faith or the abundant hope which seems to possess my friend the Senator from Utah, nor do I challenge the good faith of the department, but that sounds to me like "hope deferred maketh the heart sick." We have been promised that for years, and we have had a law passed by Congress authorizing it to be done. It has not been carried out. We have had repeated statements to the effect that it would be.

I sincerely hope the Senator from Utah is correct. If he is, and this is carried out, the Forester will be entitled to our thanks and gratitude, and one question will be largely solved. I express this doubt, and at the same time must say I have been assured it will be done; and, of course, I have no right to challenge the good faith of the Forester.

Mr. SMOOT. I will say, and I know the Senator from Idaho will agree with me, that within the last three years there have been many hundreds of thousands and perhaps millions of acres eliminated from the forest reserves. I know this practice has been going on, not perhaps as rapidly as it should, but it has gone on just as fast as the department has had money with which to carry it out, so they tell me.

I should like to see every acre of land within the forest reserves that is suitable for a home or is suitable for agricultural purposes of any kind eliminated from the forest reserves.

Mr. CLARK of Wyoming. Does the Senator believe that that elimination will be properly made when the elimination is left in charge of those whose every desire is to make the forest reserves as large as possible and to keep them from settlement?

Mr. SMOOT. I hardly think——

Mr. CLARK of Wyoming. I want to call the Senator's attention to another thing. He says hundreds of thousands of acres have been eliminated. I think if the Senator will look over the administration of the land laws, both in regard to forest reservation and other things within the last few years, he will find a continual reaching out in an endeavor to put more and more acres in the reserves and take it away from useful occupation.

I call the Senator's attention to the fact that within the last 60 days we have done what has not yet been attemped before—that is, reserving water holes upon our deserts.

Mr. SMOOT. In answer to the first suggestion offered by the Senator from Wyoming, I will say that in times past there has been an inclination to add just as much land as possible to the forest reserves. That practice, I will admit, has in many instances been carried too far. But I do not believe the tendency to-day is to add to forest reserves, but rather the tendency is to eliminate the agricultural lands from those reserves, and I hope that it will increase.

As to the question of the withdrawal of water holes, as stated by the Senator, that has happened within the last month, I believe. I have not gone into it as carefully, perhaps, as I should have done, but in speaking with the Secretary of the Interior when he appeared before the Public Lands Commit-

tee—I think the Senator from Wyoming was there—the Secretary justified the withdrawal upon the ground that the water holes were taken up and script put over them by cattle men or sheep men, and that as soon as they obtained the right to the water they excluded all other cattle or sheep from coming anywhere near the water, thereby virtually controlling the great part of the country for grazing purposes.

Mr. CLARK of Wyoming. The difficulty was that the department found that some one wanted one of these water holes, and so they withdrew it.

Mr. FALL. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. Certainly.

Mr. FALL. Mr. President, I find that within the last three years in the State of New Mexico, for example, there have been eliminated from the Zuni Reserve 108,319 acres, and there were added 170,968 acres, making a total of 845,849 acres in that reserve, whereas as originally constituted it had a total acreage of 783,200.

I find that on the Pecos Reserve there have been eliminated 31,561 acres, and there have been added thereto 129,819 acres; that it now has 813,758 acres, whereas it started with 715,500 acres.

I find that in the Manzano Reservation there have been eliminated 84,158 acres, and there have been added thereto 278,670 acres. That reserve started with 600,500 acres, and it now has 795,012 acres.

I find that from the Datil Forest Reservation there have been eliminated 95,178 acres and there have been added thereto 183,091 acres. That was one of our largest forest reserves, originally containing 2,955,000 acres, and now 3,042,913.

Mr. SMOOT. I should like to ask the Senator a question. Does he know whether any of the lands that have been added to any of the forest reserves within the last three years, or the period of which the Senator speaks, are agricultural lands?

Mr. FALL. I think the Senator from Utah possibly does not understand what I understand by the term "agricultural lands on forest reserves."

The law, as I understand it, with reference to so-called agricultural land on forest reserves provides that they may be entered under the homestead act under certain conditions, not that they are withdrawn or that the forest reserve is withdrawn from around those lands, but it simply segregates tracts of land of from 40 to 160 acres within a forest reserve of 3,000,000 acres, and they may be, under certain conditions, entered by homesteaders; but those conditions are so onerous to meet that in not one case out of a thousand will a man enter the land, or if he enters it, will he remain long enough to acquire title under the United States land laws.

Mr. SMOOT. Is there any question whether any of the lands added to the forest reserves in the last three years were agricultural lands?

Mr. FALL. I beg to answer that in this way: Timberlands in New Mexico are above the elevation of 6,000 feet. The lands below that do not grow timber for commercial purposes or for any other purpose except for firewood.

The lands below the elevation of 6,000 feet are the grazing lands. At the foot of the mountains, below the line at which the timber grows, there are springs from which our cattle and sheep, grazing upon the public domain or upon private land, may get water.

It appears to us that the object of the forest reserve has been to take in those water holes, to take in those living waters, and deprive the people of the opportunity of grazing their cattle upon the lands and their cattle of the use of the water, and thus to compel them to secure a permit to go across a quarter of a mile of the area of a forest reserve at the cost of from as high as 35 cents for every head of cattle to as low as 10 cents for sheep for the entire year to that patented water hole or to the springs.

For some years we have made it so interesting to those people who were holding us up, and that without law, that they have eliminated some portion of the land. They are grazing lands. I do not believe there is one foot of agricultural land in New Mexico which they have eliminated from a forest reserve. They hold to it. But they may have, in some instances, where some powerful cattle company was involved. They have, for every acre of land which has been eliminated, taken hundreds of acres of land from the use of the small cattle or sheep owner. The elimination has not been of agricultural lands, because the forest reserves, except up in the timber itself, are not in an agricultural country in the Southwest.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho continue to yield?

Mr. BORAH. I do.

Mr. SMOOT. I simply wish to ask another question of the Senator from New Mexico. The Senator, then, says they are not agricultural lands, but they are grazing lands?

Mr. FALL. Yes, sir.

Mr. SMOOT. In other words, the Department of Agriculture has withdrawn grazing lands and added them to forest reserves?

Mr. FALL. Yes; and I think I am safe in saying that of the total area—10,295,000 acres—embraced in the forest reserves in the State of New Mexico at least one-third—and I believe one-half—are agricultural lands and not forest lands, and never will be forest lands.

Mr. SMOOT. Mr. President, all I know is that foresters have told me that it was not the policy of the Forest Service to withdraw grazing lands and add them to forest reserves. As far as my own State is concerned, wherever there has been a protest at all they have always granted the wish of the protestant and never have added grazing lands to forest reserves in my State. I was quite surprised to learn of its being carried on in other States, because I know that they claim they are not being added to forest reserves to-day.

Mr. McCUMBER. Mr. President——

Mr. BORAH. I yield to the Senator from North Dakota.

Mr. McCUMBER. I desire to say to the Senator that I do not rise for the purpose of taking up time in making a speech on forest reservations. I simply want to get some probably useful and interesting information as to the mode of operation to see if it is possible for us to arrive at a remedy. I understand that there is a Bureau of Conservation in the Agricultural Department.

Mr. BORAH. I suppose there must be.

Mr. McCUMBER. That bureau investigates the question of these reservations as well as the control of them, and upon the advice of that bureau the President eliminates the land from that which has already been withdrawn.

Mr. BORAH. Not in the State of Idaho. Otherwise that is true.

Mr. McCUMBER. Outside of the State of Idaho that is true. But as to whether the President may release anything in the State of Idaho, if one-third of that which is already in reserve is good agricultural land, will depend very much upon the information and advice that he receives from this bureau. Is not that correct?

Mr. BORAH. I think it is exclusive absolutely of any advice that comes from any other source.

Mr. McCUMBER. That bureau, then, being the governing power practically in these matters, is not the trouble with the personnel of the bureau which refuses to recommend that there be a restoration made where the evidence is clear that one-third of that which has already been taken is nothing but agricultural lands and fit for agriculture rather than for the propagation of trees?

Mr. BORAH. Mr. President, I do not desire to have this debate, so far as I am concerned, drift too much to personal criticism.

Mr. McCUMBER. I do not ask that that be done. I simply want to know where the authority lies and why we can not get a proper operation of the law as it now exists. The law as it now exists, I think the Senator will agree with me, does not intend or purpose that we shall take 2,000,000 acres of mountainous land that has timber, wholly unfit for agricultural purposes, and then attach to that a million and a half acres of good agricultural land that has not a stick of timber on it. If there is this segregation of agricultural lands, why not the fault somewhere in the bureau rather than in the law itself?

Mr. BORAH. I think there is great fault in the bureau, but the fault in the bureau arises largely out of the fault of the system. The system is the result, in my judgment, of the misapprehension and misunderstanding of people who have never seen this conservation policy in operation. As I said awhile ago, the theoretical side of it is right, it is not to be challenged in a certain sense, and if applied in a practical way for the purpose of reducing these natural resources to the ownership and use and control of individual citizens, as originally evidently intended, it would be a desirable thing. But it has resolved itself in not only withholding them from the grasp of the monopolies, as they say, but in absolutely withholding them from the use of the individual citizen. So we are no better off out there, in one sense, in my judgment, than if the monopolies had hold of them. The monopolies would divide some part of the resources, while the Government gives us no part.

Mr. McCUMBER. Is it not also true it was said there was no danger of there being a monopoly in agricultural land, and notwithstanding that one-third of this tract that is segregated in the State of Idaho is fairly good agricultural land?

Mr. BORAH. I do not know just how much. There is a vast area. There is no question about it. I would not be able to say whether it is one-third, but it is a vast area.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. If the Senator from Idaho will yield, I should like to ask him whether he does not think it a practical solution of the difficult question of grazing lands that has been worked out under the supervision of the Forestry Service? The Senator from New Mexico has stated that the lands held in various reservations are not agricultural lands, but are grazing lands.

Mr. BORAH. That is, in his State.

Mr. HITCHCOCK. Yes; and that is true in some other States, as I can show. The Senator from Idaho realizes that grazing lands can not very well be settled. They can not be entered as homesteads. It is not, therefore, a satisfactory and practical solution of the question for the Forestry Service to lease those grazing lands, as it is doing, to the cattle and sheep interests of the West. I notice by the report, which is on the desks of some Senators, that the revenue from the leasing of those lands by the Forestry Service has been gradually growing until it now approximates $1,000,000 a year. I should like to ask the Senator from Idaho whether that is not a satisfactory and a practical solution of the difficult question of handling grazing lands, which has confronted Congress for a good while?

Mr. BORAH. Mr. President, no system and no proposition is satisfactory to the West which is going to lay upon us a tax and a burden for the use of our natural resources which is going to be put into the Treasury of the United States. Those natural resources belong to the people who come within the State of Idaho and these other States to utilize them, and we feel that our integrity and our patriotism are quite equal to taking care of that which is so essential to our happiness and our prosperity.

Mr. HITCHCOCK. The Senator from Idaho then holds that this grazing land should be turned over without any charge to the people of the West. Is that the Senator's position?

Mr. BORAH. It should be turned over to the States. The income from these natural resources belongs to people within the State or who come within the State to become citizens of the State. Why should our people be taxed as the people of Eastern States are not taxed? Why should we pay a rent or license to the National Government that you do not pay?

Mr. HITCHCOCK. Does the Senator hold that it should be turned over to the owners of the herds?

Mr. BORAH. No.

Mr. HITCHCOCK. If the owners of the herds are to pay for the use of them, why should they not pay for the use of them to the people of the United States, who own them?

Mr. BORAH. The people of the United States hold this property in trust for the people who come within these great Commonwealths. It was never intended that they should have the heart carved out of them and be left with but the remnant of the carcass, but it was designed that from the resources within that State the manhood and the womanhood of the State should make a great Commonwealth. If you will turn your taxes or your revenue or your income from these natural resources into the State treasury to build up our eleemosynary institutions and schoolhouses and to take care of our institutions, we will find no fault.

Mr. HITCHCOCK. I understand that the sum turned in now amounts to something like half a million dollars a year, which a few Western States are deriving in revenue. Is not that true?

Mr. BORAH. A part of it. We get only a part of it, when we are entitled to have the whole.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I do.

Mr. FALL. Is it not a fact that we get less than 25 per cent of what we ourselves pay into the forest reserves? We, the people of the West, pay 100 cents and we get back, by the grace of Congress and the Agricultural Department, 25 cents.

Mr. CLARK of Wyoming and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I think I should yield to the Senator from Mississippi.

Mr. WILLIAMS. No; let the Senator from Wyoming proceed.

Mr. CLARK of Wyoming. The Senator from Nebraska [Mr. HITCHCOCK] has hit on the crux of the whole situation. The Senator from Nebraska believes that the land and the timber and the water and the mines and the grass of the West are to be exploited for the people of the whole country as a commercial proposition.

Mr. HITCHCOCK. Mr. President, I can not permit the Senator from Wyoming to make a definition of my position on that point without a correction. I can hardly permit that to go. I called attention to the fact that a part of the proceeds derived from the leasing of this land and from the sale of the timber has been by Congress already diverted.

Mr. CLARK of Wyoming. Is was the Senator's former statement that I referred to, when he asked the Senator from Idaho if it was his motion that these natural resources should be turned over to the State. That, as I said, is the vital point of the whole proposition. There is a body of theorists in this country, and a body of practical men as well, who believe, as I said, that all these national resources upon Government land is the property of the Government, to be utilized in a commercial way for the benefit of the Treasury of the United States. The proposition, on the other side, is that the timber and the grass and the minerals and the water are the property of the citizens of the United States when the citizen goes there to use them. That is the difference, and that is the difficulty in the whole proposition. The one would exploit for purposes of development, for purposes of production, for purposes of taxation, for purposes of immediate use all of these resources that are necessary. The other would hold them up and reserve them and conserve them as a business proposition for the benefit of the people of the whole country, wherever they may live, and until that difference can be settled we will have annually here this debate upon the floor of this Chamber.

Mr. WILLIAMS. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. Certainly.

Mr. WILLIAMS. Is not the difference substantially in one sentence this: One side contends that the United States is only a beneficiary of these lands and of their resources and the other side contends that it is a trustee for the State development?

Mr. CLARK of Wyoming. That is exactly the difference.

Mr. WILLIAMS. I rose to ask that question.

Mr. CLARK of Wyoming. It is exactly the difference.

Mr. WILLIAMS. The Senator from Wyoming has answered it.

Mr. BORAH. I concur with the Senator from Wyoming and the Senator from Mississippi. Mr. President, I have wandered afield from what I was trying to say. I do not object, however, to this discussion or debate. I am glad to have it go on in this way.

To come back, we were discussing these lands which are in the forest reserves which we think are agricultural lands and which we think are entitled to pay taxes and out of which we are entitled to make homes. If we could get it settled, as the department could settle it now under the laws which we have, it would take away one of the aggravating conditions with reference to this matter.

I earnestly insist that the immigrant who starts from the Eastern States and Southern States or Central States and comes our way shall be permitted to stop there as long as the agricultural lands are there and not be forced to go into Canada and take the oath of allegiance to another form of government in order to get a piece of land. We all know, as a matter of fact—and the figures show it—that about 500,000 immigrants have gone into Canada in the last three or four years. Those men are of the best men we have in this country. They are men who are seeking homes; and very few bad men ever seek homes upon the public domain, because it costs too much to get it, too much labor to get it, to be characteristic of a bad man. They have gone into Canada when there are thousands of acres in my State and other places which they are entitled to settle upon on every theory of the correct building up of the State or the Republic.

Several years ago we passed a law permitting the Forestry Bureau of the Agricultural Department to classify these lands, and when agricultural lands they were to be thrown open to entry. Instead of classifying these lands and saying, here are 50,000 acres or 100,000 acres which we will eliminate from this reserve and you can enter them under the general homestead laws of the United States, the Forestry Bureau proceeds upon the plan of special applications. When a man wants to take 160 acres of that land they permit him to make an application and send out a special agent and have him look over that land.

Now, I say it in no disrespect to those special agents when I say that many of them are utterly unfit to judge of lands. They have had no experience in making farms. They have never ranched in their lives. They do not know of that yearning which a settler has for a home, and they have no possible conception of the sacrifice which he will make in order to get

it nor of his capacity to make that which seems a desert a home. Millions of acres in the West to-day, as good homes as there are under the shining sun, would never have been settled if they had waited for the judgment of one of these parties who now pass upon such matters.

The result has been to this effect. I have a statement here showing that since the passage of the act of June 11, 1906, there have been 22,526 applications for agricultural lands upon these forest reserves. Out of the 22,526 applications 8,703 have been allowed. That of itself is sufficient to show the impractical working of that proposition. But every one of those settlers who was turned away, his application refused, the difference between 22,000 and 8,000, became an advertising agent throughout the country that it was useless to try to get a home on these forest reserves. The result is that to-day they have turned aside from an effort to get the land. Now and then a man will have the hardihood and the courage and the patience and endurance to undertake to do so; but, however much they may desire a home, the result is that, these applications having been refused to that extent and the hardships being known, settlements within the forest reserves have practically ceased to be of any moment—not because the lands are not there. If it did not so happen that there are forest reservations where the agricultural lands are, you would see them settled in a few months.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I will yield in a few moments. They were opening some public lands in the State of Washington a few months ago, and the settlers formed in a line and stayed in line night and day, and had food carried to them for over three months, in order to have an opportunity to file upon those lands. The people are land hungry. I do not know how any man with a proper conception of the welfare of our people as a whole can withhold aid and support to a man who cuts himself loose from society and undertakes under these adverse circumstances to make a home.

I yield to the Senator from Nevada.

Mr. NEWLANDS. I would ask the Senator from Idaho whether these lands can be cultivated without irrigation.

Mr. BORAH. Some of them can. In the northern part of the State we do not irrigate at all. That is a rainfall country. In the southern part there must be irrigation.

Mr. NEWLANDS. Are the entries that are attempted mainly in the humid region or are they in the arid?

Mr. BORAH. I have no information upon that subject, but so far as this letter is concerned——

Mr. NEWLANDS. I should like to ask the Senator another question.

Mr. BORAH. I only know that in the northern part of the State where I undertook to get a large part of the land eliminated, which had been burnt over and where beautiful gardens and fine fields were growing up right to the edge of the land owned by the Government of the United States, it was rejected because it was not agricultural land.

Mr. NEWLANDS. What I wished to inquire was whether it was possible to establish a real home upon land in that region without irrigation.

Mr. BORAH. It would not be possible to establish a home in some places in the arid region without the use of water, of course, for domestic purposes. In many places in the arid lands they make fine homes by the way of dry farming where they can only have sufficient water for domestic purposes. Let me call the Senator's attention to the fact——

Mr. NEWLANDS. Does not the Senator feel that in a number of these cases—of course we want to do justice to this service——

Mr. BORAH. I am exceedingly anxious to do justice to them.

Mr. NEWLANDS. And fair treatment. Is it not true that in a great many of these cases where the applications have been rejected the entry was made ostensibly for the purpose of securing a home, but really for the purpose of securing the timber, and the land was not serviceable for agriculture at all because of the lack of either rain or facility for irrigation?

Mr. BORAH. Let me ask the Senator from Nevada a question. Does the Senator know of any such case?

Mr. NEWLANDS. No, I do not; but I assume from the general character of the country that it is practically impossible to cultivate throughout that region unless there is sufficient rainfall, or unless there is such underground moisture as to permit what is called dry farming, or unless there is irrigation; and hence I can see that applications might be made for homestead entries and all the rules be complied with in reference to residence, and so forth, when the real purpose was not to establish a home but simply to get title to timber land. I can conceive that that is quite possible. I can not believe that the Forest Service is so cruel as to deny an entry, to cancel an entry, to reject it, where there is any substantial reason for believing that the entryman can establish a home and where there is no reason for believing that he has some other purpose in view than to establish a home.

Mr. BORAH. Mr. President, I am rather surprised at the argument of the Senator from Nevada, coming from a man from the West. I know that there prevails among our eastern friends the supposition that every man who undertakes to get himself connected with the public domain is a thief.

Mr. NEWLANDS. Mr. President——

Mr. BORAH. That has been——

Mr. NEWLANDS. If the Senator will permit me——

Mr. BORAH. That has been the difficulty in dealing with this subject from the beginning. Without evidence, without proof, without facts, the supposition was that the would-be settler was trying to steal a piece of the public domain.

Mr. NEWLANDS. If the Senator will permit me, I wish to disclaim any such idea. But I was insisting that it is a fact that great interests in that entire region have sought to acquire large areas of land either for a grazing monopoly or a timber monopoly, and have sought to utilize men who called themselves settlers with a view to getting title to land under laws to which they are not entitled.

Now, I have no sympathy for that class of settlers, and I have no sympathy for the men who attempt to utilize that kind of a man. I am quite prepared to believe that the national services have been perhaps extreme and severe and overcritical, and that their vigilance and restriction ought to be relaxed, but I can not believe that they are so wanting in worthiness of purpose that they deliberately deny entrymen the right to enter upon land that is capable of being made a home. Doubtless there have been mistakes, but I can not believe there is any deliberate purpose.

Mr. BORAH. Will the Senator from Nevada listen while I read to him one of the reports of a special agent upon one of these applications?

Mr. NEWLANDS. Certainly. I will be very glad to hear it.

Mr. BORAH. I could present a number of others.

DEAR SIR: Your application, No. 10, for forest homestead * * * is on file in the office of the district forester. * * * In order that the forester may determine what lands to recommend for listing, it is desirable that a demonstration be made of its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. * * * It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry. If results are such that your application is rejected—

Mr. WILLIAMS. Mr. President, I would like to know what we are doing. Is the Senator joking or is he reading?

Mr. BORAH. I am reading from a special agent.

Mr. WILLIAMS. Sure enough?

Mr. BORAH. This is too serious for a joke with me.

Mr. WILLIAMS. I wanted to know what it was. It sounded like a parody to me.

Mr. BORAH. It is not a parody.

If results are such that your application is rejected, but if you still desire to continue occupancy of the 40 acres under special-use permit, you may be allowed to do so upon the payment of the usual annual charges.

Now, does the Senator from Nevada think that there would be any possible way in the world for a real homesteader to get a title to that land under such rules and regulations unless he had a fortune to start with and wanted to experiment for three or four years?

Mr. NEWLANDS. Mr. President, it is quite possible that a mistake was made in that case, but I judge from the reading that the land referred to was probably land which we would denominate as grazing land, not land that is capable of cultivation, but land which is simply useful for grazing.

Mr. BORAH. What is there in this statement which leads the Senator from Nevada to think that probably that was so?

Mr. NEWLANDS. I assume from the letter that the appearance of the land itself was such as to preclude the idea of the possibility of agriculture, but that the entryman being insistent upon it that the land could be farmed, the department said, "Very well; we will give you an opportunity to demonstrate it, notwithstanding the fact that the land itself appears as dry as a bone." I can understand such a condition of things.

I do not know whether that was the condition of things; but we will assume now that, as we know is frequently the case, there is a vast area of land suitable for grazing, but absolutely unsuited for agriculture, and therefore land which does not

come at all within the operation of the homestead act, because it is impossible to create a home upon it; and we will assume that the man who is ranging his cattle over that vast area wants to get a title to a particular tract of land, and he gets some man to enter upon it as a homestead, and he makes his entry, and the department says, "This is arid land incapable of being made"——

Mr. BORAH. Does it take two years to say so?

Mr. NEWLANDS. We will assume that the entryman replies, "But I can demonstrate that this land can be farmed." Very well, then; the department gives him an opportunity to make the demonstration. I can understand how such a letter could be written without involving either absurdity or injustice.

The trouble is that we of the West have not seen to it that the proper laws have been presented with reference to the entering up of the public domain. There could be a grazing homestead created. We have never yet sought to create a grazing homestead. What would a grazing homestead be? A homestead capable of supporting a family; 160 acres of land under the homestead act? No; 16,000 acres possibly might support a family, and in some regions 8,000 or 5,000.

Now, if we want to create a grazing homestead, let us say so and let us provide the conditions under which a grazing homestead can be entered and the number of acres that can be entered, but do not keep this defective system of laws upon the statute book which will compel a man, in order to get some habitation in a great grazing area to avail himself of the homestead act, and then endeavor to prove that the land is agricultural land when it is perfectly demonstrable that it can not be farmed.

Mr. BORAH. Mr. President, I perfectly agree with the Senator from Nevada that we ought to have a change in the homestead laws; and I wish my friend would report from the conference committee my bill on the three-year homestead. I am sure that will be a good beginning.

Mr. HITCHCOCK. Mr. President, will the Senator from Idaho permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. I should like to suggest that if the Senator would arrange, or if some one else can arrange, to enable the Senator from Oregon [Mr. CHAMBERLAIN] to place in the RECORD photographs of the so-called agricultural homestead entries in some of these forest reservations, it will enable the readers of the RECORD to see that many of those so-called agricultural homestead entries have been made so that the houses which have been constructed stand in the primeval forest, and show upon their face that they were fraudulent. I should like to ask the Senator from Idaho whether he criticizes the Forestry Bureau for rejecting so-called agricultural homestead entries of that sort? The photographs are here, and I understand the Senator from Oregon expects to use them as the basis for some remarks. I wish they could be put in the RECORD so that everyone could see the character of some of these so-called agricultural homestead entries.

Mr. BORAH. I regret that the rest of us will not receive the same exhilaration that the Senator from Nebraska seems to have received from those photographs. I have seen them before. Has the Senator from Oregon any photographs from Idaho? These are faithful old photographs. They have done faithful service in this cause for 10 long years. They have excited the zeal and aroused the enthusiasm of men of these days as the bones of some immortal saint once set on fire the soul of the crusader. But because a half a dozen men sought homes in these places, even wrongfully, shall we vicariously pursue all honest homebuilders until the end of time?

Mr. CHAMBERLAIN. I do not think I have any from Idaho, Mr. President, but I have a number of photographs taken from some of the other States where attempts were made to secure lands within forest reserves as suited for agricultural purposes. I believe all of these pictures show that the entries are on the sides of mountains in valuable timber belts and could not have been taken for any other purpose than to secure the timber on them. I do not mean to say that that is universally true, but I do say that that is true in a very great many cases; and where patents have issued and where suits have been instituted by the United States an acknowledgment of this condition has been made by a reconveyance of the lands to the Government of the United States.

Mr. BORAH. Well, Mr. President, all that has absolutely nothing to do with the proposition which I have insisted upon, and that is that the Interior Department classify this land and turn it over to entry. If it is timberland, do not classify it as agricultural land. We are not asking for permission to enter timberland as agricultural land. Nobody who is honest desires to take up the timberland in the West as agricultural lands; but that does not relieve the Secretary of Agriculture from classifying those lands which are agricultural lands and turning them open to entry. It is all in the hands of the department, and it need only throw open to entry the agricultural lands. This would put both the fraudulent entryman and also the photographer out of business.

Mr. CHAMBERLAIN. If I may again interrupt the Senator, I desire to say that this is an immense empire in itself which the Government has undertaken to administer, and that it has attempted and is attempting to do, and is proceeding to do, exactly what the Senator from Idaho says it ought to do, but it can not be done in a day. In proof of what I say, I desire to suggest that the very lands that have been listed by the Federal authorities as suited for agricultural entry have not been filed upon or taken for agricultural purposes by homesteaders. In the Senator's own State, as I said awhile ago, 16 per cent of the lands that have been listed as suitable for agricultural entry have not been attempted to be taken as homesteads.

Mr. BORAH. Can the Senator from Oregon advise the Senator from Idaho where those lands are located in Idaho?

Mr. CHAMBERLAIN. I could not undertake to do so; it would take definite maps of location from the office of the department to do that. I presume they could do it.

I wish to say I differ from the Senator from Idaho with reference to the causes which have invited emigration to Canada. Canada is in the condition just now that our western frontier was in 25 or even 40 years ago. Men have not gone there because they could not get homesteads in the western part of our country, but simply because the allurements there are greater; the land which is untaken and unsettled upon is better than it is in the United States; and men will continue to go there until nothing is left in Canada except forest lands, just as is the case in the United States.

Mr. BORAH. Mr. President, I have had a great many letters from homesteaders moving in the direction of Canada, after having made an attempt to secure homes in different parts of the United States. I presume that some men have gone to Canada for the reasons which the Senator from Oregon states; but does the Senator state that there is any better land in Canada than is to be found in the State of Oregon or in the State of Idaho or in the other States lying along the border line of Canada? There is no better land, when once reclaimed, than this land in his State, except the State of Idaho. There is no climate in Canada like our climate.

Mr. CHAMBERLAIN. I do claim, Mr. President, that there are lands in Canada, or there have been until very recently, that are better for homestead entry than those in any of our Western States. I know men in Oregon who have gone up into that country simply because they could get lands that were suitable for agricultural purposes and because, as they said, the laws were a little more liberal; but there are lands in that country that are better for agricultural entry than we have in our Western States, because the best lands in the West have already been taken up and nothing remains except those which are within the forest reserves.

Mr. BORAH. Mr. President, I referred a short time ago to the great fires which took place in 1910 and 1911 and was diverted from the discussion by another phase of this controversy. I want to recur to that again. Those fires left a vast amount of timber which could have been successfully used if it had been taken in time and which would have been of great benefit not only to the settlers who happened to have homesteads on some of the land over which the burning took place, but would have been of benefit to the public by reason of its getting cheaper timber. I invite the Senate's attention to the difficulties under which the settler labors in getting a hearing upon these matters. I spoke perhaps abruptly a short time ago when interrupted by the Senator from New Hampshire [Mr. GALLINGER]. I did not mean to charge this prejudice or this feeling to individuals, but it is a lack of information; and out of that lack of information arises such ideas apparently as have been suggested here by reason of these photographs and other things, that we are trying to steal some lands in the West. There have been some land frauds in the West—comparatively few; with reference to agricultural lands, almost none. There have been frauds with reference to timberlands, but that is a matter that we are not discussing; it is a matter which the department can control. It need not classify or permit the entry of any timberlands under present conditions. We are not asking to enter on any timberlands, but we simply ask that agricultural lands be disposed of.

We are also asking that a proper use be made of the timber which is growing upon the forest reserves. This timber ripens, falls, rots, or burns, just the same as anything else in the course of growth. It is absolutely necessary, in order

to protect the forests, that this timber which ought to be disposed of shall be disposed of. It is not only desirable from the standpoint of the people who might want to use it, but it is desirable in protecting the forests themselves, because, as I have suggested, they get into such a condition that it is impossible to keep destructive fires away from them, unless the fallen timber or timber which ripens and ought to be cut, is cut and taken out.

After the forest fires had swept over this country, we introduced here a bill providing:

That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or seriously and permanently damaged by forest fires prior to December 1, 1910, the proceeds of all such sales to be covered into the Treasury, as are other receipts from the sales or disposition of public lands.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or seriously and permanently damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, grant, claim, or appropriation subsisting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

SEC. 3. Any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who at the date of application for the sale has not abandoned his claim, shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law, such payment to be made by the Secretary of the Treasury from the special fund provided for in section 2 upon the certificate of the Secretary of the Interior that such settler or entryman is entitled thereto.

That bill passed both Houses of Congress, went to the President of the United States, and was vetoed. It was not vetoed apparently by reason of any judgment which the President exercised in regard to it, nor by reason of any information which he apparently had as to its defects, but, as the President said, it was vetoed upon the suggestion of the head of the department. The President said:

I return herewith H. R. 9845 without approval. My objections to the bill are stated in the communication of the Secretary of the Interior that accompanies this message. I hope that the difficulty which the Secretary points out may be remedied, because I approve of the general relief sought by the bill.

Now, I should like to call attention to the difficulty which the Secretary of the Interior points out.

The difficulties of administration were pointed out in a communication from this department to the chairman of the Senate Committee on Public Lands, of which I inclose a copy. So far as appears from the record, this communication was not brought to the attention of, or considered by, either House of Congress. The principal objection to the bill is the provision, contained in section 3 thereof, requiring the payment to "any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who, at the date of application for the sale, has not abandoned his claim" of "an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law," etc.

You will see that the bill provided that, if the homesteader had complied with the law and the rules and regulations up to the time of the fire, he was to be paid a portion of the money realized from the sale in proportion to the time which he had lived upon his land. This was burned timber; it must come to naught; it must rot and become worthless unless disposed of. The Secretary of the Interior says:

This would give to any settler or entryman under the homestead laws a part, at least, of the proceeds of the timber on his claim without any regard whatever to whether the settler or entryman ultimately perfected his claim and obtained a patent for the land.

There can not be any finer exhibition of the harsh and impossible administration of the law by this department for the settler than is exhibited in this veto and the foundation of the veto. Men had gone upon the public domain, settled upon the land, and complied with the law and the regulations. Fire swept over their land and they were refused that which was left after the fire had gone over it or a compensation in proportion to the time they had spent on the land for fear that they might not complete proof two or three years afterwards. In other words, although the settler had thus far complied with the law, so strong was the presumption that in the future he would not comply with it that he is dealt with as a criminal instead of an honest man. Rather than to permit the settler to take advantage of the adverse circumstances under which he was placed in this matter, he was denied relief; and it was said, in effect, that the timber had better rot than that the citizen should have the benefit of it. Every possible embarrassment was put in his way.

Mr. WILLIAMS. Complied with the law thereafter.

Mr. BORAH. Unless he should thereafter fully comply with the law. There is a suspicion that he is not going to do so; there is a suspicion that he is there for an evil purpose; that he is a criminal; that the surveillance of the law must rest upon him constantly, as if he were a professional crook. He is deprived of that which must now be utterly worthless either to himself or to anyone else. Can anyone tell me why such a rule should be invoked against those who are attempting to make homes under these adverse circumstances? Is there anything connected with the lives and deeds of those men who are settling up the great Northwest, who are engaged in building communities—is there anything connected with the lives of such men as to warrant this constant suspicion which puts upon them the ban and condemnation of the law and of the Government? But rather than give him aid under the circumstances, the President sends here a veto, exercising no judgment of his own and no knowledge of his own, but simply taking the suggestion of the head of a department. These are the circumstances under which we undertake to legislate. This is unlimited, unrestrained bureaucracy in all its naked, unvarnished, impudent, insolent, autocratic power.

I am not going to discuss it at length, but, as a kindred subject, I want to call attention to the manner in which we deal with settlers upon confessedly agricultural lands upon Government reclamation projects, and so forth, because it is all a part of the same subject matter.

Something has been said with reference to the Canadian laws being somewhat more lenient than our laws. They are considerably so; they are built upon a humane basis and administered from a humane standpoint. I now read from the Canadian law:

In case of sickness, and on that account inability on the part of the new settler to perform the required duties, his homestead is protected—that is to say, an extension period is granted him by the department of the interior, so that instead of performing all his duties in three years he may be permitted four or five, as the case may be. In any event, no advantage is taken of his sickness to deprive him of the homestead upon which he has placed his labor and perhaps his capital.

In case of sickness in his family and consequent destitution, due either to insufficient capital or to extra expenditure for medicines and medical help, the new homesteader has the right to appeal to the immigration department of the interior.

Inquiry is made into the situation, and if it is found that the settler, through no fault of his own, is lacking in food, fuel, or clothing, this is provided by the department and a lien taken upon the homestead for the amount advanced to the homesteader with 6 per cent interest added, the homesteader understanding that he can not become possessed of the final title until he has met and liquidated all the advances of the Government. In cases where the homesteader has suffered partial or total failure of crop from hail, fire, or other untoward circumstances and where he is still upon land for which he has not received his patent, the department of the interior will advance him a reasonable quantity of seed wheat and seed oats to enable him to get upon his feet again and proceed with his spring sowing. The amount of this grain, the actual cost of the grain itself plus transportation only, is made a charge upon the homesteader.

The department makes no charge for administration, the cost price of the grain and transportation only being a debt upon the homestead and payable before the patent is issued. In cases of prairie fire or in cases of prolonged sickness the department of the interior is always willing to help the homesteader to his feet again, and in very few instances indeed has the recipient failed to make proper payment of his indebtedness.

The Canadian Government trusts the homesteader and the homesteader deals fairly with the Canadian Government. If you will place our homestead laws and regulations, the letter of the Secretary of the Interior, and the veto message of the President based thereon—because I do not think the President had any knowledge about it at all—alongside the rules and regulations and the law of the Canadian Government, you will find the precise difficulty with which we have to deal. On the one hand, the Government believes in its homesteaders; it believes in its home builders; it is willing to help them; it trusts them; it assumes when they come upon the public domain that they are there as law-abiding citizens. On the other hand, I must say, regardless of whom it hits or hurts, that for the last 10 years the homesteader of the West has been pursued in every possible way to embarrass him and discourage him in the settlement of the public lands. He has been presumed to be guilty of evil purposes and criminal designs; he has been compelled to meet the most technical rules, and he has been held up in his proof and his patent until some special agent would give him a chance to meet the presumption always against him.

Mr. WILLIAMS. Mr. President, if the Senator from Idaho will permit me to interrupt him, I should like to tell about a case that was recently submitted to me of a homestead entry in the United States, which, it seems to me, is in violent opposition to the theory of liberality and humanity underlying the Canadian law. I received a letter from a man in the State of Florida who had entered land which was classified by the department as agricultural land.

Mr. BORAH. Was this in Canada?

Mr. WILLIAMS. No; it was in the State of Florida. This is a contrast to the administration and law in Canada. He re-

mained upon the land two years or more, built a house, built fences, cleared a good part of the land, plowed it, and in boring a well, or something of that kind, phosphate was discovered, whereupon the Government took the land away from him and paid him not a cent for the money that he had expended for fences, for his house, for plowing, and so forth. Of course, as the Senator from Idaho will understand, and as everybody who understands farming will understand, he had made a loss for the first two years, as all men must; and there he was left.

That is the practical administration of the United States laws with regard to homesteaders, even in one of the old States upon lands classified by the Government as agricultural. They based their injustice upon the ground that in his application he had stated that the land was agricultural. Of course he had stated it, for no other reason than because the Government had so stated. He did not know any more about the phosphate under it than did the Government or anybody else. There may be some justice in refusing to allow him to retain the phosphate mine, but there can be no justice in refusing to let him cultivate the land above the phosphate mine, and there certainly can be no justice in not permitting him to be repaid for the expense which he had incurred upon the faith of a classification by the Government.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes.

Mr. SMOOT. I wish to say to the Senator from Mississippi that a thing like that could not happen under the Canadian law, for when a homesteader in Canada makes his entry the Canadian Government reserves all the timber, the water rights, and the minerals, and requires a certain amount of cultivation.

Mr. WILLIAMS. The Senator from Utah has totally misunderstood me. I have no objection to the Government reserving the minerals; I have no objection to the Government taking possession of the phosphate on the entry to which I have referred and proceeding to exploit and sell it, or to do whatever it wants to do with it, but certainly to take a man's homestead away from him after his expenditure of money solely upon the ground that there was phosphate upon the land is a totally different proposition. I do not care whether Canada is perpetrating an equal injustice or not. I thought it was not; but if it is, then Canada is equally guilty of injustice. Even if the Government has the right to take all the land away from a man because a mineral has been found upon it, there ought to be some provision to put him back in statu quo ante at any rate. No honest man dealing with another would perpetrate an act like that which the Government of the United States perpetrated on this man. I would not perpetrate it upon you, nor would you upon me. It is positively dishonest.

Mr. SMOOT. Mr. President, what I was going to say to the Senator was that our homestead laws of course reserve nothing whatever to the Government, and it is for that reason the Government makes these long, expensive examinations.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. Yes.

Mr. FALL. If the Senator will yield to me for a question, Is it not a fact, under our homestead laws, that until the homesteader has proven up upon the land the homestead is subject to Federal entry, and if it is found that it is more valuable for mineral than it is for agricultural purposes, he can not get a patent for it; and only after patent passes does the Government pass title to the mineral?

Mr. SMOOT. That is correct.

Mr. FALL. It now requires five years to prove up a homestead, and if there is any mineral in the homestead entry, then anyone has five years' time within which to prove that it is mineral land and he can take it away from you during that time.

Mr. BORAH. Mr. President, the duties which the Canadian Government performs toward its settlers are left in this country to be performed by those who are disposed to help their fellow citizen or, in some instances, to corporations. Last year the settlers upon the south side of Minnidoka project, so called, having been without water with which to irrigate the land for three or four or five years, were in an impoverished and distressed condition. They had no seed with which to seed their ground. They were required to pay the maintenance charge if they used the water, and they had no means with which to pay it. They were simply in a condition to immediately forfeit everything and move away. The Government could not, it seemed to think, help the situation, and at this time is insisting on payment in advance for the use of the water upon the part of those settlers.

Everyone knows, Mr. President, that for the first two or three years upon these lands a person raises nothing; the land is in such condition that you can not realize upon it. But that which the Government did not do and could not do by reason of our laws or by reason of the unwillingness of the department one of the railroads of the West undertook to do. Mr. Bancroft, at the head of the Oregon Short Line Railroad Co., a railroad man with an intellectual vision, realizing that to build up his constituency is to build up his road, and having an unusual pride in that country, where he has lived so long, advised his corporation to advance these settlers $20,000 worth of seed grain for the purpose of enabling them to raise a crop and save their lands. The faith which Mr. Bancroft exhibited toward the settlers and the confidence which he reposed in them were justified, and the settlers proceeded to utilize the means given to them for the purpose of raising crops and made a comparative success of it in so far as they could on that new land. This is not only a splendid encomium to Mr. Bancroft, but a sad commentary upon our harsh and inelastic public-land laws.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes.

Mr. SMOOT. The Senator refers to the harshness of our laws. It is not the harshness of the law, is it, so much as it is the harshness of the administration of the law?

Mr. BORAH. Well, I think it is the harshness of the law to some extent, as I am going to discuss in a few moments.

Mr. SMOOT. I think there is a misapprehension as to the difference between our homestead law and the Canadian law. I think that our homestead law is a better law for the settler or the entryman than the Canadian law, because in the Canadian law the reservations that are made are such as I do not believe ought to be imposed upon an entryman in this country. They reserve, as I said before, the water-power sites, they reserve all timber, they reserve all minerals of every kind, and they require a certain amount of cultivation.

Mr. BORAH. The Government of the United States has withdrawn all power sites and withdrawn all mineral lands and all those things.

Mr. SMOOT. Not all minerals.

Mr. BORAH. When a man goes into the land office to make his proof of an agricultural entry, he never can get the land if it is mineral in character.

Mr. SMOOT. He can get it if it is metalliferous mineral, not phosphate or asphaltum or gas.

Mr. GRONNA. Or coal.

Mr. SMOOT. Or coal.

Mr. BORAH. Suppose the man goes to prove up an agricultural entry, and the officers say that that land is more valuable for minerals than for agricultural purposes; they refuse his patent.

Mr. SMOOT. Yes; as agricultural land, but not if entered as mineral land.

What I say is this: If an entryman enters land in Canada and makes his home on the land and secures his patent and lives there 20 or 30 or 40 years, and at the end of that time there are minerals found under the surface of his entry, the minerals do not belong to the entrymen, but to the Canadian Government.

Mr. BORAH. No one desires to have anybody acquire mineral lands under an agricultural entry.

Mr. SMOOT. No.

Mr. BORAH. We do not want him to acquire timberlands as agricultural lands. The Government has to be protected in all these things. It should be protected against a man acquiring land as agricultural land when, in fact, it is mineral land.

Mr. SMOOT. I was speaking only so far as the land is concerned, and I say the difficulties are more a matter of regulation than a matter of law.

Mr. GRONNA. I know that in my State, when the proof is made, no patent is issued for any land, whether it contains coal or not, except a limited patent or surface patent.

Mr. SMOOT. I think the Senator must certainly be mistaken in that particular.

Mr. GRONNA. I am not mistaken. I want to say to the Senator from Utah that I have had hundreds of complaints from settlers in the Northwest within the last month that the land office would not issue a receipt unless the settler would consent or agree to accept a surface patent.

Mr. BORAH. There is no question about that.

Mr. SMOOT. Where lands are classified as coal lands, there is no doubt about it.

Mr. GRONNA. In our State it is all withdrawn.

Mr. SMOOT. Then the Senator is correct in his statement, but I take it for granted that there are lands in that State that were not withdrawn lands. But if they had been withdrawn as coal lands, the statement is absolutely correct as made by the Senator.

Mr. GRONNA. I do not want the Senator from Utah or any other Senator on this floor to infer that they are mineral lands. They are not.

They may secure some poor lignite coal way down in the bowels of the earth; and I can tell you of cases that have come under my observation. A farmer might have dug a well, and after he had lived there four or five years and had earned his patent—not a commutation proof—this has happened. In one instance I knew the man who had lived there for seven years, and one of these sleuths, for whom there has been a million dollars appropriated every year by the Congress of the United States, came to this particular settler. He proceeded to ask him all sorts of questions about his family and everything else, and then he asked him if he knew whether there was any coal on the farm.

The farmer said, "No, I hardly think so, for I dug two wells on the north side of this pasture and there was no coal; but on the south side where I dug a well, down about 25 or 30 feet, there was a vein about 6 inches thick." His entry was held up, and it was held up for five or six years before the man was given a patent. That is the treatment the people of my State are receiving at the hands of this administration.

Mr. SMOOT. That is regulation again.

Mr. NEWLANDS. I should like to ask the Senator from North Dakota whether he approves of the Canadian system of law, under which you could enter as a homestead the surface, and without any restraint of any kind, the law reserving to the Government the minerals under the surface. Such a law would do away with this army of special agents who, under existing law, are classifying the lands and enable the entire surface to be entered.

Mr. GRONNA. I do not suppose it would change the conditions very much if I stated my opinion. But I believe that where the Government finds minerals, whether it is coal or any other, the Government should control it. But I do not believe that the Government should go on and classify land, which clearly is nothing but agricultural in character, as mineral lands and should withdraw it.

Mr. NEWLANDS. The Senator believes that the land should be withdrawn if it is mineral land, and that no patent should be granted reserving the minerals under the land?

Mr. GRONNA. I believe that land which is mineral in character should be classified as mineral land, and that land which is agricultural in character should be classified as agricultural land and the full fee given to the settler.

Mr. NEWLANDS. The Canadian law does away entirely with the necessity of classifying the land, and thus enables a man to get a homestead title to the surface for agricultural purposes, and leaves open for future consideration the question whether there is any mineral under it or not.

Mr. GRONNA. I have not here the Canadian law relating to mineral lands, but I will say to the Senator from Nevada that the conditions of getting land under the mineral laws of Canada are far different from ours. There are provisions under which you can patent lands in Canada as mineral lands.

Mr. CLARK of Wyoming. I suppose the theory advanced by the Senator from Nevada is the old theory, that all the minerals belong to the king or crown. That theory has never obtained in this country. I think it is contrary to the ideas of our Government, and I hope it will always remain contrary.

Mr. NEWLANDS. The Canadian laws were passed as the result of the conservation movement. Their laws are exceedingly simple in operation. They can dispense altogether with these agents who now in this country spend a great deal of time in classifying lands. It permits the entry of the surface.

It may be a question whether we should accept that, but I want to emphasize that this legislation in Canada does not follow the old law with respect to the rights of the sovereign to the minerals, but is enlightened legislation passed as a result of the conservation movement. Canada joined in it, and her representatives having gone back to Canada, they secured this legislation as a part of the conservation plan.

Mr. CLARK of Wyoming. I will ask the Senator if Canada parts with the fee to her mineral lands.

Mr. NEWLANDS. I can not answer.

Mr. CLARK of Wyoming. I ask not by way of argument, but solely for information.

Mr. NEWLANDS. I assume there are laws there under which mineral entries can be made.

Mr. HEYBURN. Canada does give crown grants for mineral lands, and they to all intents and purposes pass the fee.

Mr. CLARK of Wyoming. Do they not retain a royalty?

Mr. HEYBURN. No. I am speaking now of the Northwest Territory, with which I am somewhat familiar.

Mr. BORAH. Mr. President, I have detained the Senate entirely too long, and I can imagine how wearying it must be to Senators to listen to this long discussion. We people of the West, who feel that our most vital interests are involved in such discussions, welcome them. We feel that under present conditions we never can become the great Commonwealth we ought to become. Therefore it is vital to us.

It is not our desire to find fault with individuals in a department. It is the system. Individuals come and go; and while they come in with resolutions and promises, we find a few months after they get here it is impossible to discriminate between the successor and the predecessor. It is for the purpose of calling into sympathy and cooperation the wisdom of those who have had the advantage of their natural resources and the legislators of the East that we undertake to discuss these matters at such length, certainly not simply with the desire of personally finding fault with some one.

Something has been said—and considerable has been said—with reference to the Canadian laws, and I will say a few words upon that subject, and will not detain the Senate longer.

The Canadian law is a three-year homestead. It only requires a residence of three years. It permits absence from the homestead for six months out of the year. This to enable the homesteader to go elsewhere to acquire some means with which to carry him through the summer or to go somewhere and secure the advantage of schools; and it is the consensus of opinion of those who have examined into this matter that instead of its leading to speculation and fraud and to the acquisition of lands for the benefit of others, it has had the very opposite result.

It has led to a bona fide class of citizens, who are building up the country and are now making one of the greatest countries in the world out of the great Dominion of Canada.

I want it distinctly understood that I am not asking the privilege of the looseness of the law which will permit a man to acquire mineral land under an agricultural entry, or timberland under an agricultural entry, or a power site under an agricultural entry. There is nothing of that kind possible under our present system, even if we change the law as to residence and absence. There is no necessity for the Government to permit or authorize such action. The Government has all these lands, covering power sites, and so forth, withdrawn, and therefore not subject to entry. No need to worry, therefore, about a homesteader securing a power site under an agricultural entry.

What we want and what we are going to have—whether it is to-day or later—is an opportunity for the man who is trying to make a farm to do so without being driven to poverty and expatriation.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. Some little time ago I asked the Senator a question, which was a very civil one, and I thought the Senator was rather petulant in his reply.

Mr. BORAH. I apologize to the Senator if I did, but I did not intend to. I have the utmost respect for the suggestions of the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator for that assurance. I believe it. I thought perhaps the Senator had not spoken with due consideration.

Mr. President, speaking as one eastern man, I will say that if the Senators who represent the States which have forest reserves in them—162 in number—and with a comparatively few States interested in the forest reserves could agree upon a policy and upon amendments to the existing law that would satisfy them, I feel very confident that every Senator from New England, at least, would be glad to cooperate with them to bring about a better condition of things than seems to exist.

The East has no prejudice against the West. On the contrary, we have great admiration for those great western States that are developing into such great Commonwealths, and we all want to help the West in any matters that interest her and in which we can properly cooperate.

I recall the fact that one of the best Secretaries of the Interior since my service in public life was an eastern man, Mr. Bliss. I think every western Senator will agree to that. He was a broad-minded man, and I think he compared more than favorably with some men from farther West who have occupied that office.

I assure the Senator from Idaho that before the debate closes he need not fear opposition, but rather earnest and friendly cooperation, from those of us who know comparatively little about this question, but have an interest in it, because it is a national problem, and we want to be helpful rather than to be in the way of real progress.

I thank the Senator from Idaho for yielding to me.

Mr. HEYBURN. I want to join in the statement made by the Senator from New Hampshire. Throughout the long years when we have been making this fight on behalf of the interests peculiar to the western people, the Senator from New Hampshire has always acted with us.

Mr. GALLINGER. I thank you.

Mr. BORAH. I did not intend by any remarks I made this afternoon to be personal to the Senator from New Hampshire or personal to any other Senator on this floor. I was speaking of the feeling entertained in the East with reference to conditions in the West in the acquisition of public lands. It is not personal. It is too universal to be personal. Everybody has it, whether he is conscious of it or not. The moment you introduce a law here for the purpose of ameliorating conditions in the West, and if you do not get it here on the floor of the Senate you get it from the public print, that western Senators are trying to make it easier for somebody to steal land, and the hired magazine writers and people engaged in creating this prejudice have more influence in destroying a bill than we have in passing it. I am not petulant or desirous of being unnecessarily harsh, but from this time on so long as those men who are building up that great Northwest are attacked, I propose to call things by their right name. I have seen them in their adversity; I have witnessed their struggles; I know what they are doing; and the man who for a miserable pittance libels them in a magazine is unworthy to be counted with the same race to which they belong.

Mr. President, several months ago a bill was put upon its passage through the Congress having for its purpose the amelioration of the harsh terms of the law under which settlers are now seeking to secure homes upon the public domain. It passed this body. With some amendments it passed the House. It is now resting in conference, where it has been for weeks. Its friends are by no means satisfied with the outlook for its becoming a law at this session. It has been opposed, it seems, from the beginning by the Secretary of the Interior. It has been sought to be amended and emasculated by all that class of men who proceed upon the suspicion that every citizen who seeks through months and years of adversity and hardship to carve a home from the desert is a criminal. I am sure if these men were there to see, if they could know the relentless way in which the Government has pursued the homesteader for years, the annoyance, the delay to which he is subjected, the price he pays in labor and effort for his land, that they as honest and well-meaning men would change their minds. There are some few men, Mr. President, so imbued with the worth of their own self-sufficient, all sufficient, insufficient knowledge that perhaps seeing the situation and realizing that there existed a different condition from that which they assumed would only irritate and make revengful their offended wisdom. There are a few others whose suspicious natures resent all facts which do not fit their preconceived determination to adjudge all men except themselves dishonest. But it *has pleased* divine Providence to afflict this earth with but few of either of these classes. Most men want to know the facts and knowing the facts have the courage to accept them and be governed by them.

Now, what are the facts? We are no longer giving homes upon the rich prairies of the great Mississippi Valley. The settler must now seek the arid lands in that country which stood for half a century marked upon our maps as the great American desert. When reclaimed, I grant you, these lands are fertile. When reduced to habitation I concede they make homes as desirable as anywhere under the shining sun. But it takes labor and much of it; it takes patience and endurance more than most men are willing to give; it necessitates submission to isolation, to adversity, to hardship, to depriving oftentimes the family of schools in order to reclaim this land which, as it lies there, is wholly worthless, which serves no one and pays no taxes to the Government. It is a dry, barren soil. Oftentimes for several seasons you can not raise a crop until the soil becomes settled and compact. I have seen a crop planted to-day and to-morrow it might be 10 miles away, blown thither by the winds—actually blown out of the ground. The settler must not only build his house and make his improvements, clear the land of sagebrush, but he must either build a ditch at heavy expense or pay more heavily for others to build it for him. I assert that no man reclaims this land who does not pay every dollar it is worth in the labor which he must expend in doing so. No man gets title to a homestead or desert entry who does not give evidence a hundred times over of his good faith, of his bona fides as a settler and a home builder. Men who talk glibly about giving these men homes do not know the facts. These men by their labor and their sacrifices have changed our worthless arid waste into tax-paying and valuable properties, but they have paid for them in their labor. What does this Government have these lands for—for jack rabbits and coyotes or for men? If for men, is not he a good citizen to be commended and not condemned who takes such property and makes it by his own effort a valuable estate? Would you have your lands lie idle while your citizens crowd more and more into the congested centers? Would you prefer to continue to increase the number of consumers and decrease the number of producers? Do you want less food and more to consume it? I look upon the man who seeks to make an acre productive, which was not productive before, not only as a good citizen himself, but as a distinct benefactor to his fellow men. He is the man who is going to solve the question of the high cost of living if it is ever solved. These men ought to be encouraged instead of discouraged by every petty rule and regulation which the meddlesome impudence of suspicion can throw about them.

It is beyond my comprehension, Mr. President, how any man with the slightest quiverings of a conscience or the faintest conception of what it takes to make a great people and a great republic can do other than encourage, aid, and seek in every way to make successful the efforts of the family which cuts loose from friends and neighbors and schools and goes out in these places for the purpose of satisfying the noblest cravings of man as a social being, his craving for a home. This settler takes that which is worthless as it lies there in the arid desert and makes it a home—and this Government now and for years has put upon him the suspicion of crime, the surveillance and annoyance which it does not even throw around its professional criminals who infest society. The executive officers of this Government, with their hired spies, have haunted the homesteader, leered upon him as he left his solitary lodging, watched his coming and going like Javert upon the trial of Jean val Jean, until it has ceased to be endurable any longer. Talk about these men not being law-abiding. If they were not so, sir, more than one special agent would have paid for lawless methods with his life.

Is this Congress going to adjourn without passing these laws? Will you go before the people of the West in the coming campaign and tell them you were afraid to make just and humane laws for them because you regarded them as all speculators and thieves? Are you going to say to these settlers who are holding on and endeavoring to make both ends meet that you would have passed these laws, but the Secretary of the Interior was passing through the gestation period of an idea and the hour of his intellectual accouchment had not yet arrived? And do not think the settlers alone are interested. The entire West is interested. It will no longer be satisfied with promises. Our eastern politicians, who make their summer excursions into the West and talk about what they are going to do, will have to begin to make good their promises. Let me assure them that the West now expects a fulfillment of those pledges.

The party of Lincoln, who rejoiced in the opportunity to sign the first homestead bill, should have the fidelity to its original principles, the foresight, the courage, the statesmanship, to put aside the miserable slanders and ignorant libels upon the people of the West and be of assistance to these people who are impoverished and bankrupted and even expatriated in their efforts to secure a home. Is the great Republican Party going to continue to connive at these slanders of the West and bow like a bastinadoed elephant at the crack of the whip from those who assert that you must make the laws so harsh and impossible as to drive away citizens into Canada in order to keep them from stealing if they remain at home.

And you, my friends, the disciples of Democracy—the creed of the man of small holdings—how much longer will you favor laws which make it impossible for any but a rich man to get a piece of the public domain for a home? I remember that James Buchanan vetoed the first homestead bill which passed Congress; but I do not forget that Thomas Jefferson declared that "agriculture is the most useful of the occupations of men," and that the central idea of his whole economic and political philosophy was to see every citizen, if possible, in possession of a home. He knew that under such conditions the Republic was safer than when guarded by armies or protected by navies. I do not forget that the crowning virtue of this marvelous and many-sided man was faith in the integrity and honesty of the common citizen. He was the greatest reformer of his age, but he was unfamiliar with the modern idea of Phariseeism, that everybody is a thief except the reformer himself. He held to the greater and sounder principle that all true reforms begin with the faith that the vast majority of the men are honest and that the honest ought not to be vicariously hunted down and ostracized because some have gone wrong. Do you now profess to the precepts of Jefferson and practice the principles of Buchanan? Are you willing to legislate upon

the theory that your fellow citizens of the West are honest, law-abiding citizens, seeking to build up a great empire of wealth out of what before was worthless, or do you propose to continue longer in the heartless and shortsighted policy which is driving hundreds of thousands of our best people into Canada?

Mr. President, one of the common charges against the West is that her people are opposed to conservation. In answer to this charge, I invite all men to the consideration of her laws. Take my own State as an illustration. I challenge any man on this floor or elsewhere to advise of any flaw in our laws relative to the acquisition or use of water, either for power purposes or for irrigation or domestic use. No professional conservationist has ever approached in practical wisdom these laws. And no professional conservationist that I have yet found seemed to know that they were in existence. With that practical application of their experience and wisdom which is characteristic of the men who have built up that country they have dedicated the waters of our streams to the public use and made it impossible for any man to monopolize it through acquisition of title. This was all done long before those who are now criticizing us began the promulgation of their doctrine. I have the laws here, but I can not trespass upon your time to read them. The only semblance of power monopoly in our State is just now beginning to appear, made possible by the Government's withdrawing of power sites not now in private ownership, leaving those who have title masters of the situation because no one else can acquire a site. And the only protection the people of the State have against the situation comes alone from the laws enacted or to be enacted by our own people to fix rates and thus prevent extortion. The National Government with its swarm of special agents and special philosophers—these "wise men of the East"—are powerless to protect the people against a condition which they alone are bringing upon us.

Now, Mr. President, we know the worth of our natural resources; we are opposed to their being controlled by monopolists. We have done all that has been done in our part of the country to prevent it. We have not succeeded in every particular, but we have done exceedingly well and we have done all that has been done. We will do all that will be done. Moreover, we know that there is no place where monopolists finally have their way and get what they want to such an extent as in these bureaus at Washington. Here is the breeding ground for fraud. Here in these bureaus is where these scandals begin; here is where they had to begin. Here is where they first purchased favors and corrupted employees. Have we not seen great corporations come here within the last few years and trade their utterly worthless lands upon the tops of bald mountains for the richest lands in the valley below, and to the extent of millions of acres?

Mr. President, if these men who follow conservation as a profession will stop agitating and go to thinking, they may yet prove great benefactors to their kind. They may find some way to dispose of the vast amount of timber which each year falls and rots or periodically burns, so the people can have the benefit of these forests. They may find some way to open up the coal mines in Alaska so as to give the people of the Pacific slope relief from the high prices paid to eastern coal companies and the necessarily high freight for hauling. They may come to the conclusion that the development of a water power is like discovering an inexhaustible coal mine or an inexhaustible forest, for it saves both coal and timber. They may discover further that power does not wear out. That so long as the snows fall and the rains come and travel on to the sea, which, fortunately, these people can not control or they would stop, these water powers will be here and will be worth just as much a thousand years from now as they are to-day. They may discover that title has nothing to do with monopoly and that if we are to control monopoly and protect the people from extortion it must be done by some other method than that of title. They may find that idleness and nonuse can not help the people. They may conclude that these arid lands belong to the man of limited means who wants a home and who is willing to expend the energy necessary to get the home, and that a law which is harsh and unjust serves the rich and not the poor. And above all they may finally discover, and methinks I see now their bewilderment, the surprised, and astonished features of those "just men made perfect" as the light steals cautiously over their doubtful countenances—they may discover, I say, that these brave, home-loving, empire-building people who have conquered the desert and the mountains, who have "mingled the eagles of America with the eagles of the crags" are blood of their blood and flesh of their flesh, imbued with honesty as well as courage, consecrated to the rearing of families and building up of communities and making homes and laying strong and firm the foundations of great Commonwealths. When they learn these things and join us in such a conception of affairs, we will make conservation serviceable to the people in deed and in truth. But so long as they propose to serve in the end those who do not need service or who lock up in idleness and inactivity the resources which Nature's God has given us, we will fight every inch of the ground.

Mr. JONES. Mr. President, I simply desire to make this statement: I sympathize with the sentiments of the Senator from Idaho [Mr. BORAH], but I have to confess to the Senate that the people of the West seem to desire that the administration under which these resources were bottled up and tied up and under which are the burdens with which we are now oppressed shall be reinstated and continued.

Mr. BORAH. Mr. President, permit me to say that there is not a withdrawal in the State of Idaho to-day of coal land or of power site or phosphate that does not bear the name of the present President of the United States.

Mr. SMOOT. Mr. President, I do not understand the fact to be as stated by the Senator. As I remember the history of the withdrawals in the State of Idaho, they were made by our former President.

Mr. BORAH. Mr. President, I am not mistaken. It has nothing to do with this controversy at all; it is wholly aside from the proposition; but the present President of the United States rewithdrew everything of the class I have mentioned that the previous President had withdrawn.

Mr. SMOOT. I was speaking of the withdrawals, because the Senator will remember when the bill was passed preventing any further withdrawals of lands for forestry purposes in Idaho, Wyoming, Washington, Colorado, and one or two other States there was a wholesale withdrawal of the lands in those States, and they were added to the forest reserves.

I will admit this—and I do not want to discuss the question any further than just to give what I understand is the history of it—it is true that after the general withdrawal act that was passed in June, 1910, President Taft made a withdrawal order covering all the lands that had been previously withdrawn; that is, they were withdrawn under the law that was passed in June, 1910. But the Senator does not for a minute claim that President Taft has withdrawn or added one acre to the forest reserves in Idaho.

Mr. BORAH. I said nothing about forest reserves. I said coal lands, the power site, and those things were all rewithdrawn by the President.

Mr. SMOOT. Under the general withdrawal order covering all the withdrawals that had been made.

Mr. BORAH. Precisely.

Mr. NEWLANDS obtained the floor.

Mr. HEYBURN. I think this matter should be explicitly stated.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. HEYBURN. I did not know that the Senator from Nevada had the floor. I only rose to state the status of those withdrawals. It is only fair to make the record state the facts. The withdrawals in many cases had been made without any authority. Prior to the withdrawal act the President had no authority to make withdrawals, the Constitution having placed that power entirely with Congress. After hammering at them for several years we finally brought them to a realization of the fact that they had been acting in violation of the law in attempting to make withdrawals; and coming to a realization of that fact Congress passed an act substantially permitting the withdrawals, and they immediately got under the shelter of that provision.

Mr. NEWLANDS. Mr. President, I wish to say a few words, not of a controversial character, but simply with a view to relieving the West by proper legislation from the existing deadlock. Many years ago I felt that this deadlock was approaching, and in a speech some six or eight years ago entitled "Our misfit land laws" I sought to impress western men with the fact that unless we got together and shaped a code of land laws adapted to our economic requirements the deadlock from which we are now suffering would doubtless ensue.

I urged then that we should act with reference to the land laws just as we acted with reference to the irrigation question. We had been conducting for years in both branches of Congress a desultory debate regarding the irrigation question and we had succeeded in impressing the entire country with the importance of that question as a national question. When we had so educated both the Congress and the people of the United States as to put them in a frame of mind for full and complete legislation we found that we were divided among ourselves as to what that legislation should be. Some of us believed in a grant of the arid lands to the States; some believed in national

aid, to be administered by the States; some believed in a national movement, the Government advancing the funds and obtaining recompense by the sale of the reclaimed lands.

We also differed as to where the projects should be located, the representatives of each State, of course, preferring their individual States. We found in our differences among ourselves that we were discrediting the irrigation cause. So we came together, the representatives of the 17 arid and semiarid States and Territories, and we organized a committee of 17, composed of one member from each State. The result was that we harmonized our views and presented a measure to Congress which received the approval of Congress and under which we have steadily advanced toward the completion of the reclamation projects.

Now, Mr. President, the conservation movement has not arisen from any desire to block the settlement of the West. It has not arisen in the minds of any of its most enthusiastic supporters from a desire to delay, annoy, or irritate settlers in securing homes. The whole purpose of this movement was to arrest a tendency in the direction of monopolistic control of the natural resources in coal, in timber, and in water power. It was the declared purpose of the men who were advancing this movement to save the public domain for home seekers and to protect the domain upon which they were to make their homes from monopolistic control.

Mr. HEYBURN. Mr. President——

Mr. NEWLANDS. I wish to make a very brief statement, I will say to the Senator from Idaho, and the hour is late.

Mr. HEYBURN. I will defer what I was going to say. We will have the matter up to-morrow.

Mr. NEWLANDS. If the Senator will permit me, I wish to conclude a very brief statement now.

Mr President, what was the tendency of this monopolistic control? First, the acquisition of great areas of timber under bad laws or under bad administration. Second, the acquisition of the control of vast areas of land used for agricultural and grazing purposes against the spirit of our laws. That tendency was manifested in numerous instances. In one instance one firm acquired a million acres in our western region, a considerable portion of it devoted to agriculture and the rest to grazing. Then there was the control that was gradually being acquired of vast areas of coal entered under laws which permitted the entry of only 160 acres by any one individual and which prevented any combination of entries. So the sentiment of the country demanded a halt, not with a view to injuring the settler, the home seeker, but with a view to preventing this monopolistic movement.

Now, that was the time for us to have suited our laws to the economic development of the West. Western men have never yet met in a conference regarding the public-land laws with a view, as they did upon the irrigation question, of harmonizing their opinions in such a way as to secure legislative action.

I bear witness to the uniform friendliness of eastern men, such men as the Senator from New Hampshire [Mr. GALLINGER], to western interests. They have been willing to stand with us and by us in every effort to promote the development of the West.

Mr. President, I am not an extreme conservationist. I do not believe that the public domain is an asset of the National Government. I believe that the public domain is held in trust by the Nation for the people who are living in those States and the people who are to live there, and that any citizen of the United States can become a beneficiary of that trust by removing to the States within which the public domain exists.

I believe that ultimately the true solution of this question is to turn over the public domain to the States in which it exists under legislation that will promote settlement and restrain monopoly and monopolistic tendency. But I do not believe it is always wise to turn over an estate to a weak beneficiary, too weak to take charge of the property that is ultimately to be his. Hence, I would carefully guard the turning over of this domain to the States within which it exists.

We have realized that with reference to the swamp lands which were turned over by the National Government to the various States. Many of them had not the financial strength or experience necessary to cope with that subject, and we find now that almost every State in which swamp lands exist, having improvidently parted with the title of the lands, is now coming to the National Government for a full, complete, and comprehensive plan relating to their development in connection with navigation as the sole present source of national power, thus confessing that the grant itself was an improvident one.

I should regard the present grant of all the lands that are capable of irrigation to the various States as improvident because most of the rivers are interstate rivers; they involve interstate problems and require the action of a sovereignty whose jurisdiction exists over every inch of American soil and whose sovereignty is not confined within a detached portion of a region tributary to a certain river.

But all our legislation should gradually tend to turning over this great domain to the control of the States within which it is located.

Mr. President, the settlement of the humid region was a comparatively simple one. The agricultural homestead meant there but one thing, and that was 160 acres of land capable of being cultivated, and there was no difficulty about cultivating it. But as we go west we find the difficulty increasing. As a result we have been obliged from time to time to change the law regarding homesteads, and we have not only the agricultural homestead which may exist and ought to exist only in the humid region, but we have the dry-farming homestead, the enlarged homestead, and we have the reclamation homestead under the reclamation act.

Then, outside of the land that is capable of irrigation we have vast areas devoted to grazing, and the question is whether we shall so administrate that grazing domain as to turn it over to a few cattle barons or whether we shall have a grazing homestead of some kind, large enough to support individual families, and give to each family the control not of 160 acres, not of 320 acres, or of 640 acres, but of enough land to graze enough cattle to support a family. That amount may range all the way from 5,000 acres to 15,000 acres. Then the question will be as to whether we shall give the title absolutely or whether we shall simply give grazing permits for a limited number of years, holding the lands in such a position as that hereafter, with the progress of irrigation, those lands can be divided and turned into agricultural homesteads.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. NEWLANDS. I yield to the Senator, but I wish to say that I only desire to make a very brief statement.

Mr. SMITH of Arizona. I will not interrupt the Senator for more than a minute. It is true now that in the extreme Southwest all of the habitable land is either taken up by private settlement or reserved by Indian reservations or by forest reservations. The land left is desert land. They have now undertaken to prevent the settlement or location, if you please, of any spring or water hole. How are you going to raise cattle in that country if you put a limitation on the title or on the right to graze, or if you merely lease the land for a season? Who is going into the cattle business and subject his lease to the ideas of any particular head of department who happens to hold an accidental position here? What do you want to reserve the great desert lands for, except for grazing purposes? If you give title, what will prevent the man having the most cattle getting title to the land, thus leaving the matter in worse condition than it is to-day?

Mr. NEWLANDS. Mr. President, I do not propose to endeavor in a brief speech to solve all of these questions. I am simply stating them. What I urge is that the representatives of these 17 States should get together in conference and appoint a committee with a view to recommending to Congress a code of laws upon this subject; that consider the question as to whether absolute title should be given to these grazing areas in large units, from 5,000 to 15,000 acres—enough to support a family—or whether they will retain the title, simply giving grazing permits for a period of years, with a possibility hereafter that these lands may come under some irrigation project not now in contemplation.

Mr. President, regarding the timber lands, we all know the extensive monopolies which have been created. Our laws never intended them, and yet we have drifted into a condition under which a million acres of timber land are owned by one man. We ought to take up this matter and adjust it in such a way as will secure the development of our natural resources in our entire country without involving monopolistic control.

If there are faults in administration and they can be corrected by legislation, we should enact the legislation which will correct them; but that is not to be accomplished by desultory debates on the floor of the Senate and on the floor of the other House, arraigning well-intentioned men in the country who have simply sought not to absorb this great asset for the East or for the Nation, but to protect it for home seekers of the present day and the home seekers of the future.

What reservations is it sought to make? It is sought to reserve the timber and substitute a sale of stumpage for a sale of the land itself. There is no reason why that stumpage should be made a matter of revenue to the National Govern-

ment; it ought not to be, because the more you charge for the stumpage, the greater you make the price of the timber itself to the ultimate consumer. There should be, however, some charge to cover the expense of administration, and of the charge that is made, the bulk of it should be turned over to the States in which the timber exists to supply the place of the taxes which would be imposed upon the land if it were in private ownership.

So also with reference to oil and coal, we should either classify these lands and then reserve them, permit their development under liberal laws providing for a royalty system, or else we should provide for the entry of the entire surface for agricultural or grazing purposes, reserving to the Government any future discoveries of coal or oil or phosphate. The latter is what the Government of Canada has done under the inspiration of this conservation movement; and yet some of our western friends say, "Oh, no; when you grant a homestead you must grant title from the heavens above to the center of the earth below," losing sight of the fact that whilst they insist we are driving the settlers to Canada, those settlers are there gladly accepting homesteads that give title neither to the roof of heaven nor to the depths below, but which give title only to the surface for agriculture, the mineral, the timber, and the water power locations being reserved.

Then there is another element, that of water power. We all know that hydroelectric power is entering more into the daily life of our people than any other element; we know the tendency toward its monopolistic control; we know that a great movement is now projected which will involve the utilization of our rivers for every purpose, including tributaries and source streams, and that this comprehensive plan involves not only the improvement of rivers for navigation, but for every useful purpose under a system of cooperation between the Nation and the States, under which each of them will do its work and pay its proportion of the cost that belongs to its jurisdiction.

Now, what is suggested under this conservation movement? Simply that the water-power sites should not go with the grant; that, whilst a man may make an agricultural entry which covers a power site, yet the title to that power site, if it is hereafter developed to be useful as such, shall not pass. The law can be shaped in such a way as to give the owner of that property, the entryman, proper compensation for his improvements. It is not the purpose of the conservation movement to wrong any man, to wrong the entryman who has made an agricultural entry upon a water-power site, but simply to prevent him from holding up the country, holding up the community, and wronging the people at large.

I do not pretend to say what law should be passed upon these questions. Time does not permit; but it seems to me that the rational way to proceed is for the Members from the West to confer together, appoint a committee, adjust this question, and present it to Congress for its approval. I assume that the Members from the West are not opposed to a wise conservation policy; that if they do object to a reservation to the Nation, they will not object to a reservation to their respective States; and, if it is necessary, we can so shape these laws as to make the reservation of the water power, the coal, and the oil run to the States in which these natural resources are located, instead of to the Nation. I assume that any rational conservationist in the country will be satisfied if such natural resources are reserved to the public rather than granted to monopolistic corporations.

The Senator from Idaho [Mr. BORAH] has referred to the fact that the homestead bill is in conference. It is in conference under an understanding in the House of Representatives when it went to conference that the question of the reservation of minerals, water power, and timber should be considered. We have been considering them, and as they involve almost the entire conservation question necessarily a good deal of time has been taken up.

I will say for the Secretary of the Interior that, whilst he is not as familiar, perhaps, with the West as are many of us, I am convinced that his desire is the real advancement and development of the West. He is desirous of doing away with the army of special agents who are now called upon under existing law to classify the public lands, to determine what is coal, what is water power, and what is oil land, a process that will necessarily take a great deal of time and that involves vexation to the settler. He would like to save vexation upon this subject by adopting the Canadian law, which is held up to our approval here, and he says that if that is adopted and grants of homesteads are made simply to the surface, reserving the mineral below and the timber and the water power, as the Canadian law does, then settlement upon the land will be comparatively easy, the army of special agents will be dismissed, and settlement can go on with the absolute assurance that the future discovery of water-power sites or coal or oil will be in the interest of all the people, rather than in favor of special interests.

I hope that we shall come to some conclusion within a short time, but we shall come to no satisfactory conclusion until the men of the West meet together, as they did upon the irrigation question, and present a solution of this entire subject.

Mr. BURNHAM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 15, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 14, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven cleanse us, we beseech Thee, from all unrighteousness, and fill our hearts with the Christ spirit, that we may think clearly, speak wisely, and act nobly in all the duties pertaining to the hour. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPEAL FROM DEPARTMENT REGULATIONS OF PUBLIC DOMAIN.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I desire to insert in the RECORD a speech delivered before the public lands convention held at Denver Colo., September 28 to October 3, 1911, on the right of appeal to the courts from the decisions of the department in relation to the public domain, namely, "The demand for access to the courts upon all questions arising from department regulations pertaining to the public domain."

Mr. BARTLETT. Is it a speech by the gentleman himself?

Mr. RAKER. No.

Mr. BARTLETT. Whose speech is it?

Mr. RAKER. It is a speech delivered at Denver by Mr. Lane.

The SPEAKER. Of the Interstate Commerce Commission?

Mr. RAKER. No; Mr. E. A. Lane, of California.

Mr. BARTLETT. Mr. Speaker, I am not going to object, but I want to say that it occurs to me that printing speeches in the RECORD indiscriminately for distribution has been carried to an extreme degree. There has been considerable criticism of it in the public press, and I fear justly so. The printing of indiscriminate speeches of gentlemen much distinguished, and others not quite so distinguished, for the purpose of using the franking privilege to distribute the speeches is a practice not to be encouraged. I am not going to object to my friend's request this time, but I think that hereafter, unless it is a very important matter, and is a speech from some very prominent Member of either House, or some man who has occupied some distinguished position to whom attention has been attracted, that I shall object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the speech referred to:

[Speech of Mr. E. A. Lane, of California, at the Public Lands Convention, at Denver, Colo., Sept. 28 to Oct. 3, 1911.]

THE DEMAND FOR ACCESS TO THE COURTS UPON ALL QUESTIONS ARISING FROM DEPARTMENT REGULATIONS PERTAINING TO THE PUBLIC DOMAIN.

"Mr. Chairman, delegates, ladies, and gentlemen: Elbert Hubbard, in speaking of the legal profession, has said that one-half of the lawyers are hanging onto the coat tails of the business community, while the other half are throwing banana peelings under the wheels of progress. Martin Luther, speaking on the same topic, said:

"Lawyers commonly dispute about words. They alter the facts and fall to go to the bottom of them that the truth may be discovered. They take the money of the poor and with their tongues thrash out both their pockets and their purses. They make poor Christians, and few of them shall be saved.

"According, therefore, to generally accepted authority, ancient as well as modern, this present subject of demand for access to the courts in public-land cases would be deemed of very little importance by the people at large or by this convention if it affected only the welfare of the lawyers. As a measure for the conservation of litigation, undoubtedly, it would not be popular. However, this subject is not one for the conservation of litigation. It is a subject which affects vitally the welfare of the homestead claimant, of the irrigator, of the miner and

prospector, of the right-of-way applicant, of the grazer, and of every settler on or near public lands or public reservations.

"In looking over the list of subjects to be discussed at this convention, it occurred to me immediately that this present subject of demand for access to the courts in public-land matters is one upon which all possible factions should be practically unanimous; there should be no conflict nor any division along the lines of so-called conservation or anticonservation. To open the courts of justice to individual suitors who consider themselves to be adversely affected or illegally damaged by some decision, or by the enforcement of some rule or regulation, in public-land cases can not in any respect be considered a step antagonistic to any governmental policy. It can no more be considered a step against the Forest Service, or against the policy of reserving or leasing mineral lands and water-power sites, than could the allowance of access to the courts in customs cases be considered as a step in favor of free trade. Whatever Government policy may be adopted touching the public lands, surely all of us can agree upon the fundamental principle that that policy must be a legal one, in harmony with the Constitution and authorized by Congress. It is by this legal sanction that the protective tariff laws were established, and no one is in any way apprehensive that the Government's policy in that direction will be jeopardized or defeated because a means has been provided by which disputes in customs cases may be adjudicated.

"There may be some few individuals, of warped or distorted mentality or of disposition incompatible with free constitutional government, who have no confidence in human integrity, no faith in or respect for the courts, and no patience with any legal restraints or limitations which happen to run contrary to their own individual ideas of propriety or public policy. But such individuals are not conservatonists; they are anarchists. They are not accounted desirable citizens any more by the most enthusiastic believers in Government ownership and control than by the advocates of local State control over the public lands. It is not due to people of that peculiar stamp of immorality, but entirely owing to their successful submersion, that our form of government now exists and that courts of justice have been established. Certainly it is not to such individuals that any word here spoken is addressed. Courts of justice, and particularly the courts of our own country, have been found to be the most faithful friends and firmest protectors of individuals and their rights and privileges, but they have also with equal firmness protected and upheld regularity, stability, and efficiency in the lawful administration of government functions.

"I think that no one will deny that the present status of the law with reference to land claimants who seek access to the courts, or who are haled into court as defendants and opposed by Government officers, is indefensible. The doors of the courts, so far as concerns any practical means of access or measure of protection, are securely barred against public-land claimants. For the purpose of illustrating the illogical and unjustifiable extreme to which the rule has been extended, I wish to cite a case which came under my personal observation while I was district law officer of the Federal Forest Service at San Francisco. I desire first to state, however, that this case is not cited in criticism of the Forest Service. Under the law and the decisions of the courts, the Government officials had the defendant entirely under their personal power. By their personal clemency and leniency, but not by the law, he was protected.

"The case to which I refer was one of a suit by the Government against Mr. Harold T. Power, a resident of California, who is very well and favorably known; not a multimillionaire nor a timber baron. He had purchased in good faith from the Central Pacific Railroad Co. a quarter section—160 acres—of surveyed timberland. No patent to the land had been issued or even sought, because, under the terms of the railroad company's grant, Mr. Power's title to the land, even without patent, was absolute and complete, legally as well as equitably, provided only that the land was in fact nonmineral in character. In other words, the railroad company's legal title to all nonmineral land within its described area had become perfect and complete as a present grant from the Government immediately upon legal identification by survey, regardless of and independent of any action to be taken by the officials of the Land Department. This was conceded by the Government itself under the terms of the act of Congress. On the other hand, if the land was in fact mineral in character, it still belonged to the Government.

"The public-land surveyors in running the section and township lines had reported generally that this and other surrounding land was mineral, while a geologist of the Geological Survey, after a careful examination of the particular tract in question, had reported it nonmineral. The Government, however, filed suit against Mr. Power for some $2,000 for having cut timber on this land. In answer to the Government suit, he alleged that he had purchased the land, and offered to prove that the land was in fact nonmineral, and that therefore he had perfect title and was the legal owner of the timber. The court, however, sustained the Government's demurrer to Mr. Power's answer, and decided that, even though the land was in fact nonmineral, nevertheless the court could not allow the defendant to prove that fact. Mr. Power had been haled into court at the suit of the Government. His one possible defense lay in his proving that the land was nonmineral in character. With this proof he could legally establish his title; without it he must pay to the Government $2,000 for timber cut by him from his own land. Nevertheless, the court decided that it was powerless to afford him any relief. The court held that the Secretary of the interior, and the Secretary of the Interior alone, not the courts, possessed jurisdiction to hear and determine the evidence offered.

"This decision, unreasonable and unjust as it was, was strictly in accord with the law. It was so obvious, however, that the defendant was denied any opportunity for a fair hearing or for just relief that the officials of the Forest Service refused to proceed further with their prosecution. Nevertheless it was entirely possible under the law for them, simply because they were Government officials, to carry the case to judgment and to collect from Mr. Power $2,000, denying him meanwhile any opportunity of presenting before the court the very evidence necessary to his defense.

"The decision of the court in this Harold T. Power case was not only in accord with, but is also a very good illustration of, the present status of the law. And, strangely enough, this remarkable denial of access to the courts and of the protection of the courts to public-land claimants is not the result of any specific legislation. Congress has merely failed and neglected to legislate either one way or the other, and under this total lack of legislative direction the courts have, by their decisions, gradually reversed their former rules of practice. Formerly, under the decisions of the Supreme Court, the district court at San Francisco could not have denied to Mr. Power the opportunity which he asked to present evidence for the protection of his title against the suit of the Government officers. In two cases decided by the United States Supreme Court, one in 1870 and one in 1887, that court expressly held that the local courts should receive and consider and pass upon the evidence offered by public-land claimants in support of their title. By reason of the similarity, both in principles of law and in the nature of their facts, these two cases, although admitting of slight legal distinctions, are very closely analogous to the Harold T. Power case. In these two instances the grantee was a State instead of a railroad corporation, but, like the grant to the railroad corporation, the grant to the State took effect and vested legal title in the grantee in advance of and regardless of any official action by the Land Department.

"In the first of these two cases—the case of Railroad Co. *v.* Smith (76 U. S., 94)—the court said:

> "The right of the State did not depend upon his [the Secretary of the Interior] action, but on the act of Congress. * * * As that officer had no satisfactory evidence under his control * * * he must rely, as he did in many cases, on witnesses whose personal knowledge enabled them to report as to the character of the tracts claimed. * * * Why should not the same kind of testimony, subject to cross-examination, be competent when the issue is raised in a court of justice? * * * We are of opinion that the State court did not err in that [the admission of verbal testimony].

"This case, you will notice, not only held that the courts of justice had jurisdiction to receive and pass upon evidence, but gave cogent reasons upholding the propriety and duty of the courts in this regard.

"In the other case—Wright *v.* Roseberry (121 U. S., 488)—the Supreme Court said:

> "For the error in holding that the certificate of the commissioner was necessary to pass the title of the demanded premises to the State the case must go back for a new trial, when the parties will be at liberty to show whether or not the lands in controversy were in fact swamp and overflowed * * *. If they are proved to have been such * * * they were not afterwards subject to preemption by settlers.

"You will notice that in this last case, under the express direction of the United States Supreme Court, the parties were given liberty to introduce evidence in the lower court. The contrast between these two earlier cases and the recently decided Power case shows an obvious reversal of policy and of practice by the courts. This change, as above stated, has not been due to any action, but rather to inertia and inaction on the part of Congress.

"As showing, however, that such change adverse to public-land claimants has been definitely adopted by the United States Supreme Court, I wish to quote from the recent case of the

Riverside Oil Co. *v.* former Secretary of the Interior Hitchcock, reported in volume 190, United States Reports, page 316. The court said:

"* * * The head of an executive department * * * must exercise his judgment in expounding the laws and resolution of Congress under which he is from time to time required to act.

"* * * Whether he decided right or wrong is not the question. Having jurisdiction to decide at all, he had necessarily jurisdiction, and it was his duty to decide as he thought the law was, and the courts have no power whatever under those circumstances to review his determination by mandamus or injunction. * * * Nor does the fact that no writ of error will lie in such a case by which to review the judgment of the Secretary furnish any foundation for the claim that mandamus may therefore be awarded. The responsibility as well as the power rests with the Secretary, uncontrolled by the courts.

"It is interesting to note that at the date of this decision the statutory powers and duties of the Secretary of the Interior in public-land matters were identically the same as at the date of the decision in the case of Wright *v.* Roseberry, previously referred to, in which the Supreme Court expressly directed that evidence should be introduced before, and the facts there determined by, the trial court.

"Of course, these few cases here cited do not cover every detail nor every point of technical distinction that might be called to attention in a court of law. There are, however, a great number of cases which raise and dispose of almost every conceivable point that could be suggested in the interest of any public-land claimant, and the Supreme Court has resolved practically all of them in such a way as to bar the public-land claimant from access to courts. There are, it is true, three classes of exceptions to the rule, but these afford only limited and qualified relief. They are found, first, in mineral-land cases; second, where the claimant is defendant; and, third, where the land has been patented.

"First, under the mining laws, section 2326 of the United States Revised Statutes has for many years permitted free access to the courts in cases of private adverse claims. Disputes have been settled, the scope and effect of the mining laws determined, and private property rights adequately protected. Unfortunately there is no similar provision for agricultural claimants, or covering contests and adverse recommendations by Government officials against any character of claims.

"The second means of access to the courts referred to is by the claimant being haled into court at the suit of the Government. As seen in the Harold T. Power case (which was the first case I referred to), even then the claimant may be defenseless. In some few cases, involving rights of way and grazing regulations, the claimant has been brought into court upon the Government's suit for injunction. This remedy is not adequate, nor is it practicable except in comparatively rare instances.

"The third exception mentioned is in agricultural-land cases. A claimant who has been illegally deprived of his land by wrongful action of the land officers has the privilege of waiting until the land has been patented to some other person, and then file a suit in equity against that person to have him declared trustee of the land. There are many cases of this character in the books. A typical one is that of Ard *v.* Brandon, 156 U. S., 537, where the court said:

"He [the plaintiff in the suit] did all that was in his power in the first instance to secure the land as his homestead. That he failed was not his fault; it came through the wrongful action of one of the officers of the Government. * * * Here a rightful application was wrongfully rejected. * * *

"And again:

"Such wrongful rejection did not operate to deprive the defendant of his equitable rights. * * * If he does all that the statute prescribes as the condition of acquiring rights, the law protects him in those rights.

"The language in that case declaring the rule of adequate protection sounds reassuring. No suit in such cases can, however, be instituted until the Government has parted with its title. Ten, twenty, and thirty years ago it was the policy of the Land Department to patent the public lands as speedily as possible, and there were, practically speaking, no Government contests and no reserved or withdrawn areas. Even then this partial remedy was little better than a denial of justice, since a rightful claimant could be, and many times was, illegally deprived of the use and possession of his land, and forced to wait 5 or perhaps 10 years, until his adversary had secured Government patent, before he could even begin the necessarily expensive and cumbersome litigation. At the present time, moreover, the policy of the Government to make withdrawals and reservations has placed from one-fourth to three-fifths of the total area of many public-land States permanently, or for an indefinite period, beyond the possibility of being patented, and this remedy, unsatisfactory as it always was, is therefore now to that extent not available. In fact, this remedy is now generally recognized as of no practical value and is seldom invoked. It furthermore never did afford any relief, nor is there any other remedy available in cases where the claimant is directly opposed by the Government officers. As a matter of natural consequence, unavoidable under the present system, it may be added also that the greater number of instances of injustice and hardship of late years have occurred where claimants have been opposed by Government officials. It certainly can not fail to impress any impartial mind as being indeed most remarkable that in those particular cases where a claimant's asserted rights are considered by the executive department to be adverse to the interests of some one of its own projects or policies or bureaus, that in such cases, of all others, the claimant must be left entirely in the hands of that department, without the least possibility of any appeal or review elsewhere. Impartial judgment is humanly impossible where adversary and judge are one, no matter what may be the conscientious piety of that one.

"That the present system of absolute and uncontrolled executive power over public-land matters is indefensible in principle I think no one will deny. It is not necessary to cite Montesquieu's "Spirit of the Laws" or Alexander Hamilton's "Federalist Essays" or other authority; we all know that it is fundamentally un-American and contrary to every principle of our form of government to close the courts against relief or redress for violations of valuable legal rights. Two or three sentences may well be quoted, however, from the famous case of Marbury against Secretary of State James Madison, which was recently referred to by President Taft as one of the cornerstones of our Government. That case involved the violation of an individual citizen's property rights by the Secretary of a department. It is the oldest and strongest precedent in support of the protection of the individual against illegal executive action. The court said:

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of the Government is to afford that protection.

"It is emphatically the province and duty of the judicial department to say what the law is.

"It is a general and indisputable rule that where there is a legal right there is also a legal remedy by suit, or action at law, whenever that right is invaded.

"The principle, there so forcibly announced, of assurance to individual citizens of the willing protection of the courts should effectively operate in public-land cases above all others. It has always seemed to me that, of all citizens in civil life who are entitled to the full benefit of every safeguard and protection the law can offer, the one first in order should be the public-land claimant in his assertion of claim to the meager property rights he may obtain. He may in some instances have prospered and spread himself as did the wicked man referred to in the Psalms; but, as a rule, his has been and to-day is a hard lot, with struggle and hardship and with very little reward except the satisfaction of having sown where others shall reap. The pioneer in the larger business enterprises upon the public lands does not stand under the same halo of peculiar sympathetic personal interest as does the individual settler, but at the same time his enterprise and courage and initiative are far above the ordinary in public value. Certainly he does not merit any denial of common justice or to have closed against him the legal protection commonly accorded to the pawnbroker and the loan shark.

"No impelling cause or sound reason ever has been given for the present denial of judicial relief. The only justification ever suggested by the courts for closing their doors to the public-land claimant is that the land department has been constituted a special tribunal with judicial functions for his protection. That does not seem to justify the present complete denial of the courts to land claimants, because, as we have already seen, that department was not considered to be so sacredly judicial in 1887, when the case of Wright *v.* Roseberry was decided. The courts afforded at least a more liberal measure of relief at that time, and no legislation has been enacted since then requiring any change in the practice of the courts.

"Furthermore, there exists now much keener necessity for liberal access to the courts in land cases than ever before. In former years the Land Department maintained a far more judicial attitude than it does at the present time. Peculiarly enough, during the very period while the doors of the courts have been closing tighter and tighter against land claimants, influences have been at work causing the Land Department to become less and less judicial and more and more distinctly executive in its attitude and administration. As previously mentioned, we know that in former decades the controlling policy of the Land Department was to patent the public lands as rapidly as possible. There were few contests instituted by the

Government officers and practically no reserved or withdrawn areas. At that time the chief function of the officers of the department was to sit in judgment upon conflicting private claims concerning which they had cause to feel only the desire and promptings of an impartial and wholly dispassionate judge. The sense of purely judicial obligation and duty was, naturally enough, developed and fostered among them by the fact that these classes of cases predominated in their work, and the prevailing attitude of the department was therefore conscientiously judicial. To this situation it was due no doubt, in a large degree, that even in those cases where there was no private contest and the issues involved were solely between the Government and the private applicant, the officials at that time were, as a general rule, more keenly sensitive to the binding obligation resting upon the judge to determine impartially whether the applicant had or had not complied with the law and become entitled legally to the property or legal rights applied for. There was not then, as, unfortunately, there is at the present time, a general disposition among the departmental subordinates to adopt the now current sophistry which argues that the department, if in its own opinion the public good will be subserved thereby, may reject private claims, even though the applicant has admittedly done 'all that the statute prescribes as the condition for acquiring' the rights sought. In former years general recognition and respect was willingly accorded to the language which the Supreme Court used in the case of Frisbie *v.* Whitney (76 U. S., 668) that the land officers have no legal authority to refuse 'rights, however inchoate, which are protected by laws still in existence,' and to the declaration of the Supreme Court in the case of Cornelius *v.* Kessel (128 U. S., 456), which says, concerning the Land Department, that its—

"power of supervision and correction is not an unlimited or an arbitrary power. It can be exerted only when the entry was made upon false testimony or without authority of law. It can not be exercised so as to deprive a person of land lawfully entered.

"In considering the greater need of access to the courts now than in former years it should also be remembered that the forest reservations now cover nearly 200,000,000 acres and that within this tremendous domain are property rights and private claims equal in number and in importance to the total private property in some of the States. The Forest Service has practically no established system of notice or for giving opportunity for hearings and maintains no regularity or judicial character to its proceedings in adjudicating private rights. In most instances it acts ex parte upon reports and information kept strictly confidential in its own files. It is at the present time administering a large number of important land laws and an accumulated mass of departmental regulations under which private rights and property claims are determined (you can not say adjudicated) in the cheerful and summary and unceremonious manner of a black negro mammy spanking her many pickaninnies on a busy wash day. I say that not because I am hostile to the Forest Service, for I am not; but it is true. And it is unfortunate also for the Forest Service itself that it is true. This is a serious matter. And we must bear in mind that this bureau now acts within its own sphere with the same power of final and uncontrolled adjudication of private rights *as does the* Land Department.

"Another circumstance increasing the present need for access to the courts is the fact that the number of statutes and departmental regulations thereunder has increased. The executive officials are now confronted by a bewildering legal tangle of laws and regulations, many of them inconsistent with each other and some of them inconsistent in their own terms. Other statutes are fragmentary or antiquated. The situation is a difficult and embarrassing one even for administration. For judicial interpretation and construction we should certainly have access to a court or courts of recognized standing.

"It might be well to consider a very few of the circumstances attending the administration of the executive departments, from whose decisions the public-land claimant now has no appeal or possibility of relief. I think that no thoughtful student of the principles and historical development of our institutions will deny that the distinctive characteristic of executive bureaus and departments should properly be vigorous activity along the lines of their own selected or adopted policies. These policies will change from time to time with changing administrations and political variations. Even under the most complete system of civil service the changing of Secretaries and of policies will bring about all-pervading changes in attitude throughout the department. Civil service may limit the freedom of but it can by no means prevent the exercise of influence by the Secretary over his subordinates. Even though he encourages personal independence, the Secretary's influence is and always will be controlling.

"The Secretary and those in authority under him always have free power of promotion and demotion, and of transfer from certain positions to other positions, and of change from certain duties to others more or less advantageous; and the subordinates are always keenly conscious of the possibility that it may be advantageous to act in harmony with the Secretary's policy. This instability and change of policy and attitude, this trimming of sails to suit varying currents renders absolutely impossible the establishment and firm maintenance of a definite and consistent system of public-land law. In fact, the very thought of purpose or of administrative policy, or the thought of political effect—all of these ideas which are inherent in the executive departments—are in their very nature incompatible with any proper conception of a judicial tribunal. It is little less than criminal to leave the public-land claimant, without any hope of relief or possibility of redress, at the mercy of such a system. It is a political crime against the public-land States of the West that the property titles and legal claims, upon the security of which must depend largely the enterprise and business development of the western country, must remain subject to the judication and to the sole protection of a tribunal of this nature.

"Limited time makes it impracticable to discuss in detail, or even to cite, specific instances of hardship and injustice under the present system of exclusive departmental control. It is interesting to investigate the many suits which were brought by defeated claimants to recover land after the issuance of patent in former years when conditions were different and that remedy offered some measure of relief. A study of those cases will furnish ample evidence that the executive officers of the Land Department even in former years frequently denied individual property rights in clear violation of the law and under circumstances of great injustice. On account of the inadequacy of that remedy, as previously explained, it must be remembered also that the number of suits actually brought represents but a small proportion of the cases in which injustice was suffered even then. And no one familiar with the actual conditions of affairs in public-land administration, with the present confusing and inadequate public-land laws and with the irresistibly biasing and warping effect of recent political agitation in public-land matters, will contend that the denials of legal rights and of privileges lawfully claimed under the public-land laws are now fewer in number than they were in former years.

"I wish to give a brief quotation indicating the hardships actually attending the present administration of the public-land laws, and indicating not only the hardships to individuals, but the injustice to investors, and also the unfortunate uncertainty of, and insecurity in the protection of, legal rights, which is now seriously retarding legitimate commercial development in the public-land States. This quotation will be from a speech by Hon. JOHN E. RAKER, of California, reported in the CONGRESSIONAL RECORD of July 5 of this year. Judge RAKER has for years been a very prominent and successful lawyer. Before his election to Congress he was judge of one of the superior courts of the State. He is thoroughly conversant with public-land conditions and practice. His congressional district includes Government lands of large area, both within and outside of forest reservations. He is recognized as an authority upon questions of public-land law. Judge RAKER's language is of all the more interest and value because he is an accepted and thoroughly orthodox conservationist, and one of the stanchest supporters of the Federal Forest Service. His speech on July 5 was directed in favor of his own resolution calling for a thorough investigation by Congress of actual public-land conditions in the West. I shall give four excerpts from his speech:

"A great number of complaints have been coming from the citizens of all the public-land States, protesting against alleged hardship, injustice, and inequality in the operation of the public-land laws. The complaints received have not been restricted to any one class. They have come from homestead and desert-land claimants, from prospectors and the locators of mining claims, from municipalities and companies supplying power and water to municipalities, from irrigators and from irrigation companies, from operators of mines, mills, and reduction works, and from those living east as well as west who have invested in mining, irrigation, and water-power development. * * *

"Congress some six years ago enacted a statute apparently granting rights of way for reservoirs, ditches, pipe lines, tunnels, and canals for municipal, mining, milling, and ore-reduction purposes. Now complaints, serious complaints, are heard that this statute has been so stripped and whittled away by construction and application that its beneficial objects and purposes are utterly defeated. * * *

"Business investment and enterprise are discouraged and seriously retarded by the maze of doubt and uncertainty surrounding this whole general subject of rights of way across the public lands, and by the constant menace and threat of litigation if any move is made. Complaint is made repeatedly also that there is a tendency on the part of some Government agents and officers to penalize and to question the motives and integrity of those who wish to take such questions into the courts for adjudication. This is a very serious complaint and should be sifted to the bottom, especially in view of the circumstances in which honest men must find themselves in considering the legal phases of the situation. The scope and effect of many of the statutes when consid-

ered singly, and the effect of some of the later ones upon those passed previously, remain unadjudicated. Not only the scope and effect of these laws in a general sense, but even the significance of many of their most important words and phrases, remain undetermined. They refer in terms to railroads, reservoirs, canals, ditches, pipe lines, flumes, dams, highways, trails, tramways, and transmission and telegraph lines, and yet the purport and logical effect of a recent ruling by the standing master in chancery of the United States Circuit Court at San Francisco would seem to be that rights of way across the public lands of the West can no longer be secured even by irrigation companies or for transcontinental railroads. * * *

"There are many complaints lodged also by miners, homesteaders, and desert-land claimants to the effect that the practice and decisions have tended of late years to handicap needlessly and unnecessarily to annoy and harass those who have faithfully and honestly complied with the public-land laws.

"It is not, however, a fault chargeable to the departmental or bureaucratic officials that such constant complaint is everywhere made against their rulings and decisions. The fault is not with them, but with the present system. The Executive can not properly be expected to be judicial or impartial in its attitude. It is the active agent of the Government. It of right ought to be definite and vigorous, not judicial or deliberative. It is the constitutional duty of Congress promptly to enact new laws to correct any undesirable policy legally adopted by the Executive, while the duty of restraining illegal executive tendencies lies with the judiciary. This duty will be performed naturally, and in the usual and regular manner, by opening the courts to complaints of injustice and injury. The courts by declaring the true meaning, scope, and effect of the laws will uphold and support the Executive in all proper interpretation and application of the statutes.

"I understand—in fact, I think I may safely say that I am sure—that it is the personal desire of the Secretary of the Interior and of the Forester to have cleared away by definite judicial determination the many points of doubtful or disputed legality which now exist concerning the subjects under their administration. They desire to know by determinative judicial authority what they can and should do and what things can not and ought not to be done. Free access to the courts will bring authoritative determinations of private rights, will relieve the executive departments from the burden of much bitter criticism, and will bring justification and support to the lawful execution of whatever public-land policy is adopted.

"President Taft has recognized both the right and the need of access to the courts in this class of cases. On June 21 of last year he sent to Congress a special message urging early consideration of the subject. He said:

"There are, perhaps, no questions in which the public has more acute interest than those relating to the disposition of the public domain. I am just in receipt from the Secretary of the Interior of a recommendation that in disposition of important legal questions which he is called upon to decide relating to the public lands, an appeal be authorized from his decision to the Court of Appeals for the District of Columbia.

"I fully indorse the views of the Secretary in this particular, which are set forth in his letter, transmitted herewith, and urge upon the Congress an early consideration of the subject.

"Whether the particular method suggested by the President, that of appeal to the Court of Appeals for the District of Columbia, is the most desirable method to adopt, or whether some other means of access to the courts should be provided, should be carefully considered and freely discussed. The chief object of the President's message, however—that of securing legislation expressly granting the right of access to the courts—should receive our hearty approval and the active support of all."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6585. An act increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6585. An act increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H.; to the Committee on Public Buildings and Grounds.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. J. Res. 39. House joint resolution proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

REGULATION OF INJUNCTIONS.

Mr. HENRY of Texas. Mr. Speaker, is House resolution 520, which was under consideration last evening at adjournment, now before the House?

The SPEAKER. It is.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution reported by the gentleman from Texas is not a privileged resolution, that it is not in order, and that the Committee on Rules had no jurisdiction to report the resolution.

The SPEAKER. Upon what does the gentleman base his point of order?

Mr. MANN. The rule provides that—

At the expiration of such time the previous question shall be ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion.

Mr. Speaker, it became the practice in the Congresses prior to the Sixty-first Congress to adopt resolutions of this kind reported from the Committee on Rules. For instance, on November 16, 1903, the gentleman from Pennsylvania [Mr. DALZELL] reported a resolution for the consideration of the Cuban reciprocity bill, which concluded in this language:

And whenever general debate is closed the committee shall rise and report the bill to the House, and immediately the House shall vote, without debate or intervening motion, on the engrossment and third reading and on the passage of the bill.

The question was raised at that time whether that shut out any intervening motion, and it was so ruled, although an appeal was taken and the appeal was overruled. Subsequently various other resolutions were asked from the Committee on Rules, which eliminated even the right of appeal.

Following that course, many Members of the House have come to believe that the right to offer a motion to recommit, which originally was designed to permit the gentleman in charge of the bill to move to recommit for the purpose of correcting an error in the bill—that the right to offer a motion to recommit had become a right of the minority, and there was incorporated in the rules of the Sixty-first Congress, and it is in the rules of this Congress, this provision, on page 359 of the Manual, referring to the Committee on Rules:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7, Rule XXIV, shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent a motion to recommit being made, as provided in paragraph 4 of Rule XVI.

Now, this rule endeavors to cut out the motion to recommit, because it expressly provides that the House shall immediately proceed to vote on the bill and substitute without any intervening motion; while the rule provides that the Committee on Rules is not authorized to report any rule which shall operate to prevent a motion to recommit being made.

It is true that the motion to recommit is not of as great value to the minority as it was supposed to be before the ruling of the Chair the other day, but the right to offer the motion to recommit is preserved by the rules, and preserved in such a manner that the Committee on Rules can not report a rule which shuts it out. Doubtless they could report a rule which would amend the rule providing for a motion to recommit, or the Committee on Rules could report a rule eliminating the rule to recommit, but they can not report a rule which violates the rule providing for the motion to recommit.

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question. Suppose this rule was adopted and there was a controversy as to whether anybody had the right to make a motion to recommit, is the gentleman from Illinois clear that this rule undertakes to cut out the motion to recommit?

Mr. MANN. I am clear that under the precedents it does. It says that it does, and under the precedents it does.

The SPEAKER. The Chair will hear the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, the question of the Chair to the gentleman from Illinois is pertinent, and I was about to address myself to that point. There was no intention on the part of the committee to prevent the motion to recommit, and I apprehend that there will be no objection made to a motion of that kind on this side of the House.

But let me suggest several thoughts. It is true the House amended the rules of the House to read that the Committee on Rules shall not report any rule or order which shall operate

to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

Paragraph 4 of Rule XVI reads:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition to such Member who is opposed to the bill or joint resolution.

Mr. Speaker, while it is true the Committee on Rules has been forbidden to report a rule that would deny a motion to recommit, yet if the Committee on Rules should report such a rule, and this House by a majority vote should adopt it, that would preclude the right to make such motion.

Why, Mr. Speaker, only the other day the Committee on Rules reported a rule in regard to an appropriation bill, the legislative, executive, and judicial, to supersede temporarily the entire rules of this House by a special rule in order to make certain things which were in that appropriation bill not subject to a point of order.

The SPEAKER. The Chair would like to call the attention of the gentleman to the last proposition in this subdivision—

Nor shall it—

That is the Committee on Rules—

report any rule or order which shall operate to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

What does that mean?

Mr. HENRY of Texas. That means that the Committee on Rules shall not report it, but even conceding that they have reported rules which exclude that right, the Committee on Rules has a right to report it to the House, and if the House adopts it such action would abrogate that part of the rule, because it temporarily sets aside the rules of the House.

Mr. NORRIS. Will the gentleman permit a question?

Mr. HENRY of Texas. In a moment. The House by a majority vote can adopt any special rule that temporarily suspends the general rules of the House, as it has frequently done in the past.

The SPEAKER. This rule says that the Committee on Rules shall not report such an order.

Mr. HENRY of Texas. But, Mr. Speaker, if the Committee on Rules should do it.

Mr. NORRIS. That is where my question comes in.

Mr. MANN. That is where my point of order comes in.

The SPEAKER. And suppose the Chair refuses to entertain a motion to consider a resolution from the Committee on Rules which contravenes the general rule referred to?

Mr. NORRIS. I want to ask the gentleman, Suppose any other committee does something which under the rules they are not allowed to do. The proper thing to call it to the attention of the Chair then is a point of order that they have gone beyond their jurisdiction. The Chair finds it has done that, then is it not the duty of the Chair to so hold that they have exceeded their power?

Mr. HENRY of Texas. Mr. Speaker, there is no controversy about that, but would the Chair hold that this rule can not be amended to-day or abrogated by a special rule and that it never can be changed because it is in the rules?

The SPEAKER. No; the Chair would not hold anything of the sort. You can report any rule which you see fit to put upon the books, but as long as that section stands there the Committee on Rules is precluded from bringing in such a resolution as this one. If you bring in a resolution amending the rules, that is a proposition which, of course, the Chair would entertain; but you are not bringing in a resolution to amend the rules, you are bringing in a resolution which violates a rule of the House.

Mr. HENRY of Texas. Mr. Speaker, the Committee on Rules does not intend to prevent a motion to recommit being made, but the gentleman from Illinois [Mr. MANN] is entirely incorrect in his diagnosis of the case in this instance. That is all there is to it. The Committee on Rules has no objection to a motion to recommit being made.

Mr. NORRIS. Will the gentleman allow another question? I want to ask the gentleman, Mr. Speaker, if the Committee on Rules brought in a rule here setting aside Calendar Wednesday by less than a two-thirds vote whether a point of order against that rule would be sustained by the Chair?

Mr. HENRY of Texas. Well, I think the Committee on Rules could bring in any special rule temporarily suspending the rules of this House, and if it was adopted by a majority vote, it would prevail.

Mr. NORRIS. But before it is adopted and somebody calls attention to it and makes the point of order. If that is not the right theory, then what effect does this rule have which says the Committee on Rules shall not bring in a rule setting aside Calendar Wednesday by less than a two-thirds vote.

Mr. HENRY of Texas. I think it is all buncombe.

Mr. FITZGERALD. Mr. Speaker, I wrote the provisions which are found in this rule. I drafted them myself, and they were drafted to obviate great abuses in this House. I do not believe that very many ever gave me much credit for the desire to accomplish that purpose, but that was the purpose. The Speaker will recollect that in the last Congress on several occasions when it was proposed to report special rules to the House from the Committee on Rules I called the attention of the committee to the fact that if those rules were reported without putting in the provision excepting the motion to recommit I should make a point of order against them when they were presented to the House. These provisions were designed to prevent two things being done—one was to prevent Calendar Wednesday from being set aside, in an indirect way, by less than a two-thirds vote by a limitation upon the extraordinary powers of the Committee on Rules, and the other was to prevent the Committee on Rules, at times when partisan advantage would make it politically expedient, to deny to the minority the right to have a vote upon some important matter by bringing in a rule to deprive the minority of that privilege. I believed the minority should not be deprived of that right when I was in the minority, and I never advocated a rule when I was in the minority that I am not willing to live under when I am a Member of the majority. [Applause.] If there is anything that can properly be asserted about the procedure of the House of Representatives, it is that the rules should be so framed that there would not be partisan controversies about them. Everyone should be willing to have the same rules apply to them, whether in the majority or minority in the House. [Applause.] The temptation to take advantage of the minority is so great that no party should ever be in a position where it can ride ruthlessly over them. Indeed, the whole theory of the rules of the House—and that is very frequently forgotten—is that they are framed to protect, not the majority, not to enable the majority to do business, but to protect the minority from the exercise of arbitrary power by the majority.

I do not believe that it was intended by this particular resolution that the motion to recommit should be denied to whoever should happen to be opposed to this particular bill, but I do say that the language of this resolution—

That at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage, and that the House shall immediately proceed to vote on the bill and substitute without any intervening motion—

operates to violate the rule which places a prohibition upon the Committee on Rules to cut out the motion to recommit as provided in section 4 of paragraph 4, Rule XVI.

I do not know that the question has before been presented to the House. I do know that upon one occasion a rule was brought in making a bill a continuing order. My recollection is that the point of order was raised against it. I am not certain whether it was passed upon at that time, although the gentleman who was then Speaker said that the House, without objection, might adopt such a rule, which would make a bill a continuing order so as to eliminate Calendar Wednesday. The time was never reached, however, or no attempt was made under that special order to eliminate Calendar Wednesday. But unless the House is protected by the point of order, both of these rules could be made ineffective.

There is a rule, for instance, which prohibits the Speaker from entertaining a motion or a request that anybody, except those persons designated in the rule, be admitted to the floor of the House. One of the rules prevents the Speaker from entertaining the motion for a recess on Calendar Wednesday. He could not entertain those motions without violating the rules. If he attempted to do so, he could be prevented by raising the question of order. It seems to me that the gentleman's point of order as interposed must be sustained as to the rule, although I suppose there will be no objection if the gentleman from Texas [Mr. HENRY] should ask to modify the report by excepting the motion to recommit.

Mr. HENRY of Texas. This same provision was in the rule reported to consider pension bills the day the two gentlemen from Georgia, Mr. TRIBBLE and Mr. RODDENBERY, got up the opposition. But if there is any doubt about the question, I ask unanimous consent that the resolution be amended by adding at the end of line 12 the words:

Except a motion to recommit.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to add at the end of the resolution the words:

Except a motion to recommit.

Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. CANNON. Mr. Speaker, on the point of order I would like to make a remark, if the Chair will indulge me. This rule, if adopted by the House, would clearly cut off the motion to recommit. I recollect very well when the rule was adopted touching the motion to recommit, and the prohibition upon the Committee on Rules from reporting any special order for the consideration of the House that would prevent that motion being made.

It is somewhat interesting, Mr. Speaker, if I may be indulged for a moment, in the light of parliamentary disagreement in the House of Representatives, to just reminisce for a moment. There is a way, in the event the Chair should sustain the point of order upon this resolution reported by the Committee on Rules, by which this rule could be considered, and that would be an appeal from the decision of the Chair to the House, and the majority would then have a chance to overrule the Speaker when he sustains the point of order, if he should do so, to this provision in this rule.

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question. Suppose somebody appealed from the decision of the Chair and somebody else moved to table, and the latter motion carried, how would you get an opportunity to discuss that proposition?

Mr. CANNON. After all is said and done, we are discussing it now. A majority of the House now, as always, can determine what it will do touching its order of business and touching legislation, rules or no rules. A majority of the House may violate every rule that is made, by a majority vote, and it has in the past so done as to some of the rules.

Mr. SHERLEY. Does the gentleman mean by that that the Chair ought to afford a majority of the House the opportunity to violate by an indirect attack a plain rule written into the regular standing rules of the House?

Mr. CANNON. I take it for granted that whoever is Speaker of this House, or whoever has been Speaker of this House in over a hundred years of existence, or whoever will be Speaker of this House, has ruled or will rule upon all questions of order as he believes he ought to rule.

Mr. SHERLEY. Oh, of course. But here is the practical proposition here——

Mr. CANNON. And it is always subject to an appeal.

Mr. SHERLEY. Of course.

Mr. CANNON. I have known Speakers of this House, when gentlemen have arisen to questions of the highest constitutional privilege, to decide upon the point of order that it is not a constitutional privilege. I have known an appeal to be taken by gentlemen against that decision, and I have seen a majority of the House overrule the Speaker. Aye, more. I have seen inside of 12 months a majority of the House reverse itself. We are always subject to a majority.

Now, one word in conclusion.

Mr. SHERLEY. I do not want the gentleman to conclude until I ask him a question.

Mr. CANNON. The Speaker has already, by a question, as I understand, as a Member of the House, substantially pointed the way by which this rule could be amended otherwise than by the Speaker being overruled by a majority, in the event there was a majority that would overrule him, on whatever decision he might make. If there be a czar now in existence in this House of Representatives, it is not the Speaker but the Committee on Rules, that, by reporting this rule, has announced its intention that it will be a czar and defy the rules when they write in "not subject to an intervening motion," which would nullify that rule. Sometimes, in the light of history, I wonder upon what meat does this our Cæsar, or our Cæsars, feed that they have grown so great.

Mr. HENRY of Texas. Will the gentleman yield for a moment?

The SPEAKER. Will the gentleman from Illinois [Mr. CANNON] yield to the gentleman from Texas [Mr. HENRY]?

Mr. CANNON. With pleasure.

Mr. HENRY of Texas. As I remember, exactly this same language was in the rule when the pension bills were considered. Why did not the gentleman think of his point of order then and make it against the consideration of the pension bills?

Mr. CANNON. Does the gentleman claim because his committee has played czar once and it was overlooked that that makes a precedent that permanently makes the gentleman and his committee a czar?

Mr. HENRY of Texas. I do not claim that we played the czar. There is a monopoly on that in another direction.

Mr. CANNON. Well, I have the honor to serve in the minority. This rule was made. I agreed that it was a proper rule when it was made; and if it is to be changed the gentleman can report a resolution from his committee changing it, and the House can then in its wisdom proceed to consider, amend, change, or adopt without amendment.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to modify this rule by adding, after the last word in it, the words "except a motion to recommit."

Mr. MANN. Mr. Speaker, if the gentleman from Texas will ask unanimous consent, not as a report from the Committee on Rules, but as offered by himself, for the adoption of the resolution with the modification, I shall not make a point of order upon it or object.

Mr. HENRY of Texas. I did not catch all that the gentleman said. Some one was talking to me.

Mr. MANN. If the gentleman himself will ask unanimous consent for the consideration of the resolution with the modification that he makes, not as a report from the Committee on Rules, I shall not object.

Mr. SHERLEY. I think that the gentleman from Texas must do that. He can now speak only of an amendment as an individual and not in behalf of the Committee on Rules, because the Committee on Rules have not considered the amendment which he proposes.

Mr. MANN. I understand. The gentleman has reported a rule from the Committee on Rules on which I have made a point of order.

Mr. HENRY of Texas. Mr. Speaker, this is an important matter, and in order to relieve the situation I submit the request in that form.

The SPEAKER. Is there objection?

Mr. NORRIS. Mr. Speaker, reserving the right to object, I would like to know just exactly what the gentleman's request is.

Mr. HENRY of Texas. That this resolution be considered now with an amendment added, "except a motion to recommit."

Mr. NORRIS. As I understand it, that comes from the gentleman as a Member of the House, and not from the Committee on Rules?

Mr. HENRY of Texas. Yes.

Mr. NORRIS. Now, I would like to say to the gentleman that it seems to me this rule, regardless of the bill to which it makes reference, is one that is contrary to good and fair practice in legislation.

Mr. MANN. I will say to the gentleman that of course the unanimous consent is not to pass the resolution, but simply to consider it.

Mr. NORRIS. Of course I recognize that the gentleman could call the Committee on Rules together and reintroduce the resolution.

Mr. HENRY of Texas. Yes; and I would do that in about three minutes.

Mr. NORRIS. Yes; and I would not want it understood, so far as I am personally concerned, that in permitting the gentleman to get unanimous consent for the consideration of the rule I gave acquiescence to the rule or to the method of procedure.

Mr. MANN. Well, of course we do not—any of us over here—give acquiescence to it.

Mr. NORRIS. I would not do that, even if I were heartily in favor of the bill. I would not want to adopt this rule even in that case.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to know what the gentleman proposes by way of debate and discussion on this rule, if it is to be taken up by unanimous consent.

The SPEAKER. If the gentleman will permit, this controversy has nothing to do with that. That will come up later.

Mr. DALZELL. As I understand, Mr. Speaker, the situation is this: This rule was improperly reported. It is not before the House and subject to amendment. The only way it can come up is by unanimous consent. I reserve the right to withhold consent until I can find out the mode that will be used in considering it. I do not think it is quite fair that the gentleman should be accorded unanimous consent for the consideration of this proposition.

Mr. HENRY of Texas. I think we can agree as to time, but of course I do not intend to be tied down on time. As to that the gentleman knows I am inclined to be liberal about time.

Mr. MANN. The gentleman from Pennsylvania expects to be reasonable about that.

Mr. HENRY of Texas. So do I.

Mr. DALZELL. I would like to know as to the time to be allowed for amendment and consideration.

Mr. HENRY of Texas. The rule provides for the offering of a substitute by the gentleman from Illinois [Mr. STERLING] and, as proposed to be amended, it allows a motion to recommit.

Mr. LENROOT. It is not the gentleman's intention to move the previous question immediately?

Mr. HENRY of Texas. Oh, no. This is such an important matter that we do not want to take any hurried action.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the amendment is agreed to. The point of order raised by the gentleman from Illinois [Mr. MANN], of course, being withdrawn, under the circumstances——

Mr. MANN. The report of the committee is withdrawn, and the gentleman offered his amendment as an individual proposition.

The SPEAKER. If the House will permit, it seems to the Chair that it will save trouble in the future if the Chair will now give his own construction of this rule under which the gentleman made his point of order. The question is liable to come up again at any time. The last clause of paragraph 56 of Rule XI provides:

Nor shall it—

That is, the Committee on Rules—

report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Jefferson's Manual opens with this paragraph:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power."

The Chair does not think the essence of the proposition was ever better stated than it is in those words. Rules are made primarily to fix an order of business and to preserve and maintain decorum. But they are also fixed in order that the minority in the lump and the individual member shall have all the rights that are permissible in a legislative body.

It is not necessary to go into the history of how this particular rule came to be adopted, but that it was intended that the right to make the motion to recommit should be preserved inviolate the Chair has no doubt whatever. If this arrangement as to amending the resolution had not been made, the Chair would have sustained the point of order of the gentleman from Illinois [Mr. MANN]. The fact that the rule about the pension bill got through without anybody raising an objection is neither here nor there. The Chair supposes that nobody was enough opposed to it to raise the point, or everybody forgot it or neglected it. All rules, good or bad, ought to be enforced. Sometimes it may be inconvenient, but that does not matter. For instance, the gentleman from New York [Mr. FITZGERALD] cited a rule which the Chair has been compelled to enforce privately a dozen times, or perhaps a score of times. It is this: There is one motion which the Chair is prohibited from putting, and that is the motion to admit to the floor of the House anybody, great or small, whom the rules do not admit. I have had a dozen or a score of applications from people whom I would like very much to accommodate, to be permitted to come in on the floor of the House, and I have told them what the rule was. That rule is founded in good sense, and this one is founded in right; and the Chair will maintain the rule. I think it was left out on this occasion by inadvertence or something of the sort.

The Chair thought it was proper to make that statement now in order to save trouble in the future.

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania [Mr. DALZELL] how much time he desires.

Mr. DALZELL. How much time does the gentleman suggest on the rule?

Mr. HENRY of Texas. It seems to me 20 minutes on a side on the rule ought to be sufficient. Three hours' general debate are allowed on the bill.

Mr. DALZELL. I do not think that is very generous. However, I will ask 25 minutes on a side.

Mr. HENRY of Texas. I have no objection.

Mr. MANN. Half an hour.

Mr. HENRY of Texas. Or even half an hour, if the gentleman wants it. I ask unanimous consent that the debate on the rule be limited to one hour, 30 minutes on a side.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the debate on the rule be limited to one hour.

Mr. HENRY of Texas. That at the end of the hour I have the right to move the previous question and the time to be controlled, 30 minutes by myself and 30 minutes by the gentleman from Pennsylvania [Mr. DALZELL].

The SPEAKER. And that at the end of the hour the gentleman from Texas has the right to move the previous question——

Mr. MANN. He has that right anyway.

Mr. HENRY of Texas. Yes; I understand that.

The SPEAKER. And that the time be controlled, one half by himself and the other half by the gentleman from Pennsylvania [Mr. DALZELL]. Is there objection?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to take up much time in the discussion of the rule, and I do not intend at this time to devote any attention to the discussion of the details of the proposed bill known as the Clayton anti-injunction bill.

I wish to say that this Congress is proceeding to carry out its promises to the American voters and that one platform pledge after another has been redeemed by this Democratic House.

Mr. Speaker, on yesterday the House submitted to the States an important amendment to the Constitution, which, in my judgment, is far-reaching and of vital concern to the people everywhere. In my opinion the election of United States Senators by a direct vote is one of the greatest reforms ever brought about by the American people, and I trust that that amendment will be speedily ratified by three-fourths of the States. [Applause.]

To-day we are here for the purpose of redeeming another platform pledge and to write in the statutes of the United States a decree that hereafter midnight injunctions issued by Federal judges shall not be tolerated under the laws of this country, and shall forever cease. [Applause.]

We have inveighed against the tyranny of Federal judges unjustly issuing injunctions. We have said that their powers should be curtailed, inasmuch as they are the mere creatures of this Government. We are not here for the purpose of assailing the judiciary. Every man in the Republic should have a salutary respect for the courts, because if we undermine the confidence of the people in the courts and undertake to destroy them we imperil the very genius and spirit of our Government.

What have we promised the people? Let me call the attention of this House to our platform pledge, which we are this day redeeming by the passage of this measure:

The courts of justice are the bulwark of our liberties, and we yield to none in our purpose to maintain their dignity. Our party has given to the bench a long line of distinguished justices, who have added to the respect and confidence in which this department must be jealously maintained. We resent the attempt of the Republican Party to raise a false issue respecting the judiciary. It is unjust reflection upon a great body of our citizens to assume that they lack respect for the courts.

It is the function of the courts to interpret the laws which the people create, and if the laws appear to work economic, social, or political injustice it is our duty to change them. The only basis upon which the integrity of our courts can stand is that of unswerving justice and protection of life, personal liberty, and property. If judicial processes may be abused, we should guard them against abuse.

Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings shall be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

Mr. Speaker, that is the decree of the Democratic Party, adopted at Denver four years ago. Thrice has the Democratic Party declared in favor of this legislation, and now that the people have given us their confidence and placed us in control of this branch of Congress we propose to redeem that pledge and to send it to the other body.

Mr. Speaker, let no one misunderstand the attitude of the Democratic Party. We are not opposed to wealth legitimately acquired. We are not opposed to corporations and legitimate corporate interests, but are opposed to the abuses that have been indulged in by some who have acquired vast amounts of money, who have combined great interests and corporations together as trusts. We are against these things, and, so far as we can, shall endeavor to bring relief to the American people by passing this measure and others similar to it that will bring about the result that we desire.

Mr. Speaker, the Democratic Party does not wish to array one class of citizens against another class. He would indeed be a dangerous citizen who would endeavor to array the poor man against his richer brother because he happens to be wealthy by legitimate thrift. Such spirit could not be tolerated. We all know, and it is admitted, that the Federal courts, the mere creatures of Congress, have exceeded the authority originally conferred upon them by our fathers, and the time has come to call a halt. The time has arrived when we should take

them within our jurisdiction and set the limits and say, "Thus far shall the Federal judges go, and no farther."

The Clayton bill does that, and, in my judgment, when it is written into our permanent jurisprudence it will be there to remain, for it is in behalf of the American people and against those who would pervert our institutions. [Applause.]

So, Mr. Speaker, I think that the time is now opportune to pass this bill. In a short while another measure will be presented, and I believe it will commend itself to the honest judgment of this body and the American people. I refer to the measure providing for a trial by jury in cases of indirect contempt. That measure has already been agreed upon by the Committee on the Judiciary and reported to this House, and when it is passed, in connection with the one we are now considering to-day, then the Democratic Party will have redeemed its pledges. All we can do is to bring them before the House and let the Members consider them; and although the gentleman from Illinois refers to the Committee on Rules as assuming the prerogatives of a "*czar*," I undertake to say that the Committee on Rules has brought before the Sixty-second Congress more salutary and just measures than ever came before this body during his incumbency of eight years as Speaker of the House.

It is not necessary for me to review them, but I will refer to a few of them: The parcel post, the publicity bill, this injunction measure, the bill defining contempts, the trial by jury in cases of indirect contempt, and many other meritorious measures that the great body of the Democrats in caucus have demanded to be considered; the revision of the tariff, taking the burden off of the backs of the people—all these measures the gentleman from Illinois stifled and prevented consideration of while he occupied the Speakership.

So, Mr. Speaker, we are here again to-day to allow the Members to vote on these questions. We are allowing one substitute to be offered, which is sufficient. We are willing to authorize a motion to recommit, which ought to be much more than sufficient; but at any rate, the membership can take any course it desires. They can adopt either measure that appeals to them, and can exercise their choice in the pending matters of legislation. There is no endeavor now to thwart their will. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. DALZELL. Mr. Speaker, if this rule is adopted it will be in order for the House to consider the bill reported from the Committee on the Judiciary, which deals with the subject of injunctions. There is a provision in the bill relative to the notice to be given on application for an injunction or restraining order, for the security to be given in case the injunction is granted, and some other provisions relative to procedure, which, in my judgment, are matters of great importance.

But aside from these the bill goes on to provide for certain things which thoroughly revolutionize the law in injunction cases in this country, and they are of such tremendous importance that it seems to me they deserve the most serious consideration on the part of the membership of the House at this time. The bill provides that in a labor dispute, where there is a dispute between employer and employee, or between employees, there can be no preliminary injunction or restraining order issued unless it be necessary to prevent irreparable injury or where there is no adequate remedy at law.

An injunction is confined by this bill to the defense of property and property rights. Now, I have sought information as to what was meant by the term "property rights," but I have been unable to get any satisfactory information upon that subject. My conclusion, therefore, is simply the conclusion to be arrived at from the surrounding circumstances. It has long been contended upon the part of certain persons in this country, notably labor organizations, that outside of property, courts of equity had no jurisdiction—I mean, tangible property; that the right to do business, the good will, personal rights, are entirely outside of the proper functions of a court of equity in exercising injunction jurisdiction.

A bill was introduced into this House, and improperly referred to the Committee on Labor, regulating this subject. That bill is reported and is now before the House. In that bill provision is made that injunctions or restraining orders shall not issue to protect what are here called property rights, and they do not include the right to do business. I apprehend, taking into consideration the fact that that bill was introduced after the Committee on the Judiciary had refused to report a bill containing any such proposition, this term "property rights" in this bill is a provision whereby the committee, instead of openly and courageously and avowedly adopting the language and purpose of the bill reported by the Committee on Labor, evasively and indirectly seeks to accomplish the same purpose. So I apprehend that I state the case fairly when I say that under the provisions of this bill there can not be in a labor dispute any injunction or restraining order, unless to prevent irreparable damage, or where there is no adequate remedy at law, and that in such case injunction shall extend only to protect tangible property. The bill then goes on to provide that there are certain cases in which there shall be no injunction or restraining order, whether there be irreparable damage or not. That is the plain meaning of the bill.

The bill also goes on to say—

> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising—

And so forth.

Naming a number of specific cases. That is to say, where there exists such irreparable injury or lack of an adequate remedy at law to such an extent as to justify or authorize a court of equity to grant a restraining order or injunction, even in that case there are certain acts that are outside of the law and which can not be reached by a court of equity. That is true in the case of strikes. Suppose an injunction be issued for some cause upon the ground of irreparable injury to ensue or because there is no adequate remedy at law. The injunctive process in that case will not reach a strike or could not prohibit and prevent anything to be done by the strikers without regard to whether there was an irreparable injury or lack of an adequate remedy at law.

Mr. BARTLETT. Mr. Speaker——

Mr. DALZELL. Oh, the gentleman from Kentucky [Mr. SHERLEY] shakes his head, and I have no doubt he has examined this bill, and I have very great respect for his judgment, but the fact that he and I differ as to the construction of this bill only illustrates how unjust it is to call upon this assembly at this time—the representatives of the American people—to dispose of this question after three hours of perfunctory debate; and that is the vice of the rule.

Mr. SHERLEY. Will the gentleman yield?

Mr. DALZELL. I have not very much time, but I will yield.

Mr. SHERLEY. The gentleman took occasion to call attention to the gentleman from Kentucky when he had not interrupted him at all. Does not the difference of opinion simply show that men sometimes read a statute in a different way? In this case the gentleman prefaces his whole statement on not what the words "property or property rights" will mean, but on what he thinks they must mean because of another bill that is not now before the House?

Mr. DALZELL. Well, I am not discussing that question now, and I am willing to leave my construction of the bill to the judgment of the gentlemen who have heard me.

Mr. BARTLETT. Will the gentleman yield? I do not want to take up the gentleman's time——

Mr. DALZELL. I hope the gentleman will not take up my time.

Mr. BARTLETT. Then I beg the gentleman's pardon. I had forgotten his time was limited.

Mr. DALZELL. One of the particular acts that are removed from the injunctive process by this bill are strikes. Strikes are legalized upon the one hand, and the blacklist is legalized upon the other hand. Another are boycotts. They are legalized—not simply primary boycotts, but the secondary boycott—where parties not parties to the dispute—innocent parties who have no remedy at law—are deprived of the protective arm of a court of equity. Picketing is legalized, and it matters not to what extent the picketing may reach, it matters not that it may amount to a mob and result in destruction of property, under the provisions of this bill the party who is injured is removed from the protecting arm of the court of equity. Not only that, but this bill repeals the Sherman antitrust law in so far as labor combinations are concerned. It matters not what may be the character of the conspiracy, it matters not how much it may interfere with interstate commerce, the men who are guilty of that conspiracy and who are interfering with commerce are removed from the restraints of the law.

Mr. BARTLETT. Mr. Speaker——

Mr. DALZELL. In other words, this bill selects a certain class of a community whom it makes not amenable to the law and selects another class of the community from whom it takes the protection of the law. It is to that extent, in my judgment, unconstitutional. Not only that, but it repeals the law of conspiracy. All the acts which were done in the Danbury hatters case, all the acts which were done in connection with the Pullman car strike, all the acts which were done in connection with the attempted paralyzing of the railroad industries in this country, all such acts as these are legalized by this act. Under this bill there can be no injunction against a strike, a boycott,

or a picketing, no matter what their consequences may be. Now, if that be so—and I am willing to stand upon my construction of the terms of this bill—if that be so, is not it true that this House is entitled to have the most thorough consideration, an opportunity for the most matured deliberation, before it passes upon a measure of such importance, a measure so far-reaching in its consequences, so vital to the interests of life and property in this country? And what sort of consideration are you going to have under this rule? Three hours of general debate, three hours of perfunctory debate, without any opportunity to amend. You must take this bill or leave it without the crossing of a "t" or the dotting of an "i" on the part of the representatives of the American people dealing with legislation of this character. I say, and I say that with knowledge, that there never was brought into this House a rule which showed so much of tyrannical, unreasonable power on the part of the majority as is to be found in the provisions of this rule. Whom are you afraid of, gentlemen? Not afraid of Members on this side of the House. We have not votes enough on this side of the aisle to amend or modify or in anywise effect any legislation that you may see fit to propose. It is not the membership on this side of the House of whom you are afraid. It is the membership upon your own side of the House. You gentlemen know that you have Members who would be unwilling to take this legislation in the shape in which it is proposed if they had an opportunity to do otherwise. You have had no caucus on this bill so as to gag Members on that side of the House in respect to this legislation, but you propose to gag them now by this rule. You are gagging not only us, but gagging yourselves.

I do not propose to take up any more time in a discussion of the merits of this proposition. They will be discussed hereafter, in so far as they can within the limited extent of three hours' debate, but I want to insist that this rule is an unjust proposition, one that shows that you gentlemen are not standing by the professions which you made when you proceeded to revise the rules of this House and promised that hereafter the membership of the House should have free and unlimited debate upon all propositions of the character of this proposition now before the House. Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT. May I ask the gentleman a question, which will only take a moment? Did not the gentleman have it in his power to object to the consideration of this particular proposition a few minutes ago, and did he object?

Mr. DALZELL. I do not think the gentleman is quite fair in accusing me.

Mr. BARTLETT. I am not accusing the gentleman. I am asking the gentleman a question. I do not make an accusation.

Mr. DALZELL. I could have objected if I had been mean enough to do it.

Mr. GARNER. Will the gentleman from Pennsylvania yield? He made his statement that this bill repealed the antitrust law in regard to labor unions. I would like to ask him in what section of the bill?

Mr. DALZELL. All of them. It repeals the law of conspiracy. I can not yield to the gentleman. How much time have I used?

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the subject matter contained in the bill which it is proposed to consider under this rule is no new question. It has been considered and discussed from every political platform in this country. It has been reviewed from all its angles, and it occurs to me that we do not require at this time any more than three hours in which to consider it in this House.

The assumption on the part of those who are opposing this measure is that labor, and particularly organized labor, is asking at the hands of Congress some immunity from the operations of the law; that they are asking that they shall be given some special privileges under the law.

But they are not asking anything of the kind. What they are asking is that they shall be considered fairly and treated justly under the law, the same when they have a trade dispute as when there is no trade dispute in existence. Under the methods that have grown up in our equity courts, the jurisdiction of the equity courts has been extended in cases arising during trade disputes to the jurisdiction of our law courts, and the assumption has been on the part of the equity courts that the employer of labor has a property right in a sufficient amount of labor to operate his plant. No such property right does or can exist unless the laborer himself is a serf or a slave. The workingman is just as much a free man as the employer. Some of our State courts and some of our Federal courts have laid down the principle that the employer is entitled to a free flow of labor to the gates of his factory, and when they have laid down that principle they have failed to take into consideration that the flow of labor is a flow of living, animate, intelligent beings that have a right to move to the gates of the factory or away from the gates of the factory as they see fit.

Injunctions have been issued in labor disputes by which men have been restrained from committing crimes, and when that jurisdiction has been assumed by the equity courts they have invaded the province of the law courts, and by invading the province of the law courts they have taken away from the workingman that protection which the Anglo-Saxon race has fought for for over a thousand years, namely, the protection of a trial by jury so as to determine the fact.

They have gone further than that. They have issued injunction by which men during labor disputes have been restrained from persuading their neighbors to engage with them in particular disputes. They have enjoined men from placing their patronage where they pleased or refusing to place it where they pleased. And this rule ought to be adopted at this time for the consideration of this measure, so that these and many other invasions of human rights may be abolished. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. WILSON] has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. HUGHES]. [Applause.]

[Mr. HUGHES of New Jersey addressed the House. See Appendix.]

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LENROOT. Mr. Speaker, I do not object to a special rule for the consideration of this very important subject. I do object to some of the provisions contained in this rule, and I wish to give notice now that if the previous question shall be voted down, I shall offer amendments to this rule, leaving three hours for consideration, as is proposed in the rule, but instead of three hours of general debate, there shall be one hour of general debate and two hours devoted to amendments and debate under the five-minute rule. And it should be thoroughly understood that when the gentleman from Texas [Mr. HENRY] moves the previous question, a vote for the previous question is a vote against the right of this House to offer amendments to this bill.

Mr. Speaker, there is an old saying that the leopard can not change his spots. But the Democratic majority can, and it proposes to do so in this instance, unless there shall be a sufficient number of men on that side of the House who have more regard for consistency, who have more regard for the pledges they have made to their constituents, than they have for the mere matter of a majority voting as one body.

Mr. Speaker, upon a previous occasion, when a rule somewhat similar to this was introduced in this House and adopted, I quoted from distinguished Members of this House as to how, when they were in the minority, they looked upon rules of this character, and I am going now to make some of those quotations again, for they can not be quoted too often. And first I quote the distinguished Speaker of the House himself, who presides over this House with so much ability and fairness. When the Payne tariff bill was before this House and there was a curtailment of the right of amendment by a special rule proposed by the majority upon that bill, a great tariff bill, involving thousands of items, when there was some reason for curtailing the power of amendment, this is what the present Speaker of the House said at that time:

> The situation in this matter is this: I am against this rule and every rule like it. My position is that the humblest man in this House, the veriest congressional tenderfoot here, has the right to offer an amendment to any item of this bill from A to Z.

That was the opinion of your Speaker then upon a great tariff bill, while here is a bill four pages long, containing three sections only, and yet you are asked to go squarely back upon the position which you then took when you were in the minority. And I am anxious, if I may say it, to know whether the distinguished Speaker himself, when the vote comes upon the previous question in half an hour from now, will maintain the position that he took when he was in the minority or whether by his vote to-day he will say before the country, "I was not sincere when I said those things then, and now that we are in the majority I propose to do the very things that we condemned Cannonism for doing." For, gentlemen on the other side, your vote for the previous question means that and nothing else.

Now, I will quote another distinguished gentleman, the distinguished leader of the majority [Mr. UNDERWOOD]. He said:

The rules of this House for a hundred years have recognized that when you come to consider a great appropriation bill, or a great revenue bill, the only way the House can express the sentiments of the country and the Members can express the sentiments of their constituents is to consider the items contained in the bill item by item—

Again pleading for the right of amendment, which you propose to deny to the House now. And here we have two of your distinguished candidates for the Presidency of the United States. I wonder whether, in the votes that they shall shortly cast, they will take the position that they are going to be consistent with the principles that they advocated then or whether they are not. And the American people are going to be interested in knowing that.

One more quotation, Mr. Speaker, and that is from the distinguished gentleman from New York [Mr. FITZGERALD], who said upon that occasion:

I have that confidence in the House of Representatives that if I had my way I would be willing to permit this bill to be considered section by section, item by item, so that the people's representatives might have an opportunity to discharge their duties. I shall await with some curiosity to see how those who have been recently professing themselves as anxious to relieve this House from the so-called system of tyrannical rules will vote at this time upon this rule.

And I shall await with a great deal of curiosity how those gentlemen to-day will vote upon this rule.

But, Mr Speaker, more than that, there should be the right of amendment to this bill. The gentleman from Pennsylvania [Mr. WILSON], who has preceded me, has reported from his committee a bill known as the Bartlett bill, and one-half of that bill is upon the identical subject that this bill covers. Those bills ought to be considered together, because some of their provisions are absolutely inconsistent. The gentleman from Georgia [Mr. BARTLETT] or the gentleman from Pennsylvania [Mr. WILSON] ought to have an opportunity to offer as an amendment to this bill that portion of the Bartlett bill that does cover this subject. How else can you legislate consistently upon it?

Mr. BARTLETT. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. LENROOT. Yes.

Mr. BARTLETT. The gentleman is a member of the Committee on Rules, and a resolution is pending before that committee to report out the Bartlett bill?

Mr. LENROOT. Yes; and I want to report it out. But I want to say to the gentleman that if you pass that bill it nullifies a portion of this. There is no doubt about that. These measures ought to be considered together.

Mr. BARTLETT. I think so.

Mr. LENROOT. Then, if the gentleman thinks so, he will vote against the previous question and give an opportunity to this House to consider them together.

Mr. BARTLETT. May I interrupt the gentleman a moment? I have no time, but I want to say that every labor organization in my State has sent me telegrams insisting that the bill now before the Committee on Rules known as the Bartlett bill shall be voted on.

Mr. LENROOT. If the gentleman will vote against the previous question, that will be a vote to give an opportunity to offer his bill as an amendment to this, and if that is agreed to he will have an opportunity to serve his constituents in that way.

Mr. BARTLETT. I think I will.

Mr. LENROOT. Now, Mr. Speaker, another word in closing. I shall not reveal any secrets of the Committee on Rules, nor do I wish to; but when this Congress first organized, when the majority members of the Committee on Rules desired to bring into this House a drastic rule, they did not know how to draw it, and so they invariably went to the gentleman from Pennsylvania [Mr. DALZELL], and he very kindly drew their rules for them.

Mr. GARNER. He is recognized to be an expert in that business.

Mr. LENROOT. But they are no longer doing that. They have become experts themselves now and can go far beyond anything that the gentleman from Pennsylvania [Mr. DALZELL] ever did. In fact, in this very rule they went so far beyond him, attempting to bring in a rule so much more drastic than he ever drew, that the Speaker of this House this morning was compelled to hold the rule out of order because it was more drastic than even the jurisdiction, broad as it is, of the Committee on Rules permitted. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired. If no other gentleman desires to discuss this question the Chair will put it.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Did the gentleman from Texas have control of the time? I did not understand that to be a part of the agreement.

The SPEAKER. The agreement was that half the time should be controlled by the gentleman from Texas and the other half by the gentleman from Pennsylvania.

Mr. BARTLETT. I understood the agreement to be that the time was to be equally divided between the two sides.

The SPEAKER. It was to be equally divided, but the control of it was to be as the Chair has stated.

[Mr. BUCHANAN addressed the House. See Appendix.]

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALZELL. I yield the rest of my time to the gentleman from Nebraska [Mr. NORRIS].

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is recognized for six minutes.

Mr. NORRIS. Mr. Speaker, I want, if I can, to get the House back to the parliamentary situation and to the issue that is now before us. I want to call your attention to the fact that the bills that have been mostly discussed by gentlemen who have so far talked on this subject, are not now before the House.

We have here a rule, and nothing except the rule is now before the House. Upon that rule we are soon to be called upon to vote. I am not criticizing any man for his views upon the subject of this legislation, but I do contend that there is no justice, no fairness, and no patriotism in the adoption of rules of this kind, ironclad as this one is. I am in favor of legislating on this subject, but it ought to be done by the House. It is no relief that we are to be allowed three hours of general debate. What good does it do to be allowed to talk, if we are not allowed to propose amendments? Three or four men bring in a bill, and this rule says we must take it as a whole or reject it as a whole, except that one Member of the House shall be given the extraordinary privilege of offering an amendment by way of substitute.

We have here a rule which says that a certain bill shall be immediately taken up after the rule is adopted. That is a bill consisting of four sections, less than four pages long. The rule says that after general debate of three hours it shall be in order for one gentleman of the House, the gentleman from Illinois [Mr. STERLING], to offer an amendment by way of a substitute. Why am I deprived of my constitutional right, that ought to be preserved, to offer an amendment to this bill? Why has the gentleman who has just left the floor, who said he would rather have a broader bill—why is he deprived of his right to offer an amendment to this bill? Why, out of a membership of 391, do we come only to the gentleman from Illinois and say that he shall be accorded the distinction of offering an amendment? Why should not this bill come before the House like any other bill and every Member who has an amendment to offer be allowed to offer it? Why should this bill, not much longer than your finger, be put through the House without any man having a right to even suggest an amendment? Is that liberty; is that freedom of representation? Are not my people just as good, just as intelligent, just as patriotic, just as wise as the people represented by the gentleman from Illinois [Mr. STERLING]? How about all you people over here? Do you believe this is a square deal? Do you think it is square to take this bill up and say, "Gentlemen, you must take this bill just as we have prepared it, or you must take an amendment that only one man in the world shall have the privilege of offering in its stead"? How many of you on this side of the House have had anything to do with the framing of that little piece of legislation?

Mind you, I do not criticize the men who did frame it. There are very many good things in it, but it is not perfect, and why should we tie our hands by the adoption of this rule that will deprive us of the right of offering amendments? I am in sympathy with the legislation, but if I were the author of it, it seems to me I would be usurping your privileges, your

people's privileges, if I should say to you, "I will draw this bill, and you must take it as I draw it or you must reject it."

That is not the way to legislate. That is not the way the people of this country expect us to legislate, and I want to say to you, my Democratic friends, it will be no answer before the people to say that the Republicans, when they were in power, pursued the same course. I condemned that method when my party was in power, and so did you. I am of the same opinion now. Why have you changed yours? Why not let this bill come before the House with the right of amendment? Why should we refuse to let every man here have the right to offer amendments? What does three hours of general debate mean?

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. NORRIS. My time is very short, but I will yield to the gentleman.

Mr. RUCKER of Colorado. The gentleman is not complaining that he has not had the opportunity to move an amendment or to bring in a bill or report because he is a member of the committee?

Mr. NORRIS. Exactly; but that does not make any difference. Although I am a member of the committee that reported it, I am excluded the same as my friend from Colorado is, and I ought to be. I ought to have no more privileges here than he, and no one else ought to have any more than I. I plead only for equality, and we ought to vote down this rule. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HENRY of Texas. Mr. Speaker, let the House understand the attitude of the gentleman from Nebraska. The distinguished insurgent insurges on the slightest provocation. Let me say that when his party was in power in this House they would not let this injunction legislation be considered in any form. [Applause.]

Mr. Speaker, if the previous question is voted down and this legislation submitted to that side of the House, they would devour everything in the bill that is good.

The gentleman's motive for wanting the previous question voted down is to create confusion and gain delay of legislation we are about to pass. The gentleman from Pennsylvania [Mr. WILSON], who is a better friend to labor legislation than is the gentleman from Nebraska, has spoken favoring the previous question, and the gentleman from New Jersey has spoken in favor of adopting the previous question, and is for this bill because he knows that the provisions are correct, and the gentleman from Illinois [Mr. BUCHANAN], than whom there is no better friend to the laboring man in this country [applause], has spoken advocating the previous question and favors the bill. He is not so weak, nor is anyone on this side of the House, as to throw down the bars and let you gentlemen assault the good features of this legislation. If you are in favor of the measure, when the time comes, vote for it. We allow you to offer one amendment when you would not allow us to even consider the subject. You may do more, you may offer a substitute and, after that, a motion to recommit and assert your views as to the kind of legislation you think we should have. And when you do it, if it is not a better bill, we will stand ready to pass *this one* and vote you down. This legislation has been agreed to by those who really favor it, and they think it is of the best character obtainable at this time, and therefore the previous question should be adopted and the rule passed.

Mr. Speaker, I move the previous question.

Mr. MANN. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 99, answered "present" 9, not voting 110, as follows:

YEAS—174.

Adair	Candler	Estopinal	Hammond
Adamson	Cantrill	Evans	Hardy
Aiken, S. C.	Carter	Faison	Harrison, Miss.
Alexander	Clayton	Farr	Harrison, N. Y.
Allen	Cline	Fergusson	Hay
Anderson, Ohio	Collier	Ferris	Hayden
Ansberry	Connell	Finley	Henry, Tex.
Ashbrook	Conry	Fitzgerald	Hensley
Austin	Covington	Floyd, Ark.	Hobson
Barnhart	Cravens	Foster	Holland
Bathrick	Cullop	Fowler	Houston
Bell, Ga.	Daugherty	Francis	Howard
Blackmon	Davis, W. Va.	Fuller	Hughes, Ga.
Boehne	Dent	Gallagher	Hughes, N. J.
Booher	Denver	Garrett	Hull
Borland	Dickinson	George	Humphreys, Miss.
Brantley	Dickson, Miss.	Glass	Jacoway
Broussard	Difenderfer	Goodwin, Ark.	Johnson, Ky.
Buchanan	Dixon, Ind.	Gould	Jones
Bulkley	Doremus	Graham	Kendall
Burke, Wis.	Doughton	Gregg, Pa.	Kent
Burleson	Driscoll, D. A.	Gregg, Tex.	Kinkead, N. J.
Byrnes, S. C.	Dupré	Hamill	Kitchin
Byrns, Tenn.	Edwards	Hamilton, W. Va.	Konop
Callaway	Ellerbe	Hamlin	Korbly
Lee, Ga.	Oldfield	Russell	Taylor, Colo.
Lever	O'Shaunessy	Saunders	Thayer
Lewis	Padgett	Sharp	Thomas
Linthicum	Page	Sherley	Townsend
Lloyd	Pepper	Sherwood	Tribble
Lobeck	Peters	Sims	Turnbull
McCoy	Post	Small	Tuttle
McDermott	Pou	Smith, J. M. C.	Underhill
McLaughlin	Rainey	Smith, N. Y.	Underwood
Macon	Raker	Smith, Tex.	Watkins
Maguire, Nebr.	Rauch	Stanley	Webb
Martin, Colo.	Redfield	Stedman	Wedemeyer
Moon, Tenn.	Reilly	Stephens, Miss.	White
Moore, Tex.	Roberts, Nev.	Stephens, Nebr.	Wickliffe
Morgan	Rothermel	Stephens, Tex.	Wilson, Pa.
Morrison	Rouse	Stone	Witherspoon
Moss, Ind.	Rubey	Sulzer	Young, Tex.
Murray	Rucker, Colo.	Sweet	
Neeley	Rucker, Mo.	Talcott, N. Y.	

NAYS—99.

Ainey	Fairchild	La Follette	Pray
Akin, N. Y.	Fordney	Langley	Prince
Ames	Foss	Lawrence	Prouty
Anderson, Minn.	French	Lenroot	Rees
Anthony	Gardner, N. J.	Lindbergh	Roberts, Mass.
Bartholdt	Garner	Loud	Roddenbery
Bowman	Good	McCreary	Slayden
Browning	Gray	McGuire, Okla.	Slemp
Butler	Green, Iowa	McKenzie	Sloan
Calder	Greene, Mass.	McKinley	Smith, Saml. W.
Cannon	Hamilton, Mich.	McKinney	Steenerson
Catlin	Hanna	Madden	Stephens, Cal.
Cooper	Harris	Malby	Sterling
Copley	Hayes	Mann	Stevens, Minn.
Crago	Helgesen	Miller	Towner
Crumpacker	Henry, Conn.	Mondell	Utter
Currier	Higgins	Moon, Pa.	Volstead
Curry	Hill	Moore, Pa.	Vreeland
Dalzell	Howell	Morse, Wis.	Wilder
Davis, Minn.	Jackson	Needham	Willis
De Forest	Kennedy	Nelson	Wilson, Ill.
Dodds	Kinkaid, Nebr.	Norris	Wood, N. J.
Driscoll, M. E.	Knowland	Nye	Young, Kans.
Dyer	Kopp	Payne	Young, Mich.
Esch	Lafean	Powers	

ANSWERED "PRESENT"—9.

Beall, Tex.	Fornes	Martin, S. Dak.	Talbott, Md.
Davenport	Gillett	Sparkman	Tilson
Dwight			

NOT VOTING—110.

Andrus	Gardner, Mass.	Legare	Richardson
Ayres	Godwin, N. C.	Levy	Riordan
Barchfeld	Goeke	Lindsay	Robinson
Bartlett	Goldfogle	Littlepage	Rodenberg
Bates	Griest	Littleton	Sabath
Berger	Gudger	Longworth	Scully
Bradley	Guernsey	McCall	Sells
Brown	Hardwick	McGillicuddy	Shackleford
Burgess	Hartman	McHenry	Sheppard
Burke, Pa.	Haugen	McKellar	Simmons
Burke, S. Dak.	Hawley	McMorran	Sisson
Burnett	Heald	Maher	Smith, Cal.
Campbell	Heflin	Matthews	Speer
Carlin	Helm	Mays	Stack
Cary	Hinds	Mott	Sulloway
Clark, Fla.	Howland	Murdock	Switzer
Claypool	Hubbard	Olmsted	Taggart
Cox, Ind.	Hughes, W. Va.	Palmer	Taylor, Ala.
Cox, Ohio	Humphrey, Wash.	Parran	Taylor, Ohio
Curley	James	Patten, N. Y.	Thistlewood
Danforth	Johnson, S. C.	Patton, Pa.	Vare
Davidson	Kahn	Pickett	Warburton
Dies	Kindred	Plumley	Weeks
Donohoe	Konig	Porter	Whitacre
Draper	Lafferty	Pujo	Wilson, N. Y.
Fields	Lamb	Randell, Tex.	Woods, Iowa
Flood, Va.	Langham	Ransdell, La.	
Focht	Lee, Pa.	Reyburn	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. BARTLETT with Mr. LONGWORTH.

For one week:

Mr. BROWN with Mr. LANGHAM.

Ending May 21:

Mr. BURGESS with Mr. WEEKS.

For two weeks:

Mr. SHACKLEFORD with Mr. DRAPER:

Until further notice:

Mr. CLARK of Florida with Mr. DANFORTH.

Mr. BEALL of Texas with Mr. HAWLEY.

Mr. HELM with Mr. RODENBERG.

Mr. JAMES with Mr. MCCALL.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. LITTLETON with Mr. DWIGHT.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. SISSON with Mr. TILSON.

Mr. SHEPPARD with Mr. BATES.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SABATH with Mr. MATTHEWS.

Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. PUJO with Mr. MCMORRAN.
Mr. RANDELL of Texas with Mr. SELLS.
Mr. KINDRED with Mr. PORTER.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. AYRES with Mr. BARCHFELD.
Mr. BURNETT with Mr. BURKE of Pennsylvania.
Mr. CARLIN with Mr. CARY.
Mr. CLAYPOOL with Mr. FOCHT.
Mr. COX of Indiana with Mr. GRIEST.
Mr. CURLEY with Mr. GUERNSEY.
Mr. DIES with Mr. HARTMAN.
Mr. DONOHOE with Mr. HAUGEN.
Mr. FLOOD of Virginia with Mr. HEALD.
Mr. GODWIN of North Carolina with Mr. HINDS.
Mr. GOEKE with Mr. HOWLAND.
Mr. GOLDFOGLE with Mr. HUBBARD.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. KONIG with Mr. HUMPHREY of Washington.
Mr. LAMB with Mr. KAHN.
Mr. LEE of Pennsylvania with Mr. LANGHAM.
Mr. LEGARE with Mr. LAFFERTY.
Mr. LEVY with Mr. MOTT.
Mr. LITTLEPAGE with Mr. MURDOCK.
Mr. MCGILLICUDDY with Mr. OLMSTED.
Mr. MCKELLAR with Mr. PATTON of Pensylvania.
Mr. MAHER with Mr. PICKETT.
Mr. PALMER with Mr. SULLOWAY.
Mr. PATTEN of New York with Mr. PLUMLEY.
Mr. RANSDELL of Louisiana with Mr. REYBURN.
Mr. ROBINSON with Mr. SIMMONS.
Mr. SCULLY with Mr. SMITH of California.
Mr. STACK with Mr. WARBURTON.
Mr. TAGGART with Mr. WOODS of Iowa.
Mr. TAYLOR of Alabama with Mr. SPEER.
Mr. WILSON of New York with Mr. SWITZER.
For the session:
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.

Mr. TILSON. Mr. Speaker, I would like to ask if the gentleman from Mississippi, Mr. SISSON, is recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. TILSON. I voted "no." I am paired with the gentleman from Mississippi, and I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. TILSON was called, and he answered "Present."

Mr. SPARKMAN. Mr. Speaker, I would like to ask if Mr. DAVIDSON voted?

The SPEAKER. The gentleman is not recorded.

Mr. SPARKMAN. I voted "aye," Mr. Speaker, and I wish to withdraw my vote and answer "present," as I am paired with Mr. DAVIDSON.

The name of Mr. SPARKMAN was called, and he answered "Present."

Mr. MARTIN of South Dakota. Mr. Speaker, I voted "no." I have a general pair with the gentleman from Alabama, Mr. RICHARDSON, and I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MARTIN of South Dakota was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

REGULATION OF INJUNCTIONS.

The SPEAKER. There are three hours of general debate, one half to be controlled by the gentleman from Texas [Mr. HENRY] and the other half by the gentleman from Illinois [Mr. STERLING].

Mr. HENRY of Texas. By the gentleman from Alabama [Mr. CLAYTON].

Mr. MANN. Mr. Speaker, there is nothing in the rule as to who shall control the time. It will have to be done by unanimous consent.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the time be controlled, one half by the chairman of the Committee on the Judiciary and the other half by the leading minority member on the same committee, Mr. STERLING.

The SPEAKER. The gentleman from Alabama asks unanimous consent that he control one half the time and the gentleman from Illinois [Mr. STERLING] control the other half. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, and 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

Mr. STERLING. Mr. Speaker, I desire to offer the substitute at this time and have it read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 21486) to regulate the granting of restraining orders and injunctions.

Be it enacted, etc., That no injunction, whether interlocutory or permanent, shall be issued by any Federal court or judge without previous notice and an opportunity to be heard on behalf of the parties to be enjoined; but if it shall appear to the satisfaction of the court or judge, from the evidence or showing made, that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be entered of record, and shall define the injury, state why it is irreparable and why granted without notice, and also shall have indorsed thereon the date and hour of its issuance. Every such order issued without notice and an opportunity by the defendant to be heard shall expire within such time after service is made or notice given, which shall be made or given as speedily as possible, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed by the court or judge, for good cause shown, after previous notice and an opportunity to be heard.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is recognized.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days in which to put in the RECORD remarks on the pending bill.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that all gentlemen shall have the

privilege of printing remarks on this bill for five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman has consumed 56 minutes. The gentleman from Illinois [Mr. STERLING] is recognized.

Mr. STERLING. Mr. Speaker, I yield 40 minutes to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Mr. Speaker, the vice of considering this important bill under a special rule which limits debate upon its merits to the short space of one hour and a half on each side has already been made apparent to this House. At the very outset of this argument the limitation of time imposed upon me makes it impossible for me to discuss adequately the great underlying fundamental legal principles which should be carefully weighed by the House before any vote is taken upon the bill.

Three distinct reasons have been urged by the proponents of this rule as a necessity for speedy legislation upon this bill. It has been boldly proclaimed by the advocates of the bill that the United States courts are the creatures of Congress; that Congress has by legislation called them into existence, and that Congress has therefore the power to modify, control, or destroy their functions and to place all of the limitations it pleases upon their judicial power.

It has also been further asserted that these courts have abused that judicial power, that under existing laws they have employed the writ of injunction as an instrument of oppression to certain classes of the people, and that this unwarranted usurpation by the courts has created a pressing necessity for this legislation.

One speaker who has preceded me has, indeed, boldly declared that the courts of the United States have violated the elemental principles of justice, have substituted the equitable power of the court for the criminal processes of the land, have punished crime through the medium of the writ of injunction, and have therefore deprived the citizens of the United States of the most sacred of all of our fundamental rights—the right of trial by jury.

Mr. Speaker, it had been my purpose in this argument to answer fully each of these assertions, to controvert absolutely each of these three propositions, but the limited time at my disposal and the necessity for an extended investigation of the provisions of the bill, make it possible for me to refer only briefly to these declarations.

No more serious and dangerous error has been advanced in modern times than the proposition that the judicial power of the United States courts is a creation of the Congress, that the functions and power of our courts have their origin in or derive their vitality from the legislative branch of the Government. The dangerous and pernicious doctrine of these modern times which finds its pretext in the demand for the recall of judges and the recall of judicial decisions has its origin in this error. Mr. Speaker, no man who is familiar with the Constitution of the United States and who is familiar with the historical facts that led to the adoption of that Constitution can for a moment doubt the error of that contention. The keystone of the arch of our constitutional government rests upon the absolute coordination and equality of its three great departments—the legislative, executive, and judicial. The wise builders of that Constitution, taught in the school of experience in the stormy days that preceded it, recognized the essential necessity for a complete separation between the judicial, executive, and legislative branches of the Government; and the superlative feature of that great instrument and that in which it differed essentially from any other government ever established was the placing of the judicial power of the courts equal to and coordinate with the legislative and executive powers, and that complete independence was accomplished by writing into the Constitution, in Article III, section 1, this declaration:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, etc.

The judicial power of our courts comes, therefore, from the Constitution of the United States and not from Congress. It derives its existence and its authority from the same source from which comes our legislative power. It is coordinate with and in all respects of equal potentiality to that power; and while the Constitution of the United States creates but one court and leaves to Congress the power to ordain such inferior courts as may be necessary for the operation of the Government, it is a fundamental principle of legal construction, established through a long line of judicial decisions and accepted as axiomatic, that these courts, when created and ordained, derive their judicial power from the Constitution and not from any act of Congress creating them. And therefore, Mr. Speaker, if it be found in the discussion of this bill that it seeks—as I am convinced it does—to strike down a part of the judicial powers of the courts vested by the Constitution, the legislation proposed by this bill is entirely beyond our power to enact.

But it is impossible, Mr. Speaker, for me to dwell longer upon this point, fundamental though it be, for I must proceed hastily to declare that the second proposition of the proponents of this measure is equally vicious and equally without reason, experience, or facts to sustain it. I refer to the assertion that the courts have abused their judicial power in the granting of injunctions; that they have made the injunctive processes of the courts an instrument of oppression for convicting men of crimes without the right of trial by jury, and have deprived them of their liberties without due process of law.

These assertions have been frequently made. They have been made the basis of political agitation, and have been industriously fomented to create a prejudice against our courts, but I stand here to assert their falsity and to declare to this House that they have never been established by evidence. I have been a member of the Judiciary Committee for six years. During that whole period of time bills seeking to deprive the courts of this power have been pending before that committee. Extensive hearings have been given to those favoring this legislation as well as to those opposing it. Frequent demands have been made by the committee of those making these assertions to produce the evidence before the committee to substantiate them. A few cases were presented, and an analysis of them utterly failed to establish the truth of the assertions. The fact is, Mr. Speaker, that the use of the injunction by the Federal courts is rarely resorted to. A careful examination of the records of the courts shows that from 1903 to 1912 only 25 injunctions were granted by the courts in labor cases, against 447 in other cases in which no complaint of any kind was ever made, and an analysis of the 25 cases in labor disputes demonstrates the fact that in every instance complete and impartial justice was done to both parties in the dispute. In the exceptional use of this great preventive writ, a writ absolutely essential to the administration of justice, mistakes may sometimes have been made, as they have been made and will be made in the future in every field of human instrumentality, but the declaration upon which the necessity for this drastic legislation is based is not true and therefore has not been proven.

It is true that a few men in the history of the Government have been punished by imprisonment for contempt of court for disobedience of the orders of the court in injunctive proceedings, and it is true that sometimes the acts complained of—acts which were employed in the violation of the injunction of the court—have been crimes, but no man familiar with judicial decisions and with the laws as administered by the courts would dare declare that the punishment for contempts for violation of the orders of the court have been made an instrumentality for the punishment of crimes. These crimes were a violation of State statutes, over which the Federal courts had no jurisdiction, and the fact that the violation of the order of the court for which the punishment for contempt was inflicted incidentally involved a crime against the State authorities is made the pretext for formulating these monstrous and false accusations against the courts of the United States. The whole argument to which I have referred is in effect an attempt to declare that the power of the court to protect the rights of the citizens of this country by the use of injunction should be denied and destroyed in certain classes of cases; that the efficacy of the courts to protect civil and property rights by the strong arm of equity should be curbed and restrained; and in this connection, Mr. Speaker, I desire to call the attention of the House to a statement made upon this subject by Justice Brewer of the Supreme Court of the United States in a public address made in Brooklyn in November, 1909:

> Government by injunction has been an object of easy denunciation. So far from restricting this power, there never was a time when its restricted and vigorous exercise was worth more to the Nation and for the best interests of all. As population becomes more dense, as business interests multiply and crowd each other, the restraining power of a court of equity is of far greater importance than the punishing power of a court of criminal law.
>
> The best scientific thought of the day is along the lines of prevention rather than those of cure. We aim to stay the spread of epidemics rather than permit them to run their course, and attend solely to the work of curing the sick. And shall it be said of the law, which claims to be the perfection of reason and to express the highest thought of the day, that it no longer aims to prevent the wrong, but limits its action to the matter of punishment?
>
> To take away the equitable power of restraining wrong is a step backward toward barbarism rather than forward toward a higher civilization. * * * Courts make mistakes in granting injunctions. So they do in other orders and decrees. Shall the judicial power be taken away because of their occasional mistakes? The argument would lead to the total abolition of the judicial function.

This is the publicly expressed opinion of one of the greatest and most conservative Supreme Court justices that has ever

adorned the bench. It is a brief but exhaustive summary of the efficacy and necessity of the writ of injunction, and completely answers all of the populistic declarations of interested parties that for political reasons are urging its destruction.

But, Mr. Speaker, I must pass from the consideration of these great questions and direct my attention entirely to the consideration of the bill before us. This bill is known as H. R. 23635 and was reported to the House on April 26, 1912, by a majority report made by Mr. CLAYTON, chairman of the committee, and a minority report in opposition to it representing practically the unanimous views of the minority, which was filed on May 3, 1912.

The bill itself seeks to accomplish two purposes. It first amends section 263 of the Judicial Code by substituting therefor the provisions of section 263 as provided in the pending bill. It then proceeds to amend section 266 of the Judicial Code by adding thereto sections 266a, 266b, and 266c.

The alleged scope of the bill is therefore to regulate the granting of injunctions. The power to grant injunctions is inherent in courts of equitable jurisdiction. The power is not possessed by all courts, but is an incident only of chancery jurisdiction and can be exercised only by courts clothed with that power or by legislative authorization. It is power possessed by the courts of the United States and is derived from the Constitution of the United States, which by section 2 of Article III provides:

The judicial power of the United States shall extend to all cases in law or in equity arising under the Constitution. * * *

This inherent power of the Federal courts to protect all of the citizens of the United States in the enjoyment of all of the rights secured to them by the Constitution is therefore not bestowed by Congress, but is derived from the same high source that Congress derives its power to exercise the function of legislation.

Injunction is and always has been an extraordinary remedy to protect constitutional rights from invasion; it is preventive rather than remedial, and it can only be employed by the courts or the judges when it is necessary to prevent irreparable injury and when the complainant has no adequate remedy at law.

These two conditions must exist before any judge will grant an injunction. Every lawyer before me knows that this is elementary textbook law and that it is embodied in our jurisdiction by an unbroken line of judicial decisions. But when these conditions do exist, and when they are made known to the court or a judge by a proper presentation of facts, then the Federal power conferred upon our Federal courts by the Constitution of the United States in equity clothes them with a fundamental, organic, and inalienable power of protection which it is not within the power of Congress to destroy.

Now, Mr. Speaker, after these general observations, I will proceed to a consideration of the bill before us, and I shall direct my attention first to the proposed substitution of section 263 of the bill for section 263 of the existing judicial code, and in doing this a few words of explanation respecting the origin of the proposed substituted section will be necessary. And this in turn requires a brief explanation of the history of congressional legislation upon the subject of injunctions.

The original judiciary act of 1789 made no specific provisions for the granting of injunctions, but by a general provision in that act power was given to the courts to permit special writs to meet special exigencies, and whatever injunctions were issued prior to that time were based upon this section of the judicial act; but on March 2, 1793, a specific act relating to injunctions was passed by Congress, which is as follows:

No injunction shall be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same.

This act continued in force until 1872, when the existing law upon that subject was passed. This act was carried into the recent judicial code of 1911 and now stands as section 263 of that code and is one of the sections that it is proposed to amend by the pending bill, or by the first section thereof. Mr. Speaker, from the earliest days of the Government down to 1872, notwithstanding the fact that the act of 1793 prohibited the granting of an injunction without notice to the adverse party or his attorney, restraining orders were constantly used by the courts without notice whenever the exigencies of the case required it. Following the earlier practice of the English courts, the distinction between restraining orders and injunctions was clearly recognized by the Federal courts. The statement of the majority of the committee in their report that the "will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts" is wholly without foundation in fact. This clearly recognized distinctive and necessary discrimination was acquiesced in by the entire bar of the country, and one of the earliest cases arising under the act of 1793 arose in my own city of Philadelphia before a court presided over by Justice Wilson of the Supreme Court, who had himself been one of the most active and influential men in the framing of the Constitution; and it is a curious historical fact that the case was heard in a room in the old statehouse adjoining that in which the Constitution of the United States had but a few years before been adopted. The case is the one reported in 2 Dallas, page 360, Schermerhorn *v.* L'Espenasse, in which a restraining order was issued to prevent the defendant from transferring a very large amount of the certificates of the bonded indebtedness of the United States, or receiving the principal or interest thereon, in violation of an agreement transferring the right to the same to the plaintiff Schermerhorn. In this early case, as I have before stated, the restraining order was issued without notice and was acquiesced in by Mr. Lewis, attorney for the defendant, then one of the leading lawyers in the country, who stated to the court that he understood that in this case and in a large number of other cases, an injunction must be issued before a subpœna was served, as there were various cases in which justice could not otherwise be obtained.

This practice, Mr. Speaker, of issuing restraining orders without notice, I repeat, was continued from the time of the passage of the act of 1793 down to the present time. Even Chief Justice Marshall, while sitting in circuit, granted such orders to prevent irreparable mischief where there was no adequate remedy at law; and it was universally recognized by the courts and by the bar that whenever a case was presented to a chancellor, where the plaintiff was without adequate protection of law, and where the injury sought to be restrained was irreparable, and where the giving of notice to the defendant to make the application might of itself be productive of the mischief apprehended by inducing the defendant to accelerate the act in order that it might be complete before the time for making the application had arrived, the chancellor must of necessity stretch forth the strong right arm of equity to prevent the mischief; and that that power was inherent and organic and derived from the Constitution of the United States which vested the courts with equitable power and was beyond the power of Congress to deny or defeat.

Mr. Speaker, I repeat that such was the state of the law until 1872, when the present law, known as the Carpenter Act, was passed, which repealed the act of 1793 and became thereafter the Federal law upon the subject of injunctions. This law is also very brief.

SEC. 718 (now section 263 of the Revised Judicial Code). Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion, and such order may be granted with or without security, in the discretion of the court or judge.

It will be observed that a rigid interpretation of the language of section 718 would require that the granting of a restraining order by the courts must be preceded by a notice to the defendant of the granting of a writ of injunction. This was not the intention of the legislators, nor was that construction ever placed upon it by the courts. At the time of the passage of this act in the Senate in 1872 the author of the bill, Mr. Carpenter, publicly declared in his argument that his understanding of the powers of the courts to issue restraining orders in special cases could not be controlled by Congress, and this statement was acquiesced in by those who opposed the bill; and I repeat, Mr. Speaker, that in all decisions rendered by the courts since that time down to the present the inherent right of the court to grant a restraining order without notice to prevent irreparable mischief, when the exigencies of the case require it, was never denied nor disputed by the bar or bench of the country, and the courts continued to exercise this power to grant restraining orders without notice in a few cases where it was absolutely essential to protect civil and property rights.

But, Mr. Speaker, in recent years certain agitators attempted to foment public discontent among the masses by charging the courts with a violation of the strict letter of the law. The agitation and the declarations of these promoters were entirely unjustifiable, but the allegations were widely disseminated and resulted in occasional resentful denunciations of judges and courts of what was alleged to be an unwarranted abuse of judicial power.

President Taft, in his message to Congress of December, 1909, made the following recommendation:

I recommend that in compliance with the promise thus made—

referring to the platform of the Republican convention of 1908—

appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice

and a reasonable opportunity to be heard on behalf of the parties to be enjoined; unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

My judgment is that the passage of such an act, which really embodies the best practice in equity, and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective.

After the receipt of this message, as I was at that time engaged on the subject of the revision of the judicial title of the Federal statutes, I took the matter up forthwith and prepared a bill which I submitted to the President, and he gave it his hearty and unqualified approval. This bill was widely published throughout the country with the President's statement that he approved fully of all of its provisions and that he hoped it would be passed by Congress without any alteration, amendment, or change whatever. This bill was introduced in the Sixty-first Congress, was referred to the Judiciary Committee, but has never been reported therefrom.

This bill was again introduced in the present Congress, and was proposed in committee as a substitute for the pending bill, and under the provisions of the rule under which this present discussion is proceeding, will be offered to the House by the Republican Members as a substitute for the same.

This bill, then, introduced by a Republican Member and indorsed by President Taft, represents, I believe, the attitude of our party upon the subject of congressional regulation of injunctions.

It is substantially section 263 of the proposed bill with one single exception, to which I shall allude hereafter. It does not in any material respect change the existing law with regard to injunctions. It merely clothes the court with the legal right to issue restraining orders, without notice, without resorting to the exercise of its inherent equitable powers to do so. It defines the requisites that must appear to the court as a ground for issuing the restraining order without notice. It requires the day of the issuance of the order to be indorsed upon it and requires the reason for its being granted without notice to be spread at large upon the record. It requires by law the complainant to be reasonably vigilant in maintaining his right to the remedy he has invoked. In other words, it embodies in concrete legal form the actual practice of the judges of the Federal courts, almost invariably pursued by them, in the granting of injunctions, and does eliminate the danger of all ill-considered and injudicious restraints, and erects an impregnable bulwark against the widely disseminated, resentful, but unwarranted, denunciations of the courts and judges.

Mr. Speaker, I repeat that this is, I believe, the attitude of the Republican Party upon this subject; a willingness that they have at all times shown to assent to any rational proposal to properly safeguard the issuance of injunctions against even the possibility of abuse. I repeat, in order that it may be distinctly understood, that this proposal is indorsed by the Democratic members of this committee by their proposal in this bill to amend section 263 by this literal transcript of the Moon bill, with the exception before alluded to.

The minority members therefore practically support this section, as before stated, and will, at the proper time, move to substitute that section, slightly amended, for the proposed bill and will ask the House to join them in that proposition.

Now, the only material difference between the Moon bill and section 263 of the pending bill, to which I desire now to call your special attention, is that the Moon bill provides that the restraining order issued without notice shall expire seven days after it is served upon the defendants. Section 263 provides that it shall expire not more than seven days after it is entered. That is the vital distinction, and it is vital.

Why, a restraining order is of no vitality until it is served; it is as inocuous as the paper on which it is written. It has no force, it is not in existence as far as it has any effect, as long as it is in the pocket of the officer or in the archives of the court. It is a harmless and inocuous paper itself. Its vitality only comes into existence the moment it is served, and if you are going to make a restraining order expire seven days after the entry, the way to let an order expire is to evade the service and get outside the jurisdiction of the court. Therefore, when any person has an idea that a restraining order is to be issued he may get out of the way and thus evade it. That is the vital distinction between the two.

They point out the fact that the President recommended that it should expire seven days after entry. They point out the fact that the Clayton bill itself embodied the recommendation of the President. I shall not attempt to state conversation between myself and the President, but I prepared this bill containing this vital distinction. It was submitted to the President. He examined it carefully and gave out to the country the statement that he approved every word of that bill and hoped that it would forthwith be passed by Congress.

Therefore the inference is irresistible that in that particular point, when the President's attention was called to it, he approved without qualification this change from his original recommendation.

Now, Mr. Speaker, I resume my discussion of the other section of this bill. This section is defective only in the respect of which I have spoken, and all that needs to be corrected is in that one essential particular, and then it would be good law. I want to repeat before I leave it, that this provision introduces nothing new in the law, but simply embodies in a statutory form the exact practice of all the Federal judges in granting injunctions.

I now pass to a consideration of the other sections of this bill, and desire to call the attention of the House to the fact that they are designed as amendments to a different section of the judicial code. They propose three additional sections to be added to section 266 of that code. They are numbered in order as section 266a, section 266b, and section 266c, and they are intended as new substantive provisions of law. What is section 266? It is not the general law relating to injunctions. Two hundred and sixty-six is what is known as the Overman bill. When we passed the Interstate Commerce Act, which, among other things, provided for the Commerce Court, there was great agitation about the Federal courts restraining the operation of a State law. There was an effort made to absolutely prohibit the Federal courts from prohibiting the operations of a State law. That was discovered to be absolutely unconstitutional. Under the fourteenth amendment, the States were absolutely prohibited from depriving people of the equal protection of the law, and therefore whenever a State statute did that the United States courts must perforce have jurisdiction and restrain it. What did we do? We said by section 266 that whenever the application was made to the Federal courts to restrain the operations of a State law one judge could not grant an injunction, that there must be three judges sitting and one of them must be either a supreme court justice or a circuit court judge. That is the law to-day, that is all. It is a regulation of injunctive power that is within the power of Congress. Now, this bill seeks to add three new sections to that. One of them, section 266a, which at length says that no restraining order shall issue except upon the giving of security. Well, I have not any objection to that. I want to say that is nothing but an unnecessary reflection upon the fairness of the chancellors of the United States. No single instance to establish its necessity ever was even hinted at before the committee. I have never heard a statement in all this agitation that any court has failed to perform its duty in that respect. The act of 1872, now section 263, gives discretion to do or not to do it. No living man ever made a statement before our committee or anywhere else that the court had not always required security when it was necessary; therefore this section is an unnecessary reflection against the judges; but it is all right; I do not object to it.

The next one is 266b, and let me call attention to that for a few minutes. It says:

That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained.

And it also further provides, and this is to me the dangerous part of it:

And shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

First of all, the issuance of injunction and the requisites of an injunction are essentially regulated by the equity rules of the United States courts. It has been said, indeed, in the majority report, that there is *no law* to-day requiring any particular form for an injunction. Our equity practice for nearly 60 years has been regulated by enacting a few fundamental principles and then leaving all the details of the practice to the rules of the Supreme Court of the United States. These rules and regulations have, therefore, the authority of law. Every lawyer here who practices in a supreme court knows that. The Supreme Court rules prescribe the essentials

of an injunction. No judge draws an injunctive order to suit his own will or his own caprice. Therefore every single order is regulated by law to-day. Now, I call attention of the majority side of this House to the fact that these rules forbid in an injunctive order unnecessary recitals. The object of every injunctive order is to make clear what the parties restrained have to do or what they must not do. Any injunctive order that does not do that so clear that the wayfaring man, though a fool, could not err therein, can not be held and never has been held to be properly drawn or to be of any legal force or effect, but these rules do say that a man shall not restate in that order the recitals of the bill; that you must state what the man must or must not do. Why, you confuse any man by making a restraining order if you do not do that. The existing practice absolutely requires that everything shall not go in. Now, bear in mind the uselessness of this provision. The first section already provides—that is one of the things provided in section 263; one of the things recommended by the President—that the judge when he grants the restraining order without notice should write in the record the kind of injury he was going to guard against and say why it was irreparable and why he granted it without notice. That is already provided for to be entered in the record of the court. Now, why provide for a useless repetition in the injunctive order of the court when it can only confuse the person sought to be restrained? Now I propose to pass very briefly upon the next paragraph of this section, as there are other gentlemen who will speak about it. I refer to the paragraph which limits the persons to be bound by the injunction. The gentleman from Illinois, in his query to the chairman of the committee, indicated by his question what everybody here has in mind—that the object of this bill plainly is intended to limit the scope of the injunction to somebody named in it or somebody known to the complainant at the time it is issued; somebody who at some time happens to be in active concert with them. But, Mr. Speaker, the intention of the injunction is to restrain an irreparable injury, to restrain an injury that can not be compensated for by law, to restrain every person under all conditions and under all circumstances that can be reached by a court of equity from doing the thing prohibited. Now, under the attempt to limit it by this legislation to known persons, or to persons in active concert with them, you are going to minimize, to narrow, and, in some instances, to destroy that power.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. I do.

Mr. SHERLEY. Will the gentleman permit me to say that I have in my hand the rules of practice in equity. Will the gentleman point out the rule which he says controls the practice in the issuance of injunctions by courts?

Mr. MOON of Pennsylvania. I can not do so, my time is limited and I can not be interrupted to do that.

Mr. SHERLEY. Can the gentleman even state the number of the rule?

Mr. MOON of Pennsylvania. No; I can not do that. But I am absolutely convinced of the fact that it is provided for in the rules of the court. The gentleman knows it as well as I do.

Mr. SHERLEY. I deny absolutely the statement the gentleman has made, and for that reason offer him the rules, so that he can present the rule he refers to to this House.

Mr. MOON of Pennsylvania. The rules do not say what an injunction shall——

Mr. SHERLEY. That does not answer the question that the rules of the Supreme Court declare exactly what an injunction shall contain.

Mr. MOON of Pennsylvania. They do so essentially but not in detail; but to return to the subject that I was discussing at the time of the interruption, I was endeavoring to show that there are many conditions under which men who are not parties, who are not agents, who are not in active concert with defendant, might, even with the notice of the restraining order, commit every act of irreparable mischief that order sought to prevent. Now, the only excuse for this provision is this. The only consequence inflicted upon a man who disobeys a mandate of a court in equity is punishment by contempt. Of course everybody recognizes that. Many men in times of excitement would not hesitate for a moment to openly, flagrantly, or defiantly violate court injunction but for the fear of that punishment. Now, the invariable rule, established by the Supreme Court, a rule of invariable application, is that no man can be punished for contempt for the violation of an injunctive order, who did not have a real, substantial, or accurate notice of the existence of that order and of the fact that he was purposely violating it. Therefore your effort to limit it to an enumerated number of people is exceedingly dangerous, and would permit the commission of many offenses by men who could not be named, and who could not be shown to be in active concert with those who are named, and is absolutely unnecessary, because the court can not punish them for contempt until they have actual notice.

Now, Mr. Speaker, the next section is the one to which I desire to call the particular attention of the House, namely, section 266c, which is as follows. If you gentlemen have not the bill before you, I beg to ask you to consider it carefully while I hastily read the section. Here we come to the real meat in this bill, here we come to its sinister motives, here we come to the introduction of a danger that requires and demands our most careful scrutiny.

SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law.

Now, that seems absolutely harmless. You would say, on the face of it, "Mr. MOON, that is existing law." I say, if it is existing law, why do we want to do the futile and foolish thing of exposing ourselves to the ridicule of the courts by enacting existing law? Everybody will say, "Why, an injunction can not issue in any case except where there is no adequate remedy at law." That is true. An injunction can not issue in any case except to prevent an irreparable injury. That is true. I have textbook authorities here, which I will not take time to read. Every tyro and student of law in his first year knows that. He knows when you talk about an injunction its authorization requires two absolutely essential prerequisites, the first one of which is that there must be no adequate remedy at law, and, secondly, that the mischief must be irreparable. In other words, the injunction does not come into existence until ordinary legal means have become useless for protection. Why, the intervention of equitable protection is wholly dependent on the fact that a man has no adequate remedy at law. Now, therefore, you say and I say, why is it necessary to declare that in labor disputes a complaint shall not be entitled to a writ of injunction except to prevent irreparable mischief and when there is no adequate remedy at law, when that is already the law now in every case?

Ah, Mr. Speaker, the sinister object of that is found in another clause. It is found in the definition of the rights that are to be the subject of injunctive protection; you will find that in this particular class of cases—labor cases—that the injunction shall issue only to protect property and property rights. I want to pause there to make it clear. Every other right known to the law—civil rights, personal rights, political rights—will be absolutely beyond the power of protective relief in labor disputes. Now, understand that the definition given of injunctions by every standard authority—and I have them here and will put them in the RECORD, but will not take time to read them now, but nobody will contradict them—the definition given of the rights that the injunctive process is intended to protect are civil and property rights. This bill contains the sinister limitation in this particular class of cases of the protection of the injunctive process to property and property rights only.

Now, let me make that clear. Do not, gentlemen, get into your minds and say, "Oh, well, it only takes away the power to protect by injunction these civil, personal, or political rights. It leaves for them all the protection of the common law and the common-law courts. It simply strikes down the power to protect by injunction these great rights." Nothing of the kind. Do not be deceived. Understand that no injunction can issue in any case as long as there is legal protection for any rights; no injunction can issue as long as the damages to those rights are susceptible of calculation. No injunction can issue in these cases or in any cases until the protection afforded by the common law has broken down and is inapplicable. Therefore this limitation to property rights does not begin until there is no other protection left except the equitable protection. That is, in other words, by striking down equitable protection in labor disputes to civil rights and personal rights and political rights you take away all the protection they have under the Constitution.

Let me restate it. They could not come into equity at all until they had not any adequate remedy at law. They can not get into equity until their damages are irreparable. That is hornbook law. Therefore, for the protection of all rights except property rights in a labor dispute, every power under the Constitution and the law is absolutely swept away, except the power to punish for crime.

Mr. Speaker, the result is obvious. If you pass this bill, you denude the citizens of the United States of every vestige of

protection under the Constitution and laws of the land as soon as their rights are involved by a labor dispute, except as to the protection of property rights. Suppose some of your constituents desire to go into industrial pursuits. They buy a piece of land to build a factory, and in so doing they are protected by the Constitution and the law and the equity power of the courts in all the rights that they possess as to property, civil, personal, and political. They buy bricks to build that factory, and they buy the machinery to put into it, and in all of these transactions they do not denude themselves of legal or equitable protection at all. The full power of the Constitution and the laws of the land are open to them in a court of equity for protection. But the moment they employ labor to operate that industry, under this bill, that very moment they denude themselves of the protection of the Constitution of the United States, and the laws passed in pursuance thereof, to everything except their property rights.

Gentlemen, I am going to stop to tell you that that is absolutely unconstitutional. You can not do it. Would you do it if you could? You are going to create a class here that has greater rights or less rights under the law than the rest of the people. The class thus attempted to be exempted from the operation of the general law is the labor class and all other persons involved in labor contracts. Do you realize the extent to which contracts growing out of labor affect our life? Why, it was stated before our committee that there are 30,000,000 people in this country engaged in gainful occupations. It seemed to me like an overstatement, but the witness declared his ability to verify it. Why, gentlemen, our material greatness, our stupendous importance in the eyes of the world, and our national leadership in commerce and finance have been gained by our prominence as an industrial nation, and it is safe to say that three-fourths of our vast population have many diverse interests that are affected in vital ways by labor contracts or by questions affecting labor relations; and in this industrial Nation is it wise to say that three-fourths of our people shall be deprived of protection except for property rights?

Even though you should regard it wise, you can not do it, because it is unconstitutional. One of the primal objects of that Constitution was to secure to all men at all times the equal protection of the law, to prevent the creation of class distinctions. This has been so frequently declared by the courts that citation of authority is unnecessary, but let me read you what Justice Field said about the equal protection of the laws, this constitutional guaranty secured to all of the people. Let me tell you what he said about what every law must do and what all are entitled to.

In the case of County of Santa Clara *v.* Railroad Co., in Eighteenth Federal Reporter, speaking of this subject, he said:

> And by equal protection is meant equal security to everyone to his private rights—in his right to life, to liberty, to property, and to the pursuit of happiness. It implies not only that the means which the laws afford for such security shall be equally accessible to him, but that no one shall be subject to any greater burdens or charges than such as are imposed upon all others under like circumstances. This protection attends everyone everywhere, whatever be his position in society or his association with others, either for profit, improvement, or pleasure. It does not leave him because of any social or official position which he may hold, nor because he may belong to a political body or to a religious society or be a member of a commercial, manufacturing, or transportation company. It is the shield which the arm of our blessed Government holds at all times over everyone—man, woman, and child—in all of its broad domain, wherever they may go or in whatever relations they may be placed.

That is the idea of the equal protection of the law that is evidenced by a great justice of the Supreme Court of the United States.

Why, Mr. Speaker, every act that has ever been attempted to be passed by a State to deprive the people of the equal protection of laws has been declared unconstitutional. I recall one in the State of Illinois—a leading case upon the subject, reported in 184 United States, page 540—entitled Connelly *v.* The Union Sewer Pipe Co.

The State of Illinois had passed one of the most sweeping antitrust acts ever passed by any State. It not only attempted to prevent combinations which sought to restrict prices, and not only made such a combination a criminal act, but it provided, further, that no suit at law to recover for the price of goods manufactured and sold in violation of the statute could be maintained. The defendants refused to pay for pipe that had been bought, on the ground that they were manufactured and sold in violation of the provision of this act. Section 9 of the act was as follows:

> The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer and raiser.

The Supreme Court of the United States, in a vigorous opinion delivered by Justice Harlan, declared the act unconstitutional because it denied to persons within the jurisdiction of the court the equal protection of the laws, in violation of the fourteenth amendment. The language of the court upon this subject is as follows:

> The fourteenth amendment, in declaring that no State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, undoubtedly intended that there should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others.

The similarity, Mr. Speaker, between the proposed provision of the pending bill, destroying equitable protection for essential rights to a large and distinctive class of our citizens and the Illinois antitrust act, which exempted from its provision certain classes of contracts, must be obvious and apparent to all, and the language of Justice Harlan declaring that act unconstitutional is in every essential principle equally applicable to the act we are asked to pass by the adoption of the present bill.

It is true that the cases which I have cited arose under the fourteenth amendment to the Constitution, which is a prohibition upon the States to enact legislation depriving the citizens of the States of the equal protection of the law; but it is universally conceded by all lawyers and men familiar with the trend of judicial decisions that the prohibition of the fifth amendment to the Constitution, which is a limitation upon the power of Congress to pass any act which shall deprive the citizens of the United States of life, liberty, and property without due process of law, is the exact equivalent of the fourteenth amendment; that, in other words, Congress has no greater constitutional right to deprive the citizens of the United States of the equal protection of the laws of the land under the salutary provisions of the fifth amendment to the Constitution than have the respective States the right to deny the same equal protection of the law to their own citizens under the provisions of the fourteenth amendment. While this particular point has never yet come before the Supreme Court for final decision, because Congress has never heretofore attempted to deprive our citizens of that equal protection, yet it has been established by analogy and will not be doubted or disputed by any lawyer upon the floor of this House.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman to ask him what case he is referring to?

Mr. MOON of Pennsylvania. From Connelly *v.* The Union Sewer Pipe Co., One hundred and eighty-four United States Reports.

Mr. CLAYTON. I thought he was reading from the well-known foundry case. I thought the gentleman was in search of the truth and I thought I saw evidence of the light of truth breaking in on him [laughter], and I wanted to give him the whole light.

Mr. MOON of Pennsylvania. I have read to the gentleman from the opinions of the Supreme Court, to which I go for all interpretation of principles, and in the light of which I stand, and which I think will utterly and absolutely condemn the spirit of this bill.

Mr. CLAYTON. That is a very great undertaking in this Congress.

Mr. MOON of Pennsylvania. I am willing to assume that obligation, but I would not have proposed it if the gentleman had not interrupted me.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. Mr. Speaker, I yield 15 minutes more to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. MOON] is extended 15 minutes.

Mr. MOON of Pennsylvania. Mr. Speaker, again I am reminded of the limitation of my time, and I must hurriedly pass to the last section of the bill. Gentlemen, the first paragraph of section 266c is vicious, dangerous, and unconstitutional, as I have shown you, but the next is worse, if possible. Let me call your attention now to the second paragraph of that section. It is as follows:

> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or

to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

This hurried analysis I have given of the first paragraph of section 266c has, I trust, aroused your fears to the danger of such legislation and to its apparent unconstitutionality. But some of the more optimistic of you may say, "Well, at all events, even though we are denied the equal protection of the law, and even though we are denied the protection to our civil, political, and personal rights by that section, yet, thank God, we have our property rights protected." Oh, no, gentlemen, do not delude yourselves with any such false hope. Read this next paragraph and you will find that in a great multitude of important cases, when the citizens of the United States are in vital need of equitable protection, the courts are absolutely deprived of their power to protect even property rights. It says that in the protection of property rights certain enumerated acts shall never be enjoined. Do you catch the significance of that? I ask you to observe that those acts thus protected are every one of them successive steps in every strike, every boycott, every lockout that has ever been devised. They separate those acts and segregate them and place them separately beyond the power of the court to enjoin for any purpose; they enumerate a number which no court would ever think of enjoining independently, but they give each, step by step, until they enumerate in their successive order every single implement that has been employed by the cruelest, most tyrannical, most brutal, and most dangerous strikes and boycotts that human ingenuity has ever invented.

In other words, Mr. Speaker, the first paragraph of section 266c strikes down the power of our courts to protect in labor disputes any rights but the rights of property, and the second paragraph of that section, the paragraph we are now considering, strikes down absolutely the power of the courts to protect even property rights, when that protection requires them to restrain by injunction the performance of certain enumerated acts by men engaged in labor disputes, acts many of which are innocent in themselves and which no court would even independently enjoin, but which in combination have been and may at any time again become the most dangerous and destructive weapons of unlawful industrial warfare.

Permit me again, Mr. Speaker, to call the attention of the House to the fact that while this section only professes to deprive us of the right of equitable protection by injunction to all of our rights in labor disputes, yet to deprive us of this protection is to deprive us of all protection guaranteed by the Constitution, because the right to equitable protection does not begin until the power of the law to protect us is inadequate and impossible.

The obvious purpose of this paragraph, Mr. Speaker, is to legalize the modern strike and secondary boycott as instruments of industrial warfare, and to place the destructive machinery of these dangerous and cunningly devised weapons beyond the preventive power of our courts of justice.

Mr. Speaker, the right of men singly or in combination to strike for the purpose of increasing their wages, for bettering their condition, or for any other legal purpose; the right of men to refuse for any reason to work for another or to deal with him in any way, is one of the highest and most sacred rights known to the law. It is a right that is at all times entitled to the absolute protection of courts of justice, and no court and no judge in the land would withhold that protection. It has been declared by the Supreme Court of the United States to be a personal and a property right guaranteed by the Constitution of the United States.

But, Mr. Speaker, every man acquainted with modern labor disputes knows that many organized strikes are not limited in their purpose or their conduct to a securing of those rights.

Mr. Speaker, the strike as an instrument in labor disputes assumes in its progress innumerable forms, but certain features are common to all of them. Various attempts have been made to define them. Some eminent authorities have gone so far as to say that a peaceful strike has never been conducted, that it is impossible, that in its very nature it aims at unlawful coercion of employees and of men seeking employment. A very fair and conservative analysis of the ordinary features of a strike is contained in the following statement gleaned from Federal decisions:

> A strike is properly defined as a simultaneous cessation of work on the part of the workmen, and its legality or illegality much depends upon the means by which it is enforced and on its objects. It may be criminal or it may be part of a combination for the purpose of injuring or molesting either masters or men; or it may be simply illegal, as if it be the result of an agreement depriving those engaged in it of their liberty of action; or it may be perfectly innocent, as if it be the result of the voluntary combination of the men for the purpose only of benefiting themselves by raising their wages, or for other lawful purposes.
>
> In every case the questions involved are—is it an innocent strike or is it a combination designed to cripple the employer's property, to obstruct him in the operation of his business, to interfere with other employees who do not wish to quit, or to prevent by intimidation or other wrongful modes or by any device the employment of others to take the place of those quitting, and not such as were the result of the exercise by employees in peaceable ways of rights clearly belonging to them and not designed to injure or embarrass others or to interfere with the actual possession and management of the property of the employer.
>
> Any combination to interfere with the perfect freedom in the proper management of one's lawful business, to dictate the terms upon which such business shall be conducted by means of interference with property or with the lawful employment of others, are necessarily within the condemnation of the law.

It will be observed that while recognizing the existence of lawful striking combinations and clearly defining their entire legality for certain purposes, the court in these cases denounces as unlawful a combination designed to cripple the employer's property, to obstruct him in the operation of his business, to interfere with other employees who do not wish to quit, or to prevent by intimidation or other unlawful modes or by any device the employment of others to take the places of those quitting, or to interfere with the perfect freedom in the proper management of one's lawful business, and so forth.

These things, Mr. Speaker, are unlawful; they are beyond the protection of the ordinary processes of the law; they result in irreparable injury to property and property rights; they invade the personal and civil rights of many men; and they must be protected by a court of equity by the use of the injunction. Can any man for one moment seriously doubt that the acts enumerated in this section—acts intended hereby to be made absolutely immune from equitable protection or prevention—are acts intended to accomplish one or all of these illegal or inequitable objects? They are the very acts that have always been employed for this purpose; they are the successive steps of an illegal combination for an illegal purpose, and to simply label them as peaceful does not change their character or their effect. They are the elemental factors in every common-law conspiracy in labor disputes, and their organization and consummation creates in the most absolute sense a conspiracy in restraint of trade.

But, Mr. Speaker, my limited times does not permit me to give detailed illustrations of the dangerous and illegal acts that would be protected by the immunity from equitable relief guaranteed to a special class of our citizens by this paragraph. It would not only have prevented the courts in the past from preventing by injunction dangerous and destructive strikes that have menaced the peace and prosperity of our country, but would completely disarm them of all power to prevent the secondary boycott, which is conceded by all persons familiar with the subject to be the most brutal, despotic, and destructive power ever conceived by the ingenuity of man—an engine of oppression so dangerous that to strike down the power of the court to prevent it is the most dangerous limitation of power that it is possible to conceive.

For these reasons, Mr. Speaker, the provisions of this paragraph are dangerous and void. If passed by this House, and if it should become a law, I confidently venture the prediction that the trial courts of the land will be obliged to disregard it when it is attempted to be used as an instrument to inflict irreparable injury, and that the Supreme Court of the United States will declare it a usurpation of power by Congress.

But, Mr. Speaker, it is open to other fatal objections. Like the previous sections, it denies the equal protection of the laws; it is in the interest of certain classes, and, in addition to this, it is unconstitutional and impossible because it makes the protection of rights depend upon the character of the controversy and upon the sanctity of certain acts of the persons concerned therein and not upon the character and quality of the rights involved. In this respect it is a novelty in legislative history. Constitutions are created to protect human rights. Legislatures are organized to pass acts commending that which is right and prohibiting that which is wrong. The office of constitutional governments, therefore, and the functions of legislative bodies are to secure rights and to prevent and punish wrongs; and to accomplish these purposes every human instrumentality that interferes with the enjoyment of rights or the prevention of wrongs is of necessity placed under the ban of the law without regard to its individual quality or to its apparently inocuous character.

Mr. Justice Holmes has declared in the case of Aiken *v.* Wisconsin (195 U. S., 194) that—

> No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law.

This paragraph boldly attempts to accomplish that purpose; to sanctify and place beyond the reach of the law certain specified acts of certain individuals, independent of any consideration of the plot or scheme of which these protected acts may be made a part. No matter if these acts, even though innocent in themselves, may become the successive steps in the destruction of the rights of the citizens of the United States, or may be made effective means in the infliction of dangerous and irreparable wrongs, they are attempted to be placed by this bill beyond the reach of judicial control, and therefore beyond the power of the Government to correct or to prevent. The legislative arm of the Government, therefore, deriving its sole power from the Constitution, could destroy by an act of Congress the very function which the Government was instituted to perform, namely, the protection of rights and the prevention and punishment of wrongs.

Why, Mr. Speaker, a great religious poet has heralded the millennium as the time when universal peace shall reign upon the earth, and has symbolized it by the beautiful figure of turning the sword into a plowshare and the spear into a pruning hook. The plowshare and the pruning hook have therefore, from time immemorial, become the symbols of peace, prosperity, and good will. They have been hallowed in song and in story as typical implements of the people of the ideal future. They are regarded everywhere to-day as the most harmless and peaceful implements of the most noble and honorable occupation known to man; but what would you think of an attempt to pass a law by Congress declaring that henceforth no act of any man if committed by a plowshare or a pruning hook should be prohibited or punished, and that these peculiarly sacred instruments should be placed absolutely beyond the regulative power of the law.

Such, Mr. Speaker, is the purpose of paragraph 2 of section 266c of this bill, and since the time allotted to me has about expired I shall close my argument by demonstrating to this House that this very proposal has been declared beyond the power of Congress by one of the most recent cases upon a kindred subject that has received the attention of the Supreme Court. I refer to the case of Gompers *v.* The Buck Stove & Range Co., reported in Two hundred and twenty-first United States, page 418, which was decided by the Supreme Court only a few months ago.

In that case the court had issued an injunction restraining the defendants from boycotting the complainant or from publishing or otherwise making any statement that the Buck Stove & Range Co. was or had been on the "unfair" or "We don't patronize" list of the defendants.

The complainants contended that the injunction had been violated; that the speeches, editorials, and publications made by the several defendants at different times were intended to continue the boycott and to republish the fact that the complainant was on the unfair list. The defendant contended that the injunction was unlawful, because it was not within the power of the court to abridge the liberty of speech or the freedom of the press.

The court, in commenting upon this, said:

But if the contention be sound that no court can under any circumstances enjoin a boycott if spoken words or printed matter were used as one of the instrumentalities by which it was made effective, then it could not do so even if interstate commerce was restrained by means of a blacklist or printed device to accomplish its purpose. And this, too, notwithstanding that the law provides that where such commerce is unlawfully restrained, it shall be the duty of the Attorney General to institute proceedings in equity to prevent and enjoin the violation of the statute.

The court then added:

The court's protective and restraining powers extend to every device whereby property is irremediably damaged or commerce is illegally restrained. To hold that the restraint of trade under the Sherman Antitrust Act or the general principles of law, could be enjoined, but the means through which the restraint was accomplished could not be enjoined, would be to render the law impotent.

If the right of free speech and the freedom of the press, which have special guaranties and immunities under many State constitutions, can not be protected as a device or instrumentality to inflict injury upon the citizens of the country, how much less can the acts enumerated in this paragraph be placed beyond the law when they are attempted to be used for that purpose?

But, Mr. Speaker, I must close. I have attempted hastily to point out to you the features of this bill. I have referred at some length to what I regard its most dangerous provisions, and I will leave the matter with the House with the statement that no matter how many men be swayed from their loyalty to the Constitution and from their reverence and respect for the courts by popular demagogues or by newly invented devices for obtaining expressions of the popular will, I shall stand in opposition to any measure, coming from any source or indorsed by any party, that aims at the weakening of the power of our courts to protect to the utmost the right to enjoy our lives, our liberties, and our property under the full protection of the law. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paper by Mr. James A. Emery on this subject.

APPENDIX.

STATEMENT OF JAMES A. EMERY, ESQ., OF WASHINGTON, D. C., COUNSEL FOR NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. EMERY. Mr. Chairman, in view of the statement made by the proposer of the bill H. R. 11032, that it is substantially the measure commonly known as the Pearre bill, considered in a former Committee on the Judiciary, I ask that the two bills be inserted at the beginning of my statement, first the Wilson bill (H. R. 11032), and secondly the Pearre bill, a copy of which I will furnish, in order that the committee may realize by comparison the very marked differences between these two measures.

WILSON BILL.

(62d Cong., 1st sess. H. R. 11032. House of Representatives, June 2, 1911.)

Mr. WILSON of Pennsylvania introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill to regulate the issuance of restraining orders and procedure thereon, and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant, or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or patronage or good will in business, or buying or selling commodities of any particular kind or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other civil or criminal offense, or be punished or prosecuted, or damages recovered upon as such, unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual; nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definitions contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

PEARRE BILL.

A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined under the provisions, limitations, and definition contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

I have not, Mr. Chairman, the advantage of examining the record of discussion before this committee respecting this measure, but I did hear the proposer of the bill, Mr. WILSON, make a statement with reference to it at the last hearing of this committee.

I do not think that in the course of congressional legislation a more remarkable measure has been presented for the consideration of this committee. It is extraordinary not only for its admitted purposes, but for what it would actually effect through its provisions. The bill appears with the formal indorsement of the American Federation of Labor, and it is substantially declared that its object is to prevent the issuance of injunctions in trade disputes and to forbid the punishment of certain acts when done by labor combinations which the actors assert ought not, by their nature, to be restrained or punished,

and toward which they allege the law is oppressive in its character and has been oppressively administered by Federal judges.

Under the usual circumstances of discussion, I should first of all ask the committee to consider what occasion there is for complaint of this character and whether or not it is true that the present practice of issuing injunctions against some acts occurring in labor disputes and threatening civil and property rights is oppressive in its nature, and whether or not it has been improperly administered.

But before I ask the committee to consider that, which is the crucial test of the present complaint, I ask your attention for the terms of the measure itself, that you may realize it subverts rights of the most fundamental nature and greatly modifies legislation that has stood upon the statute books of this country for years, thus affecting existing law far beyond, I believe, the intention of its proponent.

The first section of the bill provides that in any "case" between an employer and employee, or between employers and employees, or persons employed and persons seeking employment, or in any "case" involving or growing out of a labor dispute, no injunction shall be issued by a Federal court except to protect property or a property right threatened with irreparable injury for which there is no adequate remedy at law. The second part of the first section thereafter proceeds to declare that for the purpose of this bill no right to continue the relation of employer and employee, or to assume or create such relation, or the good will of the business, or buying and selling commodities of any particular kind or at any particular place or at all, shall be "construed, held, considered, or treated as property rights."

You will observe that the first section, Mr. Chairman, is not, as the committee might gather from the statements of its proponent, confined to persons engaged in a labor dispute. It applies to any case between an employer and employee arising in a Federal court respecting the employment relation or which involves or grows out of a labor dispute. Consequently it would, first of all, affect a class of cases frequently arising, not only under the laws of the United States or treaties but under the laws of the different States, where, on account of diversity of citizenship, a Federal court is administering the law of the State.

Mr. NORRIS. If I may be permitted to interrupt, I think Mr. Wilson, as I remember it, in arguing on this bill, claimed that the first section could not have that broad a construction. He contends that it is confined entirely to labor disputes.

Mr. EMERY. I concede, Mr. NORRIS, that that is the declaration of Mr. Wilson, and that is probably his intention; but that is not the language of the bill, and I leave it to you gentlemen.

Mr. DAVIS. The various clauses of the bill are joined by the conjunction "or."

Mr. EMERY (reading):

"That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment."

It must be manifest upon the face of it that in its terms it distinctly applies to any case respecting the relations enumerated that arises in a Federal court. It does not even say in civil cases but because of the fact that it is an attempt to modify the conditions under which a Federal injunction is to be issued it manifestly would apply only to an equitable proceeding. I need not take the time of this committee to call your attention, experienced lawyers as you are, to many classes of cases in which the right of injunction is constantly and necessarily used, cases growing out of differences between employer and employee that have nothing to do with labor disputes. For instance, I noted just yesterday the application for the issuance of an injunction in a case where an employer sought to restrain a former employee from betraying a trade secret which he had acquired during the course of his employment. It would obviously be a case within the meaning of that section. Nor need I attempt to enumerate the variety of cases that arise between employers and employees over the performance of contracts of various kinds and character.

Mr. WEBB. Would not the irreparable-damage provision cure that?

Mr. EMERY. I am assuming that there would be an irreparable damage, because in the case I allude to, in which the injunction is sought, of course the pleading is that irreparable damage would be done by the betrayal of the trade secret unless its disclosure is enjoined.

Mr. WEBB. Then this law would not prevent the injunctive relief.

Mr. EMERY. This bill would prevent injunctive relief by the second part of the first section, because it provides that no right resting upon the continuance of the relation of employer and employee can be protected by an injunction; the limitation likewise applies to the buying or selling of commodities or the creation or continuance of the relation of employer and employee, as, for instance, in a numerous class of cases where a singer or other performer breaks a contract and undertakes to perform at another theater. At present while an injunction may not issue to compel the specific performance of the contract, it will issue in a proper case to prevent the person, in view of the contractual breach, from appearing under another manager. These are merely illustrations, Mr. Chairman, of the scope of this bill, relations which I believe are beyond the intention of its author, but necessarily affected by its terms.

Furthermore, one can not examine the first section without inquiring what is there in the nature of the employment relation or a trade dispute itself that would lay the foundation of a Federal jurisdiction. The measure does not refer to any dispute affecting interstate commerce or any other thing specifically confided to the protection of the Federal Government, but declares any "case" appearing in a Federal court between an employer and an employee shall, by the first section of this bill, be arbitrarily denied equitable remedies administered by the same court in every other case in which those relations described do not exist.

This measure further provides that no right to assume the relation of employer or employee or to continue it, no right to good will in business, no right to buy or sell commodities, or to engage in business of any particular kind or at any particular place, or at all, shall, in any dispute in which the employment relation exists, be subject to the equitable protection of a Federal court unless a property right or property is involved. The restraining power of a court of equity is therefore limited to a controversy in which property or a property right is involved. That is a novel proposition to a body of lawyers, for all the textbooks that have been written upon this subject and the uniform decisions of our Federal and State courts are to the effect that not only are property and property rights the legitimate subjects of equitable protection, but likewise civil rights, and even personal rights of many kinds, under many circumstances. I could multiply cases indefinitely to confirm that proposition if I thought it necessary; but I am sure it is unnecessary here.

But moreover, Mr. Chairman, the specified rights, which in the latter half of the first section of this bill are expressly excluded from the protection of a court of equity, are property rights of the most fundamental character. Rights which have been the frequent subject of adjudication, not only by all the courts of last resort in the various States of the Union, but of the Supreme Court of the United States itself. It has been uniformly held that the right to engage in any particular business at any particular place, the right to buy labor and to sell it, is a fundamental right of liberty and property possessed by each citizen. Indeed, the right of liberty and the right of property are frequently so inextricably interwoven as to be indistinguishable in their exercise. It has been noted a curious thing that the Declaration of Independence nowhere mentions property rights; yet it has been said again and again by judges that undoubtedly the right of property is itself included in the right to pursue happiness. Mr. Justice Brewer, in a celebrated address at Yale University in 1891, which appears in the June number of the Yale Review of that year, argued that in the Declaration of Independence the right to acquire, possess, enjoy, and dispose of property was included in the right to pursue happiness. So it has been held again and again in various legal controversies that the constitutional guaranty that no person shall be deprived of property without "due process of law" embraces the very rights which by this bill are withdrawn from equitable protection. I shall not take up the time of this committee by citing many decisions of this character, which could be multiplied indefinitely. I will merely offer one or two for purposes of illustration, and ask the permission of the committee to include in my remarks the other citations which I do not present to the committee now, that I may save its time and mine.

The CHAIRMAN. That will be granted to you, Mr. Emery.

Mr. THOMAS. What is your definition of a property right?

Mr. EMERY. I think a property right can broadly be said to be any right embracing the acquisition, use, or disposition of property in any form. Of course, there are forms of property created by statute, and there are other forms of property which antedate our organic law, and are not created, but are merely recognized by it. It is to that especial class of rights I now call your attention. Thus, in the standard case of Algeyer *v.* Louisiana (165 U. S., 589), you will find the court says the constitutional guaranty embraces—

"the right of the citizen to be free in the enjoyment of all his faculties, to be free to use them in all lawful ways, to live and work where he will, and earn his livelihood by any lawful manner, to pursue any livelihood or avocation, and for that purpose to enter into all contracts that may be proper, necessary, and essential in his carrying out the purposes above mentioned."

Mr. THOMAS. Do you think that one man can have a property right in the labor of another?

Mr. EMERY. He can, by voluntary contract. I do not think there is any doubt of that; is there, Mr. Thomas?

Mr. THOMAS. I am not sure of that; I wanted your idea about it.

Mr. EMERY. If I enter into a contract with you to perform services for you, you surely have a property right in my service to the extent that I have agreed to deliver it to you for compensation.

Mr. THOMAS. If I were to break the contract, of course you would have an action at law against me.

Mr. EMERY. I presume so; but what would it be based upon? It would be based upon the loss you had suffered through my failure to perform that contract, and the court would be protecting your property right.

Mr. THOMAS. Would the court then issue an injunction to make me perform that contract?

Mr. EMERY. You mean if the specific performance of the contract involved human service?

Mr. THOMAS. Yes, sir.

Mr. EMERY. Ordinarily not. There are exceptional cases in which courts have issued injunctions for the specific performance of a contract of a special character.

Mr. THOMAS. According to that, a man can contract himself into being a slave.

Mr. EMERY. No; that is not the intention at all. But those cases are specific, and involve a very abstruse branch of equity jurisprudence very rarely enforced. For all practical purposes no contract for the performance of labor can be enforced by injunction.

Mr. MOON. The court never enforced a contract specifically in the case of a singer; they simply prohibited her engaging anywhere else.

Mr. EMERY. There is a case in New York——

Mr. MOON. Not compelling her to sing. It prohibited her from singing anywhere else.

Mr. EMERY. Of course, I say it is a marked exception to the ordinary rule.

Mr. NYE. Even if they did that it would be a mandamus and not an injunction.

Mr. EMERY. That is a form of injunction.

The CHAIRMAN. In the case of the singer in New York to which you refer the court did seek to compel the singer to perform the contract and sing for the particular other party to the contract.

Mr. EMERY. Yes, sir.

Mr. MOON. That has all been done away with now.

Mr. EMERY. Yes. I allude to that only as an exceptional case. The uniform doctrine of the American courts is expressed in the opinion in Arthur *v.* Oakes, written by Mr. Justice Harlan. This was an appeal from the decision in Farmers Loan & Trust Co. *v.* The Northern Pacific R. R. Co. (60 Fed., 803). In that case Mr. Justice Harlan held that no injunction would lie to compel men to remain at work, no matter if the anticipated quitting would result in loss of life or peril to property. This decision establishes a condition fundamentally different from that existing under the English law, for until the year 1875 it was possible, under Lord Elcho's act, passed in 1867, and under preceding legislation, to specifically enforce a contract for labor; and justices of the peace throughout England specifically enforced contracts for labor, and were empowered to punish the breach of a contract by a laborer as a crime. I shall later desire to call the attention of the committee to the statutes and the English practice on that subject, in order to show the committee that English legislation, which is offered here as a precedent, has no authority in law or fact.

Mr. NORRIS. I would like to ask you about that decision of Mr. Justice Harlan you have cited in your brief.

Mr. EMERY. I have no brief here; but I shall cite the decisions—Arthur *v.* Oakes, 63 Fed., 319.

Mr. NORRIS. I wanted to read it myself, and I would like to have the reference made.

Mr. EMERY. That decision by Mr. Justice Harlan is the standard case on that subject. It was rendered by him when sitting in circuit.

Mr. NORRIS. I understand that; but I wanted to read it again. I would like to have the reference in your remarks so that I can find it.

Mr. EMERY. I shall be glad to furnish it.

Mr. THOMAS. Do you think a thing is right just because a judicial tribunal or a number of judicial tribunals have declared that thing to be right?

Mr. EMERY. Declared what to be right, Mr. Thomas?

Mr. THOMAS. Any given thing, simply because a judicial tribunal declares a thing to be right.

Mr. NORRIS. As I understand, Mr. Emery is not contending that that is right, but that it was the former practice in England.

Mr. THOMAS. Because a court has decided a matter to be right, does it necessarily follow that that thing is right?

Mr. EMERY. I do not know whether Mr. Thomas is referring to a specific case now.

Mr. THOMAS. No; just a general question.

Mr. MOON. That is what Mr. Gompers is trying to find out.

Mr. THOMAS. My question is this: Because a court decides a certain thing to be right, or a number of courts decide a certain thing to be a principle of law, do you think necessarily it is right and correct?

Mr. EMERY. I must confess, Mr. Thomas, that under orderly government, under constitutional government, I can do but one thing, either bow to the decision of the court when I have exhausted all ordinary forms of appeal, or else turn to the legislature for relief; and in the meantime I must obey the law, or law ceases and anarchy begins.

Mr. THOMAS. That is what they are doing in this act, turning to the legislature for relief.

Mr. EMERY. Yes, sir; but I am at this time undertaking to call to the attention of the committee that there are certain rights which are beyond the reach of the legislature.

Mr. WEBB. That is, the declaration of what is property and what is not property.

Mr. EMERY. I say, there are fundamental rights of property—the property, for instance, which a man has in his own labor—beyond legislative invasion. The right of property carries with it the right to have that property protected, and to deprive a person either of the property itself or of the means of protecting it and to leave him with no remedy is to deprive him of a constitutional guaranty.

Mr. WEBB. Do you think we can declare that good will is not property?

Mr. EMERY. I do not.

Mr. WEBB. That is what I was getting your idea on; I wanted to hear you on that.

Mr. EMERY. But my contention, so far as this first section is concerned, would not rest on that. I contend you can not say that a man's own labor is not property or that a man's right to conduct a lawful business is not a property right.

Furthermore, Mr. Chairman, the first section is open to still further objection, on the ground that it undertakes to establish rights in accordance with the class of controversy involved and under the same circumstances to give a different set of rights to every citizen. Thus, if this first section were to be construed in accordance with the declaration of Mr. Wilson, persons engaged in labor controversies would not possess certain rights of property entitled to the protection of a Federal court, although the same rights would be entitled to equitable protection when assailed by persons not engaged in a labor dispute. The rights of each person would thus depend, not upon their nature, but upon the character of the controversy in which they were involved. A right of property guaranteed by the Constitution of the United States would be entitled to all of the protection courts could give it under every circumstance, except when it was assailed in the course of a labor dispute. But in that case the right of property would be lost at the surface of the labor dispute and possess no protection until it emerged, if it survived, in which event, by the magic of this bill, it would regain its submerged rights.

I therefore insist that the first section of the bill—apart from its ambiguities and from the endeavor to lay a foundation for a Federal jurisdiction upon a relationship unconnected with any subject matter of Federal control—is objectionable on two grounds: First, it undertakes to deprive persons in controversies of the character enumerated of all equitable protection for civil rights, and, secondly, it undertakes to make one set of rights and remedies with respect to those engaged in labor controversies and another for those not so engaged. And, finally, that it undertakes to absolutely destroy fundamental property rights which have been repeatedly held by the courts of the United States to be beyond the reach of congressional invasion.

Mr. MOON. The Supreme Court has already decided that that classification is unconstitutional so far as State legislation is concerned, under the fourteenth amendment.

Mr. EMERY. Absolutely. The position of the courts with respect to these rights is not new. It is as old as the existence of courts in England or the United States. Lord Bramwell, in the case of Regina *v.* Druitt (10 Cox C. C., 592), calls attention to this when he says:

"No right of property or capital was so sacred or carefully guarded by the law of the land as that of personal liberty. That liberty was not liberty of the body only—it was also a liberty of the mind and will; and the liberty of a man's mind and will—to say how he should bestow himself, his means, his talent, and his industry—was as much a subject of the law's protection as was that of his body."

In the Slaughterhouse cases (83 U. S., 36) our own court said, again, through Mr. Justice Bradley:

"For the preservation, exercise, and enjoyment of these rights the individual citizen as a necessity must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a free man. The right to choose one's calling is an essential part of that liberty which is the object of Government to protect; and a calling when chosen is a man's property and right. Liberty and property are not protected where these rights are arbitrarily assailed."

And in the great decision written by Mr. Justice Harlan, United States *v.* Adair (208 U. S.), he reiterated the doctrine, which has been enunciated in the Federal courts time out of mind, and in all the courts of the United States which have had occasion to pass upon the issue involved, that the right of a man to enter into a contract for the sale of his labor and the right of another to enter into a contract for purchase of labor were at once rights of liberty and property; and Congress could not invade such rights without a violation of the fifth amendment. In that case, you will remember, the Government undertook to indict and punish one Adair, an agent of the Louisville & Nashville road, because he had discharged a man, or threatened to discharge him, on account of his membership in a union, in violation of a certain provision of the Erdmann Act. The court pointed out that the right to quit and the right to discharge were correlative rights, and you could not take away from the citizen the right to discharge without asserting the right to take away from him the right to quit. You could not curtail one end of the contractual power without curtailing the other end, so that every invasion of the right of the employers to discharge would be an invasion of the right of the employee to quit.

Mr. WEBB. Do they not say you could not do that as an incident to the interstate-commerce power in the Constitution?

Mr. EMERY. The issue raised by Mr. Justice Harlan was whether or not the provision was repugnant to the fifth amendment to the Constitution, and not the interstate-commerce clause. The question was not whether Congress could so act under the interstate-commerce clause, but whether or not, possessing the power to regulate commerce, they could, with the prohibition of the fifth amendment staring them in the face, take away from a citizen the right to exercise that right of liberty and property.

Mr. WEBB. But Congress based its power to pass such a law on the commerce clause of the Constitution, I believe.

Mr. EMERY. They based their right, yes. But the court said they could not exercise it because, under the system of checks and balances, of course, one provision of the Constitution set off against another.

Mr. NYE. This bill would run against an employee who sought to enjoin his employer from discharging him?

Mr. EMERY. Of course; or from blacklisting him, for that matter. It would favor a combination of employers who agreed among themselves that they would not employ a particular man themselves and would undertake to prevent his employment by others; that is, if the agreement arose out of a labor dispute.

Mr. NORRIS. The writ could not issue in that case.

Mr. EMERY. It could not lie for the other reason—that the man would not have any property right at stake. Under this bill his right to be employed would cease to be a right. He would have no right to enter into a contract with an employer; that could be protected from the interference of third parties by a court of equity.

But, Mr. Chairman, the second section of the bill is still more astounding in its proposals. It provides that in cases arising in the courts of the United States, or coming before said courts—and I should say here, Mr. Chairman, that as the word "cases" is not qualified we must look to the subject matter to ascertain whether it applies to civil or to criminal cases or to both, and from the subject matter included it obviously applies to both civil and criminal cases and to all courts of the United States. It would be a limitation not only upon the controversies of individuals but likewise upon those of the Government of the United States itself and upon States appearing in the Supreme Court of the United States.

Mr. THOMAS. Mr. Emery, do you contend that the legislature or Congress has not the right to limit a property right, define it, and say what it shall be?

Mr. EMERY. I do not question the right of Congress to limit some property rights, but there are others which are beyond the control of Congress. Of course, in the exercise of a property right, as distinguished from its ownership or possession, Congress can limit, as every legislature necessarily must, the uses of property, to secure the equal right of every citizen to the use and enjoyment of his property.

Mr. THOMAS. Can not State legislatures, for instance, absolutely say who shall and who shall not own property, certain kinds of property of their own; how they shall inherit, and so on?

Mr. EMERY. Our courts have been pretty busy, Mr. Thomas, for years, invalidating legislation which attempted to confiscate certain people's property or permitting a reasonable return on it. I am sure the gentleman does not contend for a minute that the Congress of the United States can say the property which A has should now belong to B. That is precisely what is done here.

Mr. THOMAS. I beg to differ with you about that. Can not Congress define and limit property rights?

Mr. EMERY. It can define and limit some property rights, but there are some that it can not. It depends on whether your definition is to be regulative or prohibitive.

Mr. MOON. It can also create some rights.

Mr. EMERY. It can, of course, create many. It creates many valuable property rights. Every time it grants a pension it creates a property right. Every time it permits an incorporation in the District of Columbia it creates property rights. For many property uses of which we speak, quite apart from their tangible objects, have been held to be and are property. Thus we tax as property a corporate franchise, or a license, or a right to use a highway or a street.

The second section provides that in any case, whether civil or criminal, arising in the courts of the United States, or coming before said courts, no agreement between two persons either concerning the labor relation or concerning any act or thing to be done or not to be done, either in reference to or growing out of a labor dispute, shall neither constitute a conspiracy or be punished or prosecuted or become basis of an action for damages, unless the thing agreed to be done or omitted would be unlawful if done by one person. Needless to say, Mr. Chairman, no lawyer can hear that proposition without realizing that it is a subversion of the whole law of conspiracy, based as it is upon the belief that there are many things not unlawful for one person which become unlawful when numbers agree to do them. Thus, while any man may refuse to sell his product to another, it is quite a different thing if two or more persons agree not to sell to another. It is one thing for a man to refuse to deal with another; it becomes quite a different proposition when many agree not to deal with him until he does something they require him to do, or until he does something to another person which they demand him to do. That doctrine has been recognized since the foundation of English law, from the first statute on conspiracy, in the reign of Edward the First, to the last modification of it by the English Parliament in 1906.

Mr. MOON. It absolutely abolishes the distinction between conspiracy and the overt act, does it not?

Mr. EMERY. Absolutely; because, of course, it can neither be unlawful nor criminal for two persons to have a common intention to do the same thing until that intention is reduced to an agreement. When they agree to do an unlawful thing, the agreement itself, irrespective of any overt act, is either a crime or civilly unlawful, in accordance with the nature of the thing agreed to be done; and no other element enters until we consider the legality or criminality of particular means.

Mr. HOWLAND. In that connection, Mr. Wilson called our attention, arguing this same proposition, to these voluntary organizations, one of which I have in mind, for instance, where they refused to purchase eggs because they were so high priced, a voluntary organization. Another one was formed a year ago, which people very generally joined, refusing to purchase meat because of the high prices that the retailers were charging the public. Does that come under the head of conspiracy or boycott, or how do you differentiate those?

Mr. EMERY. In the first place, it is not an agreement directed against any person; it is an agreement like a pledge among a large number of people not to take a drink. It is not directed against any individual,

and does not affect any individual particularly. It passes out of the realm of the abstract, as it were, and enters into the realm of the concrete when made with reference to a particular individual.

Mr. HOWLAND. It applies to the corner butcher in a particular neighborhood.

Mr. EMERY. It applies to all butchers, like the resolution of a vegetarian society, that agrees not to eat meat.

Mr. MOON. A conspiracy is defined as an agreement to do an unlawful thing——

Mr. EMERY. Exactly.

Mr. MOON. Or an agreement to do a lawful thing in an unlawful manner. But an agreement not to eat meat is not an agreement to do an unlawful thing.

Mr. HOWLAND. That is another way of stating the proposition. The agreement is not to buy any meat.

Mr. MOON. That is not an unlawful thing.

Mr. EMERY. The agreement not to eat it would necessarily include an agreement not to buy it.

Mr. NORRIS. Would not the intention had by the parties govern?

Mr. EMERY. Of course.

Mr. NORRIS. If they should make an agreement not to buy meat of you, if you were a butcher, for the purpose of running you out of business——

Mr. EMERY. Exactly.

Mr. NORRIS. That would be a vastly different proposition.

Mr. EMERY. It is the only department of the law where the court enters into the conscience of the actor.

Mr. NORRIS. Yes.

Mr. EMERY. Intention is the dominant standard by which to judge the act of a combination, as has been said again and again by many courts.

Let me call the attention of the committee to the effect of section 2 of this bill upon existing legislation before presenting any legal objection to it. If this measure were the law, any agreement between two or more persons relating to the employment contract or with reference to any act or omission involving, growing out of, or in furtherance of a trade dispute would not be unlawful or criminal or render the parties liable in damages unless the thing agreed to be done or not to be done would be unlawful if done by one person. This privilege is not confined to the parties engaged in the trade dispute. It covers any agreement made by persons with reference to such dispute, whether they be engaged in it or not.

Now, Mr. Chairman, observe the legal effect of this provision upon the operation of the Sherman Act as it is now interpreted. At present I think it will be conceded that any one of the great meat packers may lawfully fix the price at which he will sell his own commodity, but if two or more packers make an agreement to fix the price of meat, we have a contract in restraint of trade—a Beef Trust—that may be prosecuted, fined, or dissolved. But if the packers of the United States or any number of the great firms engaged in that business—the Armours, the Swifts, or others equally well known—in furtherance of a strike or because of it entered into an agreement to raise the price of their product, either to meet the expense of the struggle or to make the consumer realize the cost of the strike to him and excite his sympathy for their interest, the agreement, this bill being the law, would be lawful, for, having grown out of a trade dispute, its legality would be no longer tested by the Sherman Act but by the standard of this bill, and the act of the combination raising the price of meat would not be unlawful if done by one person.

Suppose two or more of the railroads of the United States were again faced with the conditions created by the great Debs strike of 1894, many arteries of commerce hopelessly obstructed, cars idle on many tracks, property in the hands of the mob, the carriers unable to fulfill their contracts with passengers or shippers or perform the duties laid upon them by law. Let us assume the strike was precipitated by a demand for increased pay which the carriers believed their existing revenues would not permit them to grant, and in order to meet these demands they agreed to raise their rates, or suppose that they engaged new men to take the places of the old employees and found themselves heavily burdened with the costs of the strike, and for that reason they agreed to raise their rates. Now, I submit that it is not unlawful for one carrier to raise its rates, subject to whatever action the Interstate Commerce Commission may take, but it is unlawful for two carriers to agree to fix a rate. In this instance under either condition suggested the agreement would be born of a trade dispute. It would be in furtherance of it or had grown out of it, and under the standard established by this bill it could not be unlawful under the interstate-commerce act or the act of 1890, for the third section of this measure would have repealed every act or part of an act in conflict with its own terms and standards. Let me add another illustration by calling to your minds the state of facts presented in the Toledo & Ann Arbor Railroad *v.* The Pennsylvania Co. (54 Fed. Rep., 730).

The plaintiff in that case was engaged in a trade dispute with its trainmen. It was the only carrier involved in that dispute, but under rule 12 of the Brotherhood, then in operation, the trainmen of all the other roads refused to handle the cars of the Toledo & Ann Arbor. The Pennsylvania road was required by law to afford equal facilities to the cars of all other carriers over its tracks. The employees of that road by refusing to handle the cars of the Toledo & Ann Arbor under threat of strike were conspiring to compel the Pennsylvania road to violate the law. The Pennsylvania road was thereupon enjoined from refusing to handle the cars of the Toledo & Ann Arbor, and the officers of the Railway Brotherhood were restrained from issuing or continuing in force any order or rule which required the employees in the service of the Pennsylvania road to refuse to handle the cars of the plaintiff. Under the second section of this bill, no such injunction could issue, because it would be perfectly lawful for any individual trainman to threaten to quit, or to actually do so, if the Pennsylvania road handled any cars which for any reason, good, bad, or indifferent, was objectionable to him.

It must therefore be evident that the Sherman Act, the interstate-commerce act, and every section of the Federal criminal code relating to conspiracy, agreements, or combinations would be modified or repealed by this bill to the extent that every combined action forbidden by them would be measured when done in connection or because of a trade dispute by the standard established in this bill.

It is an elementary principle of construction that a sovereign legislates with respect to its own jurisdiction. When the Congress legislates, it does so within the sphere of Federal authority. There are many acts of a criminal and unlawful nature which Congress has not made it an offense for an individual to do which is covered by statutes respecting conspiracy. There is no Federal statute making it a crime for an individual to destroy railroad signals, derail trains, or obstruct the movement of commerce, saving only the mails; yet conspiracies to this end undertaken in the course of a labor dispute can now be restrained or prosecuted. Under the provisions of this bill, and under the standard established by it, such acts would no longer be reachable within the Federal jurisdiction by the remedies now known to the law.

Mr. Chairman, the conditions to which I refer are not imaginary, but very real. They have been the incidents of great labor disturbances of the past and may belong to those of the future. Complaint has been recently made of labor conditions in the steel industry. Suppose a great struggle broke out there between employers and employees, and the manufacturers of steel entered into an agreement because of various circumstances connected with the struggle to raise the price of steel. Each manufacturer may now fix the price of his own commodity. Under this bill, if many or all agreed to do it in furtherance or because of a trade dispute in which they had been involved, the contract would be legal where it is now unlawful.

To turn again to the experiences of the past, you will remember that in 1894, during the Debs strike, the attention of Judge Grosscup, then sitting in the Circuit Court of the United States at Chicago, was called to a newspaper statement to the effect that certain railway managers were undertaking to employ men in the place of the strikers, but had agreed among themselves that they would not employ or undertake to employ men to operate the trains, in order that they might excite public sympathy in their behalf and cause the public to realize the distress of the labor disturbance more keenly than they did. Judge Grosscup called together the Federal grand jury in Chicago, directed their attention to this statement, and caused them to make an investigation of its truth, advising the grand jury that if any or all of the railroad managers had entered into an agreement of that character, it amounted to a conspiracy to prevent the operation of the railroads and the parties to the agreement were liable to indictment. But, Mr. Chairman, had this bill then been the law and had the condition described been a fact, the agreement would not have made any party to it liable for indictment, because it would have been and is perfectly lawful for the manager of any one road to discharge or refuse to employ any individual, and had the agreement alleged grown out of the labor dispute in the manner described it would have been perfectly lawful under the terms of the Wilson bill. So this measure would validate an agreement among railroads to prevent the performance of their own functions as common carriers, provided it was made to further their interest as parties to a trade dispute.

One might multiply the illustrations indefinitely, for the principle applies to every department of combined action, and you will observe that every agreement of the kind described in this bill is not only made proof against civil or criminal liability, but its exclusion is made secure against interference by the terms of the latter part of the second section, which provides that no such agreement shall be enjoined by any Federal court.

Mr. NYE. Is not the essence of a conspiracy an agreement, anyway?

Mr. EMERY. Yes.

Mr. NYE. And one man can not make an agreement with himself, can he?

Mr. EMERY. Evidently not, although I suppose some men do make agreements with their conscience and violate the contract.

Mr. WEBB. One gentleman the other day illustrated his objection to this legislation by saying that in case a big strike should occur and strike breakers were induced to go in and take the places of the strikers, and a strike breaker passing along the street should be accosted—or, not accosted, but if one of the strikers should point his finger at him and follow him down the street—that would probably not be a violation of the law; but if every one of the strikers should line themselves up along the street and point their fingers at him that would be a violation of the law, and ought to be a violation of the law, but would not be if this law was passed. What is your opinion about that?

Mr. EMERY. Certainly, Mr. Chairman, it validates any act resting upon the intimidation of numbers which one person might lawfully do. It is well known that the mere presence of numbers of men assuming a threatening attitude, but uttering no word of speech, is a most powerful coercive influence. Mr. Justice Brewer said in his remarkable address before the American Bar Association on the "Movement of coercion":

"When a thousand laborers gather around a railroad track and say to those who seek employment that they had better not, and when that advice is supplemented every little while by a terrible assault on one who disregards it, everyone knows that something more than advice is intended. It is coercion, force; it is the effort of the many, by the mere weight of numbers, to compel the one to do their bidding."

The English reports likewise present many cases of criminal prosecution for intimidation by mere numbers, although the trade-disputes act of 1906 amended the conspiracy and protection of property act of 1875 so as to provide that it should not be unlawful merely to attend at or near a house or place where a person resides or works merely to obtain or communicate information. Thus a typical case, to pursue the illustration suggested by Mr. Webb, is that of Wilson *v.* Renton (1910 S. C. (J.) 32 Ct. of Just.).

This was a criminal proceeding under section 7 of the conspiracy and protection of property act of 1875, to which the amendment of the trade-disputes act of 1906, to which I have referred, was offered as a defense. It appeared that during a coopers' strike two strikers remained near the homes of two workmen who had not joined the strike, and when these two left their houses the pickets signaled to a crowd which had gathered and followed the men back to work. It was held that there was no evidence of effort to obtain or communicate information, as permitted under subsection 1 of section 2 of the trade-disputes act of 1906. The defendants were convicted. These are common forms of intimidation peculiar to labor disputes which this bill would legalize within the Federal jurisdiction. Thus, too, a body of men might gather before a boycotted store, and there are many people who would not enter it under such circumstances because they feared annoyance or trouble. Indeed, Justice Brewer touched the very essence of intimidation in his description.

So I submit that it must be evident that section 2 of this bill would not only work a revolution in the law of conspiracy, but would seriously impair private and public rights by the modification its terms necessarily work on every legislative act in the Federal statute book predicated upon the existing theory of the acts of combinations and conspiracies, for you must observe that section 3 of this bill reads: "That all acts and parts of acts in conflict with the provisions of this act are hereby repealed." So that every measure of law now in existence in contradiction to the theory of this bill would be superseded by it.

Mr. MOON. What do you think of the constitutionality of this provision in operation?

Mr. EMERY. It must be obvious, Mr. Chairman, that it is open to the same constitutional objection as the first section. It undertakes to provide one standard of law for all agreements as to acts or omissions in reference to labor disputes, and another standard of law for the same acts when not done in reference to labor disputes. The same agreement made by the same individuals would be legal or illegal, criminal or innocent, according as it grows out of a labor dispute or does not. It has been repeatedly said that the equal protection of the law assures the protection of equal laws. This is precisely the type of invidious discriminating legislation condemned by Mr. Justice Harlan in the case of Connolly *v.* The Union Sewer Pipe Co. (184 U. S., 540), Ex Parte Drayton (153 Fed., 986), and in many familiar decisions of a similar nature.

Mr. WEBB. It is 5 minutes of 12 o'clock. Mr. Emery, how long will you want to conclude your remarks?

Mr. EMERY. Mr. Chairman, I have had many interruptions, and while I am very glad to answer questions, you can perceive that it deprives me of much time that I need.

Mr. WEBB. Yes; we all see that. We are very much interested in your argument, and we would be glad, if you think it will do just as well, to have you file a brief, and we will all be pleased to read it; or we might be able to give you a little more time now.

Mr. EMERY. Will you give me 15 minutes more and let me conclude with a brief?

The CHAIRMAN. Of course, there is no disposition on the part of any member of the committee not to hear Mr. Emery as long as possible, but in the very nature of things, we have had so many hearings and we have so many things to do that we can not, of course, give any gentleman as much time as he would like to have. The agreement was that you were to have one hour, and it was stated to you at that time what the circumstances were under which this committee was laboring. We have consumed perhaps more time than any other committee, at this session of Congress, with hearings, and our time is so constantly drawn upon that we have hardly had time to go into executive session to consider matters that ought to have been considered there. However, without objection, Mr. Emery will proceed for 15 minutes, subject to the understanding that if there is a call of the House the committee will go.

Mr. EMERY. Of course, Mr. Chairman, I believe that interrogatories during the course of a discussion of this character greatly contribute to the illumination of the discussion. Nevertheless, they frequently divert it and prevent an orderly presentation of argument. For that reason I shall ask the chairman to permit me, if I do not conclude within 15 minutes, to include other matter which I desire to lay before the committee.

The CHAIRMAN. You shall have that privilege. Of course, the committee assumes that you will not abuse the privilege, and that your extension will be reasonable.

Mr. EMERY. I have undertaken to analyze the terms and describe the effect of this measure and to indicate what seemed to me the insuperable constitutional objections to the proposals of this bill, but I have only suggested the serious consequences that would follow to the private citizen and to the public interest if Congress undertook to give what is here asked.

Let me now revert to a topic which, but for the extraordinary nature of this proposal, I should have presented first:

A revolutionary request of this character can be predicated on but one of two things: Either the law as it now is is oppressive in its nature or it is oppressively administered.

As a preliminary, Mr. Chairman, let me correct the exaggerated notion which prevails as to the frequency with which the Federal courts issue the writ of injunction in labor disputes. To hear the clamor against "government by injunction" one might imagine that one of the leading if not the chief occupation of a Federal court was the issuance of injunctions in labor disputes. There is a sort of delusion that the courts of the United States are constantly crowded by employers seeking writs of prohibition against labor unions, and that there is a sort of competition between them and the State courts to see who shall issue such orders most frequently.

Therefore, before I ask you to consider the nature of the circumstances under which the writ has been and is issued in labor disputes, let us pause and inquire how often applications for its use are made. I have during the last few years carefully watched the records of the Federal courts and have recently compiled some figures in respect to this matter. The Federal Reporter discloses that from January 1, 1903, to January 1, 1912, a period of nine years, 473 injunctions were issued by district and circuit courts of the United States, and of this number but 25 related to labor disputes, leaving 447 covering every other form of litigation. (For list of such cases see Mr. Emery's argument before Committee on the Judiciary, Feb. 14, 1912.)

But it may be said there are other reasons why the Federal Government should set an example in the matter, because the State courts issue injunctive writs in labor disputes in larger numbers than are justified, and restraining legislation in a Federal jurisdiction would offer a deserved example to the courts of the States.

Of course, such observations as I am now making leave out of consideration the justification or lack of justification for the issuance of such writs. But to show further the continuous exaggeration indulged respecting the frequency with which labor injunctions are being issued, in alleged proof of the ease with which they may be obtained, I call your attention to reliable statistics from one of the great industrial States—Massachusetts. The data are supplied by the Massachusetts department of labor, in Labor Bulletin No. 70, for December, 1909, and is compiled by the Bureau of Statistics. It discloses that during 11 years covered by the investigation, from 1898 to 1908, there were reported 2,002 strikes. In 66 of these, or 3.29 per cent, the employers concerned sought injunctions restraining the strikers from doing certain acts complained of. In 46 strikes, or 2.24 per cent of the total number, injunctions were issued. In 9, or 0.44 per cent, there were proceedings for contempt of court. In 2 strikes of the 2,002 reported, there were convictions for contempt following the disobedience of a writ.

The CHAIRMAN. Were the injunctions in those cases issued by the Federal courts?

Mr. EMERY. No, sir; they were issued by the State courts of Massachusetts.

The CHAIRMAN. Were any issued by the Federal courts?

Mr. EMERY. In Massachusetts?

The CHAIRMAN. Yes; during that period you speak of.

Mr. EMERY. I do not remember a single one issued in that judicial district.

Mr. WEBB. What period of time does the data cover?

Mr. EMERY. With respect to Massachusetts, it includes 11 years, from 1898 to 1908, inclusive. That which I offered you respecting the Federal courts included the period from January 1, 1903, to January 1, 1912—nine years. In relation to this subject, let me in passing call your attention to a comment made not long since by the Supreme Court of the United States.

In the case of Ex parte Young, an action in which the attorney general of the State of Minnesota was cited for contempt, it was argued by counsel that if the power of the Federal courts to interpose by injunction in proceedings of the kind at issue were sustained it would mean a flood of injunctions, and the inferior Federal courts might fall under the temptation to misuse their power. To this the Supreme Court replied on March 23, 1908 (207 U. S.):

"To this it may be answered in the first place that no injunction ought to be granted except in a case reasonably free from doubt. We think such rule is and will be followed by all the judges of the Federal courts."

From this comment it must be evident that the Supreme Court neither was in possession of information nor has as yet been impressed in the course of its experience with instances in which Federal judges were abusing their power to issue injunctions in labor or other cases.

During the course of many discussions had before this committee concerning measures to regulate or limit the injunctive power of Federal courts we have again and again challenged those who charge those tribunals with abuses of power to produce their evidence before this committee.

In response to that challenge and to the reiterated request of members of the committee Mr. Gompers produced, three years ago, a body of manuscript which the committee caused to be printed under the title of "Injunction data filed by Samuel Gompers." Fully half the pamphlet is given over to matter having no relation to injunctions, including decisions referring to the eight-hour law, employers' liability, the maritime contract, the bakers' 10-hour case, and the Danbury hatters' decision, in which no injunction was involved, all of which decisions, while perhaps objectionable to Mr. Gompers, have, with reference to the issue before this committee, like the flowers that bloom in the spring, "nothing to do with the case." There were, however, some 18 injunctive orders covering the period between 1893 and 1907, but the orders were unaccompanied by any criticism, and no effort was made to specify any or all of the critic's objections.

I have examined all of these orders, making a brief analysis of each, and, with the permission of the committee, I shall file this statement with my remarks, including with it the list of Federal injunctions to which I have referred, issued during the period from January 1, 1903, to January 1, 1912. I have separated the orders issued in labor disputes during that period from all others, and arranged them so that the committee will perceive the comparison. You can thus observe at a glance the number and character of the Federal writs issued.

The CHAIRMAN. Without objection, you will have liberty to print what you wish.

Mr. EMERY. The statement is as follows:

ANALYSIS OF INJUNCTION DATA FILED BY SAMUEL GOMPERS WITH THE HOUSE JUDICIARY COMMITTEE, 1908.

[This data was unaccompanied by any comment or criticisms and comprehends 23 decisions, orders, and complaints relating to injunctions.]

In one instance the exhibit is merely a complaint in the case of the Grand Trunk R. R. Co. *v.* Gratiot Lodge et al. The case does not appear in the reports and upon the face of the complaint there is no evidence that even a restraining order was issued. In two other instances, Boyer *v.* The Western Union Telegraph Co. (124 Fed., 246) and Platt *v.* The Philadelphia & Reading R. R. (65 Fed., 660), decisions are presented in which petition for restraining orders were sought by certain labor organizations against employing corporations and denied. These obviously are not evidence of abuse of power by any judge in the issuance of injunctions. The right to discharge exercised in both cases is fully vindicated by the decision of the Supreme Court of the United States in Adair *v.* U. S. (208 U. S.), while the alleged blacklist in the Boyer case consisted of the opinion of a record maintained by the company itself in which was entered the cause of discharge.

In two other cases, Bender *v.* The Typographical Union and the Buck's Stove & Range Co. *v.* The American Federation of Labor, the injunctions were issued by the Supreme Court of the District of Columbia. In the Bender case a preliminary injunction was denied and the application for a permanent injunction granted after a full hearing and argument. From the final decree the respondents entered an appeal, which they subsequently withdrew of their own volition, thus confessing the futility of their own contentions.

In the Buck's case the preliminary injunction was issued two months and a half after the service of the motion to show cause, and on the motion to make the injunction permanent the defendants did not contest the decree. Exercising, however, a right of appeal, they found through it an appropriate remedy by use of which they secured a slight modification of the permanent injunction. Their chief contention appears to have been that a court of equity infringed upon the right of free speech and the press whenever it undertook to enjoin the publication of matter intended to further the prosecution of a boycott.

In support of this contention, Gompers, Mitchell, and Morrison, in a proceeding for contempt which reached the Supreme Court of the United States, pleaded that the injunction was void because it had in the manner described infringed upon the freedom of speech and the press. This contention was met, set aside, and the injunction fully sustained in that respect by the Supreme Court. (Gompers *v.* Buck's Stove & Range Co., 219 U. S., 340.)

The remaining injunctive data consist of 18 orders issued by Federal courts between December, 1893, and November, 1907. They are here considered seriatim:

Farmers Loan & Trust Co. v. Northern Pacific Railroad.

(60 Fed., 803.)

It appears that the receivers of the Northern Pacific Railroad filed a petition seeking permission to put certain wage scales in effect January 1, 1894, and asking that certain defendants, members of the Brotherhood of Railway Trainmen, be enjoined against interfering with the operation of the road by combining and conspiring to quit its service for that purpose. An order in accordance with prayer of the complainant was issued December 19, and a motion to modify the same by P. M. Arthur, grand chief of the Railway Brotherhood, was heard February 15, 1894. On that date the order was modified by striking out the words "and from further recommending, approving, or advising others to quit the service of the receivers of the Northern Pacific Railroad on January 1, 1894, or at any other time." Further modification was refused.

Appeal was taken from this refusal, and in Arthur *v.* Oaks (63 Fed. Rep., 319) Mr. Justice Harlan, sitting in circuit, further modified the order appealed from. It was contended on this appeal that the court had exceeded its power by enjoining the employees of the receivers "from combining and conspiring to quit, with or without notice, the service of said receivers, with the object and intent of crippling the property in their custody or embarrassing the operation of said railroad, and from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad."

Mr. Justice Harlan held that the clause embodied two distinct propositions, one relating to combinations and conspiracies to quit the service of the receivers with the object or intent to cripple the property or embarrass the operation of the road in their charge; the other having no reference to combinations and conspiracies to quit or to the object and intent of so quitting, but applying to employees "so quitting" as to cripple the property or prevent or hinder the operation of the road. The appellate court sustained the order with respect to the first proposition and eliminated from it the latter phrase "and from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad."

It is apparent from the elaborate decision of Judge Jenkins that he was facing with great embarrassment and for the first time the difficult problem of deciding how far a court might go in protecting property of a quasi public nature for the operation of which the court was responsible. The error made by the court resulted very evidently from a sincere effort to perform its duty and was fully corrected by the court of appeals, nor has any similar error been made in the issuance of the writ of injunctions since. The case is not an evidence of abuse of discretion, but a mistake corrected on appeal. A remedy was in the hands of the defendant and secured by its use a decision which strikingly vindicated the rights of the employees.

Ames v. The Union Pacific (Jan. 27, 1894).

In this case an injunction was issued on petition of the receivers of the Union Pacific Railroad in practically the language sustained by Mr. Justice Harlan in Arthur *v.* Oaks. Twelve days after this order was issued in Ames *v.* Union Pacific (60 Fed., 674), the court refused to approve a reduction of wages by the receiver or a change in the rules affecting working conditions until the employees had been notified of the proposed change and were given a proper opportunity to point out to the court any inequality or injustice threatened by such change.

Under these circumstances the order can not be legally or practically objectionable. It deserves, on the other hand, the approval of workingmen themselves for the evidence it supplies of considerate regard for the rights of the employees of the road.

Western Coal Mining Co. v. Puckett.

(Circuit Court of the United States for the Western District of Arkansas.)

The exhibit is a naked restraining order unaccompanied by the complaint or any other document throwing light on the action, nor does the case appear in any report. It is therefore uncertain, assuming the order to have been issued, that any objection was made by defendants at the time of its issuance or that any subsequent effort was made to dissolve or modify it. Upon its face, the order suggests an exceedingly serious situation, inasmuch as it enjoins the display of firearms and the marching of armed men over roads adjacent to the complainant's mines for the purpose of intimidating the complainant's employees. In view of the conditions which surround the exhibit, no criticism is sustained or sustainable.

Reinecke Coal Mining Co. v. Wood.

(Circuit Court of the United States for the Western District of Kentucky, 112 Fed., 497.)

In this case a restraining order was issued November 13, 1901, and promptly heard on November 25, motion for a preliminary injunction being granted after argument and hearing. The opinion discloses a remarkable condition. It appears that certain coal miners of Indiana and Illinois, members of the United Mine Workers, complained that certain miners belonging to their organization in Kentucky were not receiving the wage schedule fixed at Indianapolis, the Illinois and Indiana miners fearing they could not maintain their own schedule unless that of the Kentucky miners was increased. Agents of the union were therefore dispatched into Kentucky to bring about an increase in the pay of union miners there. As a result of this effort, operators—notably of Central City, Ky.—agreed to the schedule demanded provided it was adopted in a majority of the mines in another district, that in Hopkins County, where it appears nonunion men were chiefly employed.

From the evidence before the court it formed the opinion that the relations between the employers and employees in these nonunion mines were mutually satisfactory, and that for the most part the employees did not wish to join the union.

Under these circumstances it appears that the defendants and others invaded the Hopkins district, armed and in great numbers, establishing camps in the vicinity of the nonunion mines, which camps were maintained for many months, the roads and various approaches to the mines were picketed and patrolled for the purpose of intimidating nonunion miners and coercing them to join the union, and thus bring about a strike unless the union scale was adopted. The evidence disclosed that nonunion men were continually threatened and assaulted and the adoption of defensive measures caused instant collisions and disorder.

The court finds that the conditions sought to be brought about were "undesired and vigorously repelled by the employers and a vast majority of the employees." The court is evidently so impressed with the conditions presented to it that it remarks: "If this court can not in a case like this protect the rights of a citizen when assailed, as those of the complainant have been in this instance, there is a decrepitude in judicial power which would be mortifying to every thoughtful man."

The circumstances of record do not, therefore, disclose either in the facts of the case or in the terms of the order itself a cause for criticism, but rather a proper and necessary exercise of the court's power.

Wabash Railroad Co. v. Hannahan.

(Circuit Court of the United States for the Eastern District of Missouri, 121 Fed., 563.)

In this case a temporary restraining order was issued on a verified bill of complaint, and many affidavits alleging a combination and conspiracy by the Brotherhood of Firemen and Railway Trainmen to compel the exclusive recognition of their organization and the discharge by complainant of all nonmembers, this to be accomplished by the calling of a strike for that purpose, and it was further alleged and supported by affidavits that plaintiff's employees were entirely satisfied with their conditions of employment. Defendants filed an answer denying plaintiff's allegations, and especially that the employees were satisfied with working conditions, and declaring that defendants were engaged in good faith in bettering the condition of employees and that the strike they were parties to was sanctioned for the purpose of peacefully and lawfully accomplishing these things.

At the hearing the court vacated the restraining order, holding that the weight of evidence did not show an unlawful combination, but only a rightful purpose on the part of the Railway Brotherhood, acting through their representatives, to peacefully and lawfully quit the plaintiff's employ for the purpose of bettering their condition.

This case does not show the slightest abuse of discretion but, on the contrary, that the union involved was fully sustained in the lawful exercise of its rights and found in orderly procedure a complete vindication of its claims.

Mobile & Ohio R. R. v. E. E. Clark.

(Circuit Court of the United States for the Eastern District of Tennessee, May 11, 1903.)

The exhibit consists of a restraining order issued on the filing of a complaint May 11, 1903, and made returnable May 13, two days later. The case does not appear in the reports, and no record is offered to show what considerations led the court to issue the order in question, nor does it appear that it was contested or made the subject of any complaint at the time of its issuance. Under such circumstances, since the order is not objectionable on its face, it can not be perceived that there is just ground for criticism.

Newport Iron & Brass Foundry Co. v. Iron Molders' Union.

(Circuit Court of the United States for the Southern District of Ohio, Western Division, Sept. 22, 1904.)

The exhibit is an alleged copy of a final injunction evidently issued after argument and hearing. The case does not appear in the reports and as the defendants were evidently represented by counsel and were unable to sustain their contentions in court and made no effort at appeal, a ground for criticism is not apparent.

Kemmerer v. Haggerty (July 15, 1905).

(Circuit Court of the United States for West Virginia, 139 Fed., 693.)

This injunction was issued during the course of a strike of United Mine Workers against the Pennsylvania Consolidated Co., a West Virginia corporation, which was made a defendant, together with the mine workers involved, by certain nonresident stockholders. The corporation and the miners' organization were citizens of the same State, the corporation sought an injunction in the State courts against certain of the miners, alleging that they were interfering with the operation of the corporation's property by intimidating and coercing nonunion employees. At this point certain Pennsylvania stockholders of the corporation endeavored to obtain a Federal injunction for the same purpose, asserting to that end their diverse citizenship.

A temporary restraining order was issued on the filing of the stockholders' complaint, and immediately thereafter motion for a preliminary injunction was heard. The order was then vacated on the ground that the action of the nonresident stockholders was collusive and the court had no jurisdiction.

It is difficult to conjecture the character of the complaint against this action, for the court refused to do precisely what the employing stockholders desired it to do, and sharply rebuked and defeated their effort to establish a bogus jurisdiction for the purpose of obtaining a Federal injunction.

A. T. & S. F. R. R. v. Gee.

(139 Fed., 582, and 140 Fed., 153.)

The exhibit shows proceedings for contempt growing out of violations of an order issued in May, 1904. An examination of the record shows the order to have been issued during a strike of machinists against the Santa Fe road and shows that no effort was made by defendants to modify or vacate the order and that no objection was raised to it of any character by counsel or defendants. The opinion discloses picketing accompanied by intimidation and coercion and constant violence to persons and property. The court remarks:

"There would have been no occasion for its interference if there had been any honesty of purpose by the local authorities to maintain peace and order. Intimidation, threats, violence, and brutality were all winked at because of the belief on the part of certain police officers that they would be kindly remembered on future election days."

The contempt proceedings are remarkable for the leniency and consideration shown to the respondents. The defendants were cited in April, and after hearing the evidence in July the court took the matter under consideration, making an oral statement at the time, which, by direction, was sent to each defendant, the court stating therein that it was intended as a warning, and that in the pronouncement of its judgment the court would be governed to a considerable extent by the conduct of the defendants in the meantime. In October the court reviewed the previous proceedings and discovered that three of the defendants, after receiving copies of its written communication delivered in July, had continued to openly violate the court's order by intimidating employees. Three of the defendants were then found guilty.

If it be assumed that criticism is directed at the character of the order issued, that ground for objection, whatever it may be, is found now which apparently did not exist and was not made by the defendants at the time the order was issued. If the criticism is directed at the punishment for contempt, the record of the case discloses on the part of the court the most considerate conduct compatible with the enforcement of its authority.

Allis-Chalmers Co. v. Iron Moulders' Union.

(150 Fed., 155; 166 Fed., 45.)

The record in this case discloses that the application for a preliminary injunction was denied, the defendants' answer having substantially overcome the plaintiff. A supplementary application for injunction was filed three months later and granted after argument and hearing. The opinion showed the evidence disclosed picketing, accompanied by threats, intimidation, and much actual violence. The final decree was modified on appeal.

The criticism can not be said from the record of the case to disclose anything more than a defeated litigant's dissatisfaction with a decision of the court. The rights of the defendants are fully protected throughout by counsel, as the proceedings disclose, and the modification of the final decree shows the defendants in possession of an adequate remedy to correct trial error.

Pope Motor Car Co. v. Keegan.

(150 Fed., 148.)

The record discloses a temporary restraining order granted on the filing of complaint, with numerous affidavits and exhibits. Hearing on motion for preliminary injunction was had within eight days. At this proceeding argument was heard and oral evidence presented. A preliminary injunction was then allowed against such defendants as were shown to have participated in coercion and intimidation. The order is moderate in its terms and in the usual form, and the proceedings disclose the rights of defendants were fully protected by counsel and the court exceedingly strict in framing the order. Nothing can be found in the order or the proceedings not fully sustained by the uniform practice and decisions of the higher courts.

Nat'l Telephone Co. v. Kent.

(Circuit Court of the United States for the Northern District of West Virginia, 156 Fed., 173.)

In this case an original and amended bill were filed. On the amended bill, exhibits, and affidavits a preliminary injunction was granted. The defendants demurred to the bill on the ground that sufficient cause for the preliminary injunction was not presented. The court overruled the demurrer, holding that a boycott then being prosecuted was illegal, and that a newspaper joined as a defendant could be restrained from publishing matter intended to carry on the boycott.

The position assumed by the court in this case is fully sustained by the Supreme Court of the United States in the case of Gompers *v.* Buck's Stove & Range Co. (219 U. S., 340).

Rocky Mountain Bell Telephone Co. v. Montana Federation of Labor.

(Circuit Court of the United States, Ninth Circuit, District of Montana, 156 Fed., 189.)

The record discloses the injunction in this action was based upon a boycott directed against the telephone company during the course of a strike. The employees remaining in the service of the company were intimidated and assaulted, and by the same tactics others were prevented from entering its service, while a variety of abusive and threatening circulars were issued to merchants and business men, threatening the withdrawal of patronage from all merchants who used plantiff's telephone lines during the trade dispute. Especially threatening circulars were distributed among plaintiff's actual female employees and applicants for employment.

The law of this case is fully sustained by familiar decisions of long standing, and the facts disclose a distressing condition in which women no less than men were subjected to threats and violence. It is a case which exceptionally justifies the issuance of an injunction, and, indeed, presents the writ in most beneficent operation.

Hitchman Coal & Coke Co. v. John Mitchell.

(172 Fed., 963.)

This case has been the subject of especial criticism, and was the occasion of a resolution by the Senate. The facts have been so continuously misrepresented that it is worthy of special consideration. In this case a restraining order was issued on the 24th of October, 1907, the last day of the court at the place of issuance, and set for hearing on the first day of the next term of court in that district, January 14, 1908. On that date counsel for defendants entered a motion to dismiss as to certain defendants not served with process, and asked for a continuance, which was granted until March 18, 1908, on which date counsel for defendants again asked a postponement, which was had at their instance until May 26, at which time further request for continuance by the defendants was refused and motion for a temporary injunction heard and granted, the counsel for defense stating "they did not desire to be heard in opposition to said motion, so far as the granting of a temporary injunction at the time was concerned, and not consenting, but objecting thereto."

So far, therefore, as the injunction in this case is criticized because of the lapse of time between its issuance and the hearing thereon, it must be evident that the critic makes a complaint which was not shared by counsel for the defense, who continued to cause the case of their own clients to be postponed until the court refused to continue it further.

During the period which elapsed between the granting of the restraining order and the return thereon, counsel for the defense had it within their power, if they thought the interval too great, to make an application for the advancement of the hearing or to make a motion for the modification or vacation of the order, and had they taken such action and their motion been refused, they would have had under the existing statute a ground of appeal, which appeal would have had precedence.

But the record discloses not only that they made no effort to do any of these things, but they were unwilling to join issue at every subsequent hearing, and after months of delay caused by their repeated requests for continuance, they offered no argument or motion on hearing.

As to the law in the case, it is indisputable with the facts disclosed. It appears that the Hitchman Coal & Coke Co. were owners of about 5,000 acres of coal lands equipped with a plant which produced about 1,400 tons of coal per day. The company had on hand at the time of this action contracts for future delivery to its full capacity. Prior to April, 1906, the company operated its mines under a trade agreement with members of the United Mine Workers. On that date a strike was ordered by that union, and the members thereof who were employees of the Hitchman Co. quit their employment. The evidence discloses that they distinctly stated they had no grievance against the plaintiff, but the strike order was issued on account of a difficulty with coal operators in another section of the country.

The plaintiff offered at this time, if the men would remain at work, to pay an advance in wages from and after April 1 that might be agreed to by the other coal operators with whom the United Mine Workers were at odds, but the men were not allowed to return to work on this condition. It then appears that for two months following the company was unable to operate its plant. Thereupon, being unable to effect an arrangement with its union employees, it began to employ nonunion men, and in order to protect itself against a repetition of the conditions which had resulted in the stopping of its operations, it required each new employee to agree not to join the United Mine Workers, a contract which they were entitled to require as a matter of legal right and which under the circumstances was justified by their experience as a matter of expediency.

Under these circumstances the United Mine Workers undertook by threats, intimidation, and persuasion to cause the new employees who had entered into the contract referred to, to violate that contract and join their union. These are the facts which the pleadings and the record disclose. Under these circumstances the injunction issue for the purpose of protecting the plaintiffs in the exercise of their right to employ such labor as they saw fit and to make and be protected in a contract which by expensive experience they had learned to be essential to the uninterrupted operation of their plant. The defendant mine workers undertook to procure a breach of these contracts, endeavored to reunionize the works and subject their control and operation to the will and policies of the union.

Surely nothing is more clearly settled than that equity will intervene to protect the inviolability of a contract against the malicious interference of third parties. This is precisely the point upon which the Supreme Court of the United States decided the case of Bitterman *v.* Louisville & Nashville Railroad (207 U. S., 205). This was an action brought against a combination of scalpers undertaking to procure breaches of contract by passengers who had agreed not to resell tickets purchased from the plaintiff company. The court held it an actionable wrong when one "maliciously interferes in a contract between two parties" to induce one of them to break the contract to the injury of the other. The conspiracy of the scalpers was enjoined, the precise issue upon which the writ of injunction issued in the Hitchman case. This action illustrates perhaps better than any other can why labor organizations desire a different standard for the issuance of restraining orders to protect property rights in labor disputes from that which exists in other forms of litigation, for with such a standard of law established the injunction issued in the Bitterman case could not have issued in the Hitchman case.

Mr. EMERY. To return again to the manner in which the writ of injunction has been used in labor disputes, it has been frequently urged in argument here that the restraint of boycotts by injunction and the punishment of a boycotting combination criminally is a novel thing, an example in itself of the improper extension of the equity jurisdiction against which complaint may be justly made.

I know of no period of time in which the boycott has not been unlawful, and I beg to submit to the committee probably the oldest judicial record of a boycott. It is taken from a case decided in the year 1221 A. D., and entitled "The Abbot of Lilleshall *v.* The Bailiffs of Shrewsbury." The record was published by the Selden Society in 1877, and the translation of the old law Latin goes like this:

"The Abbot of Lilleshall complains that the bailiffs of Shrewsbury do him many injuries against his liberty, and that they have caused proclamation to be made in the town that none be so bold as to sell any merchandise to the abbot or his men upon pain of forfeiting 10 shillings, and that Richard Peche, the bedell of the said town, made this proclamation by their orders. And the bailiffs defend all of it, and Richard likewise defends all of it, and that he never heard of any such proclamation made by anyone. It is considered that he do defend himself twelve-handed (with 11 compurgators), and do come on Saturday with his law."

There, Mr. Chairman, in those 10 lines of that ancient complaint the principles and practices of the modern boycott are clearly set out. Of course the old word "defend" means "deny." You will observe that the abbot sets up in his complaint that the bailiffs by combination are doing injury "against his liberty"; the abbot is claiming the right to have trade flow unobstructed to and from him, and to deal freely with his fellows; and he is restrained by a combination which, for some purpose of its own, is undertaking to penalize anyone who deals with him. He says "they have caused proclamation to be made." This is the ancient form of the modern "We don't patronize" list, and the "bedell" is performing the functions committed to Mr. Gompers in our day. Finally, you will observe that all the acts complained of are admitted to be illegal by both the beadle and the bailiffs, because they deny committing them. They do not undertake, as do our modern boycotters, to assert the right to penalize anyone who deals with the object of their ostracism. They say, "We did not do it." The beadle says he did not make the proclamation and did not hear anyone make it. Of course the plaintiff, being a man of church, did not settle the controversy by gage of battle but by wager of law.

Mr. THOMAS. What was the punishment?

Mr. EMERY. The punishment appears to have been a fine. It appears that in this proceeding they were held to answer. The further result I can not ascertain.

Mr. THOMAS. They were fined to begin with?

Mr. EMERY. Yes; they were held to answer and fined. The record is obscure and does not show the ultimate fate of the action.

Mr. THOMAS. Did they determine how much the fine was?

Mr. EMERY. I do not know the amount.

The advocates of legislation of this character continually point to the labor legislation of England as a precedent for their proposals, and, particularly, to the trade disputes act of 1906. I think it important that the committee should have this legislation before them, and to that end I ask to file as a part of this argument the English trade disputes act of 1906 and the conspiracy and protection of property act of 1875. The former enactment, so frequently called to your attention, is in its major aspects an amendment of the latter, and it is impossible to understand the effect of the act of 1906 upon the criminal or civil liability of English workmen in trades disputes, unless the two measures are considered together. Is there any objection to my request?

Mr. MOON. Certainly not.

The CHAIRMAN. Without objection, the acts referred to by you will be included as a part of your remarks and as a part of this hearing.

Mr. EMERY. They are as follows:

CONSPIRACY AND PROTECTION OF PROPERTY ACT, 1875, AND TRADE DISPUTES ACT, 1906.

[Ch. 86. An act for amending the law relating to conspiracy and to the protection of property, and for other purposes (Aug. 13, 1875).]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as the conspiracy and protection of property act, 1875.

2. This act shall come into operation on the 1st day of September, 1875.

Conspiracy and protection of property.

3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute "between employers and workmen" [words "between employers and workmen" repealed by pt. 3, sec. 5, trade disputes act, 1906] shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offense against the state or the sovereign.

A crime for the purposes of this section means an offense punishable on indictment, or an offense which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offense punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

4. Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof, with gas or water, willfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up, at the gas works or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed shall cause it to be renewed with all reasonable dispatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding £5 for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this act shall be liable on summary conviction to a penalty not exceeding 40 shillings.

5. Where any person willfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

Miscellaneous.

6. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, willfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding six months, with or without hard labor.

7. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

1. Uses violence to or intimidates such other person or his wife or children or injures his property; or

2. Persistently follows such other person about from place to place; or

3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

4. Watches or besets the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place; or

5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road—

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

NOTE.—Last paragraph of this section repealed by second paragraph, second section, trade-disputes act, 1906. "Attending at or near the house or place where a person resides or works or carries on business or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

8. Where in any act relating to employers or workmen a pecuniary penalty is imposed in respect of any offense under such act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offense may, if they think it just so to do, impose by way of penalty in respect of such offense any sum not less than one-fourth of the penalty imposed by such act.

Legal proceedings.

9. Where a person is accused before a court of summary jurisdiction of any offense made punishable by this act and for which a penalty amounting to £20 or imprisonment is imposed the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offense by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offense and not an offense punishable on summary conviction, and the offense may be prosecuted on indictment accordingly.

10. Every offense under this act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this act recoverable on summary conviction may be prosecuted and recovered in manner provided by the summary jurisdiction act.

11. Provided, that upon the hearing and determining of any indictment or information under sections 4, 5, and 6 of this act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

12. In England or Ireland, if any party feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this act the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than 15 days and not more than 4 months after the decision of the court from which the appeal is made.

(2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof.

(3) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace, with or without sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court.

(4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody.

(5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeals thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon rehear and decide the information in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Definitions.

13. In this act—

The expression "the summary jurisdiction act" means the act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, entitled "An act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any acts amending the same; and

The expression "court of summary jurisdiction" means

(1) As respects the city of London, the lord mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and

(2) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and

(3) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

(4) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the summary jurisdiction act: *Provided*, That, as respects any case within the cognizance of such justice or justices as last aforesaid, an information under this act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the lord mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

14. The expression "municipal authority" in this act means any of the following authorities; that is to say, the metropolitan board of works, the common council of the city of London, the commissioners of sewers of the city of London, the town council of any borough for the time being subject to the act of the session of the fifth and sixth years of the reign of King William IV, chapter 76, entitled "An act to provide for the regulation of municipal corporations in England and Wales," and any act amending the same, any commissioners, trustees, or other persons invested by any local act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this act be deemed to be a municipal authority or company or contractor upon whom is imposed by act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

15. The word "maliciously" used in reference to any offense under this act shall be construed in the same manner as it is required by the fifty-eighth section of the act relating to malicious injuries to property; that is to say, the act of the session of the twenty-fourth and twenty-fifth years of the reign of her present majesty, chapter 97, to be construed in reference to any offense committed under such last-mentioned act.

Saving clause.

16. Nothing in this act shall apply to seamen or to apprentices to the sea service.

Repeal.

17. On and after the commencement of this act, there shall be repealed:

I. The act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter 32, entitled "An act to amend the criminal law relating to violence, threats, and molestations"; and

II. "The master and servant act, 1867," and the enactments specified in the first schedule to that act, with the exceptions following as to the enactments in such schedules; that is to say,

(1) Except so much of sections 1 and 2 of the act passed in the thirty-third year of the reign of King George the Third, chapter 55, entitled "An act to authorize justices of the peace to impose fines upon constables, overseers, and other peace or parish officers for neglect of duty, and on masters of apprentices for ill usage of such their apprentices; and also to make provision for the execution of warrants of distress granted by magistrates," as relates to constables, overseers, and other peace or parish officers; and

(2) Except so much of sections 5 and 6 of an act passed in the fifty-ninth year of the reign of King George the Third, chapter 92, entitled "An act to enable justices of the peace in Ireland to act as

such, in certain cases, out of the limits of the counties in which they actually are; to make provision for the execution of warrants of distress granted by them; and to authorize them to impose fines upon constables and other officers for neglect of duty, and on masters for ill usage of their apprentices," as relates to constables and other peace or parish officers; and

(3) Except the act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter 7, entitled "An act to explain the acts for the better regulation of certain apprentices"; and

(4) Except subsections 1, 2, 3, and 5 of section 16 of "The summary jurisdiction (Ireland) act, 1851," relating to certain disputes between employers and the persons employed by them; and

III. Also there shall be repealed the following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure; that is to say,

(a) An act passed in the fifth year of the reign of Queen Elizabeth, chapter 4, and entitled "An act touching divers orders for artificers, laborers, servants of husbandry, and apprentices"; and

(b) So much of section 2 of an act passed in the twelfth year of King George the First, chapter 34, and entitled "An act to prevent unlawful combination of workmen employed in the woolen manufactures, and for better payment of their wages," as relates to departing from service and quitting or returning work before it is finished; and

(c) Section 20 of an act passed in the fifth year of King George the Third, chapter 51, the title of which begins with the words "An act for repealing several laws relating to the manufacture of woolen cloth in the county of York," and ends with the words "for preserving the credit of the said manufacture at the foreign market"; and

(d) An act passed in the nineteenth year of King George the Third, chapter 49, and entitled "An act to prevent abuses in the payment of wages to persons employed in the bone and thread lace manufactory"; and

(e) Sections 18 and 23 of an act passed in the session of the third and fourth years of Her present Majesty, chapter 91, entitled "An act for the more effectual prevention of frauds and abuses committed by weavers, sewers, and other persons employed in the linen, hempen, union, cotton, silk, and woolen manufactures in Ireland, and for the better payment of their wages, for one year, and from thence to the end of the next session of Parliament"; and

(f) Section 17 of an act passed in the session of the sixth and seventh years of Her present Majesty, chapter 40, the title of which begins with the words "An act to amend the laws," and ends with the words "workmen engaged therein"; and

(g) Section 7 of an act passed in the session of the eighth and ninth years of Her present Majesty, chapter 128, and entitled "An act to make further regulations respecting the tickets of work to be delivered to silk weavers in certain cases."

Provided that—

(1) Any order for wages or further sum of compensation in addition to wages made in pursuance of section 16 of "the summary jurisdiction (Ireland) act, 1851," may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of the employers' and workmen act, 1875, and not otherwise; and

(2) The repeal enacted by this section shall not affect—

(a) Anything duly done or suffered, or any right or liability acquired or incurred under any enactment hereby repealed; or

(b) Any penalty, forfeiture, or punishment incurred in respect of any offense committed against any enactment hereby repealed; or

(c) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this act had not passed.

NOTE.—Sections 18 to 20, inclusive, relate to procedure, penalties, and appeal in Scotland, and section 21, the last of the act of 1875, relates to procedure in Ireland.

—

An act to provide for the regulation of trades-unions and trade disputes. [December 21, 1906.]

[6 Edw. VII, ch. 47.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The following paragraph shall be added as a new paragraph after the first paragraph of section 3 of the conspiracy and protection of property act, 1875:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

II. 1. It shall be lawful for one or more persons, acting in their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

2. Section 7 of the conspiracy and protection of property act, 1875, is hereby repealed from "attending at or near" to the end of the section.

III. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

IV. 1. An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

2. Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

V. 1. This act may be cited as the trade disputes act, 1906, and the trade-union acts, 1871 and 1876, and this act may be cited together as the trade-union acts, 1871 to 1906.

2. In this act the expression "trade union" has the same meaning as in the trade-union acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

3. In this act and in the conspiracy and protection of property act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or nonemployment, or the terms of the employment, or with the conditions of labor, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section 3 of the last-mentioned act, the words "between employers and workmen" shall be repealed.

Mr. EMERY. With the indulgence of the committee, let me briefly call its attention to the condition of law and fact out of which the English legislation grew. I shall not take up your time with a discussion of the niceties of the common-law doctrine of conspiracy in its application to trade unions prior to the nineteenth century, a subject upon which scholars of the Temples are still divided, but from 1800 to 1824 a series of enactments known as the "combination acts" practically outlawed trade unions, making unlawful by *statute* any organization to fix wages.

In 1824 the combination acts were repealed and the widest privilege given to organizations of workmen by a statute of that year. This, however, exciting general alarm, was repealed in 1825, leaving the common law in force. Combinations of either masters or workmen to raise or depress wages were, in common-law proceedings between this period and 1870, held unlawful and sometimes criminal as in restraint of trade (Regina *v.* Druitt, 10 Cox C. C., 592; Hilton *v.* Eckersley, 6 E. and B., 47), while a combination to strike and a concerted withdrawal from employment were declared criminal. This doctrine undoubtedly survived from the legislation beginning with the statute of labors in 1349, in which the state asserted the right to fix wages, and consequently a combination to raise or depress them would be a conspiracy against the law.

During this period such labor organizations as existed suffered under the disadvantage of being unable to protect their own funds, because apart from the question of criminal responsibility they were deemed illegal organizations, as some of their purposes were held to be in restraint of trade. They could not therefore maintain an action in court, and thus a treasurer or other agent of the organization who embezzled its funds or retained them could not be proceeded against. (Hornby *v.* Close, L. R., 2 Q. B., 153, 1867; Farrer *v.* Close, L. R., 4 Q. B., 602, 1869.)

Great as were these disabilities of the trade union as an organization, the disabilities of the individual workmen were even greater at this period. For at common law, enforced in later years by a variety of statutes, a breach of contract on the part of the laborer was regarded as a criminal offense, while on the part of the master it was only a civil wrong. This condition grew out of ancient legislation beginning with the statute of labors in the fourteenth century, reenforced by the statute of apprentices in the seventeenth century, and strengthened by various enactments of the four Georges, which made it a criminal offense for a workman to depart from his service before the time agreed upon, or before the work he had undertaken was completed. Parliamentary returns in 1863 showed 10,000 cases of breach of contract prosecuted in the courts in a single year. At that time, and even under Lord Elcho's act of 1867, which undertook to remedy this condition, a contract of service could be specifically enforced. Even under Lord Elcho's act, which was avowedly remedial legislation, imprisonment for breach of contract of service remained to be enforced by a justice of the peace in "aggravated" cases.

These were the conditions which demanded parliamentary reform in England in the interest of workmen. Their counterpart never existed in this country. Neither the individual nor the organized workman has ever labored under these disadvantages here. A breach of contract has never been criminally punishable, and even in the earliest period of the trade-union movement in this country, when we were most affected by the English legal example in Pennsylvania, New York, and Virginia, the simple right to collectively withdraw from employment in furtherance of a lawful demand for changed condition of employment was always sustained by the courts.

But in England, until the passage of the trade-union acts of 1871 and 1876, workmen could not be said to have a legal right to organize or act collectively. Those statutes gave the trade-unions a limited legal right of existence by declaring "The purposes of any trade union shall not by reason merely that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise." This, and this alone, removed the ancient disabilities of the common law and the statutes. But on the same day of the passage of the trade-union act of 1871, there was likewise enacted the criminal-amendments act, which defined as criminal offenses all those acts of intimidation or coercion common to trade disputes.

This act was succeeded by the conspiracy and protection of property act of 1875, which displaced it. The act of 1875 was brought into being largely as the result of the decision in Regina *v.* Bunn (12 Cox C. C., 316), being a strike of gas stokers in the year 1872 against a London gaslight company. The men were prosecuted and convicted of conspiracy because of their joint breach of contract. This case made it evident that while other disabilities had been removed a strike in any form was still prosecutable as a conspiracy at common law, and to overcome this condition and permit a joint withdrawal from employment the section of the act of 1875, so frequently referred to here, was passed, providing "that an agreement between two persons to further a trade dispute should not be indictable as a conspiracy if the act when committed by one person would not be punishable as a crime." The legislative history of this act and the subsequent decisions of English courts showed that this provision of the act of 1875 had no other purpose than to permit men to jointly withdraw from employment without being indictable for conspiracy.

But this section I describe is not left to stand alone, but is subjected to very many exceptions, which by examining the act you will perceive greatly modify and limit its apparent privilege.

Nothing in it exempts from punishment any person guilty of conspiracy, for which a punishment is awarded by act of Parliament. Nor does it affect the law relating to riot, unlawful assembly, breach of peace, or sedition. And, further, you will observe that in section 7 it is provided "every person who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

"1. Uses violence to or intimidates such other person or his wife or children, or injures his property; or

"2. Persistently follow such other person about from place to place; or

"3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

"4. Watches or besets the house or other place where such other person resides or works or carries on business, or happens to be, or the approach to such house or place; or

"5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road, may be imprisoned for a term not exceeding three months at hard labor or a fine not exceeding £20."

This is the law of England to-day, but more than that, and to this I especially direct the attention of the committee, the fourth section of the conspiracy and protection of property act of 1875, frequently enforced, makes it a criminal offense, punishable by £20 fine or three months at hard labor, for any person employed by a gas or water company to willfully break his contract of service, alone or in combination with others, if he have reasonable cause to believe that the probable consequence of his so doing will deprive some section of the community of gas or water; and the fifth section provides, under the same penalty, that if any person, in any employ, either by himself or in combination with others, willfully breaks his contract of employment, having reasonable cause to believe that his doing so will endanger human life or cause serious bodily injury or expose valuable real or personal property to destruction or serious injury, he is criminally punishable. These extraordinary criminal provisions, utterly unknown to the law of this country, would not, I submit to you, be accepted by any labor leader who is asking you to enact the principles of English labor legislation.

The English trade-dispute act of 1906, which you will observe by examination is partially an amendment of the conspiracy and protection of property act of 1875, permits under strict limitations "picketing" for observation only. The chief and most striking change in the civil law which it produced was to relieve the funds of a trade union from liability for the acts of its agents when done in furtherance of a trade dispute. So that in the matter of tort liability under these conditions, the British trade union is a privileged character. Thus, in an action for malicious prosecution by an advertising agent against the Amalgamated Society of Railway Servants (Bussy *v.* Society of Amalgamated Railway Servants, 24 T. L. R., 437, 1908) the court held that the statute of 1906 protected the funds of the trade union against any action in tort, and remarks, "From the humiliating position of being on a level with other lawful associations of His Majesty's subjects the statute of 1906 has relieved all registered trade unions, and they are now supra legens, just as the medieval emperors were supra grammaticum. The defendant societies are therefore entitled to judgment."

Let me give the committee one further example. I contend that it is the purpose of the second section of the pending bill to give precisely this privilege and special exemption from the law to agreements growing out of trade disputes, but before I call the committee's attention to the fundamental differences between the power of Parliament and that of Congress to arbitrarily confer such special privileges upon any selected class of citizens, let me offer you an example of the terrible injustice which such legislation can work upon the laborer who most needs protection from the terrible coercive power of a trade-union directing its whole force against the object of its displeasure. There appears in the English court of appeals cases that of Conway *v.* Wade, decided on July 17, 1908. The facts are thus stated by Mr. Justice Farwell: "The facts are simple. For 18 years the plaintiff has been a member of the laborers' union intermittently. Seven years ago he was fined 10s., but did not pay, and no action was ever taken against him for such default.

"In September, 1907, he rejoined the union and got his card of membership and showed his receipt to the defendant on September 25, who told him that it was all right and that he could go to work. On October 1 he was given higher wages as charge man. On October 2 the defendant told Baines, the foreman, that he had better stop the plaintiff or there would be trouble with the men, and he did so. The defendant is a district delegate of the laborers' union; he is not a laborer. It was no part of his duty to inflict a fine or to stop any man from working; he had no authority to call out the men without the sanction of the executive, and he had no such sanction. He gave no notice to the plaintiff, nor did he suggest that he pay the 7-year-old fine. There were two members of the union—Mullen and Greene—in the same town. Mullen, having been secretary of the branch to which the plaintiff's fine should have been paid, instigated the defendant to get the plaintiff turned out; then another man—Linney, a ship steward—told the foreman that if the plaintiff kept in the men would stop. The plaintiff saw the defendant and remonstrated and asked him if he would stop him wherever he went. The defendant replied, 'Certainly. I will,' and the plaintiff said, 'Have I got to starve? What shall I do?' and the defendant replied, 'Do what you like.'

"The jury found that the defendant by his threats intended to and did prevent the plaintiff from getting or retaining employment in order to compel the plaintiff to pay the 10s., and to punish him for nonpayment. But, briefly, the case is this: The defendant, who is not a workingman at all and who had no authority on behalf of any trade-union or others to do so, threatened to call out the men at Redheads in order to compel payment of a fine more than 7 years old, of a trifling amount, the payment of which he was not entitled to demand, the nonpayment of which was no business of his, at the invitation of two workingmen who objected to the plaintiff. He so threatened, with the intention and effect of depriving the plaintiff of all work and chances of work, and contemplated with such complaisant indifference a result that the man would have to choose between starvation and the workhouse."

The jury gave damages to the plaintiff Wade and the appeal was on the question of whether or not the defendant's act was done in furtherance of a trade dispute, the court of appeal holding it was, and the plaintiff had no recourse. In expressing this conclusion Mr. Justice Farwell said, "It was possible for the court to defend individual liberty against the kings and barons because the defenses rested on the law which they administered; it is not possible for the courts to do so when the legislature alters the law, for they can only administer the law. The legislature can not make evil good, but it can make it not actionable."

"* * * I regret the conclusion, because I think that it inflicts a cruel hardship on the plaintiff, and it is no consolation for him that far greater hardships will doubtless be inflicted in the future on persons more innocent than himself, persons who were not able to pay 10s. seven years ago. To use Lord Justice Romere's language in Giblin *v.* National Amalgamated Laborers' Union (72 L. J. K. B., p. 914—1903, 2 K. B. at p. 620), 'The conduct of the defendant is morally an unjustifiable molestation of the man. * * * An improper and inexcusable interference with the man's ordinary rights of citizenship.' But these rights have been cut away and the remedy for them destroyed by the legislature."

On appeal the House of Lords held that there was not a trade dispute in this case, because the defendant Wade was not authorized to act by the union, but the Low Lords signified their assent to the conclusion that had he been acting under the direction of the union there would have been no liability for procuring the malicious discharge of the plaintiff in furtherance of the trade dispute. I submit to the committee that it is unthinkable that the American Congress could ever accept as precedent for its legislation a law which gave to either an individual or a combination the right to maliciously procure, without civil responsibility, the discharge and prevent the future employment of a workman because of his refusal to meet the improper demands of any individual or collection of individuals. This very bill before you seeks that end. It undertakes to provide in the second section that no act of two or more persons done in furtherance of a trade dispute shall make the parties criminally or civilly liable in order to protect such combinations from criminal or tort liability.

The CHAIRMAN. I do not desire to interfere with the line of your argument, but as I understand you, you say that the workmen have the right to strike?

Mr. EMERY. Yes.

The CHAIRMAN. Then do you go further and say that those striking workmen have the right to picket; it is not contrary to law to picket?

Mr. EMERY. In any State in which there is no statute on the subject.

The CHAIRMAN. Not unless there is some State statute?

Mr. EMERY. If individuals without the menace of numbers go to a place where a strike is on merely for the purpose of obtaining information or peaceable communication with others, that is not unlawful.

The CHAIRMAN. It is a legal term, is it not, used in law books, "picketing" or "to picket"?

Mr. EMERY. But "picketing" has been given a variety of meanings. When indulged in by numbers that fact constitutes a menace frequently held illegal.

The CHAIRMAN. We understand "picketing" to mean that here are strikers and can they not persuade other people; to go where other people may be seeking to take the place of the strikers?

Mr. EMERY. Yes.

The CHAIRMAN. Without going upon the premises of the mill or factory, can they not in a peaceable way try to persuade other people not to accept the employment that the strikers have abandoned? That is not contrary to law, is it?

Mr. EMERY. Those things are qualified by a great many circumstances, Mr. Chairman, upon which the legality depends.

The CHAIRMAN. I said "peaceable" and "peaceful" and without any force.

Mr. EMERY. Yes. There arises in my mind a case within my personal experience occurring in California a few years ago where picketing was enjoined. It was the case of Pierce *v.* The Stablemen's Union, which afterwards went to the Supreme Court of the State of California and was sustained. In that case a livery stable was picketed during the course of a stablemen's strike, and during the hearing on the application for the injunction the captain of pickets testified on cross-examination that he had from 40 to 120 men constituting his picket line and patrolling up and down in front of the stable. The stable had a frontage of perhaps 75 feet on one of the principal streets of the city. The court held in that case, and very properly, that the picketing under the circumstances disclosed amounted to an obstruction of the street and the prevention of reasonable access to and from the stable being carried on under circumstances that intimidated not only those who remained at work or sought employment, but the actual and potential patrons of the stable. So you perceive that one definition of picketing may vary greatly from another.

The CHAIRMAN. Suppose there were a thousand men on strike from one establishment and 10 of the strikers should be in the neighborhood of that factory or establishment, but not on the premises themselves, and they should proceed in a perfectly peaceful way without overawing the people who appeared to be going to take the place of strikers, and without using any threats or violence, just simply saying to them: "We wish you would not take our places; we are striking for an increase in wages"; or "We are striking for some other good reasons and we wish you would not go and take our places." There is nothing unlawful in that, is there?

Mr. EMERY. No, sir; not as you state it.

The CHAIRMAN. Have there not been cases where judges have issued injunctions and cited men for doing that very sort of thing?

Mr. EMERY. I do not know of an instance, Mr. Chairman. If you will show me one I should like to see it.

The CHAIRMAN. I am asking you for information.

Mr. EMERY. No, sir; I do not know of an injunction predicated upon the conditions you describe. You refer to cases in which injunctions have been issued?

The CHAIRMAN. I am seeking for information and I am just putting that as an illustration.

Mr. EMERY. Each of these cases has its special circumstance and of course the remedy in equity accommodates itself to the peculiar characteristics of each case.

The CHAIRMAN. Of course, we understand that.

Mr. EMERY. Practically every case presents different circumstances.

The CHAIRMAN. But it is an abuse in some cases—a possible abuse I might say—that has given rise to complaint?

Mr. EMERY. Have you a case in mind, Mr. Chairman?

The CHAIRMAN. No; I have not myself, because I live entirely in an agricultural community where we do not have strikes and lockouts.

Mr. EMERY. Perhaps you have had them on your railroads, Mr. Chairman?

The CHAIRMAN. No; I do not remember in my section of ever having any railroad strikes.

Mr. EMERY. I recall some two years ago a very serious strike on the Central Railroad of Georgia, caused, I believe, by the system of promoting negro firemen.

The CHAIRMAN. That was in Georgia. I do not believe that condition ever obtained in my section.

Mr. THOMAS. Have you any objection to men charged with contempt being tried by a jury?

Mr. EMERY. I discussed that question at some length and should dislike to further inflict myself upon the committee in regard to it.

Mr. THOMAS. I did not happen to be present when you discussed it.

Mr. EMERY. Pardon me. I do oppose trial by a jury in contempt cases.

Mr. THOMAS. Then you think a man charged with contempt does not have the same right that a man charged with murder has? He can be tried by a jury.

Mr. EMERY. Yes, sir. There is no parallel between the cases.

Mr. THOMAS. You consider disobedience to a Federal injunction a graver charge than murder, do you?

Mr. EMERY. That is not implied. I think the Constitution of my country has provided two modes of procedure in the cases stated.

Mr. THOMAS. Is there any provision in the Constitution to the effect that a man tried for contempt may not be tried by a jury?

Mr. EMERY. I think that is the effect of a provision.

Mr. THOMAS. What is it?

Mr. EMERY. It is the well-known provision which extends the judicial power to all cases in law and equity.

Mr. THOMAS. In what way?

Mr. EMERY. If the gentleman will permit me, it would be very difficult to undertake a proper discussion of the issue which your inquiry raises under the circumstances of this hearing. I have fully expressed myself on that subject in an argument made before this committee.

While I desire to fully respond to the gentleman's inquiry, it is impossible to adequately do so at this time.

Mr. THOMAS. What you have said will be printed?

Mr. EMERY. Yes.

Mr. THOMAS. Then I will read it.

Mr. EMERY. It has been printed.

The CHAIRMAN. Then you think that in no case have Federal judges in labor disputes abused the process of injunction?

Mr. EMERY. Do you mean by the word "abused," Mr. Chairman, made error in the issuance of a writ?

The CHAIRMAN. I mean more than that, that they have issued an injunction where they should not have issued it, and that they have done things under the injunction process that they ought not to have done.

Mr. EMERY. I must answer, Mr. Chairman, that I have examined every case I have heard criticized, but I know of none which sustains the charge that any Federal judge has abused his power.

No doubt Judge Jenkins made an error in issuing the injunction in the case of the Farmers' Loan & Trust Co. *v.* The Central Pacific Railroad, which Mr. Justice Harlan corrected in the decision in Arthur *v.* Oakes; but in that case no one can read the elaborate and learned opinion of Judge Jenkins without being impressed with his sincerity and sense of responsibility. His decision involved the rights of a receiver through whom the court was operating a carrier, and he was confronted with the then doubtful question of how far the court could go in protecting property under its control. It is possible, although I think it most infrequent, that there are cases in which errors have been made and fully corrected on appeal, but I know of no case, if one exists, where it may be said that a judge issuing an injunction has abused his power.

But, sir, if it were true that this committee had before it several instances of judicial error in the issuance of injunctions, that would no more justify depriving the Federal judiciary of the power to continue to issue them in labor disputes and give the requisite constitutional protection to civil and property rights there assailed than it would justify legislation depriving judges of their power to issue injunctive or other writs in other forms of litigation because error had been committed in granting them. Judges are but human and subject to the frailties of the intellect, which we recognize by providing courts of appeal. I know of no case, nor have I ever heard one presented, which justified the charge that one, much less many, Federal judges have misused their power to issue injunctions in trade disputes, and I am anxious to have any member of this committee, or any one present, cite a case which sustains the charges made.

The CHAIRMAN. I am sorry that we can not give you more time, Mr. Emery.

Mr. EMERY. Relying on the permission of the committee, I beg now to revert to the English legislation upon which we are informed the second section of this bill is predicated. I have endeavored to give you a brief résumé of the circumstances which led to the present English legislation, and I have undertaken to briefly indicate the character and consequence of the recent legislative privilege conferred upon English trade unions. Their funds, I have said, were under the trade disputes act of 1906 relieved from tort liability for the acts of their agents when done in furtherance of a trade dispute; but these peculiar and special privileges which, as the English courts have pointed out, place them in a position of legal superiority to all their fellow subjects, are granted by a Parliament without constitutional restraint, a Parliament which can not only confer special exemptions from the law upon any class in the community but upon any individual, and which can, and has many times in the past, placed disabilities upon individuals or classes of the King's subjects because of their industrial position, their religious belief, or any other reason that seemed good to the Parliament.

Mr. Bryce has very strikingly described the arbitrary powers of Parliament in the American Commonwealth, volume 1, page 32:

"The British Parliament has always been, was then, and remains now a sovereign and constituent assembly. It can make and unmake any law, change the form of government or the succession to the Crown, interfere with the courts of justice, and extinguish the most sacred and private rights of the citizen. Between it and the people at large there is no legal distinction, because the whole plenitude of the people's rights and powers reside in it, just as if the whole nation were present within the chamber where it sits. In point of legal theory it is the nation, being the historical successor of the folkmoot of our Teutonic forefathers. Both practically and legally it is to-day the only and sufficient depository of the authority of the nation, and is, therefore, within the sphere of law irresponsible and omnipotent."

So says the same author at another point:

"What are called in England constitutional statutes, such as Magna Charta, the Bill of Rights, the act of settlement, the acts of union with Scotland and Ireland, are merely ordinary laws, which could be repealed by Parliament at any moment in exactly the same way it can repeal the highway act or lower the duty on tobacco. * * * Parliament can abolish when it pleases any institution of the country, the Crown, the House of Lords, the established church, the House of Commons, Parliament itself." (Vol. 1, pp. 237–238.)

In the course of his dissenting opinion in the case of Robertson *v.* Baldwin (165 U. S.) Mr. Justice Harlan refers to these "profound differences between the American and so-called British constitution," and points out—

"No such powers have been given to or can be exercised by any legislative body organized under the American system. Absolute arbitrary power exists nowhere in this free land. The authority for the exercise of power by the Congress of the United States must be found in the Constitution. Whatever it does in excess of the powers granted to it, or in violation of the injunction of the supreme law of the land, is a nullity and may be so treated by every person. * * * If the Parliament of Great Britain, her Britannic Majesty assenting, should establish slavery or involuntary servitude, the courts would not question its authority to do so, and would have no alternative except to sustain legislation of that character. A very short act of Parliament would suffice to destroy all the guaranties of life, liberty, and property now enjoyed by Englishmen."

Even the proponents of this legislation must realize what would happen if Congress possessed and exercised the powers of the British Parliament, which this bill endeavors to excite into being. The very constitutional restrictions which they seek to overcome, and which they would have you disregard, are those which create the most marked distinction between American and British Governments, and give to the citizens of the one a security not possessed by the subjects of the other. Within the memory of living men these very comparisons have been exemplified. Our Constitution forbids the passage of bills of attainder. Following the War of the Rebellion the Supreme Court of the United States was again and again called upon to protect the citizens of the States lately in rebellion against legislation amounting to acts of attainder growing out of the bitterness of the civil struggle. The British Parliament has passed, and may to this hour pass, bills of attainder, punishing unborn children for the alleged acts of their parents. Our Constitution guarantees a speedy trial to persons accused of crime. The Parliament may, and frequently has, authorized or permitted the indefinite imprisonment of individuals without trial, or even an accusation, and upon the mere suspicion of the executive. We forbid the taking of property without due process of law. The Parliament has and does arbitrarily confiscate private property without compensation. It is not within your power to pass ex post facto laws, but within your own memory certain Irish Parliamentary leaders were prosecuted, convicted, and imprisoned for making speeches made unlawful by act of Parliament after their delivery.

So, gentlemen of the committee, while it is true that English trade-unions enjoy special exemptions from the uniform operation of the law which it would not be possible to grant to members of trade-unions in this country without depriving other workmen who are not members of such organizations and other citizens generally of the equal protection of the law, it is equally true that the English legislation has grown out of special legal disabilities unknown to the American workmen and unusual circumstances of fact without parallel in this country.

But the legal privileges to which I referred are accompanied by legal disabilities which no trade-unionist of this country would care to accept. The British trade unions may not hold property, nor act through trustees, except it be registered under the trade-union act of 1871, and it has been frequently decided that that act is, as it were, the charter of combination for a registered trade union, and it can exercise no power not therein authorized. In this country a labor union is not required to incorporate or even assume any quasi corporate form. It remains a purely voluntary organization that may enforce any lawful rule upon its members, and it enjoys the fullest and freest rights of political activity. In Great Britain it was not long since decided in the case of the Amalgamated Society of Railroad Servants *v.* Osborne (House of Lords, July 21, 23, 28; Dec. 21, 1909) that a registered trade union can not lawfully apply its funds for the maintenance of members of Parliament to represent its interests. As a corollary to that judgment it was held in a very recent case (Wilson *v.* Amalgamated Society of Engineers, 2d Ch., Mar. 24, 1911) that as a trade union has no power to levy contributions upon its members for the purpose of securing parliamentary representation, they have, for like reasons, no power to levy contributions to secure representation on municipal and other local bodies other than boards of guardians. That is where the levy on the members is in effect compulsory. This decision, in express terms, leaves it an open question whether the Osborne case does not apply even to the administration of funds for parliamentary and municipal elections where the money is voluntarily subscribed by members of the union.

The point of all these comparisons between the legal conditions under which the British and American labor unions operate is that the legislative privileges conferred by the British Parliament upon British trade-unions are accompanied by legal and political disabilities which no American trade-union would accept. Yet the mode of argument adopted by the opponents of this legislation is to single out an exemption from the general law, conferred upon the British trade-unions, which it is not within the power of the American Congress to confer upon the members of the labor organizations in this country, without mentioning to the committee the various attendant disabilities accompanying these privileges and interwoven with them as a part of the complete legal system of trade-union regulation, the acceptance of which as a standard of legal right in this country no labor-union leader would dare to advocate in the presence of his own followers.

Let me now ask the committee to note the nature and circumstances of the equity jurisdiction exercised in labor disputes, observing that the rights protected are of the same character as those which are the object of remedial intervention by equity in every other known form of legal controversy; that, far from being a novel exercise of the powers of the chancellor, the principles involved are as ancient as any known to equity jurisprudence, nor do they protect merely the rights of employers, but they do, and in almost every instance of their exercise are required to, protect the equal rights and privileges of employees. Indeed, with respect to this last point I may observe in passing that two of the most prominent cases governing the use of injunctions in labor disputes are those of Plant *v.* Woods (176 Mass., 492) and Pickett *v.* Walsh (192 Mass., 572). In the first case one labor union is seeking protection from the intimidating and coercive action of another labor union which questioned and orthodoxy of the first; and in the second case individual nonunion men are seeking to be protected in their right to continue their employment against the efforts of a bricklayers' union to cause their employer to discharge them unless they join the defendant union.

Now, what the the rights for which injunctive protection is sought in the course of labor controversies? Let me refer for description to the language of Judge Gray in the famous report of the Anthracite Coal Strike Commission: "The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means the destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers."

Man's property in himself is the first and most elemental of all property rights, a fact this Nation recognized in the noblest manner by the emancipation of the slave. But a man owns the labor of his head no less than that of his hand; of his pen no less than his pick; his professional learning no less than his knowledge of a trade. Every exercise of mind or body possessing value is property as much as the coat on my back or the watch in my pocket, the house in which I live, or the land whose fruits sustain my life. Nay, more, we dispose of what we have and buy the possessions of others only through agreement; thus the most commonplace, and, indeed, socially, the most indispensable, of all property rights is that of contract. These rights of property are universally recognized, not more by the technical decisions of generations of judges than by the common sense of mankind. So it is evident by our daily experience, apparent in our customs, embodied in our law, confirmed by our courts, and the practical judgment of civilized mankind, of which we are a part, that not only are land and chattels property but the rights by which we acquire and dispose of them, use them for our own profit and our neighbor's benefits, as well as the peculiar qualities and powers of mind and body that may be turned to our pecuniary advantage—all are alike property and entitled to protection as such from whatever source they may be assailed.

Whenever we use land and structures in commerce and industry, whenever we exercise personal rights in connection with them and seek to acquire a name for skill in manufacture, honesty and enterprise in trading, that custom may accrue to us, that esteem which we secure in the minds of others because of the quality of our product, the character of our skill, the promptness with which we pay our debts, and those circumstances and incidents that contribute to give us reputation in the judgment of the buying public is a property right as valuable as store and factory and skill themselves, and we term it the good will of business.

All these circumstances in action constitute a going business, a thing in action of the most valuable nature, which has been thus graphically described by a great court of New Jersey:

"Business does not mean stock or machinery or capital and the like. While 'business' can be done without these, in commercial language it is as distinct from it as labor is from capital. In speaking of the business that may be done by a merchant, banker, or railroad company, the mind does not contemplate or dwell upon the character or quality of the means used, but of the operation, whether great or small, complex or simple, numerous or few, for one or the other of these conditions may arise from much or little stock or capital. In other words, 'business' does not mean dry goods, nor cash, nor iron rails and coaches. Business is not those lifeless and dead things but the activities in which they are employed. When in motion, then one is said to be in business; and then it is that merchants and others speak of the profits of business."

The importance of the right to do business was splendidly emphasized by the Hon W. G. BRANTLEY, a distinguished Democratic Member of the present House and former member of this committee, in a report made from the Judiciary Committee of the House on personal and property rights during the Fifty-ninth Congress. Mr. BRANTLEY said:

"It is well-nigh impossible, to my mind, to separate the right to do business from the business itself. It takes both to make a business. Financial loss, and perhaps bankruptcy and ruin, awaits every man who is denied the right to carry on the business in which his capital is invested."

The Wilson, Dingley, and Payne Tariff Acts each, in some of their provisions, recognize business as distinct from its tangible assets; so, too, the Sherman Act recognizes it by giving treble damages against violators of the act for injury done to business. So, too, you will find frequently cases in the Federal courts where ticket brokers have been enjoined from "scalping" railroad tickets on the ground that such conduct endangers the business of the railroad company by the interferences of these brokers or scalpers between the carrier and the original purchaser of the ticket, who is under contract not to resell it. This whole doctrine of restraint by injunction directed against third parties maliciously interfering with a business contract is fully set forth in a celebrated decision of the Supreme Court, Bitterman *v.* L. & N. Railroad (207 U. S., 222), and the committee will observe that the principle of law laid down there is the very one underlying and vindicating the interference of a court of equity in a labor dispute where there is a combination or conspiracy to procure or compel a breach of contract.

Now, all of these rights to which I refer are daily receiving equitable protection in every department of commercial litigation. Trademarks, copyrights, trade names, unfair competition, betrayal of trade secrets, nuisances affecting the use of property, the protection of trust funds against dissipation, injunctions against waste, all sorts of rights, accorded by contract; these and many uses of property and the exercise of property rights too numerous to mention are the commonplaces of daily protection by injunctive remedy predicated upon the recognition of the great truth that in the commercial world the right of greatest value and necessity is the right to carry on a lawful business without unlawful interruption. It is only when these same rights are menaced in labor disputes that their protection excites any criticism or seems to cause any confusion of mind amongst labor leaders or legislators.

True it is that wherever the injunctive writ is sought the applicant must disclose and the court must find, a condition of fact in which the rights to be protected are so circumstanced that unless the writ issues, the irreparable damage will be done and there is no adequate remedy at law. "But," says the proponents of this legislation, "if the criminal law be enforced in labor disputes against those acts which are said to frequently accompany disturbances of this nature, a remedy is at hand." In response to that it might first be observed that the second section of the proposed bill removes the most common acts and conspiracies in furtherance of trade disputes, from the reach of the criminal law. But even if the criminal law be left in its present form, I have never heard it seriously contended, nor do I know of any decision or any textbook which holds the enforcement of the criminal law to be an adequate remedy for a person injured as against the wrongdoer. To fine, imprison, or execute a criminal satisfies the outrage done to the community, but it never has been known to compensate the individual against whom the act is directed.

But the proponents of this bill further say that the wrongdoers may respond in damages; there is a remedy. It has always been held that where many individuals join in the commission of a wrong requiring a multiplicity of actions to recover compensation, and where even in that event many remain unknown or financially irresponsible, it can not be said that the remedy at law is adequate; and if it is not, the damage accomplished is certainly irreparable.

But finally let us assume the ordinary circumstances of an average strike, accompanied by picketing and boycotting, hour after hour and day after day, taking any of the numerous cases in Federal and State decisions as an example. We may find workmen intimidated going to and from work, customers threatened with boycott if they continue to deal with an individual against whom the strike is directed; and not only are the parties to the combination effectuating these things severally irresponsible, and often unidentifiable, but the wrongs they commit are multiplied each hour and each day, so that the injury and damage inflicted is of a continuing nature which a thousand suits at law, if they were maintainable, could no more adequately redress than an action directed against a cyclone or a thunderbolt. To these practical circumstances no man of ordinary experience can blind his vision. Thus it will be evident from an examination of any one of the adjudicated cases involving a labor dispute that there is frequently a combination of circumstances working injury in a thousand forms, for which civil actions in tort are as inadequate as an action against a mob.

You are told that innocent acts are frequently enjoined, but the "innocent acts" are always described without reference to the circumstance of their employment. "No conduct," said Mr. Justice Holmes, in Aikens *v.* Wisconsin (195 U. S.), "has such absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to protect the punishment of the plot by law."

So the charge of enjoining innocent acts is always made without reference to the injunctive order in which they are alleged to have been restrained; or the order is presented and a phrase is taken here and there from its context and the charge pressed home by a superficial or fragmentary reading of particular injunctions. Thus I have noticed caustic criticisms of an order enjoining men from marching on the public highway, the critic making no reference to the fact that the defendants were so enjoined only if their purpose was to prevent other workmen equally entitled to the use of the highway from going to or returning from their work. It is frequently asserted that men are enjoined from "persuading" others to do or omit to do certain things, but I know of no order in which such a term is used except in connection with other phrases forbidding conduct of an unlawful character. Surely no rule of interpretation is better settled than that where a number of phrases are used, the concluding word of many terms is to be given construction as of the same general class as the previous phrases. Thus the word "persuasion" is sometimes used as a general inhibition of the kind of persuasion previously prohibited in a writ.

So, too, you are informed that injunctions are issued against acts which are crimes in order that through proceedings in contempt the persons committing such acts may be deprived of trial by jury. This charge, pressed with much plausibility, fades before the simple and easily made distinction between the various qualities present in every human act. The meanest man has no difficulty in realizing, for illustration, that every act of man has both a moral and a mental quality. The same act may conform to the laws of logic and violate the laws of morals. So, too, any act of one human being may, like a trespass, for instance, be at once the subject of criminal prosecution and a simultaneous civil action for damages. He who assaults another may be punished by the State for his crime and sued by the object of his wrongdoing for his tort. So an act forbidden by injunction may, when viewed through the spectacles of criminal law, likewise constitute a crime.

Said Mr. Justice Brewer in the Debs case (158 U. S., 595):

"The law is full of instances in which the same act may give rise to a civil action and a criminal action. An assault with intent to kill may be punished criminally under an indictment therefor or will support a civil action for damages, and the same is true of all other offenses which cause injury to persons or property. In such cases the jurisdiction of the civil court is invoked, not to enforce the criminal law and punish the wrongdoer, but to compensate the injured party for the damages which he or his property has suffered, and it is no defense to the civil action that the same act by the defendant exposes him also to indictment and punishment in a court of criminal jurisdiction. So here the acts of a defendant may or may not have been violations of the criminal law. If they were, that matter was for inquiry in other proceedings. The complaint made against them in this is of disobedience to an order of a civil court made for the protection of property and the security of rights. If any criminal prosecution be brought against them for the criminal offense alleged in the bill of complaint of derailing and wrecking engines and trains, assaulting and disabling employees of the railroad companies, it will be no defense to such prosecution that they disobeyed the orders of injunction served upon them and have been punished for such disobedience.

* * * * * * *

"In brief, a court enforcing obedience to its orders by proceedings for contempt is not exacting the criminal laws of the land but only securing to suitors the rights which it has adjudged them entitled to."

In the face of the demands made upon it, I beg this committee to ask, What is there in the nature of a labor dispute that should remove the persons and the rights involved from the same protection, the same remedies, the same constitutional guaranties that operate upon the same citizens in every other controversy? Is it that the right to a preventive remedy is in any sense inferior to the right to a compensatory remedy? Is the deterrence of wrong less important than its cure? The same great organic instrument of government confers jurisdiction in law and equity to the same court, in the same place, at the same time, and for the same purpose. The constitutional right to equitable remedies and procedure is equal in every respect to the right which each citizen possesses to the protection of a court of law. It is no less; it can be no more; nor can the right of any citizen be different from that of another citizen in similar circumstances; nor can a remedy be made to depend upon the character of the controversy and not upon the nature of the right assailed.

These propositions are self-evident. In this day and place they can require no elaboration of authority. I wish, therefore, to call to the attention of the committee but two cases on the general proposition of the right and duty of a court of equity to supply in labor disputes the protection which this legislation would destroy. The universal agreement of judicial authority on the points at issue is well stated in the case of Union Pacific R. R. Co. *v.* Ruef (120 Fed. Rep., 102), in which the court says:

"I have cited these authorities as being in part those which sustain the authority and duty to issue writs of injunction against violence to persons, against violence to property, against interference to business, against intimidation, and against the rights of contract and liberty. These authorities can not be reviewed within the limits of an opinion

of reasonable length. The rules to be deduced, with but a single exception, can not be in doubt, and the authorities are not in conflict, and it does not matter whether we turn to the English cases or the Federal cases decided on the circuit, to the decision of the appellate courts of the United States, to the supreme courts of the several States, or to the textbooks, old or modern, we find a uniformity so remarkable as seldom to be found in other branches of our jurisprudence.

"They are all in favor of the rights of contract, of freedom, of the rights of property, and that no combination of men shall be allowed to interfere with another man, partnership, or corporation. The courts can not hope to entirely foreclose discussion of these questions, but discussion is already nearly at an end by the courts, and by those having the slightest knowledge of jurisprudence. And capitalists and employers of labor, and employees alike, must understand that they must go elsewhere than to the courts for other results, and if they can not go with confidence to the courts, it is because they desire to go without conscience, and knowing that they have a controversy without merit."

If the members of the committee would glance at the same rule of law applying to the boycott by a combination of employers and the boycott by a combination of workmen, let them examine the cases of Montague *v.* Lowry (193 U. S., 38) for the former and Lowee *v.* Lawler (208 U. S., 206) for the latter. And the committee will find, perhaps, much to its interest, that the counsel for the boycotting employers makes, in his brief, the same vain argument to the Supreme Court which underlies the second section of this bill; that is, that whatever one man has a lawful right to do a combination ought likewise to have a legal right to agree to do.

Finally, as the last expression upon the subject, we have the utterance of the Supreme Court of the United States in the case of Gompers *v.* Buck Stove & Range Co. (219 U. S.), where the court, fully recognizing the right of men to organize and act collectively, fully vindicates the right and duty of a court of equity to protect an individual in the lawful exercise of his rights against the coercion of a powerful labor combination.

In that decision, in which all the members of the court concurred, Mr. Justice Lamar says:

"The court's protective and restraining powers extend to every device whereby property is irreparably damaged or commerce is illegally restrained. * * *

"Society itself is an organization and does not object to organizations for social, religious, business, and all legal purposes. The law therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized.

"But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power, in the presence of which an individual may be helpless. This power when unlawfully used against one can not be met except by his purchasing peace at the cost of submitting to terms which involve the sacrifice of rights protected by the Constitution, or by standing on such rights and appealing to the preventative powers of a court of equity. When such appeal is made it is the duty of government to protect the one against the many, as well as the many against the one."

As the committee may be interested in examining the leading cases involving these propositions, I supply a list for their convenience:

Quinn *v.* Leatham, 1st Appeal Cases, 1901, 495.
Casey *v.* Typographical Union, 45 Fed., 135.
Toledo & Ann Arbor R. R. Co. *v.* Pennsylvania R. R. Co., 54 Fed., 730.
Thomas *v.* Railroad Co., 62 Fed., 803.
Arthur *v.* Oakes, 63 Fed., 319.
Loewe *v.* California State Federation of Labor, 139 Fed., 83; also 189 Fed., 714.
In re Debs, 158 U. S., 564.
Bitterman *v.* L. & N. R. R., 207 U. S., 206.
Board of Trade *v.* Christie, 198 U. S., 236.
Loewe *v.* Lawler, 208 U. S., 206.
Gompers *v.* Bucks Stove & Range Co., 219 U. S., 340.
State *v.* Stewart, 59 Vt., 274.
State *v.* Glidden, 55 Conn., 46.
Hawarden *v.* Coal Co., 111 Wis., 545.
Jackson *v.* Stanfield, 137 Ind., 592.
Delz *v.* Winfree, Norman & Pierson, 80 Tex., 401.
Gray *v.* Building Trades Council, 91 Minn., 171.
Beck *v.* Teamsters' Union, 188 Mich., 545.
Pratt Food Co. *v.* Bird, 148 Mich., 632.
Purvis *v.* Brotherhood, 214 Penn., 348.
Doremus *v.* Hennessey, 176 Ill., 608.
Pickett *v.* Walsh, 192 Mass., 572.
Barr *v.* Essex Trade Council, 53 N. J. Eq., 101.
Crump *v.* Commonwealth, 84 Va., 927.
Lohse Co. *v.* Fuelle, 215 Mo., 421.

Since the purpose of this measure is not merely to deprive Federal courts of the power of equitable intervention in trade disputes, but likewise to change the rule of the criminal law with respect to conspiracies and combinations acting in furtherance of such disputes, I ask this committee to recall that the criminal condemnation of the boycott was secured from the Supreme Court of the United States by labor organizations themselves. In 1887 several members of the musicians' union, then affiliated with the Knights of Labor, all being residents of this city, refused or neglected to pay a fine levied against them by the Musicians' Union. They were expelled from the union. Notice was served upon them that no member of the organization would work in any orchestra in which they were employed, and through the Knights of Labor this determination was sent over the country, and every theatrical manager and orchestra leader was informed that the employment of these men in any capacity would precipitate a strike. So complete was the combination against them that they were unable to secure work, whereupon they complained to the district attorney of this city against certain persons who had been chiefly instrumental in putting this terrible combination into operation against them, and the parties accused were indicted on a charge of conspiracy. The indictment shows that the combination not only undertook to prevent them from securing work as musicians, but from securing employment in any capacity whatever.

The defendants were tried in the police court of this city without a jury and found guilty, whereupon Mr. Jackson H. Ralston, now counsel for Messrs. Gompers, Mitchell, and Morrison, applied to the Supreme Court of the United States for a writ of habeas corpus on behalf of Callam, one of the defendants then in the custody of the marshal, on the ground that the offense with which the defendant was charged was of so "heinous" a character that he was constitutionally entitled to a trial by jury.

Mr. Justice Harlan, in an elaborate opinion, concurred in by all his colleagues, held the point well taken and declared that the conspiracy of which the defendant was a party, to wit, a boycott directed against the employment of certain individuals, was an offense of so "heinous" a character that the defendant was entitled to a trial by jury. (Callam *v.* Wilson, 127 U. S., 540.)

Now, sirs, in conclusion, what is the purpose of this remarkable legislative proposal? No man can be familiar with contemporary events, nor with the trend of judicial decisions and statute law, without realizing that this is a deliberate effort to legalize combinations and conspiracies of a kind condemned, not only by the decisions of every State court of last resort, of every Federal court, of the Supreme Court of the United States, but likewise by the moral judgment of mankind.

At one stroke this measure would deprive the victim of the boycott, whether employer or employee, of the protection of the courts of law and equity and the criminal statutes which even now, in many instances, fail to effectually shield either the business man or the laborer from persecution and grievous injury and injustice. It is intended, and would, were it constitutional, validate the various assaults upon personal liberty and private property so eloquently and powerfully described in the report of Anthracite Coal Strike Commission, composed of both employers and representatives of organized labor:

"It becomes," said that body, "our duty to condemn another less violent, but not less reprehensible form of attack upon those rights and liberties of the citizens which the public opinion of civilized countries recognizes and protects. The right and liberty to pursue a lawful calling, and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the boycott (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons."

The rights of 30,000,000 wage earners, seeking to earn their living under the conditions that please them best, are to be subjected to the coercion of 2,000,000 of their fellows, demanding that membership in the organizations which they control shall be a prerequisite to the exercise of the right to work without molestation or persecution. Thousands of employers engaged in every form of commerce and industry are to be left without legal remedy whenever they become the objects of attack, upon refusal to grant the demands of combinations possessing, in furtherance of trade disputes, the peculiar privileges to commit crime without punishment and damage without liability, which this measure promises. The power to issue injunctions, to protect personal liberty and property rights, is to be withdrawn from the courts of the United States and practically lodged in a labor federation issuing its own injunctions against employer and workmen, requiring them to conduct their business and earn their livelihood under conditions which the federation demands, and contempt of such orders is to be punished through the coercive influence of the combination, operating through its agents in every State in the Union and in every great city of those States.

The will of such a combination, unrestrained by legal remedy, civil liability or criminal responsibility, is to succeed the law of the land, and great combinations and conspiracies which have hitherto obstructed the movement of commerce or undertaken to fix the conditions of production and employment only to be met by the protecting shield of the law, or to find it withdrawn from the form of their victim. The public, no less than the private interests, would be at the mercy of such privileged assailants. The very States of the Union, impotent to obstruct interstate commerce, would find themselves inferior in power to mere voluntary associations of individuals promulgating, without restraint, rules for the conduct of interstate commerce which no sovereign State could issue. And such privileges are demanded at the very hour when the public mind has been amazed and shocked by an astounding confession that has revealed a vast labor combination operating in many States, and through many agents, and using the highest forms of physical force that modern science can place at the command of man for the purpose of compelling a great industry to conduct its operations under conditions demanded by that combination, or suffer continuous assaults upon the lives of its workmen and the most destructive attacks upon its property—attacks which, for reckless disregard of the safety of the general public, are probably without parallel in the history of crime.

We ask this committee not merely to reject but to rebuke the demands represented in this legislation. We submit to the committee that the measure is manifestly unconstitutional:

1. Because it undertakes to deprive the courts of the United States of an inherent equity jurisdiction.

2. Because it undertakes to deprive citizens engaged in labor disputes of fundamental, civil, and property rights guaranteed by the Constitution, and which can not be taken from them without a denial of due process of law.

3. Because it undertakes to make constitutional remedies and constitutional rights dependent for their use and protection upon the character of the controversy in which they are involved, and not upon the nature of the right itself.

4. It undertakes to arbitrarily deprive one class of citizens of rights to which they are equally entitled with every other class of citizens.

5. It undertakes in labor disputes to arbitrarily exempt one class of citizens from the uniform operation of the civil and criminal laws of the United States.

6. The English legislation suggested as precedent for this bill is without authority because of profound constitutional differences between the organic laws of Great Britain and the United States, and for the further reason that as a matter of history and fact the British legislation proceeds from special and peculiar circumstances and considerations and is accompanied by inseparable legal disabilities having no counterpart in this country.

Finally, were this measure free from constitutional objection its practical operation would irreparably injure the public and private interest. It would encourage the lawless, breed civil strife and disorder, withdraw protection from the law-abiding and be a lasting stigma upon the legislature which enacted it and the country which endured it.

Mr. CLAYTON. Mr. Speaker, I now yield 30 minutes to the gentleman from West Virginia [Mr. DAVIS].

Mr. DAVIS of West Virginia. Mr. Speaker, the subject the House has under discussion to-day is in no sense a new one. It has been fruitful of discussion and debate in this and other

forums for at least 20 years. It has formed the subject of declarations in party platforms, and not since, but frequently, has been alluded to in presidential messages. I congratulate the Democratic Party that an opportunity has now come to it to present genuine constructive legislation on this mooted topic and that it is prepared to grasp it. [Applause.]

Until I listened to the remarks of the gentleman from Pennsylvania [Mr. MOON], I thought I had some knowledge of both the origin and the history of this measure, some familiarity with its provisions and the reasons for them. I listen always to the remarks of the distinguished gentleman with great respect, and for his judgment I have so high an estimate that I distrust my own whenever I am forced to differ from him. In this instance, however, I do not only differ from his views on this matter, but I draw consolation rather than discouragement from his remarks, and treating them as an epitome of the worst which can be said against the pending bill I am confirmed in my belief in its justice and its equity.

Within the short space of time at my disposal I can not hope to fully cover so broad a subject. I must, therefore, address myself principally to a reply to the suggestions which the gentleman from Pennsylvania [Mr. MOON] has offered in opposition to this bill. The temptation to interrupt him in the course of his remarks was strong, but I refrained because I realized the impossibility of making a connected legal argument under such interruptions, and I must, therefore, claim for myself the same privilege which was justly claimed by him.

The history of government in America, Mr. Speaker, is written in phrases; an idea finds lodgment in the public mind; a wrong burns itself into the national consciousness; an aspiration communicates itself from soul to soul, until the pulse of the Nation is stirred by a common desire; but the wrong is not righted; the idea is not transmuted into action; the aspiration is unrealized until some happy phrase crystallizes public opinion and progress and reform result. So with the phrase "Government by injunction." In themselves the words are meaningless enough, for an injunction is necessarily a form of government; it is the direct exercise of govermental power by the judicial branch, and as such is as legitimate and as necessary as the making of laws by the legislature or their enforcement by the executive.

The legislator enacts the statutes, the executive gives his orders, and the judge, in a proper case, issues his injunction against the parties before him—all alike are necessary functions of government. But as a shiboleth and a slogan, the phrase has come to mean vastly more. It is the expression of a long-standing complaint, which with many has ripened into a deep-seated conviction, that the writ of injunction has been carelessly, if not wrongfully used; that it has been turned to purposes beyond its proper scope; and that an evil has sprung up which calls for legislative action. If, as the gentleman from Pennsylvania [Mr. MOON], in substance asserts, this complaint is the mere clamor of restless lawlessness, if this conviction is the mere prejudice of disappointed litigants, if it is simply the murmur of discontent from those against whom the processes of the law have been rightfully invoked, then we owe it to the country and to ourselves to disregard it and to dismiss the subject as one not calling for our attention. But if the complaint, both in origin and in volume, commands our respect, if instances of abuse in the use of this writ, in fact, exist, we shall fall short of our duty if we fail to discover these abuses and seek to correct them. Nor does it strengthen the argument on the part of the minority to assert that the only purpose of the bill now offered as their substitute and of the presidential messages upon which it purports to be based, is to still this clamor by a mere pretense of remedy.

Those who do not believe that party platforms are mere bait to catch gudgeons must feel themselves bound, no matter upon which side of this House they may sit, to legislate upon this subject. The Democratic Party in its platforms of 1896, 1900, 1904, and 1908 has promised this relief, and in the year 1908 the Republican Party, following as usual the Democratic lead, made a grudging and belated declaration to the same effect. From 1896 to this Congress the Republican Party has enjoyed undisputed control of both Houses of Congress and of the Presidency, and in all that time has put upon the statute books no word of remedial legislation on this matter. Yet I call the gentleman's attention to the fact that it was not in the year 1910, or even in 1909, that this subject was first called to the attention of Congress.

A Republican President, with whose remedies in the matter of court procedure I am fortunately not compelled to agree, called it to the attention of the Congress on the 5th day of December, 1905; on the 3d day of December, 1906; on the 3d day of December, 1907; on the 31st day of January, 1908; on the 25th day of March, 1908; and on the 18th day of December, 1908. His successor, taking a leaf from his book, recommended action in his messages of the 7th day of December, 1909, and of the 6th day of December, 1910. All of these messages fell upon deaf ears. Yet in them, over and over again, it was declared upon the authority of no less a person than the Chief Executive of the United States that these abuses did exist and that Congress should search for and apply the remedy. I have not time to quote in full the substance of any of these messages. A few sentences from some of them may be interesting. In his message of December 3, 1906, President Roosevelt said:

> There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof—even when authority can be found to support the conclusions of law on which it is founded—may often settle the dispute between the parties; and, therefore, if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction, and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

Again, on December 3, 1907, he said:

> Instances of abuse in the granting of injunctions in labor disputes continue to occur, and the resentment in the minds of those who feel that their rights are being invaded and their liberty of action and of speech unwarrantably restrained continues likewise to grow. Much of the attack on the use of the process of injunction is wholly without warrant; but I am constrained to express the belief that for some of it there is warrant. This question is becoming more and more one of prime importance, and unless the courts will themselves deal with it in an effective manner, it is certain ultimately to demand some form of legislative action. It would be most unfortunate for our social welfare if we should permit many honest and law-abiding citizens to feel that they had just cause for regarding our courts with hostility. I earnestly commend to the attention of the Congress this matter, so that some way may be devised which will limit the abuse of injunctions and protect those whose rights from time to time it unwarrantably invades.

On January 31, 1908, he again declared:

> It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of the wage earners, and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends.

While the recommendations made from time to time vary somewhat in detail, I presume no one will dispute that they establish, so far as the word of a President of the United States can establish it, the existence of a well-grounded complaint and the necessity for remedial legislation. It is late now to be told that the whole thing is baseless agitation.

But the gentleman from Pennsylvania [Mr. MOON], says that before the committee which had this bill under consideration there appeared not one man who put his finger upon any specific instance of abuse, and that in all the years in which he has sat as a member of that committee, no such abuse has been called to his attention. I would not in the least impugn either the integrity, intelligence, or industry of the gentleman; but if no such abuse has been called to his attention by others, the books of the law are wide open to him, and in their pages he could have read case after case that would have given him the light he sought. [Applause.] In a matter such as this, I agree that it will not do to content ourselves with general criticisms. We will not better the situation by mere declamation or denunciation; nor must we lose ourselves in the pursuit of academic theories. The thing to do is to go to the cases in which the courts have acted, and where their practice and procedure have failed to meet the standard, put our finger on the specific error and so far as we can, prevent its repetition.

The general principles which should govern courts in the issuance of injunctions have been often stated, but never better so than by Mr. Justice Baldwin, in Bonaparte *v.* Railroad Co. (217 Fed. Cas., 1617), when he said:

> There is no power, the exercise of which is more delicate, which requires greater caution, deliberation, and sound discretion or is more dangerous in a doubtful case, than the issuing of an injunction. It is the strong arm of equity, that never ought to be extended, unless in cases of great injury, where courts of law can not afford an adequate or commensurate remedy in damages. The right must be clear, the injury impending or threatened, so as to be averted only by the protective preventive process of injunction; but that will not be awarded in doubtful cases, or new ones not coming within well established principles, for if it issues erroneously an irreparable injury is inflicted, for which there can be no redress, it being the act of a court,

not of the party who prays for it. It will be refused till the court are satisfied that the case before them is of a right about to be destroyed, irreparably injured, or great or lasting injury about to be done by an illegal act. In such a case the court owes it to its own suitors and its own principles to administer the only remedy the law allows to prevent the commission of the act.

With the writ of injunction as so applied and administered there can be and ought to be no complaint. The adjective "beneficent," which has been so often applied to it, is well deserved, for in law as elsewhere, an ounce of prevention is better than a pound of cure; and just in proportion as the value and importance of the writ should be recognized so should its efficiency be safeguarded and its misuse be prevented. I accept the challenge of the gentleman from Pennsylvania [Mr. MOON], and assert that if the testimony of the witnesses before the committee did not disclose them, still the reported cases will show at least five glaring abuses which have crept into the administration of this remedy. I name them:

The issuance of injunctions without notice.
The issuance of injunctions without bond.
The issuance of injunctions without detail.
The issuance of injunctions without parties.
And in trades disputes particularly, the issuance of injunctions against certain well-established and indisputable rights.

These are the evils which this bill seeks to cure.

NOTICE.

Section 263, being the first section of the pending bill, is directed against the issuance of injunctions and restraining orders without notice. Both the majority and the minority of the committee agree with the President, and with the President's predecessor, that this is a practice which should be corrected. All realize alike that when an injunction is issued without notice it virtually deprives the defendant in many cases of his constitutional right to a day in court. The mere issuance of an injunction often achieves the purpose of the suit, and, if continued in force for but a short time, accomplishes all which the plaintiff could have hoped, and effectually destroys the defendant. When such an injunction has fallen, like a bolt from a clear sky, upon the unhappy litigant, punishing him beyond recovery before a hearing can be had, it is no wonder that he feels himself the victim of a rank injustice and that his sense of wrong sometimes blazes into fierce criticism of the courts and deep resentment against all forms of law.

In the earliest Federal legislation on this subject, the judiciary act of March 2, 1793, the necessity for notice upon the issuance of an injunction was recognized. Section 5 of that act was in the following language:

> That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the supreme or a circuit court; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same.

So the law remained in substance until the act of June 1, 1872 (17 U. S. Stat., 197), cast it into its present form, as follows:

> That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security, in the discretion of the court or judge: *Provided*, That no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order except within the circuit to which he is allotted, and in causes pending in the circuit to which he is allotted, or in such causes pending outside of the circuit as the parties may in writing stipulate, except in causes where such application can not be heard by the circuit judge of the circuit or the district judge of the district.

An examination will show that, notwithstanding these statutes, the courts in many cases have actually issued temporary injunctions without notice; and in still other cases, although ostensibly complying with the statute, they have issued so-called restraining orders having all the scope and effect of the injunction order itself, and have set down the motion for the injunction to be heard 60 days, 90 days, or even longer, after the issuance of the so-called restraining order. Thus by a mere matter of the use of names they have kept the word of promise to the ear but broken it to the hope, and nullified the entire purpose of the existing law.

I shall not stop to consider the criticisms which are offered upon the accuracy of the résumé of preexisting law contained in the report of the majority; all that is entirely aside from this discussion. All agree upon the evil, and all alike are seeking for some method to remedy it. There are certain minor differences, however, between the first section of the pending bill and the substitute introduced by the gentleman from Pennsylvania [Mr. MOON] and offered by the gentleman from Illinois [Mr. STERLING], but only two points of variance justify consideration. If the substitute offered by the minority should be adopted in its present form, it will, by necessary implication, repeal section 266 of the present Judicial Code, which relates to the issuance of injunctions suspending the enforcement of any statute of a State, and which provides a special procedure adapted to such cases. This section is preserved intact in the bill presented by the committee. The other material difference pointed out with entire candor by the gentleman from Pennsylvania [Mr. MOON], and as to which there is room for legitimate difference of opinion, is that with reference to the duration of a temporary restraining order which may have been issued in a case of emergency without prior notice. The bill provides that such a temporary restraining order must be forthwith entered of record. It can not be carried in the pocket of the litigant until, in his judgment, an opportune time has come to spring the trap which he has set for his adversary. The moment the signature of the court is affixed it must be presented to the clerk and made a matter of public record. Within 7 days thereafter of its own force and effect it terminates, unless, in case of peculiar hardship, the applicant may be able to show to the court good cause for an additional 7 days' extension, or 14 days in all; and if he applies for an additional 7 days, notice of such application must be given to those who have been previously served with the original order. This provision, as the gentleman concedes, complies literally with the message of the President under date of December 7, 1909, as also with the messages of his predecessor under date of March 25, 1908, and December 8, 1908; all of which recommend that the temporary restraining order should terminate within a fixed number of days after its date of issuance. But the substitute provides that instead of terminating within seven days from the date of issuance it shall terminate within seven days from the date of service, and this because it is suggested that it might be difficult, if not impossible, to have service upon the defendant within the original seven days and that he would not be bound by the order until such service had been had. What is the practical effect of such a modification? Suppose instead of 1 defendant there are 20.

The substitute measure does not provide that the order of injunction shall be immediately entered of record; the plaintiff may retain it, as I say, until, in his judgment, an opportune moment has come to spring his trap. Then in his own good time notice is served upon defendant A; some days later, notice is served upon defendant B; later still upon defendant C, and so on in succession upon each. As to each defendant the order is supposed to expire within seven days after its service, and service having been had on defendants on successive days, the temporary restraining order expires like a string of firecrackers exploding as to the defendants, one at a time, in the order of service upon them. This is the inevitable result of the substitute offered by the minority. Of course, inconveniences arising from the necessity for service of process are inseparable from all litigation. A man who can not secure jurisdiction of his adversary by service of process, whether it be summons, subpœna, temporary restraining order, or what not, will be unable to bring him within reach of the power of the court; but, if as suggested, the defendant is deliberately endeavoring to evade service of process in order to escape the effect of the temporary restraining order, it must certainly follow that in so doing he has removed himself from the sphere of immediate mischief and that immediate and irreparable injury from his action is no longer likely to ensue to the plaintiff. In evading the process of the court, he puts it out of his power to commit the injury.

SECURITY.

Section 266a of the bill provides that no restraining order or interlocutory order of injunction shall issue except upon the giving of security conditioned upon the payment of such costs and damages as may be suffered by any party wrongfully enjoined. It is certainly not unfair that he who seeks the extraordinary relief of the writ of injunction should indemnify his adversary, if it proves that he has secured it without right; for it is well settled that in the absence of an express undertaking to that effect, a plaintiff who has wrongfully secured a writ of injunction is liable to the defendant for nothing more than the costs of the suit, and this for the reason that while the injunction is issued at the application of the plaintiff, it is nevertheless in law the act of the court and not of the party seeking it. The only surprising thing is that to this time there has been no Federal statute on this subject. The only statutory reference to the subject of security upon the issuing of injunctions is contained in the act of 1873, and now appearing as section 263 of the Judicial Code, which permits restraining orders to be issued with or without security, as the court may

determine. As long ago as 1723 it was enacted in the then Colony of Maryland that bond should be required in all cases where an injunction was issued to restrain an action at law. This example was followed in the State of Virginia in 1787, in New Jersey in 1799, in New York in 1828, and in 1848 the statutes of the State of New York extended this requirement to all injunctions. In many others, if not in all the States, this example has been followed.

The only objection or criticism now offered to this section of the present bill is that it is utterly unnecessary and conveys an implied reflection upon the courts, since the courts have unanimously met its requirements. Foster on Federal Practice, a standard work, has been quoted by the gentleman with approval, in which I join. I cite it now as an authority to support this particular section and to show that certain of the Federal courts have not met this requirement, but have committed this particular violation of good practice. I read from First Foster's Federal Practice, page 753:

Later the practice (i. e., the practice as to security) "was extended to interlocutory injunctions granted upon notice to the defendant, first in special cases, then generally; and now they" (i. e., bonds) are usually required as a matter of course in England and in most of the United States, although in some of the circuits the Federal judges are accustomed to grant injunctions without such a requirement.

It is to correct that practice in some of the circuits—a practice which I think the gentleman joins us in condemning—that this provision of the bill is inserted.

FORM OF ORDER AND PARTIES.

The next clause of the bill, section 266b, has reference to the form and contents of the order. The complaint has been that the Federal courts have issued writs of injunction without detail and directed them to persons not properly before them. It is asserted again that there are no precedents which justify the enactment of this section; that the Federal courts have always in their injunction orders described the acts forbidden to be done with sufficient detail; and that it wholly ignores the rules of equity of the Supreme Court of the United States, which are alleged to prescribe with great minuteness the form and contents of the injunctive orders and are in conflict with the provisions of the bill. I challenge the gentleman from Pennsylvania [Mr. MOON], as the gentleman from Kentucky [Mr. SHERLEY] challenged him, to point to one word, letter, or syllable in the rules of equity prescribed by the Supreme Court of the United States, 94 in number, which either cover the scope of this section of the bill or are in conflict with it. It can not be that reference is made to rule 21, which provides that where an injunction is desired there must be a special prayer to that effect; nor rule 23, which renders it unnecessary to repeat the prayer for an injunction as a part of the prayer for process; nor rule 55, which in substance repeats the requirements of the statute as to notice on the issuance of injunctions; nor rule 93, which provides for the extension of an injunction order pending an appeal; nor rule 86, which simply declares that it shall no longer be necessary to set out in extenso either the bill or any other pleadings in any order entered by the court. Except this last rule, with the salutary provision which it contains and with which this bill in no sense conflicts, I assert that there is not within the equity rules one single sentence governing or controlling the contents of a writ of injunction.

As to the other stock objection, that the section seeks to correct an abuse which does not exist, I turn again, without stopping to quote other available authorities, to the first volume of Foster's Federal Practice, page 745, and read what will, I think, amply sustain the contention of the majority in this matter:

The writ should contain a concise description of the particular acts or things in respect to which the defendant is enjoined; and should conform to the directions of the order granting the injunction. * * * The defendants ought to be informed, as accurately as the case permits, what they are forbidden to do. It seems that a writ is insufficient which designates the acts sought to be enjoined by a reference to the bill without describing them. When a carrier has been adjudged to have violated the interstate commerce law, the court should only enjoin certain specific violations. An injunction should not be granted—

As a Federal court had done—

commanding the carrier in general terms not to violate the act in the future in any particular. The injunction should not include a direction—

As a Federal court had included—

after specific inhibitions forbidding the defendant to act by any other method or device, the purpose and effect of which is to restrain commerce as aforesaid.

I call upon the personal knowledge and information of every lawyer on this floor to verify the statement that a practice has been indulged in of including in these writs of injunction at the end of a specific and detailed statement of the acts sought to be enjoined, an omnibus or basket clause forbidding all other acts of similar character or referring for further details to the prayer of the bill, in the hope that anything which might have been omitted by the overzealous lawyer would be inserted or corrected by the courts when the time for the punishment of the defendant had arrived. If such an evil exists, and that it does the text which I have read demonstrates, this bill will correct it.

But for the second clause of this section—226b of the bill—the mildest adjective which has been found is that it is "sinister." As one reads it, it seems harmless enough. It says of the writ of injunction or restraining order that—

it shall be binding only on the parties to the suit, their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

I insist, Mr. Speaker, that that language is an exact and accurate declaration of the law, both as it is and as it ought to be. And I further insist that this well-established law has been so ignored as to warrant legislative action. That the courts can act only upon persons who are parties to the suit is certainly a rule which ought to be agreed to as soon as stated. It springs from the basic and fundamental distinction between the judicial and the legislative branches of the Government, which consists primarily in this, that when the legislature acts its mandate, without direct notice or notice of any sort, is binding upon all the community alike. It speaks with a trumpet tone which all must hear and issues a command which all must revere and respect. The judicial branch of the Government, on the other hand, speaks only to those who are before it as parties to the litigation and to whose personal attention the order of the court must in some way be brought; and it has no more right to issue a command directed against the community at large than has the Czar of Russia to promulgate a ukase on American soil. Any violation of this rule is a flagrant transgression of the limit of judicial power.

The principle finds recognition in equity rule 48, prescribed by the Supreme Court of the United States, which is as follows:

Where the parties on either side are very numerous and can not without manifest inconvenience and oppressive delays in the suit be all brought before it, the court, in its discretion, may dispense with making all of them parties and may proceed in the suit, having sufficient parties before it to represent all the adverse interests of the plaintiffs and the defendants in the suit properly before it. But in such cases the decree shall be without prejudice to the rights and claims of all the absent parties.

It will be said again that no illustrations have been given of the violation of this principle. I think they can be furnished. If the gentleman will turn, for instance, to the case of Chisolm *v.* Caines (121 Fed., 397), he will find a writ of injunction issued by a Federal court in the State of South Carolina, presided over by a judge who has since gone to a well-deserved reward. [Laughter.]

Mr. TOWNSEND. You are aware as to where he has gone?

Mr. DAVIS of West Virginia. It is fair to say that this case is not typical of his judicial actions. Certain gentlemen had leased lands and marshes on the waters of Winyah Bay, in South Carolina, for a hunting and shooting preserve. A controversy arose over the title. An injunction was issued against the contesting claimants and their confederates enjoining them from entering upon the premises and frightening away the game. This injunction pretended to enjoin not only the defendants to the suit, but "all persons whomsoever." Copies of it were posted on the premises, and certain persons, one of whom happened to be a lawyer himself and a trial justice, but in no way associated with the defendants and not even charged to have been in confederacy with them, entered upon the sacred inclosures and shot some of the ducks which were hibernating there. They were punished for contempt of this injunction, although the court frankly stated that there was no charge whatever that they had combined or confederated with the defendants or were in any sense their agents or attorneys. Under any proper construction of the law the injunction was to them as nugatory as if printed in Italian and published in China.

Now, another case. In the case of Scott *v.* Donald (165 U. S., 107) a writ of injunction was applied for before the Circuit Court of the United States for the District of South Carolina in a suit having as its objective point the South Carolina dispensary law. It is interesting to notice that it was granted at the instance of James Donald, who purported to sue in his own behalf and on behalf of all other persons in the State of South Carolina as importers for their own use and consumers of wines, ales, and spirituous liquors, the products of other States and foreign countries. I do not know how many citizens of South Carolina were embraced within that description. [Laughter.]

The defendants, however, were certain parties named who were seeking to enforce the law and "all other persons claiming to act as constables, and all sheriffs, policemen, and other

officers acting or claiming to act under the South Carolina dispensary law." When that injunction was presented to the Supreme Court of the United States it very properly laid down the rule of law contained in this bill. I read from the opinion of the court:

The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have, indeed, a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the courts to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows *v.* Fellows, 4 John Chan., 25, citing Iveson *v.* Harris, 7 Ves., 257.)

The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise affirmed.

As an argument against this bill it has been urged that it would have prevented the issuance of the injunction in the famous Debs case. The merest scrutiny of the bill will show that this is not true. The Debs case, which was a suit brought by the United States in its own name to prevent obstruction of the mails and interference with interstate commerce occupied an entirely different field and was in no sense a suit involving the relation of employer and employee; and if the right to an injunction in that particular case is to be affected by legislation, it must be reached by some other method than that adopted in this bill. But I frankly concede that if this bill had been then in force one phrase in the Debs injunction would not have been used, and at least one instance of judicial usurpation would have been prevented. The order in that case was directed against certain defendants, who were named, and others combining and conspiring with them, and then against "all other persons whomsoever." In the use of this last phrase I maintain that the court spoke beyond the limits of its power. As to this a learned writer has said:

It is difficult to see how such injunctions can stand the test of precedent and principle. An injunction issues in a civil suit to any party who has been complained of, at least, and has had notice of the motion of his adversary. To be obliged to wait until the injunction has been violated to determine against whom it was issued ought to be enough to show that it is not an injunction at all, but in the nature of a police proclamation putting the community in general in peril of contempt if the proclamation be disobeyed. Courts of equity were evidently not intended to possess such functions, and it must be regretted that Judge Grosscup, in his most commendable eagerness to offset the criminal inaction of Gov. Altgeld, should have been forced to such a legal anomaly. The power of a court to imprison for contempt of its orders or of the persons of its judges is an arbitrary one at best, and to stretch it as here in the time of disorders and almost panic in the immediate vicinity would seem to show that the court has been deserted by the calm judicial temper which should always characterize its proceedings. (8 Harvard Law Review, p. 228.)

Mr. MOON of Pennsylvania. Is that the opinion of a court?

Mr. DAVIS of West Virginia. It is not. It is an extract from the remarks of a learned commentator with reference to that particular proceeding, and I may say that the Supreme Court of the United States in no part of its decision in that case countenances the part of the order which I have just condemned. It was not brought in issue, for the reason that the party who finally appeared before the Supreme Court was a party named in the injunction and one as to whom this particular question could not arise.

TRADE DISPUTES.

The fourth clause of this bill, section 266c, is divided into two paragraphs. The first provides that in a trades dispute no injunction shall issue unless necessary to prevent irreparable injury to the property or property right of the party making the application, for which there is no adequate remedy at law; and that this property or property right must be described with particularity and the application must be verified. We are told as to this paragraph that it is infected with the incurable vice of being simply a reenactment of existing law, and yet but a few moments ago we were assured that the chief virtue of the Sterling substitute, or the so-called Moon bill, is that it is merely a reenactment and declaration of existing law or practice. The same characteristic, in other words, is a virtue in the substitute, but a vice in the pending bill. I submit that the same rule should be applied to both. This paragraph is criticized because it provides that the writ of injunction in labor disputes shall be limited to the protection of property and property rights. I am willing that the language of the bill shall be tested by the decisions of the Supreme Court of the United States and that by the decisions of that great court this bill may be justified or by the same decisions it may be condemned. What does that court say in the Debs case itself on this question of jurisdiction in the issuance of injunctions? A quotation of its language will show that it is perfectly true that the first clause of the fourth section of this bill is simply a declaration of an existing rule of law which the Supreme Court has announced.

Mr. STERLING. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman yield?

Mr. DAVIS of West Virginia. I have said I would not yield, but I will.

Mr. STERLING. The gentleman is about to refer to the Debs case?

Mr. DAVIS of West Virginia. I am, for a quotation only.

Mr. STERLING. No person was punished in the Debs case who did not have actual notice of the injunction.

Mr. DAVIS of West Virginia. That is perfectly true, I think; but I do not understand that the gentleman by that question means to justify the portion of the Debs order which was directed to the world at large.

Mr. STERLING. Not at all; and the gentleman can not say from reading the opinion that the courts would have punished any person for contempt who did not have actual notice.

Mr. DAVIS of West Virginia. It may be that the Supreme Court of the United States would not; indeed, I do not believe it would have justified such a punishment. I have heretofore cited the Debs case, however, as an illustration of the fact that the inferior courts in issuing the writ of injunction have at times transcended their power and should be curbed. [Applause.]

Mr. STERLING. I agree with the gentleman that that part of the order should not have been in the decree, but the gentleman does not pretend to criticize the court in punishing some one who was either not a party or who did not have actual notice?

Mr. DAVIS of West Virginia. Of course, I am not retrying the Debs case; I am discussing House bill 23635 and the subjects to which it refers, and I say the first paragraph of the fourth section of this bill does announce existing law; it is not aimed at the destruction of civil rights; it does not tear down the pillars of the temple; it simply announces a rule of law bearing no less sanction than the Supreme Court of the United States. I read from the decision in the Debs case:

Something more than the threatened commission of an offense against the laws of the land is necessary to call into exercise the injunctive power of the court. There must be some interference, actual or threatened, with property or rights of a pecuniary nature, but when such interferences appear, the jurisdiction of a court of equity arises and is not destroyed by the fact that they are accompanied by or are themselves a violation of the criminal law.

Mr. MOON of Pennsylvania. Will the gentleman yield?

Mr. DAVIS of West Virginia. I regret it, but I can not yield further.

The SPEAKER. The gentleman declines to yield.

Mr. DAVIS of West Virginia. Before I leave that particular topic, I find further sanction for the language of this bill in a bill introduced by no less person than the ranking member of the minority of the Judiciary Committee himself. The bill introduced by the ranking member of the minority of the Judiciary Committee, Mr. STERLING, on the 9th day of March, 1912, with reference to the issuance of injunctions and temporary restraining orders contains the language:

Provided, however, That if it shall be made to appear to the court or judge that delay will result in irreparable injury to property or property right, the court shall so certify on the back of the application, and in such case the injunction or restraining order may issue without notice.

And I think he will agree that the quotation I have read from the decision in the Debs case is a correct statement as to the limitation of the equitable power of injunction.

The second paragraph of section 266c of the bill is an effort to crystallize into law the best opinions of the best courts as to those things which may be lawfully done in a trades dispute without interference by injunction. This is criticized by the minority as a proposal without precedent in legislative history, but at the same time the minority say in their report upon the bill that:

Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them.

Perhaps the most careful and impartial study which has been made of the question of trades disputes in recent years is the Treatise on the Modern Law of Labor Unions, by W. A. Martin, published in the year 1910. As against those who deny that organized labor has any just grievance in this matter, I quote the language of this learned writer in his preface, in which he says:

There is, however, a great lack of harmony in the decisions relating to trade disputes, and many of them, it is believed, are erroneous in principle and oppressive and unjust to organized labor. In this cate-

gory may be placed decisions which hold without qualification that strikes or threats of strikes to procure the discharge or prevent the employment of workmen are unlawful and criminal, as being unwarrantable interference with the business of the employer, and an invasion of the rights of the workmen against whom these acts are directed; denying unions the right to exercise disciplinary measures in accordance with their rules and by-laws, to compel insubordinate members to join in a lawful strike or continue on strike after going out; holding that all picketing is unlawful; enjoining unions at the instance of an employer against whom a strike is in operation from giving strike pay or using its funds in furtherance of picketing; requiring defendants against whom a writ of injunction, defective and ambiguous in its terms, has been awarded, to ascertain—or, more properly speaking, to attempt to ascertain—what is prohibited by reading the writ in connection with the bill.

If either statement be true, is it not an act of simple justice to say so? An uncertain standard for civil conduct or legal remedy is a constant invitation to misunderstanding and discord. When capital and labor clearly understand each other's rights, the first step on the road to industrial peace will have been taken. This bill is intended to promote that understanding. With the laboring men the country over demanding this reform; with Presidents and platforms, law writers, and even judges agreeing that it is necessary, why should any man be unwilling to grant this relief?

What reason is there for refusing to recognize the right of the employer to discharge his workman and the right of the workman to leave the service of his employer? These rights are above and beyond control by any process of injunction. Would any employer tamely submit to a court order which compelled him to retain in his service a man whose labor was no longer useful to him? Can any man be compelled to labor against his will? If the employer breaks a contract by discharging his employee, or if the employee breaks a contract by leaving his employer, the remedy is an action for damages. The process of injunction does not fit the case.

THE RIGHT TO STRIKE.

The right to strike has won its way against the judicial opposition of a hundred years. In the earliest reported case in England, that of Rex *v.* Journeymen Tailors of Cambridge (8 Modern, 10) it was held that a combination to raise wages by quitting work simultaneously was a criminal conspiracy and indictable accordingly. It took an act of Parliament to wipe this pernicious doctrine out of the English law. Many of the States in this country, notably Alabama, Connecticut, Colorado, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Montana, New Hampshire, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, West Virginia, and Mississippi, have forbidden by express statute the use of force, violence, or intimidation in trades disputes, but the right to strike and to persuade others by peaceful means to join in doing so is now too well established for argument. Of course, if that be true, gentlemen will say again, Why legislate about it? The answer is found in such orders as were issued by Judge Jenkins in Farmers' Loan & Trust Co. *v.* Northern Pacific Railroad Co. (60 Fed., 803), which Judge Harlan, sitting in the circuit court of appeals, very properly rebuked in the case of Arthur *v.* Oakes (63 Fed., 310). His language is worth repetition. He said:

> If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature or the circumstances of the employment, required him not to quit the service of his employer suddenly, and without reasonable notice of his intention to do so. But the vital question remains whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States, or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for services requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.
>
> * * * * * * *
>
> The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable.

If newspaper reports are correct, within the last 12 months a similar injunction was issued from a court in the city of Des Moines, Iowa, and was heralded as a new and valuable discovery in the settlement of labor disputes. Can it be said that men whose rights are so infringed upon have no grievance?

THE RIGHT TO PICKET.

Or take again the question of the right to picket. The language of the bill with reference to "picketing" is borrowed from the English trades dispute act of 1906, and prohibits an injunction against—

> attending at or near a house or place where any person resides or works or carries on business or happens to be for the purpose of peaceably obtaining or communicating information, or of peaceably persuading any person to work or abstain from working.

So well does this express the current of American judicial opinion on this subject that in Martin's Modern Law of Labor Unions, to which I have referred, it is said:

> This statute might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts.

To emphasize this statement, I ask your indulgence while I read two quotations of some length from Federal decisions. In the case of Pope Motor Car Co. *v.* Keegan et al (150 Fed., 148), the court uses this language:

> To interfere by violence, by threats, or by intimidation, with others who are pursuing their natural and constitutional right to labor when and where they please, is always wrong and always unlawful. No sense of personal wrong, however great, however natural, or however excusable, can justify such interference. No offended sense of right, as, for instance, that another is unjustly "taking his job," gives warrant to such interference. The strikers themselves are entitled to no more rights than those whom they find working in their old places. Individual freedom is the chief of the rights of justice. It can not be said that a job is held except by mutual consent. It can not be claimed by any intelligent man that one holds his job whether his employer desires it or not. As well might we say that the workman, against his will, can be held to service by his employer.
>
> But nothing can be better settled, either in law, in conscience, or in common sense, than that every man may seek or refuse work wheresoever he will; that workmen may combine for their mutual advantage; that they may persuade fellow workmen, or others, to leave their employment; but such persuasion must be such as to persuade by reason, and not compel by threat or violence, or intimidation. One of the forms of persuasion which, under proper circumstances, the law recognizes as permissible, is "picketing" by strikers; that is to say, the detachment of men to suitable places for the purpose of coming into personal relations with the new workmen, in order, if possible, to induce them, by means of peaceful argument, to leave the places which they have taken, for such natural and proper reasons as may appeal to men in such circumstances.

And again in Iron Molders' Union *v.* Allis-Chalmers Co. (166 Fed., 50), the rights of the parties to a trades dispute are summed up as follows:

> The right of the one to persuade (but not coerce) the unemployed to accept certain terms is limited and conditioned by the right of the other to dissuade (but not restrain) them from accepting. For another thing that must not be forgotten is that a strike is one manifestation of the competition, the struggle for survival or place, that is inevitable in individualistic society. Dividends and wages must both come from the joint product of capital and labor. And in the struggle wherein each is seeking to hold or enlarge his ground, we believe it is fundamental that one and the same set of rules should govern the action of both contestants. For instance, employers may lock out (or threaten to lock out) employees at will, with the idea that idleness will force them to accept lower wages or more onerous conditions; and employees at will may strike (or threaten to strike), with the idea that idleness of the capital involved will force employers to grant better terms. These rights (or legitimate means of contest) are mutual and are fairly balanced against each other. Again, an employer of molders, having locked out his men, in order to effectuate the purpose of his lockout, may persuade (but not coerce) other foundrymen not to employ molders for higher wages or on better terms than those for which he made his stand, and not to take in his late employees at all, so that they may be forced back to his foundry at his own terms; and molders, having struck, in order to make their strike effective may persuade (but not coerce) other molders not to work for less wages or under worse conditions than those for which they struck, and not to work for their late employer at all, so that he may be forced to take them back into his foundry at their own terms. Here, also, the rights are mutual and fairly balanced. On the other hand, an employer, having locked out his men, will not be permitted, though it would reduce their fighting strength, to coerce their landlords and grocers into cutting off shelter and food; and employees, having struck, will not be permitted, though it might subdue their late employer, to coerce dealers and users into starving his business. The restraints, likewise, apply to both combatants and are fairly balanced. These illustrations, we believe, mark out the line that must be observed by both. In contests between capital and labor the only means of injuring each other that are lawful are those that operate directly and immediately upon the control and supply of work to be done and of labor to do it, and thus directly affect the apportionment of the common fund, for only at this point exists the competition, the evils of which organized society will endure rather than suppress the freedom and initiative of the individual. But attempts to injure each other by coercing members of society who are not directly concerned in the pending controversy to make raids in the rear can not be tolerated by organized society, for the direct, the primary, attack is upon society itself. And for the enforcement of these mutual rights and restraints organized society offers to both parties, equally, all the instrumentalities of law and of equity.
>
> With respect to picketing as well as persuasion, we think the decree went beyond the line. The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain

who are the men that their late employer has persuaded or is attempting to persuade to accept employment. Under the name of persuasion, duress may be used; but it is duress, not persuasion, that should be restrained and punished. In the guise of picketing, strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault. But from the evidence it can always be determined whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free judgments. Prohibitions of persuasion and picketing, as such, should not be included in the decree. Karges Furniture Co. *v.* Amalgamated Wood Workers' Union (165 Ind., 421; 75 N. E., 877; 2 L. R. A. (N. S.), 788); Everett-Waddy Co. *v.* Typographical Union (105 Va., 188; 53 S. E., 273; 5 L. R. A. (N. S.), 792).

But compare with these words such expressions as the intemperate language of a Federal judge in the case of Atchison, Topeka & Santa Fe Railway Co. *v.* Gee (139 Fed., 584), who said:

There is and can be no such thing as peaceful picketing any more than there can be chaste vulgarity or peaceful mobbing or lawful lynching.

THE SECONDARY BOYCOTT.

Gentlemen say that the effect of this bill is to legalize the so-called "secondary boycott." I deny it. In the first place, as the gentleman from Pennsylvania [Mr. WILSON] has said, the word "legalize" is misused. The bill does not pretend to be a code governing the conduct of trades disputes. All that is attempted here is to say that certain acts are not amenable to the process of injunction, whatever other rights or remedies may grow out of them; but within the acts enumerated by this bill, the secondary boycott is certainly not included.

It is not surprising, however, that gentlemen should fall into error on this subject when the courts themselves have not been always clear. The Supreme Court of the United States, in the late case of Gompers *v.* Bucks Stove & Range Co., calls attention to this conflict among the courts, and says:

The courts differ as to what constitutes a boycott that may be enjoined. All hold that there must be a conspiracy causing irreparable damage to the business or property of the complainant. Some hold that a boycott against the complainant by a combination of persons not immediately connected with him in business can be restrained; others hold that the secondary boycott can be enjoined where the conspiracy extends not only to injuring the complainant, but secondarily coerces or attempts to coerce his customers from dealing with him by threats that unless they do they themselves will be boycotted. Others hold that no boycott can be enjoined unless there are acts of physical violence or intimidation caused by threats of physical violence.

What is the secondary boycott? It can be summed up in a sentence as coercion in some form directed against a person who is not a party to the trades dispute, in order to force him to join in injuring one of the parties to the dispute. It is a clear invasion of the rights of neutrals. The law recognizes the fact that a man may employ whomever he chooses and may be employed as long as he will. When the relation of employer and employee ends, either may withdraw patronage or favor from the other; either may announce to his friends that he has so withdrawn; but neither can say to friend or foe that at the risk of personal injury they must, though unwilling, join in the conflict.

The language of this bill is:

from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

Does anything less than this protect the fundamental and constitutional rights of the parties concerned? I repeat that the essence of the secondary boycott is coercion directed toward a person not a party to the dispute. This bill does not countenance coercion toward anyone, and least of all toward third parties. I ask leave for another quotation from Martin's Modern Law of Labor Unions, pages 107 to 109, to which I have referred, in support of this position:

It is lawful for members of a union acting by agreement among themselves to cease to patronize a person against whom the concert of action is directed, when they regard it for their interest to do so. This is the so-called "primary boycott," and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute, and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men, the union has a right to say that its members will not patronize him. * * *

In a preceding chapter it has been shown that in aid of a lawful strike, it is lawful to use peaceable persuasion and argument to induce other workmen in the employ of the person against whom the strike has been declared, and not bound by contract for a definite term, to quit his service or to induce other workmen not in his employ not to enter his service. There is practically no dissent from this doctrine, and by parity of reasoning it is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands; and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injure by threats and coercion the proper rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott.

REQUIREMENT OF PEACEFULNESS.

It will be seen that all throughout the section there runs the requirement of peacefulness. Force, violence, intimidation, fraud, coercion—none of these will any man seek to justify, whether they be used in a trades dispute or elsewhere. They have occurred; no doubt they will occur again; but it is only fair to say that in many cases where they might have been anticipated they have not occurred at all; and I believe it equally fair to say that in many a labor dispute where turmoil, strife, and violence have arisen not the laboring men themselves, but lawless men in no way connected with them have seized the opportunity and the pretext to break the bonds of law and order. Lawless and criminal men have attached themselves to the organizations of workingmen, as they have done to every organized unit of human society since history began. But I for one will never believe that the great body of workingmen of this country—those who in the language of Jesus, the son of Sirach, "maintain the fabric of the world" and without whom "shall not a city be inhabited"—are any less devoted to free institutions, any the less friends of established order, any the more ready to violate the law than those of other occupations or different opportunities. Well might we tremble if it were otherwise.

Look at the English coal strike—happily, just ended. I read only the other day in a dispatch from London that the anarchist leaders are disgusted with what they are pleased to call the tractability of English toilers. Can history parallel their conduct? Nearly 2,000,000 workers out and not a single serious act of violence—nay, not an angry word spoken against the monarchy.

Read the address issued on the 13th of April last by the officers of the Anthracite Mine Workers to their men. It says:

The unanimous response of the anthracite mine workers to the suspension order and the peaceful manner in which they have conducted themselves since they ceased work, April 1, are most gratifying. Every colliery is idle; each and every man composing the great army of mine workers, numbering 170,000, ceased work. They will remain idle until a settlement of the wage scale is reached. The success of a movement of this kind, however, depends largely upon the orderly, law-abiding manner in which each and every man conducts himself.

And then the address goes on to warn the men to—

beware of any who counsel to violence in any form—

and calls upon them to conduct themselves in a law-abiding manner.

I denounce as a libel upon American citizenship the assertion that the laboring men of this country are ever ready at the word to break into lawlessness or that they sympathize with those who do. And I pity the man who takes such counsel of his fears as to be unwilling to recognize and accord to them by statute and in practice the full use of every legitimate weapon of offense or defense in all trade wars and the untrammeled exercise of every constitutional right. Not to do so is but to furnish to the demagogue and the agitator a genuine grievance to be magnified and a ready means with which to fan the flames of discontent, hatred, disorder, and violence. Let us see to it here and now that no such pretext hereafter shall remain to him.

CLASS LEGISLATION.

It has been suggested by those opposed to section 266c of this bill that it is class legislation. Such an assertion mistakes the meaning of the term. It is not legislation which confers upon the employer or the employee or upon those seeking employment any immunity or privilege which others do not enjoy, nor does it take away from either employer or employee any right which others might exercise. It does not even undertake to codify the rights of employer and employee in trade disputes, a thing which has been done elsewhere and may, soon or late, have to be done here.

It does undertake to regulate to a limited extent the procedure in cases arising from such disputes, but in doing so it simply announces rules common to other cases in equity, and it does declare that certain acts lying within the rights of the parties shall not be infringed upon by any injunction. Had these rules of procedure been uniformly followed, as they should have been; had these rights been uniformly recognized, as they should have been, there would have been little demand for this legislation, and less reason for its enactment; but the mere fact that it relates, in part, to a certain well-recognized class of cases makes it smack no more, perhaps not even so much, of class legislation as a dozen *statutes* already on the books. What, for instance, of the liability act as to common carriers and their employees, which affects both the rights and the remedies of those who stand in that relation; what of the proposed compensation acts for workmen employed by the Government or by the railroads; what, indeed, of the interstate commerce act itself, which defines the relative rights between the shipper on the one hand and the carrier on the other, and prescribes

their remedies? In this sense, what are your factory laws but class legislation for the benefit of mill hands; what your eight-hour day, your children's bureau, and so on down the long list of laws aimed to give relief for specific evils where relief is needed? I repeat that it is no objection to any law that it is intended to right the wrongs of any class, race, or section of society, so only it gives no more than equal and exact justice. Class legislation, in the vicious sense of the word, means special privilege, and special privilege only, and against this the Democratic Party has sworn eternal and unending war. This is both the letter and the spirit of the declaration made in the Democratic platform that—

We believe that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

And this is the thought which underlies that provision of the bill forbidding an injunction against—

any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

CONSTITUTIONALITY.

It has been hinted, not argued, that this measure goes beyond the constitutional power of Congress as to the courts. Time does not permit a discussion of this phase of the matter. I must content myself with a mere quotation again from the Supreme Court of the United States in the case of In re Robinson (19 Wall., 505), having reference to the power to punish for contempt:

The power has been limited and defined by the act of Congress, March 2, 1831, and the act in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt, but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying cases in which summary punishment for contempt may be inflicted.

CONCLUSION.

It is easy to be aphoristic on this whole subject. It is less trouble to deny the existence of any evil than to search it out and find means for its correction. It involves little effort to content ourselves with generalities—to declare in favor of the stability of the courts, the preservation of law and order, and the integrity of judicial power as essential to the peace, order, and well-being of civilized society. With such a declaration, no sane man can disagree. The courts of justice are, indeed and in truth, the bulwark of our liberties, and the Democratic platform well declares that—

we yield to none in our purpose to maintain their dignity.

On the other hand, there are those who, recognizing the need of reform, are ready to rush headlong after so-called remedies, which when put to the test will only aggravate the disease they are supposed to cure. With those who believe that by applying the doctrine of the recall to judicial officers the courts will be elevated, justice promoted, or free government made secure, I must differ—respectfully I hope—but none the less with all the vigor I can command. Herodotus tells us that King Cambyses, displeased at one of his judges, Sisamnes, for his giving of an unrighteous sentence, slew and flayed him, and cutting his skin into strips, stretched them across the seat of the throne whereon he had been wont to sit when he heard causes. Having so done, Cambyses appointed the son of Sisamnes to be judge in his father's room and bade him never forget in what way his seat was cushioned. This was the recall with a vengeance. But how much more unlucky the father or unhappy the son than would be any judge of sensitive honor over whose head there hung suspended the sword of dismissal in disgrace for any decision unpleasing to the popular will?

When the great Chief Justice John Marshall uttered his solemn and oft-quoted warning against an ignorant, a corrupt, and a dependent judiciary, he rightfully drew no distinction as to evil eminence between the three vices named, nor can I do so, unless indeed the poison of dependence be the most deadly of all. An ignorant judge may be informed, a corrupt judge may be detected and exposed, but a judge cowed into impotence or tempted to excess by dependence upon the constant favor of the appointing power or the continued smile of public approval is of all men most pitiable and most dangerous.

In an apparent effort to out-Herod Herod, a distinguished ex-President—eager as always to be newer than the newest, more original than the most original, and more progressive than the most advanced—has treated us to a variation of this theme and soberly proposes that in certain causes the decisions of the courts shall be reheard and revised by popular vote. The end sought by such a proposition from such a source is to accomplish what no other American has ever accomplished, and what patriots like Washington, and Jefferson, and Madison, and Monroe, and Jackson did not attempt, what Grant failed to attain, and what McKinley would have refused to consider had he lived. It is not a case surely where the end justifies the means, but at least it explains it. If a third term in the Presidency would be extraordinary and unique, the recall of judicial decisions would indeed be unique and extraordinary. But to those who think that this particular idea is actually new and because new is necessarily progressive, I commend the language of a great man, who, speaking of the forms of government, said that there is a—

form of democracy in which not by law, but the multitude have the supreme power and supersede the law by their decrees. This is a state of affairs brought about by the demagogues, for in democracies which are subject to the law the best citizens hold the first place and there are no demagogues; but where the laws are not supreme there demagogues spring up. For the people becomes a monarch and is many in one; and the many have the power in their hands, not as individuals, but collectively. And the people, who is now a monarch and no longer under the control of law, seeks to exercise monarchial sway and grows into a despot; the flatterer is held in honor; this sort of democracy being relatively to other democracies what tyranny is to other forms of monarchy. The spirit of both is the same, and they alike exercise a despotic rule over the better citizens. The decrees of the voters correspond to the edicts of the tyrant, and the demagogue is to the one what the flatterer is to the other. Both have great power, the flatterer with the tyrant, the demagogue with democracies of the kind which we are describing. The demagogues make the decrees of the people override the laws, and refer all things to popular assembly. And therefore they grow great, because the people have all things in their hands, and they hold in their hands the votes of the people, who are too ready to listen to them. Further, those who have any complaints to bring against the magistrates say "let the people be judges"; the people are too happy to accept the invitation, and so the authority of every office is undermined. Such a democracy is fairly open to the objection that it is not a constitution at all, for where laws have no authority there is no constitution. The law ought to be supreme over all, and the magistracies and the government should judge of particulars.

Strange to say, these words were not written by an American statesman in criticism of the speech of a presidential candidate at Columbus, Ohio. They were uttered 2,400 years ago by Aristotle, the wisest of the Greeks.

Believe me, there is a surer and a safer road. "If judicial processes may be abused, we should guard them against abuse." If in the multitude of precedents and the clash of conflicting interests the courts have wandered from the path, let us resolutely call them back to it and by a statute such as the bill under discussion let us say: "This is the way; walk ye in it." Criticism of the courts is rife; let us disarm it.

I desire, Mr. Speaker, in conclusion to content myself by quoting with approval the language of the great Italian statesman, Cavour, who said:

I am not an alarmist; nevertheless, without being one, I think we can see at least the possibility, if not the probability, of stormy times. Well, gentlemen, if you wish to take precautions against these stormy times, do you know the best way? It is to push reforms in quiet times, to reform abuses when these are not forced upon you by extremists.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River, by authority granted to Twin City Power Co. by an act approved February 29, 1908, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BOURNE, and Mr. FLETCHER as the conferees on the part of the Senate.

REGULATION OF INJUNCTIONS.

Mr. CLAYTON. Mr. Speaker, may I inquire how much time the gentleman from Illinois [Mr. STERLING] has consumed on his side?

The SPEAKER. The gentleman from Illinois has consumed 75 minutes.

Mr. CLAYTON. How much has he remaining?

The SPEAKER. He has consumed exactly half of his time—one hour and a quarter.

Mr. CLAYTON. So he has an hour and a quarter remaining. How much time has been consumed on this side?

The SPEAKER. The gentleman has 59 minutes left.

Mr. CLAYTON. I ask the gentleman from Illinois to consume at least 30 minutes of his time.

Mr. STERLING. I yield 30 minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I am sure we all recognize the grave importance of the subject now before us. Whether the bill itself is so far-reaching in its importance as some think it is or not, the subject before the House is one, the importance of which can not be overestimated. Whatever may be the consequences of our action to us personally, we have no right to shrink from that duty which devolves upon us to deal with the subject as its importance requires. Daniel Webster, in his eulogy of Judge Story, said:

> Justice is the great interest of man on earth. It is the ligament that holds civilized beings and civilized nations together; wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the progress and improvement of our race. And whoever labors upon that temple with usefulness and distinction; whoever helps to clear its foundations, to strengthen its pillars, to adorn its entablatures, or helps to raise its august dome still higher in the sky, connects himself in name and fame and character with that which is and must be as durable as the frame of human society.

We deal with the great principles of justice to-day, and perhaps only time will tell whether our action shall add strength and beauty to this great temple of justice, of which Webster spoke, or whether its tendency shall be to weaken, and perhaps finally destroy, that which is sacred to all men, and more so to the laboring and toiling masses of this country than to any other class in the world.

We may differ, and honestly differ. But we should face this issue just exactly as it is. The real issue here has not been, I think, frankly presented—the issue which involves, as many think, the industrial and social well-being of the country, and I may say its political well-being also. The real issue has not been presented to-day. Let us fairly consider it and let us know what it is.

The long hearings that were had before the Committee on the Judiciary upon the subject of injunctions and contempt of court were not had upon this precise bill that is now presented. The real contention of organized labor, as I understand, or the representatives of organized labor, is that there should be a radical change in the administration of the law, or in the interpretation of the law, and that the courts have encroached upon the fundamental rights of the citizen.

The Pearre bill, which was before Congress for several sessions, contained radical provisions to the effect that the right to do business, or the good will in business, was not such a property right as would authorize the issuance of an injunction. It contained another radical provision—that an act committed by several persons jointly should not be regarded as criminal or a violation of the law and should not authorize the right of injunction unless the act when committed by a single individual would be so regarded. These are essential and vital contentions, which, as I understand, the distinguished leaders of labor organizations have insisted upon.

I am not able to subscribe to these provisions, but these were the main provisions contended for, and the Wilson bill, introduced by the distinguished gentleman from Pennsylvania [Mr. WILSON], was really the bill which contained the provisions in the Pearre bill which I have referred to and which we considered in the Judiciary Committee. The Wilson bill was substantially the Pearre bill. I think the issue presented by organized labor should be fairly met and Congress should determine this great issue, for it is a great issue. If it be true that the law has been perverted and the courts have transgressed their authority on the equity side of their jurisdiction and to the detriment and oppression of the workingmen of America, that ought to be known. But this bill is far from the Wilson bill or the Pearre bill. Evidently the majority of the committee thought the demands of organized labor too radical and they reported in its place the bill now under consideration.

I do not know just why this bill was finally agreed upon by the majority of the committee and the Wilson bill so summarily disposed of, but this bill was at any rate substituted. There are some provisions in the present bill which are good, no doubt. If there is any means of correcting and improving the equitable procedure in the courts to the end of securing a greater degree of justice, I am certainly in favor of it. The great problem, it seems to me, is this, on the one hand to prevent abuses of the writ and on the other hand to leave in the courts all necessary power to prevent wrongs which nothing but a court of equity can prevent.

I know there has been much discussion here concerning the abuse of the writ. I do not care to enter into it. I know that labor leaders claim, and honestly claim, no doubt, that there have been numerous abuses. I know that the majority of the committee claim that there have been numerous abuses. In the long hearings we have had it seems to me there has been an almost total failure to show such abuses, although I have no doubt there are some and perhaps many. But even if there are, can we afford to change the administration of equity as it has been recognized for centuries? Is it safe to do so for the purpose of correcting whatever individual abuses there may be?

For my own part I have been reared and taught to respect, not alone justice in the abstract, but the human instrumentalities of justice through which it must be administered. And I believe in the courts; that judges are human; that they make mistakes; are sometimes governed too much, it may be, by passion I do not doubt, because I know that human nature is itself fallible. But I do contend that in the judiciary, with its courts scattered over the broad land in every locality, State and county, almost, as they are, with judges educated in the law and whose habits of thought lead them to study carefully questions coming before them, to ascertain the facts and reach true conclusions, we find the strongest element of national safety and stability. I claim that we have in the great judiciary of the American Nation our final hope and anchor. Whatever storms or danger the old ship of state may encounter, the judiciary will be the anchor and hope of the American people. [Applause.]

This House, sir, may be swayed by passion or prejudice, and so may the Senate, and so may the Executive. But, generally speaking, in the country at large, with this scattered judiciary of men who are high minded, men of integrity, honor, and learning, passion does not and can not sway the courts. It is the great steadying and conservative force of the Nation. In its preservation, its dignity, its honor, and its strength every honest citizen is concerned, the working classes most of all.

I say, therefore, Mr. Speaker, let us proceed with the utmost caution in any changes we may make in the law governing this great equity jurisdiction. Its function is to prevent wrong, and no one desiring to be free from any wrongdoing ought to fear it.

There are two principal criticisms upon the bill, which I will mention in the limited time I have. First, it seems to regulate the administration of equity rather according to the parties to the suit than the wrongs sought to be righted. In other words, the benefits sought are partial, and limited to that particular class of people who have been referred to in this debate as the working people of the country. I do not think the working people want special legislation, and no one, it seems to me, can read the bill and see how it emphasizes labor disputes and labor troubles without feeling that it is a bill shaped rather to accommodate certain parties than to deal with great principles applicable to everybody.

The second criticism is that it attempts to point out in advance those particular acts which shall not be enjoined. No human foresight or intelligence can do this with safety. It enumerates certain acts which are not now ordinarily the subject of injunction, but they are acts which under some circumstances may be vicious and dangerous to society.

My esteemed and learned colleague [Mr. MOON of Pennsylvania] pointed out in the report which we have signed where our courts have emphaasized and called attention to the fact that an act innocent under some circumstances may be wrongful in others, and this bill attempts to make the whole question dependent upon an act which may be innocent of itself but may constitute a step in a conspiracy that would be subversive of all law and order and all that is essential to private rights or social safety. I take the ground that we had better

leave this great function of equity, imperfectly though it may be administered, than to attempt in our human intelligence to point out the specific acts which shall authorize a court of equity to act.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. NYE. I will; but I think my time is about out.

Mr. HUGHES of New Jersey. I do not want to take up the gentleman's time, but does the gentleman think whether an act is criminal or not should be left to the discretion of the courts, rather than an attempt on the part of the majority to set those acts down?

Mr. NYE. I will say to the gentleman I see no way in the world in the practical administration of justice but to place in some human functionary the decision of the question whether the act is criminal or not, and that is the province of equity. Equity is that great conscionable side of the court whose province it is to prevent wrongs rather than to punish them. I believe that as civilization advances it has become necessary and will continue to become necessary, perhaps, to extend this equitable function rather than to curtail it. The individual judge is responsible to his community and to his State and to his country for any abuse of such necessary discretion. I will insert at this point in the RECORD certain observations of the minority, as follows:

The second paragraph of section 266C contains, to our mind, the most vicious proposal of the whole bill. It enumerates certain specific acts and provides that no restraining order or injunction shall prohibit the doing of them. Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them, but to declare by law that these acts should under no circumstances be restrained, we do not hesitate to say, is a proposal without precedent in the legislative history of this country. No legislature has ever proposed that any act, however innocent itself, should be sanctified irrespective of the motive or purpose of the actor. "No conduct," says Mr. Justice Holmes in Aiken *v.* Wisconsin (195 U. S., 194), "has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

The majority have quoted various decisions in which particular acts under the pleadings presented to the court were held lawful and their prohibition denied. The same acts under other circumstances have been held unlawful and enjoined by the very courts, and in the course of the very decisions which the majority cites. Thus in Arthur *v.* Oakes (63 Fed. Rep., 310) Mr. Justice Harlan is quoted to sustain the proposition that no man can by injunction be required to perform personal service for another, and in that decision Justice Harlan eliminated from the injunction the words "and from so quitting the service of the said receivers with or without notice as to cripple the property or prevent or hinder the operation of said railroad." The majority must observe, however, that Mr. Justice Harlan likewise held, "But different considerations must control in respect to the words in the same paragraph of the writs of injunction, and from combining and conspiring to quit with or without notice the service of said receivers with the object and intention of crippling the property in their custody or embarrassing the operation of said railroad." Thus the same act of quitting is lawful under one set of circumstances and unlawful under another, because the concerted action in the first instance, in the opinion of Mr. Justice Harlan, "is a very different matter from a combination and conspiracy among employees with the object and intent not simply of quitting the service of the receivers because of the reduction of wages, but of crippling the property in their hands and embarrassing the operation of the railroad."

The majority undertakes to prescribe a set rule forbidding under any circumstances the enjoining of certain acts which may or may not be actuated by a malicious motive or be done for the purpose of working an unlawful injury or interfering with constitutional rights of employer and employee. In the same opinion Mr. Justice Harlan points out the impossibility of prescribing a set rule of this character and says, "The authorities all agree that a court of equity should not hesitate to use its power when the circumstances of the particular case in hand require it to be done in order to protect rights of property against irreparable damage by wrongdoers. It is as Justice Story said, 'because of the varying circumstances of cases that courts of equity constantly decline to lay down any rule which shall limit their power and discretion as to the particular cases in which such injunction shall be granted or withheld,'" and the authority proceeds, "there is wisdom in this course, for it is impossible to foresee all the exigencies of society which may require their aid and assistance to protect rights or redress wrongs. The jurisdiction of these courts thus operating by special injunction is manifestly indispensable for the purposes of social justice in a great variety of cases, and therefore should be fostered and upheld by a steady confidence." (Story, Equity Jurisprudence, sec. 959B; Arthur *v.* Oakes, 63 Fed., 328.)

Among the acts which the second paragraph of section 266C declares shall not be restrained is to prohibit any person or persons to terminate any relation of employment, or from ceasing to perform any work or labor or from recommending or persuading others by peaceful means so to do; of peaceably persuading any person to work or to abstain from working, or from ceasing to patronize or employ any party to such dispute or from recommending, advising, or persuading others by peaceful means so to do"; etc.

While many of these acts are in themselves entirely harmless and would never be enjoined by any court, yet under certain circumstances the same acts might become a weapon of lawless and destructive industrial warfare demanding the protection of the courts, this section would prevent the issuance of the injunction in the Debs case (In re Debs, 158 U. S., 564); it would prevent the issuance of the injunction in Toledo & Ann Arbor *v.* Pennsylvania Co. (54 Fed., 730); it would prevent the issuance of any injunction to restrain either workmen or employers who were the objects of the most vicious form of boycott that has been passed upon by the courts, or can be devised by the ingenuity of boycotters. It changes the remedies by which the Sherman Act may be enforced, inasmuch as if any of these acts enumerated in section 266C were the means employed to enforce the restraint of trade or to damage the interstate business of any individual or corporation no injunction could be obtained either by a private individual or by the Government against such acts.

In the Debs case a combination sought to paralyze the railroads of the United States and prevent the carrying of the mail until the railroad companies would agree not to haul Pullman cars because of a controversy between the Pullman Co. and certain of its employees who were not in the employ nor in any way related to the railroad companies. It is true there were acts of violence, but the general scheme was one of persuading all employees of the railroad companies to quit until the demands of the boycotters and strikers had been complied with.

In the Toledo & Ann Arbor case the famous rule 12 of the brotherhood provided that none of its members should handle the cars of any carrier with which members of the brotherhood were in a dispute. In that case the brotherhood employees of the Pennsylvania refused to handle cars of the Toledo & Ann Arbor because of a dispute between that road and some of the brotherhood, and they threatened to quit the service of the Pennsylvania road unles it agreed to violate the provisions of the interstate-commerce act by not affording equal facilities to the cars of another road. No violence was threatened. The brotherhood merely undertook to "peacefully persuade" the Pennsylvania company not to handle the cars of the other road under a threat of leaving their service—a thing which they had a perfect right to do to better their own condition, but not for the purpose of compelling the Pennsylvania Railroad Co. to violate the law.

The majority report quotes at length from the case of Pickett *v.* Walsh (192 Mass., 572), "and regret the necessity of limiting the quotations, because the whole opinion could be studied with profit." We agree with the majority that the whole opinion could have been studied with profit, since it condemns forms of "peaceful persuasion" from which the majority would withdraw equitable intervention. Speaking of the case before it, it says: "It is a refusal to work for A, with whom the strikers have no dispute, because A works for B, with whom the strikers have a dispute, for the purpose of forcing A to force B to yield to the strikers' demands. * * * It is a combination by the union to obtain a decision in their favor by forcing other persons who have no interest in the dispute to force the employer to decide the dispute in their favor. Such a strike is an interference with the right of the plaintiffs to pursue their calling as they think best. In our opinion, organized labor's right to coercion or compulsion is limited to strikes against the persons with whom the person has a trade dispute; or, to put it in another way, we are of the opinion that a strike against A, with whom the strikers have no trade dispute, to compel A to force B to the strikers' demands is unjustifiable interference with the right of A to carry on his calling as he thinks best. Only two cases to the contrary have come to our attention, namely, Bohn Manufacturing Co. *v.* Hollis (54 Minn., 223) and Jeans Clothing Co. *v.* Watson (168 Mo., 133)."

This case which the majority believe could be "studied with profit" is squarely against the proposal of their bill, and the two cases alluded to as being the only ones known to the court contrary to such view, for both have been overruled. Bohn Manufacturing Co. (54 Minn., 223) was overruled in Gray *v.* Building Trades Council (91 Minn., 171). The second case is alluded to by the majority of the committee in support of its contentions and the majority declare the logic of the court in that case "appears unanswerable." This "unanswerable" logic was overruled by the Supreme Court of Missouri in Lohse Patent Door Co. *v.* Fuel (215 Mo., 421).

The majority report also quotes in support of their contention from Vagelahm *v.* Gunter (167 Mass., 92), saying, "Justice Holmes, now of the Supreme Court of the United States, delivered the opinion." The opinion was delivered by Mr. Justice Allen and is squarely against the contention of the majority, Mr. Justice Holmes having delivered a dissenting opinion in which he stood alone. The majority have been driven to the necessity of quoting from other dissenting opinions in support of their opposition, and to these we do not deem it necessary to give attention.

It is said by the majority that no question of constitutionality is involved. We submit that if the measure is to be construed, as it evidently is, to prevent the application of injunctive relief to certain acts in disputes between employer and employee which may be part of a scheme or plan to work irreparable injury, which acts could be enjoined in any other department of litigation, it is obvious that the parties affected would be denied the equal protection of the law and due process of law, coming well within the rule laid down in Connelly *v.* The Union Sewer Pipe Co. (184 U. S., 540); Goldberg *v.* Stablemen's Union (149 Cal., 429); Pierce *v.* Stablemen's Union (156 Cal., 70); and Niagara Fire Insurance Co. *v.* Cornell (110 Fed., 816).

We do not consider the English act of 1906, which is quoted by the majority as a precedent for some of its proposals. There is no parallel whatever between the conditions at which the English act is aimed and the fundamental restrictions of the organic law of this country having no similitude in the constitution of the British Empire. The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

We agree with the majority that "liberty and more of it is safe in the hands of the workingmen of the country." We are convinced of the merit and truth of that contention. We do not, however, believe that liberty is advanced in the person of any citizen by stripping him of remedial protection through processes which have received the deliberate and mature approval of the English-speaking race during all the centuries of its history. We can not believe that the due protection of person and property under constitutional guaranties and by remedies tested by time is "an impediment to progress," or that the destruction of the essential remedies by which person and property receive protection is "a great social advance." We believe with the President of the United States, in a famous statement made by him many years since to the American Bar Association, "It will not be surprising if the storm of abuse heaped upon the Federal courts and the political strength of Federal groups, whose plans of social reforms have met obstructions in these tribunals, shall lead to serious efforts, through legislation, to cut down their jurisdiction and cripple their efficiency. If this comes, then the responsibility for its effects, whether good or bad, must be not only with those who urge the change, but also with those who do not strive to resist its coming." (Address to American Bar Association at Detroit, 1895.)

I believe the world is advancing. I believe it is getting better. I am glad that this opportunity has come on the floor of this House for every man to meet and honestly consider this great question. The world is moving, and it is moving in a more fraternal and humane spirit. Law is crystallized public opinion. Silently, slowly, but ever surely, it springs from the public mind and conscience and finds its way to the statute books. Industrially, socially, and politically this potent influence is at work. It is more fraternal than heretofore. Your workmen's compensation bill, which will soon come before the House, marks a new era in the history of this country, no matter whether it be passed in its exact form or not. The legislation for safety appliances, children's bureau, shorter hours, and improved conditions of labor, generally, all point to better days. Greater than parties, greater than party success, and greater even than any legislation we can enact is this mighty influence. I have more confidence in its potency than in legislation which, like this bill, seems to interfere with great equitable principles and with the equitable administration of the courts of the country. I believe we are moving in the right direction.

Some of us may go down, and quite possibly I may, because I oppose this legislation which organized labor, under its leadership, to-day insists should be enacted. If I could be convinced that such legislation is wise or right, no one would more cheerfully support it. My personal and political interests would be served by supporting it, if I were to be governed by these. It is because I can not believe it wise or just or permanently beneficial to our people, or any portion of them, that I have opposed it in the committee and on this floor.

I do not believe that the coercive policies of the past will long continue; neither the oppression of the employer nor the resentment of the employee can settle permanently great questions that are at stake.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. NYE. My time is about out, but I yield to the gentleman.

Mr. BUCHANAN. Does the gentleman believe that when a workingman is charged with a crime that carries with it a penitentiary penalty or a prison penalty that he should have a right to a trial by jury?

Mr. NYE. Certainly; as to a crime I do. I recognize——

Mr. BUCHANAN. That is one of our present needs.

Mr. NYE. But I recognize, however, that the same act may be a crime which the public can actually and should actually punish and at the same time an offense against a court which the court, for the good administration of justice, must have the right to punish in order to protect itself. That, however, is not in this bill. The question of contempt is not in this bill, although very closely related. Gentlemen, there has been too much politics, too much shrinking from duty, in order that we may get votes. I am ready to lay down the public trust I hold if need be and close my brief service here. Personal consequences to me or to any of us are of little moment when compared with the permanent welfare of the country and all our people. Individuals may go up or go down, but the great tide of civilization moves on, I trust, to better conditions and to a more fraternal spirit. We are coming to recognize labor as the foundation of all, that it is the philosopher's stone that transmutes all substances into gold, and that it should have its just and righteous share of that which it produces, and because that feeling is growing in the human heart the future of the American laborer and the future of the employer, too, is brighter than it ever was before. Unity is to-day the motto and ought to be of our civilization. Coercive policies can not permanently prevail. Peace on earth, good will to men—all men. Gentlemen, I thank you. [Applause.]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Fifty-nine minutes.

Mr. CLAYTON. How much time has the gentleman from Illinois [Mr. STERLING] remaining?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. STERLING] has 47 minutes.

Mr. STERLING. I think I have 57 minutes.

Mr. CLAYTON. Is that correct?

The SPEAKER pro tempore. The gentleman from Illinois has 47 minutes remaining.

Mr. CLAYTON. The gentleman from Pennsylvania used 1 hour and 15 minutes.

The SPEAKER pro tempore. And the gentleman from Minnesota [Mr. NYE] 28 minutes.

Mr. CLAYTON. According to my mathematics, 47 minutes is right.

The SPEAKER pro tempore. The Chair is advised that that is correct.

Mr. CLAYTON. And the gentleman from Illinois [Mr. STERLING] has 47 minutes, and I have how much?

The SPEAKER pro tempore. Fifty-nine minutes.

Mr. CLAYTON. I now yield 15 minutes to the gentleman from Kentucky [Mr. THOMAS].

[Mr. THOMAS addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I ask that the gentleman from Illinois [Mr. STERLING] consume at least 10 or 15 minutes of his time now.

Mr. STERLING. How many speakers has the gentleman on that side? I think the gentleman ought to exhaust all the time except for the closing speech.

Mr. CLAYTON. I have quite a number of gentlemen who want to speak.

Mr. STERLING. There is but one more speech to be made on this side, and I think the gentleman ought to reserve time for only one on that side to close the debate.

Mr. CLAYTON. I think that is quite fair, but I thought the gentleman was going to have several more speakers.

Mr. STERLING. Only one more.

Mr. CLAYTON. With that understanding, then, I will proceed with this side. I now yield, Mr. Speaker, to the gentleman from Kentucky [Mr. SHERLEY] 15 minutes. [Applause.]

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 15 minutes.

[Mr. SHERLEY addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I believe I have 29 minutes remaining.

The SPEAKER pro tempore. The gentleman has 29 minutes.

Mr. CLAYTON. I yield 2 minutes to the gentleman from Iowa [Mr. KENDALL].

[Mr. KENDALL addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I am unwilling to commit this side of the House in opposition to this bill. The party, by its authoritative declarations, has declared in favor of this legislation. For almost a decade Republican Presidents have recommended it to Congress. It would be recreancy on the part of this side of the Chamber if they did not support a reasonable and fair measure presented, having the avowed purpose of this bill.

I do not believe that we can justify ourselves in opposing this bill upon any slight grounds or verbal criticism that may be made with regard to some of its provisions. After a somewhat careful consideration of its terms I am able to say that in my judgment it will do no harm to any property interest of a legitimate character in the United States; it will do no harm to the employer of labor nor to those who work for him, and it will be of incalculable good in settling disputed propositions that have been subject to controversy for many years. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, I am in favor of the enactment of this measure, although in my judgment it does not go as far as a measure dealing with the injunctive process, in view of the abuses of it, should go. In my judgment the bill that would best serve the interest of the people of this country at this time is a bill that would draw a distinct dividing line between the property rights and personal relationship, leaving the adjudication of property and property rights to the equity courts and the adjudication of disputes in personal relationship to the law courts.

This bill does not do that, but it goes a long way toward adjusting the difficulties under which workingmen have labored when injunctions have been issued against them in labor disputes.

I take it that there is practically no opposition to any portion of this bill except the last section. In the brief time I have at my disposal I want to call the attention of the House to some of the provisions of the last clause of the bill, and will avail myself of the opportunity to extend my remarks in the RECORD, in order that I may more fully discuss the principles involved in the proposed legislation.

The gentleman from Pennsylvania [Mr. DALZELL] declares that the bill now under consideration exempts organizations of farmers and wage workers from the operations of the Sherman antitrust law, and for that reason he is opposed to the measure. The gentleman is mistaken in his conception of the scope of this bill. The only way in which this measure modifies the Sherman antitrust law is in limiting the use of the injunction process where no property right is involved.

There has been some doubt expressed as to whether or not the Sherman antitrust law was ever intended to apply to organizations of workingmen and farmers when dealing with their own labor or the products of their own labor; but whether or not it was intended to apply to organizations of that character, the fact remains that it has been applied to them. An examination of the debates in the Senate discloses the fact that the author of the law, Senator Sherman, did not intend it to be and did not believe that it would be applied to organizations of workingmen or farmers. In the debate on the bill in the Senate on March 21 and March 24, 1890, Senators Hiscock and Teller called attention to the possibility of the measure applying to organizations of that character. Replying, Senator Sherman said:

> The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agreements made with a view and designed to carry out a certain purpose which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, etc. They have no connection with them. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay, if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

There is a great difference in the effect upon the community between an association of farmers organized for their general welfare to protect themselves against the price of the products of their labor being arbitrarily depressed by the real combinations in restraint of trade, or associations of workingmen organized for the purpose of promoting their welfare and disposing of their labor power to the best advantage, and the combinations of those who deal in the products of labor for the purpose of being able to force down the price paid to the producer and force up the prices paid by the consumer. In the case of the former the welfare of the community is protected; in that of the latter the welfare of the community is injured.

The extension of the writ of injunction from the field of the protection of property rights into the personal relationship between man and man is a renaissance of the theory of government by discretion long since discarded by the Anglo-Saxon people.

For more than a thousand years there has been a continual conflict between the principle of government by law and the practice of government by discretion with the discretion vested first in the King and later in his representative, the chancellor or judge. Government by law is a government of democracy; government by discretion is a government of autocracy.

Injunctions in labor disputes are innovations in our modern jurisprudence. The original purpose for which injunctions were issued was to restrain parties to any dispute about the title or damages to property from interfering with the property in question, until the courts had determined the property rights involved. These restrainng orders were made returnable at the next term of court, or at the session of court where the cases were to be heard and determined, and consequently were never permanent, expiring by their own limitations when the court had convened to determine the question at issue. That they are clearly intended to protect property rights and property rights only is demonstrated by the fact that the courts invariably insist upon a bond being furnished by the parties suing out the writ to indemnify the parties enjoined for any loss that may accrue to them by virtue of the writ having been issued. When such an order of court has been issued it is not a difficult matter for the court to determine the actual damages, if any, that have been sustained through the issuance of the injunction, thereby protecting the restrained parties against any unwarranted invasion of their rights, but when the court issues an injunction in a labor dispute, restraining persons in controversy with employers from doing those things that they have a legal and moral right to do, and as a result of that injunction the contest is lost to the workers, there is no court on earth that can determine the damage that has been sustained by the persons enjoined, and consequently they can not recover from the bond. When the court arrogates to itself the power to issue injunctions never contemplated by the rules of equity, and in direct violation of constitutional and statutory law, and assumes the right to issue injunctions for the purpose of enforcing criminal law, it departs from the domain of property rights and invades that of personal rights in a manner for which there can be no excuse except that the court thereby becomes the sole judge of the law and the fact, and, if the parties enjoined are declared guilty of contempt, the extent of the punishment. All of which is in direct violation of the fundamental laws of the land and the Anglo-Saxon concept of human liberty, as shown by the efforts of the people for more than a thousand years to destroy the arbitrary automatic power of kings and judges.

The peace of Wedmore, concluded between Alfred the Great and Guthram the Dane, A. D. 878, provided that "If a King's thane be charged with the killing of a man, if he dares to clear himself let it be before 12 King's thanes."

The great charter of human liberty, the Magna Charta of Great Britain, the basis upon which British and American freedom rests, in clause 39 declares:

> No freeman shall be taken or imprisoned, disseized, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, save by the lawful judgment of his peers or by the law of the land.

The Bill of Rights enunciated by the British Parliament for the protection of the common people and signed by William and Mary upon their accession to the British throne, as a condition upon which their title to sovereignty would rest, declares:

Paragraph 1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

Paragraph 2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

The Declaration of Independence declares: "That all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness," and it further assigns as one of the causes for the separation from the mother country and the establishment of an independent government, "for depriving us in many cases of the benefits of trial by jury."

The Constitution of the United States, which creates our judiciary, gives to it whatever power it can possibly exercise, and limits its jurisdictions, says, Article III, section 1: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

First amendment. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Sixth amendment. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Ninth amendment. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Tenth amendment. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Thirteenth amendment, section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

It must be apparent to even the most casual investigators that the courts of the United States hold the same relationship to the Government of our country that the courts of Great Britain held and now hold to the regal power. No one will contend that any judge in Great Britain, either at the time of the adoption of our Constitution or since that time, could have any greater power than that conferred by regal authority expressed by the Parliament and approved by the King. It naturally follows that our courts can have no greater power than that granted to them by the Constitution.

When the Constitution granted to our judiciary jurisdiction in equity it was only such power in equity as arises under the Constitution and the laws, and it could not have conveyed any wider authority than that which existed in English jurisprudence at the time of the adoption of the Constitution, and the quotations cited from the Magna Charta, the Bill of Rights, and the Declaration of Independence absolutely deny the right of equity courts to create laws regulating the relations between man and man where no property right exists. Our Government is not only one of delegated powers but also of reserved powers. The same instrument that created the judiciary and delegated powers to it reserves all the powers that are not thus

delegated to the various States and to the people. When, therefore, any court assumes to exercise powers not delegated to it by the Constitution, it invades the rights specifically reserved by that document to the States and people.

Notwithstanding the constitutional limitations mentioned, modern injunctions have taken three distinct lines, two of which are unconstitutional, arbitrary, and unjust.

1. Injunctions are issued to protect property rights from irreparable injury where there is no remedy at law. That is the only province in which an injunction properly belongs.

2. Injunctions have unwarrantably been issued for the purpose of enforcing existing statutory and common law arbitrarily invading the jurisdiction of the legislatures and the law courts, thus wiping out of existence that protection against false accusations that freemen have fought for and forced from the hands of autocratic kings and tyrannical governments and defended at the cost of their lives, in many conflicts with royalty, the right of trial by jury.

When the legislative branch of the Government has specified the punishment for any violation of law, it has provided what, in its judgment, is an adequate remedy and means of protection, and having provided such remedy no court has any right to step in over the head of the legislature and provide another remedy.

3. Modern American courts assume the right to issue injunctions interfering with the personal rights of men in exercising free speech, free press, peaceable assemblage, and in their personal relationship with each other. The rights of free speech, free press, and peaceable assemblage are specifically guaranteed by the Constitution. They are the fundamental safeguards of a free people which neither courts, kings, nor cajolery should be permitted to destroy. The personal relationship between man and man comes clearly within the jurisdiction of the law courts and has no place in the courts of equity, unless upon the assumption by the courts that man is property, an assumption repugnant to the sense of right of all civilized communities and specifically forbidden by the thirteenth amendment to the Constitution of the United States.

As the judicial power extends only to cases in law and equity arising under the Constitution, the laws of the United States, or treaties made under their authority, it seems clear that, aside from equity proceedings growing out of the treaties, the only equity power which the judiciary can exercise is to be found in the original jurisdiction granted by the Constitution and such additional jurisdiction as may be conveyed by law. The original jurisdiction granted by the Constitution, aside from that already stated, is found in section 2 of Article III of the Constitution, which provides that it shall extend to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof and foreign States, citizens, or subjects. Even that power is limited by the eleventh amendment, which says, "The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State."

In all other cases the judicial power extends to cases arising under the law. Congress has on various occasions created courts and limited the jurisdiction of the courts thus created. That is true of the Court of Claims and the Commerce Court. There is no question in the mind of your committee of the constitutional power of Congress to limit the jurisdiction of the courts so that it will not extend to the writ of injunction in the cases mentioned in the bill. The extent to which the judicial power has been exercised in recent years in issuing writs of injunction in labor disputes in a manner which would not be considered if no disputes were in existence makes it necessary that some legislation of this character should be enacted. The first writs of this character issued restrained acts of violence only. From that they have gradually broadened until it has become the practice to enjoin men from inducing others to leave their employment or not to enter employment, or from assembling at, near, or within sight of the complainant's property, or from furnishing food, money, or other things of value to workmen on strike, or from moving strikers away from the strike locality, or from exercising the constitutional right of free speech or of free press, or from refusing to patronize people who are obnoxious to them.

It may be that some of these things which they are restrained from doing are wrong, and that they should not be permitted to do them; but if that be true, the legislative branch of the Government should prohibit by law the things that are wrong, and the law courts, not the equity courts, determine the fact of whether or not there has been any violation of the law. By any other course a grave injustice is done to that portion of our people who are least able to protect themselves.

During the Presidential campaign of 1908 Mr. Samuel Gompers, president of the American Federation of Labor, issued a circular letter to the members of that body, expressing his views and the views of organized labor generally on the use and abuse of the writ of injunction by which the equity courts have exceeded their jurisdiction and invaded the jurisdiction of the law courts and the legislative branch of the Government.

Mr. Roosevelt was then President of the United States. He immediately proceeded, in the form of a letter to Senator Knox, to criticize the position taken by Mr. Gompers.

In view of the criticisms of the courts which have been made by Mr. Roosevelt in his present campaign for the Presidency, his position at that time is of more than passing interest, and I therefore desire to include in the RECORD the circular letter of Mr. Gompers, the letter of President Roosevelt to Senator Knox, and an editorial from the American Federationist, written by Mr. Gompers, in reply to the letter of President Roosevelt.

CIRCULAR LETTER OF MR. GOMPERS.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., October 12, 1908.

Men of labor, lovers of human liberty, you are believers in the form of government described by the immortal Lincoln as government of the people, for the people, and by the people. You would not be true Americans if you were not. This form of government—the democratic form—is a government by law and is the direct opposite of the despotic form, which is government by discretion. Government by injunction is government by discretion, in other words, despotic. You would not willingly assist in destroying our present form of government in the United States, and I therefore assume that you would have the issue in this campaign stated plainly and simply, in order that you may do your duty.

The facts are that the judiciary, induced by corporations and trusts and protected by the Republican Party, is, step by step, destroying government by law and substituting therefor a government by judges, who determine what, in their opinion, is wrong; what, in their opinion, is evidence; who, in their opinion, is guilty; and what, in their opinion, the punishment shall be. It is sought to make of the judges irresponsible despots, and by controlling them using this despotism in the interest of corporate power.

In order to do this, it was necessary to proceed secretively to prevent opposition becoming too strong; some strained "justification," for it had to be sought in the Constitution of the United States. The Constitution provides that judges shall have jurisdiction in law and equity, and by extending the jurisdiction of judges "sitting in equity" all safeguards erected to protect human liberty are swept aside.

Instead of the accuser proving the guilt of the accused, the accused is compelled to show cause why he should not be punished. The absolute power, in specific instances, of a judge sitting in chancery (which is the real name for equity) is gradually extended over the several fields of human activity, and a revolution is perfected. We then have despotic government by the judiciary in place of government of, for, and by the people.

This revolution has already progressed very far. It is depriving the workers of their rights as citizens by forbidding the exercise of freedom of speech, freedom of the press, freedom of assembly, and the right of petition, if, in the opinion of the judge, the exercise of these rights may work injury to the business of some corporation or trust. It is applicable to the worker to-day, and will inevitably be made applicable to the business man at a later period.

The progress of this revolution must be stopped.

We must return to government by law in all instances where the revolution has been successful.

This virus and poison has not only attacked the judicial branch of government, but has in several instances entered upon the legislative field, by making laws which may be enforced by equity process; that is, the judge is by law authorized to—

Disregard all accepted rules of procedure and of evidence; to

Dispense with jury trial and substitute instead of these safeguards of human liberty his own opinion of what is right.

It was with these serious thoughts in mind that labor's representatives submitted to the party in power—the Republican Party—in 1906 labor's bill of grievances, and respectfully urged that necessary legislation be enacted. Nothing was done.

Injunction after injunction was issued forbidding men to assist each other, to give information to each other, and to do in unison those things which it was the undisputed right of the individual to do for himself.

In the meantime the dispute between the Hatters' Union and Mr. Loewe, of Danbury, was in progress from one court to another, until it reached the United States Supreme Court, where is was decided that—

Organizations of working men and working women, for mutual aid and assistance, are combinations in illegal restraint of trade under the so-called Sherman antitrust law.

That anyone injured thereby may recover threefold damages from the organizations, and if they have not the means, then from individual members thereof. Between this law, enforceable by equity process and the extension of the use of the writ of injunction, the individual freedom of the worker to combine with others for mutual aid and protection is swept away and his rights as a citizen disregarded and denied.

For all these steadily growing, dangerous tendencies there is but one remedy—legislation by the people through their proper representatives. Again we appealed to Congress, and again our answer was a distinct and emphatic "no."

We drafted and caused to be introduced in Congress specific bills to stay and remedy the evil, but to no purpose.

Labor was not only given an emphatic "no," but it was coupled with a statement by candidate for Vice President, Mr. SHERMAN, accepted and approved by the majority of Congress, that his party fully

understood what was doing, and accepted all responsibility both for what it did and what it did not do.

It is no attack upon the judges to say that they are men with a fair average quality of human nature; that they are subject to the prejudices and passions of men. They can not divest themselves of their humanity by putting on the judicial ermine any more than can the king divest himself of his by putting on the crown.

Despotic power under the ermine is as dangerous as despotic power under the crown. To stay its progress, some remedy must be had, and we therefore appealed to the Republican convention at Chicago and were given the same answer in still more insulting language if that were possible. We asked for bread, and they showed us a whip, and in order to be certain that the whip will be effectually used the Republican Party nominated as its standard bearer Mr. William H. Taft, the originator and specific champion of discretionary government; that is, government by injunction. In passing, I may say that his nomination, under the circumstances, was logical. It would have been impossible for the party to find a more effective representative of its policy.

Labor's representatives then went to the Democratic Party. That party made labor's contention its own. It pledged its candidates for every office to those remedies which labor had already submitted to Congress. The standard bearer of the Democratic Party, Mr. William J. Bryan, entered fully into the essence of this struggle and declared that the real issue in this campaign is: "Shall the people rule?"

The Republican Party and its candidate stand for upholding and further extending into our country a despotic government vested in the judiciary.

The Democratic Party and its candidate stand for government by law vested in the people.

As an American citizen, in view of these facts, I have no choice—I have only duty. Duty to preserve with my voice, pen, and ballot that form of government for the preservation of which Lincoln said, "Men died at Gettysburg."

Human freedom and equality of all men before the law is the result of the struggle of the ages, and our holiest inheritance. This we must regain; this we must extend, so that it shall be a living, character-making, conduct-governing principle in American life.

Labor has been and will be accused of partisanship, but in performing a solemn duty at this time in support of a political party labor does not become partisan to a political party, but partisan to a principle.

As the campaign progresses, accusations, misrepresentations of all conceivable kind will come thick and fast. In answer to them all, I have but to say that men who have given a whole life's energy to the great cause of labor and who in all the years gone by have been found faithful, honest, and sincere are not likely to change their character all of a sudden. If we were desirous of either office or other emoluments, they could have been obtained with greater ease from the party in power.

I have said before and now say again that there is no political office in the gift of the American people, elective or appointive, that I would under any circumstances accept. Not that such offices could be lightly put aside by an American citizen, but that I believe I can do more for the ideas that I cherish and the work in which I am engaged, either as an official or as a member in the rank and file of the labor movement, and the threats of politicians to "burn brush fires" behind me wherever I may go; to "create rebellion" in the labor movement against me and bring about my defeat for the presidency of the Federation can have no influence upon my mind and can not alter my course. As workers and citizens we have our franchise; as citizens we must use it to protect and extend equality of all men before the law and secure individual liberty for all men.

And now, fellow workers and friends of human liberty, labor calls upon you to be true to yourselves and to each other, to stand faithfully by our friends and elect them, oppose and defeat our enemies, whether they be candidates for President, for Congress, or other offices, whether executive, legislative, or judicial.

Sincerely and faithfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

LETTER OF PRESIDENT ROOSEVELT TO SENATOR KNOX.

WASHINGTON, *October 21, 1908.*

MY DEAR SENATOR KNOX: In your admirable speech of yesterday you speak of the action of Mr. Bryan and certain gentlemen claiming to be the special representatives of organized labor, foremost among them Mr. Gompers, to secure the support of laboring men for Mr. Bryan on consideration of his agreement to perform certain acts nominally in the interests of organized labor, which would really be either wholly ineffective or else of widespread injury not only to organized labor but to all decent citizens throughout this country. You have a peculiar right to speak on labor questions, for it was you, who, as Attorney General, first actively invoked the great power of the Federal Government on behalf of the rights of labor when for the first time in the history of the Government, you, speaking for the Department of Justice, intervened in a private lawsuit which had gone against the widow of a brakeman and by your intervention secured from the Supreme Court a construction of the safety-appliance act which made it a vital remedial statute, and therefore has secured to hundreds of crippled employees compensation which they would not otherwise have obtained.

LETTER FROM GOMPERS.

The daily papers of October 13 contain an open letter from Samuel Gompers, president of the American Federation of Labor, appealing to workingmen to vote for Mr. Bryan.

In that letter are certain definite statements which interest the wider American public quite as much as those to whom Mr. Gompers makes his appeal. These statements warrant all you have said in your speech, and they would warrant you in asking Mr. Bryan to say publicly whether Mr. Gompers states correctly the attitude of his party and himself on a subject that is of vital concern to every citizen, including every business man as well as every farmer and every laboring man, who looks to the courts for the protection of his rights.

Mr. Gompers in his letter asserts that the judiciary of this country is destroying democratic government and substituting therefor an irresponsible and corrupt despotism in the interests of corporate power, and he further makes clear that the means by which he believes this alleged despotism has been set up in the place of democracy is by the process of injunction in the courts of equity.

Mr. Gompers in his letter states that his appeal to the Republican convention at Chicago for remedy against the injunction was denied, and he then goes on to state not only that the Democratic Party promised a remedy, but promised him the particular remedy that he had already asked of Congress.

His words are:

"Labor's representatives then went to the Democratic Party. That party made labor's contentions its own. It pledged its candidates for every office to those remedies which labor had already submitted to Congress."

The last sentence in this quotation indicates very definitely the specific remedies to which Mr. Gompers understands Mr. Bryan's party has pledged itself.

His statement now makes perfectly clear an important plank in the Bryanite platform which has heretofore seemed puzzling to a vast number of earnest-minded, thinking people who are sincerely interested in the steady advance and the legitimate aspirations of labor, and who carefully read both platforms to know precisely what hopes each held out for the improvement of the condition of wage earners.

That plank reads as follows:

"Questions of judicial practice have arisen, especially in connection with industrial disputes. We deem that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved."

REMEDY PROMISED.

This is the plank that promises the "remedy" against injunctions which Mr. Gompers asked of Mr. Bryan's party. In actual fact it means absolutely nothing; no change of the law could be based on it; no man without inside knowledge could foretell what its meaning would turn out to be, for no man could foretell how any judge would decide in any given case, as the plank apparently leaves each judge free to say when he issues an injunction in a labor case whether or not it is a case in which an injunction would issue if labor were not involved. Yet this plank is apparently perfectly clear to Mr. Gompers, and in his letter to his followers he indicates beyond question just what he understands it to mean. He asserts that he has the requisite inside knowledge. His statement that it was Mr. Bryan's party—for it was Mr. Bryan who dictated the platform—pledged itself "to those remedies which labor had already submitted to Congress" is a perfectly clear and definite statement.

The "remedies" which Mr. Gompers has already submitted to Congress are matters of record and the identification of his "remedy" against injunctions in labor disputes is easy and certain. This "remedy" is embodied in House bill No. 94 of the first session of the Sixtieth Congress, the complete text of which is hereto appended.

The gist of the bill, as can be seen by referring to the complete text, is this:

First. After forbidding any Federal judge to issue a restraining order for an injunction in any labor dispute, except to prevent irreparable injury to property or a property right, it specifically provides that "no right * * * to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right."

Second. It provides that nothing agreed upon or done by two or more parties in connection with a labor dispute shall constitute a conspiracy or other criminal offense or be prosecuted as such unless the thing agreed upon or done would be unlawful if done by a single individual.

The bill here described is not only the "remedy" that Mr. Gompers has "already submitted to Congress," but it is the one and only remedy which he and those associated with him in his present movement have announced that they will accept in the matter of his grievance against the courts on the injunction issue.

FEDERATION ON RECORD.

The counsel for the American Federation of Labor and Mr. Gompers, its president, are both on record to this effect.

At a hearing before the House Committee on the Judiciary the counsel for the American Federation of Labor on February 5, 1908 (as appears from the printed hearings), stated:

"The bill was considered by at least two sessions of the executive council of that organization and unanimously approved. It was considered by two of its national conventions—the two latest—and by them unanimously indorsed. And in the face of many propositions to amend it, in the face of many proposed substitutes, in the face of pressure from every direction, from high sources and sources not so exalted, the organization has stood by and is to-day standing by this bill without amendments."

Mr. Gompers himself in discussing this bill before the same committee on February 28, 1908 (as appears from the printed hearings), went on record as follows:

"Events have demonstrated clearly to my mind that there is only one bill before the committee that can at all be effective to deal with this abuse, with this invasion of human rights, and that is the Pearre bill."

Further on in the same page of the hearings, Mr. Gompers states:

"I will say this, that I think I will try to make my position clear that the American Federation of Labor has so declared itself that it must insist upon the principles involved in the Pearre bill, and that I explained as best I could the position of labor—that we would rather be compelled to bear the wrongs which we have for a longer period than to give our assent to the establishment of a wrong principle, believing and knowing that time would give the justice and relief to which labor—the working people—are entitled."

DEMAND OF GOMPERS.

This bill, then, and none other, represents exactly the relief that Mr. Gompers demands in the way of anti-injunction legislation; and if the statement in his letter is correct, this bill represents what Mr. Bryan and his party are pledged to in the matter of anti-injunction legislation.

The injunction plank in the Bryanite platform may sound vague and hazy, but there is nothing vague or hazy about this bill.

It is more than a bill; it is a program of the most fixed and definite kind; and if Mr. Gompers is correct this bill becomes, as it were, an authorized appendix to Mr. Bryan's platform, or a footnote explaining in detail the briefer and vaguer injunction plank in that platform.

Does Mr. Bryan accept it as such?

Mr. Bryan should state publicly whether he in fact accepts the principle of this bill, which is the official program of Mr. Gompers and those who stand with him.

Mr. Gompers announces publicly that Mr. Bryan's party has made this program its own. Is Mr. Gompers correct in this statement?

Either Mr. Gompers is mistaken as to what Mr. Bryan's party has promised him in this matter of anti-injunction legislation or those who

drafted his party's platform in their haste failed to make the promise so clear that the general public would understand it precisely as Mr. Gompers understood it.

Mr. Bryan failed in his letter of acceptance to discuss this labor plank of his party's platform. So far as I am aware he has failed to discuss it since.

There should be such discussion as a matter of common fairness, not only to labor, but to all citizens alike. On a question of such grave consequence the people are entitled to know where Mr. Bryan stands.

Mr. Taft has repeatedly explained exactly where he stands in this matter of regulating injunctions.

Are we not entitled to know with equal clearness exactly where Mr. Bryan stands?

Mr. Gompers's public statements as to what his party has promised make it imperative that Mr. Bryan declare himself.

This bill, to the principle of which he says Mr. Bryan is pledged, declares that the right to carry on a lawful business in lawful way shall not be regarded as a property right or entitled to the protection of a court of equity through the process of an injunction, and that the right to such protection, which admittedly now exists under the law, shall be taken away.

WHAT GOMPERS PLANNED.

The counsel for the American Federation of Labor in his argument before the House committee on February 5, at which Mr. Gompers himself was present, gave a very frank illustration of what he and Mr. Gompers perceived to be the consequences of that provision of this bill which says that the right to carry on business shall not be entitled to protection as a property right.

His words are: "Suppose that working men by some operation or proceedings in the community (let us say by violence or persuasion or picketing away from the premises) reduce those works to a state of utter helplessness and there was not a wheel moving nor a process in operation and this company had no help at all—that would be an interference with his right to do business, and for that I say he has no right to be protected by injunction."

Is Mr. Bryan in reality pledged to this point of view?

Will he definitely say, either in writing or in public address, whether he believes with Mr. Gompers that the protection heretofore afforded by the courts of equity to the right to carry on a lawful business in a lawful way is despotic power, and that the judges who exercise that power are irresponsible despots?

So far as the second section of this bill is concerned it is perfectly clear that it would legalize the blacklist and the sympathetic boycott carried to any extent. It would legalize acts which have time and again been declared oppressive, unjust, and immoral by the best and most eminent labor leaders themselves.

Does Mr. Bryan believe that Mr. Gompers, that he and that part of the labor movement that agrees with him, has the right morally, and should be given the right legally, to paralyze or to destroy with impunity the business of an innocent third person against whom neither he nor they have any direct grievance simply because the third person refuses to join with them aggressively in a labor controversy with the real merits of which he may be utterly unacquainted, because he refuses to class as his enemy any and every other employer whom they point out as their enemy, because he refuses merely upon their peremptory order to excommunicate some other employer by ceasing all business relations with him? The blacklist and the secondary boycott are two of the most cruel forms of oppression ever devised by the wit of man for the infliction of suffering on his weaker fellows.

DESPOTIC POWER.

No court could possibly exercise any more brutal, unfeeling, or despotic power than Mr. Gompers claims for himself and his followers in the legislation which would permit them without let or hindrance of any kind to carry on every form and degree of the secondary boycott.

The anthracite strike commission, as fair-minded and distinguished a body of men as ever passed judgment on an industrial question, thus refers to the secondary form of boycott—that is, the boycott of innocent third persons for refusing to take an aggressive part in a controversy with which they have no concern:

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike. This may sometimes be unchristian, but it is not illegal. But when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse but to render the life of their victim miserable by persuading and intimidating others so to refrain such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law and merits and should receive the punishment due to such a crime."

The commission further states that this boycott can be carried to an extent "which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens."

Does Mr. Bryan agree with Mr. Gompers that all existing legal restraint on the enforcement of every degree of the boycott should be withdrawn, that the industrial excommunication of the innocent merchant who refuses to render unquestioned obedience to the orders of Mr. Gompers should be legalized and encouraged, or does he believe with us and with Mr. Mitchell and other labor leaders who differ with Mr. Gompers in this matter that this form of the boycott is morally wrong, that labor at war should fight with its enemies and respect the rights of neutrals, that innocent third parties should not be coerced into taking sides in industrial disputes to which they are in no sense parties, under penalty of having their business attacked and destroyed?

Mr. Taft is perfectly definite on this proposition.

Where does Mr. Bryan stand.

The citizen who votes for or against Mr. Taft on this proposition does so with his eyes open and with a clear understanding from Mr. Taft himself of his position. He has frankly discussed this subject time and again with workingmen themselves, both in this campaign and prior to his nomination. He has been willing to express his position clearly and to assure workingmen that to protect them in their rights he is willing to go to the limits of what he considers justice, but that he will not go further. His definition of justice to labor does not, as we understand it, include either of the principles contained in Mr. Gompers's program, as set forth officially in this bill.

Does Mr. Bryan disagree with Mr. Taft on these propositions?

Will he state publicly, definitely, categorically, whether he accepts the program outline in this bill, as Mr. Gompers in his letters has assured the public that he does?

TRIBUTE FROM BRYAN.

Mr. Bryan's party platform paid a high tribute to our courts of justice. It stated:

"We resent the attempt of the Republican Party to raise a false issue respecting the judiciary. It is an unjust reflection upon a great body of our citizens to assume that they lack respect for the courts."

The "great body of our citizens" to whom this platform refers is admittedly Mr. Gompers and his followers.

Mr. Gompers, now Mr. Bryan's open and avowed ally, has in the better quoted attacked the Federal courts in unmeasured terms of reproach because by a long line of decisions the equity courts have refused to make an outlaw of the business man, because his right to carry on a lawful business under the peace of the law has been protected by the process of injunction, because, in a word, one of the most vital and most fundamental rights of the business world, the right of a business man to carry on his business, has been sustained and not denied by the processes of the courts of equity. This sweeping attack of Mr. Gompers upon the judiciary has been made in a frank and open effort to secure votes for Mr. Bryan.

Are these attacks made with Mr. Bryan's consent?

Do they meet with his approval?

Does he indorse them or does he repudiate them?

Mr. Bryan has frankly questioned Mr. Taft during the progress of this campaign, and very properly so, and has asked him to make clear his personal stand on public matters upon which the public was entitled to be enlightened.

In turn, with equal frankness and with equal propriety, Mr. Bryan should be asked to break a long-continued silence and make definite and certain his own position in regard to a matter that concerns not only business men and every decent law-abiding citizen, whether a wageworker or not, just as much as it concerns Mr. Gompers and that part of organized labor that stands with him.

There is no need of generalities, of vague expressions of sympathy for labor. Let Mr. Bryan simply confine himself to the anti-injunction plank of his own platform and tell us publicly, definitely, and clearly whether he accepts or rejects the statement of Mr. Gompers that this plank pledges him to the principles of the bill for which Mr. Gompers stands and whether if elected he will endeavor to have this proposal enacted into the law. This is asked honestly in the interest of that large voting public which believes sincerely in the promotion of every legitimate right and interest of labor, but which believes also that from the standpoint of the best interest of labor it neither requires nor is entitled to more than justice, and that the right to destroy business should not be formally recognized in the law of the land.

REALIZES RIGHT TO SPEAK.

I feel that I have the right to speak frankly in this matter, because throughout my term as President it has been my constant object to do everything in my power, both by administrative action and by endeavoring to secure legislative action, to advance the cause of labor, protect it from unjust aggression and secure to it its legitimate rights. I have accomplished something; I hope to accomplish more before I leave office; and I have taken special and peculiar interest in Mr. Taft's candidacy because I believe that of all the men in this country he is the man best qualified for continuing the work of securing to the wageworkers of the country their full rights. I will do everything in my power for the wageworkers of the country except to do what is wrong. I will do wrong for no man, and with all the force in my power I solemnly warn the laboring man of this country that any public man who advocates doing wrong in their interests can not be trusted by them; and this whether his promise to do wrong is given knowing that it is wrong or because of a levity and lack of consideration which make him willing to promise anything without counting the cost if thereby support at the moment is to be purchased.

WILL FIGHT ABUSES.

Just as I have fought hard to bring about in the fullest way the recognition of the right of the employee to be amply compensated for injury received in the course of his duty, so I have fought hard and shall continue to fight hard to do away with all abuses in the use of the power of injunction. I will do everything I can to see that the power of injunction is not used to oppress laboring men. I will endeavor to secure them full and equal justice. Therefore in the interest of all good citizens, be they laboring men, business men, professional men, farmers, or members of any other occupation, so long as they have in their souls the principles of sound American citizenship, I denounce as wicked the proposition to secure a law which according to the explicit statement of Mr. Gompers is to prevent the courts from effectively interfering with riotous violence when the object is to destroy a business, and which will legalize a blacklist and the secondary boycott, both of them the apt instruments of unmanly persecution.

But there is another account against Messrs. Bryan and Gompers in this matter. "Ephraim feedeth on wind." Their proposed remedy is an empty sham. They are seeking to delude their followers by the promise of a law which would damage this country solely because of the shown moral purpose that would be shown by putting it upon the statute books, but which would be utterly worthless to accomplish its avowed purpose. I have not the slightest doubt that such a law as that proposed by Mr. Bryan would, if enacted by Congress, be declared unconstitutional by a unanimous Supreme Court—unless indeed Mr. Bryan were able to pack this court with men appointed for the special purpose of declaring such a law constitutional. I happen to know that certain great trust magnates have announced within the past few weeks, in answer to the question as to why they were openly or secretly favoring the election of Mr. Bryan, that the laws that Mr. Bryan proposed, including especially this law, would be wholly ineffective, because the court would undoubtedly throw them out and that the promises to enact them could, therefore, be safely disregarded.

* * *

Sincerely, yours, THEODORE ROOSEVELT.

EDITORIAL FROM AMERICAN FEDERATIONIST.

PRESIDENT ROOSEVELT'S ATTACK ON LABOR ANSWERED BY SAMUEL GOMPERS.

So President Roosevelt has again thrust himself into the campaign. He not only becomes bitterly partisan, but must needs attempt to throw the weight and influence of his great office in the scales against the interests and equal rights with all other citizens to which the workers of our country aspire and are justly entitled. He makes a direct and specific attack upon labor.

The pretense that the attack is upon me is too thinly veiled to deceive anyone. He strikes over my shoulder at the hearts of the great rank and file of the workers and other liberty-loving citizens of our country.

So far as I am concerned, I have neither the inclination nor the desire to bask in the sunlight of President Roosevelt's "benevolent assimilation," by which he placates some, by the big stick browbeats others, and by his sophistry hopes to fool the masses into supporting Injunction Judge Taft.

President Roosevelt says that Senator Knox has a peculiar right to discuss the principles involved in injunctions, because he as Attorney General prosecuted a civil suit for damages to an injured workman. That Senator Knox was the special counsel of the Pennsylvania Railroad and of the United States Steel Corporation would indeed qualify him to discuss the injunction abuse, but certainly only from the viewpoint of the friends of corporations who profit by the abuse of the injunction writ, as it brings advantage and profit to corporate greed and power.

But does President Roosevelt imagine that the workers of our country will accept his credential to Senator Knox as the spokesman of labor's rights in preference to those whom the great rank and file have themselves chosen as the champions and defenders of their interests and rights? No, indeed. In this contest, knowing the "peculiar" interest which the President manifests in his candidate, will the masses accept even him as the infallible judge of what are the principles of equal rights and liberty for which they contend?

But to consider at this time the subject of Senator Knox is of lesser importance, inasmuch as the President has thrust himself across the path, and I therefore propose to answer his diatribe of abuse and misrepresentation.

If the courts have not invaded human liberty, if they have not undertaken to protect corporate interests to the detriment of the people, why did President Roosevelt characterize Judge Grosscup's reversel of Judge Landis's $29,000,000 fine upon the Standard Oil Trust as "a gross miscarriage of justice"? Why did he, in his special message to Congress January 31, 1908, say:

"It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of wage earners and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends." And further: "If some way of remedying the abuses is not found, the feeling of indignation against them among large numbers of our citizens will tend to grow so extreme as to produce a revolt against the whole use of the process of injunction."

In the same message he says he "considers it most unwise to abolish the use of the process of injunctions." The veriest tyro of a layman, much less one familiar with the injunction process, in his wildest dreams never suggested the abolition of the injunction process. It is not its abolition that labor desires but the restoration to its beneficent use from which it has been ruthlessly diverted; from the protection of property rights to the invasion of personal freedom.

I cite this to show the utter confusion of the entire matter of injunctions in Mr. Roosevelt's mind. In the one message he states a fundamental principle, then makes an absurd deduction, and in his attack on me goes back on it all.

When corporations secure injunctions against workmen with whom they are engaged in a dispute, the injunctions are based upon the theory that the carrying on of their business is a property right; that those workmen (strike breakers) whom they may have secured are necessary to carry on their business and that they have some sort of property right in those strike breakers, and the striking or locked-out workmen are enjoined from interfering, inducing, or persuading the strike breakers from leaving the employment of the corporations on the ground that such interference, inducements, or persuasion is an interference with their property and property rights.

Indeed, in the injunctions sought by the corporations, they further allege, quoting from one, "It is impossible for the plaintiff to obtain workmen, without whose assistance the property of the petitioners becomes utterly valueless for the purpose of their trade." When this claim was considered by the higher courts of Great Britain, all the judges agreed that the lower court had exaggerated its function and jurisdiction in issuing such an injunction.

The decisions of the higher courts of Great Britain were totally disregarded, and the decision of the lower court which was reversed accepted as the basis for the issuance of the injunctions in our country. The injunctions issued by Judge Taft, Judge Ricks, Judge Jackson, Judge Dayton, Judge Gould, and others are based upon the theory that along with the ownership of the mine, factory, workshop, transportation, a certain vested right exists in so much labor or patronage as is needed to make the operation profitable, and that this constitutes a form of property or property right in the laborer.

The relations between employers and employees are personal relations as distinct from property relations; that the rights of either party are personal rights, as distinct from property rights, no intelligent man dare dispute; and yet the courts, in extending their equity power, step in by the injunction process and filch from the toilers, because they are toilers, their rights as citizens and freemen.

Mr. Roosevelt has quoted a portion of the Pearre injunction bill, and I ask any fair-minded citizen to compare it with the provisions of the trades-dispute act passed by the British Parliament less than two years ago. Its main provisions are:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

"It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

"An action against a trades-union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

"Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute."

Surely Mr. Roosevelt would not pretend to say that the monarchy of Great Britain would confer upon the workers the lawful right to exercise "brutal, unfeeling, or despotic power"; and yet the provisions of the Pearre bill and the Wilson bill are not as broad or comprehensive in scope as the British trades-dispute act.

The mere fact that Mr. Roosevelt denounces a proposition as wicked does not so constitute it. Time and circumstances and party obligation have persuaded him to modify his judgment and his utterances. Surely it must bring unction to him to find his unwarranted attack on me so thoroughly appreciated by the New York Sun, which characterizes him for his past utterances in as severe language as that with which he now attacks me. The New York Sun charges him with apostasy to his record and welcomes him into the galaxy of CANNON, Littlefield, Van Cleave, and others of the same sort.

It is the purpose of the opponents of labor to vilify the labor movement through me, and Mr. Roosevelt now joins the chorus upon the pretext that I have attacked the Federal courts. As a man and as a citizen, I have nothing to retract, but I insist that despite great provocation I have always expressed my views and criticism—perhaps in strong, yet respectful, language. If anyone desires to look for criticism and arraignment of the Supreme Court of the United States, let him read the dissenting opinion of Justice Harlan in the Barry Baldwin *v.* Robert Robertson case. Let him read the opinions of the four dissenting justices when the Supreme Court declared the law limiting the hours of bakers in the State of New York to 10 unconstitutional. Let him read the four dissenting opinions of the Supreme Court's decision when the five justices declared the income tax unconstitutional. No severer indictments were ever expressed by any citizens of our country against the invasions of the people's rights and liberties.

But quite independent of the dissenting justices' opinions and arraignments, it is not amiss to quote the expressions of others equally qualified. Men of highest renown in the legal profession; men whose minds have remained unperverted by the glitter and grind of corporate greed and power; men who stand for justice and who apprehend the dangers to our Republic if personal, discretionary, and arbitrary government is permitted to take the place of government by law.

In October, 1897, Hon. W. H. Moody, now Justice of the United States Supreme Court, said:

"I believe in recent years the courts of the United States, as well as the courts of our own Commonwealth (Massachusetts), have gone to the very verge of danger in applying the process of the writ of injunction in disputes between labor and capital."

Hon. Thomas M. Cooley, president of the American Bar Association, said:

"Courts, with their injunctions, if they heed the fundamental law of the land, can no more hold men to involuntary servitude for even a single hour than can overseers with the whip."

Gov. Pingree, of Michigan, said:

"I consider government by injunction, unless stopped, the beginning of the end of liberty. Tyranny on the bench is as objectionable as tyranny on the throne. It is even more dangerous, because judges claim immunity from criticism, and foolish people acquiesce in their claims."

Judge M. F. Tuley, of the appellate court of Illinois, used these words:

"Such use of injunction by the courts is judicial tyranny, which endangers not only the right of trial by jury but all the rights and liberties of the citizens."

Gov. Sadler, of Nevada, said:

"The tendency at present is to have the courts enforce law by injunction methods, which are subversive of good government and the liberties of the people."

Hon. J. H. Benton, jr., of Massachusetts, said:

"The courts have gone too far. It is impossible for them to go on in the course they have taken and retain the confidence of the people or preserve their own powers. It is idle to say that the popular complaint on this subject means nothing, or that, as one judge has said, 'nobody objects to government by injunction except those who object to any government at all.' It does mean much. It means that the courts have, in the judgment of many of the most intelligent and thoughtful citizens, exceeded their just powers; that they have, by the so-called exercise of the equity power, practically assumed to create and to punish offenses upon trial by themselves without a jury, and with penalties imposed at their discretion. * * * The people will not, and they ought not to, submit to decisions like those in the Northern Pacific and Ann Arbor cases (Taft's injunction)."

Prof. F. J. Stimson, of Harvard, one of the greatest legal authorities, in his new work on "Federal and State Constitutions," after citing many authorities, says:

"These are sufficient to establish the general principle that the injunction process and contempt in chancery procedure, as well as chancery jurisdiction itself, is looked on with a logical jealousy in Anglo-Saxon countries as being in derogation of the common law; * * * taking away the jurisdiction of the common-law courts and depriving the accused of his trial by jury."

Judge John Gibbons, of the circuit court of Illinois, declared that:

"In their efforts to regulate or restrain strikes by injunction, they (the courts) are sowing dragons' teeth and blazing the path of revolution."

In the last edition of his great book, that legal authority, High, "On Injunctions," says:

"Equity has no jurisdiction to restrain the commission of crimes or to enforce moral obligations in the performance of moral duties; nor will it interfere for the prevention of an illegal act merely because it is illegal, and in the absence of any injury to property rights, it will not lend its aid by injunction to restrain the violation of public or penal statutes or the commission of immoral or illegal acts."

I have quoted from these legal celebrities not with the hope of being able to convert the judgment of Mr. Roosevelt, but I have done so simply to conclusively prove to him how "wicked, brutal, and unfeeling" are these jurists and legal authorities. Mr. Roosevelt has placed me in good company.

Might I not recall Jefferson's prophecy, when he said: "It has long been my opinion that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body, working, like gravity, by day and by night, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped."

Of course, everyone knows that the President "strongly" urged every measure which he advocated, and then accepted what his political opponents in his own party chose to give him. It is general knowledge that he had a more liberal platform prepared for adoption by the Republican convention at Chicago and then accepted what they doled out. All know that the nomination of Mr. SHERMAN for the Vice Presidency was concocted by Senator Burrows and "Genial Uncle JOE" CANNON as a slap in the face to Mr. Roosevelt; but the President, because his injunction judge, Mr. Taft, has been nominated for the Presidency, now not only swallows the whole pot pourri, but must needs directly and indirectly attack me in the fight which my fellow workers and I are making in defense of equality before the law of the men of labor with all other citizens and for the establishment of human freedom.

Pray, what has transpired to have induced the President to change from a position of, at least, apparent friendship to bitter, indefensible antagonism? The Pearre injunction bill, which Mr. Roosevelt attacks, has been before several Congresses without a word of criticism or comment from him.

It has been my pleasure to have often had the privilege of discussing with President Roosevelt a number of the fundamental questions of right, justice, and moral and social uplift. Included in these discussions were the invasions of personal rights and human liberty by the courts in the injunction abuse. It is true that the President has not always fully agreed with my contentions, but he has never until the publication of his latest utterance hinted, much less charged, that anything which I advocated was lawless, unfeeling, despotic, brutal, or wicked; and yet the rights for which the workers of our country contend and which, as best I can, I defend and advocate have been as *well known to him* during the past several years as they are when he now so unjustifiedly undertakes to misrepresent my work, my motives, and my law-abiding citizenship. Surely that opinion was not always entertained by the President, as the following will show:

In the February, 1908, issue of the American Federationist I published the chapter "Some Equivocal Rights of Labor," from Hon. George A. Alger's book, "Moral Overstrain." The chapter of the book is as keen criticism of the courts of the country in their decisions affecting the rights, interests, and liberty of the workers as anything I have ever said or written. I quote this one brief paragraph of Mr. Alger's article:

"Stated as concretely as possible, the principal difference between the working people and the courts lies in the marked tendency of the courts to guarantee to the workman an academic and theoretic liberty, which he does not want, by denying him industrial rights, to which he thinks he is ethically entitled. His grievance is that in a multiplicity of instances the courts give what seems to him counterfeit liberty in the place of its reality."

Just before publishing that article I sent the following letter to the President:

WASHINGTON, D. C., *January 25, 1908.*

MY DEAR MR. PRESIDENT: I am greatly indebted to you for calling to my attention the chapter entitled "Some Equivocal Rights of Labor" in George A. Alger's "Moral Overstrain." I was so much impressed with it that I requested and secured permission from the publishers to republish this chapter in the American Federationist. It appears in the February issue, and I am taking the liberty of sending you herewith a copy of that issue, which you will please accept with my assurances of high regard.

Very sincerely, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

To THEODORE ROOSEVELT,
President of the United States.

To which I received the following reply:

THE WHITE HOUSE,
Washington, January 27, 1908.

MY DEAR MR. GOMPERS: You may be amused to know that I have sent copies of the "Moral Overstrain" to Justices Day and McKenna. I am glad that you were able to use it in the American Federationist, and thank you for sending me the copy of the magazine.

Sincerely, yours,

THEODORE ROOSEVELT.

To Mr. SAMUEL GOMPERS,
President American Federation of Labor, Washington, D. C.

President Roosevelt quotes a statement made by the Hon. T. C. Spelling before the Judiciary Committee of the House. Without expressing an opinion at all up the quotation, it may not be uninteresting to call attention to the fact, without disrespect to Mr. Spelling, that he is not an attorney for the Federation now, and that very soon after his utterance, which President Roosevelt quotes, he was appointed as an expert for the Interstate Commerce Commission and later appointed in the Department of Justice; that a day or so after his latest appointment Attorney General Bonaparte gave out a statement to the press that he had appointed an expert on the law of corporations, and Mr. Spelling proudly showed me the interview.

Surely Mr. Roosevelt does "Mr. Mitchell and other labor leaders" an injustice when he say that they differ from me in the matter of the Pearre and the Wilson bills or the principles upon which they are based. Mr. John Mitchell, Mr. Frank Morrison, and I are now on trial to show cause why we should not be sent to jail because we exercised our constitutional rights, having violated no law of State or Nation. Will the President publicly justify Justice Gould's injunction and the contempt proceedings to send Mitchell, Morrison, and me to jail on the grounds for contempt which are put forward by the Buck's Stove & Range Co. under that injunction? The injunction issued by Justice Gould is based upon injunctions issued by Judge Taft, and Judge Taft's language is quoted by Justice Gould.

The fact of the matter is that President Roosevelt, having made Injunction Judge Taft the candidate of the Republican Party for President, and seeing that the "labor vote," which so often has been corralled, diverted, and perverted by the politicians, is now aroused and determined to deliver its own vote, that the toilers will not be cajoled, deceived, or browbeaten, has become desperate and angry, and in his anger, by the worst exhibition of demagogism, tries to instill into the employers and business men the fear that their property and business are in danger if a "square deal," implied by equality before the law and human freedom, are accorded to the workers with all other citizens. It is an exhibition of impotent rage and disappointment and an awful descent from the dignity of the high office of the President of the United States. No one but himself will be deceived as to the purpose of Mr. Roosevelt.

The workers and liberty-loving citizens are aroused as never before since 1861. The "Battle Cry for Freedom" is again taken up. Then it was for the Union and the abolition of black slavery; to-day it is for the Union, equal rights and freedom for all.

The gentleman from Pennsylvania [Mr. MOON] has undertaken to show that this measure is unconstitutional, because it is an invasion by the legislative branch of the Government with the inherent rights of the judiciary, which, he asserts, is a coordinate branch of the Government.

The judicial branch of our Government has no inherent rights. The only rights which it has are those specifically granted by the Constitution, or necessarily implied in such grants. Even in the determining of those questions the legislative branch of the Government was made supreme by the Constitution itself whenever it sees fit to exercise that supremacy. That fact becomes obvious when you realize that the power of impeachment was placed in the hands of Congress with no power placed anywhere to review or reverse its decisions.

An equal branch does not have power and jurisdiction over an equal branch of the Government. The superior branch of the Government has power and jurisdiction over the inferior branch, and the very fact that the power to impeach was placed in the hands of the legislative branch of the Government makes the legislative branch of the Government supreme.

With regard to the constitutionality of this measure, which has been attacked, I wish to say this: That, in my judgment, Congress has the power to define the jurisdiction of all courts on all questions which may come before the courts, except in so far as jurisdiction has been specifically granted by the Constitution itself; that on all other questions of jurisdiction the Congress has the power to determine and, by the impeachment process, to which I have just referred, the power to enforce its determination as to what the jurisdiction shall be. It has exercised that power on many occasions. It has created courts and given to those courts certain jurisdiction, and no jurisdiction beyond that which was specifically stated in the law creating the court.

If the contention be correct that the power of our judiciary extends to all cases in law and equity and the legislative branch of the Government can not change that condition, then the moment you create a Court of Claims or the moment you create a Commerce Court or the moment you create any other court that court would have entire jurisdiction in law and equity, and there would be no power on the part of Congress to limit the jurisdiction. But Congress has exercised the power of limiting the jurisdiction of courts, and, so far as I am aware or have been informed, there has been no power that has undertaken to say that Congress has not the right to determine what the jurisdiction of the courts it created should be. Now, if it has that power with the creation of a Court of Claims or a Commerce Court or any similar court, it has the same power with regard to our equity courts, and has the right to determine what their jurisdiction shall be and to what matters their jurisdiction shall extend. It has the right to say that their jurisdiction shall extend to certain things and shall not extend to certain other things, and, among others, it has the right to say that it shall not extend to the issuance of injunctions under certain terms and conditions.

It is asserted in circulars that have been sent to every Member of this House, and by Members in this House, that this bill undertakes to legalize the boycott; that it undertakes to legalize picketing, and because it undertakes to do that they are opposed to the measure.

This bill does not legalize the boycott or picketing. It does not deal with the question of the legality of either of them. What it does do is to prevent the equity court from stepping in in a case of peaceful picketing, or stepping in in the case of a boycott, and by the writ of injunction undertaking to adjudicate it. There has been a great deal of criticism of the use of the right to boycott by workmen in their trade disputes, and for that reason some men are opposed to a proposition that prevents the equity court from stepping in with the writ of injunction to prevent a boycott.

But, Mr. Speaker, I want to say to this House now that the boycott itself lies at the very foundation of our moral code, and if you take away the boycott, if you wipe out the boycott, your moral code itself falls. One of the first things that we teach our children, one of the first things that we were taught ourselves, is to shun evildoers; avoid evil communications; boycott those who are bad. There is no inherent wrong in the boycott. On the contrary, it is generally good; but there may be cases in which the boycott is wrong. There may be cases under which the boycott would work an injustice on some one, and if there are such circumstances they should be specified in the law and the law courts should deal with the violation of them and not the equity courts. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, that there are stranger things than are dreamed of in your philosophy, gentlemen, was illustrated in the House of Representatives to-day, when, during the debate on the pending anti-injunction bill, the Speaker's chair was temporarily occupied by a Member whose service in the ranks of labor was terminated by a Federal injunction, and not only that, but by the most noted of the injunctions which served to make government by injunction an issue in this country, and resulting in the pending legislation. I refer to the Debs injunction.

I want to congratulate the workingmen of the United States upon the fact that after 20 years of agitation the Congress of the United States is to-day taking the first open practical step to settle the issue of government by injunction by throwing about this kingly judicial power certain safeguards and forbidding its use against certain acts which will lead to its disuse in labor controversies. When injunctions are not so readily issued they will not be so readily asked for.

The same thing will be true of the contempt bill, reported favorably by the Committee on the Judiciary, providing for trials by jury in cases of constructive contempt. There will not be so many such contempts.

I want also to congratulate the Judiciary Committee of the House of Representatives and the Democratic Party upon the courage, the honesty, and the promptness with which its official representatives at their first opportunity have redeemed this pledge made by the Democratic Party to the toilers of the Nation in its national platform 16 years ago, and which it has repeated in every national platform since that time, the platform of 1908 containing the following declaration upon the subject of labor and injunctions:

LABOR AND INJUNCTIONS—DEMOCRATIC PLATFORM.

Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings should be treated with rigid impartiality, and *that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.*

A more faithful compliance with a platform pledge in both letter and spirit will hardly be afforded by the annals of Congress than the bill under consideration measured by the above declaration. It is true that the bill is not all that some of us would like and that some of us would ask, but it is more than many would give and, as one who has had bitter practical experience in the matter of government by injunction, I shall be well pleased and shall consider it a field day for the workingmen of America when so good and fair a measure as the pending bill finds its way upon the statute books of the United States.

NECESSITY FOR INJUNCTION LEGISLATION.

Mr. Speaker, in this debate some eloquent eulogies have been passed upon the courts of this country. It is not my purpose to place in the record of this debate a single sentence that would abate one jot or tittle of respect for the courts or obedience to the law and its orderly processes. When the question of my own obedience to the process of the courts was put to the judicial test and that, too, by the court out of which it issued, it is one of the proud and lasting recollections of my life that it was decided, even in a time of great public excitement, when the scales of justice, held in the hands of a single man, might well have tipped the other way and have placed an indelible stain upon my name as a law-abiding American citizen—it is, I say, my proud and grateful recollection, under these circumstances, that I, young in years, immature in judgment, and surrounded by conditions of great provocation and excitement, had yielded clear and absolute obedience to the law, and not only to the law, but to the orders of the court, which were based upon false and ex parte affidavits and issued without notice or a day in court to those whose rights as American citizens, whose liberties, whose future good name and welfare were to be thus imperiled.

But others, I am sorry to say, equally deserving, were not equally fortunate, and I could recite individual instances of gross injustices, which, after the lapse of 18 years, I can hardly recall with composure. Gentlemen opposing this legislation have said on the floor and have said in their report that not a single instance of "too ready issuance of injunctions"—I quote from the minority report—"not a single case upon which the opinion of the majority could be founded."

It was pointed out in reply by majority members of the committee that the books were full of cases. But there are cases not to be found in books. There are cases of these abuses to be found in human lives in every community throughout the United States; cases which led to a nation-wide agitation for reform in the issuance and use of injunctions in labor disputes; cases which made the abuse of the writ of injunction an issue in national politics, earning for it the significant name of "government by injunction," and of which both great political parties had to take cognizance, and one of which, the Republican Party, throughout its entire 16 years of undisputed control of the National Government in all its departments refused to frame or report or in any manner act upon any measure whatsoever to remedy the evil. And yet to-day, when the other great party, the Democratic Party, seizes upon this, its first opportunity to redeem the pledges it has been making during these 16 years of Republican inactivity, we find the reactionary leaders of the Republican Party which during its long period of power had throttled and suppressed this and other measures looking to the welfare of the workingmen of America deserted by their own following, so that out of their membership of 162 in this body they are able to muster but a pitiful handful in opposition to this bill. Only 31 Republicans and no Democrats voted against the bill on final passage.

Apparently the minority members of the Judiciary Committee, six out of seven of which signed the minority report against the bill, not only do not represent their own party sentiment on this question, but are too shortsighted to see their own inconsistencies.

The standpat leaders, like voices from the tombs, some of them just fresh from repudiation at the hands of their own party in the primaries, stand upon the floor of the House denouncing this measure as the death knell of the courts and constitutional government as though they really represented anybody but themselves.

GROSS INCONSISTENCY OF MINORITY MEMBERS.

After saying that the majority did not produce a single instance of abuse of the injunctive power, and I quote the language of the report as follows:

According to the report of the majority of this committee, this bill intends to correct "the too ready issuance of injunctions, or the issuance without proper precautions or safeguards." If the report is predicated upon the "too ready issuance of injunctions," it is singular that it does not disclose a single case upon which the opinion of the majority could be founded. We are well aware of the charges iterated and reiterated before congressional committees alleging abuses in the issuance of injunctions. We have not found any more evidence to support them in the past than we now find in the report of the committee.

They admitted in the following paragraph their willingness to correct the abuse which they say does not exist in the following language:

The minority Members have at all times been willing to assent to a rational proposal to further safeguard the issuance of injunctions against even the possibility of abuse, and have introduced a bill for that purpose.

That is to say there is no known case of abuse of the writ of injunction; but because of the possibility that such a case may arise in the future the minority have introduced a bill to safeguard against even this conjectural danger. As this same minority was a majority in the last Congress and did not undertake to report any such bill, it must follow that even the conjectural possibility of abuse referred to in their report must be of very recent origin, so recent, possibly, as their overwhelming repudiation at the polls in the last national election for the gross betrayal of this and other pledges made by their party to the American people.

Another inconsistency in the minority report is its reliance upon the English practice in support of its contention that the courts should retain the power to issue *temporary restraining orders* without notice. It may be remarked in passing that the principal difference between *temporary restraining orders* and *preliminary injunctions* is a mere jugglery of terms. Indeed, in practical effect, and so far as results frequently are concerned, *permanent injunctions* might be added to the list. It has been well said by members of the majority in debate, and it was expressed with singular felicity by the distinguished gentleman from West Virginia [Mr. DAVIS], that frequently the issuance of a *temporary restraining order* determined the entire issue in favor of the employer. In other words, the issuance of the *temporary restraining order* was in itself sufficient to break the back of the strike. American workingmen are inherently law-abiding. They fear and respect the power of the courts, and once that power is invoked against them dismay seizes upon their ranks and the weaker of them invariably capitulate, to the undoing of the stronger of them. The man

who does not know this does not know enough about the life and the conditions of labor to legislate upon the subject.

NO GOVERNMENT BY INJUNCTION IN ENGLAND—ENGLISH LAWS.

But while gentlemen of the minority rely upon the English practice of issuing temporary restraining orders without notice or hearing, they repudiate the acts of the British Parliament exempting organizations of labor from the English conspiracy laws; and when it is pointed out to them that the provisions of the pending bill which they consider the most objectionable were taken bodily from the statutes of England, they reply that while this is true, yet, to use their own language—

The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

It may be noted, however, that while the leaders of organized labor in the United States have been convicted and sentenced to terms of imprisonment for alleged violations of the writ of injunction, the leaders of organized labor in England have not similarly suffered either under English judicial processes built up by the courts—court-made law or by English statutes.

It may be noted, too, that government by injunction is not and never has been an issue in England, although England is almost purely an industrial nation.

I shall insert at the end of my remarks not only the English act of 1906 just refered to, but the two acts of which it is amendatory, to wit, the trade-union act of 1871 and the trade-union act amendment of 1876. The three acts follow in the order of time.

I shall not discuss them except to point out that by sections 2 and 3 and succeeding provisions of the act of 1871 trades-unions were specifically exempted from the conspiracy laws, so that for the past 41 years members of trades-unions in England could not be criminally prosecuted for the very acts for which Samuel Gompers, Frank Morrison, and John Mitchell have been sentenced to pay heavy fines and suffer long terms of imprisonment, and could not be sued civilly and mulcted in treble damages as in the case of the Danbury hatters, whose very homes have been levied upon to pay the damages secured against them in that proceeding, the legality of which has been sustained by the Supreme Court of the United States as within the provisions of the Sherman antitrust law.

SHERMAN ANTITRUST LAW A FAILURE.

The Sherman antitrust law was enacted to protect labor from the unjust exactions of capital, but thus far it has only succeeded in protecting capital from the just demands of labor.

No "captain of industry," no "malefactor of great wealth," no representative of the "predatory interests" has yet had to appear before the Supreme Court of the United States to defend himself against a sentence of imprisonment for violating the Sherman antitrust law; no corporation has had to appear before the Supreme Court of the United States to defend itself against a judgment for treble damages.

Labor has had to do both of these things. These facts are significant. These facts throw light upon the agitation for judicial reform in this country.

Section 1 of the amendment of 1906 declares that—

an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable—

Which is substantially the same as the declaration in the Democratic national platform of 1908 that—

injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

The meaning of these provisions is the same.

ACTS WHICH CAN NOT BE ENJOINED.

Certain acts may not be enjoined at all, and in order that these acts may be clearly exhibited to the students of this debate they are succinctly stated as follows:

No restraining order or injunction shall prohibit any person or persons from doing any of the following acts, to wit:

1. Terminating any relation of employment.
2. Ceasing to perform any work or labor.
3. Recommending, advising, or persuading others by peaceful means so to do.
4. Attending at or near a house or place where any person resides, or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information.
5. Peacefully persuading any person to work or to abstain from working.
6. Ceasing to patronize or to employ any party to such dispute.
7. Recommending, advising, or persuading others by peaceful means so to do.
8. Paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value.
9. Peacefully assembling at any place in a lawful manner and for lawful purposes.
10. Doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

The last of the 10 classes of acts above enumerated really embraces all the others, and the entire series only particularize the somewhat more general provisions of the English amendment of 1906, and which itself only particularizes the provisions of the original English trades-unions law.

Speaking of the foregoing provision the Republican members of the Judiciary Committee, on page 7 of their report, say:

The paragraph contains to our mind the *most vicious* proposal of the whole bill.

"CLASS" LEGISLATION.

The pending bill is characterized in the minority report as—

impracticable, invalid, in the interests of a class rather than of the community, and proposes standards of legality without parallel or precedent in our legislation.

I have already alluded to the eulogies which these same gentlemen, who denounce the pending bill as "class" legislation, have heaped upon the courts. Singularly enough, but consistently enough, their speeches will be found devoid of like effusions upon the "class" referred to in the foregoing quotation from their report. I have affirmed, and I want to repeat my own adherence to the law and obedience to the orders of the courts, even when I believe them to be wrong; but I submit, in opposition to the views of gentlemen, that the courts are not the bulwark of our institutions nor the sheet anchor of our liberties, and neither is the Congress nor any other department of this Government; but that the sole hope of the perpetuity and the welfare of this country in the final analysis is the intelligence, the patriotism, and the prosperity of the so-called "class" referred to in the minority report:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.
Princes and lords may flourish or may fade—
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroy'd can never be supplied.

The hope of this country and its institutions is the preservation of the conditions which enable men from the ranks to rise to the highest positions in politics, in finance, in industry; the maintenance of a homogeneous democracy that will enable the boy at the plow and at the shovel to become the man upon the bench and in the forum and in all the high places of the country. Given this condition, all other things will be added.

The pending bill is an act—a very small act—looking to the preservation of this condition. Already the abuse of the writ of injunction and the consequent disfavor into which it has fallen has in a measure abated the use of it, and to that extent abated the necessity for this legislation. The workers, through their organizations, have in some measure already achieved an appreciable start toward emancipation from government by injunction, just as they have already established the eight-hour day for vastly greater numbers than have ever received the benefits of that great reform at the hands of Government, and just as, through organized effort, they have achieved many other great reforms and brought about many other safeguards and conditions of labor calculated to uplift and benefit and humanize not only themselves but, because of the vastness of their numbers and their basic position in society, all humanity.

But while it is true that labor through organization has blazed the way for these reforms and in a measure abated the benefit, if not the necessity, of legislative action, it is well that the lawmaking power should safeguard, in the manner proposed in this bill, the rights of the wage earners to organize and, in the furtherance of their efforts to better their condition, to do in a peaceful and orderly manner as members of such organization the things which they might do as individuals. This is all the pending measure seeks to accomplish, and nothing less should be offered or accepted.

ORGANIZED LABOR—ITS BENEFITS.

Nowadays when a man becomes eminent he is honored with a degree in some great institutions of learning. If he becomes preeminent, he is honored with another degree—honorary membership in a labor organization. Having never attained eminence, I have not been honored with the first degree, and, as for the second, I take great pride in the fact that my union card was earned in the ranks of labor. And when I cease to take pride in that fact, and when I cease to feel the deepest and most heartfelt interest in the great cause of humanity which it represents, I shall no longer be worthy of my own respect, to say nothing of the respect of my fellow men.

Organization is not only a benefit, but is the greatest single agency in the uplift of labor. I shall mention only a few of its more important benefits, not as I have learned of them from the lips or pens of others, but as I have learned them in actual experience.

Organized labor is first of all promotive of the brotherhood of man, giving the wage-earner an identity, a sense of unity

with his fellow man; a sense, I may say, of keepership of his brother that would be impossible under a condition where it was every fellow for himself, the devil take the hindmost.

It increases the efficiency and competency of labor. Each trade has its journal of craft instruction. These journals are, in fact, correspondence schools, giving the trades-unionist the theory and technique of his practical work, inculcating pride in his calling and urging him to self-study and improvement.

It makes better men of its membership, appealing to the best that is in them, developing character and raising their mental, moral, and physical standard. It makes for better citizenship, and good citizenship is the best and most enduring asset, the highest product, of any country.

Membership in a labor organization is a certificate of reliability as well as of competency. It is a well-known fact that many employers in the better organized crafts prefer union to nonunion labor. This may not grow out of any great love for organization, but the up-to-date employer knows that the chances are there is something wrong with the man who is not a member, and that somewhere in his make-up or in his record there is a weak spot that will put him beyond the pale of the confidence of the employer as it has put him beyond the pale of affiliation with his fellow workmen.

Nor are the benefits of organization confined to its immediate membership. As the rain falls alike on the just and the unjust so the standard of wages and conditions of labor accruing to organized effort indirectly benefit the unorganized. All values are relative, and it would be manifestly impossible to confine the beneficial results of the better conditions created by organization to its membership, just as impossible as it would be to confer all the benefits of a law of the land upon those who favored its enactment to the exclusion of those who opposed it or took no interest in it.

Nor are the benefits of organization confined to the wage-earners, whether within or without its folds. It is the greatest single factor to-day in giving stability to industrial conditions, thereby promoting peace and prosperity in the commerce and industry of the country. There may be those superficial enough to think that if there were no unions and no union contracts with employers there would be no industrial strife or trouble. Well, maybe there would not. Suppose we call it anarchy, such as was witnessed recently in the unorganized Pittsburgh district of Pennsylvania, and let it go at that.

Nor are the benefits of organization confined to employer and employee. Its beneficial activities reach out beyond these and to-day embrace the entire social and economic life of the people of this country. No civic movement to-day counts itself in battle formation and ready for the charge until the sturdy battalions of labor have fallen into line, and no movement for the betterment of humanity appeals to it in vain. Like all other human institutions, it has made its mistakes and has engaged in foolish crusades, but its mistakes have been of the head and not of the heart and have sprung from an excess of zeal in causes it believed to be right and not with any consciousness of wrong.

But organization is not only a benefit to labor; it is a necessity. Labor owes much to the form of government and political institutions under which we live, and it owes much to the rapid development and exploitation of that vast storehouse of natural wealth embraced within the boundary lines of the United States, but these are blessings and advantages enjoyed by all; and even under these conditions, to be found in no other nation and in no other age, the battle for bread, for a living wage, has become so fierce that the elective franchise and the bounties of nature combined have not sufficed to insure the workman his hire. Under modern industrial conditions, with their great combinations of capital, organization is the only practical method of dealing with the employer and is the strongest barrier between labor and serfdom; and that it is a fixed and lawful institution, both beneficial and necessary, is no longer open to question in the minds of reasonable and progressive men.

But with recognition of the right of labor to organize to secure better pay and conditions of life, even by that last source of recognition, the courts, there is still a strong tendency upon the part of the courts, and particularly the Federal courts, to restrict and deny the peaceful and orderly means by which these ends may be attained, and to deny them in ways so vital as to involve a denial of the dearest constitutional rights of American citizenship.

And while this condition is permitted to exist the entire structure of organized labor is in peril. Recently this country was shocked by the sentence of fine and imprisonment imposed upon Samuel Gompers, John Mitchell, and Frank Morrison, the official heads of the American Federation of Labor.

This sentence was imposed upon them for having violated the most arbitrary and outrageous order of court perhaps ever issued in this country; an order so sweeping as to forbid every member of that organization to even mention by word or pen the name of the Buck Stove & Range Co., the president of which, Mr. James Van Cleave, was, at the same time, the president of an organization which had for its primary object the destruction of the American Federation of Labor and, for that matter, all other labor unions. So radical and sweeping was the decision in which sentence was imposed for the alleged violation of this injunction, and so shockingly intemperate and manifestly prejudiced the utterances and manner of the judge, that it was set aside by the Supreme Court of the United States and will probably never be carried into effect.

But after four years of expensive and harrassing prosecution, the case is still hanging fire in the Federal courts of the District of Columbia, and the fate of the defendants, which involves the very life of organized labor in this country is still hanging fire, and the law under which these prosecutions were laid is still upon the statute books, a threat and a menace to the intelligent, patriotic, and law-abiding workingmen of America, and to the most priceless rights of American citizenship, including the rights of free speech, a free press, and trial by jury.

THE SHERMAN ANTITRUST LAW.

The right of the court to issue such an injunction, the right to enjoin the acts complained of, and not the guilt or innocence of the defendants, is the question of paramount importance to the workingmen of America.

The Supreme Court of the United States, in what is known as the Danbury Hatters case, on February 3, 1908, by Mr. Chief Justice Fuller, in an action brought by Loewe & Co., hat manufacturers of Danbury, Conn., under the Sherman antitrust law, claiming *three-fold damages* for injuries growing out of a peaceful labor dispute, declared the labor organization involved, the United Hatters of North America, which was affiliated with the American Federation of Labor—

> A combination in restraint of trade or commerce among the several States, in the sense in which those words are used in the (Sherman) act, and the action can be maintained accordingly.

The Supreme Court further said that its—

> Conclusion rests on many judgments of this court, to the effect that the act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States or restricts in that regard the liberty of a trader to engage in business.

Under this decision, if the employees, in furtherance of their cause, advise persons not to purchase the employer's product, a thing they might do with impunity were no strike pending, they will be liable to *treble damages;* and if a court issues an injunction forbidding them to advise persons to purchase the employer's product and they violate this injunction, they are *guilty of a crime* for which, *without trial by jury*, they may be tried by the judge issuing the order and *sent to prison.* And yet some people persist in calling this a free and civilized country.

LABOR PATIENTLY ENDURES JUDICIAL OUTRAGES.

In Colorado a district judge tried in a few hours 15 striking coal miners and sentenced them all to one year's imprisonment for violating a strike injunction. It was shown afterwards that some of these men were innocent beyond question. Had they been charged with the violation of the criminal statutes of the State, they could have demanded and received separate trials, by jury; as they were charged with contempt of court, they were herded before the judge who issued the order, and with hardly a semblance of trial condemned to one year's imprisonment each. The highest testimonial I could pay to the law-abiding and law-loving character of the American workingman would be merely to point to the fact that he suffers such outrageous travesties upon justice to be perpetrated upon him. It is only highly civilized and law-loving men who would patiently endure such damnable outrages and violations of their natural and inherent rights as citizens of a free country.

When employers may send their attorneys into court and get weak and venal judges to serve their purposes in this manner, what inducement, or what necessity, is there for employers to treat with their employees? The fact is, the too ready issuance of injunctions in labor disputes puts a premium upon the creation of such disputes.

In the partial remedying of this unjust condition we are, as I have already stated, blazing no new trail in the world of industry, but only following haltingly in the footsteps of England, as we have done in the case of our employers' liability laws, and full justice will not be done until labor organizations are completely exempted in this country, as they are in England, from the operation of the monopoly and conspiracy laws.

MISSION OF ORGANIZED LABOR.

It is the mission of organized labor to be the principal factor in bringing about the full and complete emancipation of labor

from the antiquated laws which originated in a primitive condition of society when the wage-earner partook more of the status of a serf than of a freeman. There are those who take the pessimistic view that organized labor has passed the zenith of its usefulness, that it is incapable of playing a further great and useful part in working out the destiny of the people, and that it should now be discarded for some much more radical and political movement. I want to dissent from that view and to affirm the proposition that with the teeming issues of a practical character which are pressing for solution, the pending injunction bill, the contempt bill, the eight-hour law, workmen's compensation, mediation, conciliation, and arbitration of labor disputes, and many other beneficial and humane reforms—I want, I say, with all these issues pressing, to affirm the proposition that instead of having passed or even reached the zenith of its usefulness, this great power for good is only in its infancy. Its fate is in its own hands. May it continue worthy to play a great and good part in making this a better and a kindlier world in which to live.

ENGLISH TRADE-UNION ACT, 1871.

CHAP. 31. An act to amend the law relating to trades-unions. (29th June, 1871.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

1. This act may be cited as "the trade-union act, 1871."

CRIMINAL PROVISIONS.

2. The purposes of any trade-union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade-union liable to criminal prosecution for conspiracy or otherwise.

3. The purposes of any trade-union shall not, by reason merely that they are in restraint of trade, be unlawful, so as to render void or voidable any agreement or trust.

4. Nothing in this act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely:

1. Any agreement between members of a trade-union as such, concerning the conditions on which any members for the time being of such trade-union shall or shall not sell their goods, transact business, employ, or be employed.

2. Any agreement for the payment by any person of any subscription or penalty to a trade-union.

3. Any agreement for the application of the funds of a trade-union—

(a) To provide benefits to members; or

(b) To furnish contributions to any employer or workman not a member of such trade-union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade-union; or

(c) To discharge any fine imposed upon any person by sentence of a court of justice; or

4. Any agreement made between one trade-union and another; or

5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

5. The following acts; that is to say:

(1) The friendly societies acts, 1855 and 1858, and the acts amending the same;

(2) The industrial and provident societies act, 1867, and any act amending the same; and

(3) The companies acts, 1862 and 1867—

shall not apply to any trade-union, and the registration of any trade-union under any of the said acts shall be void, and the deposit of the rules of any trade-union made under the friendly societies acts, 1855 and 1858, and the acts amending the same, before the passing of this act, shall cease to be of any effect.

REGISTERED TRADE-UNIONS.

6. Any seven or more members of a trade-union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this act with respect to registry, register such trade-union under this act, provided that if any one of the purposes of such trade-union be unlawful such registration shall be void.

7. It shall be lawful for any trade-union registered under this act to purchase or take upon lease in the names of the trustees for the time being of such union any land not exceeding 1 acre, and to sell, exchange, mortgage, or let the same, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade-union shall be considered a distinct union.

8. All real and personal estate whatsoever belonging to any trade-union registered under this act shall be vested in the trustees for the time being of a trade-union appointed as provided by this act for the use and benefit of such trade-union and the members thereof, and the real or personal estate of any branch of a trade-union shall be vested in the trustees of such branch, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the names of such new trustees; and in all actions, or suits, or indictments, or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade-union, without any further description.

9. The trustees of any trade-union registered under this act, or any other officer of said trade-union who may be authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint in any court of law or equity touching or concerning the property, right, or claim to property of the trade-union; and shall and may, in all cases concerning the real or personal property of such trade-union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office; and no such action, suit, prosecution, or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade-union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade-union.

10. A trustee of any trade-union registered under this act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade-union, but shall be liable only for the moneys which shall be actually received by him on account of such trade-union.

11. Every treasurer or other officer of a trade-union registered under this act, at such times as by the rules of such trade-union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade-union, or to the members of such trade-union, at a meeting of the trade-union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers, and property of the said trade-union in his hands or custody; and if he fail to do so the trustees of the said trade-union may sue such treasurer in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade-union, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade-union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

12. If any officer, member, or other person being or representing himself to be a member of a trade-union registered under this act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, or other effects of such trade-union, or, having the same in his possession, willfully withhold or fraudulently misapply the same, or willfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade-union, or any part thereof, the court of summary jurisdiction for the place in which the registered office of the trade-union is situate, upon a complaint made by any person on behalf of such trade-union, or by the registrar, or in Scotland at the instance of the procurator fiscal of the court, to which such complaint is competently made, or of the trade-union, with his concurrence, may, by summary order, order such officer, member, or other person to deliver up all such moneys, securities, books, papers, or other effects to the trade-union, or to repay the amount of money applied improperly, and to pay, if the court think fit, a further sum of money not exceeding £20, together with costs not exceeding 20 shillings; and, in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, the said court may order the said person so convicted to be imprisoned, with or without hard labor, for any time not exceeding three months: *Provided*, That nothing herein contained shall prevent the said trade-union, or in Scotland Her Majesty's advocate, from proceeding by indictment against the said party: *Provided also*, That no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offense under the provisions of this act.

REGISTRY OF TRADE-UNION.

13. With respect to the registry, under this act, of a trade-union, and of the rules thereof, the following provisions shall have effect:

(1) An application to register the trade-union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the registrar under this act.

(2) The registrar, upon being satisfied that the trade-union has complied with the regulations respecting registry in force under this act, shall register such trade-union and such rules.

(3 No trade-union shall be registered under a name identical with that by which any other existing trade-union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.

(4) Where a trade-union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the registrar before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade-union in the same form, and showing the same particulars, as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the registrar.

(5) The registrar upon registering such trade-union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or canceled, shall be conclusive evidence that the regulations of this act with respect to registry have been complied with.

(6) One of Her Majesty's principal secretaries of state may from time to time make regulations respecting registry under this act, and respecting the seal (if any) to be used for the purpose of such registry, and the forms to be used for such registry, and the inspection of documents kept by the registrar under this act, and respecting the fees (if any) to be paid on registry, not exceeding the fees specified in the second schedule to this act, and generally for carrying this act into effect.

14. With respect to the rules of a trade-union registered under this act, the following provisions shall have effect:

(1) The rules of every such trade-union shall contain provisions in respect of the several matters mentioned in the first schedule to this act.

(2) A copy of the rules shall be delivered by the trade-union to every person on demand on payment of a sum not exceeding 1 shilling.

15. Every trade-union registered under this act shall have a registered office to which all communications and notices may be addressed; if any trade-union under this act is in operation for seven days without having such an office, such trade-union and every officer thereof shall each incur a penalty not exceeding £5 for every day during which it is so in operation.

Notice of the situation of such registered office and of any change therein shall be given to the registrar and recorded by him; until such notice is given the trade-union shall not be deemed to have complied with the provisions of this act.

16. A general statement of the receipts, funds, effects, and expenditure of every trade-union registered under this act shall be transmitted to the registrar before the 1st day of June in every year, and shall show fully the assets and liabilities at the date and the receipts and expenditures during the year preceding the date to which it is made out, of the trade-union; and shall show separately the expenditures in respect of the several objects of the trade-union, and shall be prepared and made out up to such date in such form and shall comprise such particulars as the registrar may from time to time require; and every member of and depositor in any such trade-union shall be entitled to receive, on application to the treasurer or secretary of that trade-union, a copy of such general statement without making any payment for the same.

Together with such general statement there shall be sent to the registrar a copy of all alterations of rules and new rules and changes of officers made by the trade-union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade-union as they exist at that date.

Every trade-union which fails to comply with or acts in contravention of this section, and also every officer of the trade-union so failing, shall each be liable to a penalty not exceeding £5 for each offense.

Every person who willfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall be liable to a penalty not exceeding £50 for each offense.

17. The registrars of the friendly societies in England, Scotland, and Ireland shall be the registrars under this act.

The registrar shall lay before Parliament annual reports with respect to the matters transacted by such registrars in pursuance of this act.

18. If any person with intent to mislead or defraud gives to any member of a trade-union registered under this act, or to any person intending or applying to become a member of such trade-union, a copy of any rules or of any alterations or amendments of the same other than those, respectively, which exist for the time being on the pretense that the same are the existing rules of such trade-union, or that there are no other rules of such trade-union, or if any person with the intent aforesaid gives a copy of any rules to any person on the pretense that such rules are the rules of a trade-union registered under this act which is not so registered, every person so offending shall be deemed guilty of a misdemeanor.

LEGAL PROCEEDINGS.

19. In England and Ireland all offenses and penalties under this act may be prosecuted and recovered in manner directed by the summary jurisdiction acts.

In England and Ireland summary orders under this act may be made and enforced on complaint before a court of summary jurisdiction in manner provided by the summary jurisdiction acts.

Provided as follows:

1. The "court of summary jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; that is to say,

(A.) In England,

(1) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute.

(2) In the city of London, of the lord mayor, or any alderman of the said city.

(3) In any other place of two or more justices of the peace sitting in petty sessions.

(B.) In Ireland,

(1) In the police district of Dublin metropolis of a divisional justice.

(2) In any other place of a resident magistrate.

In Scotland all offenses and penalties under this act shall be prosecuted and recovered by the procurator fiscal of the county in the sheriff court under the provisions of the summary procedure act, 1864.

In Scotland summary orders under this act may be made and enforced on complaint in the sheriff court.

All the jurisdictions, powers, and authorities necessary for giving effect to these provisions relating to Scotland are hereby conferred on the sheriffs and their substitutes.

Provided that in England, Scotland, and Ireland—

2. The description of any offense under this act in the words of such act shall be sufficient in law.

3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offense in this act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

20. In England or Ireland, if any party feels aggrieved by any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than 15 days and not more than 4 months after the decision of the court from which the appeal is made.

(2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal and of the ground thereof.

(3) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace in the sum of £10, with two sufficient sureties in the sum of £10, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court.

(4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody.

(5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and if the matter be remitted to the court of summary jurisdiction, the said last-mentioned court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

21. In Scotland it shall be competent to any person to appeal against any order or conviction under this act to the next circuit court of justiciary, or, where there are no circuit courts, to the high court of justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the act passed in the twentieth year of the reign of His Majesty King George II, chapter 43, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any acts of Parliament for the time being in force.

All penalties imposed under the provisions of this act in Scotland may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three calendar months.

All penalties imposed and recovered under the provisions of this act in Scotland shall be paid to the sheriff clerk, and shall be accounted for and paid by him to the Queen's and lord treasurer's remembrancer on behalf of the Crown.

22. A person who is a master, or father, son, or brother of a master, in the particular manufacture, trade, or business in or in connection with which any offense under this act is charged to have been committed shall not act as or as a member of a court of summary jurisdiction or appeal for the purposes of this act.

DEFINITIONS.

23. In this act the term "summary jurisdiction acts" means as follows:

As to England, the act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled "An act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any acts amending the same.

As to Ireland, within the police district of Dublin metropolis, the acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland, "The petty sessions (Ireland) act, 1851," and any act amending the same.

In Scotland the term "misdemeanor" means a crime and offense.

The term "trade union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business as would, if this act had not passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade: *Provided*, That this act shall not affect—

1. Any agreement between partners as to their own business.

2. Any agreement between an employer and those employed by him as to such employment.

3. Any agreement in consideration of the sale of the good will of a business or of instruction in any profession, trade, or handicraft.

REPEAL.

24. The trades-unions funds protection act, 1869, is hereby repealed: *Provided*, That this repeal shall not affect—

(1) Anything duly done or suffered under the said act.

(2) Any right or privilege acquired or any liability incurred under the said act.

(3) Any penalty, forfeiture, or other punishment incurred in respect to any offense against the said act.

(4) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, recovering, or imposing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULES.

FIRST SCHEDULE.

Of matters to be provided for by the rules of trade-unions registered under this act.

1. The name of the trade-union and place of meeting for the business of the trade-union.

2. The whole of the objects for which the trade-union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such trade-union.

3. The manner of making, altering, amending, and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.

5. A provision for the investment of the funds and for an annual or periodical audit of accounts.

6. The inspection of the books and names of members of the trade-union by every person having an interest in the funds of the trade-union.

SECOND SCHEDULE.

Maximum fees:	£	s.	d.
For registering trade-union	1	0	0
For registering alterations in rules	0	10	0
For inspection of documents	0	2	6

ENGLISH TRADE-UNION ACT AMENDMENT, 1876.

CHAP. 22. An act to amend the trade-union act, 1871. (30th June, 1876.)

Whereas it is expedient to amend the trade-union act, 1871: Be it therefore

Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act and the trade-union act, 1871, hereinafter termed the principal act, shall be construed as one act, and may be cited together as the "trade-union acts, 1871 and 1876," and this act may be cited separately as the "trade-union act amendment act, 1876."

2. Notwithstanding anything in section 5 of the principal act contained, a trade-union, whether registered or unregistered, which insures or pays money on the death of a child under 10 years of age, shall be deemed to be within the provisions of section 28 of the friendly societies act, 1875.

3. Whereas by section 8 of the principal act it is enacted that "the real or personal estate of any branch of a trade-union shall be vested in the trustees of such branch," the said section shall be read and construed as if immediately after the hereinbefore-recited words there were inserted the words "or of the trustees of the trade-union, if the rules of the trade-union so provide."

4. When any person, being or having been a trustee of a trade-union or of any branch of a trade-union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, is absent from Great Britain or Ireland, respectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the accountant general or deputy or assistant accountant general of the Bank of England or Bank of Ireland, as the case may be; and the governors and companies of the Bank of England and Bank of Ireland, respectively, are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

5. The jurisdiction conferred in the case of certain offenses by section 12 of the principal act upon the court of summary jurisdiction for the place in which the registered office of a trade-union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offense has been committed.

6. Trade-unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office is situate; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this act or the principal act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

7. Whereas by the "life assurance companies act, 1870," it is provided that the said act shall not apply to societies registered under the acts relating to friendly societies: The said act (or the amending acts) shall not apply nor be deemed to have applied to trade-unions registered or to be registered under the principal act.

8. No certificate of registration of a trade-union shall be withdrawn or canceled otherwise than by the chief registrar of friendly societies, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, by the assistant registrar for Scotland or Ireland, and in the following cases:

(1) At the request of the trade-union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct.

(2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade-union has become void under section 6 of the trade-union act, 1871, or that such trade-union has willfully and after notice from a registrar, whom it may concern, violated any of the provisions of the trade-union acts, or has ceased to exist.

Not less than two months' previous notice in writing, specifying briefly the ground of any proposal, withdrawal, or canceling of certificate—unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith—shall be given by the chief or assistant registrar to a trade-union before the certificate of registration of the same can be withdrawn or canceled, except at its request.

A trade-union whose certificate of registration has been withdrawn or canceled shall, from the time of such withdrawal or canceling, absolutely cease to enjoy as such the privileges of a registered trade-union, but without prejudice to any liability actually incurred by such trade-union, which may be enforced against the same as if such withdrawal or canceling had not taken place.

9. A person under the age of 21, but above the age of 16, may be a member of a trade-union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade-union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade-union.

10. A member of a trade-union not being under the age of 16 years may, by writing under his hand, delivered at, or sent to, the registered office of the trade-union, nominate any person not being an officer or servant of the trade-union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding £50 shall be paid at his decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator the trade-union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

11. A trade-union may, with the approval in writing of the chief registrar of friendly societies, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, of the assistant registrar for Scotland or Ireland, respectively, change its name by the consent of not less than two-thirds of the total number of members.

No change of name shall affect any right or obligation of the trade-union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade-union or any other officer who may sue or be sued on behalf of such trade-union, notwithstanding its new name.

12. Any two or more trade-unions may, by the consent of not less than two-thirds of the members of each or every such trade-union, become amalgamated together as one trade-union, with or without any dissolution or division of the funds of such trade-unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

13. Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade-union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this act in respect of amalgamations have been complied with, shall be sent to the central office established by the friendly societies act, 1875, and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

14. The rules of every trade-union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade-union under the hand of the secretary and seven members of the same, shall be sent within 14 days thereafter to the central office hereinbefore mentioned, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, respectively, and shall be registered by them: *Provided*, That the rules of any trade-union registered before the passing of this act shall not be invalidated by the absence of a provision for dissolution.

15. A trade-union which fails to give any notice or send any document which it is required by this act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than £1 and not more than £5, recoverable at the suit of the chief or any assistant registrar of friendly societies, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

16. So much of section 23 of the principal act as defines the term "trade-union," except the proviso qualifying such definition, is hereby repealed, and in lieu thereof be it enacted as follows:

The term "trade-union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

—

ENGLISH TRADE-UNION ACT AMENDMENT, 1906.

Chap. 47. An act to provide for the regulation of trades-union and trade disputes. (Dec. 21, 1906.)

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following paragraph shall be added as a new paragraph after the first paragraph of section 3 of the conspiracy and protection of property act, 1875:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

2. (1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

(2) Section 7 of the conspiracy and protection of property act, 1875, is hereby repealed from "attending at or near" to the end of the section.

3. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

4. (1) An action against a trade-union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade-union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade-union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5. (1) This act may be cited as the trade-disputes act, 1906, and the trade-union acts, 1871 and 1876, and this act may be cited together as the trade-union acts, 1871 to 1906.

(2) In this act the expression "trade-union" has the same meaning as in the trade-union acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade-union.

(3) In this act and in the conspiracy and protection of property act, 1875, the expression "trade dispute" means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or nonemployment or the terms of the employment or with the conditions of labor of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section 3 of the last-mentioned act, the words "between employers and workmen" shall be repealed.

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. GRAHAM] eight minutes. I have eight minutes remaining, and I yield eight minutes to the gentleman.

Mr. GRAHAM. Mr. Speaker, this question has been so thoroughly discussed from the legal viewpoint that I feel justified in looking at it for a few moments from a different angle. I believe that there is real need for this proposed legislation and that the need for it is largely the result of the changed conditions which have come during the past 50 or 60 years, largely as a result of the invention and perfection of labor-saving machinery.

In natural opportunities this country stands without a parallel, so far as I know. Its immense area of rich agricultural land, its vast bodies of fine forest, its great measures of coal and oil and gas, its immense quantity of iron and copper and gold and silver, all waiting for the developing touch of labor, put our country in a class all its own.

Add to these natural opportunities the remarkable inventive genius of the American people, and the remarkable perfection of the machines they have invented for converting these natural opportunities into the form of concrete wealth, and then add to all that the productive power of the millions upon millions of laborers who came to our shores ready for work and willing to work, and you have a combination for producing wealth almost beyond the power of the imagination to conceive.

The result has been that our natural wealth has increased by leaps and bounds.

The census of 1900 estimated the natural wealth at about $110,000,000,000.

But how was that wealth distributed among the people?

That census gave us 12,500,000 families in the United States.

The unchallenged fact is that in the distribution of the national wealth more than half of it was owned by 125,000 families. In other words, 125,000 of these families owned more of the Nation's wealth than the other 12,375,000 families, or, in yet other words, 1 per cent of the families of the country owned more property than the other 99 per cent.

And owning so much of the country's wealth also includes owning largely the means of producing more wealth.

And during the past decade these conditions have doubtless become greatly intensified.

The consolidation of banking institutions and of life insurance companies and of trusts of one kind and another during the past 10 years has no doubt concentrated the wealth of the country in the hands of even fewer people who control not alone their own funds, but also vast amounts of trust funds placed in their hands and quite as serviceable to them as if their own.

This is not a mere theory, it is an actual condition, and must be reckoned with. As I said before, it results largely from the invention of labor-saving and wealth-producing machinery, and from the further fact that the laws were made in the interest of a favored few, who also managed to get most of the benefits accruing from these inventions.

While these machines and these millions of workers were creating wealth so rapidly, wisdom would have suggested legislative action to prevent the creation of an aristocracy of wealth, and, for the greater safety of republican government, secure a more general distribution of it, but instead of doing so, we legislated through protective tariff laws and patent laws, for the very purpose of gathering it into the coffers of a few only of our people. A result is, as I have stated, that to-day the great bulk of the wealth of the country is concentrated in the hands of a comparatively few of our people, and those few insist on running not only the business of the country but its politics also.

It is axiomatic that wealth is power, and hence that those who control the wealth of a country will to a corresponding extent exercise the power in that country.

Under our system of government the courts are to society almost what the rudder is to the ship. They have the last word as to the meaning of the laws enacted.

Then, too, in many ways judicial decisions give trend and direction to new conditions concerning which rights have to be determined before legislative action is had.

Hence if the great special interests could nominate the men who are to pass upon the laws and declare their meaning, it would not make very much difference who made the laws.

Fletcher, of Saltoun, said, "Give me the making of the people's ballads, and I care not who makes their laws."

He would have been more accurate had he said, "Give me power to name the men who construe the laws, and I care not who makes them."

If I am not mistaken there is a feeling pretty general among the people, and growing quite too rapidly, that the "big interests" wield altogether too great an influence in the selection of the men who occupy places on the Federal bench. In my opinion a great many, even of conservative people, think the Federal judiciary is recruited too largely from the ranks of those lawyers who have been the professional representatives of great interests, and that they have in some instances been so far affected by their professional environment as to forget the due and proper relations between the rights of persons and the rights of property. This result might naturally be expected. The training of years can not be put aside quickly. Their lives were spent fighting for the rights of property, and that point of view is apt to remain, for they continue human after their elevation to the bench.

This thought gives much sanction to the position urged by Mr. Bryan, that the indorsements of successful applicants for places on the Federal bench should be made public. As a result of this attempted deification of property and property rights there is to-day a very sharp conflict waging, and this bill is one of the results of that conflict.

A great man from my State, one of the greatest of Americans; nay, one of the greatest of men, said that on a question between the man and the dollar he stood for the rights of the man as against the rights of the dollar [applause]; and on that proposition I stand with him. Property rights are getting too much recognition at the expense of human rights, and this bill is simply an attempt to get back to where Abraham Lincoln would have us; it is simply an assertion of the rights of men as against the rights of property. [Applause.]

I am willing to acknowledge the great value of precedents in the administration of justice, especially wise and sound precedents, but I sometimes think we lawyers are too much wedded to and guided by precedents, especially when we are dealing with conditions essentially different from those under which the precedents were made. The eminent gentleman from Pennsylvania [Mr. MOON] tells us what courts and judges have said in the past, and argues as if he thought when a court has said something it should be as a law of the Medes and Persians. Without admitting the accuracy of his views as to what the courts have said, I maintain that under the conditions which confront us we have a right to take new ground and to meet new conditions by new remedial measures.

This bill is based on the theory that under the guise of restraining orders and injunctions the equity powers of the courts have been misused, if not abused, by Federal judges in the interest of property rights, and, as I have said, their former professional connection too often gives color to the charge and often inclines the public to believe it may be so. The belief is quite general, and some of the cases give it foundation, that Federal judges have stretched the equity powers of the court till they extend into the field of the common law, and even to that of the criminal law. This constitutes a serious invasion of the constitutional rights of the citizen, as it deprives him of the right of trial by jury in cases where he is entitled to it by the fundamental law.

In this struggle for human rights as against the rights of property those who are ranged on the side of the man against the dollar are not asking for anything they are not entitled to. They contend that they are not the aggressors. They are only defending rights they already had and which, through the aggression of their opponents, they are in danger of losing. They are not asking for special legislation; they only ask that they be not made the victims of special laws made by the courts through the unjust, unlawful, and unwise extension of its equity powers.

It is to prevent this unhappy result that this bill is offered, and it is wisely and conservatively intended to reach that situation, and is, in my judgment, a happy solution of the difficulty, giving to the man and the dollar the rights which each is entitled to.

I will not attempt a complete analysis of the bill, but I do desire to call attention to a few of the changes it makes.

In any system for the administration of justice there is no fact more important or fundamental than notice to the party to be affected. It is axiomatic that every man is entitled to his day in court. To deprive a man of his rights without notice and a chance to be heard is the grossest tyranny, unless giving such notice would work a greater injury to some one else.

Perhaps there is no severer indictment of the tyrant Nero than that he caused his imperial rescripts to be posted so high upon the walls of Rome that the citizens could not read them and then punished them for the violation of laws of which they had no proper notice.

The practice of issuing temporary injunctions without notice has grown to be too common. Often a temporary restraining order so issued was allowed to stand indefinitely, although supported by no evidence beyond a sworn statement that if it did not issue without notice irreparable injury would result. Under the provisions of this bill it will be necessary to state the facts showing how irreparable injury would follow if the order is not issued, and when issued the temporary order must at once be entered on the court record and remains valid for only seven days after entry. Under certain conditions it may be extended seven more days only without notice to the party affected.

Another cause for complaint has been that the injunction order often referred those affected by it to the bill of complaint for details as to what the court commanded them to do or not to do. As the court and court files were often far

removed from the place where the order was to be in effect, it was difficult for those concerned to know just what was prohibited. This bill cures that by providing that the order itself shall give the necessary information.

Under the present arrangement it is in the discretion of the judge whether he shall require the complainant to give bond. This bill prohibits the issuing of any injunction or restraining order until a good and sufficient bond is first filed.

Many restraining orders heretofore issued in labor disputes were so worded as to include everybody in the world. This bill limits the restraining order to the parties defendant and those acting in concert with them, and is binding only on those who in some way have actual notice of it.

It also contains a provision against compulsory personal service, vindicates the right of freedom of speech and of peaceably assembling in a lawful manner, and of doing anything which might lawfully be done if there were no labor dispute pending. The bill is, in my judgment, both wise and necessary. For years there has been a demand for it; Presidents have recommended it; measure after measure has been introduced and considered; but, until a Democratic House took it up, it continued to slumber peacefully in the appropriate pigeonhole.

To-day the Democratic House will breathe the breath of life into it and start it on its way. I hope it will soon find a place in the statute book, and that it will prove a buttress, a bulwark to protect human rights against the unjust encroachments of mere property rights. [Applause.]

Mr. McCOY. Mr. Speaker, it is not my purpose to speak of this bill as a lawyer or to discuss the legal aspects of it. The report of the majority of the Committee on the Judiciary and the very able arguments of the gentleman from West Virginia [Mr. DAVIS] leave nothing to be said in regard to the legal aspects of the measure.

What I should like to do is to call attention to and emphasize an unfortunate and, as it seems to me, a certain dangerous attitude which has been assumed and, I presume, is still held toward remedial legislation of this kind. In the report of the hearings on the matter of injunctions before the Committee on the Judiciary an attorney representing an association opposing the enactment into law of any of the propositions being considered by the committee disclosed the attitude that I have indicated. One of the members of the committee said to him:

I should like to ask you this question: In the course of an experience which has been more extensive than that of any other man I know, has it come to your observation that the writ of injunction in its issuance is abused in any way at all?

The reply was:

Never. They are really very hard to get.

He was asked further:

Is there any suggestion that it occurs to you to make for a change in the administration of the law?

And he replied:

No; not even the one contained in the proposition of Mr. MOON in the last Congress * * *.

The proposition of Mr. MOON is, I believe, what is now being offered as a substitute for the bill under consideration.

It is conclusively shown by what has been stated this afternoon by the gentleman from West Virginia [Mr. DAVIS] that abuses do exist, so serious that they have called forth messages from at least two Presidents of the United States, one of whom was formerly a Federal judge. It is a matter of common knowledge that many other judges declare that such abuses do exist, and any lawyer who has had occasion to keep posted as to the law of injunctions knows it, and, if he is frank, will so admit. Therefore the gentleman to whom I refer differs with the entire Judiciary Committee and with these judges and lawyers.

Employers of labor have a right to expect and demand that those attorneys whom they employ to guard what they believe to be their rights in matters of this kind shall advise them not only what the law is, but also when abuses have arisen what the law ought to be, and I repeat that it is most unfortunate that those who are learned in the law should not deem that they have a higher duty to perform than merely giving such advice as may, from a purely selfish point of view, seem to be in the interest of those by whom they are retained, namely, to endeavor to be real counselors on one of the gravest problems of the day.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to print in the RECORD the report of the committee on this bill, the acts of Congress relating to injunctions, and also the views of the minority on the same bill.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to insert in the RECORD the matter indicated. Is there objection? [After a pause.] The Chair hears none.

The reports referred to are as follows:

[House Report No. 612, Sixty-second Congress, second session.]

REGULATION OF INJUNCTIONS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 23635:

The Committee on the Judiciary, having had under consideration H. R. 23635, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The too ready issuance of injunctions or the issuance without proper precautions or safeguards has been called to the attention of the Congress session after session for many years. The bill now reported seeks to remedy the evils complained of by legislation directed to those specific matters which have given rise to most criticism. These matters are so segregated in various sections of the bill that they may be separately discussed.

I.

The first section of the bill amends section 263 of the judicial code, which relates to two distinct steps in the procedure, namely, notice and security. But the amended section relates only to the notice, leaving the matter of security to be dealt with by a new section, 266a.

FORMER STATUTES.

In order to fully understand the subject of notice in injunction cases it is necessary to give an historical résumé of the subject. In the judiciary act of 1789, which was passed during the first session of that year, Congress having created the different courts according to the scheme outlined by Chief Justice Ellsworth, conferred upon the courts power to issue all writs, including writs of ne exeat (a form of injunction), according to legal usages and practice. In 1793, however, there was a revision of that statute, and among other things the same powers, substantially, were conferred upon the judges as before; but at the end of the section authorizing the issuance of injunctions was this language: "No injunction shall be issued in any case without reasonable previous notice to the adverse party or his attorney."

The law stood thus until the general revision of 1873, during which period the law expressly required reasonable notice to be given in all cases. But the will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts. The question frequently arose. The courts got around it in various ways, but usually by holding that it did not apply to a case of threatened irreparable injury, notwithstanding that its language was broad and sweeping, plainly covering all cases. Another form of expression often used is found in Ex parte Poultney (4 Peters C. C. C., 472):

"Every court of equity possesses the power to mold its rules in relation to the time of appearing and answering so as to prevent the rule from working injustice, and it is not only in the power of the court, but it is its duty to exercise a sound discretion upon this subject."

The court found a similar method of evading the sweeping prohibition of the revision of 1793, with respect to notice in Lawrence *v.* Bowman. (1 U. S. C., Alester, 230.)

But the earliest provision requiring notice came before the Supreme Court in 1799, in New York *v.* Connecticut (4 Dall., 1). Its constitutionality was not qustioned. The only issue was as to the sufficiency of the notice, Chief Justice Ellsworth, for the court, saying: "The prohibition contained in the statute that writs of injunction shall not be granted without reasonable notice to the adverse party or his attorney extends to injunctions granted by the Supreme Court or the circuit court as well as to those that may be granted by a single judge. The design and effect, however, of injunctions must render a shorter notice, reasonable notice, in the case of an application to a court than would be so construed in most cases of an application to a single judge, and until a general rule shall be settled the particular circumstances of each case must also be regarded."

Here was a case in which, although no point was made by counsel on any question of constitutionality, the Supreme Court accepted the comprehensive requirement of the act of 1793 as binding on all the Federal courts.

Now we come to the present law, found in section 263 of the Judicial Code, and reading thus:

"Whenever notice is given of a motion for an injunction out of a district court the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge."

This was the law as contained in section 718 of the Revised Statutes, said section having been enacted in 1872. It simply embodies the practice of the courts with respect to notice, a practice established notwithstanding the nonconformity of the practice to the positive requirement of the act of 1793.

PROPOSED CHANGES.

But it will be seen that the giving of notice and requiring security, left by the present law to the discretion of the court, is by this bill a positive duty, except where irreparable and immediate injury might result from the giving of a notice or the delay incident thereto, in which case the court or judge may issue a temporary restraining order pending the giving of the notice. The concluding part of the amended section has an effect to safeguard parties from the reckless and inconsiderate issuance of restraining orders. Injuries compensable in damages recoverable in an action at law are not treated or considered by the courts as irreparable in any proper legal sense, and parties attempting to show why the injury sought to be restrained is irreparable would often disclose an adequate legal remedy. This provision requires the reason to appear in the order, but it should be read in connection with the new section 266b, requiring the order to be made by the court or judge to be likewise specific in other essentials, and section 266c, requiring that every complaint filed for the purpose of obtaining the order, in the cases there specified, shall contain a particular description of the property or property right for which the prohibitive power of the court is sought, and that such complaint shall be verified.

A valuable provision of the amendment is one that a restraining order issued without notice "*shall* by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record."

A legislative precedent for such legislation is found in the act of 1807, wherein it was provided that injunctions granted by the district courts "shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction

be issued by a district judge in any case where a party has had a reasonable time to apply to the circuit court for the writ." (U. S. Stat. L., vol. 2, p. 418.)

If the views of President Taft on this subject have not changed, he will welcome an opportunity to approve a bill containing such provisions as those in the amendment governing notice, because in his message of December 7, 1909, to the regular session of the Sixty-first Congress, after a quotation from the Republican platform of 1908, he said:

"I recommend that in compliance with the promise thus made appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice and a reasonable opportunity to be heard on behalf of the parties to be enjoined, unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

"My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective."

II.

Section 266a simply requires security for costs and damages in all cases, leaving it no longer within the discretion of the courts whether any such security or none shall be given.

Prior to the said act of 1872 (contained in the revision of 1873) there appears to have been no legislation on the matter of security in injunction cases; but that security was usually required is a fact well known to the legal profession. It seems clearly just and salutary that the extraordinary writ of injunction should not issue in any case until the party seeking it and for whose benefit it issues has provided the other party with all the protection which security for damages affords.

It appears by the authorities, both English and American, to have been always within the range of judicial discretion, in the absence of a statute, to waive security, though better practice has been to require security as a condition to issuing restraining orders and injunctions.

The new section, 266a, takes the matter of requiring security out of the category of discretionary matters, where it was found by the committee on revision and permitted to remain.

For a discussion of the existing law on the question of security, we refer to Russell *v.* Farley. (105 U. S., 433.)

III.

Section 266b is of general application. Defendants should never be left to guess at what they are forbidden to do, but the order "shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained." It also contains a safeguard against what have been heretofore known as dragnet or blanket injunctions, by which large numbers may be accused, and eventually punished, for violating injunctions in cases in which they were not made parties in the legal sense and of which they had only constructive notice, equivalent in most cases to none at all. Moreover, no person shall be bound by any such order without actual personal notice.

EXISTING LAW AND PRACTICE.

There was heretofore no Federal statute to govern either the matter of making or form and contents of orders for injunctions. Of course, where a restraining order is granted that performs the functions of order, process, and notice. But the writ of injunction, where temporary, is preceded by the entry of an order, and where permanent by the entry of a decree.

The whole matter appears to have been left, both by the States and the Federal Government, to the courts, which have mostly conformed to established principles.

The most important of these was that the order should be sufficiently clear and certain in its terms that the defendants could by an inspection of it readily know what they were forbidden to do.

See Arthur *v.* Oakes, 63 Fed. Rep., 310, 25 L. R. An., 414; St. Louis Min., etc., Co. *v.* Co. c. Montana Min. Co., 58 Fed. Rep., 129; Sweet *v.* Mangham, 4 Jur., 479; 9 L. J. Ch., 323, 34 Eng. Ch., 51; Cother *v.* Midland R. Co., 22 Eng. Ch., 469.

It should also be in accordance with the terms of the prayer of the bill. (State *v.* Rush County, 35 Kans., 150; McEldowney *v.* Lowther, 49 W. Va., 348.) It should not impose a greater restraint than is asked or is necessary (Shubert *v.* Angeles, 80 N. Y. App. Div., 625; New York Fire Dept. *v.* Baudet, 4 N. Y. Supp., 206), and should be specific and certain. (Orris *v.* National Commercial Bank, 81 N. Y. App. Div., 631; St. Rege's Paper Co. *v.* Santa Clara Lumber Co., 55 N. Y. App. Div., 225; Norris *v.* Cable, 8 Rich (S. C.), 58; Parker *v.* First Ave. Hotel Co., 24 Ch. Div., 282; Hackett *v.* Baiss. L. R., 20 Eq., 494; Dover Harbour *v.* London, etc., R. Co., 3 De G. F. & J., 559; Low *v.* Innes, 4 De G. J. & S., 286.)

So it appears that section 266b really does not change the best practice with respect to orders, but imposes the duty upon the courts, in mandatory form, to conform to correct rules, as already established by judicial precedent.

That such provision is necessary and timely will appear upon an inspection of some orders which have issued.

For instance, take the case of Kansas & Texas Coal Co. *v.* Denney, decided in the district court for Arkansas in 1899. And here, as in most of such cases, no full official report of the case can be obtained, but a mere memorandum. In this case the defendants (strikers) were ordered to be and were enjoined from "congregating at or near or on the premises of the property of the Kansas & Texas Coal Co. in, about, or near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or preventing said employees from rendering service to the Kansas & Texas Coal Co. from inducing or coercing by threats, intimidation, force, or violence any of said employees to leave the employment of the said Kansas & Texas Coal Co., or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas & Texas Coal Co. in the operation of its coal mines at or near said town of Huntington, or elsewhere."

It will be observed that a defendant in that suit would render himself liable to punishment for contempt if he met a man seeking employment by the company in a foreign country and persuaded him not to enter its service.

The bill further provides that it shall be "binding only upon parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same." Unquestionably this is the true rule, but unfortunately the courts have not uniformly observed it. Much of the criticism which arose from the Debs case (64 Fed. Rep., 724) was due to the fact that the court undertook to make the order effective not only upon the parties to the suit and those in concert with them, but upon all other persons whomsoever. In Scott *v.* Donald (165 U. S., 117), the court rebuked a violation by the lower court in the following language:

"The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have indeed a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the court to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows *v.* Fellows, 4 John. Chan., 25, citing Iveson *v.* Harris, 7 Ves., 257.)

"The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise."

IV.

Section 266c is concerned with cases between "employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment."

The first clause of the new section 266c relates to the contents and form of the complaint. It must disclose a threatened irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law. And the property or property right must be described "with particularity."

These requirements are merely those of good pleading and correct practice in such cases established by a long line of precedents, well understood by the profession and which should be but perhaps have not been uniformly applied. To show this it is only necessary to briefly state the applicable rules, citing some of the numerous authorities.

As the granting of an injunction rests in some degree in the discretion of the chancellor, allegations in the complaint should show candor and frankness. (Moffatt *v.* Calvert County Commissioners, 97 Md., 266; Johnston *v.* Glenn, 40 Md., 200; Edison Storage Battery Co. *v.* Edison Automobile Co., 67 N. J. Eq., 44; Sharp *v.* Ashton, 3 Ves. & B., 144.)

The omission of material facts which, in the nature of the case, must be known to the plaintiff will preclude the granting of the relief. (Sprigg *v.* Western Tel. Co., 46 Md., 67; Walker *v.* Burks, 48 Tex., 206.)

An injunction may be refused if the allegations are argumentative and inferential. (Battle *v.* Stevens, 32 Ga., 25; Warsop *v.* Hastings, 22 Minn., 437.)

The allegations of the complaint must be definite and certain. (St. Louis *v.* Knapp Co., 104 U. S., 658.)

The complaint must set forth the facts with particularity and minuteness (Minor *v.* Terry, Code Rep. N. S. (N. S.), 384), and no material fact should be left to inference. (Warsop *v.* Hastings, 22 Minn., 437; Philphower *v.* Todd, 11 N. J. Eq., 54; Perkins *v.* Collins, 3 N. J. Eq., 482.)

Facts, and not the conclusions or opinions of the pleader, must be stated. (McBride *v.* Ross (D. C.), 13 App. Cas., 576.)

An injunction should not ordinarily be granted when the material allegations are made upon information and belief. (Brooks *v.* O'Hara, 8 Fed. Rep., 529; In re Holmes, 3 Fed. Rep. Cases No. 1, 562.)

The complaint must clearly show the threats or acts of defendant which cause him to apprehend future injury. (Mendelson *v.* McCabe, 144 Cal., 230; Ryan *v.* Fulghurn, 96 Ga., 234.) And it is not sufficient to allege that the defendant claims the right to do an act which plaintiff believes illegal and injurious to him, since the intention to exercise the right must be alleged. (Lutman *v.* Lake Shore, etc., R. Co., 56 Ohio St., 433; Attorney General *v.* Eau Claire, 37 Wis., 400.)

The bill must allege facts which clearly show that the plaintiff will sustain substantial injury because of the acts complained of. (Home Electric Light, etc., Co. *v.* Gobe Tissue Paper Co., 146 Ind., 673; Boston, etc., Ry. Co. *v.* Sullivan, 177 Mass., 230; McGovern *v.* Loder (N. J. Ch., 1890), 20 Atl. Rep., 209; Smith *v.* Lockwood, 13 Barb., 209; Jones *v.* Stewart (Tenn. Ch. App., 1900), 61 Sev., 105; Spokane St. R. Co. *v.* Spokane, 5 Wash., 634; State *v.* Eau Claire, 40 Wis., 533.)

And it is not sufficient to merely allege injury without stating the facts. (Giffing *v.* Gibb, 2 Black, 519; Spooner *v.* McConnell, 22 Fed. Cases, No. 13245; Bowling *v.* Crook, 104 Ala., 130; Grant *v.* Cooke, 7 D. C., 165; Coast Line R. Co. *v.* Caben, 50 Ga., 451; Dinwiddie *v.* Roberts, 1 Greene, 363; Wabaska Electric Co. *v.* Wymore Co., Nebr., 199; Lubrs *v.* Sturtevant, 10 Or., 170; Farland *v.* Wood, 35 W. Va., 458.)

Since the jurisdiction in equity depends on the lack of an adequate remedy at law, a bill for an injunction must state facts from which the court can determine that the remedy at law is inadequate. (Pollock *v.* Farmers' Loan & Tr. Co., 157 U. S., 429; Safe Deposit, etc., Co. *v.* Anniston, 96 Fed. Rep., 661.)

If the inadequacy of the legal remedy depends upon the defendant's insolvency, the fact of insolvency must be positively alleged. (Fullington *v.* Kyle Lumber Co., 139 Ala., 242; Graham *v.* Tankersley, 15 Ala., 634.)

An injunction will not be granted unless the complaint shows that a refusal to grant the writ will work irreparable injury. (California Nav. Co. *v.* Union Transp. Co., 122 Cal., 641; Cook County Brick Co.,

92 Ill. App., 526; Manufacturers' Gas Co. *v.* Indiana Nat. Gas, etc., Co., 156 Ind., 679.) And it is not sufficient simply to allege that the injury will be irreparable, but the facts must be stated so that the court may see that the apprehension of irreparable injury is well founded. (California Nav. Co. *v.* Union Transp. Co., 122 Cal., 641; Empire Transp. Co. *v.* Johnson, 76 Conn., 79; Orange City *v.* Thayer, 45 Fla., 502.)

The plaintiff must allege that he has done or is willing to do everything which is necessary to entitle him to the relief sought. (Stanley *v.* Gadsley, 10 Pet. (U. S.), 521; Elliott *v.* Sibley, 101 Ala., 344; Burham *v.* San Francisco Fuse Mfg. Co., 76 Cal., 26; Sloan *v.* Coolbaugh, 10 Iowa, 31; Lewis *v.* Wilson, 17 N. Y. Supp., 128; Spann *v.* Sterns, 18 Tex., 556.)

The second paragraph of section 266c is concerned with specific acts which the best opinion of the courts holds to be within the right of parties involved upon one side or the other of a trades dispute. The necessity for legislation concerning them arises out of the divergent views which the courts have expressed on the subject and the difference between courts in the application of recognized rules. It may be proper to notice, in passing, that the State courts furnish precedents frequently for action by the Federal courts, and vice versa, so that a pernicious rule or an error in one jurisdiction is quickly adopted by the other. It is not contended that either the Federal or the State courts have stood alone in any of the precedents which are disapproved. The provisions of this section of the bill are self-explanatory, and in justification of the language used we content ourselves with submitting quotations from recognized authorities. We classify these authorities by quoting, first, the clauses of the bill to which they have particular reference.

The first clause:

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do."

In Allis Chalmers Co. *v.* Iron Molders' Union (C. C., 150 Fed. R., 155), Judge Sanborn said:

"The conclusion to be drawn from the cases, as applicable to this controversy, is, I think, that the combination of the defendant unions, their members, and the defendant O'Leary, to strike, and to further enforce the strike, and if possible to bring the employers to terms by preventing them from obtaining other workmen to replace the strikers, was not unlawful, because grounded on just cause or excuse, being the economic advancement of the union molders and the competition of labor against capital."

In Arthur *v.* Oakes (63 Fed. R., 310, 317), Justice Harlan, for the court, said:

"If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature or the circumstances of the employment, required him not to quit the service of his employer suddenly and without reasonable notice of his intention to do so. But the vital question remains: Whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for services requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.

* * * * * * *

"The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable."

Sitting with Justice Harlan at circuit in that case were other learned jurists, but there was no dissent from these views.

In this connection we cite from the luminous opinion by Judge Loring delivering the opinion in Pickett *v.* Walsh (192 Mass., 572), a clear exposition of our views here expressed. We regret the necessity of limiting the quotation, because the whole opinion could be studied with profit.

"The case is one of competition between the defendant unions and the individual plaintiffs for the work of pointing. The work of pointing for which these two sets of workmen are competing is work which the contractors are obliged to have. One peculiarity of the case, therefore, is that the fight here is necessarily a triangular one. It necessarily involves the two sets of competing workmen and the contractor, and is not confined to the two parties to the contract, as is the case where workmen strike to get better wages from their employer or other conditions which are better for them. In this respect the case is like Mogul Steamship Co. *v.* McGregor (23 Q. B. D., 598; S. C., on appeal (1892); A. C., 25).

"The right which the defendant unions claim to exercise in carrying their point in the course of this competition is a trade advantage, namely, that they have labor which the contractors want, or, if you please, can not get elsewhere; and they insist upon using this trade advantage to get additional work, namely, the work of pointing the bricks and stone which they lay. It is somewhat like the advantage which the owner of back land has when he has bought the front lot. He is not bound to sell them separately. To be sure, the right of an individual owner to sell both or none is not decisive of the right of a labor union to combine to refuse to lay bricks or stone unless they are given the job of pointing the bricks laid by them. There are things which an individual can do which a combination of individuals can not do. But having regard to the right on which the defendants' organization as a labor union rests, the correlative duty owed by it to others, and the limitation of the defendants' rights coming from the increased power of organization, we are of opinion that it was within the rights of these unions to compete for the work of doing the pointing and, in the exercise of their right of competition, to refuse to lay bricks and set stone unless they were given the work of pointing them when laid. (See in this connection Plant *v.* Woods, 176 Mass., 492, 502; Berry *v.* Donovan, 188 Mass., 353, 357.)

"The result to which that conclusion brings us in the case at bar ought not to be passed without consideration.

"The result is harsh on the contractors, who prefer to give the work to the pointers, because (1) the pointers do it by contract (in which case the contractors escape the liability incident to the relation of employer and employee); because (2) the contractors think that the pointers do the work better, and if not well done the buildings may be permanently injured by acid; and, finally, (3) because they get from the pointers better work with less liability at a smaller cost. Again, so far as the pointers (who can not lay brick or stone) are concerned, the result is disastrous. But all that the labor unions have done is to say you must employ us for all the work or none of it. They have not said that if you employ the pointers you must pay us a fine, as they did in Carew *v.* Rutherford (106 Mass., 1). They have not undertaken to forbid the contractors employing pointers, as they did in Plant *v.* Woods (176 Mass., 492). So far as the labor unions are concerned, the contractors can employ pointers if they choose, but if the contractors choose to give the work of pointing the bricks and stones to others the unions take the stand that the contractors will have to get some one else to lay them. The effect of this in the case at bar appears to be that the contractors are forced against their will to give the work of pointing to the masons and bricklayers. But the fact that the contractors are forced to do what they do not want to do is not decisive of the legality of the labor union's acts. That is true wherever a strike is successful. The contractors doubtless would have liked it better if there had been no competition between the bricklayers' and masons' unions on the one hand and the individual pointers on the other hand. But there is competition. There being competition, they prefer the course they have taken. They prefer to give all the work to the unions rather than get nonunion men to lay bricks and stone to be pointed by the plaintiffs.

"Further, the effect of complying with the labor unions' demands apparently will be the destruction of the plaintiff's business. But the fact that the business of a plaintiff is destroyed by the acts of the defendants done in pursuance of their right of competition is not decisive of the illegality of the acts. It was well said by Hammond, J., in Martell *v.* White (185 Mass., 255, 260) in regard to the right of a citizen to pursue his business without interference by a combination to destroy it: 'Speaking generally, however, competition in business is permitted, although frequently disastrous to those engaged in it. It is always selfish, often sharp, and sometimes deadly.'

* * * * * * *

"The application of the right of the defendant unions, who are composed of bricklayers and stonemasons, to compete with the individual plaintiffs, who can do nothing but pointing (as we have said), is in the case at bar disastrous to the pointers and hard on the contractors. But this is not the first case where the exercise of the right of competition ends in such a result. The case at bar is an instance where the evils which are or may be incident to competition bear very harshly on those interested, but in spite of such evils competition is necessary to the welfare of the community."

To the same effect is Allis-Chalmers Co. *v.* Iron Molders' Union (C. C.) (150 Fed. Rep., 155), per Sanborn, J.

The consensus of judicial view, as expressed in these cases and others which might be cited, is that workingmen may lawfully combine to further their material interests without limit or constraint, and may for that purpose adopt any means or mehods which are lawful. It is the enjoyment and exercise of that right and none other that this bill forbids the courts to interfere with.

The second clause:

"Or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working."

This language is taken from the British trades dispute act of 1906, the second section of which is as follows:

"It shall be lawful for one or more persons acting on their own behalf or on behalf of an individual, corporation, or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from work."

This, it has been said, "might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts." (Martin's Law of Labor Unions, sec. 173.) Upon the general subject the same author says:

"There are some decisions which hold that all picketing is unlawful, and it has been said that from the very nature of things peaceful picketing is of rare occurrence and "very much of an illusion," yet the view taken by the majority of decisions and which is best supported by reason is that picketing, if not conducted in such numbers as will of itself amount to intimidation, and when confined to the seeking of information such as the number and names and places of residence of those at work or seeking work on the premises against which the strike is in operation, and to the use of peaceful argument and entreaty for the purpose of procuring such workmen to support the strike by quitting work or by not accepting work, is not unlawful, and will furnish no ground for injunction or an action at law for damages. * * * That the views set forth in this section are correct does not admit of doubt. Indeed, it may readily be seen that the right almost universally conceded to striking workmen to use peaceable argument and persuasion to induce other workmen to aid them in their strike might, and very probably would be, most seriously hampered if the right of picketing were denied. "The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain who are the men that their late employer has persuaded or is attempting to persuade to accept employment." While it is true that in the guise of picketing strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault, yet it can always be determined from the evidence whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free

judgment." (Martin's Modern Law of Labor Unions, sec. 169, pp. 233, 234, and 235.)

The third clause:

"Or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do."

The best opinion to be gathered from the conflicting opinions on this matter have been well summarized in the most recent textbook on the subject as follows:

"It is lawful for members of a union, acting by agreement among themselves, to cease to patronize a person against whom the concert of action is directed when they regard it for their interest to do so. This is the so-called 'primary boycott,' and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men the union has a right to say that its members will not patronize him. A combination between persons merely to regulate their own conduct and affairs is allowable, and a lawful combination, though others may be indirectly affected thereby. And the fact that the execution of the agreement may tend to diminish the profits of the party against whom such act is aimed does not render the participants liable to a prosecution for a criminal conspiracy or to a suit for injunction. Even though he sustain financial loss, he will be without remedy, either in a court of law or a court of equity. So long as the primary object of the combination is to advance its own interests and not to inflict harm on the person against whom it is directed, it is not possible to see how any claim of illegality could be sustained." (Martin's Modern Law of Labor Unions, pp. 107, 108, and 109.)

"It is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands, and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injury, by threats and coercion, the property rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott. In applying the principles stated it has been held that the issuance of circulars by members of a labor union notifying persons engaged in the trade of controversies existing between such members and their employer and requesting such persons not to deal with the employer is not unlawful and will not be enjoined where no intimidation or violence is used." (Martin's Modern Law of Labor Unions, pp. 109 and 110.)

Said Mr. Justice Van Orsdel in his concurring opinion in Court of Appeals of the District of Columbia (the American Federation of Labor et al., appellants, *v.* The Bucks Stove & Range Co., No. 1916, decided Mar. 11, 1909):

* * * * * * *

"Applying the same principle, I conceive it to be the privilege of one man, or a number of men, to individually conclude not to patronize a certain person or corporation. It is also the right of these men to agree together, and to advise others, not to extend such patronage. That advice may be given by direct communication or through the medium of the press, so long as it is neither in the nature of coercion or a threat.

"As long as the actions of this combination of individuals are lawful, to this point it is not clear how they can become unlawful because of their subsequent acts directed against the same person or corporation. To this point there is no conspiracy—no boycott. The word "boycott" is here used as referring to what is usually understood as "the secondary boycott," and when used in this opinion it is intended to be applied exclusively in that sense. It is, therefore, only when the combination becomes a conspiracy to injure by threats and coercion the property rights of another that the power of the courts can be invoked. This point must be passed before the unlawful and unwarranted acts which the courts will punish and restrain are committed.

"The definition of a boycott given by Judge Taft in Toledo Co. *v.* Penna. Co. (54 Fed., 730) is as follows: 'As usually understood, a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse through threats that, unless those others do so, the many will cause similar loss to them.' In Gray *v.* Building Trades Council (91 Minn., 171) the word 'boycott' is defined as follows: 'A boycott may be defined to be a combination of several persons to cause a loss to a third person by causing others against their will to withdraw from him their beneficial business intercourse through threats that unless a compliance with their demands be made the persons forming the combination will cause loss or injury to him, or an organization formed to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and thereby cause him through fear of resulting injury to submit to dictation in the management of his affairs. Such acts constitute a conspiracy and may be restrained by injunction.' In Brace Bros. *v.* Evans (3 R. & Corp. L. J., 561) it is said: 'The word itself implies a threat. In popular acceptation it is an organized effort to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and they coerce him, through fear of resulting injury, to submit to dictation in the management of his affairs.'

"It will be observed that the above definitions are in direct conflict with the earlier English decisions and indicate a distinct departure by our courts. This undoubtedly is in recognition of the right of a number of individuals to combine for the purpose of improving their condition. The rule of the English common law, from which we have so far departed, is expressed in Bowen *v.* Hall (6 Q. B. Div., 333) as follows: 'If the persuasion be used for the indirect purpose of injuring the plaintiff, or of benefiting the defendant at the expense of the plaintiff, it is a malicious act, which is in law and in fact a wrong act, and therefore a wrongful act, and therefore an actionable act if injury ensues from it.'

"From this clear distinction it will be observed that there is no boycott until the members of the organization have passed the point of refusing to patronize the person or corporation themselves and have entered the field where, by coercion or threats, they prevent others from dealing with such persons or corporation. I fully agree with this distinction.

"So long, then, as the American Federation of Labor and those acting under its advice refused to patronize complainant, the combination had not arisen to the dignity of an unlawful conspiracy or a boycott."

In Hopkins *v.* Oxley Stave Co. (83 Fed. R., 912), Judge Caldwell, in a dissenting opinion, said:

"While laborers, by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the very purpose of collective action and boycotting; and capital, which is the product of labor, is in itself a powerful collective force. Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination, for while its business may be of a kind that its individual members, each acting for himself, might lawfully conduct, the moment they enter into a combination to do that same thing by their combined effort the combination becomes an unlawful conspiracy. But the rule is never so applied.

"Corporations and trusts and other combinations of individuals and aggregations of capital extend themselves right and left through the entire community, boycotting and inflicting irreparable damage upon and crushing out all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of food on every man's table and of the clothes on his back and of the house that shelters him, and inflicting on the wage earners the pains and penalties of the lockout and the black list, and denying to them the right of association and combined action by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions, and of the right of every man to carry on his business as he sees fit, and of lawful competition. On the other hand, when laborers combine to maintain or raise their wages or otherwise to better their condition or to protect themselves from oppression or to attempt to overcome competition with their labor or the products of their labor in order that they may continue to have employment and live, their action, however open, peaceful, and orderly, is branded as a 'conspiracy.' What is 'competition' when done by capital is 'conspiracy' when done by laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage earners as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure the collective action of wage earners. This is demanded, not in the interest of wage earners alone, but by the highest considerations of public policy."

In Vegelahn *v.* Gunter (167 Mass., 92), Justice Holmes, now of the Supreme Court of the United States, said:

"It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detrimental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is a fair and equal way. * * * If it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control."

The logic of Justice Sherwood, of the Supreme Court of Missouri, in Marx & Haas Co. *v.* Watson (56 L. R. A., 951), appears unanswerable. He discussed the question from a constitutional standpoint, taking for his text the Missouri bill of rights, substantially the same as the first amendment to the Federal Constitution, saying (p. 956):

"The evident idea of that section is penalty or punishment, and not prevention, because if prevention exists, then no opportunity can possibly arise for one becoming responsible by saying, writing, or publishing 'whatever he will on any subject.' The two ideas—the one absolute freedom 'to say, write, or publish whatever he will on any subject,' coupled with responsibility therefor, and the other idea of preventing any such free speech, free writing, or free publication—can not coexist."

The opinion continues, after citing authorities, Federal and State, as follows:

"Section 14, supra, makes no distinction and authorizes no difference to be made by courts or legislatures between a proceeding set on foot to enjoin the publication of a libel and one to enjoin the publication of any other sort or nature, however injurious it may be, or to prohibit the use of free speech or free writing on any subject whatever, because wherever the authority of injunction begins there the right of free speech, free writing, or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom."

The fourth clause:

"Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value."

In at least two instances State courts (Reynolds *v.* Davis, 198 Mass., 294, and A. S. Barnes & Co. *v.* Chicago Typographical Union, 232 Ill., 424) have held that if the purpose of a strike was unlawful the officers and members of unions should be enjoined from giving financial aid in the form of strike benefits in furtherance thereof. But in the only case of the kind disposed of by a Federal court an entirely different conclusion was reached. In A. S. Barnes & Co. *v.* Berry (157 Fed. R., 883) it was held without exception or qualification that an employer against whom a strike was in operation could not have enjoined the officers of a union from giving its striking members strike benefits. The reason assigned was that—

"the strike benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in times of strike, and the court has no more control of it than it would have over deposits made by them in the banks."

This decision is in harmony with two recent English decisions—Denabey, etc., Collieries *v.* Yorkshire Miners' Assn. (75 L. J. K. B., 384); Lyons *v.* Wilkins (67 L. J., ch. 383).

The fifth and sixth clauses:

"Or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

After all that can be asserted against the provisions of section 266c, or any provision of the bill elsewhere found has been said, we can truly say that it does not transcend or contravene the clear and conclusive

statement of the law as stated in National Fireproofing Co. *v.* Mason Builders Association (169 Fed. Rep., 260). Delivering the opinion of the court in that case, Judge Noyes said (p. 265):

"As a general rule, it may be stated that when the chief object of a combination is to injure or oppress third persons it is a conspiracy; but that when such injury or oppression is merely incidental to the carrying out of a lawful purpose it is not a conspiracy. Stated in another way: A combination, entered into for the real malicious purpose of injuring a third person in his business or property, may amount to a conspiracy and furnish a ground of action for damages sustained or call for an injunction, even though formed for the ostensible purpose of benefiting its members, and actually operating to some extent to their advantage. But a combination without such ulterior oppressive object entered into merely for the purpose of promoting by lawful means the common interests of its members, is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work injury to other persons. The damage to such persons may be serious—it may even extend to their ruin—but if it is inflicted by a combination in the legitimate pursuit of its own affairs is a damnum absque injuria. The damage is present, but the unlawful object is absent. And so the essential question must always be, whether the object of a combination is to do harm to others or to exercise the rights of the parties for their own benefit."

Any attack upon the policy of this section of the bill must be directed at its specific prohibitions; nor will any mere general criticism, or any attack which does not particularize herein, be worthy of serious attention. The ready and perfect defense to all such is at hand, and imposes no difficult task. Is there any reason why the complainant, seeking an injunction against workingmen, should not describe with particularity in his cause of complaint the nature of the threatened injury and the property or property right involved, as in other cases? Is there any reason why an injunction should issue at all involving or growing out of the relation created between employer and employee to prevent the termination of the relation, or advising and persuading others to do so, or to prevent the unrestricted communication and exchange of information between persons, or the giving of aid by financial contributions in any labor affair or dispute? Is there any reason, after a labor dispute has arisen and a socially hostile attitude has been created, for an injunction to prevent abstinence in patronizing or service by one party for the other's benefit, or the exercise of the right of free speech in advising or inducing such abstinence on the part of others? Is there, in short, any good reason why, after a dispute has arisen and the parties are "at arms length," a court of equity should interpose its strong arm merely because such dispute has arisen?

At its hearings the committee had the benefit of learned and illuminating arguments against the several bills. Counsel in opposition were patiently and respectfully heard, and the committee profited largely by having heard them, as is shown by the results of its labors. The bill does not interfere with the Sherman Antitrust Act at all; it leaves the law of conspiracy untouched, and is not open to effective criticism on any constitutional ground. The subject of the constitutionality of such legislation was exhausted at the hearings on the contempt bill (H. R. 22591), returned to the House with a separate report, in which all constitutional objections are fully met.

NO QUESTION OF CONSTITUTIONALITY INVOLVED.

This bill does not, any more than does the contempt bill, invade the jurisdiction of the courts or attempt legislatively to exercise a judicial function. It merely limits and circumscribes the remedy and procedure. While we here enter into no elaborate discussion of the authorities on this topic, yet, for convenience of reference, we insert a synopsis. On point of inconsistency between our theory of government and exercise of arbitrary power see Yick Wo *v.* Hopkins (118 U. S. Rep., 369). For a case in which Congress was held to have constitutionally exercised power to take away all remedy see Finck *v.* O'Neill (106 U. S., 272); and for a case where a statute taking away the power to issue an injunction in a certain case wherein the jurisdiction had been previously held and exercised was recognized without question as of binding force see Sharon *v.* Terry (36 Fed. Rep., 365). For a general statement of the proposition that the inferior courts of the United States are all limited in their nature and constitutions and have not the powers inherent in courts existing by prescription or by the common law see Cary *v.* Curtiss (3 How. (U. S.), 236, 254). The same principle still more elaborately stated and applied, Ex parte Robinson (19 Wall. (U. S.), 505).

Many decisions on the question of injunctive process and jurisdiction in labor cases are greatly influenced by, and, indeed, sometimes founded upon, precedents established when to be a wage earner was to be a servant whose social and legal status was little above that of slavery. But even England has preceded us in new views and policies herein. The English act of 1906, set forth at length in the hearings, goes further than it has yet been deemed possible to go in this country in relieving labor, and especially organized labor, of legal burdens and discriminations. The Supreme Court has more than once protested against attempts by any branch of the Government to exercise arbitrary power, and the courts should, and probably will, welcome the definite limitations contained in this bill if it should be enacted.

The idea has been advanced, and ably supported in argument, by one of the proponents of this legislation that liberty, and more of it, is safe in the hands of the workingmen of the country. We are convinced of the merit and truth of that contention. The tendency toward freedom and liberation from legal trammels and impediments to progress and to a great social advance is seen in nearly all civilized nations. It is an unpropitious time to oppose a reform like that embodied in this bill, in view of the fact that the abuses of power which it seeks to terminate have been, admittedly, numerous and flagrant.

[H. R. 23635, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES,
April 22, 1912.

Mr. CLAYTON introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

ACTS OF CONGRESS RELATING TO INJUNCTIONS.

Act of September 24, 1789, "An act to establish the judicial courts of the United States":

"SEC. 14. *And be it further enacted*, That all the beforementioned courts of the United States shall have power to issue writs of scire facias, habeas corpus, and all other writs not specially provided for by statute which may be necessary for the exercise of their respective jurisdictions and agreeable to the principles and usages of law. And that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment: *Provided*, That writs of habeas corpus shall in no case extend to prisoners in gaol, unless where they are in custody under or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

* * * * *

"SEC. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law."

Act of March 2, 1793, "An act in addition to the act entitled 'An act to establish judicial courts of the United States'":

"SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the supreme or a circuit court; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same."

Act of June 1, 1872, "An act to further the administration of justice":

"SEC. 7. That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or judge thereof may, if there appear to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security, in the discretion of the court or judge: *Provided*, That no justice of the supreme court shall hear or allow any application for an injunction or restraining order except within the circuit to which he is allotted, and in causes pending in the circuit to which he is allotted, or in such causes at such place outside of the circuit as the parties may in writing stipulate, except in causes where such application can not be heard by the circuit judge of the circuit or the district judge of the district."

Section 7 of the act of June 1, 1872, above quoted, is carried forward in section 717, section 718, and section 719 of the Revised Statutes (1873 and 1878), which are as follows:

"SEC. 717. Writs of ne exeat may be granted by a justice of the supreme court in cases where they might be granted by the supreme

court, and by circuit justice or circuit judge in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

"SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security in the discretion of the court or judge.

"SEC. 719. Writs of injunction may be granted by any justice of the supreme court in cases where they might be granted by the supreme court, and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the supreme court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of the circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court."

The present law is contained in the following sections of the Judicial Code, approved March 3, 1911, and effective January 1, 1912:

"SEC. 129. Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the supreme court: *Provided*, That the appeal must be taken within 30 days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the appellate court, or a judge thereof, during the pendency of such appeal: *Provided, however*, That the court below may, in its discretion, require as a condition of the appeal an additional bond.

* * * * * * *

"SEC. 263. Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

* * * * * * *

"SEC. 264. Writs of injunction may be granted by any justice of the supreme court in cases where they might be granted by the supreme court; and by any judge of a district court in cases where they might be granted by such court. But no justice of the supreme court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted elsewhere than within such circuit or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the district judge of the district. In case of the absence from the district of the district judge, or of his disability, any circuit judge of the circuit in which the district is situated may grant an injunction or restraining order in any case pending in the district court where the same might be granted by the district judge.

* * * * * * *

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the supreme court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a Justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the supreme court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the supreme court or to a judge he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the supreme court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the supreme court or any circuit or district judge may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

[House Report No. 612, part 2, Sixty-second Congress, second session.]

REGULATION OF INJUNCTIONS.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, submitted the following as the views of the minority, to accompany H. R. 23635:

The undersigned members of the Judiciary Committee, to whom was referred the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," etc., which bill has been reported favorably, beg leave to submit herewith their views in opposition to the enactment of said measure,

The first section of the bill is intended as a substitute for the existing law on the subject of injunctions as found in section 263 of the Judicial Code, and the subsequent sections are intended to be supplementary to section 266 of the code.

According to the report of the majority of this committee, this bill intends to correct "the too ready issuance of injunctions, or the issuance without proper precautions or safeguards." If the report is predicated upon the "too ready issuance of injunctions," it is singular that it does not disclose a single case upon which the opinion of the majority could be founded. We are well aware of the charges iterated and reiterated before congressional committees alleging abuses in the issuance of injunctions. We have not found any more evidence to support them in the past than we now find in the report of the committee. We thoroughly believe, with the Supreme Court of the United States, "that no injunction ought to be granted except in a case reasonably free from doubt. We think such rule is and will be followed by all the judges of the Federal courts."

The minority members have at all times been willing to assent to a rational proposal to further safeguard the issuance of injunctions against even the possibility of abuse, and have introduced a bill for that purpose; but we can not consent to proposals which would operate to deprive the writ of half its efficiency in all cases and to determine its application in many instances by the character of the parties to the controversy rather than the nature of the wrong which is to be remedied. We think, furthermore, that the majority report is founded upon a misconception of the course of judicial decision respecting statutes regulating the issuance of injunctions, and that the legislation proposed is impracticable, invalid, in the interests of a class rather than of the community, and proposes standards of legality without parallel or precedent in our legislation.

To make our position clearer, we consider the bill in the order pursued in Report No. 612:

I.

Preliminary to a discussion of the bill, the majority gives an historical résumé of legislation respecting notice in injunction cases. We believe essential elements of that history have not received the consideration deserved from the majority, and we must disagree with them respecting conclusions drawn from both the legislation and judicial decisions of the past respecting that legislation.

On the 2d of March, 1793, was enacted legislation of which the following was a part:

"Nor shall any writ of injunction issue in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving the same." (Ch. 22, vol. 1, U. S. Stat. L., p. 534.)

The majority concludes:

"The will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts."

It appears to us the majority and not the courts, have misconstrued the will of Congress. They overlook, as the court did not, the distinction described in all authoritative textbooks, familiar to every lawyer and pointed out with striking distinctness by the courts, between restraining orders intended to preserve the status quo to protect the subject matter of litigation and the preliminary and final injunctions which are issued, if at all, after hearing upon the application for the equitable remedy. That the statute in question should not be construed to prevent the issuance of restraining orders was natural and inevitable. It was a practice recognized by the English chancery from time immemorial. The early English textbooks speak of it as well understood and essential, as, for instance, Eden on Injunctions, 1821; Adams Equity, 1845.

Had the court construed the act of Congress to forbid the preservation of the subject matter of litigation until the respective rights of the litigants could be adjudicated, it would have obviously given a construction against the very essentials of justice. Indeed, the majority recognizes and admits this by its own proposal, for while it criticizes the construction which permits the issuance of restraining orders without notice under special circumstances it provides in section 263 of its own bill for the doing of the very thing which it criticizes the courts for having done.

We call attention to the English practice, because it was early held respecting the judicial power of the courts of the Union in equity that:

"The usages of the high court of chancery in England whenever the jurisdiction is exercised govern the proceedings. This may be said to be the common law of chancery, and since the organization of the Government it has been observed." (Penn. *v.* Wheeling, etc., Bridge Co., 13 How., 563; Meade *v.* Beale, 1 Campbell's Reports, 339, C. C. M. D. Tawney, 1850; Loring et al. *v.* Marsh, 2 Clifford's Reports, 469.)

Thus, the courts did not "get around" the statute, as is suggested by the majority, but construed it in accordance with an immemorial practice of English jurisprudence which recognized the necessity of issuing restraining orders under special circumstances that the court might preserve the status quo, protect the subject matter of litigation, and preserve from destruction that upon which it was to pass judgment.

The report implies that the case of New York *v.* Connecticut (4 Dall., 1) upheld a construction which forbade the issuance of even restraining orders without notice. That issue is not presented in that case, decided in 1799. The practice was first recognized four years before in the case of Schermerhorn *v.* L'Espenasse (2 Dall., 360). In this case the defendants, merchants of Amsterdam, had executed to the complainant power of attorney to receive for his own use the interest due on $180,000 of certificates of the United States, bearing interest at 6 per cent from the 1st of January, 1788, to the 31st of December, 1790, amounting to $32,400. Notwithstanding this assignment, the defendants, on the 16th of June, 1792, received certificates for the interest and funded the amount at 3 per cent in their own names. The bill prayed relief according to the equity of the case and a restraining order to prevent the defendants from transferring the stock or receiving the principal or interest. On the bill exhibited of the power of attorney and affidavits to the effect that the stock was registered in the name of the defendants on the books of the Treasurer the restraining order was granted. No subpœna was served until Mr. Lewis, on behalf of the defendants, moved for a rule to show cause why the injunction should not be dissolved. The motion was refused. An examination of the record discloses that Mr. Lewis, counsel for the defendants, supported his motion for dissolution on two grounds:

"That the injunction was issued irregularly, as there was no affidavit made of the truth of the allegations contained in the bill."

In supporting this he said:

"He did not object because the injunction was issued before a subpœna was served, as there were various cases in which justice could not otherwise be obtained."

This proceeding was had two years after the passage of the statute of 1793 before a justice of the Supreme Court who had been a Member of the Congress which had enacted the statute; the hearing was held in a building adjoining that in which the act was passed and in the same district where the Congress was sitting. It demonstrates as no other case can the well-recognized equity practice in relation to temporary restraining orders, and shows the construction placed upon the statute by the profession and the court. In the meantime the practice of issuing restraining orders without notice under special circumstances of necessity was approved through the exercise of the power by the highest authority, including various justices of the circuit and district courts and Chief Justice Marshall (who is observed to issue an ex parte restraining order to prevent moneys alleged to have been improperly allowed by an administrator from being taken out of the country). (Green et al. *v.* Hanberry's Executors, 2 Brockenbrough's Reports, 405, Nov., 1839; Love *v.* Fendall's Trustees, 1 Cranch C. C., 34; Marsh et al. *v.* Bennett, 5 McLean, 117; Crane *v.* McCoy, 1 Bond's Reports, 422; *Mowrey v.* Indianapolis & C. R. Co., 17 Fed. Cas., 930.)

Too much space would be taken by the enumeration of cases of this character, and those cited are merely offered as examples.

Finally, during the debate upon the act of 1872, now section 263 of the Judicial Code, we find two of the most distinguished lawyers of the Senate expressing the recognized practice as follows:

"Mr. CARPENTER. I understand if any judge having the jurisdiction by law to grant an injunction has presented to him a bill in equity, fortified with proofs which entitle the party by the acknowledged and usual practice of a court of equity to have an injunction, the judge has no discretion to deny it.

"Mr. FRELINGHUYSEN. I think that elementary provision of the law even I may have been presumed to have heard and known of.

"Mr. CARPENTER. Therefore I was astonished to hear the Senator deny it.

"Mr. FRELINGHUYSEN. I did not deny it." (46 Congressional Globe, p. 2492.)

Thus we find the practice respecting restraining orders recognized by Congress, by the courts, and the profession throughout the history of our Government and its necessity appreciated by the majority from its incorporation in this bill. Indeed, we believe the right to issue a restraining order upon a proper showing of its necessity to protect a right of a pecuniary nature against irreparable damage is an essential part of the judicial power in equity. If a suitor over whom a court has jurisdiction by a bill in that court discloses a state of facts where irreparable harm is threatened and where, if notice were given, irreparable damage would be done before hearing could be had or decree entered, were deprived by the legislature of the right to such a remedy, we believe it would be equivalent to a legislative determination in advance that under no circumstances can a plaintiff disclose a threatened irreparable injury without adequate remedy at law demanding immediate equitable intervention. If the Congress undertakes arbitrarily to determine in advance what a suitor would otherwise be entitled to as due process of law in a court of equity, we believe he would be deprived of a guaranteed constitutional right.

The first section of the bill, with one material exception, is almost an exact copy of a bill introduced in the Sixty-first Congress, known as the Moon bill. This bill was reintroduced in the present Congress, and was supported by the entire Republican membership of the Judiciary Committee.

The exception referred to has reference to the provision for the expiration of a restraining order granted by the court without notice. The Moon bill provided that the order should expire "within such time after service is made or notice given, which shall be made or given as speedily as possible, not to exceed seven days, as the judge or court shall fix." The proposed bill provides that "it shall expire at such time after entry as the court or judge shall fix, not to exceed seven days," etc.

A restraining order is of no effect until served, and under such a provision it would be only necessary for those having knowledge of the application to avoid service for seven days after the issuance of the order to defeat its purpose. We can conceive circumstances in which a few who might be served would notify other defendants to avoid it and on failure to make the order effective by service within seven days it would be necessary to give notice to all previously served before an extension of further time could be had. We can conceive of no more certain method of depriving a suitor of essential equitable protection. Many judicial districts of our country administer justice over vast areas in which the material circumstances of life must be taken into consideration. The proposal of this section is general. It applies to all forms of litigation, and in view of the physical as well as the personal difficulties attending the service of restraining orders under some circumstances we can not but believe that not only would many individual suitors suffer grievous injury, but we can from our public service and professional experience conceive many circumstances in which the public interest would be seriously jeopardized. All of these difficulties would be overcome if the restraining order should date from the time of service instead of the time of its entry.

II.

Section 266A provides that no restraining or interlocutory order shall issue except upon the giving of security against cost or damage.

Under the present practice this is within the discretion of the court, and while we should not be disposed to disagree with such a suggestion, we must again note that no reason is given for the suggested change which implies a failure upon the part of the courts to properly exercise this discretion. No evidence to this effect has been at any time submitted to the committee, nor do the majority offer any evidence to that effect as a reason for their action.

III.

Section 266B requires every restraining order or every injunctive order "to set forth the reasons for the issuance of the same to be specific in terms and describe in reasonable detail, and not by reference to the bill of complaint or other document the act or acts sought to be restrained"; it binds only the parties to the suit, "their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal services or otherwise have received actual notice of the same." This section is of general application. In support of this provision the majority point out that it is to be a safeguard against "dragnet or blanket injunctions," by which parties may be punished for contempt after "only constructive notice, equivalent in most cases to none at all."

Again, the majority asserts conditions as a basis for proposed legislation which are both unproven and unprovable. Nothing is clearer in the field of jurisprudence than the requirement that a respondent on a contempt charge must have actual notice of the existence of an order which he is accused of violating and that the order must have been unmistakably brought to his attention. (Bessette *v.* Conkey, 194 U. S.) All the Debbs cases, both in the circuit and district courts and on appeal, actually confirm this statement. The majority offer in proof of the necessity of their proposal merely an implication unwarrantedly reflecting upon the judiciary and without supporting proof of any character.

They have, moreover, properly provided in section 266 that every restraining order issued shall be accompanied by an entry stating the reasons for its issuance. It would be a useless waste of time to again set forth the reasons for the issuance of the order in the order itself, as is required by section 266B. Complaints are heard on every side against cumbersome and delaying procedure. This proposal multiplies the delays, difficulties, and inconveniences of procedure indefinitely. It requires every order to be a history, to repeat in irrelevant and cumbersome detail all the preliminary pleadings, and instead of enlightening the parties against whom it was issued the form suggested and the procedure prescribed would increase his confusion and doubt.

The majority point out that there is "no Federal statute to govern either the matter of making or form and contents of orders in injunctions," thereby inferring that this entire matter is left to the discretion or judgment of the judge granting the injunction. In this statement they entirely overlook the rules in equity of the Supreme Court of the United States binding upon all inferior Federal courts, prescribing with great minuteness and changed from time to time in accordance with the teaching of experience the forms of injunctive orders and forbidding the ceaseless repetition in decrees and orders of the contents of bills of complaint.

The effect of section 266B is to abolish the many rules in equity of the Supreme Court in conflict with it, representing the professional experience of a century, and amended from time to time to shorten procedure, increase the convenience, and protect the rights of litigants in the courts of the United States. The majority says section 266 does not change the best practice with respect to orders, but imposes the duty upon the courts in mandatory form to conform to correct rules as already established by judicial precedent. We respectfully submit that the equity rules of the Supreme Court express correct judicial precedents and that the majority have apparently overlooked this important fact.

The bill as reported would withdraw the application of the restraining order from parties not named in it and not in agreement with the parties named who may on their own initiative undertake its violation. Such cases are not uncommon. If the majority intend to exempt such violations of the order, they have created an unusual and remarkably privileged class of lawbreakers; if not, we are unable to discern the intention expressed in the limitation "in active concert with them."

IV.

The two paragraphs of section 266C must be read in connection with each other or their purpose and meaning are lost. The first paragraph provides that no judge or court of the United States shall issue any restraining order or injunction "in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning the terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right," etc. If this section is intended to withdraw civil rights from equitable protection in this class of cases, we must disapprove it as an evident effort to deny such protection as is given to civil rights in all other classes of cases, since it is axiomatic that it is the office of equity to protect by injunction, under proper circumstances, civil and even personal as well as property rights. We object to the implication contained in emphasizing controversies between employers and employees, or between employees or persons employed and seeking employment, and if the majority intends by this to indicate that such rights are to have less or different protection from the same rights when involving controversies of another kind we must emphatically disagree with the principle implied, for in this country remedies are to be predicated at all times upon the character of the rights which are threatened, and not upon the class or nature of the persons involved in the controversy.

We do not comment upon the many cases cited by the learned members of the majority in support of their views upon equity pleadings in this connection. We quite agree with the correctness of such decisions, but we draw from them quite a different conclusion from that implied by the majority. We think they prove what the majority evidently adduces them to disprove. To us they are evidence that the pleadings required with such particularity in the special class of cases involved in section 266C are required generally in all applications for equitable intervention. The majority are thus seen to be offering as proof of the need of special legislation for pleadings in a particular class of cases the fact that the courts have substantially required such conditions and pleadings in all classes of cases of which the kind enumerated are a part.

The second paragraph of section 266C contains to our mind the most vicious proposal of the whole bill. It enumerates certain specific acts and provides that no restraining order or injunction shall prohibit the doing of them. Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them, but to declare by law that these acts should under no circumstances be restrained, we do not hesitate to say is a proposal without precedent in the legislative history of this country. No legislature has ever proposed that any act however innocent itself should be sanctified irrespective of the motive or purpose of the actor. "No conduct," says Mr. Justice Holmes in Aiken *v.* Wisconsin (195 U. S., 194), "has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot, neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

The majority have quoted various decisions in which particular acts under the pleadings presented to the court were held lawful and their prohibition denied. The same acts under other circumstances have been held unlawful and enjoined by the very courts, and in the course of the very decisions which the majority cites. Thus, in Arthur *v.* Oakes (63 Fed. Rep., 310), Mr. Justice Harlan is quoted to sustain the proposition that no man can by injunction be required to perform personal service for another, and in that decision Justice Harlan eliminated from the injunction the words "and from so quitting the service of the said receivers with or without notice as to cripple the property or prevent or hinder the operation of said railroad." The majority must observe, however, that Mr. Justice Harlan likewise held, "But different considerations must control in respect to the words in the same paragraph of the writs of injunction, and from combining and conspiring to quit

with or without notice the service of said receivers with the object and intention of crippling the property in their custody or embarrassing the operation of said railroad." Thus, the same act of quitting is lawful under one set of circumstances and unlawful under another, because the concerted action in the first instance, in the opinion of Mr. Justice Harlan, "is a very different matter from a combination and conspiracy among employees with the object and intent, not simply of quitting the service of the receivers because of the reduction of wages, but of crippling the property in their hands and embarrassing the operation of the railroad."

The majority undertakes to prescribe a set rule forbidding under any circumstances the enjoining of certain acts which may or may not be actuated by a malicious motive or be done for the purpose of working an unlawful injury or interfering with constitutional rights of employer or employee. In the same opinion Mr. Justice Harlan points out the impossibility of prescribing a set rule of this character and says, "The authorities all agree that a court of equity should not hesitate to use its power when the circumstances of the particular case in hand require it to be done in order to protect rights of property against irreparable damage by wrongdoers. It is as Justice Story said, 'because of the varying circumstances of cases that courts of equity constantly decline to lay down any rule which shall limit their power and discretion as to the particular cases in which such injunction shall be granted or withheld.'" and the authority proceeds, "there is wisdom in this course, for it is impossible to foresee all the exigencies of society which may require their aid and assistance to protect rights or redress wrongs. The jurisdiction of these courts thus operating by special injunction is manifestly indispensable for the purposes of social justice in a great variety of cases and therefore should be fostered and upheld by a steady confidence." (Story, Equity Jurisprudence, sec. 959B; Arthur *v.* Oakes, 63 Fed. Rep., 328.)

Among the acts which the second paragraph of section 266C declares shall not be restrained is to prohibit any person or persons to terminate any relation of employment, or from ceasing to perform any work or labor or from recommending or persuading others by peaceful means so to do; of peacefully persuading any person to work or to abstain from working, or from ceasing to patronize or employ any party to such dispute or from recommending, advising, or persuading others by peaceful means so to do, etc.

While many of these acts are in themselves entirely harmless and would never be enjoined by any court, yet under certain circumstances the same acts might become a weapon of lawless and destructive industrial warfare demanding the protection of the courts, this section would prevent the issuance of the injunction in the Debs case (In re Debs, 158 U. S., 564); it would prevent the issuance of the injunction in Toledo & Ann Arbor *v.* Pennsylvania Co. (54 Fed., 730); it would prevent the issuance of any injunction to restrain either workmen or employers who were the objects of the most vicious form of boycott that has been passed upon by the courts or can be devised by the ingenuity of boycotters. It changes the remedies by which the Sherman Act may be enforced, inasmuch as if any of these acts enumerated in section 266C were the means employed to enforce the restraint of trade or to damage the interstate business of any individual or corporation no injunction could be obtained either by a private individual or by the Government against such acts.

In the Debs case a combination sought to paralyze the railroads of the United States and prevent the carrying of the mail until the railroad companies would agree not to haul Pullman cars because of a controversy between the Pullman Co. and certain of its employees, who were not in the employ nor in any way related to the railroad companies. It is true there were acts of violence, but the general scheme was one of persuading all employees of the railroad companies to quit until the demands of the boycotters and strikers had been complied with. In the Toledo & Ann Arbor case the famous rule 12 of the brotherhood provided that none of its members should handle the cars of any carrier with which members of the brotherhood were in a dispute. In that case the brotherhood employees of the Pennsylvania refused to handle cars of the Toledo & Ann Arbor because of a dispute between that road and some of the brotherhood, and they threatened to quit the service of the Pennsylvania road unless it agreed to violate the provisions of the interstate-commerce act by not affording equal facilities to the cars of another road. No violence was threatened. The brotherhood merely undertook to "peacefully persuade" the Pennsylvania Co. not to handle the cars of the other road under a threat of leaving their service—a thing which they had a perfect right to do to better their own condition, but not for the purpose of compelling the Pennsylvania Railroad Co. to violate the law.

The majority report quotes at length from the case of Pickett *v.* Walsh (192 Mass., 572), "and regret the necessity of limiting the quotations, because the whole opinion could be studied with profit." We agree with the majority that the whole opinion could have been studied with profit, since it condemns forms of "peaceful persuasion" from which the majority would withdraw equitable intervention. Speaking of the case before it, it says: "It is a refusal to work for A, with whom the strikers have no dispute, because A works for B, with whom the strikers have a dispute, for the purpose of forcing A to force B to yield to the strikers' demands. * * * It is a combination by the union to obtain a decision in their favor by forcing other persons who have no interest in the dispute to force the employer to decide the dispute in their favor. Such a strike is an interference with the right of the plaintiffs to pursue their calling as they think best. In our opinion organized labor's right to coercion or compulsion is limited to strikes against the persons with whom the person has a trade dispute; or, to put it in another way, we are of the opinion that a strike against A, with whom the strikers have no trade dispute, to compel A to force B to the strikers' demands is unjustifiable interference with the right of A to carry on his calling as he thinks best. Only two cases to the contrary have come to our attention, namely, Bohm Manufacturing Co. *v.* Hollis (54 Minn., 223) and Jeans Clothing Co. *v.* Watson (168 Mo., 133)."

This case which the majority believe could be "studied with profit" is squarely against the proposal of their bill, and the two cases alluded to as being the only ones known to the court contrary to such view, for both have been overruled. Bohm Manufacturing Co. (54 Minn., 223) was overruled in Gray *v.* Building Trades Council (91 Minn., 171). The second case is alluded to by the majority of the committee in support of its contentions, and the majority declare the logic of the court in that case "appears unanswerable." This "unanswerable" logic was overruled by the Supreme Court of Missouri in Lohse Patent Door Co. *v.* Fuel (215 Mo., 421).

The majority report also quotes in support of their contention from Vagelahm *v.* Gunter (167 Mass., 92), saying, "Justice Holmes, now of the Supreme Court of the United States, delivered the opinion." The opinion was delivered by Mr. Justice Allen and is squarely against the contention of the majority, Mr. Justice Holmes having delivered a dissenting opinion, in which he stood alone. The majority have been driven to the necessity of quoting from other dissenting opinions in support of their opposition, and to these we do not deem it necessary to give attention.

It is said by the majority that no question of constitutionality is involved. We submit that if the measure is to be construed, as it evidently is, to prevent the application of injunctive relief to certain acts in disputes between employer and employee which may be part of a scheme or plan to work irreparable injury, which acts could be enjoined in any other department of litigation, it is obvious that the parties affected would be denied the equal protection of the law and due process of law, coming well within the rule laid down in Connelly *v.* The Union Sewer Pipe Co. (184 U. S., 540); Goldberg *v.* Stablemen's Union (149 Cal., 429); Pierce *v.* Stablemen's Union (156 Cal., 70); and Niagara Fire Insurance Co. *v.* Cornell (110 Fed., 816).

We do not consider the English act of 1906, which is quoted by the majority as a precedent for some of its proposals. There is no parallel whatever between the conditions at which the English act is aimed and the fundamental restrictions of the organic law of this country having no similitude in the constitution of the British Empire. The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

We agree with the majority that "liberty and more of it is safe in the hands of the workingmen of the country." We are convinced of the merit and truth of that contention. We do not, however, believe that liberty is advanced in the person of any citizen by stripping him of remedial protection through processes which have received the deliberate and mature approval of the English-speaking race during all the centuries of its history. We can not believe that the due protection of person and property under constitutional guaranties and by remedies tested by time is "an impediment to progress," or that the destruction of the essential remedies by which person and property receive protection is "a great social advance." We believe with the President of the United States, in a famous statement made by him many years since to the American Bar Association, "It will not be surprising if the storm of abuse heaped upon the Federal courts and the political strength of Federal groups, whose plans of social reforms have met obstructions in these tribunals, shall lead to serious efforts, through legislation, to cut down their jurisdiction and cripple their efficiency. If this comes, then the responsibility for its effects, whether good or bad, must be not only with those who urge the change, but also with those who do not strive to resist its coming." (Address to American Bar Association at Detroit, 1895.)

JOHN A. STERLING.
R. O. MOON.
EDWIN W. HIGGINS.
PAUL HOWLAND.
FRANK M. NYE.
FRANCIS H. DODDS.

Mr. CLAYTON. Mr. Speaker, as I have only one more speech and have only nine and one-half minutes remaining, I am going to reserve that for my good friend from Arkansas [Mr. FLOYD] after the expiration of the time of the gentleman from Illinois [Mr. STERLING].

The SPEAKER pro tempore. The gentleman from Illinois has 47 minutes remaining.

Mr. STERLING. Mr. Speaker, I have listened with a great deal of interest to all that has been said on this bill. Gentlemen on that side of the House have devoted the entire time allotted to them to the discussion of that part of the bill which is contained in the substitute. Gentlemen should understand that the bill which is offered by the minority as a substitute is contained almost verbatim, with a single excepton, in the first paragraph of the bill that is offered by the majority. I submit to you, gentlemen, that every argument used on that side of the House has been in favor of that provision of the bill for which the minority stands and which they have presented to the House in the substitute bill. And they have made a splendid defense of that part of the bill. They have confined their time and their talk to a discussion of the bill about which there is no controversy. But in the beginning I want to take issue with the gentleman from Iowa [Mr. TOWNER], when he says that Republican Presidents have, in messages and in public utterances, indorsed the legislation proposed by the majority. In no message sent to Congress by any Republican President, and, so far as I know, in no public utterance, has any Republican President ever indorsed the provisions contained in the majority bill, excepting the provisions contained in the first section.

I agree wth the gentleman from Alabama [Mr. CLAYTON] and the gentleman from West Virginia [Mr. DAVIS] that the provision in this bill providing that no temporary restraining order shall be issued without notice, except in cases where delay would result in irreparable injury to property or property rights, is a wise provision and ought to be placed upon the statute books. There is no controversy with the gentlemen on that side of the House with reference to the question as to a short time for final hearing when injunctions have been issued. It is purely a Republican proposition.

As the gentleman from West Virginia [Mr. DAVIS] stated, I did introduce into this House four years ago a bill providing for those very things. President Roosevelt and President Taft in almost every message they have sent to Congress have urged upon Congress the wisdom of making clear and explicit the provisions of law relating to notice and to early trial, and that

is the proposition which we offer to this House in the substitute bill.

None of the gentlemen on that side of the House have undertaken to defend the last two paragraphs of this bill. No one, except the gentleman from Pennsylvania [Mr. WILSON] has even tried to justify that part of the bill. The gentleman from West Virginia [Mr. DAVIS] and the gentleman from Alabama [Mr. CLAYTON] said nothing in favor of those provisions of the bill, and which, I submit to you, in spite of what those gentlemen have said, constitute a radical change in the law of the land.

Mr. DAVIS of West Virginia. The gentleman refers to the fact that "the gentleman from West Virginia" said nothing in justification of the last section of the bill. The gentleman, of course, will be fair enough to admit that the gentleman's time expired just as he began to discuss that section?

Mr. STERLING. I think that is true, Mr. Speaker, but the gentleman had 30 minutes, and he devoted the 30 minutes to defending the provisions of the bill about which there is no controversy and on which everybody, so far as I know, agree. He did it extremely well, too. So well that I shall say but little in regard to the substitute bill, which is the same as that part of the majority bill which gentlemen have so ably supported by their argument. It seems to me if he had any defense to make of the provisions of the bill that are in controversy he would have devoted at least a part of his time to that defense.

Mr. DAVIS of West Virginia. Will the gentleman permit an interruption?

Mr. STERLING. Yes, sir.

Mr. DAVIS of West Virginia. I take for granted that the gentleman heard the speech made by his colleague, the gentleman from Pennsylvania [Mr. MOON].

Mr. STERLING. I did, every word of it.

Mr. DAVIS of West Virginia. Did he gather from that speech of his colleague, the gentleman from Pennsylvania [Mr. MOON] was not attacking the first three sections of the bill, and they were not controverted by him?

Mr. STERLING. I dislike to take any of my time to reply to that question, but the gentleman from Pennsylvania said one thing with reference to the first section of their bill, and that is the exception that I noted. The gentleman from Pennsylvania spoke of the fact that the provision of the bill offered by the majority provided the seven days should begin to run at the time the entry was made, and the gentleman from Pennsylvania insisted that the seven days should begin to run from the time service is had. That is the criticism he offered on that bill.

Now, it is well to know, gentlemen, what the law is in this country before we undertake to determine whether this bill changes it or whether it ought to be changed. And I propose to read from a decision of one of the courts of the United States what I believe to be a clear, explicit statement of the law and of all the law on this question that is involved in the last two paragraphs of this bill.

Mr. Speaker, I read from the case of the Union Pacific Railroad Co. *v.* Ruef. The decision is rendered by Judge McPherson in the district of Nebraska, and it is contained in volume 120 of the Federal Reporter. I read, beginning on page 113. I do not read it because it is the decision of Judge McPherson, but I read it because it is the law as it has been enunciated by the Federal judges almost universally, and he states it so clearly and in such excellent language, that I read from this decision rather than go through the numerous other decisions that cover the same point in substantially the same language. The judge says:

I believe, and that without a doubt, that, in so far as propositions are involved in this case, the law is as follows:

(1) The defendants acted within their right when they went out on a strike. Whether with good cause, or without any cause or reason, they had the right to quit work for the Union Pacific Railroad Co., and their reasons for quitting work were reasons they need not give to anyone. And that they all went out in a body, by agreement or preconcerted arrangement, does not militate against them or affect this case in any way.

(2) Such rights are reciprocal, and the company had the right to discharge any or all of the defendants, with or without cause, and it can not be inquired into as to what the cause was.

(3) It is immaterial whether the defendants are not now in the service of the company because of a strike or a lockout.

(4) The defendants have the right to combine and work together in whatsoever way they believe will increase their earnings, shorten their hours, lessen their labor, or better their condition, and it is for them, and them only, to say whether they will work by the day or by piecework. All such is part of their liberty. And they can so conclude as individuals, or as organizations, or as unions.

(5) And the right is also reciprocal. The railroad company has the right to have its work done by the premium or piece system, without molestation or interference by defendants or others. This is liberty for the company, and the company alone has the right to determine as to that matter.

(6) When the defendants went on a strike, or when put out on a lockout, their relations with the company were at an end; they were no longer employees of the company; and the places they once occupied in the shops were no longer their places, and never can be again, excepting by mutual agreement between the defendants and the company.

(7) No one of the defendants can be compelled by any law or by any order of any court to again work for the company on any terms or under any conditions.

(8) The company can not be compelled to employ again any of defendants or any other person, by any law or by any order of any court on any terms or under any conditions.

(9) Each, all, and every of the foregoing matters between the company and the defendants are precisely the same, whether applied to the company or to the defendants.

(10) The company has the right to employ others to take the places once filled by defendants; and in employing others the defendants are not to be consulted, and it is of no lawful concern to them, and they can make no lawful complaint by reason thereof. And it makes no difference whether such new employees are citizens of Omaha or of some other city or State. A citizen of Chicago, or from any State in the Union, has the same rights as to work in Omaha as has a citizen of Omaha.

(11) Defendants have the right to argue or discuss with the new employees the question whether the new employees should work for the company. They have the right to persuade them if they can. But in presenting the matter they have no right to use force or violence. They have no right to terrorize or intimidate the new employees. The new employees have the right to come and go as they please, without fear or molestation, and without being compelled to discuss this or any other question, and without being guarded or picketed; and persistent and continued and objectionable persuasion by numbers is of itself intimidating and not allowable.

(12) Picketing in proximity to the shops or elsewhere on the streets of the city, if, in fact, it annoys or intimidates the new employees, is not allowable. The streets are for public use, and the new employee has the same right, neither more nor less, to go back and forth, freely and without molestation and without being harassed by so-called arguments, and without being picketed, as has a defendant or other person. In short, the rights of all parties are one and the same.

Now, gentlemen, that is the law in the United States. Who would change it? Is there anyone who will say that that law does not extend to every man equal rights, equal privileges, and equal opportunities? It is based on that principle, fundamental to our American institutions, that all men are equal before the law. He who would change its provisions must justify by good and sufficient reasons if he hopes for the approval of the American people.

Some gentlemen on that side urge that this bill makes no changes in the law as now administered. Indeed, the majority report from the Committee on the Judiciary suggests that it makes no change in the existing law. Then why pass it? Why encumber the statutes with legislation that makes no change in the laws as they are now? It is not sufficient to say that some of the judges have misconstrued the law as laid down in the decision from which I read. Is there any assurance that judges will not misconstrue the law as you offer it in this bill? Here is a plain, explicit provision of the law, which admits of no possibility of a doubtful construction. Courts will differ in their opinion as to the meaning of this bill. Gentlemen on the floor of this House honestly disagree as to its meaning and effect, and there will be judges who honestly construe it one way and other judges who will honestly construe it another way, and we will then have a diversity of judicial construction of the law which is now plain and explicit.

I say this bill does change the law. It takes away from both the employer and the employee the right of protection by injunction which they now enjoy.

In order to get it into the RECORD, I desire to read a paragraph from the Republican platform on this question, as follows:

We believe, however, that the rules of procedure in the Federal courts with respect to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing should be granted thereafter.

The substitute which we have offered is in strict harmony with that provision of the Republican platform. It is in strict harmony with the platform on which every Republican was elected two years ago. It is the fulfillment of the pledge we then made to the country. It is in strict accord with the letter of acceptance of President Taft and with every suggestion made by Mr. Roosevelt when he was President of the United States on this subject of injunctions. No man on the floor of this House can say that either of those gentlemen ever at any time made utterances in favor of legislation such as is provided in this bill.

In order to settle that question, Mr. Speaker, I desire to read from a letter written by Mr. Roosevelt when he was President to Secretary Knox. It is dated October 21, 1908. It was during the last presidential campaign.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question right in that connection?

Mr. STERLING. Yes.

Mr. CLAYTON. The letter which the gentleman is about to read is a letter that former President Roosevelt wrote in reference to what was known as the Pearre bill, is it not?

Mr. STERLING. Yes.

Mr. CLAYTON. And that is not the bill which is now under consideration.

Mr. STERLING. Let us see about that.

Mr. CLAYTON. This is an entirely different proposition.

Mr. STERLING. We will discuss that proposition too. What was known as the Pearre bill was at that time pending before the Judiciary Committee. It had been before the committee for two or three sessions, and I think has been before the committee ever since either under the name of the Pearre bill or the Wilson bill. After Mr. Pearre retired from Congress the bill came before the Judiciary Committee again, having been introduced by the gentleman from Pennsylvania [Mr. WILSON].

Now, the majority of the committee had started in to revise the Wilson bill, and the Wilson bill is in substance the same as the old Pearre bill. The Pearre bill provided for three things, and three things only that are material to this discussion. First, it related only to labor disputes; second, it provided that no court should hold that the right to do business in a certain place or in a certain way was a property right to be protected by injunction; third, it abrogated the offense of conspiracy. Now, that is what the Pearre bill provided and it is what the Wilson bill provides, and it is what this bill provides. The only improvement in this bill over the Pearre bill is that paragraph which contains the provisions covered by the bill which I have offered as a substitute.

Mr. DAVIS of West Virginia. The gentleman has said that not in any message of either President Taft or President Roosevelt was there any expression which justifies the course pursued in this bill. I take it the gentleman is familiar with the message of President Roosevelt of January 21, 1908.

Mr. STERLING. I have read it, but I do not want the gentleman to read it now in my time.

Mr. DAVIS of West Virginia. I wanted to ask whether the gentleman would give me time to read it.

Mr. STERLING. No; I will not give the gentleman time to read it now. The gentleman has called the attention of the House to it, and Members can read it for themselves. I propose to give to the House Mr. Roosevelt's views on the Pearre bill in his letter to Secretary Knox, which I mentioned a moment ago. Before reading it I want to say this: It is true that the bill which is now before the House does not expressly provide that no court shall hold that the right to do business is a property right, but it does provide a method—a legalized method—whereby that right may be destroyed, whether you call it a property right or whether you call it a personal right. And so I say, so far as the effect of this bill is concerned, it is on all fours with the old Pearre bill, that Mr. Roosevelt referred to in this letter and which he severely condemns.

Mr. MARTIN of South Dakota. Will the gentleman be definite and state what part of the bill he conceives does make that provision?

Mr. STERLING. Yes; I will later on. This is a very long letter, and I shall read only three paragraphs:

> There is no need of generalities or of vague expressions of sympathy for labor. Let Mr. Bryan simply confine himself to the anti-injunction plank of his own platform and tell us publicly, definitely, and clearly whether he accepts or rejects the statement of Mr. Gompers that this plank pledges him to the principles of the bill for which Mr. Gompers stands, and whether, if elected, he will endeavor to have this proposition enacted into law.

The bill that Mr. Roosevelt refers to is the Pearre bill; and I assert here again, and make it as emphatic as I can, that this bill contains practically every bad feature that the old Pearre bill contained.

How can you gentlemen suggest that President Taft and Mr. Roosevelt had indorsed legislation of this kind? In this letter Mr. Roosevelt calls on Mr. Bryan to say to the people of the country whether or not he will stand for the proposition that is contained in the old Pearre bill, and, so far as I know, your candidate for President, Mr. Bryan, never said that he would stand for the propositions therein contained.

He goes on:

> This is asked honestly in the interest of that large voting public which believes sincerely in the promotion of every legitimate right and interest of labor; but which believes also that from the standpoint of the best interest of labor it neither requires nor is entitled to more than justice, and that the right to destroy business should not be formally recognized in the law of the land.
>
> REALIZES RIGHT TO SPEAK.
>
> I feel that I have the right to speak frankly in this matter, because throughout my term as President it has been my constant object to do everything in my power, both by administrative action and by endeavoring to secure legislative action, to advance the cause of labor, protect it from unjust aggression, and secure to it its legitimate rights. I have accomplished something; I hope to accomplish more before I leave office; and I have taken special and peculiar interest in Mr. Taft's candidacy because I believe that of all the men in this country he is the man best qualified for continuing the work of securing to the wage-workers of the country their full rights.
>
> I will do everything in my power for the wage workers of the country except to do what is wrong. I will do wrong for no man; and with all the force in my power I solemnly warn the laboring man of this country that any public man who advocates doing wrong in their interests can not be trusted by them, and this whether his promise to do wrong is given knowing that it is wrong or because of a levity and lack of consideration which make him willing to promise anything without counting the cost if thereby support at the moment is to be purchased.
>
> WILL FIGHT ABUSES.
>
> Just as I have fought hard to bring about in the fullest way the recognition of the right of the employee to be amply compensated for injury received in the course of his duty, so I have fought hard and shall continue to fight hard to do away with all abuses in the use of the power of injunction. I will do everything I can to see that the power of injunction is not used to oppress laboring men. I will endeavor to secure them full and equal justice. Therefore, in the interest of all good citizens, be they laboring men, business men, professional men, farmers, or members of any other occupation, so long as they have in their souls the principles of sound American citizenship, I denounce as wicked the proposition to secure a law which, according to the explicit statement of Mr. Gompers, is to prevent the courts from effectively interfering with riotous violence when the object is to destroy a business, and which will legalize a blacklist and the secondary boycott, both of them the apt instruments of unmanly persecution.

Those are the views of Mr. Roosevelt on the legislation which you propose, and if gentlemen can get comfort from them they are welcome to it.

Now, this bill provides that peaceful picketing shall be allowed. Peaceful picketing is now allowed. The law which I read from the decision of Judge McPherson, reiterated by the courts of this country over and over again, holds that peaceful picketing is lawful.

Mr. CLAYTON. Mr. Speaker, if it will not interrupt the gentleman I would like to ask him a question.

Mr. STERLING. I will yield.

Mr. CLAYTON. I observe that the gentleman has read what former President Roosevelt said in behalf of President Taft. Does the gentleman know whether former President Roosevelt still entertains that opinion?

Mr. STERLING. Oh, the gentleman can decide that question for himself. The gentleman can not divert me from the proposition now before the House by such a question.

Mr. CLAYTON. One more question.

Mr. STERLING. I will have to ask the gentleman to desist now.

Mr. CLAYTON. I do not wish to embarrass the gentleman.

Mr. STERLING. The gentleman will not embarrass me, but he is taking up my time.

Mr. CLAYTON. Oh, if the gentleman does not wish to yield.

Mr. STERLING. I will yield to the gentleman for one more question.

Mr. CLAYTON. I would like to know whether ex-President Roosevelt has changed his views in regard to the labor legislation or the labor question. He has changed his views in regard to President Taft.

Mr. STERLING. Mr. Speaker, I submit that the gentleman from Alabama is consuming my time unnecessarily.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). The gentleman from Illinois has the floor.

Mr. STERLING. Mr. Speaker, this bill, while it in terms permits peaceful picketing, which is already the law, also in terms admits of another kind of picketing, which is unlawful. I hope no man in this House, on that side or on this, will get the idea, whether he be, as some claim they are, special representatives of organized labor or not—I hope they will not get the idea that this bill is aimed only at the employer of labor in this country. It strikes just as fiercely and just as hard at the rights of the laboring men. This bill provides that one or any number of men can go to the home, to the very fireside of another, with or without his consent, for the purpose, as they call it, of conducting a peaceful picket. I say to you that that will do away with the protection that a large majority of the laboring men of the United States now have under the law of injunctions. It is just as much a violation of the rights of the men that labor as it is of the men that employ labor. This bill provides that any number of persons, who happen to disagree with another who desires to work, may go to his home or to the place where he works at the counter or in the shop or anywhere he happens to be, whether he consents or not, to prevail on him to cease work, and that act on the part of these fellow workmen can not be enjoined under this bill for the protection of the rights of the man that seeks to labor, the man that wants to labor. It deprives him of the protection of that right as well as the right of the protection of the men that employ labor in this country.

Another thing, gentlemen——

Mr. BUCHANAN. Will the gentleman yield?

Mr. STERLING. Yes; for a question.

Mr. BUCHANAN. Does not the present law and the police officials as a general thing in this country protect the rights of the laboring man when he wants to work?

Mr. STERLING. Yes, of course it does; but gentlemen who vote for this bill are voting to take away his right to this protection.

Mr. BUCHANAN. Oh, no.

Mr. STERLING. The man who wants to work has the right to do so under the law. I have read it to you, and it will not be disputed. He has the right to engage his labor on any such terms as he and the employer can agree upon. He has the right to go and come to and from his place of business. He has a right to be let alone if he so desires, the right to enjoy his hours of rest, a right to the peace and quiet of his own fireside under the law as it now is. But under this law he is deprived of the protection to these rights which the law now gives him.

Mr. BUCHANAN. Will the gentleman yield?

Mr. STERLING. No; I can not yield to the gentleman any more.

Mr. BUCHANAN. For just a question?

Mr. STERLING. I can not. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 11 minutes.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. STERLING. If I have the time.

Mr. WILSON of Pennsylvania. I would like the gentleman to point out the particular part of this bill that permits any man to enter another man's home.

Mr. STERLING. Right here is is. I will read it to you now, and settle the question:

> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be—

"Anywhere he happens to be," so says the bill. It makes no difference; he may be at his home, he may be at church, he may be at the counter, or at the anvil, or on his engine; he may be anywhere; yet under this bill others, one or many, may seek him out, whether he so wills or not, to persuade him to work or to abstain from working. That does not comport with my idea of liberty. It means liberty to no one. It means license to one man to interfere with the liberty of another. It is not equal protection under the law, and no part of American citizenship will resent it quicker than the laboring men of the country.

Gentlemen, you are deceiving nobody but yourselves on this proposition. I submit to you that the great rank and file of the laboring men of the United States are not demanding class legislation. Do not take the words of a man here and there who pretends to speak for labor. I say to you gentlemen on this side of the House and on that, whether you claim to be special representatives of labor or not, you are not any better representatives of labor than I am. [Applause.] Not a bit of it. I have in my heart the same sympathy for the laboring man that you have, and I say to you that the great rank and file of the American laboring people are not demanding class legislation.

Aye, Mr. Speaker, the very bulwark against class legislation in this country has been the workingmen. The men who toil, in the shop, everywhere, on the farms, on the railroads, in the mines, the workingmen everywhere have stood as the bulwark of safety in the United States against class legislation. Go to the man at the anvil, to the man on the engine, to the man in the mine, and at the plow; go to the man who toils, wherever you find him, and ask him if he is in favor of class legislation. He still believes in the principles of liberty and equality, and through him those principles will endure. He is wise enough to know and he does know that his safety, happiness, and prosperity rests on the Constitution, which secures to all men equal protection of the law.

This is class legislation. Argue, if you please, that Congress has the right to pass class legislation, but do you favor it even if it is constitutional? The Constitution provides that every State shall secure to all persons equal protection under the law. Shall Congress do less than is required of the States to preserve inviolate the principle that all men are equal before the law?

Mr. HUGHES of New Jersey. Mr. Speaker——

Mr. STERLING. I submit, Mr. Speaker, this bill strikes at the very foundation, at the very fundamental principle on which our free institutions are based. It strikes at the very principle on which American institutions rest. Aye, if the Constitution does not say it, the Declaration of Independence says that all men are equal under the law. Should you now abrogate that principle by passing legislation that applies only to a part of our American citizens?

The last sentence of this bill abrogates the offense of conspiracy. Conspiracy is a combination or agreement of two or more, the intent of which is to do another an injury. The bill provides that such offense can not be committed in a labor dispute. Do gentlemen pretend to say that American laboring men are asking for legislation of that kind? His will be the first hand lifted against such a proposition. In conclusion, I repeat this bill has all the objections that were contained in the bill to which President Roosevelt referred when he wrote the letter to Secretary Knox. Mr. Bryan, although called on in that letter to state his position, publicly never did, to my knowledge, defend the proposition that was contained in the Pearre bill. Gentlemen, you should read this bill before you vote for it. I know that there are men on that side who would never have voted for the Pearre bill. You will find this bill contains the same ideas and seeks the same end as that bill. If you do, some of you gentlemen will join with us in adopting this substitute bill, which should be the law of the land. [Loud applause.]

Mr. CLAYTON. I yield whatever time there is remaining to me to the gentleman from Arkansas [Mr. FLOYD]. I have 9½ minutes, I understand.

Mr. STERLING. Mr. Speaker, how much time had I left?

The SPEAKER. The gentleman from Illinois has five minutes remaining.

Mr. STERLING. I desire to yield half a minute to the gentleman from Illinois [Mr. MCKENZIE].

Mr. CLAYTON. Very well, Mr. Speaker; I withhold my yielding to the gentleman from Arkansas.

Mr. MCKENZIE. Mr. Speaker, I simply wish to ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. I wish to say, in all fairness to the gentleman from Illinois, I understood him to say that he had but one speech to make a while ago and insisted that I parcel out my time, which I did, he assuring me that he would have but one speech. After he has concluded that one speech, according to his previous statement, he now says he wants to yield five minutes to another gentleman.

Mr. STERLING. The gentleman from Illinois [Mr. MCKENZIE], I think, wanted to say a word and extend his remarks in the RECORD.

Mr. CLAYTON. He has that under general leave. With the statement that it is only half a minute, I make no objection.

The SPEAKER. The gentleman from Illinois [Mr. MCKENZIE] is recognized for half a minute.

[Mr. MCKENZIE addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I yield now to the gentleman from Arkansas the 9½ minutes I have remaining.

The SPEAKER. The gentleman from Arkansas is recognized for 9½ minutes.

Mr. FLOYD of Arkansas. Mr. Speaker, I wish in the limited time I have to confine my remarks to this bill. It has been assailed on various grounds. It has been assailed as unconstitutional and revolutionary. It has been assailed by the gentleman from Illinois [Mr. STERLING] as being contrary to the interests of labor. Now, let us see. Take the first section of the bill. The legislation proposed therein was recommended by the President; it was drafted by the gentleman from Pennsylvania [Mr. MOON]. It was indorsed by the gentleman from Illinois [Mr. STERLING], and he now proposes to offer as a substitute for this entire bill the Moon bill, H. R. 21486, which is substantially incorporated as the first section of this bill. Wherein is that unconstitutional? Wherein is that revolutionary? Wherein is that wrong?

The second section of the bill provides that hereafter when injunctions are issued that the plaintiff in the action shall be required to give security. The law now permits the court in its discretion to require security. Wherein is that revolutionary? Wherein is that unconstitutional? Wherein is that wrong?

The third section of the bill embodies two propositions. It reads as follows:

> SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

To the first part I have heard no objection urged. Against the second part gentlemen seriously protest. In reference to the issuance of injunctions in the latter portion of the section these words occur:

> Shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall, by personal service or otherwise, have received actual notice of the same.

This provision forbids the blanket injunction.

That is objected to, and seriously objected to, by gentlemen on the other side. For what reason? Some say that it interferes with the judicial powers of the court. Others say that the courts do not enforce that provision anyway. What is the effect of the court issuing those blanket injunctions if they do not enforce their decrees against parties without actual notice? I will tell you the effect of it. It is the exercise by the courts, at the instance of the plaintiff or employers, of a kind of judicial intimidation over communities. [Applause on the Democratic side.] What valid objection to saying in the law that the court shall exercise no such power as that assumed and implied in the issuance of a blanket injunction? Now, as to the last proposition:

SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

It has been intimated that no one stood here and dared defend the last section of this bill. I defend it. I propose in the time at my command to devote the remainder of my remarks to the last section of the bill. And I will ask if you are opposed to the provisions of the bill as written, how many of you would favor the converse of the proposition? Suppose, instead of presenting the bill as it is written here, we change the language so as to read that hereafter in issuing injunctions the court shall have the power to prohibit any persons from terminating any relation of employment. How many of you will stand for that?—

or from ceasing to perform any work or labor—

How many of you would stand for that?—

or from recommending, advising, or persuading others by peaceful means to do so—

How many of you would stand for that?—

or from attending at or near a house or place where a person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working—

How many of you would stand for that?—

or from ceasing to patronize or to employ any party to such dispute—

How many of you would stand for that?—

or from recommending, advising, or persuading others by peaceful means so to do—

How many of you would stand for that?—

or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value—

How many of you would stand for that?—

or from peaceably assembling at any place in a lawful manner or for lawful purposes.

How many of you would stand for that?—

or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

How many of you would stand for the converse of the several propositions embodied in this section of the bill? Not one, and you know it. But the gentleman from Illinois [Mr. STERLING] in his last appeal makes an argument that no one has previously presented, and that is, that this bill is against the interests of labor, and he thereupon appeals to the friends of labor to defeat it.

My God, is it not strange that at the prolonged hearings had before the Judiciary Committee the representatives of capital appeared before the committee, opposing the legislation, and yet no representative of labor was there contending that it was against his interest, against the interests of labor?

Oh, the gentleman says it repeals the law of conspiracy. He says it authorizes an invasion of the home. As to that section, what interpretation, what construction can be put upon any language therein that would justify his assertion that it allows anybody to enter the home of any other person? No; the gentleman is in hard straits for arguments when he presents such suggestions as he does in opposition to this bill.

But he says that it repeals the law of conspiracy. This bill has nothing to do with the law of conspiracy. Conspiracy under the law is a crime. This bill proposes to repeal no criminal statute. All the criminal statutes stand on the books as they were written, and will so stand when this bill is adopted.

What does it do? It provides that the courts shall not by the injunctive process interfere with persons doing any act or thing which might lawfully be done in the absence of such a dispute by anybody who is a party thereto. You talk of class legislation. This provision simply provides that the courts shall not interfere by injunctions in preventing any persons who are parties to a labor dispute from doing what they may be permitted lawfully to do in the absence of a labor dispute, and you insist by implication upon leaving the law in such a condition that you will have one rule for the laboring man and another rule for other people. [Applause.] It is to that injustice that labor objects. It is to remedy that situation that labor has insisted for years on legislation against the abuse of the arbitrary injunctive process and of unwarranted injunctions by the Federal courts. [Applause.]

No, Mr. Speaker, this bill does not violate any provision of the Constitution. This bill is devoted entirely to questions relating to judicial procedure in injunction cases. Its object and purpose is not to confer upon employees or laborers any special privileges or any privileges not accorded to other citizens under like circumstances. It is a measure intended to secure justice to labor in its disputes with capital.

The opponents of this class of legislation express great and almost reverential respect for the courts. As a lawyer I have the highest respect for the courts, but I can not share in the opinion so often expressed of late to the effect that any attempt on the part of citizens, labor organizations, or Congress itself to secure judicial reforms is a reflection upon the courts. With the exception of a few short provisions in the Constitution defining judicial power and providing for the Supreme Court and such inferior courts as Congress may, from time to time, create and establish, our entire judicial system, together with all rules of procedure obtaining in our courts, are the work of Congress and the result of judicial interpretation. In the absence of congressional action, subject to the limitations of the Constitution, the courts have adopted certain rules and procedure of their own. In those court-made rules of procedure lies the greatest danger of judicial usurpation and abuse. It is as clearly within the power of Congress to correct an abuse growing out of rules and precedents of the courts as it is to repeal a statute of its own creation.

It is the contention of the advocates of this proposed legislation that such abuses have grown up under our system and now exist, and it is to correct such evils and in the interest of simple justice that this legislation is demanded. The gentleman from Pennsylvania [Mr. MOON] asserted that "Equity is to protect great industry and great interests." I deny that such is the proper function and province of equity courts. Equity courts were established in order that right and justice might be done in cases where there was no adequate remedy at law. It was never intended to be used as an instrument of injustice or oppression to any person or to any class. The friends of labor demand the passage of this bill in order that hereafter unwarranted and improvident injunctions shall not, at the behest of capital, be issued against labor; simply this and nothing more.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on agreeing to the substitute offered by the gentleman from Illinois [Mr. STERLING].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. STERLING. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. The Chair will count. Those in favor of taking a vote by the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-two gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and fifteen gentlemen have arisen in the negative—a sufficient number. The yeas and nays are ordered, and the Clerk will call the roll. Those in favor of the substitute will, when their names are called, answer "yea," and those opposed will answer "nay."

Mr. FULLER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FULLER. Can we not have the substitute bill reported?

The SPEAKER. Without objection, the substitute bill will be reported.

Mr. BLACKMON. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will call the roll.

The question was taken; and there were—yeas 48, nays 220, answered "present" 6, not voting 118, as follows:

YEAS—48.

Ames	Driscoll, M. E.	Humphrey, Wash.	Moon, Pa.
Anthony	Fairchild	Lafean	Moore, Pa.
Barchfeld	Fordney	Lawrence	Nye
Butler	Foss	McCreary	Payne
Calder	Gardner, N. J.	McKenzie	Roberts, Mass.
Cannon	Griest	McKinney	Sloan
Catlin	Harris	McLaughlin	Stephens, Cal.
Crago	Heald	Madden	Sterling
Currier	Henry, Conn.	Malby	Stevens, Minn.
Dalzell	Higgins	Mann	Vare
De Forest	Hill	Martin, S. Dak.	Volstead
Dodds	Howell	Mondell	Young, Mich.

NAYS—220.

Adair	Dyer	Hull	Pray
Adamson	Edwards	Jackson	Pujo
Aiken, S. C.	Esch	Jacoway	Rainey
Ainey	Estopinal	Johnson, Ky.	Raker
Akin, N. Y.	Evans	Jones	Ransdell, La.
Alexander	Faison	Kendall	Rauch
Allen	Farr	Kennedy	Rees
Anderson, Minn.	Fergusson	Kent	Roberts, Nev.
Anderson, Ohio	Ferris	Kinkaid, Nebr.	Roddenbery
Ansberry	Finley	Kinkead, N. J.	Rothermel
Ashbrook	Fitzgerald	Kitchin	Rouse
Austin	Flood, Va.	Knowland	Rubey
Barnhart	Floyd, Ark.	Konop	Rucker, Colo.
Bartlett	Focht	Kopp	Rucker, Mo.
Bathrick	Foster	Korbly	Russell
Bell, Ga.	Fowler	Lafferty	Sharp
Blackmon	Francis	La Follette	Sherley
Boehne	French	Langley	Sherwood
Booher	Fuller	Lee, Ga.	Sims
Borland	Gallagher	Lee, Pa.	Slayden
Bowman	Garner	Lenroot	Slemp
Broussard	Garrett	Lever	Small
Buchanan	George	Lewis	Smith, J. M. C.
Bulkley	Glass	Lindbergh	Smith, Saml. W.
Burke, Wis.	Good	Linthicum	Smith, N. Y.
Byrnes, S. C.	Goodwin, Ark.	Lloyd	Smith, Tex.
Byrns, Tenn.	Gould	Lobeck	Stedman
Callaway	Graham	McCoy	Stephens, Miss.
Candler	Gray	McDermott	Stephens, Nebr.
Cantrill	Green, Iowa	McGuire, Okla.	Stephens, Tex.
Carlin	Greene, Mass.	Macon	Stone
Carter	Gregg, Pa.	Maguire, Nebr.	Sulzer
Cary	Gregg, Tex.	Martin, Colo.	Sweet
Clayton	Hamill	Matthews	Talcott, N. Y.
Cline	Hamilton, Mich.	Miller	Taylor, Colo.
Collier	Hamilton, W. Va.	Moon, Tenn.	Thayer
Connell	Hamlin	Moore, Tex.	Thomas
Conry	Hammond	Morgan	Towner
Cooper	Hardy	Morrison	Townsend
Copley	Harrison, Miss.	Morse, Wis.	Tribble
Covington	Harrison, N. Y.	Moss, Ind.	Turnbull
Crumpacker	Hartman	Murray	Tuttle
Cullop	Haugen	Needham	Underhill
Curry	Hay	Neeley	Underwood
Daugherty	Hayden	Nelson	Warburton
Davis, Minn.	Hayes	Norris	Watkins
Davis, W. Va.	Helgesen	Oldfield	Webb
Denver	Henry, Tex.	O'Shaunessy	Wedemeyer
Dickinson	Hensley	Padgett	Wickliffe
Difenderfer	Hobson	Page	Willis
Dixon, Ind.	Holland	Patton, Pa.	Wilson, Ill.
Doremus	Houston	Peters	Wilson, Pa.
Doughton	Howard	Post	Witherspoon
Driscoll, D. A.	Hughes, Ga.	Pou	Young, Kans.
Dupré	Hughes, N. J.	Powers	Young, Tex.

ANSWERED "PRESENT"—6.

Beall, Tex.	Davenport	Gillett	Tilson
Browning	Dwight		

NOT VOTING—118.

Andrus	Gardner, Mass.	McCall	Scully
Ayres	Godwin, N. C.	McGillicuddy	Sells
Bartholdt	Goeke	McHenry	Shackleford
Bates	Goldfogle	McKellar	Sheppard
Berger	Gudger	McKinley	Simmons
Bradley	Guernsey	McMorran	Sisson
Brantley	Hanna	Maher	Smith, Cal.
Brown	Hardwick	Mays	Sparkman
Burgess	Hawley	Mott	Speer
Burke, Pa.	Heflin	Murdock	Stack
Burke, S. Dak.	Helm	Olmsted	Stanley
Burleson	Hinds	Palmer	Steenerson
Burnett	Howland	Parran	Sulloway
Campbell	Hubbard	Patten, N. Y.	Switzer
Clark, Fla.	Hughes, W. Va.	Pepper	Taggart
Claypool	Humphreys, Miss.	Pickett	Talbott, Md.
Cox, Ind.	James	Plumley	Taylor, Ala.
Cox, Ohio	Johnson, S. C.	Porter	Taylor, Ohio
Cravens	Kahn	Prince	Thistlewood
Curley	Kindred	Prouty	Utter
Danforth	Konig	Randell, Tex.	Vreeland
Davidson	Lamb	Redfield	Weeks
Dent	Langham	Reilly	Whitacre
Dickson, Miss.	Legare	Reyburn	White
Dies	Levy	Richardson	Wilder
Donohoe	Lindsay	Riordan	Wilson, N. Y.
Draper	Littlepage	Robinson	Wood, N. J.
Ellerbe	Littleton	Rodenberg	Woods, Iowa
Fields	Longworth	Sabath	
Fornes	Loud	Saunders	

So the substitute was lost.

The following additional pairs were announced:

Until further notice:

Mr. AYRES with Mr. HOWLAND.

Mr. DICKSON of Mississippi with Mr. PLUMLEY.

Mr. WHITE with Mr. WOODS of Iowa.

Mr. STANLEY with Mr. VREELAND.

Mr. SAUNDERS with Mr. UTTER.

Mr. RICHARDSON with Mr. STEENERSON.

Mr. MCKELLAR with Mr. SMITH of California.

Mr. MCGILLICUDDY with Mr. LANGHAM.

Mr. HEFLIN with Mr. PRINCE.

Mr. FIELDS with Mr. PICKETT.

Mr. DIES with Mr. REYBURN.

Mr. COX of Indiana with Mr. MCKINLEY.

Mr. CLAYPOOL with Mr. LOUD.

Mr. BURLESON with Mr. HANNA.

Mr. BRANTLEY with Mr. BARTHOLDT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PEPPER with Mr. WILDER.

Mr. SABATH with Mr. MCMORRAN.

Mr. REILLY with Mr. LONGWORTH.

For the balance of the day:

Mr. REDFIELD with Mr. KAHN.

Mr. DENT with Mr. WOOD of New Jersey.

Mr. HUMPHREYS of Mississippi with Mr. OLMSTED.

Mr. SCULLY (for the Clayton bill against the substitute) with Mr. BROWNING (against the Clayton bill and for the substitute).

The result of the vote was then announced, as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CLAYTON, Mr. MANN, and Mr. HENRY of Texas demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 243, nays 31, answered "present" 6, not voting 113, as follows:

YEAS—243.

Adair	Edwards	Johnson, Ky.	Ransdell, La.
Adamson	Ellerbe	Jones	Rauch
Aiken, S. C.	Esch	Kendall	Rees
Ainey	Estopinal	Kennedy	Reilly
Akin, N. Y.	Evans	Kent	Roberts, Mass.
Alexander	Faison	Kinkaid, Nebr.	Roberts, Nev.
Allen	Farr	Kinkead, N. J.	Roddenbery
Ames	Fergusson	Kitchin	Rothermel
Anderson, Minn.	Ferris	Knowland	Rouse
Anderson, Ohio	Finley	Konop	Rubey
Ansberry	Fitzgerald	Kopp	Rucker, Colo.
Anthony	Flood, Va.	Korbly	Rucker, Mo.
Ashbrook	Floyd, Ark.	Lafferty	Russell
Austin	Focht	La Follette	Sharp
Barchfeld	Foster	Langley	Sherley
Barnhart	Fowler	Lee, Ga.	Sherwood
Bartlett	Francis	Lee, Pa.	Sims
Bathrick	French	Lenroot	Slayden
Bell, Ga.	Fuller	Lever	Slemp
Blackmon	Gallagher	Lewis	Sloan
Boehne	Garner	Lindbergh	Small
Booher	Garrett	Linthicum	Smith, J. M. C.
Borland	George	Lloyd	Smith, Saml. W.
Bowman	Glass	Lobeck	Smith, N. Y.
Broussard	Good	McCoy	Smith, Tex.
Buchanan	Goodwin, Ark.	McDermott	Stack
Bulkley	Gould	McGuire, Okla.	Stedman
Burke, Wis.	Graham	McLaughlin	Stephens, Miss.
Byrnes, S. C.	Gray	Macon	Stephens, Nebr.
Byrns, Tenn.	Green, Iowa	Maguire, Nebr.	Stephens, Tex.
Callaway	Greene, Mass.	Martin, Colo.	Stevens, Minn.
Candler	Gregg, Pa.	Martin, S. Dak.	Stone
Cantrill	Gregg, Tex.	Matthews	Sulzer
Carlin	Griest	Miller	Sweet
Carter	Hamill	Mondell	Talcott, N. Y.
Cary	Hamilton, Mich.	Moon, Tenn.	Taylor, Colo.
Clayton	Hamilton, W. Va.	Moore, Tex.	Thayer
Cline	Hamlin	Morgan	Thomas
Collier	Hammond	Morrison	Towner
Connell	Hardy	Morse, Wis.	Townsend
Conry	Harrison, Miss.	Moss, Ind.	Tribble
Cooper	Harrison, N. Y.	Murray	Turnbull
Copley	Hartman	Needham	Tuttle
Covington	Haugen	Neeley	Underhill
Crago	Hay	Nelson	Underwood
Crumpacker	Hayden	Norris	Vare
Cullop	Hayes	Oldfield	Volstead
Curry	Heald	O'Shaunessy	Warburton
Daugherty	Helgesen	Padgett	Watkins
Davis, Minn.	Henry, Tex.	Page	Webb
Davis, W. Va.	Hensley	Patton, Pa.	Wedemeyer
De Forest	Hobson	Peters	White
Denver	Holland	Post	Wickliffe
Dickinson	Houston	Pou	Willis
Difenderfer	Howard	Powers	Wilson, Ill.
Dixon, Ind.	Howell	Pray	Wilson, Pa.
Doremus	Hughes, Ga.	Prince	Witherspoon
Doughton	Hughes, N. J.	Prouty	Young, Kans.
Driscoll, D. A.	Hull	Pujo	Young, Tex.
Dupré	Jackson	Rainey	The Speaker
Dyer	Jacoway	Raker	

NAYS—31.

Butler	Catlin	Driscoll, M. E.	Gardner, N. J.
Calder	Dalzell	Fairchild	Harris
Cannon	Dodds	Fordney	Henry, Conn.

Higgins	McCreary	Malby	Payne
Hill	McKenzie	Mann	Stephens, Cal.
Humphrey, Wash.	McKinley	Moon, Pa.	Sterling
Lafean	McKinney	Moore, Pa.	Young, Mich.
Lawrence	Madden	Nye	

ANSWERED "PRESENT"—6.

Beall, Tex.	Davenport	Gillett	Sparkman
Browning	Dwight		

NOT VOTING—113.

Andrus	Fornes	Littleton	Scully
Ayres	Foss	Longworth	Sells
Bartholdt	Gardner, Mass.	Loud	Shackleford
Bates	Godwin, N. C.	McCall	Sheppard
Berger	Goeke	McGillicuddy	Simmons
Bradley	Goldfogle	McHenry	Sisson
Brantley	Gudger	McKellar	Smith, Cal.
Brown	Guernsey	McMorran	Speer
Burgess	Hanna	Maher	Stanley
Burke, Pa.	Hardwick	Mays	Steenerson
Burke, S. Dak.	Hawley	Mott	Sulloway
Burleson	Heflin	Murdock	Switzer
Burnett	Helm	Olmsted	Taggart
Campbell	Hinds	Palmer	Talbott, Md.
Clark, Fla.	Howland	Parran	Taylor, Ala.
Claypool	Hubbard	Patten, N. Y.	Taylor, Ohio
Cox, Ind.	Hughes, W. Va.	Pepper	Thistlewood
Cox, Ohio	Humphreys, Miss.	Pickett	Tilson
Cravens	James	Plumley	Utter
Curley	Johnson, S. C.	Porter	Vreeland
Currier	Kahn	Randell, Tex.	Weeks
Danforth	Kindred	Redfield	Whitacre
Davidson	Konig	Reyburn	Wilder
Dent	Lamb	Richardson	Wilson, N. Y.
Dickson, Miss.	Langham	Riordan	Wood, N. J.
Dies	Legare	Robinson	Woods, Iowa
Donohoe	Levy	Rodenberg	
Draper	Lindsay	Sabath	
Fields	Littlepage	Saunders	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. SCULLY (in favor of bill) with Mr. BROWNING (against).

Until further notice:

Mr. Cox of Indiana with Mr. LONGWORTH.

Mr. DONOHOE with Mr. WOODS of Iowa.

Mr. LAMB with Mr. CURRIER.

Mr. BROWN with Mr. FOSS.

Mr. HEFLIN with Mr. VREELAND.

Mr. DAVENPORT. Mr. Speaker, I desire to inquire whether or not the gentleman from South Dakota, Mr. BURKE, voted?

The SPEAKER. The gentleman did not.

Mr. DAVENPORT. I have a general pair with him, and I desire to withdraw my vote in the affirmative and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. DAVENPORT was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye," as above recorded. [Applause.]

The result of the vote was announced as above recorded.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of South Carolina, indefinitely, on account of sickness in family.

To Mr. KITCHIN, for one week, on account of sickness in family.

To Mr. HANNA, for 30 days, on account of important business.

DAM ACROSS SAVANNAH RIVER.

The SPEAKER. The Chair lays before the House the following Senate bill, with House amendment.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

Mr. ADAMSON. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked.

The SPEAKER. The gentleman from Georgia moves that the House insist on its amendment and agree to the conference asked.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, asking the return of a bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 14, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

Attest:

CHARLES G. BENNETT, *Secretary.*

The question was taken, and the resolution was agreed to.

DAILY HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that until further order of the House the daily hour of meeting shall be 11 o'clock instead of 12.

The SPEAKER. The gentleman from Alabama asks unanimous consent that until further order of the House the hour of meeting shall be 11 a. m. instead of 12 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, I take it it is the intention to push forward the appropriation bills; but I think there ought to be one day in the week when the House meets at 12 o'clock so that Members of the House can have opportunity to attend to departmental work, and therefore I suggest to the gentleman whether he would not be willing to except from the provision Wednesday.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman the purpose of making this request is that it is the desire on this side of the House to drive the appropriation bills through practically to the exclusion of everything else until they are passed, and the purpose of asking the House to meet at 11 o'clock was to pass the appropriation bills. If the gentleman desires to do so I will modify my request.

Mr. MANN. I think it would not interfere with the gentleman's purpose.

Mr. UNDERWOOD. And I will ask unanimous consent that on each legislative day in the week, except Wednesday, the House shall meet at 11 o'clock, and on Wednesday it shall meet at 12.

The SPEAKER. The gentleman from Alabama modifies his request, and asks unanimous consent that hereafter, until further ordered by the House, on every day in the week except Wednesday and Sunday the House shall meet at 11 o'clock. On Wednesdays and Sundays the meeting shall be at 12. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, May 15, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General of the United States submitting estimate of deficiencies in appropriation required by the Department of Justice (H. Doc. No. 752); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War summitting estimate of appropriation for judgment rendered against Lieut. D. H. Biddle, United States Army, rendered against him for official acts by circut court of Meade County, S. Dak. (H. Doc. No. 754); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of appropriation for rebuilding building No. 1, navy yard, Philadelphia, Pa. (H. Doc. No. 753); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation required by the War Department to provide medical and hospital supplies, etc., for relief of sufferers from floods in the Mississippi and Ohio Valleys (H. Doc. No. 755); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in said State, reported the same with amendment, accompanied by a report (No. 697), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes, reported the same without amendment, accompanied by a report (No. 698), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 23934) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 700), which said bill and report were referred to the Private Calendar.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the House Calendar.

Mr. CONRY, from the Committee on Military Affairs, to which was referred the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people, reported the same without amendment, accompanied by a report (No. 701), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo., reported the same with amendment, accompanied by a report (No. 702), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 703), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes, reported the same with an amendment, accompanied by a report (No. 704), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 18745) for the relief of Emma Louise Du Bois, heir of Amos Towle, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 24525) to preserve and protect human life in ocean travel; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of California: A bill (H. R. 24526) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; to the Committee on the Public Lands.

By Mr. CALDER: A bill (H. R. 24527) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same; to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 24558) to establish a fish hatchery and fish-culture station at Lincoln, in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 536) authorizing the payment of the expenses of the Committee on the District of Columbia in making the investigation authorized by House resolution 154, to an amount not exceeding $10,000 in addition to that heretofore authorized; to the Committee on Accounts.

By Mr. GARRETT: Resolution (H. Res. 537) authorizing the Mississippi River Commission to investigate and report upon the cost of constructing a system of levees or embankments along said river in connection with those already constructed; to the Committee on Rules.

By Mr. BROUSSARD: Resolution (H. Res. 538) authorizing and directing the Mississippi River Commission to investigate and report upon the cost of constructing a system of levees or embankments along the Mississippi River, etc.; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 539) providing for the consideration of House bill 22593, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 24528) granting a pension to Mary E. Macklin; to the Committee on Pensions.

Also, a bill (H. R. 24529) granting an increase of pension to William E. M. Oursler; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 24530) granting a pension to Eli Thomas; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 24531) to correct the military record of Benjamin F. Lovett; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 24532) granting an increase of pension to Nathaniel Mead; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 24533) for the relief of heirs of Joseph Melancon; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 24534) granting an increase of pension to Julius Kloehn; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 24535) for the relief of the heirs of Dr. John W. Kirk, deceased; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 24536) granting an increase of pension to Dominick Dacy, alias Michael Conners; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24537) for the relief of Charles Wouters; to the Committee on Naval Affairs.

By Mr. CARLIN: A bill (H. R. 24538) for the relief of James S. Garrison; to the Committee on War Claims.

Also, a bill (H. R. 24539) for the relief of the estate of William Knight, deceased; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 24540) granting an increase of pension to John T. Morgan; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 24541) granting a pension to James W. Banks; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 24542) granting pensions to the minor children of Capt. Devreaux Shields; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 24543) for the relief of John A. Wanless; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 24544) granting a pension to Mary Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24545) granting an increase of pension to Andrew Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24546) granting an increase of pension to William L. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24547) granting an increase of pension to Benjamin Puckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24548) granting an increase of pension to William N. Perry; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 24549) granting a pension to Martha E. A. Ackerman; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 24550) granting an increase of pension to Neil Hughes; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 24551) granting a pension to George Rodney Burt; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 24552) granting an increase of pension to John Breeding; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 24553) granting an increase of pension to Margaret Bunnell; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 24554) granting a pension to Amanda Fisher; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 24555) granting an increase of pension to Edward W. Clough; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 24556) granting an increase of pension to William H. Chenoweth; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 24557) for the relief of Paymaster Frederick G. Pyne, United States Navy; to the Committee on Claims.

By Mr. AIKEN of South Carolina: A bill (H. R. 24559) granting a pension to James T. Cape; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24560) for the relief of the Milwaukee Structural Steel Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of representatives of every Jewish society of Wilmington, Del., against passage of the Dillingham bill and all other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of the mayor and the City Council of Los Angeles, Cal., relative to regulations of ocean steamers as to lifeboats and deck crews, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Petitions of U. S. Grant and other Sons of Veterans' camps and general memorial committee of Cincinnati, Ohio, relating to erection of monument to the late Gen. William Henry Harrison, President of the United States; to the Committee on the Library.

Also, petition of Independent Order B'rith Abraham and B'rith Sholom, of Cincinnati, Ohio, protesting against bills requiring literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AINEY: Resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham and other bills restricting undesirable immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Petition of citizens of Warsaw, Kosciusko County, Ind., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BARTLETT: Resolutions of Independent Order of B'nai B'rith, of Macon, Ga., against passage of bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BROUSSARD: Papers to accompany bill for the relief of estate of Joseph Melancon, of St. Martin Parish, La.; to the Committee on Claims.

By Mr. BYRNES of South Carolina: Petitions of citizens of Fairfax, Barnwell, Allendale, Bamberg, Beaufort, and Denmark, all in the State of South Carolina, favoring legislation to give the Interstate Commerce Commission further power toward the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Barnwell, Allendale, Fairfax, Bamberg, Beaufort, and Denmark, all in the State of South Carolina, protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Resolution of the Patriotic Order Sons of America and Daughters of Liberty, of Brooklyn, N. Y., favoring passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CANDLER: Petition of citizens of Mississippi favoring passage of bill providing old-age pensions for deserving men and women over 65 years of age; to the Committee on Pensions.

By Mr. CARY: Petition of Charles R. Van Hise, president of the University of Wisconsin, favoring the Rockefeller foundation; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petition of the New York State Legislative Board, Brotherhood of Locomotive Engineers, Electric City Division, No. 382, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petitions of Polish National Alliance No. 265, Polish Mechanics No. 100, Azytelnis Pokka and St. Cassmiers Paigst, of Buffalo, N. Y., against passage of the Dillingham bill and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of the State of New York, relating to the promotion of efficiency in the administration of the Federal Government; to the Committee on Appropriations.

Also, petitions of the Civic Club of Carlisle, Pa., and the Woman's Home Missionary Society of the Presbytery of Philadelphia, Pa., urging an appropriation of $105,000 for a pier at the Philadelphia immigrant station, Gloucester, N. J.; to the Committee on Appropriations.

Also, petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petitions of the Allied Committees Political Refugees Defense League of America, New York; the United Hebrew Trades, New York; the Socialist Party, Branch No. 3, New York; citizens of Philadelphia, Pa.; and the United Polish Societies, Brooklyn, N. Y., protesting against the passage of the Dillingham bill (S. 3175) containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Sons of the Revolution in the State of New York, favoring passage of Senate bill 271, for publishing all archives relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of the National Civic Federation of Washington, D. C., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. FOSS: Petition of the First Russian Branch of the Socialist Party, of the city of Chicago, protesting against passage of the Root amendment to the immigration bill—any alien who conspires with others to overthrow a foreign government is liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Petition of citizens of Middleburg, Pa., favoring passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Order of Railway Conductors and Brotherhood of Railroad Trainmen, of Philadelphia, Pa., favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of a citizen of New York City, N. Y., against passage of the Oldfield bill, to amend the patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of Isaac E. Lippincott, of Camden, N. J., favoring passage of House bill 1339, to grant increase of pensions to certain soldiers who lost an arm or a leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Illinois Manufacturers' Association, against legislation to amend patent laws; to the Committee on Patents.

By Mr. GOLDFOGLE: Resolutions of Ostrolenka Lodge, No. 206, Order B'rith Abraham; United Borisower Lodge, No. 598, Independent Order B'rith Abraham; Fortschutt Lodge, No. 207, Order B'rith Abraham, of New York City, N. Y.; German-American Alliance of Philadelphia, Pa.; Allied Committee of the Political Refugee Defense League of America, of New York; Bernhard Baer Lodge, No. 27, Independent Order Ahawas Israel, of New York City; Repiner Lodge, No. 23, Order B'rith Abraham; Ahawas Sholem Anskey Pinsk; H. B. Lodge, No. 65, Independent Order Ahawas Israel; Juda Halewz Lodge, No. 204, Independent Order B'rith Abraham; Jessie Seligman Lodge, No. 103, Independent Order B'rith Abraham; Aaron Weiss Lodge, No. 244, Order B'rith Abraham; Orler Brotherhood Lodge, No. 291, Independent Order B'rith Abraham; Independent Minsker Lodge, No. 601, Independent Order B'rith Abraham; Jehuda Mezobish Lodge, No. 393, Order B'rith Abraham; Sons of Judah Lodge, No. 438, Independent Order B'rith Abraham; Joseph Held Lodge, No. 527, Independent Order B'rith Abraham; Kerdaner Association and American Progressive Lodge, No. 524, Independent Order B'rith Abraham; and Rozesishower Lodge, No. 521, of New York City, N. Y., against passage of Dillingham bill and amendments, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the adjustment committee and Philadelphia (Pa.) Lodge, No. 511, Railroad Trainmen, urging passage of the so-called workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Lancaster County, Pa., favoring passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Resolutions of the Commission Merchants' Association of New Haven, Conn., against passage of certain parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham and

other bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Frederick Baruch, of San Francisco, Cal., against passage of anti-injunction bill which will legalize boycott; to the Committee on the Judiciary.

Also, petition of California Civic League, of San Francisco, Cal., favoring legislation to prevent such disasters as that of the *Titanic;* to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. C. Drew, of San Francisco, Cal., favoring House bill 22589, to provide for purchase of a building for American embassy in the City of Mexico; to the Committee on Foreign Affairs.

Also, petition of the California Canneries Co., of San Francisco, Cal., favoring legislation to protect Mississippi Valley from floods; to the Committee on Rivers and Harbors.

Also, petitions of the Labor Council of San Francisco, Cal., against employment of nonunion men by W. B. Moses & Sons Co.; to the Committee on Labor.

By Mr. KORBLY: Petition of Benjamin Harrison Lodge, No. 587, Independent Order B'rith Abraham, Indianapolis, Ind., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LAFFERTY: Petition of John H. White and other citizens of Portland and The Dalles, Oreg., favoring the passage of the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. LAFEAN: Papers to accompany House bill 19165, granting increase of pension to Samuel M. Pitzer, of Bendersville, Adams County, Pa.; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolutions of the Twenty-first Assembly District Socialist Party, of Brooklyn, N. Y., against passage of Root amendment to immigration bill relative to deportation of aliens, etc., and of the Patriotic Order Sons of America, favoring passage of Dillingham bill for restricting undesirable immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the United Lithuanian Societies and Russian Branch of the Socialist Party, of Chicago, Ill., against passage of Root amendment to immigration bill for deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Square Deal Lodge, No. 752, Brotherhood of Railroad Trainmen, against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. McCOY: Resolutions of the Independent Order of King Solomon and Independent Order B'rith Abraham, Admiral Sampson Lodge, No. 192, and Independent Order of King Solomon, Jemelers Lodge, and citizens of Newark, N. J., against passage of Dillingham and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Stationers' Association, of Philadelphia, Pa., protesting against any change in the present patent laws; to the Committee on Patents.

Also, petitions of Morris Haber Lodge, No. 7; Hyman Lodge, No. 75; Marcus Jastrow Lodge, No. 152; Liberty Lodge, No. 12; Columbia Lodge, No. 19; United Minsker Lodge, No. 163; and Boruch Spinoza Lodge, No. 185, Independent Order B'rith Sholom, Philadelphia, Pa.; of Rabbi Saehs Lodge, No. 46, Independent Order, Ahawas Israel, Philadelphia, Pa.; of Samuel J. Randall Lodge, No. 8, Independent Order B'rith Sholom, Philadelphia, Pa., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of Baron De Hirsh Lodge, No. 535, Independent Order B'rith Abraham; of Wachuowker Lodge, No. 85; First Berschader Lodge, No. 79; Washington Lodge, No. 48; Has Acarmel Lodge, No. 60; Dr. A. R. Bickstein Lodge, No. 29; Harry Sacks Lodge, No. 57, and First Chotoneer Lodge, No. 80, Independent Order B'rith Sholom, all of Philadelphia, Pa., protesting against passage of the Dillingham bill (S. 3175), containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. POST: Petition of the Patriotic Order Sons of America, National Camp, favoring passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Connecticut Merchants' Association, favoring passage of bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Independent Minsker Association, at New Haven, Conn., against passage of the Dillingham bill and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Brotherhood of Railroad Trainmen, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of America's Organization of Automobilists, New York, favoring improvement of the highways; to the Committee on Agriculture.

Also, petition of the Committee of Wholesale Grocers, New York, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Northwestern University School of Commerce, Chicago, Ill., favoring passage of bill providing an international commission to look into the high cost of living; to the Committee on Foreign Affairs.

Also, petition of E. A. M. Sweeney, of New York, protesting against passage of the Oldfield bill relative to abolishing restricted prices on goods; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Wm. H. Enhaug & Son, New York, protesting against passage of the Oldfield bill for preventing fixed prices on patent goods; to the Committee on Patents.

Also, petition of American Progressive Lodge, No. 521, Independent Order B'rith Abraham; Baranower Lodge, No. 243, Independent Order B'rith Sholom; Roeder Lodge, No. 24, Independent Order B'rith Abraham; Isidore D. Doctorow; and Hyman Sherman, all of New York, protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. THAYER: Petition of Lithuanian residents of Worcester, Mass., protesting against passage of Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of the Knights of Israel and the Independent Minsker Association, of New Haven, Conn., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Labor Union of Meriden, Conn., favoring passage of the humanitarian bill (H. R. 16844); to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petitions of Oldmoral Sampson Lodge, No. 192, Independent Order B'rith Abraham; of Grand Lodge, Independent Order of King Solomon; of Arnold Weiss Lodge, No. 8; King Solomon Lodge, No. 1; Jewelers' Lodge, No. 12; Brisk Dilita Lodge, No. 11; Baruch Abi Klausub Lodge, No. 2; and Iron Bound Lodge, No. 15, Independent Order of King Solomon; and of Baron Rothschild Lodge, No. 105, Independent Order B'rith Abraham, all of Newark, N. J., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TUTTLE: Petitions of Morristown Lodge, No. 375, Independent Order B'rith Abraham, of Morristown, N. J.; of the Grand Lodge, Independent Order of King Solomon, of Newark, N. J.; of the Allied Committees Political Defense League of America, New York; of the United Hebrew Trades, New York; and of the United Hebrew Organization of New Jersey, protesting against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of citizens of thirty-seventh congressional district of the State of New York, praying for legislation that will give the Interstate Commerce Commission power to regulate express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States Grand Lodge, Order B'rith Abraham, of Elmira, N. Y., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the thirty-seventh congressional district of the State of New York, opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of United States Grand Lodge, Order B'rith Abraham, and Providence City Lodge, No. 143, Providence, R. I., against passage of the Dillingham and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petitions of Liberty Lodge, No. 12; First Bershader Lodge, No. 79; Washington Lodge, No. 48; Dr. A. R. Bickstein Lodge, No. 28; Columbia Lodge, No. 19; Har Acarmel Lodge, No. 60; Star Beneficial Lodge, No. 112; Harry Sacks Lodge, No. 57; First Chatiner Lodge, No. 80; Sol Wederitz Lodge, No. 96; Louis Singer Lodge, No. 18; Ind. Preiaslower Lodge, No. 245; King Solomon Lodge, No. 101; Barneh Spinoza Lodge, No. 143; Wachnewker Lodge, No. 85; Benjamin Franklin Lodge, No. 38; Kanever Lodge; Benjamin Franklin Lodge, No. 327; and Royal Lodge, No. 440, Independent Order B'rith Abraham, of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Pennsylvania, favoring passage of House bill 22339 and Senate bill 6172, against workmen being timed with a stop watch while at work; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Patriotic Sons of America, favoring passage of the Dillingham bill (S. 3175), containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolution of Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *May 15, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

John W. Alves *v.* United States (S. Doc. No. 670);

Virginia Lape, administratrix of the estate of Wentz Curtis Miller, *v.* United States (S. Doc. No. 669);

Alexander Mackenzie *v.* United States (S. Doc. No. 668); and

Henry L. Abbot *v.* United States (S. Doc. No. 667).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary" approved March 3, 1911, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910; and

H. J. Res. 39. Joint resolution proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the State Association of Postmasters of Colorado, praying for the enactment of legislation providing that free city delivery be extended to all second and third class post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Ladies' Waist and Dressmakers' Local Union No. 25, International Ladies' Garment Workers' Union, of New York, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented a resolution adopted by the Chamber of Commerce of Philadelphia, Pa., favoring the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the General Conference of the Methodist Episcopal Church of Minnesota, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ASHURST. I present a telegram in the nature of a petition in reference to Senate bill No. 1. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *May 10, 1912.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

Arizona Medical Association, at Bisbee, May 8, passed resolutions earnestly requesting you to lend every aid to the passage of Owen Senate bill No. 1 without malicious amendments, which will defeat its purpose. This association is composed of allopaths, homeopaths, and eclectics. Are unanimous in this respect.

W. WARNER WATKINS, *Secretary.*

Mr. SUTHERLAND presented a petition of Salt Lake Lodge, No. 106, International Association of Machinists, of Salt Lake City, Utah, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Woman's Auxiliary of St. Thomas's Church, of Hanover, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented the memorial of Alfred L. Gilbert, of Berlin, N. H., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Georgetown Citizens' Association, of the District of Columbia, favoring the enactment of legislation providing for the acquisition of certain land along the course of Rock Creek, which were ordered to lie on the table.

Mr. CATRON presented a memorial of the New Mexico Retailers' Association, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented memorials of sundry citizens of Florence, Darlington, and Hartsville, all in the State of South Carolina, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of members of the Southwestern Minnesota Medical Society, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of Sanford Hunt Camp, No. 19, Department of Michigan, United Spanish War Veterans, of Jackson, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. SHIVELY presented a petition of the Trades and Labor Assembly of Logansport, Ind., praying for the enactment of legislation prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

Mr. O'GORMAN presented a petition of the United Trades and Labor Council of Buffalo, N. Y., praying for the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a petition of Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War

Veterans, of New York City, N. Y., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the war with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New York, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Society of the Sons of the Revolution, of New York, praying that an appropriation be made for the preservation of the records of the War of the Revolution, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, Syracuse, and Brooklyn, all in the State of New York, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented petitions of Charlotte Center Grange, No. 669; of South Ripley Grange, No. 1032; and of Westfield Grange, No. 109, all of the Patrons of Husbandry, in the State of New York, praying for the establishment of a governmental postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts or lumber rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the California Wholesale Grocers' Association, praying for the enactment of legislation to regulate the marketing of merchandise, which was referred to the Committee on Standards, Weights, and Measures.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which was referred the bill (S. 4568) granting an increase of pension to Annie R. Schley, reported it with an amendment and submitted a report (No. 754) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the amendment, submitted by himself on the 2d instant, proposing to appropriate $50,000 for the establishment of a system of roads in the Mount Rainier National Park, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4654) to regulate contracts for the future delivery of cotton, reported it with amendments.

LAND AT TWIN FALLS, IDAHO.

Mr. HEYBURN. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, and I submit a report (No. 753) thereon. I call the attention of my colleague, the Senator from Idaho [Mr. BORAH], to it.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Jones	Smith, Ariz.
Bacon	Curtis	Lodge	Smith, Ga.
Borah	du Pont	Martine, N. J.	Smith, S. C.
Bourne	Fall	Myers	Smoot
Bradley	Fletcher	Nelson	Sutherland
Bristow	Foster	Oliver	Swanson
Brown	Gallinger	Overman	Thornton
Bryan	Gardner	Page	Townsend
Burnham	Gronna	Paynter	Warren
Catron	Guggenheim	Perkins	Watson
Chamberlain	Heyburn	Richardson	Wetmore
Clark, Wyo.	Hitchcock	Root	Williams
Clarke, Ark.	Johnson, Me.	Shively	Works
Crawford	Johnston, Ala.	Simmons	

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. A quorum of the Senate is present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 6833) for the relief of Manuelita Swope; to the Committee on Indian Depredations.

By Mr. DU PONT:

A bill (S. 6834) granting an increase of pension to William E. Vickers (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

(By request): A bill (S. 6835) for the relief of William A. Kinsolving; to the Committee on Claims; and

A bill (S. 6836) granting an increase of pension to Charles W. Ash (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6837) granting an increase of pension to Almira C. G. Stearns (with accompanying paper); and

A bill (S. 6838) granting an increase of pension to Mary E. Buchanan (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6839) granting a pension to Manerva Eveann Dealey; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6840) granting an increase of pension to Harriet V. Tiernon (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6841) transferring the military reservation of Fort Thomas, Ky., from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Navy; to the Committee on Military Affairs.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL (H. R. 24023).

Mr. DU PONT submitted an amendment proposing to increase the salary of the messenger to the Committee on Military Affairs from $900 per annum to $1,440 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate $1,500 for the salary of shipping commissioner at Norfolk, Va., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PAGE submitted an amendment authorizing the Auditor for the State and Other Departments to credit Hobart J. Shanley with the sum of $1,501.75 for certain credits claimed and suspended for lack of itemization, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MESSENGER TO COMMITTEE ON THE UNIVERSITY OF THE UNITED STATES.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 312), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the University of the United States be, and it hereby is, authorized to employ a messenger at $720 per annum for the balance of the present session of Congress, to be paid out of the contingent fund of the Senate.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CLARK of Wyoming submitted the following concurrent resolution (S. Con. Res. 21), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

ELECTION OF SENATORS BY DIRECT VOTE (S. DOC. NO. 666).

Mr. BORAH. I present an article prepared by Senator JOSEPH L. BRISTOW on the direct election of Senators. I move that the article be printed as a Senate document.

The motion was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

The VICE PRESIDENT laid before the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, returned to the Senate in compliance with its request.

Mr. GALLINGER. I move that the votes whereby the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 23635. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title, and referred to the Committee on the Judiciary.

AFFAIRS IN MEXICO.

Mr. FALL. I have here, Mr. President, an article printed in the El Paso Times of recent date referring to a matter which has been discussed in the Senate, and I would ask that the article be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JAPANESE MAKE A DEAL WITH OROZCO—MADERO SPY IN EL PASO JAIL TELLS OF PLOT—SAYS RED FLAGGERS GRANTED MIKADO'S AGENTS MAGDALENA BAY AND OTHER CONCESSIONS FOR WAR MONEY.

In consideration of the Magdalena Bay concession in Baja California, and whatever additional concession they see fit to take, according to the terms of an agreement signed by three representatives of the Japanese Government and Pascual Orozco in Chihuahua on March 9 last, the Japanese are to furnish the necessary sums of money to Orozco to carry his revolution to a successful termination, was the declaration yesterday of Peter F. Aiken, who was a Japanese spy in the Russo-Japanese War and later a spy for the Mexican Government.

Aiken is at present in the county jail in El Paso serving a six months' term, having been convicted at the recent term of the United States district court on a charge of making a shipment of munitions of war into Mexico in violation of the President's proclamation.

Full details of the transaction which led up to the signing of the agreement between Orozco and the Japanese, together with the names of the Japanese, which he could not at this time recall, are among the papers which Aiken asserted he forwarded to E. S. Rogers, formerly a Congressman from Minnesota, 204–205 German-American Bank Building, at the intersection of Fourth and Roberts Streets, St. Paul, following his arrest in El Paso on March 20.

Included among the papers, Aiken said, is his diary, in which are the names of the Japanese representatives and maps of Mexico prepared by him during the nine months he was in Japan after the close of the Russo-Japanese War, which specify the proposed points at which the Japanese asserted they would land in the event of a war with the United States.

Magdalena Bay figures prominently, he says, in the maps which are in the possession of Mr. Rogers, for it was at that point he declared the officers of the Japanese Army told him they would land their troops and establish a base for supplies preparatory to the invasion of the United States.

Aiken asserts that at that time he was regarded with full confidence by the Japanese Army officers, having rendered them valuable assistance during the war with Russia.

With reference to the alliance that Aiken declared was entered into by Orozco and the three representatives of the Japanese Government, whom he said were generals in that army, he asserted that the Japanese are now furnishing Orozco money to carry on his campaign, the other sources, he says, having been exhausted some time ago.

According to Aiken, who said he went to Chihuahua for the purpose of seeing Orozco and getting some money from him, he was taken to Orozco's headquarters by Gen. Emilio Campa.

Shortly after they had entered the Orozco's apartment at Chihuahua, Gen. Inez Salazar came in, followed by three Japanese. The Japanese carried a large map of Mexico, which they placed on the long table in the office before Orozco. Orozco, Aiken said, was seated, while the Japanese remained standing.

During the conference the map passed from one side to the other, being marked at each passing by the Japanese with red ink. The marking indicated the places which were to be given to the Japanese Government as consideration for the money to be furnished Orozco by them.

Magdalena Bay, Aiken said, was the first place marked by the Japanese. They selected other points, Vera Cruz being among them.

After the ceremony of marking was concluded the Japanese, Aiken said, drew forth two bulky parcels, containing legal cap paper, embodying the terms of the agreement. One was the original and the other the copy, and had already been signed by the Japanese.

Both were handed over to Orozco and he signed both, returning the original to the Japanese representatives. All then shook hands, and the Japanese departed.

During the continuance of the conference, Aiken said, Orozco displayed anxiety, and showed an eagerness to have the Japanese take their concessions and fulfill their promises of sending him the money for his revolution.

When the papers were signed, Aiken said, Orozco turned to two other Mexican red flag generals and remarked that he had made an excellent agreement.

Shortly after this, Aiken said, he encountered the Japanese representative at the Palacio Hotel, and there asked them for $100, which they gave him.

He asserted that the name of one was Togo, not the admiral, but a general in the Japanese Army. However, he said that the names of all were in his diary, and this he expected to have within a few days, having written to Mr. Rogers to forward his papers to him.

Orozco, Aiken declared, had told him that he felt from the very beginning that the Japanese Government would come to his support, and he had always favored an alliance with Japan, and that he was willing to give them Magdalena Bay or any other concession they wanted in order to secure their assistance in carrying on his revolution.

The Japanese left Chihuahua the next morning following the signing of the agreement, going in an automobile from Chihuahua to Torreon, the railroad connections between Santa Rosalia and Torreon being destroyed at that time.

Aiken has been in the employ of President Francisco I. Madero, having accepted, he asserts, his recent position of spy with the Government forces from the President. He stated that Madero always entertained a great dislike for the Japanese, believing that if they gained a foothold in Mexico they would overrun the country and this would result in either war with Japan or with the United States.

Orozco, Aiken stated, during the Madero revolution against Diaz had made a suggestion to Madero to the effect that the Japanese be given concessions in Mexico, but to these overtures Madero was firm in his denial.

At the close of the Russo-Japanese War, and while he was in Tokyo, Aiken said that the feeling there against the United States was very bitter, and that the Japanese at the time were preparing for an invasion of this country.

To this end, he said, they prepared maps of Mexico with a view of securing concessions from the Mexican Government, and from these maps he made his copies.

Aiken declares that the Japanese figure they could never waste time in taking the Philippines, which they could do without any serious trouble, but would land their troops at Magdalena Bay and other coast points of Mexico, and would then invade the United States.

With the Japanese spies that Japan has at present in the United States, Aiken says, they could organize a formidable army.

Aiken enlisted in the Japanese Army as a spy in Washington, D. C., being accepted by the ambassador of Japan, he says, after his first application.

Aiken was engaged as a spy by Diaz during the Madero revolution, and later figured in this capacity for Madero until his arrest and conviction here in El Paso.

His father is master mechanic of the Hillsboro-Northeastern Railway at Hillsboro, Wis., and his sister is principal of the high school at Glidden, Wis., he says.

Mr. FALL. Mr. President, I desire to make a statement with reference to the article which has just been read.

I would not ordinarily ask that a newspaper article should be read and printed in the CONGRESSIONAL RECORD, but this clipping came to me from as responsible and reliable a man as there is in the southwestern country. He is a man who is representing very large interests in Mexico, not the corporation interests but the interests of seven or eight thousand American colonists in the Republic of Mexico. Accompanying this newspaper article was a letter from this gentleman. I know him and have known him for years. I can vouch absolutely for his responsibility. I have not dared to send the letter to the desk and to ask to have that printed, because to publish his name in connection with this article with the contents of his letter might possibly cause very grave complications and might inure to his injury, as he is engaged in Mexico, and the interests of those whom he represents are altogether in the Republic of Mexico. It is under these circumstances alone that I would ask that a newspaper article be printed.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the Agriculture appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. BURNHAM. Mr. President, I desire to offer two amendments to the bill. First, on page 23, line 20, after the word "demonstrations," I move to strike out the words "and for" and to insert the word "in."

The PRESIDING OFFICER (Mr. ROOT in the chair). The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 23, line 20, in the committee amendment, after the word "demonstrations," it is proposed to strike out the words "and for," and in lieu thereof to insert the word "in," so that, if amended, it will read:

For farmers' cooperative demonstrations in the study and demonstration of the best methods, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. Now, on page 88, line 3, after the word "when," I move to insert the words "officials and," to correspond with the fourteenth line in reference to the same subject.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 88, in the committee amendment, line 3, after the word "when," it is proposed to insert "officials and," so that if amended it will read:

That hereafter when officials and employees of the Department of Agriculture, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, on yesterday at frequent intervals we were interrogated as to the remedy to be proposed

for the evils complained of. I send to the desk a proposed amendment, to follow the provisions relating to the forest reserves.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the provisions relating to the Forest Service, it is proposed to insert the following:

Provided, That whenever after the passage of this act any State within which the United States shall have public lands, reserved or unreserved, except lands held in connection with actual Government use, shall by constitutional provision provide for acceptance of the grant and conveyance of the lands as herein provided and for the enactment of such land laws by the legislature of such State as shall in the judgment of the Congress, to which such constitutional provision shall be submitted, insure a wise and adequate control, administration, settlement, and disposition of such lands by the State, then the President shall, by patent, convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State and shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

That after the transfer of such lands to the State they shall be open to settlement and sale under the laws of said State.

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That no State shall, by law or otherwise, grant or dispose of any such lands to one person or association of persons or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims and all rights in lands of any character whatsoever.

Mr. HEYBURN. The effect of the amendment is to transfer the administration of the public lands of the United States to the respective States in which they are situated. A primary reason is that of convenience of administration and efficiency as well. The distance of the applicant and the subject of the application are so far removed to-day from the administrative center that great hardships and impossible conditions arise. The basis of most complaints is that, because of the distance of the applicants from the source of judgment, it is impossible both from a financial standpoint and one of physical possibility for them to comply promptly with the requirements.

I have read with much interest and amusement at times the provisions with reference to the entering of homesteads and the conditions imposed upon the parties seeking to enter homesteads.

It was suggested yesterday in the discussion of this question that when lands were to be eliminated from the forest reserves notice should be given of that fact and transmitted through various channels to the head of the department in Washington; that thereupon a survey and inspection or investigation would be made; and having been made and a report thereof transmitted, the rights of the party would be considered. The inquiry arose in my mind where would the applicant be during all of this time—living in his canvas-covered wagon at the border of the State or somewhere along the public highway and paying for the right of his poor old horses to graze upon the wild grass that grew along the highway? Those are the conditions within the contemplation of the suggestion.

A man who wants a home can not wait for these conditions. It is a physical impossibility, as well as a financial impossibility oftentimes, for him to wait. He will go on to some other promised land and try to find a home elsewhere, and the State of his choice loses the opportunity for him to become a citizen and that which would flow from it.

Mr. President, that is in keeping with much of the administrative provisions against which we now protest. The man hunting a home is not, as a rule, if ever, possessed of any more than sufficient means to pay his expenses while going to the new home and during the period intervening before his selection and the productiveness of that home. The elimination of areas termed agricultural within forest reserves has been most frequently granted to those who are sufficiently wealthy probably to stop at a hotel in some neighboring town and wait until they could get a segregation authorized that would enable them to get some desirable piece of land, but it has no application and serves no useful purpose to the ordinary homeseeker at all.

I want that thought to rest in the minds of some Senators who intend to give their attention to this matter, because it is one of the greatest of all evils growing out of the system. I epitomize it in this way: They provide that a man hunting a home shall wait for inspection, classification, survey, and the routine performance of these duties before he knows whether he will get a home or not. My colleague [Mr. BORAH] yesterday read a letter from one of the officials that very well illustrates this proposition, but you can carry it away out beyond the party interested and mentioned in that letter into the general body of home seekers. That is the condition that we are confronted with. I am not going to spend time inveighing against it, because I only cite it as an illustration of the necessity for some change in the manner of acquiring homes.

That condition could not exist if the administration of the public lands was in the State government. It would not exist because it would be too close at hand, and some neighbor could conveniently call the attention of the State authorities to the matter or call it to the attention of the member of the legislature who went up from his immediate environment to the capital, or to any one of a dozen sources, and have it corrected, or he could telephone from one part of the State to another. There is no part of our State that is not connected by telephone, and he could call up an official and call his attention to the fact that he desired to settle upon this piece of land, and the State land board, or whatever it may be denominated, would adjust it, and they could do it in a few days instead of many months, as now.

So that this proposed transfer of jurisdiction would obviate those delays or that class of delays. It could be speedily determined. As now, you do not know who is in charge of the investigation. They will not allow you see the official report in the Land Office. You can get no line whatever on it until perhaps in two or three years you are officially notified in terse language that your application has been rejected.

I have files full of letters of actual cases of that kind, but inasmuch as I presume that many other Senators have the same class of communications, I will not encumber the RECORD by inserting them.

That is one of the reasons for transferring the jurisdiction over these lands to the States in which the lands are situated, because in the first place the applicant must be a citizen of the United States and he must be a resident of the State in which the lands are. That is his environment; that is the condition that must exist; and why should not the law be administered more conveniently in the State under the safeguards provided for by the proposed amendment?

Now, let me make plain what the proposed amendment is. It is, first, to transfer the jurisdiction to the State. It does that by transferring the title of the lands to the State, but the precautionary measure is that the State shall by constitutional amendment first, before it is entitled to these lands, provide to the satisfaction of Congress such basic law or principles of legislation as will insure against erratic legislation by the State or against the squandering or the waste of the land.

Now, in the Carey legislation we allowed the States to take title to the lands, subject to certain supervision remaining in the Government and subject to legislation by the States, but from my observation of the working of that law I think it is open to criticism that it is subject to changing legislation by the States.

Now, we simply transfer a satisfactory system of laws approved by Congress, guaranteed by the constitution of the State, which must meet with the approval of Congress, and then we turn over the lands to a well-equipped, well-guarded, and safe administration. We meet there the objection of erratic legislation; we meet there the objection that the States would squander the lands. Congress under this proposed amendment first establishes the organic law under which the States may act and protects against the possibility of the happening of these dire things.

Now, that is the second proposition.

Mr. SMITH of Arizona. Mr President, if the Senator will permit me, what provision does his amendment make as to the expenses of administration after the States have control?

Mr. HEYBURN. The State administers its lands now, and it provides within the law regulating that administration for certain payments, sufficient to compensate it for expenses. No profit is to be reaped by anyone; and the other is a question of fees. It provides also for the payment to the General Government of 5 per cent of the money received from the disposition of these lands.

Now, 5 per cent may or may not be the exact sum that would represent justice and fairness, but it is a tentative basis from which to consider this proposition about our character of legislation. That is in recognition of the fact that the State will make these lands taxable and will derive a benefit that to-day flows to no one, because they are not taxable either by the United States or by the State or State authority, and the State can well afford, when it sells a part of these lands, to pay 5 per cent of it to the Government of the United States in recognition of the fact that they have derived the lands and title and administrative power from the Government of the United States.

I want to dwell a moment on the reason for requiring a constitutional guaranty against reckless legislation or unwise

legislation. We have no right to presume that States will indulge in unwise legislation, but nevertheless it seems to me that a guaranty against it doing so is proper enough in a transaction of this magnitude. The forest part of the public-land system is a losing proposition to the Government and has been always. It is a bankrupt proposition to the extent of millions of dollars. We are gaining nothing by retaining the title or the possession or the administration of these lands, but, on the contrary, are paying the price of a great many things every year for this luxury.

I proposed this at a former Congress, as Senators who were here at that time will remember, and received considerable support for the then proposed amendment. But the objection was made continually that we can not turn these lands over to the reckless disposition of the States. Mr. President, we turned the lands of Florida over to it a half century ago, and has there been any charge that Florida has proven either incompetent or unfaithful in the administration of those lands? In the treaty by which we acquired Texas as a part of the Union we reserved to Texas the absolute uncontrollable right over the public lands or the lands within the State. Has there been any scandal or complaint that Texas has not wisely administered the public lands? If so, it has not come to my attention. There is every reason to believe that the State will more efficiently and wisely administer these lands, and I will briefly refer to that directly.

Now, those are the provisions preliminary to the transfer by the Government of the title to these lands, and I bespeak for them the careful consideration of Senators. Senators whose minds have not been directed to the consideration of this question I ask to take up with an open mind, having before them the necessity of some change in the system. To those who have considered this question I bespeak that further careful consideration of the choice between the two systems.

Now, the amendment provides that—

Then—

That is, when these things have happened, when we have submitted the charter of our power, the charter that limits us in legislating on the subject, and it shall have met with the approval of Congress, and Congress shall have authorized that upon those conditions and those guarantees the administration shall be transferred to the environment of the man and the land, then the President is authorized to patent the lands to the States. States are not to be sneered at as irresponsible bodies, and I make no exception. The integrity of one State and the ability of one State are as great as another. No States in this Union were comprised of foreign people with such sentiments. You will find in every State in the West that the leading minds and masters who made and who have managed the affairs of the State had their training, or the foundation for it, under the influences and the conditions of the best civilization, intelligence, and culture in the United States.

I said once before—and I have taken some pains to ascertain the facts—that I can find in our mines a larger percentage of college graduates from the great institutions of learning in the United States than in any township in any State lying between here and there. They are there for the purpose of taking on practical experience. Every summer a large number of students and many graduates of our State university come to the mines seeking positions, which are readily obtainable by them, for the purpose of adding to that which they have learned theoretically—the practical operation and application of it—and that is true of all the great States of the West.

Colorado has one of the best educational institutions in the United States that depends upon that source for its patronage and students, and I submit the inquiry as to whether or not we may not safely intrust the administration or execution of this law to that class of men, because they are leaders among men wherever they are. They learned the lesson of leadership in the environment of the East and the great country lying between the East and the West, and they exercise the result of what they have learned in that country, and you can trust them.

But this provides the limitations within which they can act. Now, what next comes is the transfer of the lands:

Then the President shall by patent convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State—

Patents are then to issue from the State as they do now under the Carey Act—

And shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

I might have said "the laws thereof," but I wanted to emphasize, under the circumstances, by repeating that term. But after the transfer of such lands to the State they shall be open to settlement. The main thing to be considered in regard to these lands is not that they should be owned or held by either the Government of the United States or the government of the State, but that they shall pass into individual ownership.

We use the term "sale" to cover the location of mining lands. That is the term used by the courts as to all that class of property. The lands are to be held for settlement and sale under the laws of said States.

Those lines I repeat will not be subject to change after Congress has accepted the constitutional provisions of the State limiting the manner and the scope of such laws:

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That is a question which does not need to be dwelt upon. As I say, it is in recognition of this grant, and I think it only fair that that should be one of the sources. It will of course terminate when the lands are all disposed of—

That no State shall by law or otherwise, grant or dispose of any such lands to one person, or association of persons, or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

We have the homestead limit; we have the mining limit; we have limits of various kinds as to coal lands, and so forth. That is open to consideration. I have incorporated that language in the amendment as a tentative source of consideration during the pendency of this discussion.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I wish to ask the Senator from Idaho whether he thinks that under existing law the grant of sufficient coal land is permitted to enable an entryman to develop a coal mine?

Mr. HEYBURN. Yes; I do.

Mr. NEWLANDS. Does not the Senator think such an entry ought to be enlarged?

Mr. HEYBURN. I think it is sufficient, for the reason that the experience of a great many years has demonstrated the fact that coal lands may be opened up under such limitations. I have heard a good bit of discussion and suggestion here in regard to the necessity of larger areas. That started in a message from a former President embodying that suggestion. It was discussed at length in this body. I heard no good reason why there should not be an increased area. I will discuss that, however, when the time comes.

The next provision is:

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims, and all rights in lands of any character whatsoever.

In other words, I want a complete elimination of these vexed questions from the legislation of this body. We want to send it where it can be determined under the laws of the State, in the courts of the State, subject to the jurisdiction of the United States courts, under the peculiar situation or condition of the parties.

Mr. President, the burden of procuring title to homesteads and other classes of public lands has grown so that men refrain from attempting to procure it. The prospector has practically disappeared. The prospector was the cornerstone and foundation of the mineral wealth of the United States. He was never a geologist. No scientific discovery of the precious metals was ever made in the United States that added to its wealth. Can any Senator or any geologist suggest an instance? I made the challenge in speaking before those men who insist that the scientific knowledge of geology is necessary to enable you to know where and to look up and find mining claims, and they never denied that fact. I repeat, no valuable discovery of mineral in the United States was ever made by a scientific man acting upon real or imaginary scientific purposes.

The prospector is a man belonging to a class that stands out by itself, and they have quit. They will not work under restraint. I will undertake to say that you will hear more and better real patriotic American citizenship around the camp fire of those prospectors when they travel over the mountains, guided by their own knowledge that can not be learned in any college—you will hear better American citizenship talked, you will hear better and broader principles of loyalty and love of Government than you will hear anywhere, I might say.

Mr. President, when these lands are opened to be prospected and settled and purchased, those men will go into the field again, or others in their stead. Nearly all the old prospectors have gone out of commission since the creation of these forest reserves. You could no more get one of them to go on a forest reserve to prospect under the supervision or control or dictation

or possible interference of a forestry officer than you could get him to come down here and put on evening clothes—not a bit. The Senator from Nevada [Mr. NEWLANDS] knows that.

What would old man Comstock have thought of scientific theories in regard to whether or not a vein could exist where he knew that it did exist? He did not care why it existed there. He had enough geological knowledge perhaps to know what the syenite footwall of a Comstock ledge meant, because he could stick his pick in it and he could strip it off and ascertain its dip and angle and do his work in the light of practical experience, and he did not have to look into any book to know it. He knew the minerals from long experience. He could estimate and judge of them and of their characteristics and quality and value about as accurately as the assayer could tell him.

Now, you have eliminated those people by this forest-reserve system. As I say, they will wear the shackles of no man. They will be subject to the carping criticism of no man. They will quit the business first. That is, the prospectors, men like Comstock and Kellogg and Jack Smith and John King. I could stand here and name those I have known until they would fill pages, men like old man Stevens, who discovered the existence of the mineral wealth of the Leadville Camp. I have heard geologists drawing $40 and $50 a day for testifying sit there and say that that ledge could not exist where Jack Smith said it did exist, and they would ask the jury to believe the scientific men. I have lived to see the prospector vindicated and the scientific man made the subject of joke who said that ore bodies could not exist; that the conditions were such that they could not exist at all.

I was in Leadville when the California and Nevada scientific men came there to examine those discoveries, and I heard them say there can not possibly be mines of any value here. They had never seen them of that kind in California or Nevada, and that was the limit of their wisdom. I heard them say that Friar Hill could not possibly have any value for mining purposes, and I saw it produce millions and millions of dollars almost at the grass roots. I saw the same in the Coeur d'Alene country from the Colorado men. I saw the same men who had disproved the wisdom of the Nevada and California experts confused in the Coeur d'Alene country because the conditions were different from those in Colorado or California. I know one of the richest mining men in the United States to-day who turned the Bunker Hill mine down for $35,000—and he had the money to pay for it—because it did not look like any mine he had ever seen and therefore it could not be worth anything.

Now, he was not a prospector. He was a mining man. There is all the difference in the world between a prospector and a mining man. A prospector is a hard-working citizen who goes out and takes his chances with climate and nature and poverty and hunger and spends his time in the discovery of mines. The mining man wears what we used to call a Thompson boot—that is, the fair-leather boots that laced up the side—and he parts his name in the middle, as a rule, and talks wisdom about geology, and he is trying to sell somebody else's property. That is the mining man as distinguished from the prospector.

Of course he goes out of business as mining ceases to be attractive to capital. The prospector goes out of business when any man dares to say to him your exercise of rights as an American citizen is subject to my inspection, approval, and control.

They have on this list of employees mining experts at so many thousand dollars a year. I am not going to stop to carp at the salary of some man, but those are the men—I was going to say in half a dozen cases that I could name, but I do not want to name too many people and things—who went to miners with whom I am acquainted and with whose property I have some acquaintance, and said to them, "You are wasting your time here. This will never make a mine. Get off here. You can not encumber the earth at this point. We are forestry inspectors, and this is the mining expert whom we have brought here to say whether or not you are justified in taking possession of this piece of property and expending your time on it."

In the days when mining was a great business in this country we had on the Supreme Bench of the United States some great men who had personal knowledge of mining and the methods relating to it. In the case of Chambers against Harrington the question came to them for decision if the court was to be the judge whether a man's discovery was good or if it was the man who staked his money, his labor, and his time. They decided in that case that whatever the miner was willing to spend his time and his money upon for purposes of development constituted a valid discovery of a mining claim. The courts have sometimes forgotten it. I had occasion 20 years or more ago to relitigate the question in the light of that decision against the opposing views of a court that undertook to insert the word "reasonable"—"with the reasonable expectation of finding ore." Chambers against Harrington said, "with the expectation of finding ore" and that left it, of course, to the judgment of the man who had the expectation to spend his labor upon it and his money. That supreme court held that they could read into the law the word "reasonable," "with the reasonable expectation of finding ore," but the Supreme Court of the United States settled that question. They held that the court could not write the word "reasonable" into the law.

Now, the Forestry Service is disregarding the law of the Supreme Court of the United States daily, and in a large number of cases, and is paralyzing the energetic arm and the intelligent brain of the prospector by holding that in their judgment he is not justified in spending his time or money upon it. They are disregarding the decision of the Supreme Court and they are silent when you call their attention to it.

That is the result of placing the power in the hands of the Forestry Service to say whether or not the prospector is justified in making a discovery and spending his time and money upon it. In arguing this case in those days I inquired whether or not it was reasonable to suppose that any man, poor as a prospector always is, anxious for speedy receipts, as a prospector always is, would waste his time in digging holes out in the mountains, oftentimes or generally many miles from comfort and civilization. There is no reason why he should. It is a little like the supposition that seems to be accepted that men go out and cut down trees for fun. There is nobody in this Chamber so energetic as either to cut down a tree for fun or to dig a hole in the ground or drill it in the rocks without reason—his reason, not somebody else's, not the substituted reason of a self-constituted critic, but the reason of the man who contributes the labor and assumes the responsibility.

I have felt justified this morning in dwelling some upon this, because it has resulted in closing up the source of mining and mineral wealth in this country to a very great extent. The only mines that are being worked to-day—there may be exceptions, but I speak generally—are those that were discovered before this black pall was thrown over the field of possibility. They are enlarging and extending the scope. They are controlling the market for mines and the product of mines by limiting the possibility of the development or discovery of mines. That is worth considering, when you realize that whatever we produce—and we certainly do produce a large quantity of it in this country—is the basis of our real wealth. We have a lot of promissory notes out, and they are good; but they are good because there is behind them the gold that results from the prospector's work. No gold mines have been discovered in Wall Street as yet that were open to location and purchase by the prospector.

So that is a great question, and I do not feel called upon to apologize at all for having taken the time of the Senate in presenting it. It is a live question, and it is involved in this amendment. It is involved in the bill under consideration. Its fate is written in the lines of those documents.

I wrote the other day to our western country inquiring in regard to prospecting as to whether those old men or others in that place were at work scouring the mountains to find mines, and I was told that they were not; that they had been compelled to retire from that occupation because they would not submit to the interference and supervision and criticism and dominion of the forest reserve representatives. Why should they submit? Right in the State of Idaho, in the county in which I live, we produce one-third of the lead produced in the United States. We produce vast quantities of silver and gold and copper. But we are producing it from the mines that we had succeeded in securing before the forest reservations were blanketed over that country.

The southern part of our county, which was only not developed along those lines because the area of the country was large and the people were few, is as rich in mineral resources as that from which we are now producing $22,000,000 a year. That is in one county, in one part of a county, in a small fraction of a county. But nobody will go in there in the forest reserve subject to its intereference, restrictions, and annoyances even to look for it. If you found it they would find a reason to make it undesirable, so much so, first, that you would not develop it; and second, that if you did nobody would buy it.

Men will not go within a forest reserve where they can not cut a stick of timber for ordinary accidental transient use without sending for a forest State ranger to some point difficult of ascertainment. They would not be bothered by it. They will say, "We will quit the mining business; the annoyances have accumulated to such an extent that we are not willing to subject ourselves to them"; and unless we can pass a compulsory

mining law that will compel men to prospect and other men to buy and operate the mines, it looks to me as though we were limited to existing conditions.

Send those prospectors back into that country by adopting this amendment so that those lands will be free and open to exploration, as Congress said they should be when they passed the acts of 1866 and 1872.

I will not undertake to characterize or to dwell at length upon the reasons that have brought about this condition. I can cite just one brief instance that may be a cue to it. A neighbor of mine, or at least a fellow townsman, had a mining claim, and a very good one. He had discovered it and worked upon it from 1884 up to 1892, when this occurred, and through his individual labor, or by it, he had opened up that mine until it had a splendid showing of ore. He went to one of the representatives of a large mining combination that had bought up a whole section of country and was mining it to great profit, and he said to him, "I would like to sell you my mine; you know it is a good mine." "Yes; I know it is a good mine; I think it is one of the best new properties in the camp, but," he said, "I can not consider the question of buying it with you until I have consulted with certain members of the Mine Owners' Association, because they have an arrangement for the limiting of the purchase and development of mines; they do not want new producing mines contributing to the market of metals and ores"; and he added, "I will let you know at a certain time." And he did. He then said, "I have consulted with a certain man"—who was a very large operator and one of the officers of this organization—and he said, "We have concluded not to purchase any more mines just at present." A little mine like that in the hands of an individual of limited capital is useless unless he can get the facilities for milling, transporting, and working his ore. The smelting combination limit the quantity of ore that will be purchased, and they have a system of discriminating as to what ores will be taken and what will not be taken. So, in a measure, they limit his market.

I am talking in the presence of men who know about these questions, and I shall assume that, if they are silent, they concur in what I am saying. The combination will limit your opportunities to mine the ore, transport it, and sample it, and they will limit the opportunity to sell it. They will say, "We will take so many tons from this mine, so many tons from that mine, and so many tons from another mine," and they tell them to what point they are to ship it. They will wire you, "Ship your ore this month to Kansas City," or "Ship 50 cars to Leadville," and so much to another point. They will tell you not only on what terms you may market it, but will tell you where you must send it.

That is a condition that is brought about very largely by the limitation of opportunity to discover new mines and open them up. They do not want new mines opened up unless they can control their output; they do not want new mines opened up unless they can control the disposition of the product of the mines.

I am speaking now of a combination. We have in our country individuals who are strong enough to disregard them, but the man who has spent his years and all the money he had to find the mine, who has only the find and not the realization, is not in a position to do it. Give those men free opportunity to open up mines, so that every morning when you pick up the newspaper you will be confronted with statements of new discoveries of mines, and you will break down these combinations. They did not exist as they exist to-day until after these prohibitive conditions were brought about. So much for that.

For that reason, I want the public mineral lands of the United States to go under the administration of the State governments, in order that those who live in the neighborhood, who know the conditions, and who are free to exercise their rights of citizenship, may have something to say about the terms and conditions upon which the discovery and location may be made.

Now, as to coal lands. The relation of the assets of the soil to the people of the United States is one that has been at times very much misunderstood or misstated. No thoroughly sane man would seriously propose that the Government own and operate the coal mines of the country. I have never heard anyone stand out for that contention. Conditions such as exist to-day in near-by States, and have existed in all parts of the United States within the last 12 months, amounting to a reign of anarchy and a disregard of law—by whom I need not say—are sufficient in themselves to afford a reason why the Government should not even consider the ownership of coal lands.

The object of the formation of this Government was to afford men opportunity to engage in gainful enterprise—individuals; it was not to form a government that should indulge in gainful enterprise. No one ever urged that as a reason for the making of the United States of America. The primary purpose was to give opportunity to the units of government. If the United States is justified in retaining the ownership of the coal lands and working them under any system, I care not what, it is equally justified in retaining and operating the farm lands, the fruit lands, the fisheries, and all other of the assets of the country.

Mr. President, I am going to ask for a vote upon this amendment at the proper time, and every Senator who answers to his name when the roll is called will be required to vote upon these questions. I might be met by the statement that all Senators know all about it and do not need to hear. They may be in the position of the apostle, or whatever he may be termed, in Arabia, who had a great reputation for wisdom and erudition. A concourse assembled for the purpose of hearing him. He came there, rose, and said, "How many of you know what I am going to say and how many of you do not?" They all rose in response to the first proposition. He walked away. The next time he came he propounded the same question, and in order to catch him they said, "None of us know," and he walked away. When he again returned he propounded the same question, and they said, "Some of us do and some of us do not." "Well," he said, "those who do can tell those who do not," and he walked away. [Laughter.]

Mr. President, I merely referred to that old legend in order to suggest that when a vote is called for I should like Senators to know upon what they are voting; and while I realize that this is the luncheon hour of the Senate, yet I feel it a duty to the cause for which I speak to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROOT in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, S. C.
Bacon	Davis	Oliver	Smoot
Borah	du Pont	Overman	Swanson
Bourne	Fall	Page	Tillman
Brown	Fletcher	Paynter	Townsend
Bryan	Gallinger	Perkins	Warren
Burnham	Gardner	Rayner	Watson
Catron	Gronna	Richardson	Wetmore
Chamberlain	Heyburn	Root	Williams
Clarke, Ark.	Johnston, Ala.	Shively	Works
Crawford	Jones	Simmons	
Culberson	Lodge	Smith, Ariz.	
Cullom	Martine, N. J.	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on important business. I understand he is out of the city, and so I make this announcement to stand for the day.

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] is unavoidably detained from the Senate, but he has a general pair with the senior Senator from Virginia [Mr. MARTIN].

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. HEYBURN. I regret to have felt it necessary or proper to disturb Senators, and I hope I did not disturb them unduly in their luncheon hour. But I sit here week after week, month after month, and listen to their wisdom and give the questions they present that consideration which in the performance of my duty I must. I am presenting a great question, not that my presentation will add to or detract from its greatness, but I am presenting a question with a view of getting responsible action at the hands of Congress. The measures that I am submitting to-day will be the law of the land in the near future, and I am of the opinion that if the Senate will to-day give it that careful consideration to which it is entitled, they will avoid the necessity of much expense and vast labor on the part of the Government and of the legislative bodies—the two Houses. I am proposing a measure that will save to the Government of the United States millions and millions of dollars every year.

Now, I had said that when the rights to the assets of the country were being determined it was not in the aggregate but individually. The country has it already. They already have all the coal in the ground. You and I have an undivided interest in all the coal lands and the wealth within them and in all the forests, and there is no principle of law that would authorize Congress to give any part of it to any class of people. It belongs to all.

But I am speaking to the question of individual participation in the active use and development of the resources of the coun-

try, and that is the important question, and it is a question that some Congress is going to solve speedily. The withdrawal of men from attempting to take up land or discover mines or extract coal and ore will mean stagnation. It will mean an exaggerated form of the conditions that are to-day deplored by men who are content with a lachrymose contemplation of evils that exist in every direction. The remedy is not difficult. There is a man for every plow in this country. There is a man for every pick and shovel in this country. There is a man for every opportunity that exists. The difficulty of to-day is that some one, like a little thoughtless child, has encompassed its toys and possessions within its arms to exclude all other children from participating in them to save something.

We are a Nation considering how we may use things, not how we may save them. The saving is an individual proposition. The growth and development of this country do not depend upon savings. They depend upon the useful and gainful acceptation of these opportunities. That is what I speak for. Now, make available the coal lands either within our borders at home or in Alaska or elsewhere to American citizens with the same rights, and the American citizens will hold in their hands the solution of the development of coal lands, the production of coal to meet the necessities of people, and the American citizens, considered singly or in the aggregate, constitute the tribunal that must settle these questions.

Mr. President, I remember on this floor eight years ago when we were told by men who were responsible to Congress and to the people that the coal supply of the United States would be exhausted in 19 years 11 months 2 weeks and 3½ days.

They had figured it down. The visible coal supply in the United States to-day is greater than it ever was within the knowledge or conjecture of man. Do people mine coal and sink it in the sea? Do they mine coal not to be used? Do they mine coal for anything but use? Is there an abnormal reserve of mined coal in the country to-day? What would the people have done had it not been mined? On the question of evil in mining there is a lot of published talk about the waste of natural resources by a lot of irresponsible people who do not know how to think, who are talking to attract attention and to create the impression that they are possessed of great erudition. Turn them out and let them depend on their resources, without special favors, and they would starve to death.

Let us look at these questions in a reasonable manner. I repeat that inquiry: Where is the waste of lumber, the waste of coal, or the waste of water? Has it been burned up or destroyed. The amount of timber that was burned occupies about the same relation to the available timber remaining as does the point of a pin to the earth. I went out purposely to see it. I saw the fire. A fire always makes a big noise like these reformers and agitators. You might imagine that the whole country was crying out for relief; and I went out to look at those fields and went over them.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Along the lines of the suggestion of my colleague, with reference to the amount of timber in the country, may I read a brief article?

Mr. HEYBURN. Certainly.

Mr. BORAH. I read from an article in the Pocatello Tribune, a paper published in the State of Idaho, and the statement seems to come from Prof. Shattuck, of the University of Idaho:

IDAHO'S TIMBER WEALTH—ONE HUNDRED BILLION FEET AVAILABLE IN THE VAST FORESTS OF THE GEM STATE—ENOUGH TO BUILD 7,500,000 COTTAGES—STANDING TIMBER CAN NOT BE EXHAUSTED AT PRESENT RATE OF CUTTING FOR 140 YEARS—HEAD OF FORESTRY GIVES STARTLING FIGURES OF ONE OF IDAHO'S GREATEST RESOURCES.

SPOKANE, WASH., *April 9, 1912.*

Raw material available in the forests of Idaho for the manufacture of wood products is estimated at 100,000,000,000 feet board measure by Prof. C. H. Shattuck, head of the forestry department of the University of Idaho. This would provide sufficient lumber to erect more than 7,500,000 five-room cottages and several million cords of fuel wood.

"At the present rate of cutting, reported to be about 700,000,000 feet a year," Prof. Shattuck said in making the foregoing statement in the course of an interview here, "Idaho has a resource in its timber that can not be exhausted in the next 140 years. This computation does not include the annual growth.

"The present annual growth of our timber is estimated to be more than six times the lumber cut, and if the present policies are carried out the time will never come when the yearly timber cut will exceed the annual growth of wood in the State."

Prof. Shattuck said the State as a whole is yet in its infancy in the manufacture of wood, the amount of capital invested, and the number of men employed in the forests and mills. Capital invested in lumber manufacturing plants amounts to $17,872,478, or 55 per cent of the total investments in manufacturing in Idaho.

The value of the lumber products in 1910 was $10,689,310, or 47.7 per cent of the total value of all manufactures of the State; while 8,220 men were employed in the factories, 5,212, or 63.4 per cent, were dependent on wood-manufacturing establishments for employment.

The wood-manufacturing industry exceeded all others in Idaho in added wealth, contributing $7,344,532, or 58.8 per cent of a total of $12,479,643 in 1910.

Eight hundred and eight thousand dollars was expended by the United States Government in 1910 in protecting our forests from destruction by fire, and four of the fire-protective associations, composed of timber holders and sawmill operators, spent more than $100,000 in patrolling their timber lands and the holdings of private individuals of Idaho.

We protect our forests so that we may have the largest possible wood harvest. We have learned that for every thousand feet of lumber manufactured $8 is paid to wage earners, who must be clothed and fed, thereby stimulating other industries.

Men engaged in other industries are often inclined to feel they have no interest in forestry. Yet the prosperity of those engaged in any industry is largely dependent on the magnitude and success of other lines. For instance, if the entire population were engaged in farming, there would be little market for farm products. The farmer wants factories, where large numbers of wage earners who are consumers of his products may obtain the means to purchase what he has to sell. So it also is with the stock raiser and the fruit grower. Each must have a demand for his products to prosper. The factory owner has an advantage in being near large quantities of the raw material from which he manufactures his products.

If we multiply the figures given for Idaho's wood manufactures for 1910 by 6, the relative yearly growth compared with the annual cut, the result will indicate the actual possibilities of the lumber industry in Idaho and as it will be developed in a few years. The figures would show the value of our lumber products to be $64,135,860. This should stimulate every resident of the State to use his influence in protecting the enormous undeveloped resources of our forests.

So there is some chance of having some timber left after a decade.

Mr. HEYBURN. I am indebted to my colleague for producing the figures and the statement, unquestionably the result of intelligent investigation and consideration by an official of the University of Idaho. I understand Prof. Shattuck is connected with that institution.

We were sought to be stampeded here on each recurring Congress in the consideration of this bill by the statement that the timber of the United States would be exhausted in a certain number of years. More than half of that period has expired, and the timber of the United States is an increasing proposition. There is more timber to-day than there was 50 years ago. There is more timber in the State of Idaho than there was at any previous period. The cutting out of the large trees does not mash and destroy the trees that are coming on. It only gives them more sunlight and more opportunity to grow and develop.

Of course, I can not apply this to trees in the State of California, where I have seen and laboriously ascertained that some of them were more than 3,000 years old. I spent one Sunday afternoon at Guerneville counting the rings of one that had been sawed off. It had 3,200 indications of yearly growth, and it had grown out of the stump, the circle of which still remained, and the tree from which stump still lay on the ground with nothing but a bark, and on that tree there were indications of 2,800 years' growth. I computed the joint age of those two trees as 6,000, and they were in such a perfect state of preservation that they were being manufactured into great sticks and shingles and other useful articles.

We have reforestation in Idaho since I became a citizen of that State that is to-day merchantable timber, used for the timbering of mines and the building of cabins and all those useful purposes.

But I was speaking of coal. They have withdrawn in the State of Idaho a large area of ground, as possibly containing coal. I only wish they would find it. We would not object to their finding it, but do object to their withdrawing the land because coal may be there. We object to their preventing the investigation by the only people who will investigate, and those are the people who would gain something by it. A lot of Government experts investigate things without any interest in them except their salaries. A man who will investigate the public lands of the United States for the purpose of determining its wealth is the man who expects to gain something as the result of his investigation.

Mr. President, the public lands within the State of Idaho alone affected by the provisions of the reclamation act of June 17, 1902, amounted on February 1, 1910, to approximately 2,237,380 acres of land. That was a subterfuge.

We had succeeded in invoking the wisdom of Congress to the enacting of a law to prevent them from creating more forest reserves. So they changed the names, and they call them other things. Two million two hundred and seventy-seven thousand three hundred and eighty acres.

Of this area, approximately 1,327,280 acres are withdrawn from all forms of disposal under what is termed the "first form."

That is quoted.

The object of using that term and quoting it is to prevent the ordinary layman from knowing what they mean. They give

it a mysterious name and designation, and you have to hunt up a separate volume to find out what that word means; but it does mean 1,327,000 acres of land—

or as sites for reservoirs, sources of materials for construction, or protection of watershed areas.

This is a new item.

Approximately 950,100 acres are withdrawn under the "second form"—

That is quoted also—

as probably susceptible of irrigation and subject to entry only under the homestead laws as modified by the provisions of the act of June 17, 1902.

That is where they first attacked us. Then Idaho is also affected by another withdrawal—

The temporary power-site withdrawals, under supervisory authority, in the State of Idaho include approximately 115,000 acres of land along Salmon, Snake, Payette, Kootenai, Clark Fork, St. Joe, and Coeur d'Alene Rivers.

Then it gives the townships. I want to call attention to the invasion of the rights of the State in that regard. I will say that while I may seem tedious and occupy a good bit of time, I am going to make a record in regard to the merits of this legislation and the proposed amendment that will stand forever.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on request of the Senator from North Carolina, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I was saying that, at the expense of being deemed tedious or tiresome, I intend to make a record in regard to this legislation that shall stand for the contemplation and intelligent observation of the people of the United States in and out of Congress so long as this question may be open. It is high time that it was exposed. The people have grown weary of promises of reformation in regard to it, and although I speak to none but the chairman, nevertheless the record will be made and it will reach the people.

Now, they have withdrawn this land for the purpose which they designate—temporary power sites. The muck rakers, speaking personally through their chosen journals and papers, have wrought the people up until they really believe that there is some great danger of the monopoly of the use or right to use the waters flowing in the streams or resting in the lakes of the country.

I know good people who are content to allow other people to speak for them and accept the speech as evidence of truth. I have had people say to me, "Would you allow the monopolies of the country to gather up all the water power and water-power sites?" I was asked this morning whether I am in favor of that, and if not, why I was speaking the way I did yesterday.

In the first place, there is no such thing as property in water in any State in the Union. No person or combination of persons can obtain title to water. It is one of the free elements of nature. No law ever undertook to make property rights in water. What they do give is the right to use water and to use it again and again. There is no such possibility as monopoly in water or water sites. Under the law of one State the constitution declares:

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Not subject to the control of United States. That is a constitution. That provision was ratified by a Congress of the United States and is a part of the contract of statehood. Congress can not change the provisions of the constitution of a State. Congress can not repeal an admission act. Yet we have allowed these self-constituted guardians of the public domain to assume proprietorship over the waters of a State, and we have helped them by legislating so that the President, forsooth, may withdraw these waters and the use of them from entry and appropriation under the laws of a State.

The act which I have here and which is certified to the Senate upon a resolution that I offered asking for it recites that these withdrawals were made by the President of the United States. I do not stand here to criticize him in person, but I do stand here for the purpose of calling the attention of responsible Senators who must act under their oaths to respect and preserve the reserved rights of the States.

When Congress passed the admission act of Idaho it in express terms ratified the constitution. Idaho had made her constitution before she came here asking for admission, so that Congress was fully advised as to the wisdom and propriety of the constitutional provisions, and in express terms in the admission act ratified it as presented. I have read you section 1 of article 15 of the constitution of Idaho.

No man can reconcile this withdrawal or attempted withdrawal of waters and water-power sites with the contract writen into the Constitution. It can not be reconciled. There is but one conclusion, and that is that in reckless disregard of their duties under the law these intrusted agents of the people have undertaken to override the Constitution, and I am here to speak for the deliverance of a State from the hand of the spoiler.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I do.

Mr. WARREN. I will state that the provision the Senator has read from the constitution of Idaho I think prevails in almost if not in precisely the exact language in Wyoming and other States.

Mr. HEYBURN. I presume so.

Mr. WARREN. I may say that so far as I know we have by no legislative act changed the condition there.

Mr. HEYBURN. We could not change it. Of course it is applicable, and it is contained within the constitution of other States. But I was seeking to point distinctly this question by a reference to the section I have read. Will Senators sit here and disregard a question of that kind for any reason of convenience? They will not do it in violation of principle, I know, but are we to be the victims of convenience and comfort as a State?

Why, some day those will be the great States of the Union, greater than those that are now great. We have passed a number of States on the road in the few short years of our existence as to population, wealth, and productiveness. I make this appeal to the Senators who were elected to represent the Eastern States and whose committee meetings at this particular time prevent their presence in the Chamber. You can, however, rest safe in the assumption that when the power comes to us we will not exercise it in disregard of the rights of any State.

No State—and I say it without animadversion upon any—no State ever grew with the rapidity of the State I represent in this body. It had lain there undeveloped because there were not enough people to cover the ground that far out. They had not discovered its natural resources and the possibilities. But when they came they were a select body of men. The drones do not reach there to any great extent. Perhaps now and then one is blown upon the breeze and lights there, but the record of productiveness in our State indicates that we draw from the best blood of the East.

And yet you would say that we are not capable of administering the coal-land laws. We are entitled to be your market. Under the laws of the country, under the laws of nature, we are entitled to be your market for coal or any other product of our State. Take that into your minds and digest it. We have been your market for the fisheries of New England. We have afforded you a market for the coal of the Alleghenies for a century, or a part of it, as it may be. We have afforded you a market for the products of your looms and your factories. We have afforded you a market for that which you produced and we did not. Now, in the turn of fairness, we are entitled to the position which nature placed us in without carping or criticism.

Why should you come to be masters of the natural products within our responsible boundaries more than that we should invade your boundaries of State? The right is not in the geography; it is in the citizenship, and an American citizen in that far western country has equal rights with the citizen in any other part of it.

When you talk about controlling the coal fields of Wyoming or Colorado or Idaho or of the State of Washington, you must not lose sight of the fact that nature placed them in a position to be your market in which to buy. They are entitled to it. It is one of the assets of their sovereignty. It is also a market in which you may sell. Under the law of retaliation, if you deprive us of that right to be made a purchasing market, we should retaliate by refusing to be your selling market. But the Government was not based upon such principles and will not be so conducted.

So, I say, turn these lands over to the jurisdiction where God Almighty placed them. Turn the coal mines over to the jurisdiction within which they are found. Turn the mines of all metals over to the jurisdiction where they were placed. Suppose that we had not acquired that territory, as we did, under the Louisiana purchase, would you be to-day in a position to say whether its coal should be mined under lease or under contract or whether the title should pass in some individual? No country of tenants was ever a country worthy of much consideration.

We want master men in the American citizenship. We want men who own things for themselves and work for themselves as far as is compatible with the possibilities. The larger the proportion of men who work for themselves in any community in any State or any nation the higher the grade of civilization. They will step freer. They will hold their heads higher. I would rather buy coal of the man who owns the mine than of a man who had it under a lease from the Government of the United States, because I would be contributing to the prosperity of the American citizen individually rather than contributing to a fund to be played with.

So I have no apology to make for including coal within it, and I have wanted to express those views for the RECORD for a long time. I am not in favor of leasing coal lands. I am not in favor of building up a State or a community of hirelings. I want individual responsibility behind these enterprises.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. The Senator says that he is not in favor of leasing coal lands. I wish to ask him what he would do with the large areas of grazing lands.

Mr. HEYBURN. Now, Mr. President, just a moment. Last evening when the Senator was speaking of those questions some thoughts came into my mind, and I sought to contribute them to the subject he was discussing. He said he would rather not be interrupted, and he gave a very good reason for it, and I acquiesced. It was that he was coming to it. I am coming to that question.

Mr. NEWLANDS. I am very glad to have the benefit of the Senator's judgment upon that question——

Mr. HEYBURN. We have reached it.

Mr. NEWLANDS (continuing). For I think that by an exchange of views among the western men with reference to the various classes of lands we may probably arrive at some conclusion as to the code of law——

Mr. HEYBURN. So do I think.

Mr. NEWLANDS (continuing). That shall be applied to their government.

Mr. HEYBURN. That is the reason——

Mr. NEWLANDS. I think the Senator and myself——

Mr. HEYBURN. Just a moment. That is the reason why I thought an exchange of views at that time might possibly be beneficial, but I am at any time perfectly willing to take up a consideration of these questions for an exchange of views.

Mr. President, so much for the coal question, and I have only touched upon it. It is a great question and we will have it up for independent consideration during this session, I presume.

The mineral I have already discussed. The timber needs no discussion, because it is obvious that they have built up a fictitious idea and school in regard to timber that crumbles like a house of cards when it is touched. In the first place, they always come at you with the figures representing feet. It sounds large to say 200,000,000 feet. You can pile up 6 feet of timber of that desk. But they like to use figures in that way.

The fact is that we have in the State of Idaho probably the largest bodies of white-pine timber remaining in the world that are known, and we have had them there. I have been there nearly 35 years. Those who preceded me seem to have been free from the desire to destroy them, and I know that I may claim credit during the period I have inhabited the State of having respected that timber. I have neither burned it, nor cut it, nor wasted it, nor sought to obtain title to it or any part of it. I think if the disposition to plunder the public domain was as marked as it is pictured here there would not have been a stick of timber left in the State; they would have destroyed that which they could not use. The fact is nobody wants to destroy timber. There is nobody in the United States as much interested in its preservation as the people of Idaho, and there is nobody in the United States as zealous for its protection as the people of Idaho.

The trees are allowed to stand and grow until some necessity of use requires that they shall be used. I would keep more of it in my State, had I my way, than we do. Unfortunately, we ship probably 600,000,000 feet a year out of the State. We will need it in the State. We have about 1,200 individual sawmills in the State, and we have a few very large mills. I believe we have the largest sawmill in the world. The aggregate product of the small mills is about equal to that of the large ones. We have built cities and towns and communities and farmhouses and barns and fences and structures of all kinds out of that timber. Do you suppose that we would have built a tithe of them if we had had to go to some imported uniformed inspector to get permission to cut the timber? I would live in the cave of the bears before I would do it, and so would self-respecting American citizens. He will say, "Can you not get along without that tree there?" He will say, "Why do you want this tree?" when in your mind you have planned your house for your use or structure. You have considered this question, and here is a man who has arrived a few minutes before for the purpose of checking up what you chose in the exercise of your rights. He says, "You can not have that tree; you have got to take that one; and you must not cut any timber in this section"; and that may be the convenient place from which to draw the timber. Do you think I would settle or build anything within such a jurisdiction? Nor would any other man who was entitled to be an American citizen.

Now, Mr. President, I am going to pass that timber question for this time and go to the question of grazing. The first man engaged in an industrial enterprise of which we have an accurate record was a man who lived by grazing. He had vast quantities of stock. There is no record that he plowed any ground. I presume he did, however, but it was thought of small importance. Father Abraham was engaged in grazing stock upon the public domain. The best condition that exists is when grazing is reduced to inclosed areas. The sheep industry in Ohio demonstrates that. They raise more sheep to a given number of square miles in Ohio than we do on the broad plains of the West. You can raise more cattle upon inclosed areas than you can upon an unrestricted range.

I see the Senator from Nevada [Mr. NEWLANDS] acquiesces in that. Yet we hear men inveighing against settlement because it would restrict grazing areas. I am for settlement and the inclosure of land and the responsibility that follows it. Those conditions can be best brought about by a near-at-home administration. Grazing is included within agriculture, not within the strict technical definition but by general acceptance, and I have the authority of the Century Dictionary for it. As the word is now used it includes all of those attributes and accompaniments that go with farming or tilling of the soil. When a man tills the soil he must have pasture for the animals engaged in it. He must have pasture for all the animals that are necessary attributes to the country life—the horses, the swine, and the fowls. He has to have pasture land for them. Why should not one man engage in plowing all of his land for the cultivation of grain and his neighbor maintain a grazing farm for the purpose of producing hay to sell to the other man? This administration of the law (and I do not confine it to an individual but to a system) would classify the raiser of hay and those who graze upon the stubble after the hay was cut as not being engaged in agriculture. They would call it pasturage. Pasturage is not necessarily confined to wild land.

We have whole farms, many of them devoted entirely to pasturage, some of them on the cultivated grasses in part and in part on the native grasses. We have bunch grass all over the West that is more nutritious and has a greater sustaining power than has any cultivated grass. That is pasture land. Is the Government to seize the pasture land and hold it as such when all pasture land is susceptible of being converted into tillable land? Are the Government officers to designate and set aside areas for pasture purposes and thus withdraw them from settlement?

I know plenty of men who have settled on land that would have raised any of the grains and crops, who settled there for the entire and exclusive purpose of pasturing stock of various kinds. I have in mind a man who took up a piece of land for the purpose of entering upon the raising of chickens on a large scale. That would not come within the provisions of the definition of agricultural land as it is applied and sought to be enforced by these agents of the Government. In such cases, if they were to apply for a patent for that land as a homestead they would be required to show that they had cultivated a certain number of acres, when perhaps the best use that could be made of that land would involve no cultivation whatever. That is true of pasture land.

Why not let the land go into private ownership under the restricted areas, as they now are, and let the man use them for one purpose this year, for another the next, and for another the

next, according to the conditions that confront him? You can not do it under existing law. You have heard letters read here citing cases where men's homesteads were rejected because they had not cultivated a sufficient proportion of the land, when to have cultivated it would have defeated the purpose of the owner and would have been an unwise and foolish thing to do, because it was more profitable for the uses and the manner of use to which he put it. Let us get rid of that system. You will never get rid of these evils in the administration or the method of administration until you get rid of the law that creates them. You can not reform them; we have tried it for years. I would send such land to the State.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I am very much interested in what the Senator is saying regarding grazing lands. I judge that he takes the view that the law should provide for a homestead entry, and that the use to which that land should be put should be determined by the grantee and not by the grantor.

Mr. HEYBURN. Entirely; that is my position.

Mr. NEWLANDS. I quite agree with the Senator that we should have in view the creation of homes in the main with reference to our public domain, and that if a man can establish a home and support a family upon grazing land he should have a homestead for that purpose. If he can support a family by agriculture, he should have a homestead for that purpose. The Senator, however, realizes that in our country a homestead of 160 or 320 or even 640 acres, such as they have under the Kinkaid law, would not enable a man to support a family, because the land is so dry that the yield is very scanty.

Mr. HEYBURN. I would like to interrupt the Senator.

Mr. NEWLANDS. I would first like to ask the Senator from Idaho to what extent he is willing to go in the creation of a grazing homestead as to area and as to whether he thinks it best that that grazing homestead should be established under an absolute title or temporarily under some kind of a leasing system, so that hereafter, with the improvements in irrigation, and so forth——

Mr. HEYBURN. May I answer there? I will have forgotten the Senator's first question before I reach the other, in all probability. If the Senator will ask his questions so that I may answer them as I go along, I will say, in the first place, I would have the settler the sole judge. One man will succeed on a piece of land where another would fail. A man may raise bees and make a living on a piece of land without breaking an acre of it, where a man who did not know how to raise bees would fail.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Idaho yield to his colleague?

Mr. BORAH. Will my colleague yield to me for a few minutes?

Mr. HEYBURN. Yes.

Mr. BORAH. In order that they may go into the RECORD, I want to state some facts concerning some recent withdrawals, which, it seems to me, may be worthy of consideration; facts which have been brought to my attention lately.

The National Forest Service, at the instigation of the Biological Survey, have withdrawn from sheep grazing in the State of Montana, in the Gallatin and Absaroka National Forest, an area of about 450 square miles. This withdrawn land is estimated to be capable of carrying from forty to fifty thousand sheep, and now it is to be devoted entirely to the grazing of elk which overflow from the Yellowstone National Park.

It is estimated that in and around the park there are approximately 50,000 head of elk; more, in fact, than can be maintained in that country. These elk are increasing at the rate of 10,000 head per year, and if it is the policy of the Forest Service to continue to protect them by these withdrawals, it will only be a few years until the grazing land of these Northwestern States will be gone, so far as sheep raising, cattle raising, and horse raising are concerned.

Within the last two months 15 of these elk from Jackson Hole country, in Wyoming, were loaded on a car and shipped to the Wallowa National Forest, in northeastern Oregon, and there placed in a pasture containing 2,550 acres which had previously been devoted to sheep grazing. The sheep in this instance were moved to another portion of the forest, but were it not for the withdrawal for elk conservation at least 2,000 additional sheep could there be grazed.

This constant withdrawal of land in the interest of conservation is each year limiting the available land upon which can be produced the meat supply so necessary for the people, especially in the present condition of the supply as measured by price; and it is one of the causes undoubtedly which is operating in that direction. The sheep that have been denied grazing in Montana would produce $350,000 worth of wool and mutton each year.

I put this into the RECORD, Mr. President, because I think it is one of the abuses which is being practiced by this power to withdraw these lands. While they can not any longer withdraw land in the State of Idaho, the country, generally, I presume, is interested in having these grazing lands open to the sheep which are to be raised upon the western plains and prairies, if at all, to any great extent; and it all has its bearing upon the proper development of that country. I presume that it is well to have some arrangement with regard to these elk; but it does seem to me that, if there is to be a survival of the fittest, we ought to give the chance to the animals which are so useful in so many different ways.

Mr. HEYBURN. Mr. President, I am indebted to my colleague for calling attention to the question. It is one that enters into the consideration of the measure before us. The withdrawal of every 5 acres of land means diminishing the possible meat product from that country. Of course I am giving a very liberal margin there; but the average will sustain that statement. If you withdraw 20,000,000 acres of land in Idaho that would in itself produce meat enough to control the meat market in Chicago.

Those lands carry native grasses to an extent scarcely found elsewhere. When I first went into the Coeur d'Alene country, in the winter of 1883–4, I had occasion to move around, look at the country, and ascertain what I thought of it. I found on the ridges and the sides of those backbones leading up to the peaks a native growth of white clover and timothy—timothy hay—growing there up to my shoulders, native, indigenous, and white clover that would make it difficult for an animal in packing along those ridges to pass without stumbling. Those conditions exist over thousands and hundreds of thousands of acres that are to-day withdrawn from use. Of course that has an effect upon the meat supply. The population of the United States grows; its productive area diminishes. I set one against the other. It should be, of course, just the other way. As population grows the productive area should grow; but we seem to have fallen into the hands of those who have no realization of that.

Mr. President, I do not want Senators, or those who may hereafter read what I say to-day, to fail in information and its application in regard to those questions. There is withdrawn in the United States over 200,000,000 acres of land. That is larger than some of the largest States. It contributes nothing to the grain supply; it could and would, but it does not. So that if supply and demand affect the price of grain, then, of course, the application is obvious. Two hundred million acres of land! Suppose only 20,000,000 acres of it would produce wheat—and that is the lowest possible estimate—20,000,000 acres of wheat would go far toward supplying the wants of our people; it would graze hundreds of thousands of food animals. That it does not do so enhances the value and the cost of those that are raised. The withdrawn lands will produce more in grain or animals or food products to-day than is produced or is needed. There is enough sugar-beet land withdrawn within these forest reserves to add a large per cent to the sugar-beet production of the United States.

Who is benefited? Let us see. I intended yesterday to give the figures as to who is benefited and to what extent. Here is the question of solvency. It cost to administer upon this misused and misappropriated estate last year $5,919,939.96. That is, for the three items of "investigations, administration, protection, and so forth, of national forests" and permanent improvements of national forests. That is what it costs.

Mr. GALLINGER. That covers all of the forests, I presume.

Mr. HEYBURN. Yes; that is for all the national forests. We received $2,026,906.15. There is a deficit there.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. The Senator will recollect that in that aggregate of expenditure last year there is included a little over a million dollars for emergency expenditures on account of the fires of the previous year.

Mr. HEYBURN. I observe that is noted in the statement here. There was a deficiency between the cost—the amount appropriated, rather, for I do not know whether it cost that or not, and it is not fair to use the term "cost" to the expenditure of that money—but the difference between what we ex-

pended and what we received was the difference between $2,000,000 and $6,000,000. We are not going to grow rich at that rate. Why do we hang on to so unprofitable a business? Is it in the hope that it may become more profitable?

When we commenced upon this wild scheme—I will go back to 1907—the appropriation was $1,827,189.51 and the income $1,571,059.44. There was a deficit of $250,000 there.

Mr. President, I have interjected this statement because I omitted yesterday to state those figures definitely. I will put the entire statement into the RECORD, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

Statement of expenditures by the Forest Service for national forest work and of receipts from national forest resources.

	Fiscal year—										Total.
	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	
EXPENDITURES.											
Investigations	$182,806.94	$284,752.96	$348,773.31	$348,539.09	$233,428.76	$281,693.88	$328,609.73	$357,974.44	$343,439.71	$310,418.57	$3,029,437.39
Administration, protection, etc., national forests	.....	.....	.....	[1] 288,516.86	933,478.39	1,459,631.04	2,526,098.02	2,955,425.01	3,752,316.91	5,335,886.97	17,251,353.20
Permanent improvements, national forests	.....	.....	.....	2,762.18	23,521.28	78,788.27	592,169.19	599,471.02	598,835.64	273,634.42	2,169,182.00
Total expended	182,806.94	284,752.96	348,773.31	639,818.13	1,190,428.43	1,820,113.19	3,446,876.94	3,912,870.47	4,694,592.26	[2] 5,919,930.95	22,440,972.59
Unexpended balances returned to United States Treasury	2,633.06	7,107.04	1,271.37	2,369.55	971.78	7,076.32	11,913.89	19,590.78	49,036.63	34,953.56	136,928.93
Total appropriations	185,440.00	291,860.00	350,044.68	642,187.68	1,191,400.21	1,827,189.51	3,458,790.83	3,932,461.25	4,743,628.89	5,954,898.52	22,577,901.57
RECEIPTS.											
Timber sales: Interior Department	25,431.87	45,838.08	58,436.19	13,133.53	.....	.....	.....	.....	.....	.....	142,839.67
Agricultural Department	.....	.....	.....	60,136.62	245,013.49	686,813.12	849,027.24	732,324.04	1,042,794.12	1,014,769.84	4,630,878.47
Grazing and other uses	.....	.....	.....	6.00	522,206.47	884,246.32	993,254.63	1,074,946.62	1,047,353.96	1,012,136.31	5,534,150.31
Total	25,431.87	45,838.08	58,436.19	73,276.15	767,219.96	1,571,059.44	1,842,281.87	1,807,270.66	2,090,148.08	2,026,906.15	10,307,868.45

[1] Includes disbursements from February to June 30, 1905; national forests transferred to Department of Agriculture Feb. 1, 1905.
[2] Includes $1,086,590.89 emergency expenditures for fire fighting, etc.

Mr. HEYBURN. Mr. President, I am approaching the end of my remarks. It may be encouraging to some to know that; but I have not any conscience that rebukes me for having occupied the attention of the Senate so long.

I now come to the question of water powers and claims. I have read the constitutional provision of Idaho and called attention to the fact that, in disregard of it, they have undertaken to set aside and seize upon the assets of the State of Idaho. I called upon the department long ago for a statement as to the amount they have received for the use of that which they have pilfered from the State, but they have thus far failed to respond. I want to know how profitable this nefarious business in taking somebody's else property is. I want to know whether it is sufficiently profitable for the Department of the Interior to pilfer the resources of Idaho so as to make it overpowering in its influence upon Congress. When they take that which the primary or fundamental law of the land says belongs to Idaho and advertise it and assume to administer upon it, I know of no better word to use than "pilfer," which means to take from.

We have a lot of learned treatises and articles written by clerks in the various departments justifying their action and telling why they do it. but they are not satisfactory. What lands within any State, constituting the resources of the State, need any interference on the part of the Government regulating their use? There is an item in the paper this morning showing the quantity of State lands, lands granted to the State of Idaho by the direct action of Congress—not a contingent grant, but a perfected grant—which they have included within reservations and with regard to which they deny that the State has paramount right and title. The lands were granted to the State when it was created; they are named in the State constitution and in the admission act; and yet, notwithstanding that, a braggart band seize upon them, throw around them an imaginary line, and say, "These lands are reserved and withdrawn and subject to the sole administration of a bureau of the Government." Five hundred and twenty-eight thousand five hundred and seventy-nine acres were thus taken from the State of Idaho; that is, they thought they took them. They intended to, and we will give them credit for the intent. Within those lands a citizen of Idaho may not enter except with the permission of these artificial guardians. They strike terror into the hearts of very good people. Their presence is imposing. In the first place, in many instances, they speak a language that the native can not understand. Not long ago I stood upon the platform of a railroad and saw one of them come up. I was interested. He was a beautiful specimen. He had a jacket nicely braided, and it was a peculiar green that made you think of Robin Hood. He had a cap on, you know, with a little cockade feather in it, and he was walking along stiff-legged when some man addressed him. He looked around, like a German officer is said to look at a man, as much as to say, "Address me with some respect, sir." The man proceeded to say, "I should like to know"—when he was interrupted with the statement, "Do not bother me now; I am busy; I am going on this train"; and he went. That is the kind of men the people there have to come in contact with. I do not know what the mixture of dialects was, but it was not United States. To that condition we have allowed the people of a sovereign State to be subjected. I am sometimes tempted to be lawless.

If I were in the position of those people who have rights and dare to want to exercise them, I would make short work of that case. There ought to be an open and a closed season for them, just as there is for other game. [Laughter.]

Why, Mr. President, last year and the year before they devoted their energies—and I believe they are qualified for that purpose—to catching wild game. They take advantage of the bounty laws of the State, which provide for the payment of a bounty for the ears or some other part of certain wild animals, and they find time in the performance of their duty to collect a great many hundreds of dollars from the State treasury. Of course that is not accounted for; that is one of the emoluments of the office. I am speaking advisedly. I have the reports showing how much those people collected for the killing of wild animals in the State of Idaho.

Mr. President, I do not feel justified in dwelling very much in the way of personal attack upon those people as individuals. The system is wrong. I only speak of individuals to illustrate and bring before your mind the system in its working form, in its operation.

We want that State land placed within the jurisdiction of the State. It is now nominally within the jurisdiction of the State; it is an absolute grant; but they have taken possession of it; their uniform terrifies the civil officers of the State; and they are allowed to occupy it and to control those who would enter upon it. Even the governor of our State or the members of the legislature will not be permitted to enter upon that land.

Mr. President, when we acquired that land from Louisiana we did it under a contract by treaty which provided that the land should be always open and subject to settlement and that proper and sufficient laws should be enacted for it. We have violated that treaty. I say now that there are conditions existing in that area which are worse than any we could imagine

to exist had it remained a part of Mexico. The domination and offensive interference of this department or bureau of the Government could only be compared with the offensive interference and domination of a citizen by those in power in Mexico. It is something for the Nation to be ashamed of.

Will you keep it that way or turn it over to the States, in order that it may have the benefit of neighborhood consideration—home government? It pertains to the citizen of the State in his relation to the State as such citizen and not to his relation to any other jurisdiction.

I want homes. I would let the man select a home where he pleases. He can make but one selection. Senators lose sight of that fact. He can make only one selection, and he is pretty apt to see to it that he selects it according to his judgment. One man likes to occupy the forest; another the plains; another wants the benefits of living, running streams; another is content without them. I have known men to select their homes upon the arid plains from choice. I have known them from choice to select them far up in the fastness of the mountains. They did it in the exercise of a right guaranteed to them. We have been taking it away; we have been allowing some one to come along—some one unacquainted with the person or the circumstances or the capacity of the party interested—and lead him out and say: "You take that piece of land or none. I will withdraw your right of citizenship, unless you exercise it in accordance with my wishes or my judgment."

That is what we have to confront. The attempt—I will not say the attempt, the inclination of too many people to take charge of some other man and run him and control him in the exercise of his rights seems to be growing. The man who does it willfully is a coward. The man who enslaves another would himself be a slave if put in the hands of a stronger man.

The disposition to interfere with some other man's right of citzenship seems to be growing. There will be no individualism in this Government if we keep on. In public affairs the majority should rule and govern, but in personal affairs there is no minority or majority except in the balance of the mind of the individual; and you want to keep that distinction clear. The law should have nothing to do with the individual exercise of the individual rights. The law applies only when a man undertakes to violate it. Ninety people out of a hundred are not restrained by the law. They would do the same if there were no law on the subject. They would be just and fair and equitable in their dealings with each other in the absence of the law. It is only the smallest percentage of people who need the law for strength.

I am almost tempted to point that with existing conditions to-day, but I am afraid I would spread it out into a field that might be broader than the occasion would seem to warrant.

Mr. President, I do not know that the disposition of this body will prompt it seriously to consider a transfer of the jurisdiction of the public lands to the States, but I have sown seed which will light somewhere where it will find root and grow into the only condition that will solve this question.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN].

Mr. BURNHAM. The amendment offered by the senior Senator from Idaho involves the proposition of general legislation upon appropriation bills. It has not been estimated for and has not received the consideration of any committee, and therefore I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. FALL. Mr. President, the discussion of this particular matter contained in the pending appropriation bill has ranged over a very wide field. I must say that I have been surprised at the position taken by some of the Senators upon the propositions which have been discussed. I can not understand, Mr. President, why, in the opinion of any Senator, a man who seeks to acquire a homestead, a home upon the public domain, should necessarily be convicted of theft or be considered a thief because some portion or all of such homesteads might be what is classed as timberland.

I admit I can not understand the proposition from that standpoint. You can undoubtedly obtain photographs of timberlands, of lands growing magnificent timber, upon which homesteaders have sought to acquire homesteads. But it seems to be the impression among some Senators that lands which grow timber are not fit for homesteads. It seems to be the impression among some of the Senators here that if a man undertakes to acquire a hundred and sixty acres of land upon the public domain under the laws of the United States, and some inspector of the Land Office can take a photograph of his proposed homestead entry and show that upon the homestead entry there is growing timber, that necessarily that man must be in the employ of some great corporation and that his object is not to make a home for himself and his family, but that necessarily it must be to acquire the timber for the purpose of disposing of it to some malefactor of great wealth.

If that were true, I should like to know what would have been the condition of some of the greatest States in this Union to-day. The pioneer's first business in Illinois, Indiana, Kentucky, the great Middle West and the South has been to clear the timber from his land that he might grow crops upon it, and yet we are confronted here with the proposition to-day that if a man in the western country undertakes to acquire a homestead upon which there is growing timber, necessarily he must be branded as a thief.

Mr. President, we hear of thieves. We hear of the one man who, contrary to the law and the regulations, possibly, of the Interior Department, seeks to acquire 160 acres of timberland for the purpose, as is claimed, of turning it over to some great corporation. We have heard that, for instance, but I have heard no one here, except the Senators from Idaho, speak of the hundreds of thousands of citizens of this great Union of ours who are going down into the desert and trying to go into the mountain regions of the western country for the purpose of developing the country and making homesteads. Millions of homesteaders have taken up lands, and they have fought not only against all the local and natural difficulties, but fought also against the bureaucratic difficulties which Congress has placed in their way, because it is Congress which is to blame and not the executive department. These men who contend with all these things are never heard of except when it is claimed that one of them tries to acquire land for the purpose of selling its timber to some malefactor of great wealth. It is carried to such an extreme that I have known instances in my own State very recently where a man had a homestead, or at least a homestead entry, segregated from the public domain long prior to the Executive order constituting a forest reserve in that neighborhood, because on his 160 acres there happened to be 20 acres of as fine timber as can be shown in the photographs presented from the State of Oregon. Although he had segregated that land from the public domain by making a homestead entry upon it, the forest reserve having been thrown around his land, the officers of the service took forcible possession of it during his absence and said that he should not go into his own home or enter his own front gate.

I know it is hard for Senators to realize that things of this kind can happen in a free country. I know that it is almost impossible for the Senator from Mississippi to realize that such a report was made as was read here from a special agent of the Land Department with reference to an agricultural entry on a forest reserve. I know it is beyond reason, and that you Senators who do not come into actual contact with these conditions can not realize what we who are undertaking to develop the West have to contend with; not only, as I say, in overcoming the natural obstacles to settlement upon the public domain, but in undertaking to avoid the horde of special agents who hound us when we are undertaking to segregate 160 acres of land from the public domain.

I tell you, Senators, you have upon your statute books to-day a law allowing the head of a family to take 320 acres of desert land and to acquire title to it. I want to say to you that under the regulations thrown around that desert-land entry any man who undertakes to make a desert-land entry to-day in any State in this Union jeopardizes his liberty, and he is liable to be indicted, as hundreds and thousands of our people have been indicted, for attempting to steal the land from the United States Government, simply because they are compelled to comply with such restrictive regulations that it is impossible for them to do so. When they undertake to make final proof, a horde of special agents confront them in the land office—the land office established by the Government of the United States for the purpose of enabling the people to make homes, to segregate these public lands from the general public domain—and before these land offices appear special agents of the Interior Department, special attorneys general of the Department of Justice, and a horde of detectives to prove that this man has cultivated one-sixteenth or one-hundredth of a quarter of an acre of land less than he is supposed to have cultivated under the laws which you have passed presumably for his benefit.

I have advised client after client that he should not attempt to make a desert-land entry in the State of New Mexico because he laid himself liable to go to the penitentiary if he undertook it. He could not comply with the rules and regulations.

What would have been the condition of the great States of this Union—of Mississippi, for instance—if you had sought to throw around the public lands in Mississippi the same restriction that you have thrown around the timber lands in the Western States of the country?

I want to ask the Senator from Oregon if the forest-reserve law is good for his State, why the State does not acquire all the forest lands within its boundaries and retain them for future generations?

Mr. CHAMBERLAIN. I might answer that by saying that the lands that are not now in the forest reserves and which are in the Government of the United States have heretofore been covered up by railroad companies or timber syndicates.

Mr. FALL. And the Senator has in his possession now, as an exhibit to the remarks which I presume he will make, photographs of a little shack, photographs of log houses such as all our pioneers occupied, placed upon the forest reserves, and because there is standing timber shown in the photographs he would have us believe that those men are thieves who built the same character of log houses which our forefathers occupied in the development of all this great country.

I should like to know where my native State of Kentucky would have been. At least Abraham Lincoln would not have been born in the State of Kentucky if the present theory of certain Senators and of the Government had been carried out, because the great State of Kentucky would have been a forest reserve in itself, or at least that magnificent portion of it known as the blue-grass region of which all native Kentuckians are so proud. There would have been seven Senators who would have hailed from some other State than Kentucky occupying seats in this body to-day if the theories of the gentlemen who are advocating forest reserves and reservations of the public lands had been carried out.

What would have been the condition, as I asked awhile ago, of the native State of the Senator from Oregon, who, I believe, is a native of Mississippi? There they are asking to-day millions of dollars at the hands of this Government for the protection of their fields from the Mississippi floods, and they should have it. What are those fields? Hardwood timber covered every acre of it—timber more valuable than any tree or any acre or any hundreds or thousands of acres which ever grew in the State of Oregon or any other State west of the Rocky Mountains.

Our forefathers, our people for generations, have been cutting the forests and tilling the soil under the trees or where the trees grew. Millions and millions of dollars have they expended in extracting the stumps of the trees to make tillable fields and to make the ground productive, and to-day you are told that a man who undertakes to acquire a homestead under the public-land laws of the United States, if he seeks to acquire that homestead on land on which there is an acre of timber, he is presumably a thief and, if he does acquire it, should go to the penitentiary. That is the theory of these conservationists.

Mr. President, so far as I am concerned, if the Senator from Oregon or any other Senator here chooses to retain the forest reserves which have been established in his own State, let him do so. I think that it is contrary to our entire system of government; that this idea is entirely foreign to our system of government. Canada retains the old idea that the Crown minerals, the precious minerals, belong to the Crown and the Crown does not part with them when she gives to one of her citizens 160 acres or more of land. That idea is just as foreign to our institutions as is the proposition advanced by some of our representatives and which at least some of the gentlemen representing the so-called executive department of this Government are seeking to engraft upon our public-land law system.

The very difference, the distinction between our system and that of monarchial government, was that under monarchial forms of government the Crown minerals belonged to the Crown, and when they parted with the fee to the land they retained to themselves all the mineral known as precious minerals or Crown minerals—silver and gold, and in some places copper—iron, coal, and oil being excepted, the reservation being made, whether it was written in the contract or not, that the Crown owned the Crown minerals.

The United States Government, when it established public-land laws, provided that every citizen of the United States was a monarch; that the Crown minerals belonged to him as the uncrowned king of his 160 acres. But now we would have that entire system changed, and we would have the Crown minerals belong to the Department of the Interior or some one else and reserved.

I say to the Senator from Nevada that as one of the western Senators I am ready to get together for anything for the West, but we are so far apart that never could we shake hands upon a proposition to restrict the owner of his 160 acres, who has fought the natural enemies which he must overcome and has finally overcome even those enemies whom we have built up, whom we have pampered and fed. I will fight any proposition that does not give him the absolute, indefeasible fee to the land and all that is above it and all that is under it, including the waters which may lie upon it and which he may use for its irrigation.

Sir, any other system is not only absolutely wrong, not only unrepublican, but it is absolutely cruel, and to adopt some of the suggestions which have been offered here in the Senate will make of this great West a nation of tenant farmers.

Our whole Government has been built upon the theory, our whole public-land system until within the last few years has been built upon the theory, that every American citizen was a monarch; that he should have his 160 acres as a home for himself and his as long as he or they might live, and there should be no restriction upon the ownership of the land or upon the ownership of anything contained in the land or in the trees growing there or in the water existing thereon.

But another theory is advanced here in seriousness by Senators which to me is appalling. I can not conceive how any Senator understanding the working of our land laws, understanding the difficulties which our pioneers have to overcome now to acquire a home upon the public domain—I can not understand how any Senator or any official of this great Government would throw one obstacle in his way. I can not understand why a unanimous vote should not be cast here to give every man, woman, and child in the United States who will remove to one of those States 160 acres of land without requiring him to live upon it a day or a week or a month.

It seems to be the idea of some Senators that if you acquire 160 acres of the public domain you take it away. Where does it go? That land remains there. It is 160 acres of land, no longer of the public domain, but the property of some American citizen. It becomes taxable immediately. So long as it remains a portion of the public domain either in a forest reserve or whether a reserve at all, it produces no revenue, either to the United States Government or to the inhabitants of the States in which it is situated.

Mr. President, to discuss this conservation question, this reservation of public lands, from the practical standpoint of dollars and cents alone, if you pursue this policy which you have started out on; if you restrict the acquisition by the people of the public lands of homesteads in this western country of ours, I say to you as the representative of one of the most magnificent States in this great Union, with coal fields more extensive than those which exist in the entire State of Pennsylvania, with iron mines as extensive as can be found in the Old Range and the Mesabi Range—I say to you, pursue this policy a little further to its logical conclusion and you have admitted into this great Union of States a State which will necessarily come before Congress and ask you to appropriate for us the money with which to pay the salaries of our State officers and to conduct our courts. You leave us no taxable property. You have taken from New Mexico 10,000,000 acres out of 78,000,000 acres of the very best land, because timber does not grow where moisture does not fall. You have taken from New Mexico and the homesteaders of the United States 10,000,000 acres of the land which is best fitted for homes in the State of New Mexico. We, the people of New Mexico, build roads by which you may reach that land. We, the people of New Mexico, tax ourselves to establish public schools and to maintain them. We, the people of New Mexico, tax ourselves to support courts and to administer justice. Not one dollar does the United States give us of revenue from the forest reserves. Except 25 per cent of what we ourselves pay into the various reserves, we derive no benefit or income from the forest reserves.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. With pleasure.

Mr. HITCHCOCK. Will the Senator give the date when these 10,000,000 acres were, as he says, taken away from New Mexico or from the homesteaders?

Mr. FALL. Within the last 10 years.

Mr. HITCHCOCK. Will the Senator give the date?

Mr. FALL. They are still creating forest reserves; so I can not give any date. They have been at it for about 10 years, and they are still maintaining the practice.

Mr. HITCHCOCK. I assume, if it was taken away, the Senator must be able to state when it was taken away, and by whom.

Mr. FALL. I say within the last 10 years and by the executive department. I presume the Senator wants me to say by what President.

Mr. HITCHCOCK. The Senator might say that.

Mr. FALL. I can say to the Senator that a large portion of this public domain of ours was taken away under the Execu-

tive order of a man who I believe is one of the greatest men whom the United States has ever produced, Hon. Theodore Roosevelt.

Mr. HITCHCOCK. The Senator thinks he would be a desirable man to be elected again as President of the United States?

Mr. FALL. I think at least that he is a man to whom you can talk, and when you convince him or show him that a forest reserve should be withdrawn, I believe he will do it.

Mr. HITCHCOCK. Can the Senator state for what length of time those lands were open to settlement before there was that tragic taking away of those acres from homestead entry and settlement?

Mr. FALL. Some of them had been open for a great many years; but under the Cleveland administration of affairs, commencing about the year 1884, when most of the Americans began to go in there, they were hounded under the administration of the Interior Department during that administration, so that they were for years afraid to undertake to acquire 160 acres anywhere.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Will the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. Certainly.

Mr. CLARK of Wyoming. The Senator in his last statement has covered the ground I originally rose to call attention to. In my judgment this important matter is so far removed from year-to-year politics that it ought not to be considered in that connection.

It is known to every Senator on the floor that no matter what political party has been in power, this policy has been maintained. It is known to every man upon the floor that it was first inaugurated by a Democratic President under an act of Congress. It is known to everybody on the floor that it has been carried forward by the successors of that Democratic President under acts of Congress. What we are calling attention to is not that one political party or another has done wrong, but we are calling attention to the intolerable condition that exists with the hope that the Congress of the United States will at least rise out of the current of political consideration and give some attention to the welfare of the country.

Mr. FALL. I thank the Senator from Wyoming. Senators will acquit me of having attempted to interject politics into this discussion or of having referred to politics or to any President of the United States of my own motion.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Will the Senator yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. I merely wanted to suggest, in reply to the Senator from Wyoming, that the Forestry Service was not created, I think, until after 1900, and that is the system, I believe, which is being so severely criticized.

Mr. CLARK of Wyoming. The first forest reserves that were made were made under President Cleveland.

Mr. CHAMBERLAIN. I am speaking of the creation of forest rangers and the forestry system as it is now.

Mr. CLARK of Wyoming. Of course, having made a forest reserve, somebody had to be employed to care for it.

Mr. FALL. If gentlemen want a political discussion, if they think there is anything to be made out of it, I want to say to them that I was in New Mexico during the Cleveland administration and that I could tell you some things of the administration of the land laws under that administration which would appall you. I can tell you things that occurred there then under that administration worse than anything which we have had since. If the Senate wants to listen to a discussion of matters of that kind, I can give it.

Mr. HITCHCOCK. Of course, the Senator realizes that Grover Cleveland will never again be President of the United States.

Mr. FALL. Some other gentleman will be elected.

Mr. HITCHCOCK. Possibly the Senator from New Mexico will be able to reconcile his great admiration for the ex-President, Theodore Roosevelt, with his strong criticism of probably his strongest and most dominant policy.

Mr. CHAMBERLAIN. Mr. President——

Mr. FALL. I do not——

Mr. CHAMBERLAIN. Will the Senator allow me just a moment? I do not want to be understood as criticizing Mr. Cleveland or anybody else for the creation of these reserves. I approve them. But while the conditions were so bad in New Mexico at the time the Senator suggests, I believe he was a part of the Cleveland administration.

Mr. FALL. During the second administration of Mr. Cleveland I was appointed on the bench of New Mexico. If the Senator wants personalities interjected into the debate, I will state that, without my asking for the appointment but upon the request of certain citizens of New Mexico, Mr. Cleveland did appoint me, without my knowledge, and I resigned just as soon as I could get out of it.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. With pleasure.

Mr. ASHURST. The distinguished Senator from Wyoming [Mr. CLARK] stated that President Cleveland was the first President to inaugurate forest reserves. I desire to state that under the administration of President Harrison the law was enacted providing that the President could create forest reserves, and I desire to read a part of that act. It is the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." Under section 24 of that act, reserves were created by President Harrison. Among the last things that President Harrison did in his term of office was to create a forest reserve. It was done under section 24 of that act, which reads:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. I do.

Mr. CLARK of Wyoming. The Senator from Arizona is not telling the Senator from Wyoming anything new. The Senator from Wyoming is very well aware of the time when the act was passed. The Senator from Wyoming is also aware that forest reserves were created under that law. He is further aware of the fact—which, perhaps, the Senator from Arizona is not aware of—that they were created under certain definite rules and regulations of the Interior Department, which provided that before a forest reserve should be declared the people should have an opportunity to be heard as to whether there should be a forest reserve created or not. Those rules provided that there should be publication made that such a reserve was contemplated. I remember perfectly well when that policy was first departed from, when millions and millions of acres were reserved. I want to say, however, before I refer to that, that Congress went so far as to provide a fund by which the President could investigate and send a commission over the Western States, finding proper places for forest reserves, and that that commission came back and made its report to the President.

The first that we knew of the wholesale creation of reserves was when we had read or discussed in the Senate the proclamation creating reserves upon which the commission themselves had confessedly never been, where they confessed themselves that they did not know whether there was timber in the proposed reservation or not. That was under the Secretary of the Interior in Grover Cleveland's administration.

I regret to say that that policy has been substantially pursued ever since. No attention whatever has been paid from time to time to the character of the land included in the forest reserves, and it does not make any difference whether it has been a Republican administration or a Democratic administration; the policy has been to create the reserves. That is what some of us are complaining of; and, my Democratic friends, it makes no difference whether you are wronged under a Republican or a Democratic administration; it makes no difference to me whether I am wronged under a Republican or a Democratic administration; I want, if possible, to have that wrong corrected, and it makes no difference to me whether it is corrected under a Republican or a Democratic administration. It is something that means life or death to the country. It is a matter that rises above the personality of any man. It is a matter that rises above the politics of any man.

I beseech Senators to deal with these questions as you would deal with your own hearthstones, because you are really dealing with ours. I beseech you not to pay attention to any political differences in this matter, but to consider what you would do for your own homes. That is what we are considering. Lay aside all idea as to the administration under which it was done. It makes no difference under what administration these wrongs were carried on; the only thing for me is to right them when I have the opportunity, with malice toward none, but with the earnest desire to make possible every man's right and to make possible a home for every man.

The VICE PRESIDENT. The Senator from New Mexico will proceed.

Mr. FALL. The Senator from Nebraska doubtless reserves to himself exactly what I reserve to myself. He may admire a man, and whatever he may think of the man politically he may not always agree with him. What I am here to say and to do on every occasion is under my convictions, and it makes no difference to me who is President of the United States or entertains convictions to the contrary. So I may admire a man as a great man, and I may not approve of some of his measures, some of his theories or ideas, and when I do not approve them, as a Senator in this body or as a private citizen out of these Halls I reserve the right to criticize him and to disagree with him.

Mr. President, as I said a while ago, if the Senators from Oregon and Nebraska care to have forest reserves created or maintained in their States, except as a citizen of the United States that is a matter of indifference to me. If they choose to maintain or to advocate or support the present policy, if they choose to turn their public domain into a grazing field to be parceled out by the Government, if they choose to deal with this bureaucratic Government which we have now for the next 15, 20, 40, or 100 years, in so far as we in New Mexico are concerned at least, it is their privilege. This is a great free government of States. But so far as New Mexico is concerned, I speak for New Mexico, Mr. President, irrespective of the politics of its citizens. I am going to speak directly to New Mexico and of New Mexico.

The Senator from Iowa asked a very pertinent question yesterday, why we did not offer some concrete suggestion; why we did not offer to the Senate of the United States something upon which they might act in granting us relief from the evils of which we complain. I will say to the Senator that I have only been here a short time, and it is very contrary to my own desire that I should be now attempting to address this body. I say to the Senator that I will offer at the proper time something which I consider should be adopted, something which will give us relief from the conditions under which we are now suffering. But at the present time, Mr. President, anything which we may offer in the nature of relief will very possibly meet with the fate of the amendment offered by the Senator from Idaho. It will go down under a point of order, as it may be called legislation. I shall offer an amendment to the present bill couched in such terms and, as I believe, so fair and just that no Senator here will raise the point of order against it. At least I hope that he will not. I propose to offer an amendment to this bill that in so far as the forest reserves in New Mexico are concerned the title may still remain in the United States, that they may still remain under the laws of the United States and under the rules and regulations of the Department of Agriculture, but I will ask the Senate to say that the administration of those forest reserves in New Mexico, at least, shall be placed in the hands of the State authorities, to be administered under the laws of the United States and the rules and regulations of the department, and under the authority of the Secretary of Agriculture, exactly as they are administered to-day.

Mr. SMITH of Arizona. If the Senator will allow me, Mr. President, what provision does he make for the expenses of the administration by the State?

Mr. FALL. That we will pay every dollar of the expenses and we will not come here before you asking you to appropriate one cent, and that we will administer those forest reserves under the laws of the United States, under the rules and regulations of the Department of Agriculture.

Mr. SMITH of Arizona. Can the Senator tell me how much the United States Government pays now from the Federal Treasury in support of the forest reserves in his State?

Mr. FALL. I have the figures here and I will read them in a few moments; but the Federal Government during the last three years has paid approximately $300,000 for the support of the forest reserves in New Mexico, and the people of New Mexico have paid $300,000 in addition for the maintenance of those forest reserves. We will take them for the income which we may get from them and administer them without one dollar of cost to the Government of the United States, and administer them under exactly the same rules and regulations which govern the administration of the forest reserves in every other State in the Union.

Mr. SMITH of Arizona. I presume the Senator would reserve to the State what the Government now takes?

Mr. FALL. Yes.

Mr. SMITH of Arizona. In other words, in the administration of your forest reserves you would take the contract as a State to administer a forest reserve just as it is now administered and it would cost the General Government nothing?

Mr. FALL. That is exactly covered in the proposed amendment which I shall offer.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I do.

Mr. NEWLANDS. May I ask the Senator from what sources he would expect to obtain revenue?

Mr. FALL. I will show the Senator the figures and the facts, and I will convince the Senator, I think, absolutely that we can derive under the present laws an income more than double that which is derived now and administer the forest reserves to the satisfaction of the people of New Mexico and of the United States.

Mr. President, before reaching that part of my subject, I want simply to call the attention of Senators to the fact that laws which are passed for this great Union as a whole sometimes are not applicable to a certain subdivision of the Union. Homestead laws which are applicable to the people or to the lands of the great Middle West and of the South and even as far west as the great Rocky Mountain region and the State of Idaho are not applicable either in the State which I represent or which is represented by the Senator from Arizona.

Mr. SMITH of Georgia. They are not suitable.

Mr. FALL. They are not suitable, as suggested by the Senator from Georgia. These matters are lost sight of sometimes, Mr. President, in the deliberations of this body and of the other House of Congress, and they are certainly almost invariably lost sight of in the administration of the laws by the bureau which now governs the people of the United States in these matters.

Mr. President, New Mexico had her own laws, her own civilization, dealt with her own conditions, knew what they were and met them as they arose, long before the Pilgrims landed on Plymouth Rock. We have the oldest civilization in this great Union in the State of New Mexico. We have under the old Spanish laws the most wonderful system of communal government ever built up. The great Rio Grande, rising in Colorado and seeking its way to the Gulf, cuts New Mexico in half from north to south, and along every mile of that great river grants were made to the people who would go in there and colonize. There were communal grants under the system of government established by Spain, and I say it was the most beneficent system of government ever established on this continent. Those grants were made to actual settlers, not to one individual, not to some speculator who might colonize them, but they were made to actual settlers, who might go there and open and carve out of them homes.

Under the system of those grants the agricultural lands susceptible of irrigation were allotted in severalty by commissioners appointed by the granting power. As to other lands, the grants were always made large enough to take in more than the agricultural allotments. The other lands lying within the boundaries of those grants were divided into grazing lands and into timberlands. Under the system devised by these old Spaniards every man upon one of these grants owned in his own right in fee simple his little plot of agricultural land. Altogether, as a community, they owned an irrigation system which they took out of the rivers. Together, as a community, they owned the grazing privileges upon those lands extending beyond the confines of the particular allotments. As a community they owned the timberlands, from which they could get the necessary firewood and building material.

Now, came the great Government of the United States a few years since, after having recognized all these grants by solemn treaty, and established a court of private land claims for the adjudication of titles. Under technicalities of the law every one of those communal grants was cut absolutely down to an agricultural allotment in severalty. The grazing lands, which those people and their ancestors had used for 300 years, were taken away from them. The timberland, from which they obtained their fuel and their building material, was taken away from them.

What was done? The executive department of this great Government immediately threw forest reserves around those little allotments, and to-day if a descendant of one of those people who lived there 300 years ago desires to get firewood, to pick up limbs from the ground, fallen and dead timber, he must go sometimes 60 miles to some little fellow sent out from this great Federal Government of ours at Washington and seek from him a permit to pay a minimum of 60 cents a load for that fallen and dead timber and limbs fallen from the trees.

Senators talk about the German system. Mr. President, under the forestry system in Germany the peasants—and there are peasants there and we certainly hope that we will not have

a peasantry system here—the peasants go upon those forests and pick up the leaves from the ground for the purpose of making fire with which to cook their food. Every little twig as large as a finger is removed from the ground under the peasantry system in Germany, where they have the great magnificent forest reserves of which we have heard so much.

And here when an American citizen undertakes to take a stick of wood fallen from a tree he is fined and in some instances prosecuted in the United States courts. To-day the descendants of the people who came across the country in 1541 can not go away from their little homes without crossing an Indian reservation or a forest reserve, and when they strike the line of that Indian reservation or that forest reserve they are met by some hanger-on of one of these Washington bureaus who charges them for the water which they themselves drink, the water which their horses drink, the water which their sheep and their cattle drink in crossing over these lines, and then they charge them for the grass which the stock will eat in going to their ranges, either upon the public domain or upon the private lands belonging to the stock owners.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. Is it not true that the policy of the Forestry Service was to make a right of way through there, a confined right of way to drive cattle and sheep over to water, and that the cattlemen and sheepmen preferred to pay something to do away with that restricted right of way, so that they could graze their sheep and cattle to and from the water?

Mr. FALL. In New Mexico that is absolutely incorrect. I have here a letter from one of the very descendants of the men of whom I have been speaking, one of the prominent men of that State, in which he is complaining of the very fact that, while we tax ourselves to build the roads up to the lines of the forest reserves, those in charge of the forest reserves and of the Indian reserves will not build roads across their boundaries and will not let us do it; they will not let us tax ourselves to build the roads that they use, as I will read to satisfy the Senator. This refers partly to an Indian reservation:

> We have got to go out of business unless we can have the Indian reservation reduced to its former size—

He is writing me with reference to a particular Indian reserve, but he refers also to forest reserves—

> which, to say the least about its extension, is an outrage to the stockmen of this county; we wish you to take up this matter at your convenience and investigate what can be done to remedy this evil; also if it is going to take a good deal of time to secure the cancellation of the order extending this Indian reservation, we would welcome at least the roadway proposition.

Somebody should build a road across these reserve lands, he goes on—it may be of some interest to the Senate to have me read a little further—to say:

> The Indian Office has a gang of employees there watching the sheep herders, bulldozing them, and annoying them with their foolish rules and regulations, charging them exorbitant fees for crossing permits, and in every way making life miserable for the sheep men. There is an idea prevalent amongst these employees of the Government, prevalent almost in all the departments having anything to do with the public lands—Bureau of Forestry and Indian Department—that they must prejudice themselves first against the sheep and the owners thereof. Predatory animals, according to their notions, are not a circumstance when it comes to sheep.

These are the facts, Senators. The conservation of the natural resources of New Mexico means a restriction upon the individual; means that he must not acquire a homestead in the most habitable portion of the State; and means that upon such forest reserves and Indian reserves the gentle bear, the mountain lion, and the timber wolf are conserved, so that they may attack his herds, his cattle, and his sheep. That is *conservation in New Mexico.*

I was speaking, Mr. President, of the conditions relating to New Mexico particularly. I want to say a little something further about the geographical conditions. I said yesterday, while interrupting the Senator from Idaho, that timber in New Mexico grows not below an altitude of 6,000 feet. That is true. Merchantable timber, pine and other timber fit for use in commerce, fit for preservation for the future generations, of whom we so anxiously speak—timber of that character grows above 6,000 feet. I do not know what are the climatic conditions in Oregon; I am not undertaking to speak for Oregon; but I can say to Senators here that, in so far as New Mexico is concerned, the only land in the entire State of New Mexico which is fit for habitation—upon which a man can make a home without irrigating from water brought from the mountains or from the streams or dug out of the earth—is land above an elevation of 6,000 feet.

Where timber grows, moisture falls; where moisture falls, you can raise crops; where timber does not grow, it is because of the lack of moisture; and where timber does not grow crops will not grow, except through the aid of artificial irrigation. Those are the conditions that we have there.

I am not intending, Mr. President, to undertake to cover this whole public-land question; I am not going to undertake now to offer any solution of the difficulties which we are meeting every day, but I am referring to conditions as they exist in New Mexico. I am not going to ask you even to change the laws with reference to the administration of the forest reserves of New Mexico; I am simply going to ask you, as an act of justice, to give those forest reserves to the charge of the people who know what a forest reserve is.

I am going to impose upon the patience of Senators for a few moments to show what has been done with reference to the administration of forest reserves in the State of New Mexico. I have the figures here for the last three years; I can tell you what it has cost; I will show you what revenue we have derived; and you can see what you have been compelled to appropriate. Then I shall make the proposition, as I have suggested to you, that we will take these forest reserves, administer them under the same laws and the same rules and regulations, and before I get through I will convince you that we can not only do it, but that we can make good money out of it and not call upon you for a cent.

During the three years from about June, 1909, up to and including 1911, the New Mexico national forests produced a gross revenue of $360,213.09; from timber sales a total of $92,510.70; from timber settlements—where some man had inadvertently cut a tree, having crossed over the line—$157; timber trespass—where he had gone over and cut under a sawmill project—$3,000. You talk about this being a grazing country or a forest country, and yet while there was derived from timber sales $92,510.70, there was derived from grazing fees $253,556—this is a forest reserve—and for grazing trespass $3,000. But Senators know where the money goes; where the money that you are asked under this bill to appropriate for New Mexico goes.

This [exhibiting] is the column of expenditures. Salaries during the same time were $379,557; travel, $32,564; rent, $38,114; telephone construction, and so forth, $18,056; corral fences, $10,176.

Forest planting. Here is the great object of conservation. In the administration of a forest reserve you are supposed to take from that forest reserve only the dead or dying timber or the mature timber, leaving for future generations the natural growth of the timber as it comes, and for every tree which you take off you are supposed to put a tree back. What is the object of these forest reserves? For what purpose are they set aside? To maintain the natural growth of the timber as a method of obtaining revenue? You sell from the forest reserves the fallen timber, the wind-shaken timber, the mature timber, and you are supposed to replant, and where trees do not naturally grow to make them grow.

What else are we paying this money into the national forest-reserve fund for? For what other purpose are we paying in $360,000—the citizens of New Mexico, not the citizens of the United States generally? You are paying $300,000, but we ourselves are paying $360,000. For what purpose? Show us that they are making trees grow where no trees grew before, and we will pay the money cheerfully; we will tax ourselves to do it to protect our children as we have been taxing ourselves without any assistance from the United States Government for over 60 years since we came into the Union.

How much have they expended out of the total expenditure directly? Five hundred and ninety-eight thousand and thirty-five dollars and twenty-one cents—$360,000 paid in by the citizens of New Mexico. They have expended during all the time they have had charge of these forest reserves a total of $22,000 for reforestation—tree planting. They have expended a grand total in New Mexico of $22,000; and we, the citizens of New Mexico, ourselves have paid that $360,000, and the Congress of the United States have contributed to their salary list $300,000 more. They have actually spent $22,000, and they have actually grown, so they claim, 34 acres of trees!

This is a magnificent business enterprise. If you are not running this Forest Service as a business enterprise for the present and future generations, I ask you What is the purpose of the forest-reserve law? Why do you reserve these forests?

I say to you—and I know that I shall be criticized for giving utterance to such sentiments—I say to you, Senators, that better it were for New Mexico if every acre of this 10,000,000 acres of land in New Mexico had been stolen by some "malefactor of great wealth" than that they should remain in the condition in which they are at the present time, simply as a source of revenue for a lot of little clerks from a bureau in Washington. I say to you that if they were stolen, they could

not be removed; that if the timber were cut from them, it must be put to some use; that railroads would be built; that wagon roads would be built; that sawmills would be put up; that men would be employed; and little thrifty cities would grow up all over New Mexico, if we could use our forests. Under the present condition they are simply used, as I say, as a source of revenue, purely and simply to pay clerks, and a lot of incompetent clerks; men who never saw a pine tree grow outside of a lawn; men who never saw anything in the nature of grass grow except that which has been planted around your statues here in your public squares in Washington; men who never saw a cow except in a picture book; men who regard, as my New Mexican friend says, a sheep as a predatory animal; and such men are sent out there to administer for us this great domain.

Senators, I do not believe that, understanding these conditions, the Congress of the United States will perpetuate such a system of government.

Where do the streams rise from which come the life-giving waters of which the Senator from Nevada is always ready to speak? They rise in the mountains, where the moisture falls, where the snow falls, where the timber grows. These are the sources of our streams, and we are not objecting to such conservation as will prevent the denuding of those mountains of their timber. Thence these streams have their source.

Some of you do not know the conditions existing in the West; but I will say to you now that we have streams, bold, pure, and with a volume of water sufficient to irrigate hundreds of, and in some instances, thousands of acres of land, which, when they leave the foothills of the mountains, sink into the desert sand and are never seen again.

Some of you do not know that the southern portion of New Mexico and of Arizona is a great basin country, the last part of the American Continent to appear above the waters of the sea, the Continental Divide running through it, although it is the lowest part of the continent, and streams rising in Mexico flowing north almost to the American boundary and sinking in the sand, and streams rising in New Mexico, close even to the Rio Grande, which empties into the Gulf, flowing directly south toward the streams which are flowing from the north in Mexico and sinking into the sand.

Take the rivulet or the little stream of water by the use of which a homesteader could cultivate 40, 100, 200, or 300 acres, in connection with other homesteaders, rising in the mountains, in the forest reserves, flowing down the canyon, and instead of being used it sinks in the sand. Why? Because under the administration of the Forest Service the forest reserves have been invariably thrown around the foot of the mountains until they took in every drop of the living waters. At these places no trees grow; the boundaries may be 5, 8, 10, or 50 miles from a tree, but these gentlemen, with an eye to the main chance, knowing whence their salaries must come, anxious not to call upon Congress for too much money, have taken $253,000 in the last three years from the people of New Mexico for grazing permits, simply because otherwise the people of New Mexico could not get water for their stock. I say to you, Senators, now that not one-third of the revenue derived from forest reserves in New Mexico came from the timbered lands themselves. Without fear of contradiction, I can assure you that two-thirds of this $253,000 came entirely from lands which never had a stick of timber larger than your wrist growing upon them, and which never will have. The people are excluded; they can not take up a little homestead; they can not utilize these waters, because, although you call yourself a free citizen of the United States, you can not go upon a forest reserve, dig a ditch, and utilize the water which is sinking in the sand and not being used by anyone. Why? Because some representative of this bureaucratic Government will stop you when you cross the line and do as he did to another New Mexican friend of mine, not only collect from him $13 damages for trespassing, but then write a letter to this great bureau in Washington, have the case turned over to the United States Attorney General, and a criminal action brought against him for trespass where they said he had done $13 worth of damage.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I yield.

Mr. NEWLANDS. I should like to ask the Senator whether the springs and small streams to which he refers are withdrawn as a part of the forest reservations or under an Executive order recently issued?

Mr. FALL. They are withdrawn under the forest regulations.

Mr. NEWLANDS. I find in the San Francisco Journal of Commerce of May 6, 1912, if the Senator will permit me, a statement which I should like to read, and perhaps he can explain it. It is as follows:

GOVERNMENT COMES TO RELIEF OF THE SMALL STOCK RAISERS.

Withdrawal of public lands for use rather than from use is the latest piece of practical conservation. The President, by Executive order, under the withdrawal law has withdrawn from entry many tracts of unappropriated public lands which contain springs or small streams. These watering places control the public range over large areas in Utah and Wyoming, and the withdrawal of these lands will in no wise interfere with the use of the springs or streams, but will, in fact, insure the possibility of public use. Control of watering places by strong private interests and the resultant monopolization of grazing on the public domain are believed to be prejudicial to public interest, and the President regards the setting aside of these watering places for public use as serving a distinct and beneficial public purpose, in harmony not only with the letter but with the spirit of the act of 1910.

The three withdrawals already approved by the President represent an aggregate area of about 80,000 acres in six counties in Utah and Wyoming, and include tracts of public land known from the records of the United States Geological Survey and the General Land Office to contain 248 springs and streams.

It is well known that in the Rocky Mountain and Pacific Coast States there are many large areas of excellent grazing land in which the number of places where water for man or beast can be obtained is relatively small. Sometimes the shortest distance between "water holes" is 10, 20, or even 50 miles. Some of these watering places are springs, some of them ponds of alkaline water, some of them small streams flowing down from adjacent hills or mountains and becoming lost on the edge of the desert. The lands in large part support a growth of grass and small brush which is excellent fodder for horses, cattle, or sheep, and as practically all these areas are Government land they are "free range" for whoever may care to graze his stock thereon. However, stock can not live without water, and unless watering places are available to a stock owner it is impossible for him to utilize the range.

As a result of these conditions it has come to be common practice in some parts of the West for a big cattle or sheep outfit to obtain possession of the few scattered water holes in a certain area and by this means to monopolize the grazing privilege almost as effectively as if it actually owned every acre of the area. In consequence the small stock owner has been placed at a serious disadvantage and in many localities has been forced out of business.

This practical development of the conservation policy in order to prevent monopolization of the public grazing lands will not only insure equal opportunity under present conditions, but it prepares the way for future legislation. Should Congress at any future time decide to pass a grazing law the retention of these watering places in public ownership will make the enactment of a satisfactory law possible; whereas if the water should pass into private hands the framing of a law providing for the control of grazing on the public domain would be useless, because the law itself would be inoperative.

The present action will really be beneficial to both large and small stock growers, although it will doubtless not be pleasing to those who desire to exclude rivals from the range by acquiring the watering places themselves. The competition and struggle for existence have in many places, however, grown so keen that even to the largest outfits the strife has become burdensome, and to some of them, at least, the removal of one of the causes of contention by the reservation of the springs and streams for the common use of all will be a decided relief. To the small stockman who has been fighting for existence and who has seen his grazing area diminish year by year as he has been barred from this spring or from that stream it will be welcome news that the Government has taken steps that will at least make the competition fairer.

This clipping was handed to me in connection with some discussion of this matter that arose yesterday with the Senator from Arizona [Mr. SMITH], who complained of the withdrawal of these watering places.

Mr. FALL. Answering the Senator as an Irishman would, I will ask him if he can tell me of any one instance in all his experience where anything, water, land, or timber was withdrawn from the public domain, segregated, and put in charge of the representatives of one of your governmental bureaus, that the people were ever able to use it without such restrictions as to render its use practically impossible.

Mr. NEWLANDS. All that I can say to the Senator is that I know of nothing to the contrary; but I can not say that I have had a very wide observation.

Mr. FALL. I am speaking, Mr. President, with due respect, from a personal, physical knowledge of the conditions and the country of which I am talking, gained from 30 years of experience, living with it, punching cattle over it, making homesteads on it, cultivating it, building ditches, cutting timber, trying to get railroads to go in, building them there at a cost of millions of dollars, and then having them stopped, having little towns which had been built up, some of them as beautiful towns as were ever built anywhere in any State of this Union, cut off and absolutely destroyed, because of the action of some representative of the Interior Department of the United States or of the Judiciary Department of the United States in bringing injunction suits and stopping those works, as they have been stopped from one end of New Mexico to the other. That has been my experience with this bureaucratic form of government. Never will it be extended one inch beyond what it is now, so long as my vote can prevent.

Mr. President, I have never heard of any such order as the one to which the Senator from Nevada has just referred. We know nothing about those orders; but we do know that the waters upon our public domain around the edges of the forest reserves and in the forest reserves have been withdrawn for

the purpose of paying an income through which Forestry Service employees might draw their salaries. Those are the conditions. We are familiar with them, and if the Senate will listen to me for a few moments I can tell you more about them. I am speaking of my personal knowledge. I have a spring adjoining my ranch in New Mexico, situated on the edge of the Sacramento Mountains, 1 mile east of the Mescalero Indian Reserve. A spring in that section is quite well known all over the country, because you make your day's journey, or did in the old days, from spring to spring.

This is one of the best-known watering places in New Mexico. It has been used and occupied by passers-by, cattlemen, sheepmen, and mining prospectors, particularly by mining prospectors, for 40 years; it has been patented for 27 years by the United States Government; but a few years ago this great, munificent Government of ours created a forest reserve south of the Mescalero Indian Reserve and included a strip 20 miles long from north to south on the west of the Mescalero Indian Reserve ranging from a quarter of a mile wide to three-quarters of a mile wide at the widest place. That strip took in every spring, every drop of water for that 20 miles, although every drop of it—every spring—was covered by patented lands belonging to citizens of the United States. There was not a stick of timber growing upon this land, and no attempt even was made to say that it could ever be grown there; there was no forest on it; and it was not adjoining a forest, but was merely a little tongue of land running along by the Indian reserve. It was included in the reserve simply for the purpose of taking in the springs and making the owners of those springs pay tribute to the Forestry Bureau of the great United States Government, for no good purpose, except for the great end of paying salaries. There is not enough ground in this little strip to graze stock upon; nobody pretends to graze stock upon this little strip of ground; but adjoining it there is a public domain embracing thirty, forty, or fifty thousand acres, which you gave to the Territory of New Mexico under the provision that they might lease it. It has been leased, and the lessees of that ground have been using the springs to which I have referred for watering their stock; but through the creation of a so-called forest reserve their stock was cut off. For what purpose? In order that they might be compelled to take out for grazing their stock upon this quarter of a mile of land an annual permit of 35 cents a head for a cow walking over that ground and 10 cents a head for the sheep—not really for grazing them, for the cattle do not go upon this forest-reserve strip except in going backward and forward from their usual grazing grounds to get water. That is a specimen of the administration of the forest reserves of New Mexico.

Mr. President, I am not going to continue this statement much further. I want to say that the Mescalero Apache Indian Reserve, of which I speak, adjoins on the north the Alamo Forest Reserve, both in my county in New Mexico. The forest on the Alamo Reserve, situated in this county, is about the same in extent as the Indian reserve.

Now, let us see how the two reserves are administered in so far as grazing is concerned, and I call your attention to this because I want to show you that I know what I am talking about when I say that New Mexico can take her forest reserves and make them pay a great income to her schools, to her courts, and for building roads, and yet not charge the Government of the United States one cent, and administer these forest reserves under the laws which you have passed and under the regulations which have been promulgated by the Secretary of Agriculture.

Four hundred and eighty thousand acres are contained in this Mescalero Reservation, and the Indians on that reservation have over 11,000 sheep, which they graze, belonging to themselves. They have, I will say, about 8,000 head of cattle. They have something like the same number of horses. All of the stock has free grazing.

Now, to take care of this stock, to see that the Indians, who are scarcely capable of handling their own business, have their business handled for them in a businesslike way, there is a stockman appointed and two Indians as his assistants, the Indians working for six months in the year. They are paid $480 a piece. The stockman is paid $1,000, and he looks after all of this Indian stock. He sees that under the laws of the United States and of New Mexico the sheep are dipped at least once a year, that they may enjoy health. He sees that the wool clip of the sheep is sold to the best possible advantage of the Indians. He sees that the lambs are sold to their best possible advantage. He and his assistants perform all this duty. Then the lands not used by the Mescalero Indians are rented or leased to citizens desiring them for grazing purposes.

The total cost of the grazing crew upon the Indian reserve is less than $1,500 per year, handling all their own stock and clearing $8,000 revenue from the present permits issued to other people. In other words, they derive an income of $6,500 net over and above all expenses from grazing permits issued to outsiders, after allowing the Indians an opportunity to graze free.

What is done on the Alamo Reserve? You are asked here not only to give them all they get, but you are asked to appropriate $6,500 per year for running that reserve; and I happen to know, although not from the report here, that the income from the entire Alamo Reserve is less than $2,500, while you are appropriating $6,500 for it.

Why is this? It is something they do not know. They could not tell you. I defy any Senator here to go to an agent on any forest reserve in Mexico—the Alamo or anywhere else—and get from him any information as to why this is. He does not know. He is ignorant about it. They grant simply permits, not leases. The consequence is that they will put 20 men with little herds of sheep or cattle all upon the same ground, all fighting over the same spring, all quarreling about water, all quarreling about the division of the range, throwing the sheep at large upon the range. They do not know what every cattleman knows and what every sheepman knows, that when you have a range fenced and divided into pastures the same range will run nearly four times as many as if it is an open range.

On the Indian reserve they have the range divided into pastures. They can pay more for grazing permits upon the Indian reserve because it is divided into pastures, and they can run two or three or four times as many sheep as upon the same number of acres just across the line where it is open.

So you will see that one reserve is administered with a proper conception of the question, and the other is administered for the purpose of paying salaries to a lot of 2 by 4 clerks.

Mr. NEWLANDS. May I ask what is the relative size of these two reserves?

Mr. FALL. I thought I stated that in my opening. The Alamo Forest Reserve is composed of two sections. That section of the Alamo Forest Reserve upon which sheep permits are issued is about the same area as the Indian reserve to which I have referred.

Then there is another forest reserve down on the Texas line which used to be known as the Guadalupe Reserve, but has lately been changed to Alamo, and it is administered from Albuquerque, the district office, by the same parties who administer the Alamo Reserve, and those parties are paid by the Congress out of the appropriation made, and I defy you or anyone else to find out how much they are paid.

Mr. NEWLANDS. Then I understand the Senator to contend that the Indian Service is conducted with much greater economy than the Forestry Service.

Mr. FALL. Yes, sir. I want to say that the Indian Service in that particular locality, in the Mescalero Indian Reserve, under the administration of Capt. Carroll, has been most successful from every standpoint.

Mr. NEWLANDS. Let me ask the Senator this: I believe he states that the administration of the Indian reserve is different from that of the forest reserve; that in the latter permits only are granted, and that the grazing area is covered by a number of proprietors of herds.

Mr. FALL. Without any system.

Mr. NEWLANDS. On the contrary, the Indian reserve is left to one interest.

Mr. FALL. Oh, no; to various interests.

Mr. NEWLANDS. But each interest is segregated in its holdings.

Mr. FALL. Yes.

Mr. NEWLANDS. Why should not that system be pursued by the Forestry Service?

Mr. FALL. That is just exactly what I have been complaining of, and what I am complaining of now—the administration of the forest reserves—because you send men from Washington to administer our forest reserves who do not know a cow when they see one and think a sheep a predatory animal.

Mr. NEWLANDS. The difference in the cost of the two systems does not arise from a disposition, perhaps a mistaken one from the official point of view, to give the small raisers, the owners of small herds, an equal opportunity to graze their stock?

Mr. FALL. Did you intend to use that word "equal"? Did you ever see the Use Book? It does not use the word "equal."

Mr. NEWLANDS. I do not know, I am sure.

Mr. FALL. The Use Book, adopted by the department for the administration of the Forestry Service, says that the little man shall have the preference right, not an equal right. It does not make any difference how long the other man has been there and whether he owns the water or does not, the little man shall have the preference.

Mr. NEWLANDS. I will ask whether that system of preferring the little man does not necessarily result in a more expensive administration of the range?

Mr. FALL. Not if it were properly carried out. If these corrals and fences on which they have expended something over $10,000 were for the purpose of protecting the range or getting a better income, it would not result in the expenditure of another dollar. But all these improvements are made for the benefit of the Government employees and not for the benefit of the Forest Service. Every corral is a fence for their saddle horses, and every improvement is for themselves individually.

Mr. SMITH of Arizona. The Senator speaks of better service in the immediate proximity between the Indians' side of this reserve and the forest-reserve side.

Mr. FALL. I am not saying much in favor of the Indians' side, either, I want the Senator to understand.

Mr. SMITH of Arizona. I was about to ask if that is not an exceptional case, and whether it is not due to an exceptional agent.

Mr. FALL. It is the result of having a man of common sense, who has studied the conditions and who in the employment of his men has employed practical cow and stock men instead of having a $60-a-month clerk from Washington to tell us how to run our range.

Mr. CRAWFORD. I want to find out whether I have the correct idea of this 35 cents a head. Do I understand the Senator to say that the 35 cents a head is paid, not for pasturage, but is paid simply for the use of a path connecting the pasturage with a spring, the pasturage being owned by the State and the spring being owned by a private individual?

Mr. FALL. Yes; in this way——

Mr. CRAWFORD. Is there a lease of some land or is it the easement of some cow path for which they pay 35 cents a head?

Mr. FALL. They ostensibly charge you a lease permit of 35 cents a head per year for the total number of cattle that will water at that spring. They know the cattle could not graze there without water. They are simply taking advantage of conditions, and they have thrown the forest reserve about it for that purpose.

Mr. CRAWFORD. It is, in fact, paying 35 cents for the use of the old cow path?

Mr. FALL. Yes; with the old cow going backward and forward.

If Senators will read this bill fully, they will find one or two remarkable things in it. There is a provision in it that none of this appropriation made for the construction and maintenance of houses shall be used for the maintenance or construction of houses used by the forest-reserve agent where such houses are situated on any inclosed field of a homesteader who had a homestead prior to the time that this forest reserve was thrown about it.

I am very grateful, and I want to express the gratitude of the people of my country, because in times past we have had the forest agent—if he concluded he needed a part of a homestead, not patented, although it had been segregated long before the forest reserve was thrown around it—to go bodily and take it—all our improvements; not in one instance, but in several.

The Senator from Nevada spoke to me a moment ago and asked if we did not want roads built. In the Lincoln Forest Reserve, in New Mexico, the people of New Mexico finally secured permission to build a road over an old public road built there since the days of Billy the Kid. They secured the gracious permission to build this road at their own cost, and they did it, connecting up several little towns and crossing a forest reserve.

It has not been a year since a neighbor of mine started across the forest reserve, traveling on the public road, and was stopped in the middle of the road and told that he must pay a crossing permit. He explained that he was going through to another place off the reserve and that he would not stop there that night; that he was traveling a public road, belonging to the State of New Mexico. Yet he was held up. They would not allow him to cross. He did cross, but it was over the protest of this particular representative of this bureaucratic Government that happens to have charge of that particular reserve. The man had an old-fashioned six-shooter, which is a pretty good argument, and he finally passed on.

These things are coming up every day. The matter which this man speaks of in this letter which he writes to me is only one of them. They build some of the most beautiful and romantic trails there you ever saw. They take the girls riding over a trail made simply for horses to travel. They do not want any public roads. If there are any built, we tax ourselves and build them ourselves.

I want to say just one word in closing. I am not going to weary your patience longer, Senators.

The Senator from Mississippi yesterday asked a very pertinent question, I thought. He asked the Senator from Wyoming as to the comparison between the administration of the public lands in the public-land States of the United States and the administration of the lands belonging to the great State of Texas. In my peregrinations I once punched cattle in Texas and New Mexico.

Mr. President, the State of Texas has, without any exception, passed the most drastic anticorporation, anticapitalistic laws of any State in this Union. They have gone so far in the matter of their legislation that railroads have threatened even to tear up their tracks and get out of the State. A great railroad system last year announced through the public press that they would not expend the money which they had in their treasury for further road building and the extension of their system in the great State of Texas.

The Texas Legislature passed an act which provided that any simple indebtedness should be deemed exactly the same as a bonded indebtedness when it came to a foreclosure. Their statutes are full of legislation of that kind. They have such restrictive legislation in the matter of corporation bonds and the issue of stock that every railroad which is going to Mexico and can get around the State of Texas goes around it, simply because if they go through any part of Texas they must have a separate bond issue, or if they undertake to make their general bonds applicable to all their lines, including those in Texas, then the bonds must pass the scrutiny of the railroad commission of Texas and be based on the physical valuation of the property.

All these laws, the most restrictive that any legislature has ever adopted, have been adopted by the State of Texas. Capitalists have been saying for years that Texas drove out capital, and yet Texas remains a great Empire State, one of the greatest States in this country; a State progressing in every line of commerce and of industry. Why? Because, sir, she owns her public lands. She owns every acre of land within her boundaries, and when she came into this great Union she reserved to herself the absolute title to every foot of the land within her boundaries. She has made mistakes, just as we have made mistakes. Lands were stolen from Texas, just as they have been stolen from the public domain. Millions of acres of land were given by the Texas Legislature in aid of railroad building, just as we gave millions and millions of acres for the Atlantic & Pacific, the Northern Pacific, the Union Pacific, and other railroad building in the United States. Millions of acres of the finest domain in the world were given away by the State of Texas, and yet she has the greatest public-school fund of any State in the Union. Yet she has the most magnificent courthouses in every little county throughout that great State—an ornament to the county seat—of any in the Union. She has built up her school fund, her courthouses, her public buildings, her great capitol—$15,000,000 paid for it in land—and yet she has given to the people coming into her borders the most liberal land laws ever given to any people.

Instead of restricting the homesteader, instead of saying to him, "We do not want you here; you can come to our boundary and turn and go back," she said "Come in, and instead of giving you a measly 160 acres we will give you 640 acres, and we will let you buy six sections of 640 acres each, at $2 an acre, and give you 40 years' time, at 3 per cent interest, to pay it." She has built up a magnificent Commonwealth. There are no happier or more prosperous people living in the United States than those who inhabit the great State of Texas, and it has been entirely due, and her prosperity has been traceable almost entirely, to her public-land system and the fact that she owned the land and through the ownership it was not tied down. Nobody ever suggested that her people should be a nation of tenant farmers, and I would pity the public man or the private citizen who would suggest to the people of Texas that they reserve the fee in the land.

I say to you, Senators, that the whole theory of this is wrong—absolutely wrong. I agree with the Senator from Idaho that these lands should be turned back to the people. His amendment should be adopted, giving to the people of the States absolutely the public land and let them deal with it.

That is the proper theory, and sooner or later you will come to see it. But in the meantime we people from the West are practical men. If we can not get what we believe is absolutely right, we feel that we are entitled to ask of you some measure of justice, and we ask you simply to give us the administration of the forest reserves in the State of New Mexico and let us administer them under the laws which you have already passed and any such laws as you may pass hereafter. We will not charge you one cent for it. Instead of over $100,000 per year,

as you are paying now, we will run them for the benefit of our people. We will pay the expenses from the revenue which we collect. Now, that is all we ask.

I want to read, if I have the permission of the Senate, the amendment which I propose to offer. It is to come on page 52, after line 14, of the committee amendment.

Amendment intended to be proposed by Mr. FALL to the bill (H. R. 18060) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, viz: On page 52, after line 14, insert the following:

"*Provided further*, That the management, supervision, and administration of the respective forest reserves within the State of New Mexico and of that portion of any such reserve partly within said State shall, subject to all the laws of the United States and of the general rules and regulations hertofore adopted by the Agricultural Department, be devolved upon the State government and officers of the State of New Mexico. The Legislature of New Mexico shall, if the provisions hereof are accepted by a resolution of such body, provide the necessary officers and employees for the care, management, and administration of each of such reserves or parts of reserves. The salary and expense accounts of such officers and employees and all expenses of such care, management, and administration, including reforestation, shall be paid wholly out of the funds derived from the lease of lands and grazing permits, sale of timber, and other sources of revenue from such forest reserves, and no part of any such or any other expense connected with the care, management, or administration of such reserves shall be paid out of the appropriations herein made or by the United States out of any other funds, and any funds remaining after the payment of all expenses as in the proviso set out, shall be paid into the treasury of New Mexico to be expended as provided by the State laws.

"The Secretary of Agriculture shall have the power and he is hereby directed to cause such reserves to be inspected from time to time and shall see that all laws and rules applicable to such reserves are enforced, and shall have the power to suspend any State official or employee failing to enforce such laws and rules and regulations, pending a hearing upon charges to be made by him under his direction to the governor of New Mexico, who shall promptly remove and appoint a successor to any such official or employee against whom such charges are sustained."

Now, Mr. President, I can not see why the Congress of the United States should not at least give us the administration, under the laws as they now exist, of these forest reserves. Take one item alone of expense last year. From the forest reserves in New Mexico last year they sold $42,000 worth of timber. Now not $1 of the expense of travel or salary or any overhead expense or any administration expense or any forest ranger's pay was charged up against these receipts, but there appears upon the return of expenses an item for the sale of timber $12,000—30 per cent over and above all charges of salary of employees, of traveling, of administration, and every other expenditure. Consider that as a business proposition. We can take it; we know how to handle it; we can take it under the supervision of your Secretary of Agriculture.

Mr. NEWLANDS. If the Senator will permit me, I should like to say this. The suggestion the Senator has just made is a most interesting one and one worthy of serious consideration.

I wish to ask the Senator whether he is prepared now to give his views as to what changes should be made in the existing land laws with a view to doing away with the evil legislation and administration to which he has referred. The Senator heard my contention yesterday, I believe, that the men of the West should confer together and shape a code of laws which they could submit to Congress for its consideration, and I would ask the Senator whether he is prepared now to state what his views would be regarding, first, the forest reserves, should they be continued in any form; second, should coal reserves be continued in any form; and, third, what should be done with the grazing lands, should they be vested in private ownership or kept as a public commons for grazing until provision is made, perhaps, for their irrigation or their settlement under other conditions? I am sure that we have now a very excellent opportunity for conferring together on this bill and exchanging views, and I should be very glad to have the experience of the Senator.

Mr. FALL. I will say to the Senator that I have views, and very decided views, upon each of those propositions, and those views I will take the earliest opportunity of enlightening the Senate upon; but to go into it now in the limited time which I would have would be useless. I would very much prefer that the Senator should excuse me.

I want to say, however, shortly, that never so long as I am here or have a vote anywhere else will I vote to reserve the public lands of the United States from the individual citizens of the United States. Never so long as I have a vote can we get together on any proposition looking to a compromise adverse to the system upon which this Government was founded and create a new system of peasantry—never will my vote be given and never can we get together upon any such proposition.

As to the question of utilizing these public lands and utilizing these grazing lands, my own idea is that a larger amount than the original homestead or even desert-land entry should be given as a grazing homestead, and that the absolute title should pass just as it passes now.

I think the Senator overlooks this proposition. He speaks of withholding minerals, for instance, and of withholding coal. How long are you going to withhold it? Will you ever allow a man a title to his land? Will you ever allow him to feel that his boundaries can not be crossed by anyone seeking to erect a derrick or dig a shaft on his grounds? The present land law places a limit. Under the present homestead laws you must reside for five years upon a homestead before you can get a patent, and at any time prior to the issue of the patent, when it is shown that the land is valuable for mineral, it can be taken and is taken for mineral purposes only.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator if his proposed amendment would have the effect, in case it was adopted, of opening up the reserved lands of New Mexico.

Mr. FALL. Not at all. As I said, I am simply a practical man trying to get something. I know I can not get what I want.

Mr. CHAMBERLAIN. So the Senator's amendment would maintain the present boundaries of the reserves as they now stand?

Mr. FALL. Absolutely; and under the law and rules and regulations. We will not interfere with them, because we can not. The Congress of the United States is not yet prepared to do full justice to the people of the West, for whom I speak. I hope and believe that before many years or before many months have rolled around the Congress of the United States will abolish the Department of the Interior of the United States Government and with it the Indian Office.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be proceeded with. The next passed over amendment will be stated.

The SECRETARY. On page 29, line 18, before the words "forest rangers," strike out "one hundred and ninety-eight" and insert "two hundred and fifty-two," and in lines 19 and 20 strike out the words "54 forest rangers, at $1,100 each," so as to read:

Two hundred and fifty-two forest rangers, at $1,200 each.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I understand that several other Senators desire to speak upon the bill. We can not conclude its consideration to-night. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 16, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1912.

COLLECTORS OF CUSTOMS.

John A. Thornton, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana. (Reappointment.)

Herbert W. Hawes, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine, in place of Daniel H. Moody, deceased.

POSTMASTERS.

ARKANSAS.

F. G. Briggs to be postmaster at Judsonia, Ark., in place of F. G. Briggs. Incumbent's commission expired April 28, 1912.

Clarence A. Dawson to be postmaster at Marked Tree, Ark., in place of Clarence A. Dawson. Incumbent's commission expired April 28, 1912.

John Edwards to be postmaster at Gurdon, Ark., in place of John Edwards. Incumbent's commission expired April 28, 1912.

Claude R. Ferguson to be postmaster at Huntington, Ark., in place of Claude R. Ferguson. Incumbent's commission expired April 28, 1912.

Charles L. Jones to be postmaster at Junction City, Ark., in place of Charles L. Jones. Incumbent's commission expired April 28, 1912.

R. M. Jordan to be postmaster at Fordyce, Ark., in place of R. M. Jordan. Incumbent's commission expired April 28, 1912.

M. B. Leming to be postmaster at Waldron, Ark., in place of M. B. Leming. Incumbent's commission expired April 28, 1912.

William T. Moore to be postmaster at Leslie, Ark., in place of William T. Moore. Incumbent's commission expired April 28, 1912.

Owen J. Owen, jr., to be postmaster at Conway, Ark., in place of Owen J. Owen, jr. Incumbent's commission expires May 23, 1912.

Fidelles B. Schooley to be postmaster at England, Ark., in place of Fidelles B. Schooley. Incumbent's commission expired April 28, 1912.

J. A. Steele to be postmaster at Lewisville, Ark., in place of J. A. Steele. Incumbent's commission expired April 28, 1912.

Mattie C. De Vaughan to be postmaster at Waldo, Ark., in place of Mattie C. De Vaughan. Incumbent's commission expired April 28, 1912.

CALIFORNIA.

Ernest L. Blanck to be postmaster at Fellows, Cal., in place of Harry J. Lawton, resigned.

Clarence Edwin Kendrick to be postmaster at Barstow, Cal., in place of Clarence Edwin Kendrick. Incumbent's commission expires May 26, 1912.

Harry E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 26, 1912.

FLORIDA.

Morgan E. Jones to be postmaster at Miami, Fla., in place of Harry C. Budge. Incumbent's commission expired February 11, 1912.

GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Ga., in place of Charles D. O'Kelley. Incumbent's commission expires May 23, 1912.

ILLINOIS.

Winfield S. Pinnell to be postmaster at Kansas, Ill., in place of Winfield S. Pinnell. Incumbent's commission expired December 11, 1911.

INDIANA.

John W. Foland to be postmaster at Frankton, Ind., in place of John Sharp, resigned.

KANSAS.

George W. Rains to be postmaster at Galena, Kans., in place of Charles L. Rains, deceased.

MICHIGAN.

John C. Corkins to be postmaster at Cass City, Mich., in place of Henry S. Wickware. Incumbent's commission expired May 14, 1912.

MINNESOTA.

Frank L. Walker to be postmaster at Alden, Minn., in place of Amy R. Walker. Incumbent's commission expired March 20, 1912.

MISSISSIPPI.

Malcolm S. Graham to be postmaster at Forest, Miss., in place of Malcolm S. Graham. Incumbent's commission expired March 6, 1912.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expires May 27, 1912.

Lewis M. Joyner to be postmaster at Agricultural College, Miss., in place of Lewis M. Joyner. Incumbent's commission expired April 28, 1912.

Andrew M. Patterson, jr., to be postmaster at Como, Miss., in place of Joe C. Craig, resigned.

MISSOURI.

Percy P. Hummel to be postmaster at Laddonia, Mo., in place of Percy P. Hummel. Incumbent's commission expires May 15, 1912.

John M. Mathes to be postmaster at Aurora, Mo., in place of Isaac V. McPherson. Incumbent's commission expires May 15, 1912.

Philip G. Wild to be postmaster at Spickard, Mo., in place of Philip G. Wild. Incumbent's commission expires May 22, 1912.

NEW JERSEY.

Theodore S. Moore to be postmaster at Stockton, N. J., in place of Theodore S. Moore. Incumbent's commission expired May 11, 1912.

NEW YORK.

Warren W. Ames to be postmaster at De Ruyter, N. Y., in place of Huet R. Root, deceased.

Albert Weed to be postmaster at Ticonderoga, N. Y., in place of Albert Weed. Incumbent's commission expired May 4, 1912.

OKLAHOMA.

Joel E. Cunningham to be postmaster at Konawa, Okla., in place of Joel E. Cunningham. Incumbent's commission expires May 26, 1912.

PENNSYLVANIA.

Fred V. Balch to be postmaster at Galeton, Pa., in place of Fred V. Balch. Incumbent's commission expires May 26, 1912.

Harry S. Noblet to be postmaster at Halifax, Pa., in place of Newton E. Noblet, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1912.

COLLECTOR OF CUSTOMS.

John Bourne to be collector of customs for the district of Dunkirk, in the State of New York.

POSTMASTERS.

MICHIGAN.

David L. Powers, Jonesville.

NEW YORK.

Frank E. Colburn, Medina.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 15, 1912.*

The House met at 12 o'clock m., and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in whom is all wisdom, power, and goodness, bear with our infirmities, pardon our shortcomings, be gracious near to us, and guide our wandering footsteps into paths of purity and good will, that we may be profitable servants unto Thee and unto our fellow men, now and always, in the spirit of the Lord Jesus Christ. Amen.

ADDRESS OF HON. WILLIAM C. REDFIELD (H. DOC. NO. 758).

Mr. THAYER. Mr. Speaker, I ask unanimous consent that there be printed in the RECORD the address of the Hon. WILLIAM C. REDFIELD on the "Progress of Japanese Industry," delivered last fall before the Japanese conference at Clark University, at Worcester, Mass.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made by Mr. REDFIELD last fall before the Japanese conference at Worcester, Mass. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the question whether or not this goes into the subject of the admission of Japanese into the United States and allowing them to become citizens of the United States?

Mr. THAYER. Not at all.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest to the gentlemen who ask unanimous consent at this time in the meeting of the House to print in the RECORD, that if they do so it be not in the ordinary course of proceedings, but in the part devoted to speeches held out of the RECORD. For instance, yesterday the gentleman from California [Mr. RAKER] inserted in the RECORD a speech, to which no one had any objection, but it interferes with those gentlemen who examine the RECORD daily to have such speeches come in the current proceedings of the House.

Mr. RAKER. Will the gentleman yield there?

Mr. MANN. I will.

Mr. RAKER. I will say to the gentleman that I think he is right, and I would have no objection to having that printed at the end of the proceedings, and I think this ought to be printed in that way.

Mr. THAYER. I have no objection to the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. McCALL. Mr. Speaker, I would ask the gentleman why it would not be better to have this printed as a House document? That would be in a form convenient for circulation. It is not in any sense a part of the proceedings of the House. That is the way outside speeches are printed in the Senate, and I would suggest the gentleman modify his request and ask that it be printed as a House document.

Mr. THAYER. I have no objection to that. I will amend my request.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] modifies his request and asks that the speech of Mr. REDFIELD be printed as a House document. Is there objection? [After a pause.] The Chair hears no objection.

EXTERMINATION OF RODENTS.

Mr. RAKER. Mr. Speaker, on March 12, 1912, the Committee of the Whole House on the state of the Union had under consideration the Agriculture bill (H. R. 18960), and at that time I

made a motion to amend the bill by putting on an amendment calling for an appropriation for the extermination of ground squirrels and rodents affected by the bubonic plague. The Senate has considered the bill. I now have a full statement from the department showing the necessity of such appropriation, written for the benefit of the House, and I ask that I have unanimous consent to print the statement from the Treasury Department in regard to the matter.

Mr. MANN. I hope the gentleman will print it in the same way.

Mr. RAKER. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]?

There was no objection.

The statement referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, May 15, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: In accordance with your request, there is forwarded herewith a memorandum prepared by the Surgeon General of the Public Health and Marine-Hospital Service, relative to the necessity for the destruction of ground squirrels on Federal public lands in California, to prevent the spread of bubonic plague.

Respectfully,

R. O. BAILEY,
Assistant Secretary.

MAY 13, 1912.

Memorandum relative to the necessity for the destruction of ground squirrels on Federal public lands in California.

The present outbreak of bubonic plague in California was discovered in 1907, and during that year the infection was also found among ground squirrels in rural districts. As a result of the cooperation between the Public Health and Marine-Hospital Service and State and municipal health authorities the disease has been eradicated from cities in that State. The infection still prevails, however, among ground squirrels in rural districts.

The antiplague operations included the destruction of known foci of infection, the determination of the extent of the infection within the State, and general squirrel eradication. As a result of these efforts, there was established a squirrel-free zone around the cities of San Francisco, Oakland, Alameda, and Berkeley and vicinity, and the area of plague infection in counties of the State diminished. During the fiscal year 1911 plague infection was eradicated from 4 counties, leaving 7 counties infected out of a total of 45 counties in which antiplague operations have been conducted.

In the above operations the State and county authorities took an active part. In the fall and winter of 1910 the State board of health issued a circular letter to county boards of supervisors, calling their attention to a State law entitled "An act for the extermination of rodents," and requested their cooperation in the enforcement of the same. The medical officer representing the Public Health and Marine-Hospital Service visited the counties interested and addressed the supervisors on the importance of controlling the infection, and offered Federal aid if the boards would join in a general movement for the eradication of ground squirrels.

The county boards of supervisors adopted resolutions urging property holders to immediately take measures to destroy all rodents found upon their premises, and requested the detail of experienced Federal inspectors to assist the board in exterminating rodents. Inspectors were appointed by the county for duty in connection with the enforcement of the law and Federal inspectors were assigned to supervise the work.

The farmers generally have taken a great interest in the work, devoting much time and money in squirrel poisoning and eradication. There is record of the destruction during the fiscal year of 126,125 ground squirrels, 124,265 having been examined in the Federal plague laboratory in San Francisco and 55 found to be plague infected. The total slaughter of ground squirrels was undoubtedly very much greater than the above figures indicate, but many of the animals could not be recovered for purposes of bacteriological examination, poisoning having been largely used for the purpose of destruction.

The act of the California Legislature dated March 13, 1909, and entitled "An act for the extermination of rodents," provides that all persons owning or controlling lands in which rodents are found shall proceed in good faith to exterminate them. Private property owners have been very active in this matter, but difficulties have arisen in connection with infested Federal lands. Private owners find that it is both a waste of time and money to attempt to exterminate squirrels on lands adjoining lands of national parks and forest reserves. These possessions of the National Government are alive with rodents. During certain seasons ground squirrels migrate in large numbers from them to the ranches and farms in the lower valley. In view of this fact, the farmers in certain localities have refused to undertake to attempt to eradicate rodents on their premises until some eradicative work has also been undertaken on unoccupied portions of the public domain in that vicinity.

In April, 1911, inspectors appointed by the supervisors of Tulare County reported that the larger portion of the public lands in California was infested with ground squirrels, and stated that the farmers and ranchers could not comply with the act above mentioned on account of the fact that the Government lands adjoining private lands served for breeding places for ground squirrels, and that squirrels migrated from public lands to the private lands adjoining. This was followed later by resolutions passed by county boards of supervisors, which reiterated the above statement and requested the cooperation of the Departments of the Interior and Agriculture in the extermination of rodents on lands under their respective jurisdictions. Upon the receipt of the information above outlined from the officer of the Public Health and Marine-Hospital Service in charge of antiplague measures in California, the Secretary of the Treasury addressed letters to the Secretaries of Agriculture and Interior, outlining the situation and requesting their cooperation to the extent of causing the destruction of squirrels on land under their control. Letters were received from the Secretaries of both departments which stated, in effect, that instructions would be sent to the officers in charge of forest reserves and national parks to cooperate in this work, so far as authority in law and appropriations would permit.

The facilities for such work by those departments have evidently been inadequate, and provision should be made to enable them to eradicate ground squirrels in the public domain coincident with the eradicative measures on private lands adjoining.

The occurrences and continuance of plague among ground squirrels in the rural districts of California is a distinct menace, not only to the urban districts of California, but to other States and Territories in the Union. While the disease can be controlled and eradicated from cities in California and elsewhere, constant danger of reinfection from infected rural districts exists. Commendable progress has been made in lessening the area of infection in counties of California. The work must be continued by all parties, and sufficient appropriations should be provided for the Federal Government to free its own lands from infection, and to aid State and municipal authorities in eradicating the infection from the State generally. The problem is not only local, but national, and what may appear to-day to be a local infection is likely to spread and become a menace to public health and interstate commerce.

REPRINT OF BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print 25,000 more copies of the bill H. R. No. 1. I am just informed that the supply is entirely exhausted.

Mr. RAKER. Mr. Speaker, will the gentleman yield to a question?

Mr. SHERWOOD. Yes.

Mr. RAKER. I have been unable to get any of these bills. I am informed they are all exhausted. Will not the gentleman modify his request and make the number of copies 50,000, so that some of us might get some of these bills to send out?

Mr. SHERWOOD. All right.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent to have 50,000 copies of House bill No. 1 printed.

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman certainly does not want the bill printed.

Mr. RUSSELL. He wants the law printed.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from California?

Mr. SHERWOOD. I do.

Mr. RAKER. I have made an inquiry and I find that they are all exhausted in the document room.

Mr. MANN. And yet 30,000 copies have already been printed.

Mr. RAKER. Yes; but they are all exhausted.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the new pension law be printed.

Mr. MANN. Still reserving the right to object, I would like to ask the gentleman a question. As I understand, the Pension Office is getting out an application blank, and I think when the age pension bill was passed before, the application blank was printed on one side and the law on the other side.

Mr. RUSSELL. It is so done now. I have seen the blanks. I have got some of the blanks.

Mr. MANN. Now, it seems to me that it is desirable to have the application blanks printed in connection with the law. If that can be done I shall not make objection to the request of the gentleman from Ohio.

Mr. RUSSELL. The blanks are already printed or being printed.

Mr. MANN. Are they being printed in such numbers as the gentleman wants?

Mr. LANGLEY. I think they should be apportioned among the Members so that each Member may have his pro rata share.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to know where these 30,000 copies that are spoken of have gone. I have not got any.

Mr. LANGLEY. Nor I.

Mr. MANN. Then you are not active. You could get them by going after them in time.

Mr. RAKER. I want to say to the gentleman that the first ones at the document room gets those.

Mr. LANGLEY. I suggest to the gentleman from Ohio that they be apportioned pro rata among the Members.

Mr. SHERWOOD. But a hundred Members do not want any.

Mr. LANGLEY. Then let them turn them over to those who do want them.

Mr. MANN. We can afford to print as many as are desired.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the pension law founded upon bill No. 1 of the House be printed.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object, unless it is provided that they shall be distributed pro rata.

Mr. HAMLIN. And deposited in the folding room and distributed from there.

Mr. MICHAEL E. DRISCOLL. Yes; distributed pro rata through the folding room.

Mr. SHERWOOD. The difficulty about that is that a hundred Members do not want any.

Mr. MICHAEL E. DRISCOLL. The people who want them should not be allowed to go and grab them up in the first instance and get them all, as they have done in the case of the 30,000 which were printed heretofore.

Mr. MANN. Let me suggest to the gentleman from New York that this is a very short law and very likely, on being sent out, the copies would not be sent out in large envelopes through the folding room as conveniently as through the Members in a small envelope under a frank. It is a great deal easier to send them out under a Member's frank in an envelope than under a frank slip through the folding room.

Mr. HAMLIN. But if they are in the folding room Members can send there and get them.

Mr. MANN. As soon as the application blank is available with the law printed on the back Members will not want the law by itself, but they will want the application blank with the law printed on the other side.

Mr. MICHAEL E. DRISCOLL. They ought to be distributed through the folding room, so that we can all get our share of them.

Mr. RAKER. Mr. Speaker, will the gentleman from Ohio yield?

Mr. SHERWOOD. Yes.

Mr. RAKER. Could not the gentleman make the request that 50,000 copies of this law be printed upon the back of the application that has already been approved by the Pension Bureau?

Mr. SHERWOOD. They have already been printed.

Mr. RAKER. If you print your 50,000 blanks and print the law on the back, you will not have to print the law separately. You save printing 50,000 copies of the law. You might just as well print the blanks and have the law on the back and have it all done at once.

Mr. LANGLEY. That will save our going to the Pension Office.

Mr. RAKER. It will save sending out two documents. It will be cheaper for the Government, more convenient for us, and handier for the pensioner to have the law right before him.

Mr. EDWARDS. What is the estimated cost per thousand of printing these laws?

Mr. SHERWOOD. We have no estimate.

Mr. LANGLEY. It is merely nominal.

Mr. SHERWOOD. I have been requested by at least 20 Members to have 50,000 copies printed, and these requests have been made in the last 24 hours. I have no estimates.

Mr. LANGLEY. It will cost only a few dollars.

Mr. SHERWOOD. It will cost only a very small amount.

Mr. EDWARDS. I understand the cost is nominal.

The SPEAKER. Does the gentleman modify his request about printing the law on one side and the blanks on the other?

Mr. SHERWOOD. If they have not been printed already.

Mr. RUSSELL. They have been printed, and the law is being printed on them now.

The SPEAKER. Is that the way it is being done now?

Mr. RUSSELL. Yes.

The SPEAKER. Why not go on in that way, then?

Mr. RUSSELL. They are printing them, anyhow; but I think there ought to be some copies of the law, besides. Some people want copies of the law who may not be entitled to the blanks. (Public, No. 155.)

The SPEAKER. The gentleman from Ohio asks unanimous consent to print 50,000 copies of the pension law which was based on House bill No. 1. Is there objection?

There was no objection.

LEAVE TO PRINT SPEECHES.

The SPEAKER. Until the Chair can communicate with the Committee on Printing the Chair will ask gentlemen who have leave to print speeches, or who get permission to have somebody else's speeches printed in the RECORD, to act on the suggestion of the gentleman from Illinois [Mr. MANN], which is eminently proper, and mark the speeches as they go to the Printing Office, "Print this at the end of the proceedings." The gentleman from Illinois is right in the suggestion that to print the speeches in the body of the proceedings has a tendency to confusion. Members do not want to read these speeches when they are hunting for something in particular.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

This being Calendar Wednesday, the Speaker laid before the House the unfinished business coming over from last Wednesday, being the bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Mr. JONES. Mr. Speaker, I would like to ask what is the parliamentary status of the two amendments which were offered, or rather which were read to be offered. If those amendments are pending, I would like to be heard in opposition to them. I understand that one of them is to be withdrawn, if it is considered as pending, but I wish to know whether they are before the House or have simply been read for the information of the House.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is pending. The amendment or substitute of the gentleman from Colorado [Mr. MARTIN] was simply read for information as a part of his remarks, with the statement that he intended to offer it, but the gentleman from Colorado [Mr. MARTIN] has notified the Chair that he is going to withdraw his amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I wish to say to the Chair and to the gentleman from Virginia [Mr. JONES] that I think I shall withdraw my substitute, owing to the fact that it goes to the public-land section of the organic law as well as the friar lands; but I want to say now to the gentleman from Virginia that it is my intention to make a motion to recommit the bill with instructions to strike out the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] which was incorporated in it on last Wednesday. I shall do that, if I get recognition, in lieu of offering the substitute which I had read last Wednesday.

Mr. JONES. Mr. Speaker, upon an examination of the RECORD I am somewhat in doubt as to just what the amendment is that the Chair stated to be pending. I thought perhaps the gentleman from Pennsylvania [Mr. OLMSTED] might desire to change or modify it in some respects.

The SPEAKER. Is the gentleman rising to a parliamentary inquiry?

Mr. JONES. I suppose it is in the nature of a parliamentary inquiry. The RECORD states, on page 6411, that the Clerk read the amendment in these words:

> Amend, page 2, line 21, by inserting, after the word "holdings," the following:
> "*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

And that the gentleman from South Dakota [Mr. MARTIN] rose and said:

> The gentleman might say, "This act as amended." Would that help it?
> Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."
> The SPEAKER pro tempore. Without objection, the change will be made.
> There was no objection.

Now, as amended by adding the words "this act as hereby amended," the last line of the amendment would read:

> Subject to the limitations and restrictions herein provided this act as hereby amended.

The amendment as thus amended is absolutely meaningless.

Mr. OLMSTED. If the gentleman from Virginia will permit, the amendment as actually offered by me appears on page 6076. It is true, however, referring back to page 6072, that I had agreed to modify it somewhat at the suggestion of certain gentlemen, and now if there be no objection, I will modify the amendment as printed on page 6076 by striking out the words "herein provided" and add in lieu thereof the words "in this act as hereby amended."

Mr. JONES. If the gentleman from Pennsylvania asks unanimous consent to make that modification, I shall have to object.

Mr. OLMSTED. I am quite content with the amendment as it is.

Mr. JONES. My reason for offering the objection is this——

The SPEAKER. The gentleman does not have to give any reason for his objection.

Mr. OLMSTED. I will withdraw the request, Mr. Speaker.

Mr. MORSE of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE of Wisconsin. I sent an amendment to the Clerk's desk during the consideration of this bill and supposed that it was pending, and I would like to ask whether or not the amendment is pending?

The SPEAKER. It is not.

Mr. MORSE of Wisconsin. I ask unanimous consent to offer the amendment now and have it pending.

Mr. OLMSTED. I have no objection to the gentleman offering an amendment, but I would like to have mine disposed of first.

Mr. MANN. The gentleman from Wisconsin will have the right to offer an amendment after the other amendment is disposed of.

The SPEAKER. Of course, and the Chair will recognize him.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. I desire to have the Speaker refer to my substitute, found on page 6083 of the RECORD, and state the parliamentary status of that substitute. There has been some question raised as to whether the substitute is actually pending.

The SPEAKER. The Journal Clerk informs the Chair that the Journal shows that that amendment is pending and that a point of order was reserved against it.

Mr. MARTIN of Colorado. That is my judgment of it.

The SPEAKER. The Chair will so hold if the Journal shows it. The RECORD also shows the fact.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment offered by me be again reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert the following: "*And provided further*, That every citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations and restrictions herein provided."

Mr. JONES. Mr. Speaker, I desire to call attention to the fact that the Clerk has not read all of the amendment. The gentleman from Pennsylvania accepted as an addition to that amendment these words, "In this act as hereby amended," and the Speaker declared that inasmuch as there was no objection the change would be made. That is found on page 6072. I desire that the amendment as it is now before the House shall be read.

Mr. OLMSTED. Mr. Speaker, I asked, as is found on page 6072 of the RECORD, to have the amendment read for information. I did not offer it at all, but I did agree that I would be willing to accept the change suggested; but when I offered the amendment I offered it as it now appears on page 6076 and in the exact form in which it there appears.

The SPEAKER. What is the point that the gentleman from Virginia makes?

Mr. JONES. Mr. Speaker, the point I make is this, that the gentleman from Pennsylvania [Mr. OLMSTED] offered an amendment in the precise language as read by the Clerk. The RECORD is very clear upon the subject. A suggestion was made that that amendment should be amended. The Chair will find on page 6072 of the RECORD what took place, and the amendment as modified by the suggestion of the gentleman——

The SPEAKER. Where is the gentleman reading?

Mr. JONES. Mr. Speaker, I am reading from the last column on page 6072 of the RECORD of May 8, 1912. I will read what took place:

The SPEAKER pro tempore (Mr. RUCKER in the chair). The Clerk will report the amendment.

The Clerk read as follows:

"Page 2, line 21, after the word 'holdings,' insert:

"'*And provided further*, That in the sale of lands by the Philippine Government there shall be no restriction, limitation, or discrimination against any citizen of the United States.'"

Mr. OLMSTED. Without objection, I would change that amendment to an amendment in the form of the one which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

"Amend, page 2, line 21, by inserting after the word 'holdings' the following:

"'*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided.'"

Mr. JONES. I understand what the object is, but your amendment says that any citizen of the United States shall be permitted to buy any of the public lands of the Philippine Islands, and that would include the so-called public lands subject to the limitations and restrictions of this act.

Mr. OLMSTED. Yes.

Mr. JONES. It occurred to me that it possibly might mean subject to the restrictions and limitations of this bill, but you refer to the act which this bill would amend?

Mr. OLMSTED. Surely. And the act as it would be amended by this bill.

Mr. MARTIN of South Dakota. The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

The SPEAKER. The Chair will suggest that a simple way out of this snarl is for the gentleman from Pennsylvania [Mr. OLMSTED] to withdraw his amendment, which he has an absolute right to do, and then to offer the amendment in the shape he wants it.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from Pennsylvania that it seems to me the simplest way would be for him to offer a substitute for his own amendment.

Mr. OLMSTED. Mr. Speaker, I was just preparing a substitute, which I desire to offer.

The SPEAKER. The gentleman from Pennsylvania offers a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Substitute: Page 2, line 21, after the word "holdings," insert the words:

"*And provided further*, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations of this act, as hereby amended."

Mr. JONES. Mr. Speaker, I make the point of order that the substitute is not germane to the bill before the House.

Mr. OLMSTED. I supposed that was the point which the gentleman was trying to make. Mr. Speaker, the amendment I did offer was made without any point of order being made against it, and this being a substitute, the substitute is germane to the amendment and therefore is in order.

The SPEAKER. The point of order of the gentleman from Virginia is overruled.

Mr. JONES. Mr. Speaker, I desire to be heard for a moment on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. JONES. Mr. Speaker, I wish to say in the first place that when this amendment was offered it was my understanding, and I think it was the understanding of the House, that it was simply read for the information of the House, as was the amendment offered by the gentleman from Colorado [Mr. MARTIN]. If that had not been my impression at that time, I would most assuredly have made the point of order that the amendment was not germane. It was because I regarded the amendment as simply read for the information of the House and that it was not before the House that I did not make the point of order.

In support of my contention, I wish to say that if this amendment had been before this House for its action the only business which the House could have transacted would have been its disposition. No effort was made to dispose of the amendment at all. The Chair recognized different gentlemen, the gentleman from Colorado [Mr. MARTIN] among others, the Chair stating specifically that he recognized the gentleman from Colorado [Mr. MARTIN] to speak upon the merits of the bill, and not upon the amendment. Mr. Speaker, under these circumstances I did not at that time make the point that this amendment was not germane.

Another point, Mr. Speaker, to which I desire to call attention is this. If I understand the rules of the House, amendments are not in order in the House until bills are read a second time.

This bill, as I understand it, has not been read a second time for amendment, and therefore——

The SPEAKER. The rule of the House is this: That under the situation that this bill is in a Member can offer an amendment to any part of it at any time that he can get recognition from the Chair, and the House can either vote on the amendment then or take time to discuss it. When the gentleman from Colorado [Mr. MARTIN] arose to address the Chair, the Chair does not remember whether he asked to make a speech on the bill or on the amendment; but it does not make a particle of difference.

Mr. MANN. Mr. Speaker, let me call the attention of the Chair to what the Chair did do at that time. On page 6076, middle of the page, first column, the gentleman from Pennsylvania [Mr. OLMSTED] said:

Mr. Speaker, I now offer again and desire to be heard on the amendment which was read some time ago and which is considered pending.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Then the Clerk read the amendment. At the bottom of the page the gentleman from Pennsylvania took the floor, and my colleague from Illinois [Mr. FOWLER] made the point of order that the gentleman from Pennsylvania was not entitled to the floor. The Speaker decided:

But the gentleman from Pennsylvania [Mr. OLMSTED] has offered an amendment, and he has the right to an hour on the amendment.

Mr. JONES. Will the gentleman let me ask him this question?

Mr. MANN. Certainly.

Mr. JONES. The gentleman read until he reached the amendment, but he did not read the amendment. Now, I want to ask him to read the amendment and to say whether or not it is the amendment which was before the House. I submit it is not the amendment which was before the House; that it is another amendment.

Mr. MANN. That may be, but that is pending and has not been disposed of.

Mr. JONES. The gentleman's amendment which you have before you is not the amendment——

Mr. MANN. Oh, well, whether it is correctly printed in the RECORD or not does not matter.

Mr. JONES. It is not a question of whether it is correctly printed in the RECORD, but it is not the amendment at all.

Mr. MANN. An amendment was offered by the gentleman from Pennsylvania, and he was recognized by the Speaker for an hour on that amendment. Now, whether the amendment is correctly printed in the RECORD or not does not make any difference. The Clerk at the desk has the amendment and the amendment has not been disposed of.

The SPEAKER. The parliamentary situation is that the gentleman from Virginia [Mr. JONES] did not raise any point of order against it. Nobody else raised a point of order. Now it is too late, in the opinion of the Chair, unless the gentleman from Virginia wants to be heard still further, to raise the point of order against this substitute, because it has been decided time and time again that if a proposition, which would have been subject to a point of order as not germane, is left in a bill or left pending without any point of order being made against it, it is subject to any amendment germane to the proposition itself even though such amendment to the amendment would not have been germane to the bill itself or to any part thereof. Of course the same rule applies to a substitute.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it. The point of order of the gentleman from Virginia is overruled.

Mr. MARTIN of Colorado. Mr. Speaker, in order to make the ruling of the Speaker perfectly clear, and particularly with reference to its effect on other pending amendments, I shall ask a question and ask the Chair to consider for a moment before answering the question in order to make a brief statement. I want to ask whether the Chair permitted the gentleman from Pennsylvania to offer his substitute as germane to the pending bill or as a substitute to the pending amendment to which the point of order was not raised? Now, in explanation of that question I will say to the Chair that the gentleman from Pennsylvania is in the inconsistent position of having raised the point of order against my substitute upon the ground it was not germane to the pending bill.

Mr. MANN. He did not offer it——

Mr. MARTIN of Colorado. And yet the gentleman offers a substitute which goes to identically the same subject matter; that is to say, to the public lands, so called, in the Philippine Islands. Section 15 of the organic law of the Philippine Islands related only to the public domain acquired from Spain. Section 65 relates to the friar lands. The gentleman has offered a substitute for his amendment which is not confined merely to the friar lands, but goes as well to the public domain, authorizing citizens of the United States to acquire not only friar lands, but public lands. Now, my substitute goes to the same lands, but instead of authorizing their acquisition, as his does, my substitute forbids their acquisition, so the principle involved would be identically the same. Now, it was for that reason I asked the Chair the question, whether he is permitting the substitute of the gentleman on the ground that it is germane to the bill or on the ground that it is germane to a nongermane amendment against which the point of order was not raised at the time.

The SPEAKER. If the Chair permits it at all, he is permitting it on the latter ground stated by the gentleman—that the original amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] was permitted to get into the position of advantage by nobody raising the point. The Chair is not deciding, and he is not required to decide, and he is not going to decide, under the circumstances, whether or not a point of order would have been good against the original amendment offered by the gentleman from Pennsylvania, because the proceedings have passed that stage.

Mr. MARTIN of Colorado. So, then, the point of order raised against my substitute is not necessarily determined by the ruling of the Chair upon the substitute of the gentleman from Pennsylvania?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MARTIN of Colorado. I say the point of order raised against my substitute is not necessarily determined by the ruling of the Chair on the substitute of the gentleman from Pennsylvania [Mr. OLMSTED]?

Mr. MANN. You never offered a substitute.

Mr. MARTIN of Colorado. The Chair has decided that the Journal and RECORD show that my substitute is pending. I do not know whether I make myself clear to the Chair, although it is clear to me. The Chair has permitted the gentleman from Pennsylvania [Mr. OLMSTED] to offer his substitute for the amendment which he already had pending, against which the point of order could have been but was not raised.

The SPEAKER. The Chair has simply ruled——

Mr. MARTIN of Colorado. Now, I want to know whether that goes to the point of order raised against my substitute.

The SPEAKER. The Chair simply decided that the substitute of the gentleman from Pennsylvania for his own amendment could not be ruled out at this stage of the proceedings by the point of order made by the gentleman from Virginia [Mr. JONES] that the substitute is not germane to the bill.

Mr. MARTIN of Colorado. I understand that.

The SPEAKER. That is all the Chair decided. If the gentleman from Colorado [Mr. MARTIN] has any other point of order to make, the Chair will hear that.

Mr. MARTIN of Colorado. I understand now that the fate of my substitute is still undetermined?

Mr. JONES. That is unquestionably true, Mr. Speaker, unless the gentleman has withdrawn it. The Chair has not passed on it.

The SPEAKER. The Chair will ask the gentleman from Colorado a question, in order to get this matter straightened out. Was the substitute of the gentleman from Colorado simply a substitute for a particular section or was it offered as a substitute for the entire bill?

Mr. MARTIN of Colorado. It was offered as a substitute for the entire bill.

The SPEAKER. And the point of order was reserved?

Mr. MARTIN of Colorado. Yes, sir. The point of order was that my substitute was not germane to the subject matter of the bill.

The SPEAKER. The Chair is of the opinion that the House passing on that substitute of the gentleman from Pennsylvania for his own amendment in no way affects the status of the substitute of the gentleman from Colorado [Mr. MARTIN] for the whole bill.

Mr. OLMSTED. Yes, sir.

Mr. MARTIN of Colorado. That is what I wanted to make clear. This is the situation it raises, namely, that the gentleman from Pennsylvania [Mr. OLMSTED] offered a nongermane amendment——

The SPEAKER. Yes; and the House slept on its rights and let it become a matter to be considered. The amendment he now offers is germane to his amendment which he offered without any point of order being made against it.

Mr. JONES. Mr. Speaker, I desire to be heard on the merits of the amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is entitled to the floor if he wants it.

Mr. JONES. I may say to the Chair that the gentleman from Pennsylvania [Mr. OLMSTED] discussed this amendment for an hour and then yielded the floor.

The SPEAKER. The gentleman from Pennsylvania discussed his original amendment for an hour and then sat down without making any motion whatever about this bill, and therefore it swung back to the gentleman from Virginia [Mr. JONES]. But it is a new amendment to the amendment. It is his proposition, and he has a right to be heard on it first if he desires to be heard.

Mr. OLMSTED. Upon which, Mr. Speaker, I desire to be heard very briefly.

The amendment which I originally offered, or rather had read for information, as printed on page 6411, was perfectly plain to me, but the gentleman from Virginia [Mr. JONES] and some other gentleman thought it possible that it would not carry with it the restrictions in the act of 1902 as amended by this bill. So, to meet their desire, I proposed to change it so that instead of saying "as herein provided," it shall read, "the limitations and restrictions of this act as hereby amended," thus complying with their request; but when the amendment was finally offered, on page 6416 in the RECORD, it was read in its original form, and when this morning I asked unanimous consent to change it, the gentleman from Virginia [Mr. JONES] objected for the purpose of raising a fine point, which did not prevail.

Now, the total object of this amendment which I have just offered—this substitute—is to comply with their request and to make it perfectly plain that if any citizen of the United States buys land under this authority, he buys it subject to all the restrictions of the act of 1902, as amended by the pending bill.

The object of the amendment is that citizens of the United States shall not be excluded, if they want to buy 40 acres of land in the Philippines. It seems to me that no man can stand up and with any reason oppose such an amendment as that. I think it is the law now, but the gentleman from Virginia and some other gentlemen think that no citizen of the United States can buy land in the Philippines. If so, it is an outrageous position—an outrageous position for us to be placed in—and that situation ought to be changed; the sole object of this amendment is to change it. We are limiting here the amount to be purchased to 40 acres. What reason can any man give why a citizen of the United States can not buy 40 acres of land, if he has the money to pay for it, anywhere under the flag?

That is all I desire to say, Mr. Speaker, and I yield the balance of my time to the gentleman from Indiana [Mr. CRUMPACKER], if he desires to take it.

Mr. CRUMPACKER. I do not desire to speak on the amendment, but I desire to speak on the bill.

Mr. OLMSTED. Then, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. Mr. Speaker, in order that the House may clearly understand just what this amendment seeks to accomplish, I wish to state that the bill before the House simply proposes to amend section 65 of the organic act of the Philippine Islands. Section 65 does not contain a single word relating to the character of the persons who can acquire public lands or friar lands from the Philippine Government.

This amendment, to which a substitute is offered, would have been ruled out by the Chair without any question had the point been made that it was not germane to the matter embraced in this bill, and it is the consciousness of that fact which prevented the gentleman from Pennsylvania [Mr. OLMSTED] from withdrawing it and offering the amendment which is embodied in the substitute. The substitute is, in other words, merely a subterfuge for the purpose of getting before this House a proposition that is in no sense connected with or germane to the matter embraced in the bill before the House.

The fifteenth section of the organic act provides that the public lands of the Philippine Islands can only be sold—mark the words—"to actual occupants, settlers, and other citizens of the Philippine Islands." The gentleman from Pennsylvania [Mr. OLMSTED] admits, as the gentleman from Illinois [Mr. MANN] said on Wednesday last in offering this amendment, that the law now is that these lands can not be sold to others than actual occupants, settlers, and other citizens of the Philippine Islands; and therefore the object of the gentleman is not to change the law, or any line of the law, embraced in section 65, but to amend section 15 of the organic act, which prohibits the sale of any public lands to citizens of the United States.

The gentleman from Pennsylvania says that he desires merely to make plain the language of section 15; that he thinks it is already plain, but that I do not take the same view of it that he does, and therefore he wants to make it plain.

Mr. Speaker, the language of this law is so plain that, in my judgment, no intelligent man who wants to construe it fairly and honestly can possibly be mistaken as to its meaning. It says that the public lands can only be sold to actual occupants, settlers, and other citizens of the islands. To show that this language was not inadvertently used, to make it perfectly plain that the committee, of which the gentleman from Pennsylvania [Mr. OLMSTED] was a member when the organic law was before this House, as well as the Senate committee having the bill in charge, and the conferees on the bill understood perfectly the meaning of this language, I call attention to the fact that there is another section of this law which relates to mineral and coal lands. That section provides that mineral and coal lands may be purchased by citizens of the Philippines and by citizens of the United States; but no citizen of any foreign country can buy an acre of mineral or coal lands in the Philippine Islands. It was the purpose of the Committee on Insular Affairs, it was the purpose of Congress in enacting this law, that the agricultural lands should be held exclusively for occupancy by Filipinos; but when the committee came to deal with the mineral and coal lands it did not propose to exclude citizens of the United States, and so the law provides that citizens of the United States, as well as citizens of the Philippine Islands, may purchase the mineral and coal lands.

Mr. MANN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MANN. Is it the opinion of the gentleman that under the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], if adopted, Filipino citizens taking these lands will have to be occupants in order to buy, but that American citizens could buy without regard to occupancy?

Mr. JONES. I suppose that to be the meaning and intent of the amendment offered by the gentleman from Pennsylvania. However, the gentleman who offered it has not informed me as to what he believes will be its effect.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. BUTLER. I recall the amendment that was offered by the gentleman from Pennsylvania [Mr. OLMSTED] and adopted by the House a week ago, under which, it seems to me, the subject of the sale of lands in the Philippine Islands will be largely regulated by the Philippine Legislature hereafter. Am I right in that?

Mr. JONES. The gentleman is right as to the 125,000 acres of friar lands; but, if the gentleman will pardon me, this amendment undertakes not to amend the bill which is pending before the House, but an entirely different section of the organic law; it undertakes to amend the fifteenth section and to permit any citizen of the United States to buy any of the public agricultural lands.

Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] seems to think that it is most remarkable that I should want to prevent citizens of the United States from purchasing the agricultural public lands of the Philippine Islands. I call the gentleman's attention to the fact—and I have refreshed my memory by reading every word that took place when these sections were before the House 10 years ago—that those who participated in the debate which then took place laid particular stress upon the fact the friar lands were purchased in order to provide homesteads for Filipinos, and that the purpose in limiting the disposition of the public lands was to effectually prevent their ownership and exploitation by aliens. At that time I offered an amendment to section 16 of the bill which, if adopted, would have prevented corporations from acquiring an acre of the friar lands and would have limited individuals to the acquisition of not more than 160 acres. Both the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Indiana [Mr. CRUMPACKER] voted against my amendment.

Mr. MANN. Will the gentleman yield?

Mr. JONES. I will.

Mr. MANN. Under the existing law if a citizen of the United States goes to the Philippine Islands in any capacity and desires to remain there and cultivate the soil, can he acquire any portion of these lands by purchase?

Mr. JONES. A citizen of the United States?

Mr. MANN. Yes.

Mr. JONES. Under the law as it now stands I do not believe he legally can, but I will say to the gentleman that the Philippine Commission, or rather the interior department of the Philippine Islands, under which these lands are administered, has never paid the slightest regard to the language under discussion. No discrimination has ever been made against citizens of the United States in the sale of public lands in the Philippines.

Mr. MANN. Not merely the friar lands?

Mr. JONES. I am speaking of the public lands.

Mr. MANN. Have citizens of the United States been able to acquire land in 40-acre tracts?

Mr. JONES. I think so. I know citizens of the United States have bought friar lands, and I am quite certain that they have acquired parts of the public lands. But this I know to be the case, that the Philippine authorities have held that they had a right to sell either the public lands or the friar lands to any citizen of the United States, and that the language which I have read did not preclude their doing so. There has been no investigation as to this particular subject. The congressional investigation which took place in the last Congress related solely to the disposition of friar lands in large quantities.

Mr. MANN. That was a question in reference to friar lands.

Mr. JONES. There is nothing before the House relating to the public lands.

Mr. MANN. There is now.

Mr. JONES. Yes; there is since the gentleman from Illinois suggested to the gentleman from Pennsylvania a method by which he might get it before the House.

Mr. MANN. I always give parliamentary advice to my side of the House.

Mr. JONES. The proposition embodied in the amendment, however, is not germane to the bill which the House is considering. It got before the House by a parliamentary device.

The gentleman from Pennsylvania [Mr. OLMSTED] says that my contention is that citizens of the United States can not purchase public lands in the Philippines. He is correct in this statement, but he also knows that every member of the minority of the Committee on Insular Affairs of the Sixty-first Congress, with possibly two exceptions, took exactly the same ground that I now take. He also knows that three members of the majority, namely, Messrs. Madison, of Kansas, HUBBARD, of Iowa, and DAVIS, of Minnesota, took precisely the same position.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MARTIN of Colorado. I want to make a partial answer to the question of the gentleman from Illinois with reference to the sale of public lands other than those of the Philippine Islands. On page 204 of the hearings is a list of sales of public lands to others than citizens of the Philippine Islands; and I will say that they were not only citizens of the United

States, but they were officials of the Philippine Government and were officials in the land department of the Philippine Government. On page 205 is a long list of leases of public lands, leased for a period of 50 years at the minimum rental allowed by law to citizens of the United States and to corporations organized by citizens of the United States, and that the majority of the officials were citizens of the Philippine Islands, including officials in the land department, the assistant director of public lands, and that these corporations were organized to develop and lease these public lands.

Mr. JONES. Mr. Speaker, I am very much obliged to the gentleman from Colorado for having furnished the specific information asked for by the gentleman from Illinois [Mr. MANN]. I was quite sure that citizens of the United States had actually purchased public lands, but my memory was not sufficiently clear to enable me to make the positive statement.

Mr. MARTIN of South Dakota. Mr. Speaker, do I understand the gentleman from Virginia to say that the Philippine Commission has interpreted section 15 of the organic act as not preventing a sale of parts of the public domain to people other than citizens of the Philippine Islands?

Mr. JONES. I am saying that identical thing.

Mr. MARTIN of South Dakota. Then, if the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] should be adopted, it would practically be a legislative indorsement of that interpretation.

Mr. JONES. That is precisely what it will be, and that, in my humble judgment, is the object which the gentleman from Pennsylvania has in view. The gentleman says that he does not agree with me, but his action in pressing this amendment shows to my mind that he thinks there is a good deal more in my contention than he is willing to admit; and the object of this substitute is not only to confirm every illegal act of the Secretary of the Interior and the director of public lands in the Philippine Islands, so far as they relate to sales of lands to citizens of the United States, but it will, if adopted, permit the sale of every acre of the public lands in the Philippines, which are the God-given inheritance of the Philippine people, to citizens of the United States.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. MORSE of Wisconsin. Then I do not understand how the gentleman connects the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] with the other section of the bill. It specifically refers to this section 65, which is the friar-land section.

Mr. JONES. Yes; but it relates to all Government-owned lands. Had it been confined in terms to the friar lands there would have been no question as to its being germane.

Mr. MORSE of Wisconsin. I understand that part of it. It seems to me that what he is seeking to amend is section 65.

Mr. JONES. The gentleman from Pennsylvania [Mr. OLMSTED] will be frank enough to tell the gentleman that he is seeking by his amendment to repeal the language of section 15, which confines the sales of public lands to actual occupants, settlers, and other citizens of the Philippines. Has the gentleman the amendment before him?

Mr. MORSE of Wisconsin. I have not.

Mr. JONES. Then I shall read it to the gentleman. The amendment says, following the last word in the bill:

And provided further, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions herein provided.

It will be seen that the language is "lands," not "friar lands."

Mr. MORSE of Wisconsin. Of course the limitations herein provided are 40 acres.

Mr. JONES. That is the construction which I have always placed upon the present law, and I think the gentleman agrees with me.

Mr. MORSE of Wisconsin. Then under the amendment offered by the gentleman from Pennsylvania no American citizen would be permitted to purchase more than 40 acres of any land.

Mr. JONES. This may be true as to the public lands.

Mr. MORSE of Wisconsin. Then where is the danger in it if that is true? If no American citizen can purchase more than 40 acres, what is the danger?

Mr. JONES. The gentleman is discussing the merits of the proposition. In the first place, I do not believe that we ought to change existing law in the Philippine Islands in this way. This bill was introduced for the purpose of construing one section of the law, and I do not think an attempt ought to be made, even if it can be done under the rules, to change one of the most important provisions of another and a different section which is not before the House except in so far as this amendment brings it before it. This provision of the organic law, or, rather, the whole act, was under consideration for five or six days.

Mr. COOPER. It was considered for one week.

Mr. JONES. And these sections were discussed at great length.

They were also discussed in the Senate at great length, and the conference committee had charge of the bill for a number of days, and it made a great many important changes in the law. It can not, therefore, be contended that the language which confines the sale of public lands to citizens of the Philippines was placed in the law without due consideration. Its meaning is certainly too clear and obvious to permit of any discussion. If this were not true, we would not now be considering this amendment.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. OLMSTED. Mr. Speaker, I desire to ask whether in the discussion of the organic act in 1902, at the time of its passage, there was any discussion of the proposition that citizens of the United States should not acquire land in the Philippine Islands?

Mr. JONES. Not one word was said on the subject. The language was so plain that nobody asked its meaning. There was no mistaking that the purpose was to confine the sale of agricultural lands to citizens of the Philippine Islands, but to permit citizens of the United States to purchase mineral and coal lands if they desired to do so.

Mr. OLMSTED. One more question. Is the gentleman opposed to allowing a citizen of the United States to buy 40 acres of land in the Philippines?

Mr. JONES. I am opposed to it. I think the policy of prohibiting the sale of the agricultural lands of the Philippines to aliens is a wise one. But if we permitted aliens to purchase 40 acres they might, and doubtless would, through the agency of dummies, secure a great deal more.

Mr. OLMSTED. The act prohibits that for five years.

Mr. JONES. For a certain length of time it does, but after the expiration of that period the lands can be alienated.

Mr. MORSE of Wisconsin. Right at that point, will the gentleman then not accept the amendment which I offer and which will prevent that very thing?

Mr. JONES. I will say to my friend that if I believed his amendment was constitutional, and if I believed it was wise to adopt so radical a policy as he proposes, I would not oppose it. I am as much opposed as is the gentleman to the exploitation of the Philippines, but I can not believe that we ought to undertake to limit the quantity of land which one individual may acquire from another individual. I am not willing to force a policy of this kind upon the Filipinos when I would oppose the same thing if attempted in the United States. The Government can and should dispose of the public lands in small bodies, but it would be very unwise to say that no citizen shall own more than a limited quantity of land. That would discourage thrift and enterprise.

Mr. JACKSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. JONES. I will.

Mr. JACKSON. If the gentleman is correct in his view that the substitute of the gentleman from Pennsylvania will ratify and confirm all the sales made to citizens of the United States, does not he also think that the gentleman's bill will ratify the sale of the San Jose estate?

Mr. JONES. No; that does not follow at all.

Mr. JACKSON. Where is the difference?

Mr. JONES. The bill before the House simply says that hereafter there shall be no sales of friar lands in excess of the limitations fixed in section 15. That is all. The gentleman from Colorado [Mr. MARTIN] would like to see an amendment adopted which would declare all sales made in excess of the limitations fixed in section 15 adopted, but he will not press that amendment simply because he knows it is not germane to this bill.

It is thoroughly understood that unless this bill passes the remainder of the friar lands will be disposed of without limitation as to quantity. The Secretary of War and even the President have given us so to understand. Hence the urgent necessity for the passage of this bill.

Mr. JACKSON. If the gentleman will permit, just a moment. I am inclined to agree with the gentleman in his statement, but it does seem to me, according to what the gentleman has said, that the substitute of the amendment of the gentleman from Colorado should be adopted.

Mr. JONES. The gentleman from Colorado is going to withdraw his amendment. There are a great many changes that I

would like to see made in the organic law, but that is no reason why this change should not be made now. We can not accomplish everything at once. This bill was only designed to accomplish one thing, and gentlemen who favor it should not insist that it does not cover many other provisions of the organic law that they would like to see changed. There are a great many reforms which I would like to see adopted. The Committee on Insular Affairs has reported a bill which is now on the calendar which makes very radical changes in the government of the Philippine Islands.

Mr. JACKSON. Why not report that bill?

Mr. JONES. That has been reported, and it would have been called up on last Wednesday if the gentleman had not united with others who engaged in a filibuster to prevent its consideration.

Mr. JACKSON. I think the gentleman is mistaken about anybody filibustering.

Mr. JONES. I am not, because the gentleman who led the filibuster frankly admitted his purpose to me. Had I agreed not to call up the Philippine independence bill, much of the opposition to this bill would have disappeared.

Mr. JACKSON. That would not make this bill any better, would it?

Mr. JONES. Those who oppose this bill, as well as those who advocate it, agree that Congress ought by affirmative action declare its policy as to the disposition of the friar lands. However much we differ as to what that policy should be, we all agree that the intention of Congress should be made clear and definite, and that is all this bill seeks to accomplish.

Mr. JACKSON. It must be plain to the gentleman, from what he has already said to the gentleman from Pennsylvania [Mr. OLMSTED], that if we now pass an act which, as the gentleman says, is meant to interpret the act which has already been passed, that we greatly injure every chance the Philippine Government has to recover this San Jose estate.

Mr. JONES. The gentleman is entirely mistaken. He is too good a lawyer to hold that if we put a stop to the sales of friar lands in large quantities in the future we thereby in some way make it more difficult to have those which have illegally been made declared void. I can not appreciate the force of an argument such as this.

Mr. JACKSON. Why not write something in your bill to right the wrong.

Mr. JONES. This bill does not undertake, as I have already said, to right all the wrongs that have been committed in the Philippine Islands. The wrongs of which the gentleman complains will, in my judgment, have to be righted in the courts. But however this may be, I for one am anxious to pass this bill and thus put a stop to the sales of these lands.

Mr. OLMSTED. The gentleman from Virginia [Mr. JONES] has stated that there are reports of Mr. DAVIS and Mr. Madison covering his opposition in this matter. I wish to read three lines from that report:

> We believe that the amount that can be secured as a homestead should be increased to 160 acres, and that citizens of the United States not in the Philippine service should be qualified entrymen.

Mr. JONES. Does that change my statement? I did not say that Judge Madison thought the limit should not be increased. I said that he declared that the law as it stands to-day forbids the sale of public lands to citizens of the United States. If the gentleman has the Madison report before him he knows what I say is absolutely correct.

Mr. COOPER rose.

The SPEAKER. Does the gentleman from Virginia [Mr. JONES] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. JONES. I will, but I want to reserve most of my time.

Mr. COOPER. I want to say a word right there in the way of an interruption.

Mr. JONES. Will not the gentleman speak in his own time?

Mr. COOPER. I was going to ask this question first: When Judge Madison said that the homestead area in the Philippine Islands ought to be increased to 100 acres, do you not think that he had forgotten that the testimony of Gov. Taft and of all the other witnesses was, and is, that 1 acre of that friar land is worth from 3 to 4 acres of land here? The homestead area of 100 acres would be the equivalent of 400 acres in this country. I am opposed to that, and so everybody else should be.

Mr. JONES. I will say that Judge Madison was not a member of this committee and not a Member of Congress when the organic law was considered. The gentleman from Wisconsin [Mr. COOPER] is perfectly correct when he says that the then governor of the Philippines stated that the Filipino could raise as much on 40 acres of his land as an American could raise on a homestead of 160 acres in the United States.

As I have endeavored to make plain, this amendment does not seek to change anything in section 65. It is an attempt to change the policy of Congress as set forth in section 15, which policy was and is that aliens shall not purchase the agricultural public lands in the Philippines. Speaking from the standpoint of the gentleman from Pennsylvania [Mr. OLMSTED], I can see no pressing necessity for the adoption of his amendment. The Philippine Commission places exactly the construction he does on section 15, and they are selling the public lands to citizens of the United States straight along, and nobody is attempting to stop them. My construction of the law need not, therefore, disturb the gentleman.

There is still another objection which I have to this amendment. It makes it obligatory upon the Philippine Government to sell the public lands to any American who may desire them. No matter how undesirable a citizen he may be his application can not be refused. He may have spent the greater part of his life in prison for land frauds, and yet no application he may make can be refused. The amendment would have accomplished the purpose of the gentleman much better, I take it, if it said that in the sale of the public lands no discrimination should be made against American citizens.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has used 40 minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes; to the Committee on the Public Lands.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain lands for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and

H. J. Res. 39. Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, by unanimous consent, by direction of the Committee on Naval Affairs, reported the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 710), was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

Mr. QUEZON. Mr. Speaker, it is with great diffidence that I partake in the debate of the amendment offered by the distinguished gentleman from Pennsylvania [Mr. OLMSTED].

The United States acquired the public lands of the Philippines by treaty of peace with Spain, concluded in December, 1898. In the act of Congress entitled "An act temporarily to

provide for the administration of civil affairs in the Philippine Islands, and for other purposes," it was provided in section 12:

That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such lands or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Thus the public lands of the Philippines were turned over to the Philippine Government to be administered for the benefit of the Filipino people.

By the provisions of section 15 of the same act the grant or sale and conveyance of these public lands by the Philippine Government is restricted to actual occupants and settlers and other citizens of the Philippine Islands, so that, no foreigner, nor even an American citizen, residing therein, is permitted to acquire any part or portion of said public lands. The object of the amendment of the gentleman from Pennsylvania, as he stated it, is that citizens of the United States shall not be excluded if they want public lands in the Philippine Islands subject to all the restrictions of the organic act.

Obviously, I am placed in a most delicate position. I can not, in discussing this matter, ask the Government of the United States not to give any portion of these lands to its own citizens. But I can make, and I feel justified in making certain points, leaving to the House the drawing of its own conclusions therefrom.

In the first place, Mr. Speaker, I wish to take exception to the statement of the gentleman from Pennsylvania that it would be an "outrageous" position for Congress to prohibit citizens of the United States to acquire public lands in the Philippines. I must say that I can not agree with the gentleman.

I believe that such a word as "outrageous" is hardly proper to qualify any action of Congress—the Congress of the United States—a body composed of the Representatives of 90,000,000 people, who are in the lead of progress and civilization; and least of all in this case, in which Congress for what it did, merited the respect and admiration of mankind, because in keeping the public lands of the Philippine Islands from its own citizens and reserving them only for the benefit of the Filipino people it has executed a generous action never surpassed in the history of any parliament in the world. [Applause.]

When I called the attention of the Insular Committee last year to the fact that the Philippine Government was permitting the acquisition of public lands in the Philippine Islands by citizens of the United States, which, I contended, was prohibited by the organic act, the secretary of the interior department of the Philippines, Mr. Worcester, took issue with me on the subject, and made the following suggestion, which reveals his trend of mind on Philippine affairs: "It would be rather remarkable, Señor QUEZON, if a sovereign country would refuse to sell its own lands to its own people. That would be an anomaly, would it not?" I answered, "Not at all. It is altruism on the part of the sovereign country to keep the lands of the acquired territory for the people thereof, and the refusal to sell the lands to the citizens of the sovereign Nation indicates that there is no intention of permanently annexing the acquired territory."

Why, Mr. Speaker, that which Secretary Worcester calls an "anomaly" is the proof that the United States is but temporarily in the Philippines, and that it has acquired the islands, not to exploit them, but for the purpose of helping the Filipino people, and of guarding their interests. [Applause.]

A few days ago the gentleman from Wisconsin [Mr. COOPER] in the course of his remarks on this bill said that the provision of the organic act creating the Philippine Assembly, which was so bitterly fought on the floor of this House, is the very provision that helped this Government to accomplish whatever success it had in the Philippine Islands. The gentleman might have added that the provision of the organic act which excludes everybody from acquiring public lands, except Philippine citizens, is the one provision that told the Filipinos, in deeds, not in words, that the policy of this Government in the Philippine Islands is a policy of self-denial and altruism, or, as it has been officially termed, the policy of "the Philippines for the Filipinos." [Applause.]

The adoption of the amendment of the gentleman from Pennsylvania would, of course, mean the reversing of this policy.

Now, the first point that I wish to make is this: Is Congress ready to depart from its policy—the Philippines for the Filipinos—adopted in 1902; has anything taken place since the passage of the organic act that warrants a diametrically opposite course in dealing with the islands; has Congress already decided that the Philippine public lands are not to be kept for the exclusive benefit of the Filipino people, but also for the benefit of citizens of the United States; what is the event, if any, that calls for a revolution in the humanitarian, just, and wise policy so far pursued by Congress with regard to the Philippines?

Let us consider the amendment of the gentleman from Pennsylvania from the standpoint of its practical results. Personally I have no objection to allowing any American citizen to acquire 40 acres of land in the Philippine Islands. I would say more than that. I would say that I shall be glad to have any citizen of the United States, residing in the Philippine Islands, acquire 40 acres of land for his farm, because every American living in the Philippines who acquires 40 acres of land, and farms it, will no longer be a citizen of the United States, but he will become a citizen of the Philippine Islands. [Applause.] He may not be legally a citizen of the Philippine Islands, for no one except a native Filipino can acquire that citizenship according to our present laws, but he surely will be, for all practical purposes, a Filipino. Ah, Mr. Speaker, the man who is firmly rooted in the soil of a country, through the ownership of a piece of land, which he works himself, that man becomes a real citizen of that country, all laws to the contrary notwithstanding. He becomes as thorough a patriot as any native-born inhabitant; and every American who wishes to be our brother, who wants to be a Filipino and to link his fate with that of our little but dear country is cordially welcome.

But, will the amendment of the gentleman from Pennsylvania have this desirable result at all? Will any American care to acquire 40 acres of public land in the Philippines for his home and his farm? I do not think so. In fact, though the Philippine Government, transgressing its constitutional limitations, has already legislated that American citizens may acquire homesteads in the Philippines, I know of not a single instance wherein an American has taken advantage of this privilege, and the explanation of this is obvious. The Philippines, as a tropical country, are not particularly adapted to be the permanent home of an American, and no one, for the mere sake of acquiring 40 acres of land, when he can obtain 160 acres for homestead in this, his own country, will care to undergo the hardships imposed by the Tropics upon the white people. Citizens of the United States resident in the Philippines are but temporary residents there. They do not hope to live and die in the islands. The whole American population is composed of two classes—employees and business men. The former have no time to farm 40 acres of land, and if they had, they should not be allowed to acquire Government land. The latter do not care to farm 40 acres of land.

What good, then, will this amendment do for the Americans in the Philippines?

I am afraid, Mr. Speaker, that if this amendment should pass it will not procure for the Philippines *bona fide* American settlers, but it will only be taken advantage of for the purpose of defeating the will of Congress to prevent the exploitation of large tracts of land in the islands by absentee landlords. [Applause.]

Mr. OLMSTED. Will the gentleman yield for an inquiry?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. In the law relating to Philippine lands there is this provision, after providing for sales of 16 hectares and not more—

that the grant and sale of such land, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee shall not alienate such lands or the title thereto.

That is the law now?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. My amendment is that any American citizen may purchase, subject to the conditions and restrictions of this act.

Mr. QUEZON. Yes, sir; I understand that.

Mr. OLMSTED. Therefore he would have to live on the land he purchased for five years continuously and improve it, and he could not sell it or mortgage it for five years. Now, does the gentleman from the Philippines object to the purchase of 40 acres of land by a citizen of the United States to live upon continuously for five years under the conditions of that act.

Mr. QUEZON. I have already stated, Mr. Speaker, that I have no objection to that proposition, but I also say that it will not work as the gentleman from Pennsylvania desires. No citizen of the United States will ever want 40 acres of land in the Philippines under those conditions, and the gentleman is wise enough to realize that I am right in my assertion. If all that the gentleman from Pennsylvania is seeking for is what he has just stated, he may just as well withdraw his amendment, for I can assure the gentleman that it will be

of no use. If the gentleman is trying to press his amendment because of the question of principle therein involved, then it would be a different matter. To what I have already said on that point I shall have something more to add later on.

The trouble, Mr. Speaker, comes, or rather will come if the amendment is adopted, from those words recited by the gentleman, "subject to the conditions and restrictions of this act," which words have become very famous during the last year or two, thanks to the various interpretations given to them by very distinguished lawyers.

As history repeats itself, it is more than probable that, some time after this amendment has been adopted, an unusually brilliant legal mind will give birth to a lucid and wonderful construction of that language, and to the astonishment of the gentleman from Pennsylvania, author of the amendment, who now knows what he means by it, we will learn that his amendment has authorized the Philippine Government to dispose of Philippine public lands in such manner that somebody from Wall Street will be owning thousands and thousands of acres of public lands in the Philippine Islands by virtue of said amendment. I know that the gentleman will think that my fears are rather fantastic, but it is well to profit from the experience of others, and the experience of the gentleman from Wisconsin [Mr. COOPER], as well as of the gentleman from Virginia [Mr. JONES], is fresh enough in our memory to be overlooked. We know that both of these gentlemen understood at the time of the framing of the organic act that the words "subject to the limitations and condition provided for in this act," used in section 65 thereof, meant that the friar lands could not be sold in excess of 40 acres to individuals and 2,500 acres to corporations; but they are now puzzled to hear that such language means nothing of the sort.

Again, if the gentleman from Pennsylvania should say that the language of the law is so clear in this case that there will be no opportunity for misconstruction of it, I would call the gentleman's attention to the fact that no section of the organic act is so plain in its language as section 75, which prohibits the ownership of more than 2,500 acres of land by corporations and declares it unlawful for any member of a corporation engaged in agriculture to be in any wise interested in any other corporation engaged in agriculture. Yet the recent investigation of the Insular Committee of the interior department of the Philippine Islands, conducted by the gentleman himself, has disclosed the fact that the letter and spirit of that section has been of no consequence in so far as preventing the Sugar Trust from owning about 65,000 acres of land in one tract in Mindoro.

Let me refresh the memory of the gentleman on this subject.

Mr. OLMSTED. The gentleman from the Philippines can not refresh my memory on that, because the Sugar Trust does not own an acre of land in the Philippines.

Mr. QUEZON. Well, the late Representative from Kansas, Judge Madison; the gentleman from Iowa, Judge HUBBARD; and the gentleman from Minnesota, Judge DAVIS, in their report on that investigation, said that those lands were not acquired by the Sugar Trust, but by "its next-door neighbor." [Laughter.]

Mr. OLMSTED. That is different.

Mr. QUEZON. I admit that there is some difference between my language and that used by the gentlemen whom I cited, but it is only in the form. The facts disclosed in that investigation, Mr. Speaker, are these. No sooner had the Payne-Aldrich bill been passed, which permitted the entrance into this country of 300,000 tons of sugar, free of duty, from the Philippines, than Mr. Welch, a man engaged in sugar business in Hawaii, Cuba, and Porto Rico; Mr. Havemeyer, a stockholder of the Sugar Trust; and Mr. Senff, a man who has been vice president of that trust, tried to acquire sugar lands in the Philippine Islands for the purpose of taking advantage of that tariff. They sent a man down there by the name of Poole, who bought from the Philippine Government the friar land known as the San Jose estate of 55,000 acres. As soon as these lands were acquired, the same gentlemen, Mr. Welch, Mr. Senff, and Mr. Havemeyer, organized the Mindoro Development Co. for the purpose of establishing a sugar central on that estate.

But the estate was 12 miles away from the only available harbor—the Bay of Mangarin—and this fact was an obstacle to the speedy and convenient transportation of the manufactured sugar from the factory to the market. The land lying between the estate and the bay was of the public domain of the Philippine Islands and it had an area of about 9,000 acres, an amount of land which they could not acquire by themselves under the law. Such expert sugar business men as these gentlemen are, who had experience in operating large sugar plantations in Porto Rico, where only 500 acres is the maximum allowed to be owned by corporations, were not of course going to be stopped in their new enterprise by such a small thing as the land and corporation laws of the Philippines. What did they do to acquire these public lands in spite of these laws? Nothing less than to organize three corporations in California, the stockholders of these corporations being the wife, brothers-in-law, relatives, and employees of Mr. Welch, the directing mind of the whole affair. These corporations, through the same man, Mr. Poole, who bought for Messrs. Welch, Senff, and Havemeyer the San Jose estate, purchased the public land desired, which, at the same time that it provided a means of communication between the San Jose estate and the bay, enlarged by several thousand acres more the area of the already immense San Jose estate.

Thus we have the sugar central of the Mindoro Development Co., owned by Messrs. Welch, Senff & Havemeyer, and managed by Mr. Poole, built for the purpose of manufacturing the cane raised on the San Jose estate and on the land of the three California agricultural corporations. Then the San Jose estate, owned by Messrs. Welch, Senff & Havemeyer, purchased through Mr. Poole and managed by Mr. Poole, for the purpose of raising cane to be manufactured by the Mindoro Development Co., and then the three California agricultural corporations, composed of the wife, brothers-in-law, relatives, and employees of Mr. Welch, whose lands were acquired through Mr. Poole and are managed by Mr. Poole, and are dedicated to the raising of sugar cane for the Mindoro Development Co., and to affording a right of way to the railroad which will transport the manufactured sugar from the San Jose estate to the Bay of Mangaring.

Now, Mr. Speaker, if these combinations are not a clear evasion of the land and corporation laws of the Philippines, which prohibit the ownership of more than 2,500 acres of land by a corporation and declare it illegal for the stockholders of one agricultural corporation to be interested in any shape or manner in any other agricultural corporation; if these facts which I have related and which are admitted as proven by all the members of the Committee on Insular Affairs, without a single exception, are not an evasion of those laws, then I want to know what would be an evasion of those laws. In fact, the whole transaction was not merely an evasion, but a violation of those laws. Note, Mr. Speaker, that the conclusion which all of us must derive from the stated facts, to wit, that the same men own the sugar central, the San Jose estate, and the three California corporations is admitted by Mr. Welch himself the moving spirit of the enterprise.

Here is what Mr. Welch said, declaring before the Committee on Insular Affairs on the investigation I am alluding to:

> As far as the San Jose estate and the Mindoro Development Co. are concerned, there is a mighty close community of interest. We are practically the same; there is no getting away from that.

[Laughter.]

And answering a question about the three California agricultural companies, he said:

> Yes; we are quite a family party.

[Laughter.]

Is it not evident, Mr. Speaker, that the provision of the land and corporation laws of the Philippine Islands meant nothing to "quite a family party," which was determined to own, hold, and operate from New York and San Francisco 66,000 acres of land in one tract?

Mr. JONES. Fifty-six thousand.

Mr. QUEZON. Including the California corporations, it is 66,000 acres.

What became of that wise policy of Congress of eradicating the system of absentee landlordism, and wherefor we bonded ourselves for $7,000,000? Perhaps some one may think that we are improving in our condition, for, instead of religious orders, our new landlords are society men, magnates of Wall Street. But Judge DAVIS, from Minnesota, and Mr. MORSE, from Wisconsin, Republican members of the Insular Committee, do not take this view. They say:

> The masters in place of being high-minded religious monks will be sugar lords, residing in America, and through their superintendents and foremen they will reduce the inhabitants of the lands to a condition of servitude.

Mr. Speaker, the beauty of the investigation, which we owe to the gentleman from Colorado [Mr. MARTIN], is that Congress has had an opportunity to see with its own eyes how the organic act has operated in the Philippines in so far as preventing the exploitation of the islands by absentee landlords. It will be interesting for the Members to hear what Senator Teller said on this subject in 1902, discussing the effect of the provision of the organic act, which prohibits the ownership of more than a certain number of acres of land by corporations. At that time the limit contained in the bill was 5,000 acres. Let me read the remarks of the Senator.

> I want some one to tell me why a corporation should be permitted to take 5,000 acres of land there. If one corporation can take 5,000 acres, 10 corporations might each take 5,000 acres, and a hundred

corporations might each take 5,000 acres. There is no limit to the number of corporations that may go there, and after they have taken the land and got their title, if they should conclude to form a combination, they could do that, I suppose, although there is a provision here which says "This provision shall be held to prevent any corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture." That, I suppose, was put in the bill as a sort of sop to the people who might be afraid of consolidation; but there is no man living in this day who has given any attention to the affairs of our country for the last two or three years who does not know that it will amount to absolutely nothing, and that if 50 corporations, having each 5,000 acres, should conclude to enter into a combination, they could do it in spite of all the Filipinos and all the United States besides.

It would, I am sure, gratify Senator Teller to know that by these remarks he has acquired a good title to be called a prophet, except that although he foresaw the possibility of combinations being made by companies after they had acquired these lands from the Government, he had not suspected that such combinations could be made before the purchase of the lands, for he always took it for granted that the Philippine Government would not, on the face of said combinations and the injunction of the law, dare to sell said lands to these corporations.

Mr. MANN. Will the gentleman yield for a question?

Mr. QUEZON. Yes, sir; with pleasure.

Mr. MANN. In reference to the amendment offered by the gentleman from Pennsylvania, which recommended the purchase of 40 acres by an American citizen, can the gentleman inform the House whether there has, in his opinion, been any violation of the law or the spirit of the law concerning the sale of 40 acres to persons who must occupy it for five years?

Mr. QUEZON. I do not know that there has been any violation so far. It has not been necessary. It has been easier and more effective and, no doubt, more profitable to violate the law concerning corporations.

Mr. MANN. The amendment of the gentleman from Pennsylvania does not affect at all the question of corporations, nor does the report of the bill affect the question of the purchase by corporations, which, I should agree with the gentleman, ought to be controlled. The gentleman says there may be an evasion of the law in reference to the sale of 40 acres, and cites what may be true—I do not know—an evasion of the spirit of the law by corporations. But, after all, what has that to do with this proposition?

Mr. QUEZON. I stated these facts merely to show how careless the Philippine Government has been in enforcing the land policy of this Government in the islands. If that was so when such policy was so strict as to prohibit the ownership of public lands by American citizens, what would the Philippine Government do when they see, from the adoption of the amendment of the gentleman from Pennsylvania, that Congress has adopted a principle with regard to the disposition of public lands in the Philippines opposite to the one pursued so far? The Philippine Commission would undoubtedly construe this action of Congress as indicative of a disposition to fall in line with its wishes on the matter.

Mr. MANN. Of course, that might be a matter of construction. Will the gentleman yield for one more question?

Mr. QUEZON. Yes, sir.

Mr. MANN. Do I understand that the organic law referred to prohibits, in the gentleman's opinion, an American citizen from purchasing 40 acres of land, but permits an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not think I quite understand the gentleman's question.

Mr. MANN. Do I understand the gentleman's construction of the organic law to be that the law does not permit an American citizen to purchase 40 acres of land which he may occupy himself, but does permit an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not believe that the law permits an American corporation to purchase 2,500 acres of land, but it has been allowed by the Philippine Government.

Mr. MANN. Does the gentleman say that the organic law does not permit an American citizen to purchase 40 acres of land?

Mr. QUEZON. Yes, sir; I do; nor does it permit an American corporation to purchase or lease 2,500 acres.

Mr. OLMSTED. Oh, I think the gentleman is entirely mistaken about that.

Mr. QUEZON. Well, that is a matter of construction, and I am not going into a legal discussion now. It is a question of opinion, and the gentleman's and mine seem to be generally at variance.

Mr. MANN. I will say that if the law does not permit an American citizen to purchase 40 acres of land, which he may cultivate himself and live upon, but does permit an American corporation to purchase 2,500 acres, then we ought speedily to amend that law.

Mr. QUEZON. When the organic act does not permit an American citizen to acquire 40 acres of land, it is inconceivable that it shall allow an American corporation to acquire 2,500 acres. That would not be consistent, and Congress is very consistent in its legislation.

Mr. MANN. That is very complimentary, but I am not sure that it is always correct.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. QUEZON. Certainly.

Mr. TOWNER. Did I understand the gentleman to say that the present Government of the Philippines was not disposed to act in the interest of the Filipino people?

Mr. QUEZON. I did not say so. I said that the Philippine Government does not sympathize with the policy of Congress regarding the disposition of the public domain in the Philippine Islands. Said Government does what it thinks the law ought to allow and not what the law does allow.

Mr. TOWNER. But is it not true that the Philippine Government is composed at least in part of the Philippine people themselves?

Mr. JONES. Mr. Speaker, will the gentleman permit me just one word there?

Mr. TOWNER. I do not know that it is necessary for the gentleman from Virginia to come to the rescue of the gentleman from the Philippines. He seems to be able to take care of himself.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. QUEZON. I yield to the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I think the gentleman will not object to my making this remark, because I wanted to suggest it a week ago. I think the gentleman was then laboring under a misapprehension. During the remarks of the gentleman a week ago he asked if those lands which were in the non-Christian Provinces were not entirely under the control of the Philippine Commission and those in the Christian Provinces under the control of the legislature. What I wanted to say to the gentleman is this: I think he was entirely correct as to the general proposition that the Philippine Commission has charge of the affairs of the non-Christian Provinces and the legislature of the Christian Provinces, but we have spoken of the Philippine Commission disposing of these lands. The commission is not disposing of them. It is the secretary of the interior. The commission is not doing it at all. The secretary of the interior and the director of lands in his department are disposing of these lands. The commission as a commission has nothing in the world to do with the lands either in the Christian or the non-Christian Provinces. It is one of the branches of the legislature, and I think the gentleman was laboring under a misapprehension the other day when he asked that question, and I desired to explain it to him.

Mr. TOWNER. Mr. Speaker, if the gentleman from the Philippines will permit this statement in his time——

Mr. QUEZON. Mr. Speaker, if the gentleman from Iowa will allow me, I desire to answer his question in addition to what the gentleman from Virginia has said. As I stated a few days ago, the Philippine Government is not really controlled by the Filipino people, but, on the contrary, it is practically controlled by the Philippine Commission, which is appointed by the President of the United States without the advice, much less the consent, of the Filipino people.

Now, the gentleman ought to know that while there may be some ground for the assertion that the Philippine Legislature is composed, at least in part, of the Filipino people themselves, there is not the least foundation for the assertion that the executive power of that government is shared in any wise or manner by the Filipino people. My complaint is that the executive branch of the Philippine Government is not carrying out the policy of Congress, or in other words, is not executing the provisions of the organic act regarding the disposition of Government lands in the Philippine Islands. To be more specific, my complaint is directed against the Secretary of the Interior, who is the head of the department responsible for the administration of Government lands in the Philippines, the Hon. Dean C. Worcester, and the Director of Public Lands, Mr. Sleeper. The Filipino people had nothing to do at all with the appointment of these gentlemen, and if they could they would have long ago removed both of them from their respective positions. Secretary Worcester is the most unpopular official in the Philippine Government, and has been so for a long time. During the last two years he has become obnoxious to the Filipinos owing to some uncalled-for remarks, which he made publicly, reflecting upon the character of the people at large. Besides,

his suit presented against the editors and owners of the newspaper El Renacimiento for libel, and wherefore he got many thousands of dollars from the defendants while the criminal case is still pending of appeal before the Supreme Court of the United States, has belittled him in the public eye. The article published in that paper, which Secretary Worcester denounced as libelous, as compared with the articles we read every day in the newspapers of this country denouncing public officials, would read like a praise, and yet in the Philippines, where we are supposed to have the same freedom of the press that you have here, but where the judges are appointed and kept in office at the pleasure of the Philippine Commission, an influential member of which Secretary Worcester is, that article caused the ruin of all the owners and editors of El Renacimiento and the conviction of the editors.

Mr. Speaker, it is unfortunate for the Filipino people, and equally unfortunate for the United States, that the man in charge of the most important department of the Philippine Government, the interior department, the department to which the care and administration of the natural wealth of the islands is intrusted, is a man who does not believe in the wisdom of the policy of Congress regarding the disposition of that wealth, and who has antagonized the people whose interests he is supposed to look out for.

I have nothing personally against Mr. Worcester. While even among Americans in the Philippines there are complaints against his lack of tact in dealing with the public, he has treated me with courtesy whenever, officially or personally, I had something to do with him. In fact, I am one of the few Filipinos who has been honored by being complimented in two official reports by the Secretary of the Interior. I mention this in order to disabuse the mind of anyone who may believe that I have any personal grievance against Mr. Worcester. I admit that he has a wonderful mind and is a hard-working man, but I can see very little benefit for the Filipino people to be derived from his industry and intellectual equipment, when the people have no confidence in him, when the people, rightly or wrongly, are convinced that he is not working for their welfare, and when, at least, in the administration of Government lands, it has been evidenced—what he has never tried to conceal—that he is not in accord with the policy of Congress and has not been very particular in executing it.

Mr. Speaker, I sincerely hope that the War Department may, at last, take notice of the fact that it is utterly impossible for this Government to carry out successfully the administration of the islands when the appointed officials are not supported by the Filipino people, much less when they become plainly objectionable to them. I have been urging for the last year that Secretary Worcester may be permitted to retire from his present position, with no avail. The War Department's position is that Mr. Worcester is an honest and competent man and that the opposition to him of the Filipino people, due to his lack of tact, is not a sufficient ground for asking his resignation. This view of the War Department is, I believe, wrong. Tactfulness is needed in a man if he is to be a successful administrator as much as any other quality. A public official is a servant of the people, and he ought to know how to treat the people. Secretary Worcester has been a member of the Philippine Commission ever since the occupation of the islands, and he has been so long accustomed to exercise an executive authority that I am afraid he has become a *ruler*.

Mr. TOWNER. Mr. Speaker, let me make this statement in regard to the matter. The administrative officers of the Philippine Government are under the direction and control, first, of the law, the organic law, which prescribes:

> That these lands may be held, sold and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

That gives the Philippine Government absolute power to dispose of those lands. If it is disposed of by the executive officers of the Philippine Government, they must act under the power which the Philippine Government has, composed not only of the commission selected by the Government of the United States, but by an assembly which is selected by the Philippine people themselves, and these lands can not be disposed of unless it shall be by the affirmative act of the lower branch of the Philippine Legislature. And that is the trouble with the gentleman's whole theory. Will the gentleman pardon me for another question?

Mr. QUEZON. Yes, sir; gladly.

Mr. TOWNER. I understood the gentleman to say that the law was being evaded which prescribed that no part of the public land shall be sold except in limitations of 40 acres to an individual. I was correct in that, was I not?

Mr. QUEZON. No; did I say that the law which limits the sale of public lands to 40 acres to an individual has been evaded?

Mr. TOWNER. Yes, sir.

Mr. QUEZON. I did not say so, unless the gentleman refers to my contention, seemingly admitted now by everybody as being correct, that the Philippine Government, in permitting Americans to buy 40 acres of land, violates that law.

Mr. TOWNER. I understood the gentleman to say so.

Mr. QUEZON. I spoke of the evasion of the law which prohibits the ownership of more than 2,500 acres of land by corporations.

Mr. TOWNER. Well, it make no difference; it is the provision of the general law with regard to the disposition of the public lands, and the gentleman said that the law has been evaded in the instance where these individuals who were related to the persons who had acquired 50,000 acres and who had also acquired, by a violation of the law, some 7,000 acres besides. Was I correct in so understanding?

Mr. QUEZON. I said, Mr. Speaker, that the late Judge Madison, of Kansas, Judge HUBBARD, and the gentleman from Minnesota, Judge DAVIS, are of that opinion, and that I agree with them. I will read to the gentleman what they say about it.

> The San Jose incident is one that should stand as a warning both to the Philippine Government and to the United States. Mr. Welch had no sooner acquired the San Jose estate for himself and immediate associates than he caused to be organized what was described in the majority report as the California corporation.
>
> The stockholders of these corporations are made up of his wife, brothers-in-law, business associates, and clerks. Of course, he is the dominating figure, and by the community of interest that is apparent in the situation there is, to all practical intents and purposes, a holding of about 62,000 acres of Philippine land by one person. It is possible that Mr. Welch and these California corporations and their stockholders have violated the inhibitions of section 75, against members of one corporation engaged in agriculture being interested in similar corporations, and in the light of the testimony developed in this hearing that matter should have the attention of the Philippine law officers.

And on this same question the minority report says:

> Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in a most shameless manner.

[Applause.]

Mr. TOWNER. Now, if I may be permitted, I would like to have the gentleman say whether he is not now asking that these lands should be put under the same provisions that were thus evaded in the instance of which he spoke. In other words, he is asking that these friar lands shall be subject to the same laws that he says have been thus easily evaded in the instance that he mentioned. Is that true?

Mr. QUEZON. I am asking that the laws which regulate the sales of public lands and which, in my opinion, already regulate the sales of friar lands, be specifically applied to the friar lands in order to avoid further contention. But I am not asking that because those laws have been evaded in the case of public lands that they also be evaded in the case of the friar lands. [Applause.]

Mr. TOWNER. Certainly; I did not understand that the gentleman was asking that the land laws be evaded, but he is asking that these lands shall be placed under the same laws which were thus evaded.

Mr. QUEZON. Yes, Mr. Speaker, with the hope that by Congress taking this action, the Philippine Government will understand clearly that Congress meant to enforce its law in the Philippines with regard to the disposition of Government lands. That is my main object. I want this Congress to do something which will remind the Philippine Government that when Congress enacted the organic act, trying to prevent the sale of Government lands in large tracts, it did so, knowing what it was legislating for, and meaning that this legislation should be complied with by those in charge of the execution of the laws in the Philippines. [Applause.]

Mr. MANN. May I ask the gentleman a question——

Mr. QUEZON. Yes, sir.

Mr. MANN. For information which very likely has been answered before, as I have not heard all of the debate. In the cultivation and production of sugar in the Philippine Islands is it necessary to have large tracts consolidated under one management?

Mr. QUEZON. I do not think so, Mr. Speaker. Will the gentleman from Illinois [Mr. MANN] repeat his question?

Mr. MANN. I simply wanted to know, in the opinion of the gentleman, whether tracts of land held in small areas are available for the profitable production of sugar.

Mr. QUEZON. I think so. I believe that the sugar industry in the Philippines could grow without the necessity of selling Government lands in large tracts. In the first place, there are already in private ownership all the land needed to produce over 300,000 tons of sugar, which is the maximum of sugar that

we can produce now with profit. If gentlemen who want to establish sugar centrals in the Philippines will establish them in the Provinces where the cane sugar is being raised by the Filipinos themselves, they would have enough cane for all the sugar that their central could manufacture every year, with profit to themselves and benefit to the people. In fact, Mr. Speaker, while I was in the Philippines, two years ago, I learned that the farmers of Negros were anxious to enter into an agreement with some one who would establish a sugar central in that Province to supply him with all the cane he wanted. I even favored the idea of having a sugar central established and operated by the Philippine Government, in a given territory wherein there are many small sugar-land owners, with a view of teaching these farmers the modern system of manufacturing the sugar, and later on selling the central to them.

Now, Mr. Speaker, I do not want to take much more of the time of the House, but I wish to——

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman a question along that line. Is it desirable that large sugar plantations should be established in the Philippine Islands at the present time or in the near future?

Mr. QUEZON. I do not think so, Mr. Speaker, and I have already expressed my opinion on the subject.

Mr. FOWLER. Is there not another crop which produces a larger income—to wit, copra—than sugar does to the tiller of the soil?

Mr. QUEZON. Yes, sir.

Mr. FOWLER. How does the income of the copra compare with the income of sugar on 40 acres of land?

Mr. QUEZON. There is no comparison.

Mr. FOWLER. Which is the greater?

Mr. QUEZON. The copra.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. QUEZON. Yes, sir.

Mr. COOPER. Will the gentleman permit me to answer the question which was asked of him by the gentleman from Illinois as to whether it is advisable to have large sugar plantations in the Philippines? I quote from what the Secretary of War said in a report to President Roosevelt on January 23, 1908:

> Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative, self-respecting community from bottom to top.

That is also what the Committee on Insular Affairs thought in 1902 when they presented this bill. That is what everybody thinks who has really at heart the welfare of the people of the Philippine Islands.

Mr. QUEZON. Mr. Speaker, if what I have said has given the impression that I accuse the Philippine Commission of dishonesty of purpose in administering the affairs of the islands, I wish to efface that impression before taking my seat. I believe that it would be unjust to the commissioners to say that they mean to injure the Filipino people. I believe that they are doing what they think is the best for the Filipinos, and I am glad to add that, as a rule, the officials of the Philippines are of a high moral character. But it is not the question whether they mean well or not. My contention is that they have no right to determine what the policy of the United States in the Philippines shall be, for this is exclusively the right of Congress, and that it is the duty of the insular officials to execute faithfully and strictly the will of Congress.

After all, no one who is familiar with the history of colonial governments ought to be surprised to learn of the manner in which the act of Congress has been complied with in the Philippines by the Philippine Government. Colonial governments are by their nature essentially wrong, and sooner or later they degenerate into a government of man instead of a government of law. The instance of the officials in the islands, doing what they think the law should be and not what the law is, is an illustration of this fact, and the more emphasis is put upon the wisdom and honesty of those officials the better this instance illustrates the theory of that great statesman, John Stuart Mill, who said:

> The government of a people by itself has a meaning and a reality, but such a thing as a government of one people by another does not and can not exist. One people might keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm to be worked for the profits of its own inhabitants; but if the good of the government is the proper business of a government, it is utterly impossible that a foreign people should directly attend to it.

Now, Mr. Speaker, there is one more point that I wish to make in connection with the amendment of the gentleman from Pennsylvania.

It is a good economic principle, universally admitted, that public lands should not be disposed of to foreigners. As Americans residing in the islands are not, according to the organic act, citizens of the Philippines, they are consequently foreigners. This being so, they ought to be excluded from the acquisition of public lands in the islands as much as any other foreigner. It must be borne in mind that although the Philippines are actually under the sovereignty and control of this Government by virtue of the treaty of peace with Spain, they have not been declared a permanent territory of the United States; but, on the contrary, the same Senate which ratified said treaty passed a resolution on the 14th of February, 1899, introduced by Senator McEnery, of Louisiana, the first paragraph of which is as follows:

> That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

This resolution, coupled with the declarations made by Presidents of the United States and other officials of this Government are, and it is so understood by both the American and the Filipino people, expressive of a policy looking toward the severance of the political tie between the Philippines and the United States and the Filipinos and Americans.

It is this policy that inspired the section of the organic act, which the gentleman from Pennsylvania is trying to amend, for it is because of this policy that the Government of the United States has never considered the public lands of the Philippines as a part of the public domain of the United States, to be administered and disposed of for the benefit of the American people, but as the property of the Filipino people, kept in trust by the United States to be administered temporarily by the American Government in the Philippines for the benefit of said Filipino people until such time when the independence of the islands shall have been recognized and granted by this Government.

Let us see what Dr. Schurman, president of Cornell University, has to say on this subject. I read from one of his many instructive speeches on the Philippines:

> Our sovereignty over the Philippines is simply a responsibility for administering a trust on behalf of the people until the people are so organized politically that they may undertake it for themselves. We speak of our territorial acquisition from Spain as "insular possessions," but do we own anything in the Philippines? The title to the public lands rests, indeed, in the United States, but we hold them in trust for the Philippine people and government. The word "possession" is a survival from barbarous times when conquering nations seized the lands of the conquered and levied tribute upon them.

The opinion of Dr. Schurman in this matter is not only weighty because he is internationally known as an authority in political economy, but because he was the first president of the first Philippine Commission, sent by President McKinley to the Philippine Islands as soon as the treaty of peace was concluded between the United States and Spain. President Schurman was, doubtless, informed of the sense in which this Government has assumed sovereignty over the Philippines.

In the light of the foregoing considerations, it would seem that the amendment of the gentleman from Pennsylvania can not be accepted, unless Congress has already decided that the Philippines are forever to be a Territory of the United States and that, therefore, Americans in the islands are entitled to recognition there, as much as they are entitled to recognition in any other State or Territory of the Union. This, of course, would mean the conferring of equal privilege on the Filipinos—that is, that they would be entitled to recognition in any State or Territory of the Union as much as any American citizen. In other words, if an American citizen should be allowed to acquire public land in the Philippines, the Filipinos, correspondingly, ought to be allowed to acquire public land in the United States, which, under the law as it now stands, they can not do unless they become, first, citizens of the United States, through the process that other foreigners have to undergo.

Now, Mr. Speaker, is the House ready to say that the Philippine Islands are to be permanently a Territory of the United States? Is the House ready to declare that the Filipinos are already on an equal footing with the American citizens and that they are, in fact, American citizens? Without first answering these questions affirmatively, the House can not consistently, with modern principles of government and in line with the laws of nature, approve the amendment of the gentleman from Pennsylvania.

Suppose you pass this amendment, and within this or the next session of Congress you enact into law the pending Philippine independence bill, would you then think that it would be right to allow American citizens, without requiring them to acquire Philippine citizenship, to obtain public lands in the Philippine Islands?

Just one word more, Mr. Speaker, and I am through. I hope the House has not understood me as being an anti-American. As I have stated in the beginning of my remarks, I should be very glad to see Americans in the Philippines owning and farming 40 acres of land, because every one who would own and farm that little piece of land would surely make the Philippines his permanent home, and whenever a man makes up his mind to live and die in one country he becomes as good a citizen of that country as any native thereof. I know of a few Americans who have decided to reside permanently in the Philippines, and they are a great help to us. I have just now in mind one of them, Mr. Frank W. Carpenter, the executive secretary. The Filipino people will be glad to enlist in the citizenship of the islands not only Americans but any foreigners who may desire to become Filipino citizens, and as a proof I cite the fact that we have been endeavoring, for many years, to have Congress amend the law regarding citizenship in the Philippines so as to permit anyone, who so desires, to become a citizen of the Philippines. We want good men to form a part of our body politic, and I do not know that there can be found anywhere in the world better men than the citizens of the United States. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from the Philippines [Mr. QUEZON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE PHILIPPINE INDEPENDENCE BILL SHOULD BE ACTED UPON BY CONGRESS.

Mr. QUEZON. Mr. Speaker, I shall avail myself of the courtesy of the House to insert in the RECORD as a part of my remarks a cablegram which the Hon. Sergio Osmeña, speaker of the Philippine Assembly, and also the foremost leader of the Nationalist Party in the Philippines, sent me on March 25, regarding the Jones bill providing for Philippine independence. The cablegram says:

THE FILIPINO PEOPLE FAVOR JONES BILL.

QUEZON, *Washington:*

In answer to your cablegram wherein you advise me of the terms and conditions of the bill providing Philippine independence, introduced by Congressman JONES, of Virginia, chairman of the Insular Committee of the House, I beg to express my cordial indorsement of same on behalf of the Filipino people as speaker of the assembly and president of the Nationalist Party. The Filipino people en masse have hailed with enthusiasm and gratitude the news of this first step taken in Congress toward the realization of their ideal—the independence of the Philippines—the granting of which has always been considered by said people as a national pledge of the United States to be presently redeemed. The Filipino people are now and always have been convinced of their capability of establishing and maintaining an independent government, amply able to meet all its internal as well as international obligations; and knowing that no foreign government, no matter how altruistic it may be, can ever suit the wants of the islands, nor secure the happiness of the inhabitants thereof, said Filipino people are and always have been urging the recognition of their God-given right to be independent. The Filipino people, as a people, took up arms and fought with the United States against Spain not only for the purpose of throwing off the yoke of Spain, but for the purpose of being free from all foreign control. The Filipinos took the side of the Americans in the Spanish-American War in the firm belief that the prebellum declarations of the United States, its political tenets, and the negotiations between Consul General Pratt and Gen. Aguinaldo meant the sure recognition of Philippine independence as soon as that war shall have been over. Fully alive to its rights, convinced of its capability, and desirous of enjoying its national freedom, the Filipino people have always urged on the American people the granting of its immediate independence.

The Filipino people realize, however, that the contention, made by opponents of Philippine independence that they are incapable of maintaining an independent government, can only be satisfactorily answered by deeds, and, for this reason, the proposal of Congressman JONES that eight years must elapse before the granting and recognition of absolute and complete Philippine independence seems to be a necessary measure to solve that contention definitely. In view of this and as a further proof of their national self-control the Filipino people defer to the postponement for that period of the realization of their cherished ideal.

Please convey to Congressman JONES the sincere gratitude of the Filipino people for his efforts to secure for them the blessings of that national independence which made the United States so happy and so great.

Let me also congratulate you upon your unceasing campaign to present before Congress and the American people the just cause of your country, which is very fortunate in having you as the spokesman of its national aspirations.

OSMEÑA.

This cablegram need not be commented upon. It is an authoritative indorsement of the Philippine independence bill.

But it is not only the speaker who has indorsed said bill. From all over the archipelago cablegrams have been sent praising it, either directly to Mr. JONES himself or to me, by individuals and entities embracing all classes of people. One of the cablegrams addressed to me is signed by Mr. Teodoro Yangco, one of the richest Filipinos, well known by American officials as a very patriotic as well as substantial and conservative citizen. Mr. Yangco's foremost interest is, naturally, to have in the islands a stable government, capable of maintaining public order and protecting the rights and properties of the inhabitants thereof. His indorsement of Mr. JONES's bill is not, therefore, prompted only by his love for the freedom of his country, but also by his conviction that such a government as that which said bill proposes to create will be competent to secure the liberty, happiness, and prosperity of the Filipino people. The cablegram reads:

QUEZON, *Washington:*

Meeting yesterday all classes Filipinos enthusiastically accepted Jones independence bill. Appointed committee representing all classes society. Beg you transmit Congress and American people our respects and confidence in their altruism and justice by passing Jones bill. Advise Legarda.

YANGCO.

When the business men thus join with the leaders of thought and the masses of the people in urging upon the Congress of the United States the passage of Mr. JONES's bill, there can be left no room for doubt as to the wisdom of said bill, at least, from the standpoint of the natives of the islands. The enthusiasm caused throughout the archipelago by the news of its mere introduction shows that the faith of the Filipino people in the United States has been revived with new vigor by this first step taken in Congress toward the granting of our national freedom.

Mr. Speaker, I do not know that the bill will be reached during the present session, but I sincerely hope that it will be acted upon, at the very latest, at the beginning of the next.

THE ANXIETY OF THE FILIPINOS AS TO THEIR FUTURE SHOULD BE SET AT REST.

I am not going to discuss now the provisions of Mr. JONES's bill, nor am I going to elaborate upon its wisdom and statesmanship. The report, No. 606, accompanying that bill, fully covers these points. The desire of the Filipino people to be independent from foreign yoke has been so invariably expressed in war as in peace that it need not be repeated. The capability of the Filipino people to establish and maintain an independent government has been the subject of such a great amount of literature and is, besides, so convincingly demonstrated in the same above-mentioned report, with arguments based upon facts, that further attempt of discussion here is useless. I shall simply note that Congressman JONES has personally been in the Philippines, making an impartial study of the condition of the people thereof, and, therefore, his report on the subject has a weight that can not be overestimated.

My concern at present is to insist that whatever differences of opinion there may be as to the wisdom of the Jones bill, it will not be fair to the people of the Philippines nor to the people of the United States to let that bill die of nonaction. The present undefined and indefinite relation between the United States and the Philippines is such as no similar precedent can be traced from in the history of this Nation. No colonial possession has ever been acquired by the United States. No colonial possession can ever be acquired by the United States, if it is to remain true to its traditions and to those principles upon which its very existence is founded. Territories have been acquired by this Nation either by purchase, as indemnity of war, or by agreement between the people of the United States and the people of the acquired territory, but in each and all these cases the acquired territory has been acquired with the understanding, from the very beginning, that it shall become permanently an integral part of the United States, to enjoy all the blessings of liberty enjoyed by the rest of the Union. Thus the political status of the heretofore acquired territories has always been settled at the outset. The form of government, from civil or military commission to territorial and statehood, was merely a matter of time, to suit the convenience and prejudices of the American people and their new brethren. The permanent relationship, never to be severed, was a question invariably decided prior to the acquisition.

Such is not the case with regard to the Philippines. The islands have been acquired by the United States as one of the accidents of the Spanish-American War. The Filipinos fought against the Spaniards as American allies not to become American citizens, much less American subjects, but to become citizens of their own independent government. This was known by the consular representatives of the United States in the Far East at the time when they sought and obtained the aid of the Filipinos, as it was also known by the commanders of the American Army and Navy who accepted that aid.

After the Spanish-American War was over, there came the question in the mind of the American people of whether or not the people of the islands were ready to establish and maintain an independent government of their own, but, while there were doubts as to this question, there was a concensus as to the fact that the former allies of this Nation could not be left under Spanish sovereignty without flagrant violation of the most elementary rules of fair dealing. Thus, in the treaty of peace,

Spain was forced to relinquish its sovereignty over the Philippines in favor of the United States.

To be sure, however, that the ratification of this treaty by the Senate of the United States did not mean the permanent annexation of the islands, a few days after said ratification took place, the Senate passed the following resolution:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into the citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States. But it is the intention of the United States to establish in said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands. (Passed the Senate on the 14th day of February, 1899.)

The first part of this resolution has not been amended in any shape or manner so far, and the second part has not been complied with. No declaration of annexation has been made as yet, nor any other definite or final disposition of the islands. For the United States to continue further without knowing and saying what should be done with the Philippines, in the interest both of the American and Filipino people, is not very complimentary to the wisdom of Congress. Twelve years have gone by since that resolution of noncommitment was passed. If Congress have at heart, as I know it has, the interest of the people of the United States and the people of the Philippines alike, and if the Members of both Houses are equal to their tasks, as I know they are, there is no reason why Congress should not have had ample time and opportunity to find out what "disposition" of the islands "will best promote the interests of the citizens of the United States and the inhabitants of said islands."

The Philippine independence bill and the resolution for the permanent neutralization of the islands, both of which have been reported by the Insular Committee and committed to the Committee of the Whole House, offer an opportunity for Congress to express its will as to the future destiny of the Filipino people. Friends, and enemies as well, of Philippine independence should welcome the early discussion of both the bill and the resolution. They should let the people of this and my country know where they stand, and, in the name of justice, I appeal to all Congressmen and Senators to set at rest the anxiety of my people.

Mr. TOWNER. Mr. Speaker, I sincerely sympathize with what I conceive to be the point of view of the representative of the Philippines. Primarily in his mind is the thought of independence for the Philippines. Anything that in the remotest degree, in his judgment, would retard that much-desired consummation of his hopes is to him wrong.

Mr. QUEZON. Mr. Speaker, may I interrupt the gentleman for just one question?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from the Philippines?

Mr. TOWNER. Certainly.

Mr. QUEZON. Does the gentleman think that that is wrong in itself—my position, admitting that that is what he describes it? Does he think that that is wrong?

Mr. TOWNER. What I am saying, Mr. Speaker, is not in reproach of the gentleman from the Philippines. If I were a Filipino, as I am an American, I would probably act and think as he does. [Applause.] But from the standpoint of an American citizen I believe the gentleman's fears are not well founded.

Mr. Speaker, I also sympathize with the idea of other gentlemen on the floor of this House who do not desire that the lands of the Filipinos shall be exploited by corporations for selfish and mercenary purposes, regardless of the interests of the people of those islands. I will go as far as any other one in saying that no single thing should be done that would in any way exploit those islands at the expense of their people. And, Mr. Speaker, our own history with regard to the government of those islands from the time that they came into our possession has been a sufficient answer to that. It has been in no single act a selfish administration. It has not only been generous in the extreme, but from first to last it has been actuated by the highest motives.

But we are met to-day, Mr. Speaker, with a most astounding proposition to an American citizen. We are asked here to-day, as Representatives of the American people, to say that no American citizen shall be allowed to go to the Philippine Government and buy there of the public lands 40 acres for fear that it will result disastrously to those islands and their people. If we take that position, we must imagine that every American citizen who may desire to go to those islands can go there only with the most selfish and mercenary purposes.

Mr. GARRETT. Mr. Speaker, will the gentleman permit?

Mr. TOWNER. Certainly.

Mr. GARRETT. Does the gentleman state the proposition with entire accuracy? It is already the law that one can not do so.

Mr. TOWNER. With regard to these lands?

Mr. GARRETT. If not, then the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] covers that.

Mr. TOWNER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is offered for the purpose of applying to this act that is contemplated to be passed, under the provisions of which an American citizen will be prevented from acquiring any part of these lands. Under the administration of the law so far there has been nothing to prevent an American citizen from acquiring a portion of these lands.

Mr. GARRETT. Under the administration of the law, no.

Mr. TOWNER. And the interpretation of it. And if this law is passed without this amendment the effect will be to prevent any American citizen from going to the Philippine Islands and acquiring 40 acres of that land.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MORSE of Wisconsin. I want to call the attention of the gentleman to a matter that escaped my notice for the time being, and I think has escaped the notice of the committee. It is the amendment adopted to the bill which provides that unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts, there shall be no such sale. We have given the Philippine Legislature the power to sell this land in any amount, under specific acts. Now, would the gentleman agree with me that by that amendment, and the other amendment if we adopt it, we give to American citizens the right to purchase many more acres than 40 acres, and surround that legislature with a lobby that they will be unable to resist?

Mr. TOWNER. I do not agree with the gentleman with regard to the lobby that they would not be able to resist. My imagination is not sufficient to carry me to that extreme; but I am not sure but the gentleman is right as to the effect of that amendment, if it should become a part of the law.

Mr. MORSE of Wisconsin. It has already been adopted, and has become a part of this bill.

Mr. TOWNER. I am not so sure as to what will be the effect of that law. Certainly the Members of this House, as it seems to me, can not afford to vote down an amendment of this kind. It is a reproach to American citizenship, to the manhood of America, that we will not allow an American citizen to buy a part of American land, held under the American flag, for fear of the ultimate consequences. It seems to me that to go to such an extreme as that is not warranted under any circumstances.

Now, Mr. Speaker, I have only this much to say with regard to this whole matter. Here is a little remnant of land consisting of 125,000 acres. This consists of only a few plantations, about 15 in number. It was proposed by the terms of this bill as originally presented that this land should not be disposed of by the Philippine Government, except in 40-acre tracts, to an individual. Now, if we adopt the amendment that has been prepared, it proposes that the Philippine Government may dispose of these lands as they may deem best in their own interest, and to that I entirely agree. Gentlemen here are asking this Congress to pass a law to give the Philippine Government absolute independence, to allow them to dispose of 60,000,000 acres of the public land as they choose, and yet would withhold from them, as this bill originally did, the right to dispose of only 125,000 acres for fear that they would not do it in their own interest; for fear that some lobby may surround them and seduce them from acting with regard to the best interests of their people. If the people of the Philippine Islands are not now capable of protecting their own interests with regard to the disposition of 125,000 acres of land, I am unable to understand how they can be allowed to dispose of 60,000,000 acres of land and undertake the entire government of the Philippine Islands besides.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MARTIN of South Dakota. Is it not the understanding of the gentleman that if this amendment is passed, permitting every citizen of the United States to purchase land, it will not be limited in its application to the remnant of these friar lands, but will be applicable to all of the public domain?

Mr. TOWNER. That is my understanding, but I was speaking generally of the bill as it was originally prepared. I have never regarded this proposition with the seriousness that some gentlemen do. I have not thought that it meant the exploitation of the islands to allow these 15 estates that were left to

be disposed of by the Philippine Government as it thought best. Two million dollars remain unpaid of the debt incurred by the Philippine Government for the purchase of these lands, and it was thought that if they could be allowed to dispose of this remnant as they chose in these tracts as they originally existed under the Spanish Government, that they would thus wipe out the unpaid portion of their debt. Certainly no gentleman in his own individual interest, having these lands to dispose of, would think for a moment of disposing of them otherwise, but that proposition is now cured by the amendment that has been accepted and will become a part of the bill, and now we have only left the consideration of this amendment. If this amendment shall not be adopted this Congress will say that we dare not trust an American citizen to purchase 40 acres of land in the Philippine Islands without endangering the interests of the people of those islands. I believe that reflection upon American citizenship is unwarranted and unpatriotic, and therefore I shall vote for the amendment offered by the gentleman from Pennsylvania. [Applause.]

Mr. JONES. Mr. Speaker, I ask unanimous consent that all debate on this amendment be concluded in 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I will have to object. I am a member of the committee and I would like to speak on this amendment.

Mr. CRUMPACKER. Mr. Speaker, I desire to speak on the bill.

Mr. JONES. I am not undertaking to interfere with the gentleman from Indiana [Mr. CRUMPACKER]. I want to dispose of the amendment, and I would like to ask the gentleman from Wisconsin [Mr. MORSE] how much time he desires.

Mr. MORSE of Wisconsin. Seven minutes.

Mr. JONES. Then, Mr. Speaker, I will modify my request.

The SPEAKER. The gentleman from Indiana has been recognized and is entitled to an hour.

Mr. JONES. I do not think the gentleman from Indiana wishes to speak on the amendment. I am sure that he wants to dispose of this amendment first and speak afterwards.

Mr. CRUMPACKER. Mr. Speaker, I beg to say that unless there is some limit put upon the debate of this amendment, I must speak upon this question if I speak at all. The debate has already taken a very broad range. I perhaps can occupy as wide a range as I desire to in following the gentlemen who have already spoken, but if a reasonable limit can be fixed on this amendment I will be glad to give way.

Mr. JONES. Then, Mr. Speaker, I ask that all debate on this amendment be closed in 20 minutes, 7 minutes to be used by the gentleman from Wisconsin and the remainder be controlled by the gentleman from Pennsylvania and myself.

Mr. MARTIN of South Dakota. Reserving the right to object, Mr. Speaker, I would like to have the gentleman's request specify that I may speak five minutes in opposition to the amendment.

Mr. JONES. I will give the gentleman from South Dakota a part of my time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment and substitute be limited to 20 minutes, 7 minutes of that time to be used by the gentleman from Wisconsin and 13 minutes to be controlled and equally divided between himself and the gentleman from Pennsylvania [Mr. OLMSTED]. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Mr. Speaker, it was my intention, when the amendment was first proposed by the gentleman from Pennsylvania, to vote for it, but after examining once more the amendment which was adopted a week ago and which became a part of the bill I feel that it would not be wise to adopt the amendment. That amendment will be found on page 6413 of the RECORD. I will read it. You understand that this is a bill providing for the disposition of the remainder of the friar lands, and it puts them under the same law that applies to the other public lands—no more than 40 acres to be sold to an individual and no more than 2,500 acres to any corporation. But we have adopted this amendment:

Amend, page 2, line 6, by inserting, after the word "islands," the following:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

You see that takes away the 40-acre limit and the 2,500-acre limit and leaves the matter to the Philippine Government, which is composed of a lower and upper house, the upper house being appointed by the President of the United States, and the governor.

Mr. OLMSTED. But that only applies to friar lands.

Mr. MORSE of Wisconsin. Well, admitted that the amendment applies only to the friar lands, we are legislating only as to the friar lands. What are we legislating for? For the purpose of preventing the acquisition of large tracts of land by individuals or corporations, either foreign or domestic. There is no other end in view in this legislation—nothing whatever.

The charge has been made and amply proven that under the administration of the law large tracts of land have been going into the hands of certain people. I stated on the floor of the House that the people who purchased them were at the time of the purchase officers of the so-called Sugar Trust. That statement was questioned by the gentleman from Pennsylvania. I looked up the record and found I was correct. The hearings do show that the gentlemen admitted that they owned them all, and at the time of the purchase one of them at least was an officer and the others stockholders in the American Sugar Refining Co.—the so-called Sugar Trust.

Now, then, the object of this legislation is to terminate, for the good of the Filipino people, the accumulation of large tracts of land in single ownership, either corporate or individual.

I have here an amendment which I expect to offer, and to offer which the Speaker has promised to recognize me, which, if adopted, will, to my mind, make this bill of some value. If it is not adopted, I can not see any use of passing this legislation, particularly in view of the fact that we have opened up the subject even wider than it was opened before, because there was always in these friar transactions a question of title. There was always a question as to whether or not that land had been legally acquired. It is true they had the opinion of the Attorney General that it had been legally acquired, but as I understand the situation there has been no court decision to that effect and the title is still to that extent clouded.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a question?

Mr. MORSE of Wisconsin. Yes; for a short question.

Mr. TOWNER. That had reference merely to the interpretation of the law in so far as it affected the limitation on the lands, but there never has been any decision as to whether or not it was a violation of the law—in other words, a fraud—for individuals representing a corporation to procure lands that were for the benefit of the corporation.

Mr. MORSE of Wisconsin. That is probably true, but I do not care anything about the theory. The facts are that individuals did do that. These are the facts, and there is no man in this House who will question them.

Mr. TOWNER. The point I make is that because they did acquire the lands is no indication that they have any title, if they acquired them in fraud, as I believe they did.

Mr. MORSE of Wisconsin. That may be true, but we do not want to continue that kind of title acquiring in the Philippine Islands. Neither does anyone in this House want to continue that policy which we, by this legislation, are trying to change.

If the amendment to which I am addressing myself at this moment be adopted and becomes a part of this law, then you will put it within the power of the Philippine Government to grant not only to the Filipinos but to the American Sugar Refining Co., to Americans, and to anyone, individual or corporation, either there or here, land in any quantity that they may see fit to sell to them. A corporation under that law could go there and with the consent of the Philippine Government be permitted to buy all of the rest of the friar lands, one hundred and twenty-five thousand and odd acres. I say we would defeat the very object of this legislation that we are trying to enact, or, at least, we would put it within the power of the Government of the Philippine Islands to defeat the object of this legislation. Therefore, under those conditions, and in view of the fact that this amendment has been adopted and has become a part of the bill, I believe it is the duty of the Members of this House to defeat that amendment. I believe if we could arrange it so that 40 acres only could be acquired by an American citizen it would be a good amendment, because I think it would be of value to the Philippine people to have a few American citizens go in there and show them how to farm—people, for instance, from our States who are graduates of our agricultural schools. If a few of them could go in there and show them how to farm as we do in this country, it would be a very good thing, and this would be a very valuable amendment; but in view of the fact that the prior amendment has been adopted, I feel certain of the fact that the safety of the islands and the agrarian policy which we are trying there to establish would be conserved by defeating the amendment of the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the gentleman from Wisconsin [Mr. MORSE], I think, is not quite correct as to the effect of the amendment adopted the other day, and the effect that this pending amendment would have if adopted. Nobody disputes the proposition that American citizens may now purchase friar

lands. This bill, however, proposes to make the friar lands subject to the same qualifications, restrictions, and conditions as now are imposed by law upon the sale of public lands; and it is contended that in the sale of public lands a citizen of the United States may not purchase under the existing law. The object of the pending amendment is simply to give to any American citizen the same right that a native Filipino would have to buy 40 acres of land.

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. GARRETT. Mr. Speaker, I should not like to let go unchallenged the statement of the gentleman from Pennsylvania that no one now believes that Americans can purchase the friar lands. Those of us who believe that the real intent and spirit of the organic act was that the friar lands should be subject to the same limitations as public lands do not believe now that an American citizen has the right to make a purchase of the friar lands.

Mr. OLMSTED. Mr. Speaker, I will accept the gentleman's statement, but the bill as it now stands, with the amendment adopted one week ago to-day, provides that nobody can purchase more than 40 acres of any kind of land belonging to the Philippine Government, unless the Philippine Legislature shall by legislation, hereafter to be enacted, permit him to buy more. The upper branch of that legislature consists of nine members, five Americans and four native Filipinos, while the lower branch is composed of Filipinos elected by the native Filipinos, and there could be no legislation enacted without the consent of both bodies.

Surely the gentleman from the Philippines himself and other gentlemen who are willing to vote that they are ready now, or will be very shortly, for self-government do not wish to vote in support of the proposition that they can not themselves be trusted to vote how many acres of land they will sell in any particular tract? To vote that way, in my judgment, is to negative the proposition that they are now or will be for a long time fitted for self-government. Unless that legislature, one branch of which is wholly composed of native Filipinos, selected by Filipinos themselves, shall vote otherwise, no man, under this bill as it now stands, with the amendment adopted last week, can buy more than 40 acres of land, and he has got to live on it five years continuously. Now, the gentleman from the Philippines did not observe the distinction between a resident and a citizen.

A man might go from Washington to the Philippine Islands and remain there five or six years and become a resident of the Philippines, but he would not be a citizen. He is not a statutory citizen under the provisions of the organic act which limits Philippine citizenship to native-born Filipinos and their descendants, and, of course, it is impossible for a man to change his ancestors. Therefore, unless we adopt this amendment which is now pending, it will be impossible for an American citizen to buy even 40 acres of any kind of land in the Philippine Islands.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Would the gentleman from Pennsylvania like to accept this amendment, that those acquiring lands shall become citizens of the Philippine Islands?

Mr. OLMSTED. That would not be germane to the bill before us. It is an entirely different subject. The law already provides that a man purchasing 40 acres must live on it continuously for five years, cultivate, and improve it. Mr. Speaker, the gentleman from the Philippines said himself only one week ago, as to the limitation of area, that he was in favor of this amendment, and yet to-day he speaks nearly an hour in opposition to it, and the reason he gives——

Mr. QUEZON. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. QUEZON. I do not know I gave that impression here. Personally I said this amendment ought not to be adopted, but if the purpose of the amendment was to be secured and only that purpose that I have no objection to it, but my fear is this will give an opportunity to do certain things which are to be deplored.

Mr. OLMSTED. Mr. Speaker, that fear has come upon the gentleman within the past week, for he distinctly said, and it is here in the RECORD, that personally he would have no objection if the area were restricted. Now it is limited to 40 acres unless the Filipinos themselves increase it, but they can do it under this legislation only as to the friar lands. Here is what he said, printed on page 5703 of the RECORD:

Mr. OLMSTED. Would the gentleman be willing to have this bill amended so that citizens of the United States could purchase the public lands?

Mr. QUEZON. Personally I would have no objection to it, provided the citizens of the United States shall be affected by the limitations of the organic act as to area.

The SPEAKER. The time of the gentleman has expired. The gentleman from Virginia is recognized for six and a half minutes.

Mr. JONES. Did the gentleman from South Dakota desire some time?

Mr. MARTIN of South Dakota. I do not want to take up the gentleman's time, but I would like to have five minutes.

Mr. JONES. I will yield that time to the gentleman.

The SPEAKER. How much time did the gentleman from Virginia yield?

Mr. JONES. Five minutes.

Mr. MARTIN of South Dakota. Mr. Speaker, the proposed amendment of the gentleman from Pennsylvania is very peculiarly drawn. It says that every citizen of the United States, not "may" but "shall" be permitted to purchase lands in the Philippine Islands. There is no limitation to the friar lands, which is the subject of the legislation of this bill. It is general in its language, and may apply as well to the public domain of the Philippine Islands as to this remnant of the friar lands. The provision of section 15 of the organic act plainly contemplates that as to the miscellaneous public domain of those islands it shall be disposed of only in small areas to actual inhabitants or citizens of the islands, and very properly, and yet this sort of legislative declaration by Congress would operate, I think, as an amendment to that portion of the organic act and would place a citizen of the United States in a position of demanding the privilege of purchasing under the limitations of this act a certain quantity of this land whether it was the policy of the Government of the Philippine Islands to dispose of it only to citizens of the islands or not. The amendment therefore is very remarkable in its language, and I think would work mischief for that reason if for no other. But my objection to the legislation goes much deeper than the phraseology of the amendment. I think it is fundamental to good government in any country that the agricultural lands upon which the primal industry of agriculture must be performed should be disposed of only to citizens of the country having the public domain. That is a condition of good government, a principle which we have protected in our own affairs from the foundation of the Government, and I have always considered it was one of the best instances of the statesmanship of the people of the United States that this policy ingrafted into the homestead act of 1862 was adopted at a time when the temptation to dispose of our public land to large landholders was very great.

One side of that great legislative controversy in 1862 contended that the Nation's life was in peril and that vast areas of the public domain ought to be disposed of at the greatest possible price as an asset of the war to defend the Union. But wiser and more farseeing statesmanship prevailed, and even under the limitations of the necessities of the case the men of that period adopted the policy that the public lands of the United States should forever be disposed of in small quantities to the actual home builder or empire maker who should go in advance and lay the foundations of the citizenship of this Republic.

We are the trustees of these Filipino people, and we ought not to ingraft upon them by legislation a policy we would not adopt in the management of our own affairs. And it is no criticism of American citizenship to say that we, the trustees of those people, in our legislative might and power will not place upon them provisions that would force them to recognize American citizens, or citizens of any other country than the Philippines, in a right to purchase portions of their agricultural lands. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULLOP). The gentleman from Virginia [Mr. JONES] has one minute and a half remaining.

Mr. JONES. Mr. Speaker, there is not one line or one word in the bill before the House relating to who shall or shall not acquire lands in the Philippine Islands. There is not a word in this bill that relates to who may or may not purchase private lands, public lands, or so-called friar lands.

The subject matter of the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely foreign to everything which is before the House in this bill. He seeks through his amendment not to change anything in this bill; not to change anything in the section of the law to which this bill relates; but to amend in a most important particular the organic law of the Philippine Islands. For that reason, if for none other, the House should vote down this amendment, for it

has absolutely nothing to do with the subject matter of the bill. It is, however, an admission, notwithstanding that the gentleman from Pennsylvania [Mr. OLMSTED] continually says that there are only a few persons who hold that citizens of the United States can not acquire agricultural lands in the Philippine Islands, that the law as it stands prohibits a citizen of the United States from acquiring a single acre of the agricultural public lands in the Philippine Islands. And it is because the gentleman believes in his heart that the interpretation placed upon this law, not only by the minority members of the Insular Affairs Committee in the Sixty-first Congress, but by Judge Madison and two others of the majority members of that committee, is the correct interpretation that he seeks to secure the adoption of this amendment. Now, I do not understand——

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania will state it.

Mr. OLMSTED. The question is now on the substitute amendment?

The SPEAKER. The Chair was going to state that.

Mr. OLMSTED. If that is voted down there will have to be a vote on the original amendment?

The SPEAKER. Yes.

Mr. OLMSTED. Then I will ask the gentleman from Virginia [Mr. JONES] that his substitute be treated as an original amendment so as to save two votes.

The SPEAKER. Unanimous consent is asked that the substitute be treated as an original amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. OLMSTED. Division, Mr. Speaker.

The House proceeded to divide; and during the division Mr. OLMSTED raised the point of no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the names are called, those who are in favor of the substitute will answer "yea," and those opposed will answer "nay." Of course the agreement is that the substitute shall be in place of the original amendment. The Clerk will call the roll.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Page 2, line 21, after the word "holdings," insert:

"*Provided further*, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions of this act as hereby amended."

Mr. GARNER. Is that a substitute?

Mr. OLMSTED. Yes; that is what we are about to vote on now.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 66, nays 156, answered "present" 13, not voting 157, as follows:

YEAS—66.

Ames	Fuller	McCreary	Redfield
Austin	Gardner, Mass.	McGuire, Okla.	Roberts, Mass.
Bowman	Greene, Mass.	McKenzie	Smith, Saml. W.
Bulkley	Griest	McKinley	Steenerson
Burke, Pa.	Hamilton, Mich.	McKinney	Stephens, Cal.
Butler	Harris	McLaughlin	Sterling
Cannon	Hartman	Madden	Stevens, Minn.
Catlin	Heald	Malby	Thistlewood
Crago	Henry, Conn.	Mann	Towner
Crumpacker	Higgins	Matthews	Tuttle
Dalzell	Hill	Morgan	Volstead
De Forest	Howell	Needham	Vreeland
Dodds	Kahn	Nye	Wedemeyer
Driscoll, M. E.	Kennedy	Olmsted	Willis
Focht	Kinkaid, Nebr.	Payne	Young, Mich.
Fordney	Knowland	Powers	
Foss	Loud	Prouty	

NAYS—156.

Adair	Borland	Daugherty	Ferris
Adamson	Brantley	Davis, Minn.	Finley
Aiken, S. C.	Buchanan	Denver	Fitzgerald
Akin, N. Y.	Burke, Wis.	Dickinson	Foster
Alexander	Byrnes, S. C.	Dies	Fowler
Anderson, Minn.	Byrns, Tenn.	Difenderfer	Francis
Anderson, Ohio	Callaway	Donohoe	French
Ansberry	Candler	Doremus	Gallagher
Ashbrook	Carter	Doughton	Garner
Barnhart	Cary	Driscoll, D. A.	Garrett
Bartlett	Cline	Edwards	Good
Bathrick	Connell	Ellerbe	Goodwin, Ark.
Bell, Ga.	Cooper	Esch	Gould
Blackmon	Copley	Evans	Gray
Boehne	Cullop	Faison	Gregg, Pa.
Booher	Curry	Fergusson	Gregg, Tex.
Hamill	Lafferty	Page	Smith, J. M. C.
Hamilton, W. Va.	La Follette	Peters	Smith, N. Y.
Hardy	Lee, Ga.	Post	Stedman
Harrison, Miss.	Lee, Pa.	Pou	Stephens, Miss.
Harrison, N. Y.	Lenroot	Prince	Stephens, Tex.
Hay	Levy	Rainey	Stone
Hayden	Lindbergh	Raker	Sulzer
Helgesen	Linthicum	Rauch	Sweet
Hensley	Lloyd	Rees	Talcott, N. Y.
Holland	McDermott	Roberts, Nev.	Taylor, Colo.
Howard	McGillicuddy	Roddenbery	Thayer
Hughes, Ga.	Macon	Rothermel	Thomas
Hull	Maguire, Nebr.	Rouse	Townsend
Jackson	Martin, Colo.	Rubey	Tribble
Jacoway	Martin, S. Dak.	Rucker, Colo.	Turnbull
Johnson, Ky.	Moon, Tenn.	Russell	Underhill
Jones	Morrison	Saunders	Watkins
Kendall	Morse, Wis.	Sharp	White
Kinkead, N. J.	Murray	Sherley	Wilson, N. Y.
Konig	Neeley	Sherwood	Wilson, Pa.
Konop	Oldfield	Sims	Witherspoon
Kopp	O'Shaunessy	Slayden	Young, Kans.
Korbly	Padgett	Small	Young, Tex.

ANSWERED "PRESENT"—13.

Beall, Tex.	Gillett	McCall	Tilson
Browning	Hobson	McMorran	
Davenport	Houston	Smith, Tex.	
Dwight	Langley	Talbott, Md.	

NOT VOTING—157.

Ainey	Estopinal	Lamb	Richardson
Allen	Fairchild	Langham	Riordan
Andrus	Farr	Lawrence	Robinson
Anthony	Fields	Legare	Rodenberg
Ayres	Flood, Va.	Lever	Rucker, Mo.
Barchfeld	Floyd, Ark.	Lewis	Sabath
Bartholdt	Fornes	Lindsay	Scully
Bates	Gardner, N. J.	Littlepage	Sells
Berger	George	Littleton	Shackleford
Bradley	Glass	Lobeck	Sheppard
Broussard	Godwin, N. C.	Longworth	Simmons
Brown	Goeke	McCoy	Sisson
Burgess	Goldfogle	McHenry	Slemp
Burke, S. Dak.	Graham	McKellar	Sloan
Burleson	Green, Iowa	Maher	Smith, Cal.
Burnett	Gudger	Mays	Sparkman
Calder	Guernsey	Miller	Speer
Campbell	Hamlin	Mondell	Stack
Cantrill	Hammond	Moon, Pa.	Stanley
Carlin	Hanna	Moore, Pa.	Stephens, Nebr.
Clark, Fla.	Hardwick	Moore, Tex.	Sulloway
Claypool	Haugen	Moss, Ind.	Switzer
Clayton	Hawley	Mott	Taggart
Collier	Hayes	Murdock	Taylor, Ala.
Conry	Heflin	Nelson	Taylor, Ohio
Covington	Helm	Norris	Underwood
Cox, Ind.	Henry, Tex.	Palmer	Utter
Cox, Ohio	Hinds	Parran	Vare
Cravens	Howland	Patten, N. Y.	Warburton
Curley	Hubbard	Patton, Pa.	Webb
Currier	Hughes, N. J.	Pepper	Weeks
Danforth	Hughes, W. Va.	Pickett	Whitacre
Davidson	Humphrey, Wash.	Plumley	Wickliffe
Davis, W. Va.	Humphreys, Miss.	Porter	Wilder
Dent	James	Pray	Wilson, Ill.
Dickson, Miss.	Johnson, S. C.	Pujo	Wood, N. J.
Dixon, Ind.	Kent	Randell, Tex.	Woods, Iowa
Draper	Kindred	Ransdell, La.	
Dupré	Kitchin	Reilly	
Dyer	Lafean	Reyburn	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDREWS.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. COLLIER with Mr. WOODS of Iowa.

Until further notice:

Mr. WICKLIFFE with Mr. SIMMONS.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. WEBB with Mr. REYBURN.

Mr. ROBINSON with Mr. SMITH of California.

Mr. STEPHENS of Nebraska with Mr. PRAY.

Mr. SABATH with Mr. PLUMLEY.

Mr. RUCKER of Missouri with Mr. WOOD of New Jersey.

Mr. RICHARDSON with Mr. WILSON of Illinois.

Mr. REILLY with Mr. VARE.

Mr. MCKELLAR with Mr. WARBURTON.

Mr. LOBECK with Mr. SWITZER.

Mr. MCCOY with Mr. UTTER.

Mr. LEVER with Mr. SPEER.

Mr. LEGARE with Mr. PICKETT.

Mr. SMITH of Texas with Mr. PATTON of Pennsylvania.

Mr. KITCHIN with Mr. NELSON.

Mr. HUMPHREYS of Mississippi with Mr. MOTT.

Mr. HUGHES of New Jersey with Mr. MOORE of Pennsylvania.

Mr. HENRY of Texas with Mr. MONDELL.

Mr. HEFLIN with Mr. MILLER.

Mr. GRAHAM with Mr. LAWRENCE.

Mr. GOLDFOGLE with Mr. LAFEAN.

Mr. GEORGE with Mr. KENT.

Mr. FLOYD of Arkansas with Mr. HUMPHREY of Washington.
Mr. FLOOD of Virginia with Mr. HUBBARD.
Mr. DUPRÉ with Mr. HAYES.
Mr. DICKSON of Mississippi with Mr. HAUGEN.
Mr. DENT with Mr. HANNA.
Mr. DAVIS of West Virginia with Mr. GUERNSEY.
Mr. CURLEY with Mr. GREEN of Iowa.
Mr. DIXON of Indiana with Mr. GARDNER of New Jersey.
Mr. COX of Indiana with Mr. FOSS.
Mr. COVINGTON with Mr. DYER.
Mr. CLAYTON with Mr. CURRIER.
Mr. CARLIN with Mr. CALDER.
Mr. CANTRILL with Mr. BARTHOLDT.
Mr. BURNETT with Mr. BARCHFELD.
Mr. BURLESON with Mr. AINEY.
Mr. LITTLEPAGE with Mr. MURDOCK.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. GOEKE with Mr. HOWLAND.
Mr. GODWIN of North Carolina with Mr. HINDS.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. RANDELL of Texas with Mr. SELLS.
Mr. MOSS of Indiana with Mr. SLOAN.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. LITTLETON with Mr. DWIGHT.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. JAMES with Mr. MCCALL.
Mr. HELM with Mr. RODENBERG.
Mr. BEALL of Texas with Mr. HAWLEY.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SISSON with Mr. TILSON.
Mr. SHEPPARD with Mr. BATES.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. ALLEN with Mr. LONGWORTH.
Mr. FIELDS with Mr. LANGLEY.
Mr. PEPPER with Mr. WILDER.
Mr. PUJO with Mr. MCMORRAN.
Mr. PALMER with Mr. SULLOWAY.
Mr. CLARK of Florida with Mr. DANFORTH.
Mr. KINDRED with Mr. PORTER.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. SCULLY with Mr. BROWNING.
From May 11, one week:
Mr. BROWN with Mr. LANGHAM.
From May 3, two weeks:
Mr. SHACKLEFORD with Mr. DRAPER.
April 17 to May 21:
Mr. BURGESS with Mr. WEEKS.
May 15 to May 25:
Mr. STANLEY with Mr. ANTHONY.

Mr. KENDALL. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. DIXON, but I am sure he would vote in the negative if he were here, and I withdraw my pair, and vote "nay."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KENDALL, and he answered in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. CRUMPACKER rose.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for one hour.

Mr. CRUMPACKER. Mr. Speaker, I rise to speak in opposition to the bill now before the House for consideration. I was unable to be present on last Calendar Wednesday or on the Calendar Wednesday before, and I did not hear the arguments made for and against the measure on those days; but I have read every speech upon the question that has been published in the RECORD. I feel justified in saying a few words in this connection in relation to the amendment that was just voted down by the House, an amendment proposing to give American citizens the right to make homestead entries in the Philippine Islands under the organic law and in accordance with the conditions and limitations therein contained. Some seem to believe that a citizen of the United States residing in the islands is not allowed to locate upon and become the owner of a homestead of 40 acres of the public lands, simply because the law does not, by express terms, make him a citizen of the Philippine Government. My individual judgment is that citizens of the United States residing in the Philippine Islands are citizens of the Philippine Government within the meaning of the homestead law. This Government holds sovereign power over the Philippine Archipelago, and the title to the public lands in the archipelago is in the United States. Those islands were rescued from Spanish oppression by American valor, by the shedding of American blood. The Constitution of the United States declares that every person born within the United States or naturalized therein is a citizen of the United States and a citizen of the State where he resides. Territory within the jurisdiction of this Government is a State within the citizenship provision of the Constitution, and a citizen of the United States is a citizen of the islands under the flag while he resides in the islands. It is to me an absurd proposition to say that even the soldiers who fought under the flag in conquering Spanish authority in the archipelago do not possess the poor privilege of becoming residents of the islands and of taking up homesteads of 40 acres of land, on condition that they shall improve, cultivate, and live on the lands for five years, and upon the further condition that they shall not sell or encumber their holdings during that period. I voted for the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] to remove all possible doubt about the question in the minds of some Members and not because I thought there was any doubt about it myself.

Mr. Speaker, this whole friar-land question, it seems to me, has been enshrouded with a great deal of confusion and misunderstanding. It has been badly obfuscated. There is an attempt here to make a mountain out of a molehill. The bill presents a simple business question respecting the change of the law for the disposition of the remaining friar lands. In the course of the discussion some gentlemen who have spoken have taken occasion to cast reflections upon the administration of the Philippine Government, and particularly the administration of the public lands. We heard those same criticisms a year or two ago, and the last Congress authorized an investigation of the administration of public lands in the islands. That investigation was made by the Committee on Insular Affairs. It was exhaustive, it was thorough, it was impartial; and the result was that the administrative officers in the Philippines were absolutely vindicated. I will quote a paragraph of the report of the committee conducting that investigation from the summary:

> We find that the administration of lands in the Philippine Islands has been fairly and honestly conducted, and that the charges and insinuations to the contrary which have been made against the officials charged with the execution of the laws in relation thereto, whether officers of the Philippine Government or of the United States, are unwarranted and unjust.

That report was made by eight members of the majority and one of the minority of the committee, and the findings were concurred in by four other members in separate statements. The gentleman from Colorado [Mr. RUCKER], of the minority, made a supplemental statement in which he said:

> I fully concur in the foregoing report as far as it goes, but I desire to make the following additional suggestion.

Three other members of the committee, Messrs. HUBBARD of Iowa, DAVIS of Minnesota, and MADISON of Kansas, submitted supplemental views, in which they said:

> The committee has fully discharged its duty to make a complete and thorough investigation of the interior department of the Philippine Islands with regard to the administration of Philippine lands, and we concur in the findings of the foregoing, that there have been no sales of Philippine lands in violation of law, and that the officials having in charge the execution of the land laws of the Philippines have been honest and conscientious. They are not in our judgment subject to censure. Their task has not been an easy one. They have had many burdens laid upon them, not the least of which has been the interpretation of the provisions of the act of 1902, providing a civil government for the Philippines with regard to the lands they were administering.

Five out of nineteen members of the committee dissented.

I submit that no fair-minded man can go through the history of that investigation and read the testimony taken without reaching the conclusion that the handling of public lands in the islands constitutes as clean a page as can be found in all the annals of American administration.

It is an easy thing to criticize, an easy thing to find fault with conditions that exist 10,000 miles away, but it is difficult sometimes to disprove charges and insinuations against faithful public officers. My belief is that Congress ought to defer largely to the judgment and the fidelity of the men who have been selected to administer affairs in the Philippine Archipelago, men who are on the ground, men who know infinitely more than we can know respecting social, economic, and political conditions there and of the needs and wants of the inhabitants.

It seems to me we make a grave mistake when we undertake to legislate respecting details from American standards against the judgment and over the protest of those who are on the ground and charged with the responsibility of administration. How many Members of this House have personal knowledge of the conditions that prevail in the Philippines?

I undertake to say, Mr. Speaker, that the organic act has been interpreted and applied by the Philippine Government exactly as it was enacted by Congress, exactly as Congress intended it should be interpreted and applied. It was made by a Congress that was thoroughly familiar with conditions existing at that time and the reasons for the purchase of the friar lands and the manner of their disposition.

When this Government secured control of the archipelago under the Paris treaty there came to the United States something over 60,000,000 acres of public lands. Under that treaty the title to those lands was vested in the Government of the United States. When we came to make the organic law for the civil government of the islands, we made careful provision for the disposition of the public lands for the benefit of the people of the islands. In the course of my remarks when I refer to the "public lands" I mean those lands the title to which was vested in the United States by the Paris treaty, and when I refer to the lands purchased of the religious orders I shall designate them as "friar lands."

Congress outlined its land policy for the islands in the provisions in the organic law for the disposition of the public lands. It established the homestead policy and surrounded it with safeguards to prevent exploitation more effectually than was ever done for the protection of the public lands in this country. Limitations were fixed so there could be no "dummy" entries, as has been the case under the land laws at home. If any criticism can be justly made against the Philippine land laws it is that they are so rigid as to retard development. No opportunities were left open to speculators and exploiters.

But the mistake has been made by Members of the House in the discussion of this question in failing to discriminate between the public lands and the friar lands. Because some unoccupied friar lands have been sold in large tracts Members have spoken, protesting vigorously and vehemently against the exploitation of the public lands of the islands.

The distinguished gentleman from Wisconsin [Mr. COOPER] awhile ago quoted a statement from the report of Mr. Taft when he was Secretary of War, declaring that he was not in favor of using or permitting the use of the public lands in the Philippine Islands for sugar raising.

Mr. TOWNER. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. TOWNER. Was it not said in the quotation from Mr. Taft that he placed his disapproval upon the exclusive use of the public lands for sugar raising?

Mr. CRUMPACKER. That is the point I was coming to; he said he was not in favor of the exclusive use of all the lands for sugar raising, and he gave sound reasons for his objections. Is there anybody in this House or in this country advocating the exclusive use of the public lands of the islands for sugar plantations? Why, the entire area of the friar lands was only 400,000 acres as against over 60,000,000 acres of the public lands that can not be exploited; that can not be sold excepting under rigid limitations and conditions. Mr. Taft in that report, and in a number of other reports, recommended the establishment of a number of modern sugar mills in the islands. He said it would promote development; that it would be an object lesson to the natives; that it would stimulate enterprise and activity along right lines. Much of the friar lands was in small tracts, in possession of tenants. They were largely occupied, and the law requires that the tenants shall have the first right to purchase their holdings. The unoccupied and unimproved lands are those over which the controvery arises. Suppose the Government should sell all of the unoccupied friar lands in large tracts for the purpose of sugar production, would it amount to an exploitation of the public lands—200,000 acres out of 60,000,000 acres? Every objection that has been made to the sale of the unoccupied friar lands in large tracts is more than answered in the fact that there can be no oppression, no condition approaching serfdom, because if the natives do not care to work in the sugar mills there are 60,000,000 acres of public lands open to homesteads on easy terms and at a nominal cost.

It is the experience of sugar producers in the Tropics that one who goes to the expense of constructing a modern sugar mill must have several thousand acres upon which to produce cane, because reliance upon small farms for a cane supply is too precarious. The average sugar plantation in control of mill owners in Cuba is above 15,000 acres. Public lands in the Philippines can not be sold in larger tracts than 40 acres to an individual or 2,500 acres to a corporation. The public lands can be bought for $2 an acre, but no one would undertake to build a sugar mill on 40 acres of land, or on even 2,500 acres. The San Jose tract, which was sold to the Havemeyer syndicate, was surrounded with public lands equally as fertile, and which were for sale at $2 an acre. The San Jose tract sold for over $6 an acre, because it contained a number of thousand acres. If it could only have been sold in 40-acre tracts, it would have taken 50 years to dispose of it, and then it could not have sold for more than the public lands were offered for.

Discrimination must be made between the sale of public lands for homesteads, in 40-acre tracts, at $2 an acre, and the sale of large areas of unoccupied friar lands for sugar mills, at from $6 to $25 an acre. Discrimination must be made between the policy of selling the public lands at a small price for the encouragement of agriculture and the policy of selling the friar lands for the purpose of creating a fund with which to pay the bonds given for their purchase.

There has been much said about absentee landlordism, and it has been declared that it was the object of the Government in taking over the lands of the religious orders to break up the large tracts into small holdings. There was no such purpose in the mind of Congress in providing for the purchase of those lands. No one had any such idea. There was a condition, which has been referred to in the course of this debate, involving a bitter enmity on the part of the tenants of the friar lands against the friars themselves. It was not a matter of absentee landlordism, because the landlords were on the ground and the cause of the trouble. It was not a question of buying up large tracts of land with a view of cutting them up into small holdings, because there was no objection whatever to the quantity of land held by the religious orders, as there was an abundance of public land that natives could locate upon and use without interference. There were two large tracts, aggregating about 110,000 acres—the San Jose estate, which was purchased by Poole for the New York syndicate, and the Isabela estate—which were wholly unoccupied and unimproved, that it was not the intention of the Government to buy at all, because they were in no way the subject of friction or trouble. They were the largest tracts held by the friars, but they had no tenants.

I am authorized by President Taft to say that after the passage of the organic law he made a voyage to Rome with the view of negotiating for the purchase of the friar lands, and his first proposition was to exclude the San Jose and the Isabela estates from consideration altogether, as there was no need of buying those lands, because they were untenanted and the source of no trouble whatever.

If that proposition had been accepted, the title to the San Jose estate in Mindoro and the title to the Isabela estate in northern Luzon would have remained in the religious orders, and they could have sold both estates, even to the Havemeyers, without let or hindrance. But the representative of the friars very naturally refused to consider any proposition that did not include those large estates, so the Philippine Government was compelled to buy them in order to secure the lands that were held by tenants and about which the trouble existed.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. CRUMPACKER. For a question in that connection.

Mr. JONES. Then why was it that he did not buy the large estate on the Pasig River of 8,000 acres, which belonged to the friars, and that was very densely populated?

Mr. CRUMPACKER. There seemed to have been no trouble about that tract, and there has been no trouble there since.

Mr. JONES. Oh, there was trouble there.

Mr. CRUMPACKER. I am not ready to accept the gentleman's statement on that question. There has been no trouble over that estate. The small—or, as the gentleman calls it, the large—estate of 8,000 acres was kept by the friars for their own use. The basis of all difficulty between the friars and the tenants was agrarian and political. The friars were the parish priests in the islands, very largely, and they had absolute political authority in all municipalities in their several parishes. Mr. Taft described them in his statement before the committee as "Spanish policemen." The tenants were all devout Catholics. The friars collected rents from the tenants and used them for carrying on certain functions that pertained to the religious orders as such. In addition they imposed substantial exactions upon the tenants for the purpose of raising further funds to carry on the work of the church; and the tenants took the view that while the title to the lands was in the religious orders, they held the land in trust for the church, and that the rents of the lands should go to the maintenance of the church instead of to educational and other uses outside. They came to look upon those priests as the personification of all that was arbitrary and despotic in Spanish administration. I will quote briefly from Mr. Taft's statement. He said:

There is another question connected with the friars that is far wider in importance because it affects the whole archipelago. That is the question of the friars' return to their parishes. The people are Catholics, and they are fond of their church, and the church is a great part

of their life. They have their fiestas, and the church takes part in almost every function in the family, and they have no disposition to leave the church. That they should have such a deep feeling of hostility against those persons who would administer the sacraments of the church—and they love the church itself—indicates that there was a very deep reason for their hostility. It would be found in the political power that the friars exercised in the last 50 years. They were the policemen of Spain. They exercised absolute power in every municipality within their respective parishes, and they were made responsible by the people for every act of oppression, individual or general, which might be charged to the Spanish Government.

That statement explains clearly the source of the trouble and the necessity of the Government securing control of the occupied lands to avoid conflict.

In 1896 there was an uprising among the tenants, and the priests were driven from their parishes. Upward of 50 of them were killed and 300 and over were put into prison. When the United States secured control of the islands, after peace had been established, following the Paris treaty, our Government was bound to protect the religious orders in the enjoyment of their property. The Philippine Commission knew that if proceedings were instituted to compel the tenants to pay rent to the friars for the lands it meant conflict; it meant insurrection and bloodshed. There is no way of estimating the sacrifice of human life and treasure that might have resulted in suppressing such an outbreak. Furthermore, it was of vital importance to assure the natives of our friendship and unselfish purposes in administering their affairs.

So it was decided that it would be cheaper and better from every standpoint to buy the lands and solve the difficult and ugly problem in that way, and Congress authorized the Philippine Government to make the purchase and issue bonds to raise the purchase money. Some have contended that the limitations contained in section 15 of the organic act were intended to apply to the friar lands, but I believe that no lawyer can carefully read that act and study the conditions under which it was made without reaching the conclusion that those conditions and limitations were never intended to apply to the sale of the friar lands. Those conditions and limitations were peculiarly adapted to a homestead policy. It might as well be said that if the Government of the United States should buy, say, 6,000 acres of land in this country for a rifle range and it should afterwards conclude to abandon the rifle range that the homestead laws would at once attach to the land. Those limitations were never intended to apply to the friar lands, because they are not adapted to public lands which have been acquired by purchase with the intention of selling them for enough to pay the purchase money. I expect to demonstrate before I finish my remarks that the friar lands were not intended by Congress to be sold under the homestead laws. I assert that there has been no public officer who has given an opinion upon the question who has not decided unequivocably that the limitations in section 15 and other homestead sections of the law do not apply to the friar lands. The law officer in the bureau of public lands in the Philippine Islands gave that opinion first.

The attorney general of the Philippine Islands, a native and an able lawyer, gave the same opinion, and later on, in connection with the San Jose estate, the Attorney General of the United States gave the same opinion. In the investigation made by the Committee on Insular Affairs in the last Congress all but 5 members of the committee out of 19, after a thorough and exhaustive investigation of the facts and the law, declared unequivocally that the conditions and limitations contained in section 15 did not and were not intended to apply to the friar lands. The organic act passed the Senate first. The Senate placed no limitation upon the quantity of friar lands that might be sold to a single individual, excepting that tenants should have the first right to buy their own holdings. The Senate bill authorized the Philippine Commission to make rules and regulations for the lease and other disposition of the public lands and required the commission to report those rules and regulations to the President for his approval, and if the President approved them that they should be submitted to Congress, and if Congress failed to amend or disapprove them at the following session they became law, but the Senate bill declared that a single homestead of public lands should not contain more than 40 acres, or its equivalent, in hectares. That was the only limitation in the bill. In another chapter, disconnected altogether from the public-land provisions, the bill took up the question of the friar lands and authorized their purchase and sale. It provided that those lands should be sold or disposed of in such manner as the Philippine Government might determine. They were not required to make rules and regulations for the disposition of the friar lands and send them back here for approval. The bill provided, however, that those lands should not be sold for less than the purchase price, an important thing to bear in mind. Furthermore, it provided that the proceeds of the lands should constitute a sinking fund for the purpose of paying the principal and the interest of the bonds issued for their purchase and that the interest on deferred payments for lands should be the same as the interest on the bonds. It was a simple business proposition for the Government to buy the lands to get rid of a troublesome question with the express intention of selling them first to the tenants, then the unoccupied portions to others for money enough to discharge the debt incurred in their purchase. The lands cost the Government $7,000,000. That looks like a small sum to the United States. Did you ever stop to reckon, Mr. Speaker and gentlemen of the House, how much that would be equivalent to here, considering our business and financial operations and the population and the per capita wealth of the two countries? Seven million dollars against the Philippine Government would amount to more than $700,000,000 against the United States. There are $2,000,000 of the bonds yet to be paid. It is a trifle; it is but a mere bagatelle from our standpoint; but we are not paying the money out of our own Treasury.

It is to be paid by the sweat and toil of the people of the Philippine Islands, and $2,000,000 is more for them to pay than $200,000,000 would be for the Government of the United States to pay. Congress concluded that the lands ought to pay the cost of their purchase.

It has been said that no one had in mind the sale of the lands for enough to pay the bonds. Mr. Taft, in explaining the situation to the Committee on Insular Affairs in 1902, said:

What I mean is, if we buy the lands we put the title of the Government between the friars and the subsequent disposition of the lands, and that then the Government may, by liberal terms to the tenants, enable the tenants, by payments strung over a long number of years, to become the owners of the land. The payments can be arranged so that not much more than the rent would nevertheless pay for the land. And in that way I think the insular government could probably be made whole or nearly so. I think the plan proposed by the commission as adopted in the bill introduced by Mr. COOPER contemplates the establishment of a sinking fund out of the proceeds of the sales of the lands to the tenants to meet the bonds.

Those who say that we were not to treat this matter, in a measure, as a business proposition, and were to pay no regard to the sale of the lands with a view of discharging the bonds, know little about the considerations that prompted Congress to authorize the purchase and sale of the lands.

Mr. Taft, in discussing the unoccupied San Jose and Isabella estates, was asked by Mr. WILLIAMS, of Mississippi, now Senator, then a member of the Committee on Insular Affairs, if there was any necessity for the purchase of those two tracts. Mr. Taft said:

No; the same necessity would not exist for the purchase of the Mindoro tract and the Cagayan tract. The Mindoro tract is a tract used for cattle only, and in a part of the islands where there are practically no tenants, and where there is no feeling one way or the other, and so probably it would be the same with the Cagayan Valley.

It was expected that the lands would be sold for money enough to relieve the people of the islands of the burden of debt that they had incurred in their purchase, and everybody knows that they could not be sold for any such price under the conditions and limitations contained in section 15 that were in their very nature adapted to a homestead policy.

The Senate put no limitation on the quantity of the friar lands that could be sold to any one individual, excepting that which goes along with a provision that the occupants should have the first right to buy their holdings. When the bill came up in the House the gentleman from Virginia [Mr. JONES], who was then a member of the Committee on Insular Affairs—as a matter of fact, he is one of the charter members of that committee—realizing that there was no limitation on the friar lands, offered an amendment which appears on page 7443 of volume 35 of the RECORD, part 8, limiting the amount of friar lands that could be sold to one person. The House bill fixed 16 hectares, or 40 acres, as the size of a homestead of public lands.

The gentleman did not provide in his amendment that the same limitation should apply to the friar lands, but he proposed a limit of 40 hectares, or 100 acres, for those lands. He spoke in support of his amendment against the danger of monopolizing the lands unless there was some limit placed upon the amount that could be sold to one individual. Other speeches were made for and against the amendment. The gentleman from Wisconsin [Mr. COOPER], who was then chairman of the Committee on Insular Affairs, took part in the debate. He opposed the amendment and said there was a distinction between the friar lands and the public lands, and that limitations adapted to the public lands might not be applicable to the friar lands.

Mr. JONES. Will the gentleman permit a question just there?

Mr. CRUMPACKER. A question; yes.

Mr. JONES. The gentleman has referred to the fact that I offered an amendment. The gentleman knows, of course, that section 16, to which I offered the amendment, did not contain the words "subject to the limitations and conditions of this act," which are now in the organic act. That is true, is it not?

Mr. CRUMPACKER. I understand that. If the gentleman will give me the time I will explain that proposition, and I think I can make it clear.

Mr. JONES. The gentleman has quoted from me. If he will read a little further down he will find I used these identical words——

Mr. CRUMPACKER. I hope the gentleman will not quote from the RECORD, as my time is short.

Mr. JONES. I will yield the gentleman the time.

Mr. CRUMPACKER. If the gentleman will secure me an extension of time I will yield.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER] decline to yield?

Mr. JONES. The gentleman has agreed to yield.

Mr. CRUMPACKER. On condition.

Mr. JONES. The gentleman will find if he will read my remarks on that amendment I used these words:

> The result will be that the lands will become a part of the public lands of the islands and will be disposed of as this bill proposes those public lands will be disposed of.

That is what I always contended.

Mr. CRUMPACKER. The public lands could not be sold in larger tracts than 40 acres, and the gentleman proposed to sell the friar lands in 100-acre tracts. The Capitol Grounds are public lands of the United States; but does that mean that they are homestead lands or that they are salable? All lands the title of which is vested in the Government are public lands.

Mr. Lacey, of Iowa, who was then chairman of the Committee on the Public Lands in the House, and who, I think, was more familiar with the land laws than any other man in either branch of Congress, spoke against the Jones amendment, insisting that the question of the amount of friar lands that could be sold to one individual should be left with the Philippine Commission, who were on the ground and knew better than Congress could know what was best to do in that respect. The Jones amendment was beaten by a vote of 63 to 33.

The House knew there was no limitation in the bill upon the amount of friar lands that could be sold to one person, and after full discussion, by a vote of almost two to one, decided that there should be no such limitation, but that that question should be left to the discretion of the Philippine Government.

After the bill passed the House it went to conference, and concessions were made and the act of July 1, 1902, was the result. The Senate consented to the striking out of the provision that the friar lands should not be sold for less than the cost price. The House took the position that while it was expected that the lands would sell for enough to cover the bonds, yet it might be necessary in some instances to pay more than the lands were worth, and if that hard-and-fast provision were left in the bill it might defeat the sale of some tracts altogether, so it was decided to leave that question also to the discretion of the Philippine Government.

"The conditions and limitations" in the friar land sections of the act referred to such conditions and limitations only as were applicable to lands that were bought and held with the expectation that they would be sold for enough to pay the purchase price. "The conditions and limitations" meant those that were applicable. It was not the intention of Congress to import conditions and limitations into the friar land sections that were only applicable to a homestead policy. Everyone at all familiar with the situation knows that the friar lands could not have been sold for the purchase price under the public-land provisions at all.

All those problems have been fully investigated, and every public officer, every law officer, who carried the responsibilities of his oath of office, has upheld the Philippine Government in its disposition of the friar lands. I remember that when we entered upon the investigation in the last Congress the late Judge Madison announced, in the presence of the committee, that he was strongly inclined to believe that the friar lands should be disposed of under the conditions and limitations provided for the disposition of the public lands.

His mind was open to conviction, however, and before the close of the investigation he became convinced that his original impression was wrong. He declared unequivocally that there was not a court of respectable standing in America that would not hold that the conditions and limitations that are peculiarly adapted to the homestead policy were not applicable to the disposition of friar lands, and it was never the intention of Congress that they should be so applied.

The question is reduced to one of policy. Seventy per cent in point of value and 60 per cent in quantity of the friar lands have already been sold. Every foot of land sold has brought the cost price, plus the accumulated interest, together with the cost of administration. The sales have aggregated about $5,000,000. The tenants, who were the principal purchasers, bought in good faith under the law and paid for their lands, and it is now proposed to provide that the balance, the remaining 30 per cent of the lands, shall be practically given away. Is that fair and just to the taxpayers of the islands? Is it fair and just to the thousands of tenants who have bought and paid the full value for their lands? There may be 125,000 acres of unoccupied land yet unsold. The occupied lands are in small areas, as a rule, some of them a half acre, some an acre, some even 125 or 130 acres. They are substantially all disposed of. Each tenant took his holding and paid the price for it that the Government had to pay, with interest and the cost of surveying and administration.

If the Congress will permit the Philippine Government to continue under the policy so clearly and definitely embodied in the organic law, it will be only a comparatively short time until the balance of the friar lands will be disposed of and complete provision made for the payment of all the bonds, and that episode in the history of the Government will be a closed incident.

I refer again to the talk about absentee landlordism. If the friars had been absent from the islands there would have been no difficulty; there would have been no friction. There is no purpose or intention to exploit the public lands, but it is the intention to dispose of them in accordance with the organic act. If we close the door in the Philippines against American money and American enterprise, how can we hope that there will be any development in that fertile country? The eloquent gentleman from the islands [Mr. QUEZON] seems to be living in continual fear of Americanizing the islands. He opposes every proposition that looks toward American enterprise and the investment of American capital and the extension of American influence there. He has in mind immediate independence of the people of the Philippines.

Let me ask how in the name of common sense can those people be fitted for independence until the agencies of thrift and enterprise are at work, until there is substantial industrial freedom, and economic independence among the people. Our administration has done a great work in the archipelago. The Government there is in the hands of capable, honest, clean men. They know more about the situation there and the wants and needs of the people than we do. Let us stand by them unless we are morally sure they are making a serious mistake. They are simply doing what Congress said they should do when it passed the organic act in 1902, and they are making a magnificent success of it.

I should like to have the time to make some reference to Havemeyer and those associated with him in the purchase of the San Jose land. There has been no sale of land in the islands in violation of law either in letter or spirit. Havemeyer has not been outlawed. He is a young man 23 or 24 years of age. His misfortune perhaps was in the selection of a progenitor. The name Havemeyer is a bugaboo. If you want to stampede a bunch of politicians who are looking for reelection bring out the old scarecrow labeled "Rockefeller" or "Havemeyer" and the explosion will be instantaneous. I have no doubt that young Havemeyer could buy land in any State in the Union.

The charge that the American Sugar Refining Co., commonly known as the Sugar Trust, is interested in the purchase of the San Jose estate in the Philippines is absolutely unfounded. That estate contains about 56,000 acres in the wilds of the island of Mindoro. It was unoccupied and unimproved. The Philippine Government had to buy that land in order to get the lands that were occupied by tenants under the friars and which were the source of trouble. The truth is that the interests of the Sugar Trust are against the development of sugar production in the Philippines. The beet-sugar industries in this country, and particularly those in Colorado, Utah, and Idaho, have bitterly opposed every proposition to admit sugar into this country from the Philippine Islands free of duty. They sent an agent to the islands several years ago to investigate conditions there with a view of determining the resources of those islands that might be adapted to sugar production. That agent reported that while the islands were fertile and could be made to produce large quantities of sugar that under the crude and archaic methods used there was no probability of any considerable quantity of sugar being produced there for many years to come.

When the Payne tariff bill was up for consideration, the beet-sugar interests agreed to withdraw their opposition to the bill, if the quantity of sugar to be imported from the Philippines

should be limited to 300,000 tons a year. The bill went through, with that provision, without opposition from the beet-sugar men. When that bill became a law, a New York syndicate, headed by Horace Havemeyer, purchased the San Jose land, with the view of establishing a sugar plantation and a modern sugar mill thereon. Then the beet-sugar interest started sensational stories throughout the country and in the Philippines, to the effect that the Sugar Trust was intending to exploit the public lands in the islands and warned the people here and in the islands against the approaching danger.

That movement was started by the beet-sugar people, principally for the purpose of preventing the development of sugar production in the Philippines by modern methods, and thereby keeping out of our markets any considerable quantity of sugar that might come in free of duty. It was a scheme on their part to frighten the people and to cause Congress to amend the law so as to prohibit the production of sugar in the islands by successful methods. The Sugar Trust had no interest whatever in the San Jose property, either present or prospective. Horace Havemeyer, who was a member of the syndicate, was a director of the Sugar Trust at the time they made the purchase, and the board of directors protested against his investment in the Philippines and compelled him to resign as a director of the trust, which he did, and he gave up all the stock he owned in that institution.

The Sugar Trust owns a large if not a controlling share of the stock in the beet-sugar factories in the States of Colorado, Utah, and Idaho and it was to the interest of those concerns to keep Philippine sugar out of this country, so instead of the Sugar Trust attempting to exploit the Philippine Islands for its own selfish uses, it has permitted the use of its name as a scarecrow to stifle the development of sugar production in the islands.

The agent of the beet-sugar interests who investigated conditions in the archipelago, was present and attended all of the hearings during the investigation of the public-land question by the last Congress. Those interests sent out sensational stories to the people of the Philippines to the effect that the big monopolies of the United States were getting ready to absorb all of the public lands in the island and to reduce the people to a condition of peonage and serfdom, and if they succeeded it would forever prevent the political independence of the islands. Politicians and fomenters of enmity against the American administration in the Philippines, used those sensational but groundless statements for the purpose of exciting feeling in the minds of the natives against the United States. The fact is the Philippine Archipelago is being exploited by politicians here and there to advance their own selfish ambitions. They are willing to excite feelings of bitterness and hostility in the minds of the simple Filipinos against this country, if they can advance their own political interests by so doing.

This whole problem may be summed up in a few words. The natives in the islands were involved in a very bitter controversy with certain religious orders known as the friars. This Government concluded that it was best to buy the lands owned by the friars and sell them to the tenants, so as to avoid conflict and bloodshed. The organic law conferred authority upon the Philippine Government to purchase the lands. That Government bought the lands for $7,000,000 and issued bonds to pay for them. The law required that tenants be given the preference in the purchase of their own holdings. About one half the lands were occupied by tenants and the other half was unoccupied. Seventy per cent in value and 60 per cent in area of the friar lands have been sold. Every foot that has been sold so far has brought the full cost price to the Government plus the accrued interest and the cost of administration. Five million dollars of the $7,000,000 of bonds issued for the purchase of the lands have been provided, leaving $2,000,000 yet to be paid by the people of the islands. There are about 125,000 acres of the land yet unsold. If the Government of the Philippines shall be let alone, within a comparatively short time it will have disposed of every acre of the friar land at cost, and that debt will be entirely wiped out of existence and the people of the islands will be relieved of the burden of bearing it.

It was the intention of Congress that those lands should be sold for money enough to pay the bonds that were issued for the purchase of the lands. The unoccupied lands can not be sold for the cost price, excepting by selling them in tracts to suit purchasers. This was the intention in making the law, and it has been the policy of the Philippine Government in relation to those lands ever since. Every officer who is charged with the responsibility of administration in the archipelago opposes any change in the organic law respecting the friar lands.

Everyone familiar with conditions in the Philippines is of the opinion that it would be good policy to encourage the establishment of several modern sugar mills and plantations in the islands on the theory that it would aid in the industrial development of the archipelago and that it would instill a spirit of industrial enterprise in the inhabitants. Of the unoccupied friar lands, 200,000 acres could be devoted to sugar production on a modern scale to great advantage to the people. There are 60,000,000 acres of public lands in the archipelago, most of which are open to homestead entries on easy terms. Two hundred thousand acres devoted to the production of sugar would be less than one-third of 1 per cent of the public lands. There could be no exploitation of the lands and no oppression of the natives of the islands under a policy of that kind.

President Taft, while he was governor of the islands and while he was Secretary of War, repeatedly declared that he was opposed to applying all the lands in the archipelago to sugar production, but he always insisted that it would be good policy to have a number of modern sugar mills and plantations in the islands. Two hundred thousand acres of land devoted to sugar out of sixty million acres devoted to other products is a very modest proportion. The tendency would be to promote industrial development and increase the opportunity for labor and incidentally to increase wages. Wages have already more than doubled since the Americans have occupied the islands. The only part of the friar lands that is to be devoted to sugar production is the San Jose tract. A sugar mill on that land has already been constructed and is ready for operation. There is no doubt that it will be a great benefit to the people of the islands. The sale of the balance of the friar lands, in accordance with the organic law and the policy of the government thereunder, will relieve the people of the payment of the bonds yet unprovided for.

Every consideration of wisdom and prudence protests against a change of the law under which such satisfactory progress has been made.

Mr. MORSE of Wisconsin. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, on page 2, in line 21, after the word "holdings," the following: "*Provided, however,* That no individual shall be permitted to acquire more than 2,500 acres of these lands."

Mr. JONES. Mr. Speaker, I make the point of order that this amendment is not germane.

Mr. MORSE of Wisconsin. I desire to be heard briefly on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MORSE of Wisconsin. Mr. Speaker, the amendment says:

Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands.

The bill provides for the disposition of certain lands, the lands purchased by the friars, and this applies to these lands which are described in the same paragraph.

Mr. JONES. Mr. Speaker, I am not entirely sure that I understand just what is sought to be accomplished by this amendment. It would seem from the wording of the amendment that the proposition of the gentleman is that no individual shall be permitted to acquire more than 2,500 acres of the undisposed of friar lands. But I understand the purpose of the gentleman to be, although I doubt if his amendment would accomplish that purpose, that no individual shall acquire more than 2,500 acres of these lands from anybody; that no individual shall acquire more than 2,500 acres of the friar lands that may have already been sold by the Government to individuals. To illustrate, some 70 per cent of the 388,000 acres have already been sold, and the purpose of this amendment is to prevent any individual from acquiring more than 2,500 acres of those lands. Is not this the purpose of the gentleman from Wisconsin?

Mr. MORSE of Wisconsin. Yes; of the friar lands.

Mr. JONES. The gentleman admits this to be the purpose of his amendment. If the amendment provided that nobody could acquire more than 2,500 acres of friar lands from the Government, then it would be germane, but if its meaning is that nobody shall be permitted to acquire more than 2,500 acres of friar lands now owned by individuals, then it clearly is not germane. Some eight thousand and odd parcels of the friar lands have been sold to Filipinos, and those Filipinos under the law, after occupying them five years, can sell them to anybody. This amendment is intended to deprive these Filipinos of this right.

The SPEAKER. The Chair will suggest to the gentleman from Virginia that the effect of the amendment is one thing and whether it is germane is another.

Mr. JONES. I am stating the effect in order to show that the amendment is not germane. As I said in the beginning, I was

somewhat in doubt when the amendment was offered whether it was intended to apply only to the undisposed of friar lands, but the gentleman offering it frankly avows that his purpose in doing so is to prevent any individual from holding in excess of 2,500 acres of friar lands, no matter from whom acquired.

If it would accomplish this purpose it is, in my opinion, not germane to the subject matter of the bill.

The amendment is not intended to apply only to the 125,000 acres which the Government owns. It would be competent for Congress to say that these lands should not be disposed of in excess of 2,500 acres to any one individual, but, in my opinion, it is not competent for Congress, even if the amendment were germane, to say that land held in private ownership shall not be sold in excess of 2,500 acres. This would be in contravention of the treaty of Paris, I think.

But, as I have said, the amendment is not germane, because this bill, which it proposes to amend, simply seeks to limit the sale of the undisposed-of friar lands. This amendment is a very sweeping one. It not only provides that the Government shall not sell in excess of 2,500 acres to any individual, but that no individual can acquire from any other individual any part of the two hundred and sixty thousand and odd acres now held in private ownership, and therefore it is not germane.

The SPEAKER. The Chair will ask the gentleman this question: Does he or not think that if the Legislature of Missouri or Virginia or any other State came to the conclusion that it was dangerous for a citizen to own more than 160 acres of land in that State, it would be competent for the legislature to limit the amount that any individual could hold?

Mr. JONES. Such a law would not be constitutional in any of the States that have constitutions with which I am at all familiar. There may be States where such legislative action would be constitutional, but it has never been attempted in any State in the Union, so far as I know. Of course, it is competent to limit what a corporation may hold, because a corporation is a creature of the State. The State can say that a corporation engaged in the banking business shall only hold enough land upon which to build a banking house; or that one engaged in agriculture shall only own so many acres. But that is not the question here. I think, Mr. Speaker, that even if the Chair were to hold the amendment germane, and it should be adopted, it could not be carried into effect. I do not think Congress can limit the land holdings of an individual. It can, of course, limit the amount of land that an individual can purchase from the Government. I contend that this amendment is not germane, because it deals with a subject not embraced in this bill. It deals with the subject of private ownership of lands not acquired from the Government but from individuals. Therefore it is not germane to this bill.

Mr. TOWNER. Mr. Speaker, if I may be allowed a suggestion, the language of this amendment as it is presented certainly would operate only in futuro; it could not operate as to lands already sold, because lands already sold could not be acquired. This language applies only to the lands that are to be disposed of. Under the terms of the act as it now stands with the amendment that has been already accepted, the Philippine Legislature can dispose of these lands as it may desire. The gentleman now offers an amendment that not more than 2,500 acres can be acquired by any one individual. That places a limitation upon the act under consideration, and certainly must be germane. It seems to me there can be no question about its being germane to the bill that we have under consideration.

Mr. JONES. Mr. Speaker, just one word more. My remarks were predicated, of course, upon the statement of the gentleman offering the amendment. I asked him if his amendment applied equally to friar lands held in private ownership and those owned by the Government. The gentleman who has just spoken takes a different view from the gentleman from Wisconsin [Mr. MORSE], who seems now to have changed his mind on the subject. I suggest to him that if he wishes his amendment to apply only to undisposed-of friar lands, he should change it so as to make his meaning clear. When one gentleman places one construction upon the amendment and another gentleman places a different one upon it, I must accept the construction of the gentleman offering it.

Mr. MORSE of Wisconsin. Mr. Speaker, I did not know that the gentleman from Virginia [Mr. JONES] was a mind reader——

The SPEAKER. The Chair will ask the gentleman a question. Does this amendment mean that nobody shall acquire more than 2,500 acres of the unsold friar lands or that by no means whatsoever shall he acquire more than 2,500 acres of the friar lands which have been sold or may be sold?

Mr. MORSE of Wisconsin. My idea was that I could not limit the acquisition and make it germane to this bill unless it applied only to the unsold friar lands.

The SPEAKER. Then why not make the amendment say so?

Mr. MORSE of Wisconsin. I think it does. It refers to "these lands."

The SPEAKER. Let me read the language of the amendment:

Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands.

Mr. MORSE of Wisconsin. That refers to the lands being disposed of under this bill.

The SPEAKER. If Members of Congress run afoul of each other about the meaning of this amendment, what is the reason that the court might not be somewhat confused about it, especially if the court consisted of more than one judge? A proposition that may be made clear ought to be made clear.

Mr. JONES. It could easily be made clear by making it refer to the lands unsold or undisposed of.

Mr. MORSE of Wisconsin. Mr. Speaker, let me call the attention of the Chair to this fact, that when the original law was passed, called the organic law, there was a provision which prevented a corporation from acquiring from any source more than 2,500 acres of land. I believe that was a wise provision and should attach also to an individual, but I recognize the fact that we are legislating only for these unsold friar lands, and with them in view I offered this amendment. It is not as extensive as I would like to have it, but I believe it is in order here. I believe it is germane, and I believe it is good legislation.

As to the reading, if the Chair thinks it would make the meaning clearer, I would be very glad to add the word "unsold," or have it refer to the unsold portion of these lands.

The SPEAKER. The Clerk will report the amendment as it would read with the words inserted.

The Clerk read as follows:

On page 2, in line 21, after the word "holdings," insert:
"*Provided, however,* That no individual shall be permitted to acquire more than 2,500 acres of the unsold portion of these lands."

The SPEAKER. With those words inserted, the Chair will overrule the point of order made by the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I shall have to oppose this amendment, and I now ask unanimous consent that all debate upon the amendment be limited to 20 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I shall have no objection to that, providing I can have 10 minutes of that time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment be limited to 20 minutes, he to control one half of that time and the gentleman from Wisconsin [Mr. MORSE] the other half. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire whether this is going to be the last amendment, or if the gentleman from Virginia intends to move the previous question after the disposition of this amendment, so as to have a vote upon the bill to-night?

Mr. JONES. Mr. Speaker, I give notice that I desire to move the previous question after we dispose of this matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wisconsin is recognized for 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I think everybody in this House by this time understands the meaning of this amendment. When we passed the organic act we provided that no corporation should acquire from any source—the Government or anyone else—more than 2,500 acres of land, and we did it to establish an agrarian policy there, the idea being that there was danger in large ownerships of land. Now, I realize the fact that even 2,500 acres is too large. I recognize the fact that 2,500 acres is too large an amount of agricultural lands. Understand, this does not apply to grazing lands, because these are agricultural lands almost exclusively. Now, the fact is that the law which limited the amount to 2,500 acres to a corporation was evaded, or if the law was not evaded, under the construction of the law which the gentleman from Indiana puts upon it and which the Attorney General put upon it, larger amounts than that were sold, nearly 60,000 acres going into one ownership. It seems to me that it is valueless to limit the amount of land that a corporation may hold to 2,500 acres when you permit the individual members of a corporation—the officers and stockholders—to acquire land in any amount that they may desire to acquire as individuals, because by so doing you defeat the very object of the act itself. I will, if I am given permission to extend my remarks, place in the RECORD the original act, known as the organic act, which limits the amount of land.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes; for a short question.

Mr. MARTIN of South Dakota. Is it the gentleman's idea that the amendment which he proposes would prevent the acquisition of more than 2,500 acres of land by individuals after the Government of the Philippines had parted with the land?

Mr. MORSE of Wisconsin. Yes; that is the intention.

Mr. MARTIN of South Dakota. I would suggest to him, in my opinion it would not reach that. It is simply a limitation of the giving of land by the Government to occupants of this remaining territory.

Mr. MORSE of Wisconsin. The gentleman's opinion and mine are at variance on that subject. I hope the gentleman is not right.

Mr. MARTIN of South Dakota. I would like to ask the gentleman also is it the gentleman's idea that this provision would prevent corporations from acquiring more than 2,500 acres of these remaining lands?

Mr. MORSE of Wisconsin. The provisions of the organic act prevent that. Now, if the gentleman from South Dakota understands in the first part of this bill we are enacting to-day we put all the friar lands in the same category as the other public lands, and the other public lands can not be sold to corporations. No kind of corporation anywhere in the islands can acquire from the Government or from private sources more than 2,500 acres of land. That is the organic act.

Mr. MARTIN of South Dakota. I suggest to the gentleman I believe that his amendment, confining that language to an individual, would probably be interpreted as not including corporations as to the remaining lands.

Mr. MORSE of Wisconsin. We have taken care of corporations under that. The general law of the islands—the constitution of the islands—takes care of the corporations. Now, no man, it seems to me, can object to this legislation on the ground that the amount is too small. The idea of a large number of ownerships, the idea of homesteads, the idea of every man owning a piece of land and having a house over his head, a place he can call his own, will be carried out to a larger extent under a law which limits the holding of land to a reasonable amount than a law which permits the accumulation of a large amount of land by individuals or by a corporation. The gentleman from Virginia [Mr. JONES], I suppose, will urge that under our treaty with Spain we have not the power to do this. I have read the treaty most carefully, and when he reads the treaty I want the membership of the House to pay attention to that treaty, because I do not believe it possible to read into that treaty anywhere any words which affect the disposition or the control or ownership of land. That is a power that is inherent in every sovereign.

The State, the Nation, has the right by virtue of its sovereignty to protect itself and so frame its land policy, its agrarian policy, that it may prevent this thing which we have tried to prevent by the introduction of this bill, and in doing that we do that which the British Empire is endeavoring to do. In Ireland they are carrying out that same provision which was done only a few decades ago in Germany, and our States, many of them, have enacted laws to prevent corporations from acquiring more than a certain number of acres of land. These laws have been upheld not by virtue of the fact that the corporations had to get a charter but by virtue of the fact that the State had the right to protect itself on account of the powers that are inherent within a sovereign State, and I do not believe there can be a single question of constitutionality raised against this provision.

Mr. REES. Mr. Speaker——

The SPEAKER pro tempore (Mr. RAKER). Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. REES. Suppose a man had 2,000 acres of land and should acquire through inheritance a thousand acres more? While I can see your position might be to the advantage of the Government, it does not seem to go far enough. There ought to be some other provision to take care of the cases of that kind.

Mr. MORSE of Wisconsin. I am inclined to think that the provision which would compel them within a reasonable time to sell might properly be added. I am inclined to think under a provision which, in the case of a foreclosure of a mortgage or in case of an inheritance, in those cases where the amount of land a man may acquire reached an amount greater than 2,500 acres, he would be required to sell the excess over that amount.

Mr. REES. Would it not be necessary to have such a proposition ingrafted?

Mr. MORSE of Wisconsin. Possibly not in the act itself. Possibly in the administration of the act.

Mr. Speaker, I reserve the balance of my time. I ask unanimous consent, however, first to extend my remarks in the RECORD by inserting parts of the organic act.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the RECORD by inserting parts of the organic act. Is there objection? [After a pause.] The Chair hears none. The gentleman reserves the balance of his time, which is one minute.

Mr. JONES. Mr. Speaker, I am inclined to think that the interpretation which the gentleman from South Dakota [Mr. MARTIN] places upon this amendment is the correct one. As a matter of fact, in my own mind there is no doubt upon that subject. But assuming that the gentleman from South Dakota is wrong and the gentleman from Wisconsin [Mr. MORSE] is right, then there are two objections which I have to this amendment. The first objection is this: This bill, as has been said over and over again during this discussion, seeks to apply the limitations of section 15 to section 65. I have always believed that those limitations now apply, but the object of this bill is to make it clear, and therefore the measure under discussion substitutes for the words "subject to the limitations and conditions in this act" the words:

> Under the same limitations and restrictions as are provided for in this act for the holding, sale, conveyance, or lease of public lands in said islands.

If this bill is passed, therefore, without amendment, it will make it clear that an individual can not purchase in excess of 40 acres of friar lands. This proposed amendment would be in conflict with that provision of the bill, and what would be the effect of its adoption I am not prepared to say. The bill would then contain a provision saying no individual could purchase friar lands in excess of 40 acres and another placing the limit at 2,500 acres. For that reason I am opposed to it. But my main objection to the amendment is that it seeks to limit the area of the land which one Filipino may purchase of another Filipino for all time to come if the land had ever been a part of the friar lands.

For instance, a citizen of the Philippines who happens to own 2,499 acres of land can never buy from another Filipino 2 acres of land if these 2 acres were ever a part of the friar lands. I do not believe this House will ever indorse such an unjust proposition as this. If this amendment is adopted, a citizen of the Philippines desiring to purchase lands which would increase his holdings beyond 2,500 acres, a hundred years hence, would be obliged to find out whether those lands were ever a part of the friar lands. If they had ever been a part of those lands, he could not purchase them legally. I am opposed therefore to the principle embodied in this bill. It is an infringement of individual rights. Congress has the right to say as to public lands that they shall only be sold to individuals in certain quantities. It can say this of the friar lands or any other Government-owned lands, but I doubt if it can say the same as to lands held in private ownership. It certainly should not so say. The gentleman from Wisconsin [Mr. MORSE], if he owned 10,000 acres of land in the Philippines, could say that he would not sell more than 50 acres to one individual, but I doubt if Congress has the power to say that for him.

Mr. MARTIN of South Dakota. I quite agree with the gentleman; but he rather answers what the gentleman from Wisconsin wishes in the amendment rather than what is in there.

Mr. JONES. The gentleman from Wisconsin not only wishes it, but he believes it.

Mr. MARTIN of South Dakota. Now, this provision refers to the land in actual occupancy there. The limitation would not refer to any individual in these other lands. In the judgment of the gentleman, ought they not to have a limitation in the lands of the Government as to the actual occupants of those lands?

Mr. JONES. Well, in my opinion the law now provides—and this bill does not seek to change it—that there shall be no limitation upon the holdings of actual occupants.

Mr. MARTIN of South Dakota. It seems to be so interpreted, but should there not be a limitation upon that?

Mr. JONES. I think that a Filipino who is in actual occupancy of, say, 250 acres of land, which may have been occupied by his ancestors for a hundred years, and who is actually cultivating it, should be permitted to purchase it. I would not put any restrictions upon him. As a practical question, however, no limitation is necessary. I think no Filipino is now occupying any considerable quantity of the undisposed-of friar lands. I am opposed to the policy which the gentleman from Wisconsin wishes to establish by his amendment. I do not believe it has been adopted by any civilized people on the globe. Whatever may be the effect of the treaty of Paris,

Congress should not attempt to impose the policy which this amendment is supposed to embody in the Philippines. The laws of Congress do not prohibit the buying of any number of acres of land in the District of Columbia, and I know of no State in the Union which puts a limitation on the land which an individual can acquire. The United States has for a hundred or more years placed the limitation of 160 acres upon a homestead entry. Congress can do this as to the public domain.

Mr. BUTLER. Let us have a vote.

Mr. JONES. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] has one minute.

Mr. JONES. I move the previous question on the amendment.

Mr. MANN. Will not the gentleman move the previous question on the bill—on both?

Mr. JONES. There are no other amendments pending. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Virginia [Mr. JONES] moves the previous question on the bill and the amendments to final passage.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I understand if that motion prevails I shall have the opportunity to make a motion to recommit.

The SPEAKER. The motion to recommit is in order when we get to the proper place.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. I desire to make a motion to recommit.

The SPEAKER. The gentleman will suspend for a moment. The substitute of the gentleman from Colorado [Mr. MARTIN] was pending, with a point of order against it.

Mr. JONES. I understood, Mr. Speaker, that the gentleman from Colorado withdrew it.

The SPEAKER. The Chair understands that the gentleman from Colorado was going to withdraw it, but, as a matter of fact, he never did withdraw it.

Mr. MARTIN of Colorado. I left the substitute pending, I will say, Mr. Speaker, just to give me the opportunity for a moment, if I am in order——

The SPEAKER. The previous question has been ordered, and that would cut off debate; but the Chair had forgotten about that, and if the gentleman does not withdraw it, of course the House will have to vote on it, provided the point of order is decided in favor of the substitute.

Mr. MANN. I ask unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time. Is there objection?

There was no objection.

The SPEAKER. Now does the gentleman from Colorado [Mr. MARTIN] withdraw his substitute, or does he want a vote on it?

Mr. MARTIN of Colorado. Mr. Speaker, I will ask the gentleman from Pennsylvania if he will be so kind as to indicate the character of his motion to recommit. What I may do with reference to this substitute may depend somewhat upon the character of his motion.

The SPEAKER. Of course, this is proceeding by unanimous consent.

Mr. OLMSTED. If permitted, I will say that my motion to recommit will be with instructions to report back the bill with an amendment at the end of it providing:

But nothing herein contained shall be construed to increase the amount of land which any corporation may hold.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman's motion does not shed very much light on my situation.

Mr. OLMSTED. That was not the purpose of it.

Mr. MARTIN of Colorado. I left my substitute pending in order to give me an opportunity, if I so desired, to say something with reference to the amendment of the gentleman from Pennsylvania [Mr. OLMSTED], which I think the House very mistakenly incorporated in the bill last Wednesday, permitting the Philippine Legislature to repeal or wipe out the limitations which this act seeks to impose upon the friar lands. In my judgment, Mr. Speaker, this House could, by two small amendments to the pending bill, absolutely wipe all of the Philippine lands from the statute books. One of these amendments was incorporated in the bill by agreement with the committee last Wednesday, and the other was overwhelmingly defeated by the House a little while ago—the amendment of the gentleman from Pennsylvania to permit citizens of the United States to acquire lands in the Philippine Islands.

Mr. MANN. Mr. Speaker, this matter was quite fully discussed the other day.

Mr. BUTLER. And has been voted on.

Mr. MANN. And we have just ordered the previous question. I am not willing to stay here to have it discussed again after three days spent on the bill.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman from Illinois [Mr. MANN] can not feel half as reluctant as I do to consume a moment of the time of this House on this proposition; but I would like to have leave to say this, because I propose to make a motion to recommit, if I may, even if required to offer it as a substitute to the motion of the gentleman from Pennsylvania: That I believe if the amendment adopted by the House last Wednesday had been discussed like the amendment offered by the gentleman to-day, it would have been more overwhelmingly defeated than the amendment of the gentleman was defeated in this House not more than an hour ago, and I believe further, gentlemen, we ought in some proper manner to eliminate that amendment from this bill before it passes this House and is transmitted to the Senate. And I submit, whatever the parliamentary rights of the situation may be, it is not fair to this House, it is not fair to the interests involved, that the gentleman from Pennsylvania [Mr. OLMSTED] should be permitted to take advantage of the parliamentary situation and prevent another vote upon his amendment. If that amendment had been adopted in the Committee of the Whole, the opposition to it could simply call for a separate vote upon it.

Mr. MANN. Mr. Speaker, the gentleman could have reached the matter at any time to-day without any trouble. It is too late to do it now. I ask for the regular order.

The SPEAKER. The regular order is the vote on the substitute of the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, the Chair has not decided the substitute out of order, and I have not been called to order yet as not discussing the point of order against the substitute.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls for the regular order, which is equivalent to an objection. This matter was proceeding by unanimous consent, and that is the only way in which it could possibly be debated, and he calls for the regular order, which ends the debate.

Mr. OLMSTED. Mr. Speaker, the point of order I now make against the gentleman's amendment which I did make the other day——

Mr. MARTIN of Colorado. What is the gentleman's point of order?

Mr. JONES. Mr. Speaker, the question before the House is my motion.

Mr. MANN. No; it is not.

The SPEAKER. No; the question before the House is the point of order of the gentleman from Pennsylvania [Mr. OLMSTED]. The gentleman will state it.

Mr. OLMSTED. My point of order is that the substitute amendment of the gentleman from Colorado [Mr. MARTIN] relates to the public lands and every other kind of lands. The pending bill relates only to the friar lands, section 64. The gentleman's amendment relates to section 15 of the act, and not only relates to all kinds of lands but provides a system of escheats, an entirely different subject, and provides for penal offenses upon subjects totally different from the pending bill, and is therefore not germane thereto.

Mr. Speaker, the rule is that no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

This bill is founded exclusively on section 65, which section relates only to lands in express terms on the face of it, lands purchased under the preceding section, which is the sixty-fourth section—purchased by the Philippine Government from private parties. New, section 15, which the gentleman's amendment proposes to amend, does not relate to these lands at all but to the lands purchased by the Government of the United States from the Crown of Spain. It is an entirely different matter.

The SPEAKER. As I understand the gentleman, this bill is confined entirely to the friar lands?

Mr. OLMSTED. Yes; to lands purchased under section 64, commonly called the friar lands. Section 15 relates exclusively to public lands acquired from the Crown of Spain.

The SPEAKER. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. JONES. Mr. Speaker, the previous question has been ordered.

The SPEAKER. But a point of order is always debatable if the Chair desires to hear gentlemen.

Mr. JONES. After the previous question is ordered?

The SPEAKER. A point of order is a point of order after the previous question is ordered as it is before.

Mr. MARTIN of Colorado. Mr. Speaker, I think I could return the compliment against the gentleman from Pennsylvania, for he has offered an amendment that corporations shall not be affected by the pending bill, not only in respect to the friar lands, but the public domain and lands in private ownership—all kinds of lands in the Philippine Islands. So, in effect at least, the proposition embodied by the gentleman from Pennsylvania in his motion to recommit is not confined alone to friar lands.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Does the motion of the gentleman from Colorado relate to the amendment adopted a week ago?

Mr. JONES. No; it is on a different subject.

The SPEAKER. The Chair's understanding was that it was to be offered as a substitute for the bill.

Mr. MARTIN of Colorado. Will the Chair permit me just for a moment?

Mr. Speaker, I believe my substitute is germane to the subject matter of the bill, because the bill in terms incorporates the friar lands into the public domain of the Philippine Islands. My substitute not only declares the limitations upon the land in the public domain to apply to the friar lands, but provides for an escheat back to the Philippine Government in all cases in which the limitations have been exceeded. Now, it would be a very small matter to change this amendment and offer it to section 65. I submit that the very character of the pending bill incorporating these lands into the public domain, so that the public-land limitations will apply without so stating on the face of the bill, makes the substitute germane.

The SPEAKER. The Chair will take judicial notice of the fact that from the very beginning of our occupancy of the Philippine Islands the Crown lands have been considered as one thing and the friar lands as another; and the rules and regulations touching the Crown lands are different from the rules and regulations touching the friar lands. This bill, which has been discussed for three days, has reference entirely to the friar lands. The substitute offered by the gentleman from Colorado [Mr. MARTIN] not only affects the friar lands but it affects the Crown lands and every other sort of land that we own over there, if we own any; it also provides for an elaborate system of escheat, a subject that this bill has nothing in the world to do with. It also makes certain acts crimes, and provides penalties for the same. Therefore the substitute of the gentleman from Colorado [Mr. MARTIN] is ruled out and the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] is sustained.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Am I in order to offer a substitute to section 65?

The SPEAKER. The previous question has been ordered and the amendment is out of order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. OLMSTED moves to recommit the bill H. R. 17756 to the Committee on Insular Affairs, with instructions to report the bill back to the House forthwith, with an amendment, adding at the end of the bill the words:

"But nothing herein contained shall be construed to increase the amount of friar lands which any corporation may hold."

Mr. MARTIN of Colorado. Mr. Speaker, I make the point of order against the motion to recommit that that is already the existing law in the Philippines, which fact the gentleman well knows. No one knows better than he that section 65 prevents the acquisition by a corporation of more than 2,500 acres of this land.

The gentleman knows the sales already made of these lands have been made under the guise of sales to individuals. If there was any one proposition contended for by the War Department, contended for by a majority of the Committee on Insular Affairs, contended for by the gentleman himself throughout the investigation of the sale of these friar lands, it was that this was a sale to an individual and not to a corporation, because they well understood that section 65 of the organic act protected these lands and all other agricultural lands, whether friar lands or public lands or private lands, from acquisition by a corporation to an amount in excess of 2,500 acres.

The SPEAKER. The Chair will ask the gentleman from Colorado if the only point he makes against the motion to recommit is that it reenacts existing law?

Mr. MARTIN of Colorado. Mr. Speaker, in my judgment this alleged motion to recommit is nothing more than a subterfuge. The gentleman has already altered it since he has read it to me for my information, by seeking to confine it to the friar lands. As the gentleman read that motion to recommit a few moments ago, it was not confined to any kind of lands.

Mr. COOPER. Mr. Speaker, the question results in this, whether a motion to recommit can resolve itself into a mere sham to take the place of a genuine motion to recommit. This is made by the gentleman from Pennsylvania, in my opinion, to prevent a motion to recommit to strike out the amendment which was adopted the other day, which never ought to have been adopted.

The SPEAKER. The Chair will state to the gentleman from Wisconsin [Mr. COOPER] and all parties concerned that a motion to recommit, the previous question having been ordered, is amendable, but is not debatable.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer a substitute for the motion to recommit.

The SPEAKER. The Chair will entertain a substitute provided it is germane to the bill. The Chair overrules the point of order made by the gentleman from Colorado [Mr. MARTIN] that the motion of the gentleman from Pennsylvania is out of order because it reenacts existing law. If that were true it might be a superfluous performance, but there is no parliamentary rule against reenacting all of the statutes. The Clerk will report the substitute for the motion to recommit offered by the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

That the bill be recommitted with instructions to report the bill back forthwith, with an amendment striking out the following language inserted as an amendment after the word "Islands," on page 2, line 6, to wit:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts."

Mr. MARTIN of Colorado. Mr. Speaker, on that I move the previous question.

Mr. OLMSTED. Mr. Speaker, I make the point of order that the motion to recommit offered by the gentleman from Colorado attempts indirectly to do what could not be done directly by the House—in other words, to strike out an amendment already adopted, upon which there are several authorities if the Chair cares to hear them. It has been ruled over and over again by various Speakers and Chairmen, that what has once been put into a bill by the House can not, either directly or indirectly, be taken out again.

Mr. HILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL. Mr. Speaker, I make it in order to broaden my information on the subject. As I understand the rule, after the bill has been engrossed and read a third time but one motion to recommit can be made.

The SPEAKER. That is true.

Mr. HILL. And if this substitute is offered it is indirectly making two motions to recommit.

The SPEAKER. It has been decided over and over again by Speaker Carlisle, Speaker Crisp, and I suppose all the rest of the Speakers, that a motion to recommit either with or without instructions is amendable, and of course that embraces a substitute, for a substitute is a species of amendment. In fact, it was ruled squarely once that it did embrace a substitute. Of course this condition attaches to it, that the matter in the substitute must be germane, that it would have been germane or in order as an amendment when the bill was pending.

Mr. MANN. Mr. Speaker, I would suggest that there is a very easy parliamentary way out of the difficulty. In the first place, the gentleman for two days might have moved to reconsider the vote by which the amendment was adopted.

Mr. MARTIN of Colorado. But the gentleman voted against the amendment and had no right to move a reconsideration.

Mr. MANN. It was adopted on a roll call. It was easy enough to get somebody to move to reconsider the vote. In the second place, I do not think the gentleman's substitute is germane to the motion of the gentleman from Pennsylvania to

recommit, but I do believe it would be germane to move to recommit the bill with instructions to strike out all after the word "that" and insert the following; that is, insert the original bill.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the amendment suggested by the parliamentary luminary from Illinois. [Applause.]

Mr. OLMSTED. Mr. Speaker, I make the point of order that two substitutes can not be in order at the same time.

Mr. MARTIN of Colorado. I am offering the original bill as a substitute, with instructions that the original bill be reported back forthwith, and on that motion I move the previous question.

Mr. OLMSTED. I make the point of order that two substitutes are not in order at the same time.

Mr. MARTIN of Colorado. And I withdraw my first substitute.

Mr. OLMSTED. I object to its withdrawal.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the original bill——

The SPEAKER. The gentleman from Colorado withdraws his first substitute——

Mr. OLMSTED. I object to its withdrawal.

The SPEAKER (continuing). And offers the original bill. He has a right to withdraw his original substitute.

Mr. MANN. I understand the gentleman offers instructions to report the amendment by striking out all after the word "that" and insert the following?

Mr. MARTIN of Colorado. Certainly. [Laughter.]

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Is the gentleman from Colorado entitled to withdraw an amendment or a substitute against which a point of order is pending? Can he withdraw it without unanimous consent?

The SPEAKER. He has as much right to withdraw that as any Member has to withdraw an amendment he has offered in the House.

Mr. OLMSTED. But can any Member withdraw it except by unanimous consent?

The SPEAKER. He can in the House, but he would have to have unanimous consent in the Committee of the Whole or in the Committee of the Whole House on the state of the Union.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will entertain that in a moment——

Mr. OLMSTED. I desire to be understood——

The SPEAKER. Will the gentleman suspend for just a moment?

Mr. OLMSTED. Mr. Speaker, I do not want to lose my right to object to the amendment as not being germane to my motion to recommit and that it is otherwise out of order to strike out of a bill that which the House has put in. I do not want to lose that opportunity.

The SPEAKER. The gentleman will not lose the opportunity. The gentleman from Colorado moves the previous question on his substitute, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause in the original bill and insert the following:

"*Be it enacted, etc.*, That section 65 of an act entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' be amended so as to read as follows:

"'SEC. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the Government of the Philippine Islands, and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings.'"

Mr. OLMSTED. Mr. Speaker, I make the point of order that that is not germane to my motion to recommit or to the amendment contained in my motion, and, furthermore, it is an attempt to do indirectly what the House can not do directly, and that is simply to eliminate an amendment which the House has already voted into the bill.

Mr. MANN. Mr. Speaker, I take it that the amendment of the gentleman from Pennsylvania is germane to the bill if the bill is germane to the amendment. [Laughter.] I recollect in this House on one occasion when the House after consideration of a long bill in the Committee of the Whole House, where various amendments were adopted, that the gentleman in charge of the bill when it came back to the House offered an amendment striking out all after the word "that" and presenting to the House again whether it would pass the bill with amendments inserted in the committee or whether it would pass it without the amendments inserted in the committee. Now, the House has a right to vote upon the proposition to pass this bill with an amendment that has been inserted or to vote to pass it in the form of the bill as it came in the House without the amendment it inserted. That gives the House the latitude of determining—in fact, the very purpose of the motion to recommit, in the first place, was to permit the gentleman in charge of the bill, where an amendment had been inserted or some error had crept into the bill, himself to move to recommit with instructions in order that the error might be corrected or the amendment be eliminated.

And since my service in this House of Representatives, until the rules of the Sixty-first Congress were adopted, it was the practice of every Speaker to give to the gentleman in charge of a bill prior recognition, if he asked for it, on the motion to recommit, because the original purpose of that motion was to permit the gentleman to correct the bill. Now, here is a situation where the House, having gotten beyond the point where a change can be made in the bill except by unanimous consent or a motion to recommit, and the House desiring to correct a mistake in the bill, the motion to recommit comes in for the very purpose of permitting the House to vote as it desires to vote. [Applause.]

Mr. TOWNER. Mr. Speaker, I desire to say a word regarding the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED]. It seems to me we ought not to forget that there is a right recognized, as the Chair very well stated recently in a very notable case, of precedence on the part of a member of a committee to make this motion to recommit. That has been made by the gentleman from Pennsylvania [Mr. OLMSTED], who has been recognized by the Chair.

Now, if it shall be allowed that another Member of the House can, by an entirely different motion to recommit, offering it as an amendment or as a substitute, have it take the place of the one already offered by the gentleman who had the right of precedence, it deprives the latter of that right. And I desire to make this suggestion to the Chair by way of illustration. In the case recently before the House, where the Chair recognized the gentleman from Illinois [Mr. MADDEN] as entitled to the right of precedence to make the motion to recommit, one motion only being allowed, would it have been proper for the gentleman from Illinois [Mr. MANN] to have moved to offer his motion as a substitute and to have the right to a vote of the House on his motion to recommit?

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MANN. The "gentleman from Illinois" would not only have had the right himself to do it, which would have been exercised to offer a substitute for the motion of my colleague from Illinois [Mr. MADDEN], if my colleague had not moved the previous question and if the House on roll call had not adopted the previous question. We tried to defeat the previous question, for which I think the gentleman [Mr. TOWNER] voted, in order that I might offer a substitute for the motion to recommit.

Mr. TOWNER. But has not the previous question been ordered here?

Mr. MANN. Not on the motion to recommit.

Mr. TOWNER. Very well. That not being the condition, let me make this suggestion: If that be true, then there is no possible benefit to be derived by any gentleman having the right of precedence to make a motion to recommit.

Mr. MANN. It permits, in any case, a roll call.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will rule on this question.

Mr. OLMSTED. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman, although——

Mr. OLMSTED. That being the case, I do not care to be heard. [Laughter.] However, if the Chair is inclined the other way, I would like to be heard.

The SPEAKER. The Chair is very much inclined the other way.

Mr. OLMSTED. Then I would like to be heard. In the first place, Mr. Speaker, this bill in the very concluding words of it, as it now stands, permits the actual settlers to acquire their actual holdings without regard to the extent of their said hold-

ings, and my very proper amendment, which I insert in that motion to recommit, provides that that shall not be construed to give corporations any authority to hold more than they are now authorized by law to do.

Now, the gentleman from Illinois [Mr. MANN] very wittily says that if an amendment is germane to a bill the whole bill is germane to the amendment. That is perfectly absurd, Mr. Speaker, as any man may readily see. Suppose you have an appropriation bill here with 200 sections in it. If an amendment is germane to one section of the bill, is the whole bill germane to that amendment? Never in the world. It is perfectly ridiculous. Here is an amendment of mine which is limited strictly to the holdings by actual occupants and settlers, provided, if they happen to be a corporation they can not hold more than the law now provides as to a corporation. It is a perfectly legitimate provision, and no sham, notwithstanding what the gentleman has said. The proposed substitute covers a whole lot of other things that are in the bill now, but that does not make them germane to my amendment with reference to corporations.

And I want to call attention to some authorities. I find in the Manual, at page 382, a motion to recommit.

The SPEAKER. What page?

Mr. OLMSTED. Page 382. The motion, after the motion to recommit—

may be amended, as by adding instructions—

And so forth—

but it is not in order to propose as instructions anything that might not be proposed directly as an amendment.

Now, does anybody contend that it would have been proper at any time to-day for the gentleman from Colorado [Mr. MARTIN] or any other gentleman to rise in his place and move to strike out the amendment that was put in a week ago to-day? That is all that his motion to recommit does.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania a question. Suppose the House or the Committee of the Whole House on the state of the Union inadvertently included in a bill a proposition that it is not willing to stand for, but is in favor of all the rest of that bill. Has the House no remedy except to go on and either vote for or against the bill unchanged?

Mr. OLMSTED. The House has no remedy except under the rules. There was no inadvertence about it in this case. It was on a yea-and-nay vote that that amendment was put in by a majority of three to one. Under the rule on that day or on the succeeding day a motion to reconsider would have been in order. But after that there is no way by which that can be got out of the bill except by unanimous consent or by defeating the bill.

Those are the precedents, uncontradicted for a century. It is not in order to propose by way of a motion to commit with instructions anything that could not be proposed in the House as an amendment to the bill.

Now, there are rulings by Speaker Carlisle, by Speaker Cobb, and by Speaker Reed to the effect that anything that has once been put into a bill by a vote of the House can not be taken out of it. You can add to it, but you can not take it out. The gentleman from Illinois [Mr. MANN], I am sure, must be familiar with those precedents. I have read them all during the day. If the Chair overrules this point of order, he will overrule a line of precedents set by all his predecessors from the foundation of the Government. You can not take this amendment out of the bill without violating the rules and the precedents. This proposed motion to recommit takes nothing out of the bill and proposes no change in it except to eliminate that amendment.

Now, I just happen to have here——

The SPEAKER. The Chair will ask the gentleman another question. Was the gentleman here on the day at the extraordinary session of this Congress when we had up the publicity bill, so called, and there was a large membership of the House in attendance, and it was a very hot fight, and the gentleman from Kansas [Mr. JACKSON] offered an amendment, which was adopted, and a few minutes afterwards the chairman of the committee having the matter in charge moved to recommit, with instructions to the committee to report it back forthwith, leaving out the Jackson amendment? Nobody raised any objection to it; the committee did immediately report it back without the Jackson amendment, and the House voted on roll call to sustain that action.

Mr. OLMSTED. That was all right. There was no point of order made. Furthermore, it was on the same day on which the amendment was adopted, and it amounted practically to a reconsideration, which can be made on that day or on the succeeding day, but it can never be made again. That is what this amounts to.

Now, here is a ruling of Speaker Crisp on a motion to recommit with instructions:

The Chair is of the opinion that it is not competent to do by indirection that which could not be directly done; that it is not competent for the House to direct the committee to do something which the committee itself could not do by reason of a rule restricting it from such action.

That is by Speaker Crisp. If I had the time, I could cite half a dozen rulings to that effect.

The SPEAKER. What is that?

Mr. OLMSTED. That is section 5533 in the fifth volume of Hinds' Precedents. The motion was made by Mr. De Armond, of Missouri, to recommit with instructions.

Mr. MANN. Mr. Speaker, I think the rule laid down by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely correct, and you can not offer a motion to recommit to insert anything that would not have been in order as an amendment. That is too well settled to controvert. But here was a proposition where the House in the consideration of a bill inserted an amendment in the original text of the bill. It was quite in order in the House at any time to have moved to strike out that portion of the text including the amendment and to have inserted in lieu thereof something else. It was quite in order, as was done in this case, for the gentleman to offer his substitute, which is an amendment, after the entire consideration of the bill, except the substitute, has been concluded. Now, the substitute is a mere amendment. We had presented to us—ruled out of order because it was not germane, but still with the right to offer it—a substitute amendment to this bill, and the substitue amendment might have been precisely the same amendment now proposed on the motion to recommit. The rule is—

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until such amendments have been disposed of.

The SPEAKER. Where is the gentleman reading?

Mr. MANN. I am reading from the Manual, page 397, section 805—

When a bill is considered by sections or paragraphs an amendment in the nature of a substitute is properly offered after the reading for amendment is concluded.

You can offer a motion in the way of a substitute when the first section or paragraph is read. You can offer it during the consideration of the bill and have it pending, or you can wait until the House or the Committee of the Whole has concluded the perfecting of the original text of the bill and then offer a substitute, which is an amendment. Now, that is all the gentleman from Colorado [Mr. MARTIN] has done. He now proposes an amendment, which is, in fact, a substitute for the bill and, being an amendment, would have been in order as an amendment, and, being in order as a amendment, is in order as a substitute. [Applause.]

Mr. GARRETT. Mr. Speaker, I am personally indifferent as to the fate of the amendment which was voted into the bill by the House. I voted for the amendment proposed by the gentleman from Pennsylvania because I saw no objection to it; but upon the parliamentary situation, it seems to me that as a common-sense proposition the gentleman from Pennsylvania [Mr. OLMSTED] is correct. I have not the precedents at hand. The amendment of the gentleman from Pennsylvania was put into the bill not by the vote of the committee, but by the vote of the House, if I remember correctly, upon a roll call. It represented the deliberate judgment of the House, presumably. It would have been in order, if any gentleman who voted for that amendment had changed his mind, to move to reconsider, and that would have been the regular and orderly way in which to proceed. But now we have what amounts to practically a motion to reconsider by a gentleman who voted against that amendment. It is a motion for a new trial, not under the rule of reconsideration, but by one who stood then as he stands now, after the deliberate judgment of the House has once been taken on a roll call upon the amendment. When is there to be an end to these propositions? Had it been in committee the situation would have been different, I concede; but the judgment of the House having been once taken, is not the submission of the motion to recommit simply giving to the gentleman the right to move to reconsider when he would not have had it under the regular rules of the House. I submit that to the consideration of the Speaker. It seems to me the common-sense reasoning of the proposition lies with the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, may I call the attention of the Chair to another authority? I had a whole list of them here, but some one has disarranged my papers. But I will call attention to section 5531 in the fifth volume of Hinds' Precedents. The previous question had been demanded on the passage of a bill. A motion was made to recommit the bill with

instructions to report the Senate bill for which this substitute had been adopted.

Mr. William M. Springer, of Illinois, made the point of order that the Senate bill was the text that the House had stricken out, and it was not in order to direct the committee to report that which the House had just rejected.

The Speaker, Mr. John G. Carlisle, sustained the point of order and held that it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House; that is to say, it would not be in order because the House had passed on it already. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not, therefore, in order to do directly by way of recommitment that which could not be done directly by way of amendment.

That covers both my propositions.

The SPEAKER. The Chair will ask the gentleman what he has to say about the statement made by the gentleman from Illinois [Mr. MANN], that during the consideration of this bill, at any stage of it, it would have been competent to have moved to strike out any language in the bill, including this very amendment of the gentleman from Pennsylvania, which was put in the bill.

Mr. OLMSTED. It is possible that some amendment of that kind might have been found, but this is not that amendment. This does not strike out anything but my amendment.

Mr. MANN. The Speaker does not know that.

Mr. OLMSTED. The Speaker does know it, because it appears from the reading of the amendment and the bill. If they proposed to strike out something else which my amendment perfected, that might be in order, but they do not propose to touch anything but my amendment, and that can not be done under the rules and precedents of this House.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

Mr. GARRETT. I will withhold the motion for a moment.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to Jefferson's Manual, page 244, where, in reference to amendments, it is provided:

> After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition, for then it is resolved into the common case of striking out a paragraph after amending it.

Then there is a citation there that may be in the gentleman's favor.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

The question was taken, and Mr. GARRETT and Mr. OLMSTED demanded a division.

The House divided.

Mr. MANN. Mr. Speaker, pending the announcement of the vote, the previous question having been ordered on the bill, if the House adjourned, would it not come up to-morrow as unfinished business?

The SPEAKER. No; it would come up next Wednesday, the previous question having been ordered.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. This bill having occupied three days, will it come up on next Wednesday?

The SPEAKER. It will come up next Wednesday as unfinished business, the previous question having been ordered. The Chair would like to state that this is an exceedingly important question to be ruled on, and as far as the Chair knows it has not been raised for years, and the Chair hesitates a good deal about making an offhand ruling on a question that involves a fundamental proceeding of the House. On this vote the yeas are 53 and the noes are 44. The yeas have it, and the motion to adjourn is agreed to.

ADJOURNMENT.

Accordingly the House (at 6 o'clock and 5 minutes p. m.) adjourned until to-morrow, Thursday, May 16, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, pursuant to House resolution No. 398, statement showing the various buildings, etc., also the present water supply and its condition at the posts mentioned in said resolution for abandonment (H. Doc. No. 759); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for resurvey of land in Nebraska (H. Doc. No. 756); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency in appropriation for "Subsistence of the Army" for the current fiscal year (H. Doc. No. 757); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARTHOLDT, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 100) authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference, reported the same with amendment, accompanied by a report (No. 705), which said bill and report were referred to the House Calendar.

Mr. GARNER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world, and to enable the United States to participate in said conference, reported the same without amendment, accompanied by a report (No. 711), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 712), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry, reported the same with amendment, accompanied by a report (No. 719), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 3850) to promote efficiency and economy in the administration of the Navy Department, reported the same with amendments, accompanied by a report (No. 715), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy, reported the same with amendments, accompanied by a report (No. 716), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG of Texas, from the Committee on Naval Affairs, to which was referred the bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, reported the same without amendment accompanied by a report (No. 714), which said bill and report were referred to the House Calendar.

Mr. KOPP, from the Committee on Naval Affairs, to which was referred the bill (H. R. 23832) to amend section 1440 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the House Calendar.

Mr. HOWARD, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 202) in reference to the

employment of enlisted men in competition with local civilians, reported the same with amendment, accompanied by a report (No. 718), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24214) granting a pension to Mrs. William L. Beverly, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 24561) for the transfer of the military reservation of Fort Thomas, Ky., to the Navy Department; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 24562) to place fresh meats on the free list; to the Committee on Ways and Means.

By Mr. FERGUSSON: A bill (H. R. 24563) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901; to the Committee on Indian Affairs.

By Mr. BATHRICK: A bill (H. R. 24564) for the purchase of a site and the erection thereon of a public building at Akron, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: A bill (H. R. 24566) to appropriate $75,000 for the survey and resurvey of public lands in the State of Arizona; to the Committee on Appropriations.

By Mr. NELSON: A bill (H. R. 24567) to provide for the erection of a Federal building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 24568) to refund the cotton tax realized to the Government under the various acts of Congress; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 24601) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. GARRETT: Resolution (H. Res. 540) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 24569) to correct the military record of Orvis P. Smith; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 24570) granting an increase of pension to John Richardson; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24571) granting an increase of pension to Adaline Townsend; to the Committee on Pensions.

Also, a bill (H. R. 24572) granting an increase of pension to Philena H. Miles; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24573) granting an increase of pension to Margaret Berg; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 24574) granting an increase of pension to Jacob Zimmerman; to the Committee on Pensions.

Also, a bill (H. R. 24575) for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 24576) to correct the military record of Joseph R. Berg; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 24577) granting an increase of pension to Edward Furrow; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24578) granting a pension to Isaac Gossett; to the Committee on Pensions.

Also, a bill (H. R. 24579) granting an increase of pension to Henry Fryman; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24580) granting a pension to John W. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24581) granting a pension to Olie A. Linscott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24582) granting an increase of pension to James T. Piggott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24583) granting an increase of pension to Alice M. McCoy; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 24584) granting an increase of pension to Mary H. Atkinson; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 24585) providing for the adjudication of claim of Elizabeth J. Graham by the Court of Claims; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 24586) granting an increase of pension to Samuel S. Epla; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 24587) granting an increase of pension to Samuel W. Smith; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24588) granting a pension to Christine M. Dogherty; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24589) granting an increase of pension to Peter N. Hardman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24590) to remove the charge of desertion from the record of George F. Johnson; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 24591) granting an increase of pension to Pinckney D. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting an increase of pension to Elijah Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24593) for the relief of the heirs of William Britton, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24594) granting an increase of pension to Franklin A. Minor; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24595) granting a pension to Henry H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) granting an increase of pension to Michael C. Bratton; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24597) for the relief of Mildred J. Bray; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 24598) for the relief of Jesus Silva, jr.; to the Committee on the Public Lands.

By Mr. STANLEY: A bill (H. R. 24599) for the relief of the estate of David O. Conn, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 24600) for the relief of the widow and heirs of James R. Veale, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of the National Association of Talking Machine Jobbers, Pittsburgh, Pa., opposing any change in present patent laws that may affect price maintenance; to the Committee on Patents.

By Mr. BRADLEY: Resolutions of the Patriotic Order of Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER (by request): Resolutions of L. L. L. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester City, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting increase of pension to Albert Butler; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 24534, granting an increase of pension to Julius Kloehn; to the Committee on Invalid Pensions.

By Mr. CARLIN: Papers to accompany bill for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CALDER: Petition of W. J. Holliday & Co., Indianapolis, Ind., protesting against passage of House bill 16844, relative to having the manufacturers' brands on all goods sold; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Calder, Springville, N. Y., protesting against any change in the patent law that would affect the maintaining of resale prices; to the Committee on Patents.

Also, petition of Mrs. J. B. Beck, Taunton, Mass., favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisner Manufacturing Co., New York, N. Y., favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. ELLERBE: Petition of citizens of the cities of Florence, Darlington, and Hartsville, State of South Carolina, favoring passage of bill to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175), containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of the Association of Jewish Women of Chicago, Ill., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175) containing literacy test; to the Committee on Immigration and Naturalization.

By Mr. FOSTER: Petition of citizens of Texico, Ill., favoring enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Isaac N. Roberts, of Rockton, Ill., favoring passage of House bill 1339, to increase pensions of soldiers of Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill (S. 3175), relating to educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Excelsior Bible class of Epworth Methodist Episcopal Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GALLAGHER: Petition of foreign societies of Chicago, Ill., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Resolution of the official board of Bethany United Evangelical Church, of Lancaster, Pa., favoring passage of House joint resolution 163, prohibiting sale, manufacturing for sale, and importation for sale of all beverages containing alcohol; to the Committee on the Judiciary.

By Mr. HANNA: Petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of John Dimvoochi, of Bottineau, N. Dak., favoring passage of House bill 16843, to increase the efficiency of the Army veterinary service; to the Committee on Military Affairs.

Also, petition of citizens of North Dakota, against passage of the Lever antifuture trading bill, relative to the marketing of grain; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petitions of Pride of New Britain Lodge, No. 544, Independent Order B'rith Abraham, New Britain, Conn.; New Britain City Lodge, United States Grand Lodge Independent Order B'rith Abraham, New Britain, Conn.; and Dreifuss Lodge, No. 28, Independent Order B'rith Sholom, Hartford, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Young Men's Hebrew Association of Bridgeport, Conn., and Bridgeport Lodge, No. 479, United States Grand Lodge, Order B'rith Abraham, Bridgeport, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Betsy Ross Council, No. 19, Daughters of Liberty, of Bridgeport, Conn., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of Barnert Lodge, No. 158, United States Grand Lodge, Order B'rith Abraham, Paterson, N. J., protesting against passage of Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACOWAY: Petition of J. W. L. Smith and 70 other citizens of Faulkner and Pulaski Counties, Ark., favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LA FOLLETTE: Resolutions of the Socialist Party of Spokane, Wash., against passage of Root amendment to immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Pend Oreille Grange, Newport, Wash., urging establishment of a postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Washington, favoring passage of House bill 22339—anti-Taylor system bill—against use of the stop watch in Government works; to the Committee on the Judiciary.

Also, petition of citizens of Havillah, Wash., against the indictment of the editors of the Appeal to Reason at Leavenworth, Kans.; to the Committee on the Judiciary.

Also, petition of citizens of the States of Washington and Idaho, favoring passage of a sensible parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of Waitsburg, Clarkston, Cashmere, Prescott, and Newport, State of Washington, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGLEY: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petitions of Wesley J. Knoggs, of Bay City, Mich.; William Riley and John Fraser, of Samsonville, in favor of House bill 1339 for increasing pension to Civil War veterans who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of New York Milk Committee, New York, favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

By Mr. MAHER: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Polish National Alliance of Cleveland, Ohio, protesting against the Root amendment to the immigration bill relating to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brooklyn, N. Y., against passage of the Oldfield bill to amend present patent laws; to the Committee on Patents.

By Mr. McKINNEY: Resolutions of citizens of Moline, Ill., against proposed changes in the patent laws; to the Committee on Patents.

By Mr. MATTHEWS: Petition of Independent Order B'nai B'rith, No. 609, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McHENRY: Resolution of Branch No. 1, Socialist Party, Shamokin, Pa., against the adoption of the Root amendment to the immigration bill, relative to the deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petition of Henry W. Blair, president of the National Anti-Third Term League of Washington, D. C., praying for an amendment to the Constitution prohibiting a third term to any person as President; to the Committee on the Judiciary.

By Mr. McDERMOTT: Resolution of citizens of Chicago, Ill., favoring circular No. 601, prohibiting the use of insignia and garb of any denomination in the Indian public schools; to the Committee on Indian Affairs.

By Mr. RAKER: Petition of citizens of California, favoring congressional investigation of the prosecution of the editors of the Appeal to Reason; to the Committee on the Judiciary.

Also, petition of citizens of California, favoring passage of Berger old-age pension bill for deserving men and women over 65 years of age; to the Committee on Pensions.

By Mr. REILLY: Petition of citizens of Meriden, Conn., favoring passage of House bill 22766 for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of Tiphereth Zion Lodge, No. 199, Independent Order B'rith Abraham, of Ansonia, Conn.; New Haven Lodge, No. 131, Independent Order B'rith Abraham, of New Haven,

Conn.; and Knights of Israel, of New Haven, Conn., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the New York Milk Committee, New York, N. Y., favoring continuance of the commission on efficiency of the Federal Government; to the Committee on Appropriations.

Also, petitions of Local No. 52, of the Lithuanian Socialist Federation of America, New York, N. Y., and Romener Lodge, No. 75, United States Grand Lodge, Order B'rith Abraham, New York, N. Y., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the New York Milk Committee, New York, N. Y., favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

Also, petitions of Kings County Lodge, No. 45, and Dr. Theodore Herzel Lodge, No. 107, Independent Order Ahawaz Israel, Brooklyn, N. Y., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of 16,000 trainmen of Pennsylvania, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of William Schaad and 245 other citizens of New York, N. Y., favoring passage of the old-age pension bill; to the Committee on Pensions.

SENATE.

THURSDAY, *May 16, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SAVINGS-BANK STATIONS (S. DOC. NO. 671).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 30th ultimo, a statement showing the number of savings-bank stations established, the amount of deposits received therein, the amount of withdrawals, the disposition of money received and where it is at present held, etc., which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Sixth Christian Church, the Church of the Holy Comforter, the Centenary Methodist Episcopal Church, the Brotherhood of the Centenary Methodist Episcopal Church, the Home Missionary Society of the Centenary Methodist Episcopal Church, the Sunday School of St. Andrew's Methodist Episcopal Church, the Bible School of the St. Andrew's Methodist Episcopal Church, the St. Andrew's Methodist Episcopal Church, Northminster Presbyterian Church, Northminster Presbyterian Bible School, Northminster Presbyterian Woman's Missionary Society, and the Emmanuel Presbyterian Church, all of Philadelphia, and of the Presbyterian Christian Endeavor Society of West Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Atlantic Coast Seamen's Union, remonstrating against the adoption of the so-called illiteracy test amendment to the immigration law, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Southern Illinois Millers' Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of the Commercial Association of Elburn, Ill., and the memorial of George A. Scherer, of Peoria, Ill., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Centennial Church, the State Street Baptist Church, the Epworth Methodist Episcopal Church, and the Court Street Methodist Church, all of Rockford, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Association for the Prevention of Tuberculosis, of Peoria, Ill., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Omaha, in the State of Nebraska, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Education and Labor.

Mr. ASHURST. I present a telegram in the nature of a petition favoring the Owen medical bill. The telegram is short, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed is the RECORD, as follows:

PRESCOTT, ARIZ., *May 15, 1912.*

Hon. H. F. ASHURST,
United States Senator, Washington, D. C.:

The Yavapai County Medical Society heartily indorse the Owen bill and urge you to use every honorable means to secure its passage.

C. E. YOUNGT, *Secretary.*

Mr. BRANDEGEE presented resolutions adopted by members of the First New London Troop, Boy Scouts of America, of New London, Conn., favoring the enactment of legislation to protect the migratory wild fowl, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Connecticut, praying that an appropriation be made for the purchase of a new site for a post office in New York City, N. Y., which was referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented petitions of members of the board of health, and of the Humane Research Club, of Newport, R. I., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of members of the District Medical Society, of Worcester, Mass., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of sundry citizens of New York, N. Y., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry members of the congregation of Grace Church, Brooklyn Heights, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented resolutions adopted by the directors of the Clothiers' Association of New York, N. Y., favoring the enactment of legislation providing for the removal of the present post office and Federal courts building in that city, and for the restoration of the site to the city, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BROWN presented resolutions adopted by the Nebraska Association of Commercial Clubs, in convention at Hastings, Nebr., favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Erie, Pa., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Manufactures.

He also presented a memorial of the Chamber of Commerce of York, Pa., remonstrating against the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the McKean County Medical Society, the Fayette County Medical Society, the Luzerne County Medical Society, the Huntingdon County Medical Society, the Lawrence County Medical Society, the Armstrong County Medical Society, the Allegheny County Medical Society, and the Erie County Medical Society; of the Ohio Valley Academy of Medicine, of Bellevue; of the Academy of Medicine of Latrobe; and of Wendell Reber, of Philadelphia, all in the

State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., and a memorial of the Stationers' Association, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of the Military Order of the Loyal Legion of Pennsylvania, in convention at Philadelphia, Pa., favoring an appropriation for the erection of an equestrian statue at Washington, D. C., as a memorial to the late Maj. Gen. George Gordon Meade, United States Army, which were referred to the Committee on Appropriations.

Mr. FLETCHER presented resolutions adopted by the Illinois Federation of Women's Clubs, favoring the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the Ladies of the Maccabees of the World, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY. I present resolutions adopted by the Polish-American Societies of South Bend, Ind., bearing on legislation pending before the Senate. They are only a few lines, and I ask that they lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by the representatives of the Polish-American societies in South Bend, Ind., May 13, 1912.

Whereas in the past the people of the United States have shown their sympathy with revolutionary movements for the establishment of democratic principles in other countries and also rendered substantial financial aid to such movements; and

Whereas Senate bill 3175, known as the Dillingham bill, provides for the deportation, without judicial hearing, of any alien who conspires for the overthrow of a foreign Government, and so makes it obligatory on our Government to send back, in many cases to certain death, not only the leaders but many of the humble followers of such movements; and

Whereas this same bill and House bill 22527, known as the Burnett bill, in providing for a literacy test for incoming aliens will not give this country any additional protection against the diseased, defective, and criminal classes and, contrary to the established policy of the country, would exclude many victims of social and political oppression: Therefore be it

Resolved, That we, the Polish-American citizens of South Bend, Ind., urge the Members of the Senate and House of Representatives to prevent the enactment of said bills into law; and be it further

Resolved, that copies of these resolutions be sent to the President of the United States, the Secretary of Commerce and Labor, and the Indiana Members of the House of Representatives and Senate.

GEO. J. KALCZYNSKI,
IGNATIUS K. WERWINSKI,
DYONIZY A. GORKA,
BRONISTAW TOBOLSKI,
PETER KORZOREWSKI,
Committee of the Polish-American Societies in South Bend, Ind.

Mr. PENROSE presented a petition of Doctor L. S. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester, Pa., and a memorial of Moses Mendelsohn Lodge, No. 147, United States Grand Lodge Order B'rith Abraham, of Philadelphia, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of members of the Ohio Valley Academy of Medicine, of Bellevue, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, reported it without amendment and submitted a report (No. 756) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, reported it with an amendment and submitted a report (No. 757) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 758) accompanied by a bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 474. John Brannan.
S. 728. Hiram R. Smith.
S. 1035. John W. Currier.
S. 1648. Norman B. Van House.
S. 1658. Alexander Roe.
S. 1983. Harrison Stotler.
S. 2101. Oscar Graves.
S. 2639. Hattie A. Sears.
S. 2663. Joseph Cooper.
S. 2798. Livonia C. Becker.
S. 3048. John W. Groesbeck.
S. 3162. Stephen Jarvis.
S. 3383. Emily Donaldson.
S. 3548. John Weaver.
S. 3599. William C. Hart.
S. 3703. John Dow.
S. 3806. Henry T. Stuart.
S. 4087. James Grose.
S. 4232. Anna G. Lord.
S. 4522. James Nickell.
S. 4689. George Phinney.
S. 4770. Etta M. Hankinson.
S. 5011. Morgan M. Mills.
S. 5035. Mary I. Stauber.
S. 5066. Carrie R. Sparklin.
S. 5105. James R. Helton.
S. 5370. Thomas F. Chafee.
S. 5537. Bradley Gilbert.
S. 5637. Luke Flynn.
S. 5666. Peter Walker.
S. 5667. Alexander F. Hays.
S. 5878. Edward Stapleton.
S. 5887. Silas M. Finch.
S. 5966. William Day.
S. 6006. William Thompson.
S. 6047. Olive J. Allen.
S. 6071. John T. Lance.
S. 6074. Jane Allen.
S. 6118. Albert M. Belcher.
S. 6121. Mary L. Wilson.
S. 6131. Isaac M. Brandon.
S. 6227. Calvin A. Cary.
S. 6234. William Johnson.
S. 6363. Ella G. Timoney.
S. 6476. John D. Wood, jr.
S. 6485. Martin Kennedy.
S. 6492. Eliza Ash.
S. 6493. Marion G. Blodgett.
S. 6498. Mary M. Culver.
S. 6538. Annette Farmer.
S. 6547. Anna R. Wellman.
S. 6548. Abram Burnett.
S. 6556. Charles W. Smith.
S. 6557. Henry C. Tiffany.
S. 6561. Stephen L. Sleeper.
S. 6566. Emma A. Prior.
S. 6577. Henry H. Brinkley.
S. 6601. John W. Palmer.
S. 6605. Samuel Priest.
S. 6615. Edgar Bullard.
S. 6619. Suel T. Gibson.
S. 6632. Hiram Campbell.
S. 6634. Charles Mays.
S. 6652. William A. Reeves.
S. 6653. Joseph R. Shannon.
S. 6657. Clara L. A. Read.
S. 6669. Curtis Stimpson.
S. 6670. James G. A. Middleton.
S. 6673. James O. Taylor.
S. 6674. Catherine J. Orr.
S. 6681. Sophfronia F. Cady.
S. 6695. James A. Wise.
S. 6698. William H. Hooker.
S. 6700. Henry Randolph.
S. 6749. Allen V. Webster.
S. 6839. Manerva Eveann Dealey.

LANDS IN CHUCKAWALLA VALLEY, CAL.

Mr. WORKS. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal., and I submit a report (No. 755) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and insert:

That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south,

range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, and 7 south, range 21 east; townships 5 and 6 south, range 22 east, Santa Bernardino meridian, State of California, shall be canceled because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HEIRS OF GEN. JOHN SEVIER.

Mr. CRAWFORD. A bill (S. 746) for the relief of the heirs of Gen. John Sevier was introduced in the first session of the Sixty-second Congress and referred to the Committee on Revolutionary Claims. On May 7 the Senator from Tennessee, Mr. LEA, presented a number of petitions in support of that bill and they were referred to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the petitions and that they be referred to the Committee on Revolutionary Claims to accompany the bill.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6842) granting a pension to Mary J. York (with accompanying paper); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6843) for the relief of the heirs of William Crump, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6844) granting an increase of pension to William H. Clouser (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6845) granting an increase of pension to William M. Whitaker; and

A bill (S. 6846) granting an increase of pension to Thomas S. Underwood; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; to the Committee on Commerce.

By Mr. CRANE:

A bill (S. 6849) granting an increase of pension to Melissa J. Sheffield; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6850) to establish a parcel-post system and to fix rates of postage on certain classes of mail; to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 107) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $12,744.67 to reimburse the Winchester Repeating Arms Co. for expenses incurred in defending the suits for infringment of a patent, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. WATSON (for Mr. CHILTON) submitted an amendment proposing to increase the salaries of 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, from $1,200 each to $1,440 each, intended to be proposed to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $300,000 for the maintenance of Indian schools in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

LAND AT MAGDALENA BAY.

Mr. HITCHCOCK submitted the following resolution (S. Res. 313), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate copies of letters from the attorney or others for the American syndicate interested in Magdalena Bay and copies of letters written in reply to the same by the department officials, referred to in the letter of the Secretary of State as published in Senate Document 640.

Mr. GALLINGER. I present a memorial signed by Henry W. Blair, well known to many Members of this body, and president of the National Anti-Third Term League, of Washington, D. C. I ask that the memorial be printed in the RECORD, if there be no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The memorial is as follows:

MAY 14, 1912.

To the Congress of the United States:

Respectfully represents your petitioner, president of the National Anti-Third Term League, of Washington, D. C.

Believing that the framers of the Constitution acted wisely in providing after long and careful deliberation that the term of the President should be for the period of four years, and that the unwritten law which prohibits any person to hold that office a third term should be made a part of the written Constitution, I do respectfully petition that during the present session you will submit to the States for their action a joint resolution proposing to amend Article II of the Constitution so as to provide that—

"No person who has held the office of President for two terms, or for any part of two terms, whether consecutive or otherwise, shall thereafter be eligible to be chosen to the office of President or Vice President."

Permit me to respectfully ask attention to the following considerations:

1. It should be in the power of the people to secure the services of a good President for two terms, or not exceeding eight years in all.

2. There is danger that the executive power would become too formidable to the other departments of the Government and to the liberties of the people if concentrated in even the most able and patriotic hands for more than two terms.

3. The hope of one reelection would stimulate the President to the wisest and most patriotic endeavor during his first term, whether really safe and fit for the office or otherwise.

4. During his first term the policies and measures and the official organization of administration would naturally be so fashioned that it would be difficult for even an unpatriotic Executive essentially to change them during a second term.

5. Frequent elections, or the power to recall or reelect officials, are essential to the preservation of our institutions. Impeachment is no practicable means of removing bad high officials, and the people ought not to be compelled to endure the burdens and perils of an incompetent or dangerous Chief Magistrate or of a party or policy which they disapprove for more than a single term of not exceeding four years.

6. Too frequent elections are burdensome to the people and produce weariness and indifference in the exercise of the primary duties of sovereignty.

7. There is no precedent, no test of experience in State or Nation for the restriction of the Executive to a single term, long or short, except in the constitution of the Confederate States, which would favor a shorter rather than a longer term.

Washington, Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and other Presidents are on record in solemn disapproval of more than two terms, either "in form or substance," for themselves or any other person, and such was the expressed personal judgment and preference of President Grant, who yielded his own to others.

8. A third term initiates revolution in our form of government, leading directly through anarchy to monarchy and despotism. The war of 1861 was waged to divide our country into but two sections, both republics. The third term will insure the utter dissolution of the Union and interminable war before order is restored under a monarch or czar.

For these reasons I believe that the term of four years, fixed by the fathers and working well in practice for a century and a quarter, is the best which can be adopted. And your petitioner will every pray.

HENRY W. BLAIR,
President of the National Anti-Third Term League,
Colorado Building, Washington, D. C.

COURTS IN MISSISSIPPI AND MICHIGAN.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free confer-

ence have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments as follows: Page 4, after line 2, insert:

"*Provided*, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year."

Amend the title so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

C. D. CLARK,
KNUTE NELSON,
A. O. BACON,
Managers on the part of the Senate.
H. D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. CHAMBERLAIN. Mr. President, the discussion of the agricultural appropriation bill has gone, it seems to me, far afield of the real question involved in it, and that is the question of the appropriation necessary to be made to carry on the work of the Forest Service for the current year. Inasmuch as it has so drifted, and many strictures have been indulged in with reference to the policy itself, and differing somewhat from the views expressed by my colleagues, I have felt that I ought to discuss the broader questions involved in the conservation of our natural resources as incident to the subject under consideration.

One of the Senators in his remarks expressed the hope that this would not drift into a political discussion, alleging that the question is not political and ought not to be, but is far above politics, involving, as he claimed, the very life of some of the States. I am in accord with him in expressing the hope that it will not be considered from a political standpoint at all, and that it will be considered from the broader economic viewpoint that is involved in the whole subject of the conservation of our natural resources.

Mr. HEYBURN. Will the Senator pardon me for interrupting him thus early? Does the Senator refer to the remarks which I made?

Mr. CHAMBERLAIN. I am referring now particularly to the remarks by the Senator from Wyoming [Mr. CLARK].

Mr. HEYBURN. Oh. I considered it a political question, not a partisan one.

Mr. CHAMBERLAIN. Some Senators do consider it a political question. I do not, and I think the consensus of opinion is that it is a great economic question. So I am in accord with the Senator from Wyoming in expressing the hope that it will be considered from this broader standpoint.

There is another reason why it should not be considered as a political question or as a partisan question. Both the great political parties of this country are committed to the question of the conservation of our natural resources. In order that there may be no question about that, I ask, without reading, to have embodied in what I have to say the plank of the Democratic Party adopted at Denver in its last national convention on this subject, as well as the plank adopted by the Republican Party in its national convention at Chicago.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

REPUBLICAN PLATFORM, 1908—CONSERVATION OF FORESTS.

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity. In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan just to all persons of the country of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

DEMOCRATIC PLATFORM, 1908—NATURAL RESOURCES.

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain of home seekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation, and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power and the preservation of electric power generated by this natural force, from the control of monopoly; and to such end we urge the exercise of all powers—national, State, and municipal—both separately and in cooperation.

We insist upon a policy of administration of our forest reserves which shall relieve it of the abuses which have arisen thereunder, and which shall, as far as practicable, conform to the police regulations of the several States wherein the reserves are located, which shall enable homesteaders as of right to occupy and acquire title to all portions thereof which are especially adapted to agriculture, and which shall furnish a system of timber sales available as well to the private citizen as to the large manufacturer and consumer.

Mr. CHAMBERLAIN. Both these great parties have declared unequivocally in favor of the conservation of the natural resources of the country, and therefore here at least it ought not to be considered from a partisan standpoint, if platforms are intended to mean what they say and are not to be abandoned as soon as a particular set of officials of the one party or the other get into power.

I take the position, Mr. President, that the Forest Service has been criticized, and very severely criticized, for a condition of things for which it is not at all to blame. I am willing to agree with both the distinguished Senators from Idaho in some of their criticisms. I am free to admit that in many individual cases the rangers on the forest reserves are too arbitrary. I am willing to go even further than that, and to say that in the administration of the land laws of the United States not only are the subordinate officers sometimes too arbitrary, but this criticism applies as well to the heads of the land and many other departments. Technical and arbitrary rulings not infrequently make it impossible for a man to perfect his title to public lands, where he is making an honest endeavor to acquire a home.

I am also willing to agree with the Senator from Idaho [Mr. BORAH] when he repudiates the suggestion that every man who attempts to secure a home in the West is a thief, and I only differ from him in this respect, that I do not think that that charge is generally made. Whenever and wherever it is made it is usually by persons who do not understand the situation in the West.

An investigation will disclose that where individuals have been guilty of fraudulently acquiring lands under either the homestead or preemption acts, and in a great many cases under the timber and stone act, they have been the homeless hirelings and agents of timber syndicates or others in the East who have been interested in acquiring a part of the public domain for speculative purposes. These agents are, as a rule, not citizens of the West. They are in many instances tramps, though I regret to say that sometimes reputable people have been sent from eastern cities by timber syndicates and lumber companies to acquire title under the public-land laws, conveying these titles when acquired to their employers for a prearranged consideration.

I do not propose to appear here as the defender of the forester or of those who are under him for his or their arbitary or unjust acts. But I believe, Mr. President, Democrat as I am, in seeing that all of them, Republicans though they be, get a square deal so far at least as is possible for one or two of us to see that they get that square deal. I think that they have been unfairly and unduly criticized in the discussion of this bill, and I shall not hesitate to fix the responsibility for the

frauds that have been perpetrated against the Government where it properly belongs, and incidentally to show that the conservation movement had its inception in a desire to stop the further looting of the public domain. The Forest Service is but an agency to that end and they are trying to do their duty even if they do make mistakes occasionally.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I suppose the Senator means that they are appointed by the Republican administration, but they are not all Republicans, because some of them have not, in my opinion, been naturalized.

Mr. CHAMBERLAIN. Mr. President, I will not agree to the charge that some of the employees in the service are not naturalized. Under the rules of the department and under the civil-service regulations it is the duty of the department to appoint men from the classified service, and from the locality where the examinations are held, and in most of the cases these young men who are criticized as wearing cockades in their hats and showy uniforms to terrorize the people are appointed generally, if not from the immediate community, at least from the State in which they perform their duties.

Mr. BORAH. Mr. PRESIDENT——

The VICE PRESIDENT. Does the Senator from Oregon yield further to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I do not know what the experience of the Senator from Oregon is, but I believe that the majority of the appointees in the State of Idaho never saw the State of Idaho until they received their appointment. This is true of the Forestry Bureau in our State, and it is true of the majority of them. We have some few there at the present time who lived in Idaho prior to appointment, but the majority of them, as if you will look at the list you will see, were never there until they received their appointment.

Mr. CHAMBERLAIN. That may be true in Idaho, Mr. President, but if it be true, then the rules of the department and the rules of the civil service have been violated in respect to that particular State, and timely complaint should lead to correction.

Mr. JONES and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield first to the Senator from Washington?

Mr. CHAMBERLAIN. I yield to whoever first addressed the chair.

Mr. JONES. I simply wish to suggest to the Senator that his statement that these employees are Republicans is hardly a fair statement and is hardly borne out by the last suggestion he has made that they are largely appointed under civil-service rules. I do not believe that the partisanship of the parties is taken into consideration at all.

Mr. CHAMBERLAIN. I used the term in the broader sense of the word. I meant that it was under Republican administration, and I do not want to even hold the Republican administration responsible for all the bad things that are done by any of the departments of government.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. CHAMBERLAIN. I do.

Mr. WARREN. I think if the Senator will look at the present force he will find that it is composed of both parties; it may be more largely of the Democratic Party than the Republican Party, and that is not saying anything against or for them, of course.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the senior Senator from Wyoming?

Mr. CHAMBERLAIN. I do.

Mr. CLARK of Wyoming. I wish to say in regard to the Senator's statement that the men are universally appointed from the State in which they are to serve; that, of course, I am not aware of the situation in the Senator's State, but in Wyoming that is far from a correct statement of fact. As a matter of fact, very few are appointed from the State in which I live, and for the very good reason that the people who live there, the residents, are largely practical men. They know how to fight fires; they know how to perform the duties of a forest ranger, but not many of them are able to pass or have passed the examination that is necessary to admit them into the Forest Service. I assume that to be true because there are so many who, if they could have gotten there, under the rules, would have done so. As a matter of fact, they do not come from the State in which they are appointed so far as Wyoming is concerned.

Mr. CHAMBERLAIN. If I am wrong, my information from the department is wrong, and before the discussion is closed I will, if an opportunity offers, request the Forester to write me a letter on the subject, and I will ask to have it embodied in my remarks. If I am wrong, I certainly do not intend to be, and I leave my statement to be corroborated or disputed by the statement of the Forester.

Now, Mr. President, I make the broad statement that the Forestry Bureau and the Agricultural Department are not responsible in the first instance for the wrongs which have grown up under the forest-reserve system. Congress itself is and has been responsible, and it is responsible now, wherever these evils exist, for it has it in its power to correct them, and it ought to correct them. As a matter of fact, there has not been a single piece of constructive or corrective legislation suggested except on the floor of the Senate in the heat of discussion, and that has not had the consideration it ought to have had when it affects so great a national question.

The act authorizing the President by proclamation to create forest reserves was passed March 3, 1891. The creation of these reserves was recognized as almost a necessity at that time, and the President proceeded, in pursuance of the power vested in him, to create these reserves in order to protect the great wealth of timber and mineral resources against monopolization by those who wanted to acquire them for speculative purposes.

In the creation of these reserves it became necessary, Mr. President, to include lands that were owned by entrymen under the several Federal statutes, railroad and wagon-road grants, and others who had acquired holdings before the reserve was created. Now, let us note the evolution and development of a great national wrong under an act that was beneficent in its purposes.

Occasionally there would be a homestead near the top of a mountain or on a mountain side or in an isolated valley at the time of an Executive proclamation creating a reserve. These holdings were, of course, not extinguished by the creation of the reserves; but where there was one private holder or one entryman under the land laws there were hundreds of thousands of acres that belonged to railroad and wagon-road grant companies and others who, through mesne conveyances, had acquired title from them.

Then began to be heard a plea in behalf of the poor entryman, who had a home in the center of a reserve without possibility of having any neighbors or churches or schools; that he ought to be protected, and allowed to surrender his little holding in the reserve, which could never be otherwise than isolated; and that he should be permitted to select in lieu thereof other lands outside of the reserve, where he would have the benefit of neighbors, schools, and churches. That was a plausible plea for the entryman; and nobody on earth could object to allowing that entryman to release his land to the Government of the United States and to select in lieu thereof an equal area in some other part of the public domain. The same plea is being made for the poor settler now as a reason for abandoning the forest reserve policy. It looks ominous, Mr. President. The unwritten history of that plea is, that it originated, not by the fireside of the poor entryman, but in the office of a great railroad company in the Middle West; it was gotten up, not for the benefit of the small holder but for the purpose of enabling the big grant corporations, railroads, and others, and their successors in interest to release their holdings within the forest reserves, and to take up in lieu thereof other vacant Government lands in other sections of the country, which were far more valuable for all purposes than were the lands within the reserves. This was the origin of the indemnity selection or lieu land law. It was conceived in iniquity and resulted in robbing the people of untold millions in land and money. On June 4, 1897, Congress passed what was known as the indemnity selection law, ostensibly in the interest of the entrymen who had his home within the forest reserve, allowing him and incidentally all others who had holdings within the reserves to release their holdings to the Government and to take up lands elsewhere in lieu of the lands which they might surrender to the Government..

Bear in mind that this law, ostensibly in the interest of the settler, was not confined to him. It would have been harmless with such a limitation. But it applied to the grant companies of all kinds and their successors in interest and millions of acres of land in these reserves, consisting of lava beds, denuded forests, and rugged peaks, were released under the act of 1897 to the United States, and lands valuable for agricultural purposes, for timber, for minerals, for coal, and for oil, surveyed and unsurveyed, were taken up in every State in the Union

where there were vacant lands by these companies that hastened to surrender their holdings within the reserve and to take advantage of a law which it was pretended was in the interest of the settler.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I ask the Senator from Oregon to what particular scrip he now has reference?

Mr. CHAMBERLAIN. Generally. It did not make any difference, Mr. President, but I will speak of specific cases before I conclude.

Mr. BORAH. Upon whose recommendation, so far as the Forestry Bureau was concerned——

Mr. CHAMBERLAIN. The Forestry Bureau was not in existence in 1897.

Mr. BORAH. Upon whose recommendation, so far as that kind of a subject was concerned at that time, was this work done? Does the Senator from Oregon not know that those who were interested in conservation at that time earnestly advocated the proposition of making these forest reserves a whole, an integral, and eliminating all these lands from exchange?

Mr. CHAMBERLAIN. I beg your pardon. The conservation movement was then only in its embryonic state; it had not developed into any attempt upon the part of the conservationists to do any specific thing. It was because of the releases of these holdings within the reserves and the taking of valuable holdings out of the reserves in lieu thereof that gave birth, or at least impetus, to the conservation movement in its present form.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. When these holdings within the forest reserves were given up and other lands were taken, upon what basis of valuation was the exchange made?

Mr. CHAMBERLAIN. Absolutely none. They took anything; they could surrender a lava bed upon the top of the Cascade Mountains if within a reserve, go into any section where there were unappropriated public lands, and take up anything they could find, and the land did not even have to be surveyed.

Mr. SMITH of South Carolina. Acre for acre?

Mr. CHAMBERLAIN. Acre for acre.

Mr. CRAWFORD. Mr. President, I have been curious to know how such a thing as that occurred. I have unlimited confidence in the Senate and the other House of Congress, not only now, but during all the years that have gone, and I should like to know what explanation there is in a body of honest men recklessly leaving the bars down so that such a thing as this could occur?

Mr. CHAMBERLAIN. If the Senator will take the trouble to look back at the record, to the history of this legislation, he will find that in nearly every case the clauses authorizing these things to be done were slipped into the sundry civil appropriation bill or into the agricultural appropriation bill without any discussion, except as it might have taken place before the committee. That is the way the thing happened; but I am charitable enough to believe that Congress did not see at first the far-reaching effect of inserting these indemnity selection clauses in those appropriation bills. But if Congress was blind, the representatives of the grant companies were not. They knew and foresaw that what did happen would happen, and that what was ostensibly in the interest of the settler would be of much more vital interest to them.

Mr. SMOOT and Mr. CLARKE of Arkansas addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oregon yield?

Mr. CHAMBERLAIN. The Senator from Utah [Mr. SMOOT] first addressed the Chair, and I yield to him.

Mr. SMOOT. Mr. President, I would suggest to the Senator that at the time of the passage of the law to which the Senator has referred, granting the right to select lieu lands outside of the forest reserves for lands within, there were not very many private holdings within those forest reserves; but I know in some of the States, after the law was passed and was in operation perhaps for four years or more, there was a move made by men to enter lands and to make selections in forest reserves under State selections that were not agricultural in character, and the selections were made with no other view than to have them turned back to the Government, and in lieu of them to select lands outside.

Mr. CHAMBERLAIN. I will come to that, too, Mr. President.

Mr. SMOOT. I know that it happened in many States. I know that it happened in my own State. Men there made State selections, never thinking that the lands which they selected would amount to anything, but they were selected to secure lieu selections.

Mr. CHAMBERLAIN. I think that is true in some instances, Mr. President.

Mr. SMITH of Arizona. Mr. President, for my own information I should like to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. By what process did your State select lands within known reserves? That is a question in which I am very much interested, and I want to know how it is done.

Mr. SMOOT. They did not select within reserves.

Mr. SMITH of Arizona. How, then, could they get scrip for lands within the forest reserves and locate elsewhere?

Mr. SMOOT. We had school lands in all the reserves.

Mr. SMITH of Arizona. I know about the school lands.

Mr. SMOOT. Well, they can be selected, and the ones to which I have reference——

Mr. SMITH of Arizona. The State does not select its school lands; the law fixes what the school lands shall be.

Mr. SMOOT. I meant the entryman selected that particular school section and received title for it from the State, as the State had already received title to it when she received her lands from the Government.

Mr. SMITH of Arizona. I thank the Senator. I was asking for information.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. CHAMBERLAIN. I do.

Mr. CLARKE of Arkansas. I think it would tend to a clearer understanding of just how this abuse came about to repeat a brief statement made by the late Senator from Montana, Mr. Carter. He said that in the construction of the act of 1897 the Secretary of the Interior made a ruling that was obviously correct, that it never was the intention of Congress that the railroads holding arid lands under their early grants should be permitted to surrender them wholesale and to take certificates that would enable them to file on better lands elsewhere in the United States. That ruling was accepted by the railroads for a number of years. Subsequently, Mr. Hitchcock, of Missouri, came to be Secretary of the Interior, and, without any sort of foundation for his action, he reversed that ruling and permitted the surrender of the railroad grants and the selection of lands elsewhere. Arkansas fell a victim to the extent of 270,000 acres of land to that ruling made by Mr. Secretary Hitchcock.

Mr. CHAMBERLAIN. I think, Mr. President, that is probably true, and I am willing to assume that Congress did not intend the act of 1897 to have as broad an application as was afterwards given to it, but, whether it did or not, it did have that application and it did have the effect that I now say was given to it.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. Was the act of 1897 a part of an appropriation bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. CUMMINS. And all the things which the Senator suggests have been done under it. It seems to me that it is a very fine object lesson just now that ought to lead the Senate absolutely to set its face against any legislation on an appropriation bill.

Mr. CHAMBERLAIN. That is not all, Mr. President; and I want to be distinctly understood as not charging any Senator in the past who participated in the enactment of these laws with having intentionally done anything unfair or unrighteous against the people of this country, even though it might be truthfully charged that they were exceedingly careless in the discharge of a duty of the highest responsibility.

Mr. SMITH of South Carolina. Knowingly.

Mr. CHAMBERLAIN. Knowingly; but it was done; and as a result of it, the people have lost not thousands but millions of acres of land in almost every State in the Union.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. CRAWFORD. The Senator has looked this matter up and proves himself to be well informed, and I want to find out what I can about it. How long was this looting process in being executed, and how comes it that after the discovery of this abuse the law was allowed to remain in force?

Mr. CHAMBERLAIN. I will show you, Mr. President, that Congress did know that this looting process was going on. Now, mind you, the act of 1897 had no restrictions at all. Anybody who had land within the reserves created by the President could upon relinquishing the same go and select other lands anywhere, whether surveyed or unsurveyed, provided only they were vacant and were owned by the United States.

Mr. SMITH of South Carolina. I should like to ask the Senator if previous to the act of 1897 the wagon-road grants and railroad grants of which the Senator speaks were then in existence?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of South Carolina. All of them were in existence?

Mr. CHAMBERLAIN. All of them.

Mr. SMITH of South Carolina. Previous to the act of 1897?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. What was the proportion of private holdings to these land grants at that time?

Mr. CHAMBERLAIN. A mere bagatelle.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Arizona. If the Senator is acquainted with that legislation—I was then in the other House, but my memory fails me very badly in regard to this matter—is it not true that every bit of this whole question of trading these railroad lands within reserves for land outside emanated from the department, just as everything about these forest reserves to-day emanates from the department, and is done because of the influence and the statement of facts presented by the department? Take the then Territory of Arizona—and I will not interrupt the Senator further—to which my colleague [Mr. ASHURST] alluded the other day; take the vast forest reserve of Coconino, which takes up almost all the taxable part of Coconino County. The railroads there owned vast tracts of land; a Dr. Perrin bought those tracts from the railroads after they had been denuded of all their timber, and the proposition came from the department that, in order to make this forest reserve one solid piece, instead of cutting it up like a checkerboard, other lands be selected outside; and it was resolved by Congress upon this information that the only way they could conserve the land was to give those people loose scrip, and they proceeded to go to California and to other States and put it on the best timber lands in the world. That all came about through the suggestion of the department itself.

Mr. CHAMBERLAIN. Mr. President, I am going to show the Senator after awhile that he is a little bit mistaken about that, and that some of it originated in his own State, although in the final analysis the responsibility for a great crime rested upon the Department of the Interior and not upon the Forestry Service, which was not then in existence.

Mr. SMITH of Arizona. I say it all originated in the department, in my judgment, for the very gentleman I am speaking about was the one who got the land through the Interior Department.

Mr. CHAMBERLAIN. I will come to that a little later on and will call the Senator's attention to a resolution of his own legislature and petitions from chambers of commerce and citizens in his State in reference to this very proposition.

Mr. SMITH of Arizona. That only makes it worse.

Mr. CHAMBERLAIN. Yes; but the Senator is estopped and the Senator's State is estopped from saying that the department did all the wrong, if his people or any of them assisted in inducing that to be done which was done and which is conceded to have been wrong.

Now, Mr. President, proceeding with what I was saying awhile ago, I want to show that Congress did know a little later that they let down the bars for the looting of the public domain, because in the acts of June 6, 1900, and March 3, 1901, also included in appropriation bills, they again legislated upon the subject and limited the right of selection to surveyed lands, thus cutting out the right of the entryman and of the grant corporations and their successors in interest to select unsurveyed lands in lieu of lands released in the reserves; so that Congress must have been advised in time to have stopped the nefarious business. I will say to the Senator from South Dakota that they began to realize that they had thrown down the bars too low, and they wanted to restrict the power of these people and companies who had lands located within the reserves to the selection of lands which had been surveyed in lieu of those which they were surrendering. This was only a partial restriction and did not correct the evil.

Mr. CRAWFORD. What year was that?

Mr. CHAMBERLAIN. That was in the act of June 6, 1900, and the act of March 3, 1901.

That is not all, Mr. President. This thing had become so notorious and so infamous in every western State that a demand went up everywhere that this old indemnity selection law should be abolished and repealed. What happened? On the 3d of March, 1905—I want the Senate to notice the wording of this repealing clause—there was passed and approved "An act prohibiting the selection of timber lands in lieu of lands in forest reserves," which is as follows:

Be it enacted, etc., That the acts of June 4, 1897, June 6, 1900, and March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve.

If they had stopped there the act would have repealed the indemnity selection acts and would have stopped the looting of the public domain; but it goes on:

But the validity of contracts entered into by the Secretary of the Interior prior to the passage of this act shall not be impaired: *Provided*, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for like quality of land may be made in lieu thereof.

Here was a qualified repeal of the indemnity selection acts that were on the statute books at that time, but it excepted from the effect of the repeal contracts which had been made by the Secretary of the Interior. Now, I want to call your attention to what that innocent little exception meant to the people of this country.

It so happened that citizens of some of the States had petitioned for the creation of certain reserves shortly before that repealing act, and amongst other States the State of Arizona.

The Grand Canyon Forest Reserve, the first reserve established in Arizona, including the Grand Canyon of the Colorado and the Coconino Plateau, was established by President Harrison on February 20, 1893, following the recommendation of Secretary of the Interior Noble, based solely upon a report by Director Powell, of the United States Geological Survey.

It was about four years after the creation of this reserve that there was first presented to the General Land Office a definite and formal expression of public sentiment in favor of the extension of forest reserves to include and protect the watersheds and forests generally in Arizona. This expression was in the form of a memorial by the Legislature of Arizona dated May 5, 1897, praying that a sufficient area of the unclaimed and unappropriated timberlands in Arizona be set apart to retain needed water supplies in the interest of irrigation in that Territory. The memorial was assompanied by numerously signed petitions by citizens of Arizona praying for the reservation and protection of the timber in the San Francisco Mountains.

It will be noted——

Mr. SMITH of Arizona. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. Will the Senator permit an explanation right there?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. At that time we were attempting to cover all the lands we could in the Salt River Valley that are now covered by what is known as the Roosevelt Dam. There was a question whether the most populous of the whole Territory was to be run by railroads and private owners, cutting the timber from the San Francisco Mountains, which were alleged to be the original water supply of that valley, and this came up in the excitement of that time—whether or not they could cut the dead timber and whether or not that would so denude it as to affect the water supply. That was a local question with the people.

Mr. CHAMBERLAIN. I appreciate the explanation of my good friend, the Senator from Arizona, and I understand fully the needs of his people at the time of which he speaks. I am not disposed to blame them for their course, but I simply wanted to call attention to the fact that a petition in favor of forest reserves to include the watersheds and forests generally in Arizona came to the Secretary of the Interior from the Legislature of Arizona, as well as numerously signed petitions from citizens of that State, praying for the reservation and protection of the timber in the San Francisco Mountains.

The following persons and corporations had large holdings within the San Francisco Mountains Forest Reserve:

The Aztec Land & Cattle Co., the Saginaw & Manistee Lumber Co., William F. Baker, Messrs. Robert and E. B. Perrin, and the Santa Fe Pacific Railroad Co.

These were the people who owned lands within the San Francisco Mountains Reserves and within the Grand Canyon Reserve.

When the question arose as to the creation of this reserve, Binger Hermann, Commissioner of the General Land Office, made report and recommendation to Hon. E. A. Hitchcock, the then Secretary of the Interior, under date of August 12, 1898, and inclosed to him drafts of proclamations to establish the San Francisco Mountains and Black Mesa Forest Reserves. He recognized in his report the great public danger of including in these reserves the private holdings of individuals and corporations and allowing them to be used as the basis for indemnity selection, and called the particular attention of the Secretary of the Interior to this danger in the following language:

This question of the relinquishment to the Government of private holdings within forest reservations and the selection of unreserved lands in lieu thereof is assuming grave proportions and is a matter that will need very careful consideration by this department. It is showing itself in a number of different aspects, and I am giving the subject consideration with a view to presenting the matter to the department later. In the meantime it is important that the reservation in question should be made without delay. To guard against any complications that might arise by the inclusion of a large area of railroad lands, I deem it advisable that the region which includes lands granted to the Atlantic and Pacific Railroad should be put into a separate reservations; and I have, accordingly, prepared a proclamation reserving, in express terms, the even-numbered sections in the townships falling within the grant to the railroad, said reservations to be known as the San Francisco Mountains Forest Reserves, said sections containing a total estimated area of 975,360 acres. This makes a separate reservation of each even-numbered section, all grouped and known under the general name of the San Francisco Mountains Forest Reserves.

The lands below the granted limits of the railroad company I have embraced in a separate proclamation, describing the boundaries in the usual manner, the reservation to be known as the Black Mesa Forest Reserve, and embracing an estimated area of 1,658,880 acres.

It will thus be seen that in order to avoid this very danger he suggested, and there was created, what was known as the "checkerboard" reservation, by means of which the boundaries of the reservation cut in and around private holdings within its exterior limits, so that such holdings could not be used as the basis for indemnity selection. As soon as this was done, the Secretary of the Interior was besieged by interested and other parties to acquire title to these private holdings, so that they might be included within and become a part of the reserve. Negotiations were instituted by the Secretary of the Interior with the owners, whose names I have already given, which resulted in the abolishment of the "checkerboard" system, the acquirement of the private holdings by the Government, and the consolidation of the reserves, so that the persons whom I have mentioned were given the right to make selections in lieu of the lands surrendered by them to the Government.

Mr. SMITH of Arizona. I think the holdings of the companies of which the Senator speaks, and also of Dr. Perrin, to whom I alluded awhile ago, that all the holdings of the Saginaw Company and others, were railroad lands, and it was the simple question of the railroad companies——

Mr. CHAMBERLAIN. That does not alter the proposition I am urging here now. They bought them from the railroad companies and occupied practically the same position with the same right to indemnity selection as the railroad companies had.

Mr. ASHURST. Mr. President, I feel that in justice to the citizens of the county in which I then lived and in which the lands are situated I should say that my colleague [Mr. SMITH] when in the House protested against the wicked act of the Secretary of the Interior; that private citizens, at their own expense, came here and appeared before the Secretary of the Interior; and it was done over the protest of the citizens of Coconino County, and over the protest of my distinguished colleague, who was then representing Arizona in the House of Representatives as a Delegate from the then Territory.

Mr. CHAMBERLAIN. I believe that is true, and that my distinguished friend did protest against it as did others, but it was done by Mr. E. A. Hitchcock, then Secretary of the Interior, in the face of all protests, and the railroad and lumber companies and others surrendered to the Government of the United States lands which, in many instances, were absolutely denuded of timber and got the right to select other lands out of the public domain in lieu thereof. It was to protect these alleged contracts that the repealing clause in the act of 1905 excepted the contracts that the Secretary of the Interior had entered into with various private individuals. It did not name them. It would not have been policy to have named them in the repealing clause, because it would have aroused a protest in and out of Congress against legislation which had for its purpose the protection of the Santa Fe Railroad Co. and others instead of the protection of the citizens of the country.

Let us see how the contracts were protected by that repealing clause.

I might say, incidentally, that in 1910 I offered a resolution in the Senate calling on the Secretary of the Interior to furnish to the Senate of the United States not only a list with the description and location of the selections which were made under these contracts, but also the description of the base used. The response to this resolution is given in detail in Senate Document No. 612.

There was protected by that innocent little clause in that repealing act, excepting these alleged contracts, for the Santa Fe and other concerns which I have named, 1,264,862.75 acres of land. In other words, by those contracts there was given to these companies over a million and a quarter acres of land, in lieu of the turned-over land, while the lands selected were the best lands in Oregon, California, Arizona, and elsewhere. The States in which the selections were made are Alabama, Arizona, Arkansas, California and Colorado, Florida, Idaho, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

In other words, these companies and persons released to the Government of the United States lands which had been denuded of timber and selected lands in 22 States of the Union wherever they could find lands which were valuable, and usually they were timbered lands.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. I wondered whether the Senator has a list of the lands affected by a bill introduced in Congress after the repeal of the law, asking that they be given the same privilege of exchange. Has the Senator the list in the document he has?

Mr. CHAMBERLAIN. No.

Mr. SMOOT. The bill did not pass, but it was asked for.

Mr. CHAMBERLAIN. It is a wonder they did not, because they usually got all they asked for.

The Aztec Land & Cattle Co. selected 127,000 acres in round numbers; I am not giving the exact number; William F. Baker, of San Francisco, selected 76,000 acres; Robert and E. B. Perrin selected 132,000 acres; and the Saginaw & Manistee Lumber Co. selected 39,000 and more; the Santa Fe, 439,226 acres; the Santa Fe Pacific selected 380,000, and so on. I will give the list in detail later.

Mr. FLETCHER. I think, under the circumstances, it would be a little bit enlightening at least to know who was Secretary of the Interior at that time, and whether these protests were brought to the attention of the President at that time as well as of the Secretary of the Interior.

Mr. CHAMBERLAIN. The old Latin maxim, *de mortuis nil nisi bonum*, appeals to me in this case. I want to observe it as far as it is possible consistent with the truth. It was Mr. E. A. Hitchcock who in his lifetime seems to have assumed that every man who undertook to acquire title to public land was a thief, and yet he was a party to the scheme, which I have described, to give away over a million acres of land by contracts he could have refused to make. Commissioner Hermann had called attention to these very dangers and had recommended the checkerboard arrangement for reserve creation, and he was removed from office at the instance of Mr. Hitchcock, as many believe, because he did not stand for these things but for the interest of the people of this country in reference to these indemnity selections.

Mr. WARREN. Do I understand the Senator to claim that these selections were made contrary to law?

Mr. CHAMBERLAIN. These last selections?

Mr. WARREN. The million-acre selection of which he speaks.

Mr. CHAMBERLAIN. I think there is a very grave question whether they were legally made or not.

Mr. WARREN. At the time the question was up—and I know it was discussed for days and days—we had a hearing before the Public Lands Committee, and the consensus of opinion of that committee was that it was under that law that these selections were made, and as soon as it was brought to the attention of the Senate the Committee on Public Lands recommended the passage of a law repealing it; and after that I know that there were another million acres in different parts of this country filed upon by railroads and individuals who wanted a special act allowing them the same privilege, because they had released lands to the Government and the contract had not been made for the transfer; but that bill failed, as the Senator well remembers.

Mr. CHAMBERLAIN. When I introduced the resolution in 1910 asking the Secretary of the Interior to certify to the Senate of the United States the lands which were excepted by virtue of the alleged contracts mentioned in the repealing act he did not certify any contract or contracts, but a volume of correspondence covering 206 pages, as disclosed by Senate Document 612.

Now, it may be that the Senator from Utah could read this mass of correspondence and conclude that there was a contract between the Secretary of the Interior and these various parties; but I think it is very questionable if the Secretary of the Interior had authority to make a contract, or, even if he had authority, that he made a valid contract, and the proper forum to determine that matter is the court, and the proper officers to institute the proceedings to have that determined are the officers of the Department of Justice.

Mr. SMOOT. That can be done now.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. Certainly.

Mr. CRAWFORD. I rise simply to make note of this fact, that the Senate, it seems to me, ought to notice. I refer to the outrageous discrimination and injustice that this grotesque policy works against a poor man with a family seeking a few acres of land for a home. It was during the period of this espionage, that treated every man with a family of children moving in a prairie schooner across the plains to get 160 acres of semiarid land for the purpose of building a home as a scoundrel, and the same administration that was putting this suspicion upon this humble seeker for a home was throwing the bars down for the Santa Fe Railroad Co. to select lieu lands in place of lava beds.

Mr. CUMMINS. May I ask a question here?

Mr. CHAMBERLAIN. Certainly.

Mr. CUMMINS. Under what law did the Secretary of the Interior make any contract of the character that has been suggested by the Senator from Oregon? In other words, what authority has the Secretary of the Interior to dispose of public lands or give any interest in public lands, except in the way pointed out by the statute?

Mr. CHAMBERLAIN. That is the reason I sugegsted to the Senator that I had doubts whether it was a valid contract.

Mr. CUMMINS. Suppose it is a contract. What authority has the Secretary of the Interior to make any contract in regard to that?

Mr. CHAMBERLAIN. I do not think he had.

Mr. CUMMINS. Then, of course, it is all void.

Mr. CHAMBERLAIN. Under the act of 1891 the lands were withdrawn in the first instance, and the proclamation was issued creating these reserves somewhere along about the latter part of the nineties.

Mr. SMOOT. Precisely. I thought what the Senator from Iowa wanted to know was under what law the Secretary of the Interior had been given any right to make this exchange of lands in a forest reserve for lands outside of a forest reserve.

Mr. CHAMBERLAIN. That is under the act of 1897.

Mr. SMOOT. I was going to say that the act of 1897 granted that authority. The question asked was as to whether the contracts had been made and whether they were legal or not; but I think if the Senator will look it up he will find that the contracts had been made by the Secretary of the Interior under the act of 1897.

Mr. CUMMINS. The Senator from Oregon did not recite in detail the act of 1897, but, as I understood him, it was an act which permitted one who held land in a forest reserve to surrender that land and receive a certain sort of scrip, and that gave to the scrip the privilege of entering an equal quantity of land somewhere else.

Mr. CHAMBERLAIN. Yes, sir.

Mr. CUMMINS. That law, however, gave to the Secretary of the Interior, if that is all there is of it, no authority to make any contract with anybody. It simply gave the authority to the holders of these lands in the forest reserves to surrender those lands. The Secretary of the Interior had nothing to do with the surrender of those lands except to take the surrender and issue the scrip, which in turn could be located upon land elsewhere. The sort of contract which is evidently contemplated in the 206 pages of forest contracts could not be a contract which arose out of the act of the parties under the law of 1897.

Mr. CHAMBERLAIN. The Senator has in mind just exactly the question that arose in my mind, and suggested to me the question as to whether or not these were valid subsisting contracts at the time of the selections.

Mr. CUMMINS. It is perfectly clear to me that they were not valid contracts, and that the Secretary had no authority to make them.

Mr. SMOOT. I should like to ask the Senator this question: Have the selections already been made? Have the railroad company and the different parties named ever made a selection of land somewhere else on the public domain?

Mr. CHAMBERLAIN. They had not made the selection until after this so-called contract was executed, and before its execution the railroad lands had been included in a reserve, against the suggestion of Commissioner Hermann for a checkerboard reserve.

Mr. SMOOT. I understand that before the repeal of the law all the selections had actually been made.

Mr. CHAMBERLAIN. No, sir.

Mr. SMOOT. As to the particular location of every piece of land. I do know that as to the 487,000 acres that were not allowed they claimed that they had transferred their right to the Government, but did not have time to make the selection, and therefore not having time to make the selection and having transferred their title to the Government they ought to be conceded the same rights as those who had made the selection. That is as I remember it.

Mr. CHAMBERLAIN. No; the selections were made of this one million and a quarter acres after the contract so called was finally agreed to.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. As I understand the drift of the Senator's arguments—and if I understand it correctly, I am quite in sympathy with him—it is that by reason of a strained and unnatural construction the Secretary of the Interior permitted these transfers to be made, and the advantage which the corporation derived was by reason of exchanging lands which were practically worthless in a reserve for lands outside of the reserve. Is that correct?

Mr. CHAMBERLAIN. Yes; the Senator is correct.

Mr. BORAH. What I desired to know was, Is it the idea of the Senator that by reason of the construction of the Secretary of the Interior put upon these laws this was permitted to be done, and it was permitted to be accomplished under the peculiar construction which he gave to it?

Mr. CHAMBERLAIN. That is correst; but I am not willing to concede that he had the power. As the Senator from Arkansas said awhile ago, the construction placed on the act originally was that such selections were not contemplated under the act of 1897.

Mr. BORAH. Exactly. That is precisely the idea which I had. I say, therefore, it was a strained and unnatural construction and assumption of authority which in my judgment did not exist under the law at all, and it was by reason of that that he permitted it to be done.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. If I understand the argument of the Senator from Oregon, the act of 1897 authorized the consolidation of the lands where lands in a reserve were owned by parties. Was not that predicated upon the right, then, of some one, either the Secretary of the Interior or the parties owning these lands, to select in lieu of the lands turned over to the Government lands elsewhere, and did not that carry in the very act itself something of the nature of a contract?

Mr. SMITH of Arizona. If the Senator from Oregon will permit me, when they turned these lands back to the Government the Government issued scrip, and the scrip usually described the kind of land on which it could be taken.

Mr. SMITH of South Carolina. Within what limits?

Mr. SMITH of Arizona. Upon land anywhere in the United States under certain scrip. Under other scrip it was limited to certain lands. It might be scrip limited to a certain class of land, but under a roving general scrip you could locate anywhere.

Mr. SMITH of South Carolina. That was the point I wanted to get clear. If the railroad company or individuals should own land within a reservation and gave the land up in order that the Government reserve might have continuity, then there was issued to the parties so surrendering this property scrip which gave them the right to enter elsewhere. What were the limitations on that strip?

Mr. CHAMBERLAIN. There was no limitation at all under the act of 1897, for they could take surveyed or unsurveyed lands, timbered or untimbered, or agricultural, provided only it was Government land.

Mr. SMITH of South Carolina. Without regard to the relative value of the two pieces?

Mr. CHAMBERLAIN. Without regard to the relative value. Sometimes they surrendered lava beds that a crow could not fly over without a haversack to carry his rations, and took in lieu valuable timber lands, worth $100 to $200 an acre.

I ask permission, Mr. President, to insert here a list of lands selected in each State under these alleged contracts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Summary of areas selected, by States. Total area selected.

	Prior to Mar. 3, 1905.	After Mar. 3, 1905.	Selected area.	Base area.
	Acres.	*Acres.*	*Acres.*	*Acres.*
Alabama	161.92		161.92	160.00
Arizona	19,640.47	5,564.87	25,205.34	25,108.80
Arkansas	73,586.75	373.85	73,960.60	72,889.05
California	171,577.99	26,254.80	197,832.79	197,310.41
Colorado	1,680.47	3,657.14	5,337.61	5,230.28
Florida	80.17	224.39	304.56	312.82
Idaho	28,154.09	27,086.65	55,240.74	52,550.30
Louisiana	2,326.57	1,238.46	3,565.03	3,548.70
Michigan	1,461.52	40.00	1,501.52	1,499.60
Minnesota	43,825.58	8,668.45	52,494.03	51,235.03
Mississippi	2,294.12	402.40	2,696.52	2,613.95
Montana	25,680.18	9,123.15	34,803.33	32,021.84
Nebraska	434.11	320.00	754.11	730.90
Nevada	5,485.20	7,839.52	13,324.72	13,051.90
New Mexico	440,083.58	17,652.02	457,735.60	456,975.91
North Dakota	4,901.36	7,742.34	12,643.70	12,359.85
Oklahoma	15,138.09	6,200.10	21,338.19	22,223.42
Oregon	182,989.02	30,406.21	213,395.23	211,741.95
South Dakota	199.90	3,318.63	3,518.53	3,535.51
Washington	39,420.47	14,061.45	53,481.92	53,132.27
Wisconsin	893.68	141.91	1,035.59	1,001.89
Wyoming	4,437.63	14,584.54	19,022.17	18,628.37
Total	1,064,452.87	184,900.88	1,249,353.75	1,264,862.75

Mr. CHAMBERLAIN. Congress has a chance yet to get busy in the matter of indemnity legislation. These are not the only acts which have been working to the detriment of the people of this country and in the interest of those persons and corporations who have had lands in forest and other reserves. I am going to call attention now to something that was done later to show you that notwithstanding the conservation movement and notwithstanding the attempt to withdraw these natural resources from monopolistic control Congress has been granting still further rights to land-grant corporations.

By the act of February 20, 1893 (27 Stats., 1063), or possibly by proclamation of the President of that date, the Pacific Forest Reserve in the State of Washington was created. On the 22d of February, 1897 (29 Stats., 896), the President created the Mount Rainier Forest Reserve in the same State.

It is a question in my mind whether, when the President simply issues a proclamation declaring these reserves, a selection can be made in lieu of lands within the reserve without additional legislation, because as a rule the proclamation near the bottom of it excepts certain lands and rights from the effect of the proclamation. Notice what was done after these reserves were created. I call attention to this because the Forestry Service has been blamed for all of it.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I yield.

Mr. NELSON. My recollection is, and I call the attention of the Senator from Oregon to it, that the Mount Rainier reserve was made pursuant to an act of Congress or a part of an act; that it was not created under the general law authorizing forest reserves to be created, but it was created under a special act. I have an impression, though I may be astray, that it was a part of an appropriation bill which contained that provision.

Mr. CHAMBERLAIN. The Senator may be right about that. I stated at first that it was an act, and then I was not sure but that it was a proclamation. The Senator is probably correct about the reserve having been created by an act of Congress. However, it does not make any difference for the purposes of what I am about to say. In any event the two reserves were duly created.

By virtue of the terms of the act of March 2, 1899 (30 Stats., 993), setting aside a portion of these two reserves as a public park—now, note this—the right was expressly given to the Northern Pacific Railroad Co. to select land in lieu of the lands granted to it by Congress and contained in the reserves above mentioned.

The act of 1899 had for its purpose, as disclosed by the title, the creation of a national park. That was the purpose of the act, and there is nothing in the title that disclosed anything to the contrary. Yet section 3 thereof contains this provision:

Section 3.—I want the Senators to notice this—

That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railroad Co. of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral—

Mind you, it does not say anything about timber lands, but simply nonmineral—

so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Co. runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

Mr. CRAWFORD. What is the date?

Mr. CHAMBERLAIN. That act was passed March 2, 1899.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. I believe the Senator was thoroughly familiar with the passage of that act and the reason why timberlands were not mentioned. The question was discussed, and it was decided that the lands in Mount Rainier owned by the railroad company were timberlands. Does the Senator remember it that way?

Mr. CHAMBERLAIN. The same claim is usually made that the lands which they were to surrender were very valuable. It was probably made here, whether true or false.

Mr. SMOOT. But I am asking whether the Senator really knows whether they were timberlands or not. I understood in this particular case that everyone admitted that they were timberlands.

Mr. CHAMBERLAIN. I think probably there were some timberlands, but I think if some one went through the park he would find a good deal of rock there, and a good deal of it absolutely precipitous and worthless.

Mr. SMOOT. I was not in favor of the law, and I did all I could to repeal it. I think it ought to have been repealed before it was. I am simply, in justice to the passage of this particular bill, saying that I have understood that it was conceded by all that they were really timber lands.

Mr. CHAMBERLAIN. I hope the Senator will understand that I am not criticizing the Senate that passed the bill. I am calling attention to the facts as they are, and to a condition of things that gave birth to this policy of conservation, which is now being denounced in such severe terms, and by gentlemen who represent my section of the country more ably, I am sure, than I, and just as honestly as I try to do.

Now, note what was done.

Mr. BORAH. I do not understand that anybody from the West has been upholding this transaction.

Mr. CHAMBERLAIN. No.

Mr. BORAH. Neither do I understand that they are criticizing the Forest Bureau for what the Senator is now discussing. I have always believed, and I took occasion to say the other day, that a large portion of this fraud and wrongdoing had its birth here in the department, and instead of prosecuting the people within the department they proceeded to prosecute the settlers upon the domain.

Mr. CHAMBERLAIN. The questions are correlated. You can not deal with one without dealing with the other, showing that these frauds have given birth to this movement for the conservation of national resources, which I am now insisting should be retained until the whole public-land laws are codified, revised, and made to conform to conditions as they exist to-day.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. It seems to me that the explanation offered by the Senator from Utah hardly explains this last act. The Northern Pacific Railroad had a land grant covering a part of

Mount Rainier. I think the land grant extended to the top of Mount Rainier, although I am not sure about that. The act simply gave to the Northern Pacific Railroad Co. the privilege of surrendering any part of its grant within the National Park and locating the indemnity scrip upon some other land. If the Northern Pacific had a good piece of timber land it would not surrender it. If it had a barren piece of land it would surrender it and take a better piece if it had an opportunity to make the location.

Mr. CHAMBERLAIN. It did not have to release any unless it wanted to do so.

Mr. CUMMINS. So the option was given to the Northern Pacific Railroad Co. in that act to surrender perfectly worthless land and locate the scrip upon good land, either agricultural or timber land, as the case might be. I want the character of the act to be fully understood as we go along.

Mr. SMOOT. Mr. President, I admit that what the Senator says is absolutely correct, but does the Senator remember what the result was? Was it not all——

Mr. CHAMBERLAIN. I am going to tell you now.

Mr. SMOOT. Yes.

Mr. CHAMBERLAIN. Now, notice how skillfully that act is worded, Mr. President, in some of its essential particulars. The Northern Pacific Railroad Co. just had a little of its track in Oregon, running from Portland to Goble, about 18 miles. That is all the line of road it has in my State. Oregon had some of the most valuable timber land in the public domain at that time. They wanted this act to be so worded that they would not have to be confined to the State of Washington, but could go anywhere where their road happened to extend, and reach out and take a part of the public domain.

Now, notice this. They had the right of selection of lands lying within any State *in which or through which* the railroad of said Northern Pacific Railroad Co. runs. Those words "in which or through which" allowed the Northern Pacific to release the lands in the Rainier National Park and select lands in any of the Western States into or through which their road ran, and in Oregon, as I said, they had only about 18 miles. Now, what happened? The ink had hardly got dry on the signature to the act when the Northern Pacific Railroad Co. released in round numbers 450,000 acres of land to the Government of the United States and crossed over the line and selected a great portion of it in the State of Oregon. I have been informed, though I do not state it as a fact, that the Weyerhaeuser interests bought from the Northern Pacific Railroad the right of selection at the rate of $6.50 per acre, amounting in round numbers to nearly $3,000,000.

That was the result accomplished by the act of 1899. But that is not all of these indemnity selection acts.

Mr. SMITH of Arizona. Will the Senator pardon a question?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Arizona. Has the Senator looked at this legislation to see whence this particular legislation emanated?

Mr. CHAMBERLAIN. You can never find out.

Mr. SMITH of Arizona. Were there not letters from the Interior Department; and, in fact, did not the Interior Department all through this legislation recommend the passage of the bills we are talking about in order to make a continuity and a oneness of the forest reserves?

Mr. CHAMBERLAIN. The Senator may be right, though I did not look into that feature of it. I really did not care where it came from. I wanted to call attention to the reckless character of legislation and to show what the conditions are as resulting therefrom.

Mr. SMITH of Arizona. I only asked for this reason——

Mr. CHAMBERLAIN. I want to keep out of the RECORD altogether the question as to whether it was done by Democrats or Republicans. I want the Senate to act impartially and without partisanship in this matter, and if possible to legislate so that these wrongs can not be perpetrated in future, and corrections made now.

Mr. SMITH of Arizona. In that sentiment I most heartily concur. Speaking from my experience as a Member of the other House and from my observation and reading of these matters, I want to emphasize the fact that if we did more of our own thinking and took less advice from gentlemen in the executive departments the West would have been far better protected than it has been. No inference I hope will be drawn that I am questioning the integrity of anyone; but I do question the ability of the Interior Department to tell the western Senators or western Representatives, or the western people, what is the best legislation for their country. This legislation crept through Congress by our taking the advice of the department instead of thinking for ourselves.

Mr. CHAMBERLAIN. Mr. President, I am heartily in accord with the views of the Senator from Arizona. I might go just a little bit further, and say it has come to this pass here in Congress that you can not get through a piece of legislation, as a rule, if it is opposed by any of the departments, and you can not stop the passage of a law if it is recommended by a department. Congress has practically surrendered its right to legislate. That is not universally true, but it is pretty generally true. As an indication of that, I want to say right here that I am heartily in favor of the bill known as the Borah bill for the relief of the homesteaders in the West. That bill is tied up in conference now, I am informed, because the Secretary of the Interior can not have his way in regard to amendments which he wants. If I am mistaken about this, the Senators can correct me. This procedure is followed not only in that case but in other cases as well. It is well to have the opinion of these bureau officers as to the facts involved in certain legislation which is proposed, but they go beyond giving the facts, Mr. President, and send up their opinion or recommendation that a bill be passed or that it be rejected. We have absolutely surrendered our rights to bureaucracy in this day and generation, and sometimes letters upon which Senators and Members of the House of Representatives act are written by a clerk in one of the departments drawing a salary of $60 or $75 a month, and all the Secretary of that particular department does is to sign his name without reading. But that is a digression, into which I have been drawn by the Senator from Arizona.

Further, with reference to these indemnity selections, there is still an opportunity for the Senate to correct a few evils. If Congress will do more legislating and less criticizing, we can still correct a great many evils and stop a great many leaks so far as the public domain is concerned.

There is another indemnity selection law that is in force which I venture to say many Senators do not know anything about, and I am frank to say I did not until very recently. Power is given under certain acts to exchange lands within the limits of Indian Reservations for lands outside of such reservations, and by executive order the exterior limits of such reservation may be extended, and the same right of selection is given within such extended limits.

Mr. CRAWFORD. What reservations?

Mr. CHAMBERLAIN. Indian reservations.

Now, I call the Senator's attention particularly to the act of April 21, 1904, 33 Statutes at Large, 211. So you see, instead of curing the evils which were pretended to be cured by the repealing act of 1905, we have extended the right in some cases to acquire more of the public domain, and under these extended limits of the Indian reservation there is now available as a base 2,013,346.22 acres, lands of individuals and others, which have been included in these reserves, that can be now used as a basis for indemnity selections; 433,130.70 acres have already been used, leaving practically a million and a half acres that can still be utilized as a basis for indemnity selections.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I do.

Mr. NELSON. I have just looked up the statute and find that the Mount Rainier Forest Reserve was created by a special act of Congress of March 2, 1899, and the act indicates by its phraseology that a part of the land had already been withdrawn under an Executive order. This act, however, included more than the former withdrawal—it created the forest reserve of Mount Rainier National Park, and provided for lieu-land selections.

Mr. CHAMBERLAIN. The Senator from Minnesota is doubtless correct. I am frank to say that I was not particular about whether that reserve was created by a proclamation or by act of Congress for the purposes of my argument.

Mr. President, there are numerous other indemnity selection acts that I am not going to take up the time of the Senate in discussing. I have discussed them thus far for the purpose of showing conditions as they existed at the time this conservation movement had its origin. Lands in nearly all the States of the Union had been and were being taken up and placed under monopolistic control.

Mr. Gifford Pinchot, former Forester, has been denounced here as a despoiler by one of the distinguished Senators who has discussed this subject. Mr. President, I say to you that, instead of criticizing him as a despoiler, the American people ought to erect a monument in his honor and engrave his name upon it as the man who originated the idea of placing these resources of the Government—timber, coal, iron, and oil—beyond the reach of monopolistic control, and saving them, not only for the generous use of our own generation but for generations yet

unborn, because to him more largely than to any other individual in this country it is due that the people of America were first aroused to the fact that our public lands and the things under them, including the water powers and everything else, were being taken up and monopolized by selfish interests. He aroused an interest and created a public sentiment that has made Congress do something to protect these natural resources. Therefore, even if I do agree with some of the criticisms which have been indulged in against the administration of the forest reserves, and with others that have been indulged in against other governmental bureaus, I must state that, in its larger view, Mr. Pinchot and those who have succeeded him have done a work that entitles them to the everlasting gratitude of the people.

Mr. President, we can see, in view of the looting of the public domain by these big corporations, why the idea of the conservation of natural resources had such an impetus given to it from the start. Really, it only sprung into importance in 1908, when the governors of the several States met here in Washington for the purpose of discussing the whole subject.

The growth of the conservation movement has been slow, but involving, as it does, a great moral question, it will never be retired from political or economic discussion until it has been rightly solved, and the party or the individual who opposes it must eventually be crushed by an outraged public opinion. So well is this recognized that you can not find anyone in public life upon whom responsibility rests in this important matter who will not claim that he is in favor of the conservation of our natural resources, and some there are who, while professing to believe in the doctrine, are nevertheless willing, on one pretext or another, to oppose any measure looking to the advancement of the cause.

It may not be inappropriate to call attention briefly to the evolution of the movement. As early as 1903 President Roosevelt appointed the Public Lands Commission. The first partial report of this commission was presented to Congress in a message by the President March 7, 1904, and the last was presented in the same way February 13, 1905. These reports deal at length with the antiquated land laws, and the abuses which have grown up under them, the sale of timber on the public lands, grazing thereon, and other kindred subjects. They contained many valuable suggestions, such as the repeal of the timber and stone act and the commutation clause of the homestead act. Attention was called to the frauds which had been and were being perpetrated under these laws, and if the recommendations of the commission had been followed by Congress a long stride would have been taken toward saving the public domain for the homesteader instead of allowing it to pass into the hands of speculators.

In 1907, the President created the Inland Waterways Commission and charged it with the consideration of "the relations of the streams to the use of all the permanent natural resources, and their conservation for the making and maintenance of prosperous homes."

Acting upon the suggestion of the Inland Waterways Commission, the President called a conference of governors of all the States and Territories, which was held at the White House in May, 1908. For the first time in history the executives of the sovereign States met with the Executive of the United States, and the occasion for that gathering was the consideration of the important problem of conservation. Acting upon the recommendation of the governors, all of whom recognized the importance of the great question they were called upon to consider, the President, on the 8th of June, 1908, appointed the National Conservation Commission, which thereafter proceeded to take the first inventory of the natural resources made by any nation in the world. The results of that inventory are recorded in the report of the National Conservation Commission, which the President transmitted to Congress with a special message in January, 1909.

Not only did Congress not then see fit to enact any legislation therein recommended, but unfortunately declined to print the report in sufficient numbers for its adequate distribution among the people. More disastrous than this, however, was the congressional enactment forbidding this or other executive commissions from pursuing their important work in the service of the people. This action, plainly designed to wipe out the National Conservation Commission, accomplished its purpose. It put an end to the activities of that commission, removing the only national organization which was dealing with the conservation question as a whole. Thus was presented the strange spectacle of a nation-wide movement, inaugurated by the governors of the States, the presidents of great organizations of our national industries, and other distinguished citizens, and heartily indorsed by the people of the country, by legislative enactment denied not only an appropriation, but even permission to continue its work.

That the conservation work is going on to-day is due to the approval of the people, crystallized into an organization formed by patriotic men and supported by individual citizens, whose desire it is that the conservation movement, to which such uniformly popular approval has been given, shall not fail, but shall go on until the principles for which it stands have been carried into practical effect. I refer to the National Conservation Association, the patriotic service of which to the Nation can not be too strongly emphasized.

I do not believe any Senator in these discussions has advocated or would advocate the release of the reserves; I do not believe the Senator from New Mexico, who insists upon State control, advocated the changing of the boundaries of any of them; I do not think either of the distinguished Senators from Idaho have insisted upon changing the boundaries of any of these reserves. Now, let us see what would happen if the policy were abandoned with the land laws in their present condition.

Mr. President, if we should abandon the present policy it would not be three months until every acre of timber in this country would be taken up by agents and hirelings of those whose interest it is to get them under monopolistic control. This is not guesswork. I call your attention to the very able argument of my friend, the Senator from Minnesota [Mr. NELSON], published in the Annals of the American Academy of Political and Social Science a year or two ago. He explained in a very few words how this was done then, and what he said would apply now:

> The mode in which these lumbermen have carried on their operations has been in the main, and in outline, this: They have in person or through agents and employees secured, by divers means, a large number of men and women in various parts of the country—people who knew nothing about such lands and who had no thought of acquiring the same—to apply to purchase and enter such lands, supplying them with money to travel from remote interior towns to examine and select the land and make the necessary application to purchase at the district land office, and supplying them with money to pay for the land, and then, after the purchase and entry were completed, procure a conveyance of the land to themselves for a moderate bonus. These dummy purchasers—for they were, in fact, in most cases nothing else—would be approached in the first instance like this: "I know where you can make some money by taking a timber and stone claim. It will cost you only $2.50 per acre, and you can easily sell it as soon as you get title for an advance of $200 or $300, or perhaps more." "But I have no money with which to go and examine and purchase the land." "That does not matter. I know a friend who will advance you the money and will take the land off your hands at a good profit as soon as you get title; but you must keep this matter to yourself." The temptation to make money in this easy way is so alluring that many act on the suggestion and thus become the instrumentality of the big lumberman. I remember how, a few years ago, a large number of lady school-teachers in a western city—the headquarters of some big lumbermen—were induced to "take up" timber and stone claims in Oregon, Washington, and California, more than 1,500 miles from where the teachers lived. Most of these lands afterwards passed into the hands of these lumbermen.
>
> A large portion of our timber lands in the Western States, outside of the Government forest reservations, has, in recent years, largely under operations such as I have mentioned, passed into the hands of large lumber syndicates, who have well-nigh secured a monopoly of our timber supply. There are still in various localities in the Western States bodies of timber land that ought to be preserved and conserved for the present and future welfare of the people of the United States. These lands ought not to be sold, but should be retained by the Government, and the timber on them should be conserved, and only the old and mature timber should, from time to time, be sold under suitable rules and regulations, to the end that our people may not become entirely helpless under the timber monopolies now hovering like a dark cloud over our country.

The charge of dishonesty is not against our western people, but against the representatives and hirelings of the big lumber companies and timber barons of the East, who sent school-teachers, as the Senator from Minnesota has stated, and people who were out of employment, to the West, paid their expenses out there, and got them to take up lands under the timber and stone act. Is not that so, I ask the Senator from Minnesota?

Mr. NELSON. The Senator is correct. The case I referred to in that article was one where a big lumber speculator who owns millions of acres in California, or some of his friends, induced a lot of school teachers in a western city to go and locate lands under the stone and timber act, and afterwards, in the cases where the entries were confirmed and allowed, the lands passed into the hands of that lumber man.

While I am on my feet, Mr. President, if the Senator will allow me, I beg leave to call attention to the law repealing the right to make lieu-land selections.

Mr. CHAMBERLAIN. The act of 1905?

Mr. NELSON. The act of 1905, and I call attention to it in connection with a statement the Senator made a while ago. The act is very brief and is as follows:

> That the acts of June 4, 1897, June 6, 1900, and March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve—

Here is the language to which I call particular attention—

but the validity of contracts entered into by the Secretary of the Interior prior to the passage of this act shall not be impaired.

As I understand, the Senator has examined this document and finds no contract. I remember very well when this bill——

Mr. CHAMBERLAIN. Pardon me. Let me say right there that I do not say there is no contract. I have not read the mass of papers with the critical care that a lawyer would give them ordinarily, but I say, from a hasty reading, I would not call them, taken together, a contract.

Mr. NELSON. If the Senator will allow me a little further in this connection—and I am not hostile at all to his view of the case—I remember very well when the bill repealing the lieu-land right of selection was before the Senate. I was a member of the Committee on Public Lands at the time, but not its chairman. I was heartily in favor of repealing the act, because I was familiar with the wrongs that had been perpetrated, to which the Senator from Oregon has called our attention. But while the matter was pending in the Senate, much to my surprise, attorneys appeared before the Public Lands Committee, claiming that they had contracts with the Secretary of the Interior in reference to forest reserves in Arizona. Those contracts were presented before the Committee on Public Lands. I did not think those contracts ought to have stood in our way, and I was in favor of an unconditional repeal, but it was evident there was so much opposition to that course that it was very doubtful whether we could pass any bill at all. I was, however, so anxious to have the bill passed repealing the lieu-land selections that I finally consented to it with those words in; but I thought then, and I still think, that the Secretary of the Interior had no right to make such binding contracts, and that we ought to have made no exception in the law. However, Senators who have been here for a number of years, and I might say also those who have been here for a short time, know that where there is a controversy legislation is oftentimes a matter of compromise. I was utterly opposed to that exception in this case, but I found we were in such a condition that if we passed a bill at all we would have to admit that exception, and I felt as though it were better to take part of a loaf than to have nothing at all.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. I do.

Mr. NELSON. If the Senator from Oregon will allow me further, I will say that I thought then, and I still think, that whether or not there was a contract with the Secretary of the Interior, the Secretary of the Interior had no right to make such binding contracts.

Mr. CRAWFORD. I will inquire what was the nature of the contract which it is claimed did exist, but about which there seems to be some uncertainty?

Mr. NELSON. I have no distinct recollection of all the details, but I remember that two or three attorneys appeared before the Committee on Public Lands and read to us what they claimed was a contract. The facts, as I remember them—and I am speaking by the leave of the Senator from Oregon—were that at that time in Arizona there was much rather poor land, with straggling timber on the mountain top, which had been practically denuded. After the timber had been taken off the lands were of little value, and the railroad company, which had a lang grant there of every odd section, induced the Secretary of the Interior to withdraw those lands and create a great forest reserve, including the grant of the railroad company. It is claimed that he did that with the consent of the railroad company, and that they consented to the inclusion of all their odd sections within that forest reserve. As a matter of fact, their consent was a mere perfunctory consent. In my opinion they were mighty glad to get rid of those rocks and hills and sands from which the few trees which once grew there had been stripped. They could hardly have sold those lands for anything to actual settlers at that time; the lands were considered of no value, and it was a godsend for them to get the Secretary of the Interior to make a forest reserve and give them the right of lieu-land selection under the law. So, they succeeded; but I did not believe at that time, nor do I believe now, that the Secretary of the Interior had any right to make such a bargain, and if he did make such a bargain I do not believe it is a valid bargain. The railroad company should not have been allowed to make any lieu-land selection.

Mr. CHAMBERLAIN. Mr. President, I believe I was about to suggest what would happen if all these reserves were released. The distinguished Senator from Minnesota [Mr. NELSON], who understands the land laws as well as anybody in this body, showed in the article to which I have referred, that hirelings were sent from the East out into the West by the large lumber companies to acquire lands under the timber and stone act. They do not have to live on the lands to acquire title under that act; they simply go on the land, point out the corners, and make affidavit to that effect before the proper land office. I do not undertake to give the law in its essential details, but that is practically all it requires. Then they make the payment, get a final receipt, and in due course get title. That is the easiest law under which title can be obtained from the Government of the United States, and through it more fraud has been perpetrated against the Government than through any other instrumentality, unless it be the indemnity selection law.

If we release these reserves, Mr. President, there will be a horde of men go out from every State in this Union, paid by those who are interested in getting these lands under monopolistic control, and they will take them up under the timber and stone act, and as soon as they acquire title, deed them for an agreed consideration to the companies they represent. Just as soon as the strangle-hold of the Government is released there is no question as to what will happen. The best evidence of what will happen in the future is what has happened in the past. Let us look at what happened up the State of Washington.

There they had the Olympic National Forest, and in 1901 there were eliminated from this forest, upon the earnest petition of a great many people, 705,000 acres, on the ground that the land was chiefly valuable for agricultural purposes, as is claimed here—that the lands now within the reserves are all chiefly valuable for agriculture. Since the elimination, 523,720 acres have passed into the hands of owners who are holding it purely as a timber speculation. Three companies and two individuals own over 178,000 acres in holdings of 15,000 to over 80,000 acres each. Settlement has not followed. This is particularly true wherever there was any timber. Of the entire timbered area within this elimination not over 600 acres was under cultivation 10 years after it was opened to entry. The land is being held for the timber by the speculators who have acquired it.

That is a case where this thing has actually happened, if you can place any credence at all upon the statements of the forester and those in his employ.

Take another case. Just as soon as the Government released its strangle-hold on the Chugach Reserve in Alaska, distinguished gentlemen from New York and elsewhere went up there, not in person, but they had representatives there, and tried to get possession of the whole water front, and so great a scandal resulted from this attempted steal that it was finally nipped in the bud.

As another illustration of what is likely to happen, let me state another case. A few years ago, under a resolution passed by the Senate, the Attorney General of the United States instituted a proceeding in the State of Oregon to forfeit the land grant of the Oregon & California Railroad Co. because the grantee had failed to carry out the terms of the grant in that it sold the land in larger tracts and for larger sums per acre than were fixed in the act and to others than actual settlers. The suit had not progressed very far when bureaus were organized in St. Louis and other eastern cities to sell to parties who were willing to part with their money so-called preference rights to tracts of land within this grant as soon as the suit should be determined.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. Certainly.

Mr. BORAH. That was a pure bunco, because the preference rights to that were absolutely worthless.

Mr. CHAMBERLAIN. True, they were worthless.

Mr. BORAH. Of course neither the Forestry Bureau nor Congress would be responsible for that kind of a confidence game.

The Senator is absolutely right that they went about selling these preference rights, but there were no preference rights to sell. They did not amount to anything. One might just as well have sold a man a piece of earth for a gold brick.

Mr. CHAMBERLAIN. By so much the more would people be willing to engage in these methods of acquiring public lands if by paying their money they could acquire a right which would be valuable if the reserves were released and the present policy abandoned. There would be more unscrupulous speculators organizing bureaus and sending people out into the West to take up land under the timber and stone act, in the way and manner so graphically described by the Senator from Minnesota, and for the purpose of turning it over finally to timber syndicates.

There is no doubt in my mind as to what will happen. Oregon has suffered a great deal from the looting of its public lands, and so far as I am concerned, whether there is a single man in the State who agrees with me or not, I want to see the lands, except those which are suited for agricultural purposes, held just as they are until the Congress can get together and enact a reasonable and consistent code of laws covering the whole subject of the disposition of the public domain.

Mr. BORAH. The Senator excepting agricultural lands, I would agree with him exactly.

Mr. CHAMBERLAIN. I am glad the Senator agrees with me to that extent.

Mr. BORAH. I have expressed myself several times that if the agricultural lands were taken out of the reserve—lands which are actually agricultural—let them classify them, and classify them as agricultural lands if they are agricultural lands it would remedy one of the great grievances we have.

Mr. HEYBURN. And lands fitted for horticulture.

Mr. CHAMBERLAIN. I know the Senator from Idaho [Mr. BORAH] is reasonable, and there is no one in this body who knows more about conditions in the West than the Senator does, but this classification can not be made in a year. It can not be made in two years. It can not be made in five years. But I think the Senator will give the Forestry Department credit for attempting in good faith to have these lands listed, and they have listed many of them in a good many western States. I am impatient that they do not do it faster in my State, for there are still some agricultural lands in these reserves that ought to be listed for homestead entry.

Mr. BORAH. Perhaps the Senator and I have both suffered from the same impatience, but mine in a more accentuated degree, and we are both troubled with the same state of facts. I know they have made some movement in that direction, and I give them credit for it. It does seem to me that in the long time that the act of 1906 has been upon the statute books, that there is a vast area in my State that could have been classified and because of my concern in actually asking for a classification, I feel some times that criticism is due them for being too slow.

There is not any possible way for the Government to be cheated in any of these transactions, because it is within its power to classify them and if the timber land is timber land it should not be thrown open to entry. If the land is agricultural land no man can be cheated if a man goes there and makes a farm. So it is not asking the Government to take any chance whatever. The Government does not throw itself open to criticism for hasty action or for loose action or for that which may result in a fraud because if there is any doubt about the land not being agricultural, the Government can resolve the doubt in favor of itself.

Mr. CHAMBERLAIN. The Senator and I are not very far apart about that. The only thing we would probably differ about is the amount of agricultural lands within these reserves. There is not a great deal of it in Oregon, and I should like to see the officials act more speedily than they do, but when one stops to think of the immense amount of land involved, constituting an empire in itself, it will be seen that it is a physical impossibility to get over it quickly.

Mr. HEYBURN. Mr. President, I think I differ with the Senators who favor the classification of these lands by the Government. The person to classify the land is the man who is going to use it. He knows he has only one opportunity in his lifetime to select, and he knows whether or not he is going to select a piece of land which is going to waste that opportunity.

Agriculture is not the only consideration. There is horticulture. There are vast quantities of lands in forest reserves which would not make wheat fields because they have stumps and rocks and other objectionable features, but some of the finest orchards I have ever seen are in forest-reserve lands or lands similar to those within forest reserves.

Then again there is stock raising, stock breeding. Those industries do not necessarily prosper only on agricultural lands. Then there are shops for the manufacture of things; sawmills to supply the inhabitants with fence material and building material. They do not necessarily fall within the forest reserves.

Now, why confine it to agricultural lands and why send men to classify the lands who are not interested in their cultivation? Why send a man to classify them on behalf of the Government who knows nothing of the capacity of the settler to make a living and a home upon them? No bona fide settler is going to waste his one right to select public lands upon land that will not meet with his necessities or his pleasure.

A great many people want to live in the forest and only in the forest, and I would not live on an untimbered piece of land. I have never yet been tempted to take up any public land, but I would not under any circumstances live out in the open plain. I want trees and running streams and sloping land about me, such as those that exist in the forest. I might want to make an entry for the purpose of engaging in stock raising, or for the purpose of engaging in any of the arts and crafts outside of agriculture. Why should I not be allowed to do it? A homestead is not necessarily an agricultural tract of land. A homestead is where a man makes his home; and all men do not engage in raising crops. They may desire to engage in many industrial enterprises that would be upon the homestead. The trouble is we confuse the word "homestead" with an agricultural tract of land and the industry pertaining to it.

Now, if the Senator will just transpose the proposition so that the settler may, at the jeopardy of losing his right as a settler, select the land, then we would not be far apart.

Mr. CHAMBERLAIN. I realize the force of what the Senator says, but we have to judge the future by what has happened in the past with reference to the timbered areas in the reserves. We know what happened down in the San Francisco Mountains Reserve, of which I have spoken, where the lands were owned by big companies. They cut much of the timber off—absolutely denuded the land; and the interest of the public is a larger interest than that of an individual. We must guard against a possible repetition of this wholesale plunder of the remaining public lands.

Much has been said about Canada and the liberal character of its land laws and their tendency to induce emigration from our own country. It is questionable if the Canadian laws are any more liberal than our own, but the law there is not the sole cause of the present migratory movement. Briefly, their laws provide that—

(1) Only agricultural lands are open to homestead there, and timber reserves are created and maintained there as here. No entry for a homestead conveys any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals, within or under the lands covered by the entry, or any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry. (Sec. 8, p. 3, the Dominion lands act.)

(2) The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties in each year subsequent to the date of his entry. (Par. 2, sec. 13, p. 7.)

(3) If an entrant for a homestead fails in any year to fulfill the requirements of this act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: *Provided*, That any subsequent entrant for the same land may be required by the minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is canceled; and that the minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in part. (Par. 2, sec. 15, p. 7.)

(4) If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the minister may, within six months of its date, cancel the entry. (Par. 4, sec. 15, p. 8.)

(5) If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power or for the purposes of any harbor or landing, the minister may, at any time before the issue of letters patent, cancel the entry or withdraw from its application any portion of the land entered for, but where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose. (Par. 6, sec. 15, p. 8.)

(6) Everyone is guilty of an indictable offense and liable to two years' imprisonment who buys, trades, or sells, or professes to buy, trade, or sell, land, or any interest in or control of land open to homestead entry, or for which homestead entry has been granted, before patent therefore has been issued. (Par. 9, sec. 15, p. 8.)

(7) Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (*a*) to have held the homestead for his own exclusive use and benefit for three years from the date of entry, (*b*) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence, (*c*) to have erected a habitable house thereon, (*d*) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and (*e*) to be a British subject. (Sec. 16, p. 8.)

(8) Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent or the officer acting for him, or such other person as is thereunto authorized by the minister: *Provided*, That on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly. (Par. 2, sec. 25, p. 11.)

(9) Any person who receives consideration for abandoning a homestead, or who pays consideration for such abandonment, shall forfeit the right of homestead entry at the minister's discretion. (Par. 2, sec. 31, p. 17.)

The prime cause of migration to Canada is the fact that there is much more unoccupied agricultural land there than here. Conditions as to the public domain are more as they were in the United States a quarter of a century or more ago, and men who go there from the United States are taking advantage of high prices they can get for their holdings here to procure cheap lands in Canada. Then, too, the Canadian Government is doing much to induce immigration, and the railroads are cooperating in the granting of very low rates of transportation.

It will be noted from the brief abstract of the Canadian homestead law which I have given that the natural resources, including timber, are reserved from entry or acquisition. As a matter of fact the laws there are more stringent than in the United States, and if our own laws had been modeled after them the scandals that have disgraced our own administration of the public domain could never have occurred.

Our northern neighbors are profiting by our experience and are maintaining forest reserves on as large a scale as is done here. The only relaxation there is to be found in the shorter term of residence required of the homesteader and greater liberality with reference to absences from his entry, and if the Borah homestead bill, which has passed the Senate and House with certain amendments in each body and is now in conference, can be finally agreed upon, it will make our own law conform more nearly in respect to residence to the Canadian law, and will greatly relieve the situation as to the homesteader. I hope that the bill may be agreed upon and enacted into law.

Mr. TOWNSEND. Mr. President, being somewhat a stranger to the conditions in the West, I should like to ask whether there are in Idaho and other States agricultural lands not in reserves that can be taken up?

Mr. CHAMBERLAIN. There are some, of course, but the best public lands in the West have been taken up, so far as concerns lands for agricultural purposes, and that, as I have suggested, is one of the reasons for the trend of population to Canada.

Mr. HEYBURN. I should not like to have Idaho included in that statement.

Mr. CHAMBERLAIN. I will except Idaho at the request of the Senator.

Mr. HEYBURN. There are millions of acres of land in Idaho yet to be taken up under the land laws that are as good as any public land that has ever been thrown open to settlement, and many that would be taken up except that they have been reduced to forest reserves.

Mr. CHAMBERLAIN. Possibly I should qualify my statement to some extent as even applicable to my State in reply to the Senator from Michigan, because there is much land within the exterior limits of irrigation projects that is still subject to entry.

Mr. TOWNSEND. I think the Senator from Idaho must have misunderstood me, or I must have misunderstood his answer. I asked if there were any agricultural lands not included in reserves in those States which are fit for agricultural purposes.

Mr. HEYBURN. I understood the question. It was the answer I was answering.

Mr. CHAMBERLAIN. There are still some valuable agricultural lands in the West, but none, in my opinion, at least it is so in my State, such as there were 15 or 20 years ago. The best lands have been taken up except those that are brought under irrigation, and these are as fine lands as can be found anywhere, and there are a great many of those in Idaho as well as in Oregon.

Recurring now to the question of the listing of lands for agricultural purposes within the forest reserves, I have this report from the Forestry Service:

In district 2, whose headquarters is Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon. In New Mexico probably fully 22 per cent of the tracts listed have not been filed upon at all. A considerable portion of the tracts entered have been abandoned, although I have not precise data on this subject in those two States.

In district 4, with headquarters at Ogden, Utah, 33 forests show practically 16 per cent of the listed lands have been abandoned. This does not include the Pocatello National Forest, which shows 40 per cent abandoned.

In California the showing is even worse, where about 43 per cent of the listed tracts have not been settled upon or have been abandoned.

In Oregon and Washington about 27 per cent of the tracts listed for agriculture have been either not filed upon, relinquished, or abandoned.

Even in the State of Idaho, where it is so urgently insisted that there are so many acres of agricultural lands within the reserves, the Forester advises me that though the data secured from the district officers are not yet complete, the indications are that the number of claims either abandoned or not applied for after listing in northern Idaho is approximately 10 per cent and in southern Idaho 16 per cent, giving an average of approximately 13 per cent for the whole State.

This shows that even where listing is done, which the Senator from Idaho insists ought to be done, the land listed for agricultural purposes is either not taken or is taken and abandoned because the settler can not make a living upon it.

Mr. HEYBURN. I can give a reason that was called to my attention by some of them who have abandoned such lands. Men think they can live in solitude and endure it, but when they find they have located a piece of land where there is no possibility of community life they realize after a few months that they are mistaken. It is community life that induces settlement.

Mr. CHAMBERLAIN. I think possibly that has something to do with it, but in most cases it is abandoned because they can not make a living on the lands entered.

There is another reason that has not been suggested, for abandonment of these lands or for failure to enter them, and herein I concur in the criticism indulged in by Senators from Idaho. A settler enters a piece of land that is listed for agricultural purposes and stays on it the requisite number of years. Before a patent issues a report has to be made upon it by the inspectors of the Land Department. If the officials of the Land Office are not satisfied with that, they call on the forester for a report from his bureau, and if that is not satisfactory they call for a report from the Geological Survey, to see if there are any water-power privileges on it, and by this species of red-tapism the settler's rights are held in abeyance, and he never knows what the result is likely to be. He has to run the gauntlet of all the departments and this procedure ought to be corrected or abolished, and I am heartily in accord with the Senator from Idaho in criticizing it. That is not the law. If Congress will voice its protest against such methods so that there will be no mistake about what it means, these methods will be abandoned. This bureaucratic system ought to be done away with promptly, and who is going to do it if Congress fails in its duty?

Mr. SMOOT. It is a matter of administration, rather than of law.

Mr. CHAMBERLAIN. There is no question about that.

I have faith that the officers who are undertaking to administer the law will after awhile get all agricultural lands in the reserves listed, so that there will no question about their character.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. CHAMBERLAIN. I yield.

Mr. NEWLANDS. When the Senator refers to lands that have been listed, what does he mean by that? Lands that have been taken out of the forest reserves?

Mr. CHAMBERLAIN. For settlement under the homestead forest act.

Mr. BORAH. The Senator does not mean the land has been eliminated from the reserve?

Mr. CHAMBERLAIN. Oh, no.

Mr. BORAH. If they had been eliminated from the reserve everything that we asked would have been done—that is, so far as these particular lands were concerned. It is keeping them within the reserves and doing the things which the Senator has just this moment spoken of, that we complain of.

Speaking for myself, I have never complained of the fact that the timber lands properly are reserved, if they are timber lands, but they have included these agricultural lands. They list them, and then the settler comes along, and he must go through all that process which the Senator from Oregon has just described, and by the time he is through with it, of course he is either bankrupt or discouraged, so that no one else comes into that country to participate with him, and the solitude of the situation drives him away himself finally.

Mr. NEWLANDS. Does the Senator attribute——

The VICE PRESIDENT. One moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on request of the Senator from North Carolina, the unfinished business is laid temporarily aside.

Mr. NEWLANDS. The Senator from Oregon, as I understand it, has referred to lands that have been listed, which I understand to be lands included within forest reserves that have been thrown open for settlement under the forest homestead act.

Mr. CHAMBERLAIN. Yes.

Mr. NEWLANDS. But he states that as to those lists a comparatively small percentage have been entered. I will ask him whether he attributes that very small percentage to the fact that the land is not really agricultural land, or does he attribute it to the impediments that are thrown in the way of settlement by the various inquiries which have been made by the special agents regarding water-power sites, and so on?

Mr. CHAMBERLAIN. Both. All combine to prevent a man from perfecting his homestead entry, and any kind of useless red tape that hampers him in perfecting his title comes near to making it impossible for him to carry out the purpose and spirit of the law. But the present system of administration, not the policy itself, I am criticizing, makes it so expensive that the settler sometimes abandons the land because he can not pay the expenses necessary to be incurred. He can not hire an attorney to look after his case in the local office, much less in the departments in Washington.

Mr. NEWLANDS. This listing, I understand, is being done by the Forest Service.

Mr. CHAMBERLAIN. It is being done under the Forester in conjunction with the Secretary of the Interior.

It is the bureaucratic method of administration that I join in criticizing, not the policy of conservation or the retention of the reserves. I believe that if our people will protest loud enough and long enough we shall get these evils remedied. When lands within the reserves are listed for agricultural purposes, they remain under the jurisdiction of the Forest Service until entered for homestead, and then they are under the jurisdiction of the Secretary of the Interior.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. Yes.

Mr. HEYBURN. The Senator has just anticipated a part of what I had in mind. We use the term "listing lands," but perhaps all will not understand the process of listing lands. I have in mind a settler who found a desirable piece of land. He had his family with him, and he was prepared to live an open-door life for a few months until he could get his land and build the shelter that would be necessary. He applied to have it listed. At the end of 18 months it had not been reported upon whether or not it would be listed. In the meantime he had to drive the team to take his family away, and he never did get that land. The process of listing lands is not a question of overnight. It is a question of months very often.

Then the lists are filed in the land office, which may be 50 or 70 miles distant from the land where the man wants to stay. What is he to do in the meantime? He does not know whether it is going to be listed or reported upon favorably or not. People will not go where they are liable to be subjected to such conditions.

Mr. CHAMBERLAIN. Mr. President, after the lands are listed they are still under the jurisdiction of the Forest Service. As soon as filed on they come under the jurisdiction of the Secretary of the Interior, and are subject to the homestead laws and the regulations governing them.

I think we of the West ought to protest against the adoption of any arbitrary or unjust rules which make it practically impossible for a man to complete his title.

I want to call attention, and ask to have inserted in what I have to say, to the areas in the national forests by States on June 30, 1910, and on June 30, 1911.

The VICE PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

National forest areas, in acres, by States.

State or Territory.	Gross area June 30, 1910.	Additions.	Eliminations.	Corrections Jan. 1, 1911.[1]	Gross area June 30, 1911.	Alienated area.	Net area June 30, 1911.
Arizona	15,214,745	512,065	915,665	+ 86,855	14,898,000	1,014,548	13,883,452
Arkansas	3,189,781	40	964,242	+ 311	2,225,890	1,041,878	1,184,012
California	27,968,510	732,378	883,400	− 82,033	27,735,455	6,631 386	21,104,069
Colorado	15,491,791	.....	641,967	− 87,924	14,761,900	1,353,762	13,408,138
Florida	674,891	.....	.....	+ 79	674,970	356,010	318,960
Idaho	19,963,171	5,695	72,842	−252,669	19,643,355	1,503,920	18,139,435
Kansas	302,387	.....	.....	+ 1,550	303,937	147,561	156,376
Michigan	163,373	.....	.....	+ 398	163,771	79,760	84,011
Minnesota	1,204,486	.....	.....	+ 264	1,204,750	360,277	844,473
Montana	19,474,696	.....	114,575	− 55,021	19,305,100	3,112,596	16,192,504
Nebraska	556,072	.....	.....	+ 628	556,700	35,635	521,065
Nevada	5,109,415	647,838	97,823	− 9,083	5,650,347	226,093	5,424,254
New Mexico	11,140,123	608,884	742,776	+105,069	11,111,300	1,300,778	9,810,522
Nolrth Dakota	13,940	.....	.....	− 20	13,920	7,696	6,224
Okahoma	60,800	1,204	360	− 4	61,640	612	61,028
Oregon	15,920,822	.....	.....	+228,078	16,148,900	2,408,761	13,740,139
South Dakota	1,294,440	.....	.....	− 6,740	1,287,700	213,940	1,073,760
Utah	7,411,157	298,163	78,318	+ 36,583	7,667,585	465,890	7,201,695
Washington	12,007,340	.....	17,610	−305,050	11,684,680	1,770,366	9,914,314
Wyoming	8,941,681	.....	56,327	−191,811	8,693,543	273,046	8,420,497
Total in United States	166,103,621	2,806,267	4,585,905	−530,540	163,793,443	22,304,515	141,488,928
Alaska	26,761,626	.....	12,800	+ 24	26,748,850	105,590	26,643,260
Porto Rico	65,950	.....	.....	.....	65,950	32,975	32,975
Grand total	192,931,197	2,806,267	4,598,705	−530,516	190,608,243	22,443,080	168,165,163

[1] Due to new computations of acreage.

Mr. CHAMBERLAIN. Now, Mr. President, I come to the eliminations for the year ending June 30, 1911. It has been charged here that the Government officials keep adding to these forest reserves. The eliminations for the past year, including alienated area, were 24,214,693. So there was a diminution of these reserves from 166,103,621 acres, June 30, 1910, to 141,488,928 acres, June 11, 1911. These eliminations have been made as rapidly as the officials have been able to find out what lands ought to be eliminated as unfitted for the Forest Service and as best suited for agricultural purposes.

It is not an easy task for any body of men to do this work hurriedly.

One of the Senators from Idaho, the senior Senator, I believe, spoke of 100,000 people being in the employ of the Forest Service. I am sure he did not mean that.

Mr. HEYBURN. I said directly and indirectly. Yes, I meant that. I was corrected a little later by a Senator who said the number was 112,000.

Mr. CHAMBERLAIN. I do not think any such exaggerated statement as that will help the cause we are all interested in and about which we want the truth. I do not know how so many persons can be indirectly interested in the subject, but I do know that there are 3,256 men on the pay roll of the Forest Service.

Mr. HEYBURN. Three thousand two hundred?

Mr. CHAMBERLAIN. Three thousand two hundred and fifty-six employees to manage and look after it—nearly 200,000,000 acres of lands in the States, Alaska, and Porto Rico.

Mr. HEYBURN. The Senator has the wrong figures.

Mr. CHAMBERLAIN. If I am wrong the Forest Service will correct me. I have a statement from the service, and they say that they have 3,256 men. With a less number of men it is a physical impossibility to do this work properly.

Mr. HEYBURN. But the Senator will remember I stated the declaration of the then head forester was that they would

have—I think I will not be mistaken about it—more than 100,000 trained men fit for military service as a result of their system.

Mr. CHAMBERLAIN. That is probably another of the exaggerated statements of which I spoke awhile ago.

Mr. President, it seems to me that a wrong inference might be drawn by the Senate from the statements which have been made here with reference to the expense of the national forest work. I want to call attention to that for a moment. The items of expenditures and receipts are as follows:

Statement of expenditures by the Forest Service for national forest work and of receipts from national forest resources.

	Fiscal year—										Total.
	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	
EXPENDITURES.											
Investigations	$182,806.94	$284,752.96	$348,773.31	$348,539.09	$233,428.76	$281,693.83	$328,609.73	$357,974.44	$343,439.71	$310,418.57	$3,020,437.39
Administration, protection, etc., national forests	.....	.....	.....	[1] 288,516.86	933,478.39	1,459,631.04	2,526,098.02	2,955,425.01	3,752,316.91	5,335,886.97	17,251,353.20
Permanent improvements, national forests	.....	.....	.....	2,762.18	23,521.28	78,788.27	592,169.19	599,471.02	598,835.64	273,634.42	2,169,182.00
Total expended	182,806.94	284,752.96	348,773.31	639,818.13	1,190,428.43	1,820,113.19	3,446,876.94	3,912,870.47	4,694,592.26	[2] 5,919,930.96	22,440,972.59
Unexpended balances returned to United States Treasury	2,633.06	7,107.04	1,271.37	2,369.55	971.78	7,076.32	11,913.89	19,590.78	49,036.63	34,958.56	136,928.98
Total appropriations	185,440.00	291,860.00	350,044.68	642,187.68	1,191,400.21	1,827,189.51	3,458,790.83	3,932,461.25	4,743,628.89	5,954,898.52	22,577,901.57
RECEIPTS.											
Timber sales:											
Interior Department	25,431.87	45,838.08	58,436.19	13,133.53	.....	.....	.....	.....	.....	.....	142,839.67
Agricultural Department	.....	.....	.....	60,136.62	245,013.49	686,813.12	849,027.24	732,324.04	1,042,794.12	1,014,769.84	4,630,878.47
Grazing and other uses	.....	.....	.....	6.00	522,206.47	884,246.32	993,254.63	1,074,946.62	1,047,353.96	1,012,136.31	5,534,150.31
Total	25,431.87	45,838.08	58,436.19	73,276.15	767,219.96	1,571,059.44	1,842,281.87	1,807,270.66	2,090,148.08	2,026,906.15	10,307,868.45

[1] Includes disbursements from February to June 30, 1905; national forests transferred to Department of Agriculture Feb. 1, 1905.
[2] Includes $1,086,590.89 emergency expenditures for fire fighting, etc.

I want to call the attention of the Senate to the fact that there has been a gradual increase of the receipts from these reserves, bringing them nearer each year to a self-sustaining basis, and I have no doubt, and the Forestry Service has no doubt at all, but that the reserves will be self-sustaining after a while.

Mr. NEWLANDS. May I ask the Senator what is the total amount expended for the Forestry Service?

Mr. CHAMBERLAIN. Does the Senator mean last year or altogether?

Mr. NEWLANDS. Yes; in the last year.

Mr. CHAMBERLAIN. The expenditures of the Forestry Service last year were $5,919,939.96. This includes, however, $1,086,590.89, emergency expense for fighting the disastrous forest fires of 1910.

Mr. NEWLANDS. I will call the Senator's attention to the fact that if there were 100,000 men employed in that service, then the compensation of those men would amount to only $50 a year apiece, which I think demonstrates that the statement is somewhat exaggerated. If they would get about $500 a year each, it would make about $5,000,000 for the number of employees.

Mr. CHAMBERLAIN. In 1903 the total amount expended was $284,752.96 and the amount received was only a little over $45,000. There was a large expenditure and a small amount of receipts. But from that time down to the present the earnings have gradually approached the point where the service will be self-sustaining. In 1911, including over $1,000,000 that was appropriated for fighting fires in 1910, there was $5,919,939.96 expended and there was $2,026,906.15 received, or nearly 50 per cent of the expenses were repaid from receipts of timber sales, grazing, and other sources.

Mr. President, it has also been intimated that the moneys received are reexpended by the department and are to be added to the amounts appropriated by Congress. All the moneys received since 1905 have been paid into the Treasury and can only be used upon reappropriation by Congress like any other funds that are paid into the Treasury.

Now, Mr. President, with reference to the forest fires——

Mr. BORAH. Before the Senator leaves the point which he was discussing, and that is with reference to the fact that the department is becoming self-sustaining, on the face of it, of course, that is most desirable, but when you come to consider the benefits which are to be derived from the forests, and the effect which it has upon the masses of the people, it is not so fascinating, for the reason that the price of timber which they sold in 1891 for $1.98 a thousand board feet, in 1911 they increased to $2.56. So those who have to buy and who get the benefit are really paying the increased price, and what they are making upon these products is paid by the people who purchase them. We may delude ourselves as much as we desire, but we have a very expensive proposition upon our hands, and we have to meet the expenses.

Of course the Senator will understand that in that respect the bureau is not to be criticized, because Congress must declare some policy upon this matter. If the Government is to run the forest reserves upon the basis of securing the highest amount of revenue, it is evident that it is going to cut both ways. We can buy timber cheaper to-day from the timber companies than we can buy it from the Forestry Bureau. Their price in our country for stumpage is higher than the price of individual owners. So we get no relief from that source.

Mr. CHAMBERLAIN. I will say in reference to that, Mr. President, that the Forestry Service do not fix the price of lumber. They do not manufacture it at all. They only sell the stumpage, and the way they arrive at the value is laid down by the statute itself. They have not any choice. They are directed to sell it at its appraised value in the method pointed out.

Mr. HEYBURN. By whom?

Mr. BORAH. I have said to the Senator that in this particular matter the bureau itself is not subject to criticism, but the system, the policy which is now found to exist by reason of our laws, etc., ought to be modified or changed in some respect, or else we, the people in the West, are going to be up against the proposition of bearing this burden ourselves whether it is appropriated directly from the Treasury or whether we pay an increased price when the product is sold.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Oregon whether it is not advisable, instead of insisting that the stumpage should be sold at the appraised value or insisting upon it that coal should be fixed at a price that will give a profit to the Government, that these resources which are held within the control of the Government should be disposed of at merely nominal prices which are compensatory only of the administration. It seems to me that otherwise the Government itself will simply unite with the great corporations that are controlling the industries both in timber and in coal in keeping up the price.

Mr. BORAH. Mr. President, I could not gather the Senator's full statement. Does the Senator think that we ought to fix the price at which we sell timber the same as the price is fixed by these large companies?

Mr. NEWLANDS. No; I think it should be much less. At all events it seems to me the Government is simply engaged in the business of administering these natural resources in the interest of the people, and each unit that comes from these resources in the shape of so many feet of stumpage or so many tons of coal should be at the very lowest price that will be compensatory to the Government of the cost of administration, and these natural resources should not be administered in such a

way as to enable the great corporations to maintain excessive prices.

Mr. HEYBURN. Mr. President, if I may be permitted, I was looking for the data. I have not as yet put my hand on it. I had it. There was published recently a statement from reputable authority that there had been a conference between representatives of the Forestry Service and the lumber operators with regard to agreeing upon a scale of prices. I preserved that statement, and I do not think it will be denied. If it should be, I will then hunt up the statement. If the Government is going to enter into a combination in restraint of trade through an agreement with these large lumber interests I do not see how we are to benefit. I shall not rest now until I find that statement, and then I will challenge its verification.

Mr. SMITH of Arizona. If the Senator will permit me, is it not also true that in many instances—I am asking for more information—that the actual sale of this timber by the Forest Service is to the very lumber companies——

Mr. HEYBURN. That is the stumpage.

Mr. SMITH of Arizona. I say the timber that they sell at all goes from the reserve to the lumber mill.

Mr. CHAMBERLAIN. I will answer the Senator from Arizona in a few moments by showing the facts.

Mr. SMITH of Arizona. I was asking for information.

Mr. TOWNSEND rose.

Mr. CHAMBERLAIN. Does the Senator from Michigan wish to ask a question?

Mr. TOWNSEND. Is it true or not that the settler, the home owner in the region of these forests, is entitled to cut a certain amount of timber for his own benefit? If that is true, ought not the Forest Service to be credited with that?

Mr. CHAMBERLAIN. The Forest Service gives an immense amount of lumber, as is shown by the report of the Forester, both to the miner and to the settler.

Mr. TOWNSEND. Is that counted?

Mr. CHAMBERLAIN. Yes; it is counted at its appraised valuation.

Now, with reference to the question of the Senator from Arizona, I ask to have embodied in the RECORD as a part of my remarks the number of timber sales classified according to the amount and value thereof.

The statement referred to is as follows:

Number of timber sales classified according to amount of sale.

State or Territory.	Under $100.	$100 to $500.	$500 to $1,000.	$1,000 to $5,000.	Over $5,000.	Total number of sales.
Arizona	609	10	2	1	1	623
Arkansas	21	7	3	6	2	39
California	506	24	2	6	5	543
Colorado	782	53	13	16	4	868
Florida	7	.....	.....	.....	.....	7
Idaho	552	42	12	6	6	618
Minnesota	.....	3	.....	1	.....	4
Montana	1,137	59	15	9	3	1,223
Nevada	202	3	.....	.....	.....	205
New Mexico	241	8	3	4	5	261
North Dakota	2	.....	.....	.....	.....	2
Oklahoma	38	.....	.....	.....	.....	38
Oregon	210	5	2	3	3	223
South Dakota	159	11	1	3	1	175
Utah	287	10	3	4	2	306
Washington	49	25	6	6	6	92
Wyoming	132	7	2	2	2	145
Alaska	210	60	6	5	.....	281
Total for fiscal year 1911	5,144	327	70	73	39	5,653
Total for fiscal year 1910	4,925	269	70	96	38	5,398

Mr. CHAMBERLAIN. It will be noted that nearly 97 per cent of the sales of the past year were under $500 in amount, and that the increase in sales over those during the fiscal year 1910 was almost wholly confined to the smaller transactions.

It will appear from this statement that for the fiscal year 1911 for sales under $100 there were 5,144 contracts entered into; for sales from $100 to $500 there were only 327 contracts entered into; for from $500 to $1,000 there were only 70 contracts; from $1,000 to $5,000, 73 contracts; and over $5,000, 39 contracts. So the Senator will see that in very few instances were any contracts made with large concerns, but they sold to men of small means who probably lived in the vicinity of the particular forest reserve where the sale was made.

Mr. SMITH of Arizona. That was very gracious, and I was not speaking about those sales. The Senator does not mention the very ones my inquiry goes to. They will sell a few here for fifty and a few there for fifty, and then they sell a million.

In answer to the Senator from Michigan I will say I do not know it is the rule, but I am justified in the assertion by my friend from New Mexico [Mr. FALL] sitting by me, that it does not pertain to either of our States that a man can cut either for mining or domestic purposes upon any one of these forest reserves.

Mr. CHAMBERLAIN. I want to say that in Arizona there were 609 contracts of sale for less than $100 each and only one for over $5,000. It could not be that there were many sales to very large concerns.

Mr. SMITH of Arizona. How much was that one? That is the one I am asking about.

Mr. CHAMBERLAIN. I may say that the whole sale in Arizona last year was only $102,880.54.

Mr. SMITH of Arizona. There was no necessity of purchasing less. That is what I am still inquiring about. They had about all they needed last year, if I am not misinformed. I am only asking for information.

Mr. CHAMBERLAIN. I am giving the figures as they are contained in the report of the Forester.

Mr. WORKS. Mr. President, there seems to be some ancient history over the views of different Senators as to the price at which the timber should be sold. The Senator from Oregon [Mr. CHAMBERLAIN] says that the timber is appraised and its value fixed in that way. The Senator from Idaho [Mr. BORAH] says it is being sold for a higher price than the private corporations are selling it. The Senator from Nevada [Mr. NEWLANDS] says it ought to be sold for a less price. Now, I should like to know of the Senator from Oregon how the basis of the valuation should be arrived at in determining the price at which the timber should be sold.

Mr. CHAMBERLAIN. I will tell you how the department arrived at the basis of valuation.

Mr. WORKS. That is not my question, if the Senator will allow me. I was asking for his opinion as to what would be a proper basis for fixing the price.

Mr. CHAMBERLAIN. For the stumpage I would take as a basis the selling price of the manufactured lumber and deduct from it the cost of manufacture and a reasonable profit. That ought to give the fair stumpage value, and that is the way the value is arrived at now. There is no other way to get at it. Sometimes it may be a little higher than the stumpage value fixed by others, but I do not think that makes any difference. The Government ought not to be, and is not, in the lumber business. The sale of timber is merely for the disposition of fallen and ripe timber, to keep the forests safe against fire and in such condition that they will grow in the future.

Mr. BORAH. Mr. President——

Mr. CHAMBERLAIN. I hope the Senator will not interrupt me, for while I do not decline to be interrupted I find I am detaining the Senate much longer than I intended to, and for that reason I am anxious to get through. I desire to have put in the RECORD, Mr. President, the amount of receipts and disbursements from the reserves for the fiscal years 1910 and 1911, to show just what has been realized and what has been expended in this behalf.

The VICE PRESIDENT. Without objection, permission is granted.

The statement is as follows:

Comparison of receipts from the several sources for fiscal years 1911 and 1910.

Fiscal year—	Timber.		Grazing.	
	Total.	Per acre.	Total.	Per acre.
1911	$1,014,769.84	$0.00526	$935,490.38	$0.00491
1910	1,043,428.20	.00541	986,909.38	.00512

Fiscal year—	Special uses.		All sources.	
	Total.	Per acre.	Total.	Per acre.
1911	$76,645.93	$0.00040	$2,026,906.15	$0.01065
1910	59,810.50	.00031	2,090,148.08	.01084

Expenditures for administration and protection and permanent improvements during the fiscal year 1911 compared with 1910.

	Administration and protection.		Permanent improvements.	
	Total.	Per acre.	Total.	Per acre.
1911	$5,335,886.97	$0.02766	$273,634.42	$0.00142
1910	3,752,316.91	.01894	598,835.64	.00310

Mr. CHAMBERLAIN. Now, Mr. President, adverting again to the general policy of conservation, having referred at length to the conditions and causes which aroused the people to its necessity, I want to say to our southern friends that they are just as much interested in this as we are because in the final analysis—I do not care what anybody says to the contrary—if the timber areas at the upper stretches of the Mississippi River and its tributaries are denuded the same disastrous floods which are now devastating the Mississippi Valley may be expected every year.

I know that some very distinguished gentlemen here and elsewhere are insisting that it does not make any difference whether these areas are deforested or not; that there will be no greater downflow of waters from the upper stretches of the streams without timber than there is with timber. Every ordinary citizen knows better than that, because if the land is denuded and soil erosion takes place, as is bound to occur, leaving barren rocks where once there was a verdant forest, the melting snows, in conjunction with the rains and storms, must of necessity pour down with greater rapidity and with greater disaster than where the snows and waters are held back by the forest and the undergrowth, which act like sponges for their retention.

Mr. HEYBURN. The trouble is that it does not. The snow goes off in the timber before it does in the equivalent upon land. If the Senator will raise the curtains in his office and look out over the Oregon mountains he will verify it.

Mr. CHAMBERLAIN. Idaho is *sui generis*. That may be the case in Idaho, but it is different in Oregon and elsewhere.

Mr. HEYBURN. When this question was under discussion four years ago, I guess it was, I had occasion to go from Portland down to California with the Oregon mountains within plain sight on either side of the railroad, and I verified the conditions that existed in Idaho as to Oregon. I saw the snow lying on the bare mountain tops and ridges, but the timber had no snow in it. Why not? The snow in the timber is impeded in its fall by limbs of trees and it lies lightly upon the ground. The rain percolates from the trees upon it. Then the Chinook winds come along in Oregon and in Idaho. I have seen 3 feet of snow disappear in 12 hours by the Chinook wind after it was thus subjected to the falling rain through the tree tops.

Mr. CHAMBERLAIN. The Senator was looking at Mount Hood, I am sure, when he went through Oregon, and there the snow stays all the year round because of the great altitude.

Mr. HEYBURN. Oregon has a great many mountains besides Hood. Mount Hood is a good mountain.

Mr. GALLINGER. We do not have Chinook winds in New Hampshire, but I know that the snow remains in the forests of New Hampshire much longer than it does on the cleared lands—weeks and months sometimes. So I think the Senator's contention is right.

Mr. CHAMBERLAIN. I think so, too.

Mr. GALLINGER. The Senator from Idaho must be speaking of a peculiar condition of atmosphere. It may be due to the Chinook winds. We know nothing about those winds in our part of the country.

Mr. CHAMBERLAIN. That has been my experience. I have been over the mountains in my State frequently. We go up to a certain altitude where there is both forest and barren lands. The snow remains in that forest while 100 yards or 500 yards away there are barren places and the snow has melted; it has all gone down into valleys and streams below. There is no question about that, and I think that has been the experience of most of those who live in mountainous countries.

Mr. SMITH of Arizona. Can the Senator tell me whether during his investigation he has found what effect denuding the land of timber has on rainfall? I can say that I believe largely what the Senator has been saying; but I have been wondering whether or not, by denuding these lands, we would have the floods the Senator complains of because of cutting the timber, or if the rainfall might be lessened.

Mr. CHAMBERLAIN. Mr. President, there is a difference of opinion about that, as there is about all of these questions; but the hard-headed American citizen wants to get down to things as he sees them, as his every-day experience tells him they are in fact.

Mr. President, not only is the South interested in the preservation of the forests at the upper stretches of the Mississippi, in order to store the rainfall and melting snows, but they are further interested in it, with their great levee systems, in seeing to it that everything shall be done at these upper stretches to prevent the erosion of the soil and its washing down the streams. The contention of some is that in these denuded districts on the upper stretches of the Mississippi River and its tributaries, the soil has washed down so rapidly that it is actually making the levee system impracticable; in other words, the beds of the streams are filling up from the erosion of the soil on the upper stretches. It is common sense that that is true, too. If the waters come down rapidly—and they came down this year from all the streams at the same time—and there is nothing to retard them in their progress toward the sea, they are bound to take a great deal of soil and bound to fill up the streams, so that the Government is spending millions of dollars every year to protect rivers within their banks, and at the same time permitting the forests to be denuded at the headwaters, where they ought to be protected.

There is another subject to which I wish to call attention. The Senator from Idaho stated that all of these fires originated within the reserves. I know the Senator wants to be fair. These statements of his, he promises, are going over the heads of the newspaper men, and they are going to reach the people of the whole country anyway. While he is sending them out he ought to see to it that they are reasonably correct.

Take the disastrous fires of 1910. The total area burned over was 4,134,253 acres. The loss entailed was 6,508,369,000 board feet, valued at $14,889,724. The total number of fires was 5,201, of which 1,704, or 32.76 per cent, were caused by railroad locomotives; 724, or 13.62 per cent, by lightning; 668, or 13.23 per cent, by campers; and the balance were caused by brush burning, sawmills and donkey engines, miscellaneous sources, incendiarism, and unknown. In the same year Idaho had 526 fires in the national forests; 64 of these were on private lands inside of the forests; 154 originated outside the forest boundaries; 189 from locomotives of railroads; 162 from lightning; 16 from incendiarism; 90 from campers; 76 from brush burning; 7 from sawmills; 161 unknown; miscellaneous, 43; making a total of 744 fires. So it is not true that these young men with their green uniforms and cockade hats started these fires in the national forests as is charged by the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, I dislike to interrupt the Senator——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. HEYBURN. But I am advised, on coming into the Chamber, that the statement I made yesterday with reference to no fires originating in the settlements is being challenged. I merely want to call the attention of the Senator to the fact that I was then speaking from very accurate and close observation of Idaho, and not of any other State.

Mr. CHAMBERLAIN. I, too, was speaking of Idaho, and from the record.

Mr. HEYBURN. That is all right. Now I will listen to the Senator.

Mr. CHAMBERLAIN. I have finished; but this report simply shows that the fires originated in other places than within the reserves.

Complaint is made about the immense expenditure for permanent improvements within the forests. The improvements that have been made are necessary for the protection of the forests, such as roads, paths, trails, telephone lines, fire lines, and bridges, in order to make all ranges and other stations easily accessible to each other and so that information, men, and material can be conveyed from one place to another with the greatest rapidity.

Mr. President, aside from the immense financial loss from fires in 1910, 78 lives were sacrificed in fighting those fires. I venture to say that if it had not been for the Forestry Service the fires would have been immensely more destructive than they were. Idaho alone lost $13,392,173. Other of the States lost singly almost as much, and all of them lost a great deal.

They now have in the national forests only 1,325 miles of road, 9,163 miles of trail, 7,380 miles of telephone lines, and about 350 miles of special fire lines. To properly patrol and care for this immense wealth of the National Government, they ought to have 80,000 miles of new trails and 45,000 miles of telephone lines, so as to put the different forests in close touch with each other and keep the whole department advised as to what is going on. The time is coming when this will be done—when it will be essential to be done—in order to protect the property of the Government, just as the individual would protect his own property against loss by fire. A wise public policy demands the annual expenditure of larger sums than are now being appropriated to protect the vast timber wealth of the country from destruction by fire.

To show that the people of this country are interested in the subject of protection, I call attention to the fact, Mr. President, that many of the Western States are cooperating with the Federal Government in the protection of the forests. Oregon is

doing it. Not only is the legislature appropriating money for the assistance of the State commission, but private owners as well are contributing of their means and cooperating with the Government and the State for the purpose of fighting and controlling the fires.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield.

Mr. WORKS. Mr. President, one of the most disastrous of the fires that occurred during the last year was in my State. I want, in this connection, to bear witness to the promptness and efficiency with which the Forest Service responded to the call for help under the circumstances.

I would like to say also, in connection with what the Senator from Oregon has just stated, that the State of California is aiding in the effort to provide means to prevent and control these fires. Our people regard it as of the greatest consequence to them and to their property that such appropriation shall be made. Not only is the State contributing in that way, but private owners also are contributing their money. The fruit associations levy regular assessments upon their members for the purpose of raising money and creating a fund for fighting fires and preserving their property in that way in connection with the National Government.

Mr. CHAMBERLAIN. Mr. President, I am glad to know that California is doing so, and the time is coming when all of the Western States will be driven to do so, and private timber owners as well.

The entire cost of the administration and protection of the national forests averages only 2½ cents per annum per acre, and that includes all expenses. In France such administration costs $1; in British India 7 cents, while in Prussia it costs $2.50 per acre per annum, and when there is deducted from the gross expense for maintaining the Forest Service the amount earned therefrom it only costs 1½ cents instead of 2½ cents per acre.

I have answered some of the strictures against the service and would like to have answered others, but I feel that I have already imposed on the Senate too long.

I want to say, in conclusion, that I have approved of the policy of the Government in maintaining these national reserves. I am not prepared to say to what changes I would assent, provided the Senators from the West would get together and frame a uniform code of laws for the management and disposition of the public domain. But while conditions remain as they are, while the timber and stone act remains in force, while these indemnity selection acts to which I have referred remain on the statute books, I shall vote now and at all times for the maintenance in their integrity of every forest reserve in the State of Oregon.

I want to say to the Senator from Idaho, although a vast portion of that magnificent Commonwealth is within the reserves—nearly one-fourth of ours is within the reserves—I would rather have that land held in the reserves, Mr. President, and not pay a dollar taxes to the State of Oregon for 40 years, than to have it get into the hands of speculators and under monopolistic control, for such control not only will mean the disposition of the timber, but the denudation of the forests absolutely, and it will mean the acquirement of the water powers and the water privileges of the States, besides the wealth of mineral of all kinds that lies buried beneath our mountains.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I yield.

Mr. BORAH. Speaking for myself alone, of course, as in part representing the State of Idaho, I agree perfectly with the statement of the Senator from Oregon. I think the forest reserves ought to have been created and ought to be continued until some policy is adopted by which the benefit can be transmitted to the people individually, if that can ever be done, and, I wish to say, in order that there may be no mistake about any criticism which I have made upon the Forest Service, that I do not desire the forest reserves to be abandoned; but I want, to begin with, that nothing but forests be included in the reserves. When that has been accomplished, so far as I represent the State of Idaho, I shall be glad to stand with the Senator from Oregon.

Mr. CHAMBERLAIN. I am satisfied that if the Senator from Idaho and I were all the persons to be consulted in this matter we could retire to our offices and in a very short while frame a law that would suit the people of our States; but there are other and conflicting interests that interfere with the proper adjustment of this matter. Here as in every case whenever you undertake to settle a matter for the benefit of the masses of the people, there are some special interests that intervene and interfere all the time with a proper adjustment of it, and, try as we may, Mr. President, to enact proper legislation, we will always find that there is some powerful interested source interfering and clogging the wheels of proper and appropriate legislation.

Mr. FALL and Mr. SMITH of Arizona addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oregon yield?

Mr. CHAMBERLAIN. I yield to the Senator from New Mexico first.

Mr. FALL. As I have been heard upon this subject before, and as the Senator is now referring to the interests which are always interfering, I want to say that we have some interests in New Mexico and in Arizona which do desire to be heard here, and which are interfering in so far as I am able to voice those interests.

Mr. CHAMBERLAIN. I hope the Senator will not think that I referred to any Senator in anything I have said.

Mr. FALL. Well, I did not understand what the Senator referred to, but I simply refer to his words. I desire, however, to cite one instance, Mr. President. I happen to remember that five years ago one mining company with which I happened to be connected, or in which I was interested slightly, just over the line from Arizona, paid to Oregon $641,000 for timber which was put in that one mine alone. That amount was paid for Oregon pine, carried down the coast, and shipped 1,000 miles overland by railroad, when the forests of Arizona and New Mexico lay within 60 or 100 miles. We could not, however, get timber for the mine from our own country and paid Oregon a toll of $641,000 in one year for timber going into that one mine.

Mr. CHAMBERLAIN. I am very glad that Oregon was able to help you.

Mr. FALL. So am I; but if you had put all your forests in Oregon in forest reserves, where would we have gotten any assistance?

Mr. SMITH of Arizona. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I wanted to say to the Senator when I rose to my feet that I concur fully with the policy suggested by the Senator from Idaho. There is no purpose, so far as I know, on the part of the western people to have their mountains denuded of timber growth—and with us it grows nowhere else except on the mountains, and in our section conditions are different from conditions in other parts of the country—but the point I wish to make is that whenever you eliminate the scrip proposition, under which the denuded railroad lands have been traded for fine timber lands, and an entry of lands under the present land laws is alone possible, does the Senator suggest, or can the ingenuity of anybody suggest, that the law properly enforced would permit vast acquisition of the timberlands of the country?

Mr. CHAMBERLAIN. That is exactly what I say, Mr. President. If all the western Senators, or all Senators, so far as that is concerned, will get together and frame a reasonable and just code of laws for the disposition of the public domain, I am not prepared to say how far I might be willing to go toward making eliminations from the reserves; but, with the laws as they are, with these indemnity selection privileges given to great companies and corporations, with the stone and timber act remaining in its full integrity, and other laws by which title may be easily acquired, I shall oppose constantly the releasing of any of the lands within the Federal reserves, because I know what has happened in my State in the past and I know what would happen in the future. I know that immense bodies of land are now held by individuals and corporations; I know that the Weyerhausers and others have immense holdings in my State, which just as effectually retard the development of the State as do the lands held within the forest reserves. I am opposed to having that condition extended in my State at least, and will therefore be compelled to stand against any change in reference to the other States.

Instead of denouncing and criticizing the Forestry Bureau officials and undertaking to defeat a proper appropriation, as has been attempted to be done in the Senate, Mr. President, I think that the American people ought to take their hats off to the men who have inaugurated this movement; they ought to take their hats off to Mr. Graves, the present Forester, who is here devoting the best energies of his life to the protection of the great interests of the public; they ought to take their hats off to the young men in all the States of the West who are risking their lives and doing all in their power to protect the public

domain not only for the interest of those living, but for the interest of those who are coming after us.

Mr. President, differing from the administration in politics, as I do, I am yet willing to stand here and give them my support in every way possible, to defend them against unjust charges, to assist them to do their duty in the future as they have done it in the past; and I predict that the time is not far distant when the American people, with one accord, will extend to these men their appreciation of the efforts which they have made to protect the national resources of this country from the looting of monopolistic interests.

Mr. BURNHAM. Mr. President, I do not propose to occupy at any considerable length the time of the Senate. I can bring to this discussion no personal knowledge. Such knowledge as I have of the subject comes from reading and from information from the department.

It seems to me that there is a very wide difference of opinion here as to the conditions in the forests with reference to agriculture. The Secretary of Agriculture, through the Forest Service, represented to the committee that in the main the forests cover mountainous regions that are not adapted to agricultural purposes. That statement is before us in the form of a memorandum from the Chief of the Forest Service. A part of that statement reads as follows:

> The national forests are situated in the mountains, and on account of the rugged topography there are no large bodies of agricultural land left in the forests. There are, however, occasional small patches of land along the borders and at the confluence of streams and on occasional benches where the soil is deep enough for cultivation. The forest homestead act of June 11, 1906, had for its purpose to enable the Secretary of Agriculture to select those areas in the forests which are suitable for cultivation and to list them with the Secretary of the Interior for entry to settlers. The Forest Service has consistently encouraged the settlement of areas in the national forests suited for agriculture and already has listed for settlement over 1,000,000 acres for over 8,000 settlers.

I call attention to this fact as a refutation of the statement that the Forest Service is in any sense hostile to the interests of agriculture. Then the statement continues:

> This is in addition to the many eliminations made within the last two or three years, aggregating over 9,000,000 acres of lands which were found to be not suited for forest growth or more valuable for agriculture.

I wish now to read a further statement, because I want to be exact as to the causes for the rejection of applications for tracts under the homestead act:

> The charge is repeatedly made that when prospective settlers apply for the listing of tracts for agriculture, the Forest Service is reluctant to open them for settlement. This is not in accordance with the facts. It is true that the Forest Service has rejected a great many applications for tracts under the homestead act. The reasons for the rejections are that the lands applied for were not chiefly valuable for agriculture. In a great many instances applications have been made for lands having upon them a very heavy stand of timber, often from 10,000 to 50,000 feet per acre of timber, worth from $2 to $5 per thousand feet on the stump. It was not the purpose of Congress to permit the acquirement of a valuable timber stake under the guise of this law. The listing of lands with heavy stand of timber upon them is contrary to law, because they are more valuable for their timber and timber production than for agriculture. Furthermore, experience has shown that the listing of lands containing a valuable stand of timber does not result in actual homestead settlement, as in the majority of such cases the lands are sold for their timber value instead of being cleared and put under cultivation.

It seems that applications are made for other purposes, the real purpose being very different from that of a homestead. The statement continues:

> Applications are also made for other purposes than agriculture. Thus sometimes an applicant desires to get control of a water hole which controls the adjoining range over many thousands of acres. The Forest Service has declined to list such lands, but has insisted upon retaining them in public ownership for the benefit of the people.

Other special purposes are cited. Here is a matter to which allusion has been made by the Senator from Oregon [Mr. CHAMBERLAIN], namely, the large percentage of those who have made application and afterwards abandoned their selections. It shows the liberality of the Forest Service. Not only have they listed the lands that were desirable, so desirable that they were occupied, but they have listed a large number of those which were abandoned:

> In district 2, whose headquarters is at Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon or have been abandoned. In New Mexico probably fully 22 per cent of the tracts listed have not been filed upon at all. A considerable portion of the tracts entered have been abandoned, although I have not precise data on this subject in this State.
>
> In district 4, with headquarters at Ogden, Utah, 33 forests show practically 16 per cent of the listed lands have been abandoned. This does not include the Pocatello National Forest, which shows 40 per cent abandoned.

I think the Pocatello Forest is an Idaho forest, and there 40 per cent of the selections have been abandoned.

> In California the showing is even worse, where about 43 per cent of the listed tracts have not been settled upon or have been abandoned.

It seems to me that this shows that the Forest Service has been fair and liberal in its listing of lands for settlement for agricultural purposes. It has denied to those who are seeking lands for other purposes the listing and location of lands not chiefly valuable for agriculture.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. BURNHAM. Certainly.

Mr. CLARK of Wyoming. Of course, the Senator understands that when the Forester states that 22 per cent or 30 per cent of the former forest area has been listed as agricultural land and that only a small proportion of that area has been taken up that fact would be valuable only when it was ascertained when the lands were released from the forest reserves. Very likely that includes lands within national forests in my State, which in the last month have been released as agricultural lands. Of course, as yet, there has been no opportunity whatever to take up those lands.

If the Senator would give us a statement of the lands that, say, two years or three years ago were released, and then give an estimate of the percentage of those that have been taken, it would be more to the point, I should think. Of course, lands listed as agricultural lands and released from the Forest Service to-day can not be taken up to-morrow; neither could they be taken up next week or next year.

Mr. BURNHAM. But quite a percentage of these lands evidently have been abandoned after they had been taken possession of and occupied for more or less time.

Mr. CLARK of Wyoming. Yes; that is true. I myself can not see, under present conditions and circumstances, why anybody would want a home within a forest reserve; but still, some people do.

Mr. BURNHAM. They desire to go there; they know the conditions and go there with their eyes wide open.

Mr. CLARK of Wyoming. Exactly so; and the Senator and I very often have taken steps that we thought would be desirable, which have not proved to be so. The mere abandonment of land does not mean that it is not necessarily good agricultural land, and that after its abandonment by one man it will not be taken up by another. In northwestern Iowa, one of the most fertile portions of the entire country where the homestead law applied, I remember, when I was a young man, that whole counties were abandoned by homesteaders, and the people moved away from there. The final entry upon the homestead is not by any means necessarily made by the man who makes the original entry. The abandonment of homesteads is not unknown, and the abandonment of a homestead is not evidence, by any means, that the land is not suitable for cultivation.

Mr. BURNHAM. It would certainly seem to a person, outside from information such as I have laid before the Senate, that the lands abandoned could not be desirable for agricultural purposes and were therefore abandoned. The entryman went there for the purpose of settling down on a homestead; he knew the country; he knew there was no community life there; he went there with his eyes open, as I have said, and he abandoned it. I can conceive of no other reason for the abandonment.

Mr. CLARK of Wyoming. There might be the very reason the Senator cites there given by the Forester. For instance, a man may have found a supply of water where he thought he could make a home, but he leaves because he finds he can not get the water. The water has been taken away from the settler, because in the estimates of the United States Forestry Service he moved there to corral the water.

Mr. BURNHAM. It occurred to me that the locator was trying to get the water supply in order to control the use of the range.

Mr. CLARK of Wyoming. There can not be any profit from a monopoly of the water supply where individual parties are so far apart.

Mr. BURNHAM. But take it in the arid regions, where water is very valuable, might it not be very necessary for the use of the range?

Mr. CLARK of Wyoming. They are not in forest reserves, because arid lands are not included in forest reserves, because on them there is no timber.

Mr. BURNHAM. Well, in a country more or less arid there are some forests.

Mr. CLARK of Wyoming. Of course. The fact is that we can not reason out this matter. We can not come to any sane conclusion from a discussion of it. We can not say that a certain piece of land which has been abandoned is not fit for a home, because, I imagine, many good homes have been made in New Hampshire upon land which perhaps at this time new settlers would not take. It is timberland; it is land upon the

mountain sides; and I will hazard the statement that lands and farms in New Hampshire which 12 years ago were regarded as worthless are now coming into cultivation, or will again come into cultivation as the necessities of man may demand.

The mere fact that a man has abandoned a piece of land, thinking it not worth while to go on and make a home, under all the disadvantages that he had at that particular time, is no reason why a year or two from now, when conditions change, that land will not be a very desirable piece of land.

Mr. BURNHAM. That was the condition a few years ago, but of late years there has been a disposition to return to those homes, and they are occupied and very much improved.

Mr. CLARK of Wyoming. Exactly; and hence the Senator would not believe, because men abandoned those homes 20 years ago, that they were not fit for cultivation and he would not put them in a forest reserve. The man who goes on a piece of land after 20 years of abandonment finds that the man before him made a mistake, and he will go ahead.

Mr. BURNHAM. There has to be considered the drift toward villages and cities, and this accounts for a large part of the abandonment of those farms.

There are certain facts as to the area of these reserves which I wish to lay before the Senate, and perhaps more definitely than has before been presented.

These reserves are not wholly in the continental part of the United States. Two of these large forest reserves are in Alaska and one in Porto Rico. The whole area embraces 187,752,503 acres. Taking out the Alaska and Porto Rico areas, there are 160,937,703 acres. These forests are distributed over 20 States.

Mr. CLARK of Wyoming. I will say that I could take nearly 20 other States of the Union and distribute these forests over them, and there would not be left a place in those 20 States on which to build a schoolhouse.

The Senator says that these forests, containing 160,000,000 acres, are distributed over 20 States. It means a belt about 200 miles wide from Chicago to New York. I can take those 160,000,000 acres—and I will say here a great deal of our rich lands in the Mississippi Valley have been flooded—and it will take a strip of land 150 or 175 miles wide from the Gulf way up beyond the city of St. Louis. It does not do any good to belittle the amount of land in these forest reserves.

Mr. BURNHAM. I am speaking of this to give an idea of the amount of land involved.

Mr. CLARK of Wyoming. That is the reason I spoke—to give the comparative amount.

Mr. BURNHAM. Another matter that has been spoken of is in reference to the number of persons engaged in the Forestry Service. I think the Senator from Oregon correctly stated the number. It is 3,256. A question has been raised as to the locality from which these men are selected, and right here I want to read from a statement I have in order that we may be exact. The Forester says:

> The forest rangers are all recruited from local civil-service registers. Practical examinations are given in each national-forest State.

Mr. CLARK of Wyoming. Will the Senator please read that again?

Mr. BURNHAM. Certainly.

> The forest rangers are all recruited from local civil-service registers. Practical examinations are given in each national-forest State. In making appointments from a given local register the residents of the State are given preference. The charge that eastern men are brought on to fill ranger positions in Western States is therefore not true.
>
> The higher positions, such as supervisor and deputy supervisor, are filled by promotion. In case of vacancies men are selected who are thoroughly familiar with local conditions, and the best man is picked, regardless of whether he is a forest ranger or forest assistant or occupies some other position.

Mr. CLARK of Wyoming. As I interjected a sentence or two in the previous debate upon this particular point, I want to say that I believe recently an improvement has been made in this matter. I will say this, however, that notwithstanding the statement now made by the Forester, it is not a fact that the majority of the rangers in those States are local men, and I will explain why they are not.

Formerly there was no attention whatever paid to local appointments. The consequence was that while perhaps the examinations might be held in the forest States the candidates were not always residents of those States. The consequence was that where forest rangers were needed and where there was no eligible list the examination would not be held, but the appointees would be taken from eligible lists from some other part of the country. The consequence is that now few vacancies occur. Those few may perhaps now be filled from among the local people. I make that explanation so that the Senator can see that our former statement in the matter and the present statement of the Forester are not at all inconsistent.

The Forester does not refer to the time when these reservations were first organized and manned. He refers to the vacancies that now occur or where additional foresters or rangers are now required.

Mr. BURNHAM. Is not all being done that can now be done to give preference to the local people for the position of ranger?

Mr. CLARK of Wyoming. I am not prepared to say that that is not true at this time, but the unfortunate condition exists that there are no places to give the local people unless a man dies or resigns.

Mr. BURNHAM. There certainly must be many changes in a service of that number.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Mexico?

Mr. BURNHAM. Certainly.

Mr. FALL. Of course the Senator understands that the forest ranger has nothing to do with the administration of the reserve. Each reserve is in charge of a forester or deputy forester or supervisor. The rangers are the men who simply travel around the district or otherwise on the range and act under the orders of the supervisor or deputy supervisor.

I agree with the Senator and with that statement, in so far as the majority of the deputy forest rangers are concerned, but there are forest rangers and deputy forest rangers, and then there is a district supervisor of forestry for certain forest reserves.

But the ranger has nothing to do with administration. He obeys orders and looks after the grazing upon the forest reserves, or he fights fire in a case where such work is necessary, but he has nothing to do with the administration.

Our people do not complain of the rangers or their methods of doing their business or performing their duties, but the complaint is that instead of taking forestry supervisors or deputy forestry supervisors from the locality, they are taken generally from Washington City, from clerical positions in the department here and not from the locality at all. We have 10 forest reserves in New Mexico, and I think I know all the foresters in charge of them, and not one of those men is from New Mexico, to my knowledge. They are the men who administer the forest laws. We do not complain of the rangers themselves, but the rangers themselves, I can say to the Senator, complain of the forester and those under whom they work. They are not permitted to do the work that falls to them as they would do it if they had more discretion.

Mr. BURNHAM. The statement is here made:

> In case of vacancies men are selected who are thoroughly familiar with local conditions, and the best man is picked, regardless of whether he is a forest ranger or forest assistant, or occupies some other position.

And the idea stated here is that these places above that of ranger are filled as the result of promotion; that is, the ranger who becomes efficient, having occupied the position for some length of time, becomes available for promotion.

Mr. FALL. If there has been a promotion from a forest ranger to forest supervisor in New Mexico, I have never heard of it.

Mr. BURNHAM. That may be peculiar to New Mexico. This, of course, is a general statement.

I understand that the Forest Service has six districts and six district foresters. The whole Forest Service is divided into six districts and under the six district foresters are the supervisors, and under the supervisors, of course, come the employees and rangers.

Now, considerable has been said in regard to the disposition of the Forestry Service toward agriculture. I can not understand why the Forestry Service should be in any sense hostile to the agricultural service. It is a part of that service, and it seems very strange that the Forester should act in any way inconsistent with the interests of the homesteader. If any rules and regulations are at fault, undoubtedly they would be corrected as soon as attention is called to them.

There is another matter that is important, and I wish to call attention to it, because I have some definite information in regard to it, and that is with reference to the expenditures of this department.

The total expenditures of the Forest Service during the last 10 years—July 1, 1901, to June 30, 1911—were $22,440,972.59.

This amount was stated in the debate on the first day of the consideration of the bill as the expense of the service during a single year. Instead of that, it is not more than a quarter of that amount for any one year.

Of this there was spent before the transfer of the forests from the Department of the Interior $816,333.21, and since the transfer, in general investigations in forestry, $1,204,104.38, making a total for investigative work of $3,020,437.59.

I wish to call the attention of the Senate to items of expenditures and receipts.

It leaves as the cost of national-forest administration, protection, and improvement during those 10 years		$19,420,435.00
Against these gross expenditures should be credited the following assets:		
Receipts from the national forests	$10,307,868.45	
Permanent improvements and nonexpendable property inventoried (H. Doc. 681, 62d Cong., 2d sess., pp. 19–36)	2,501,043.03	
Permanent improvements and nonexpendable property added in 1911 (estimated)	400,000.00	
Expendable property, stock on hand (estimated)	100,000.00	
		13,308,911.48
Which leaves as the net outlay on account of the forests for the 7 years since the Forest Service took charge of them		6,111,523.52
Or an annual net cost per year of		873,074.79

Now, if the Senate will listen—I know it is tedious to read these figures, but I should like to have your attention for a moment—I have here a comparison of expenditures for the year 1910–11 with the year 1911–12: Salaries, 1911–12, $2,318,680; general expenses, $3,214,420; making the total of expenses for that year $5,533,100.

Now, in this bill the salaries proposed are $2,235,760; general expenses, $3,223,285—a total of $5,459,045.

The decrease in the salaries under the bill as proposed is $82,920; the increase in general expenses is $8,865, making a net decrease of $74,055.

Now, there are just a few figures more which I want to give; that is, the figures as to the receipts from timber sales.

The receipts from timber sales for the year ending June 30, 1911, were $1,014,769.84; grazing, $935,490.38; and for various special uses, miscellaneous, $76,645.93, making a total of $2,026,906.15. Deducting the receipts from the expenditures leaves a net balance of $3,506,193.85.

I had intended to occupy a little more time in the further discussion of this matter from the standpoint I have taken—the views of the department—but the hour is getting late. I simply want to add a word. We think that this bill, as it has come from the committee, after critical examination by the subcommittee and the committee itself, should meet with the approval of the Senate. It comes here in the interest of agriculture, in the interest of a great department of government, which it seems to me has served this country as faithfully as any department could. It comes from the Secretary of Agriculture, practically all from his estimates, and I submit there is no man living in this country to-day who has done more in a material sense for the interests of this country than the Secretary of Agriculture.

The bill comes here, so far as the Forest Service is concerned, with the approval of the Chief of the Forest Service, Mr. Henry S. Graves, alluded to by the Senator from Oregon as devoting his life to this great work. Graduated from Yale, he entered upon the study of forestry. He then went to Europe, England, France, and Germany, and studied especially the English policy of forestry in British India. He devoted a great deal of time here in the Forest Service before he came into that service as chief. He is admirably equipped for the duties of that office, and I submit that he is not here in any sense hostile to the interests of agriculture and the homeseeker. So far as the forestry part of the bill is concerned, we think it certainly should receive the approval of the Senate. The bill as a whole is submitted in the belief that it will be found reasonable in the amount of its appropriations, and that these amounts will sustain this great department in its labors for the agricultural interests of the whole country.

Mr. SMOOT. Mr. President, I intend to detain the Senate but a few moments, although much could be said on this most important question. I myself have been deeply interested in the question of forestry, and have studied it not only as applied to the United States, but I have been abroad, in England and in Germany particularly, and have visited the great forests of those countries. I have studied the administration of forests in foreign lands and in our country, and as far as the principle of forestry is concerned and the results obtained from it, I think it is of great interest to our country, and one of the policies adopted by our Government that will ultimately prove of greater benefit to the people at large than almost any of the other great questions which have been acted upon by Congress in the last 10 or 20 years.

The trouble in the past has been that every criticism that has been directed against the land laws of the United States has been in connection with and at a time when the discussion of the forestry policy was under consideration, and the Forest Service has been charged up with all the shortcomings of the land laws.

Most of the Senators, as we have heard them express themselves, are in favor of protection of our forests. The trouble is that within the forest reserves there have been included lands that are not timber lands, and if a proper classification of the lands now in the reserve can be made and a proper elimination from these forest reserves of all agricultural lands, I do not believe there will be very much opposition in the future to the great policy of preserving our timber lands within forest reserves.

Mr. President, I know that a policy of classifying the lands within the forest reserves is being considered, and I believe will be adopted by the Secretary of Agriculture in the immediate future.

I have a copy of a letter of April 11, 1912, addressed to the Secretary of Agriculture, signed by H. S. Graves, Forester, and I want to read the letter to show that this classification of lands is now under consideration, and that there is no doubt in the world that it will be followed out as a policy for the future. Mr. Graves in his letter says:

APRIL 11, 1912.

The SECRETARY OF AGRICULTURE.

SIR: It appears exceedingly desirable to undertake as rapidly as practicable the systematic classification of national-forest lands which are chiefly valuable for agriculture. Under the act of June 11, 1906, lands alleged to be valuable for farming are examined, as a rule, only upon specific application from persons desiring to enter them. This method is extremely expensive. Under it, with individual tracts examined from time to time over long periods, it is extremely difficult to make the classification systematic and uniform. Great economy would be effected and a more systematic and rational utilization of the agricultural lands still remaining in the national forests secured if this work could be placed upon the basis of systematic classifications on the various forests as rapidly as it is found practicable to undertake them. The approval by you of the classification of agricultural lands within each national forest which is examined would definitely fix the character of the land so classified in the same manner as the character of mineral lands is now fixed by classification made by the Geological Survey. The approved classification would furnish the basis for listing any lands in the forests concerned for agricultural entry as they might be applied for. This plan would go far toward eliminating the criticism now made of the policy followed by the department as to agricultural areas within the national forests.

If it meets with your approval, I shall be glad to begin the classification of agricultural lands within the national forests this season and carry it forward as rapidly as available funds will permit.

Very respectfully,

H. S. GRAVES, *Forester.*

Approved.

JAMES WILSON, *Secretary.*

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. CLARK of Wyoming. I am glad the Forester is to begin the classification of these lands, for the Senator will readily see that even at the best the Forester could not succeed in the final classification of these lands for many, many years. When you consider the area, over 160,000,000 acres of land, as stated by the Senator from New Hampshire, you can imagine how long it will take to select from that area those lands that are useful for agriculture and those that are not. I will undertake to say that not in 50 years could it be done. The Senator knows how long it took to classify the mineral lands along the Northern Pacific land grant.

The whole forestry system was developed as a hothouse product, when it ought to have had a steady, healthy growth. When these forest reserves were created they were created without any knowledge on the part of the President or the Secretary of the Interior or anybody else as to whether they were forest lands or not.

They reached out and took in great stretches of country without knowing whether there was any timber on it or not, and the complaint now is that this land is still locked up under the original proclamation and that they let go a piece of it now and then, until finally they eliminate the agricultural lands, whereas as a matter of fact the right way to reach the situation is to rescind the proclamation heretofore made and then ascertain the exact boundaries of the areas to be put in forest reserves and put them in reserves.

The Senator very well knows that the reserves first created were created from a map in the Land Office—taking a map and running around six or seven or eight or nine hundred thousand acres at the head of streams, as they appeared on the map, thinking that the forests would naturally be there, whereas it was stated by those who had been over the land that there was not enough timber on those lands to justify their cutting.

The Senator very well knows that the very last large addition that was made to forest lands was made by a proclamation of the President before the Land Office had time to enumerate the sections and townships that were to be put in the reserve, and

that it was made absolutely without survey and information. Now, that is what we complain of. As I said, the pyramid is sitting on the top. What ought to be done is to secure accurate information before the forest reserve is created. Then there will be no necessity of this waiting year after year and year after year. As the Senator well said, no one objects to a proper forest reservation in this country, but not that you can lock up a whole vast area of country under the pretense that it is forest land and should be conserved as forest land, and then dribble out the little tracts of agricultural lands when men want them. The system ought to be revised.

I think if we have a Forest Service we ought to support it. I am not making any contention against the appropriations in this bill. I simply want to put on record the protest of certain Members of the Senate that the system is wrong, and it ought to be changed from the root up. This discussion will go on every year upon this bill. We are appropriating every year for the Forestry Service one-third or more of the whole volume of money that we appropriate for the great Agricultural Department. We do not think it is right, and we are going to continue to protest against it.

Mr. SMOOT. Mr. President, if the 160,000,000 acres that are included within the boundaries of the forest reserves proper in the United States were all the lands, such as mineral lands, agricultural lands, salt lands, grazing lands, oil lands, and coal lands, then the statement of the Senator would be correct, and I would myself believe it would take perhaps 50 years to classify them. But the Senator must remember that the great part of the lands within the forest reserves are mountainous lands, and it does not take any time to classify them as not being agricultural lands.

Mr. CLARK of Wyoming. Oh, Mr. President, I shall have to differ with the Senator, although he lives in a mountainous country, and so do I. I know very fine farms on the borders of his State and on the borders of mine, 7,000 feet above sea level.

Mr. SMOOT. Mr. President, there is no doubt about that; and there is nobody who can not classify a little piece of farm land in some little valley between two hills in the mountains as agricultural land. That is not going to take any great length of time.

Mr. CLARK of Wyoming. That is not what I refer to, Mr. President.

Mr. SMOOT. I am speaking of the great ranges of mountains that extend for miles and miles where there is not a foot of agricultural land to be found. I am not speaking of the lowlands or the rolling hills where there are agricultural lands, but I am speaking of the mountainous land which everyone knows is not agricultural land, and the great majority of the 160,000,000 acres within the forest lands are that class of lands. It will take no time to classify them.

Therefore, Mr. President, I believe the Secretary of Agriculture has now started upon a policy that should have been started upon years ago. I believe, also, that the policy to-day is not to add to forest reserves grazing lands or agricultural lands of any kind. I do not believe that there has been an addition made to any forest reserve in the last year, unless it has been upon petitions from the people who are living near the reserve.

Mr. CLARK of Wyoming. Mr. President, just one moment. The Senator very well knows that petitions of those living near the reserves are not always to be depended upon. The Senator very well knows that he himself within the last week, as well as I myself, failed to recommend the passage of a bill to this body which was sustained by the request of the people living near the reserve, where the request was made that there be added to the reserve certain land below the timber that was grazing land. The Senator knows very well that sometimes people with interested motives ask for legislation that they do not get. The people living near the forest reserve asked that that land be added to the forest reserve simply so that they could control it for their own grazing. So when the Senator says that a forest reserve is created or added to by petition, I say that is not an evidence that the reserve ought to be created or added to.

Mr. SMOOT. But I call the Senator's attention to the fact that if they were adding to these reserves as they have been added to in the past, the land would have been more than likely added to the reserve without asking Congress for authority to do so.

Mr. CLARK of Wyoming. I have an idea that it might have been added if they had not come to Congress.

Mr. SMOOT. I think not, because when the Secretary of the Interior was asked for his opinion as to whether there were any reasons why the bill should not be considered favorably and passed, he stated that it was a grazing proposition only, and it was upon that report that the Committee on Public Lands refused to report the bill favorably.

Mr. CLARK of Wyoming. The Senator will remember that the proper official also added that he had no objection to its being included in the reserve, although, in fact, he knew it was grazing land, and grazing land only.

Mr. SMOOT. Provided Congress should desire to do it.

Mr. CLARK of Wyoming. If the committee of the Senate had been as favorable to the forest-reserve proposition, we would have had an open, free example of the fact that lands might be added to forest reserves even when they are acknowledged not to be timberlands.

Mr. SMOOT. To show that those in favor of the forestry policy are not in favor of adding grazing lands to forest reserves I point to the fact that the Senator from Oregon [Mr. CHAMBERLAIN] voted against the bill. I believe there was only one member of the committee who voted for it. Therefore it is the policy of the committee, the policy of Congress, the policy of the Forestry Service, the policy of the Secretary of the Interior, the policy of the Secretary of Agriculture not to add to the forest reserve lands that are suitable only for grazing purposes.

Mr. President, there has been some criticism offered on the policy of the Forest Service in the matter of grazing permits. In the management of grazing on the national forests the ranges are divided in accordance with the needs and the conditions of each locality. In some forests the ranges are divided into individual allotments and in other forests in community allotments or general grazing districts used by a number of stockmen. Wherever fences are necessary for the proper control and handling of the stock they are allowed. Over 2,100 miles of drift fences have been constructed on the national forests for the purpose of improving grazing conditions and enabling the stockmen to better control their stock.

In many localities it has been absolutely impracticable to divide the ranges into individual pastures, for the reason that there was such a large number of small owners using the range. For example, in the Manti National Forest, in Utah, there are over 1,000 different owners grazing less than 20,000 head of cattle, or an average of less than 20 head each.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. FALL. Do those owners reside on the forest reserve or off of it?

Mr. SMOOT. Some of them reside within the reserve, but most of them reside off the reserve.

Mr. FALL. How many individual owners does the Senator say there are?

Mr. SMOOT. There are over 1,000 owners of cattle using permits. The total of the permits amounts to about 20,000 head of stock, which means an average of not to exceed 20 head to each allotment.

Mr. FALL. Exactly. I want to say to the Senator that I have here or will have here in a moment or two some maps showing the forest reserves in New Mexico, where there are hundreds of homestead entries made in the one portion of New Mexico, where artificial irrigation is not necessary, and where the forest reserve was thrown around after those people got their patents; and now it is necessary for every one of them to have a permit before his milch cow can cross his fence. That is exactly the condition the Senator is speaking of.

Mr. SMOOT. I call the Senator's attention to the fact that every man who lives within the forest reserve has a preferential right against every other man in the State.

Mr. FALL. In other words, a preferential right to pay his money when his cow crosses his fence. That is what you mean by a preferential right.

Mr. SMOOT. Of course, if he grazes his cow on Government lands within the forest reserve he is charged whatever proportion other men are charged for grazing their cattle within the same reserve.

Mr. FALL. The Senator says "whatever proportion." Does he mean to say that he has any preference, that he gets his credit for any less? Does he not pay the amount fixed for that entire forest reserve?

Mr. SMOOT. Yes; I mean to say that if he has 160 acres of land in the forest reserve and has a permit to graze 20 head of cattle he is allowed credit for the grazing value of his land within the reserve, provided it is open and not fenced.

Mr. FALL. Certainly; and then his preferential right simply means that he has a first right to pay for a grazing permit.

Mr. SMOOT. Yes; and I know many men who buy land and live within a forest reserve for the very purpose of getting the preferential right. I say to the Senator that as far as the permits are concerned, they are transferable with the sale of sheep or cattle and are very, very valuable. The transfers——

Mr. FALL. Will the Senator permit me? If they are valuable, then why should they not belong to the people?

Mr. SMOOT. They do belong to the people.

Mr. FALL. By paying a toll for salaries.

Mr. SMOOT. Not a toll for the permits. Moneys are collected for grazing and sales of timber.

Mr. FALL. What becomes of the money that they pay?

Mr. SMOOT. Twenty-five per cent of it goes to the State and 75 per cent goes to the Government of the United States.

Mr. FALL. And where does it go from the Government of the United States? It goes for salaries for these people who collect the money from the people.

Mr. SMOOT. Mr. President, Congress decides the question whether it wants to appropriate money for the administration of the Forest Service or not.

Mr. FALL. I ask the Senator if it is not a fact that it goes back in salaries; that the people who collect 100 cents give 25 cents to the local people and retain 75 per cent for their salaries, and then they come here asking for a deficiency appropriation every year? Is not that a fact?

Mr. SMOOT. All the revenue from the forest reserves, whether revenue from grazing or revenue from the sale of timber or whatever it may be, of course goes into the Treasury of the United States, with a deduction of 25 per cent, which goes to the State in which the particular forest reserve is located.

Mr. FALL. But the Senator, in making the assertion that it goes to the Treasury of the United States, might leave it to be inferred for some other purpose than to pay the salaries or expenses of the Forest Reserve Service.

Mr. SMOOT. That particular money could be appropriated to the building of battleships or to pay the salary of the President of the United States——

Mr. FALL. Then I want to say——

Mr. SMOOT. Just a moment, and then I will gladly yield. I say it may go toward paying the salary of the President of the United States or any other expense of the Government. I am not claiming that the receipts from the forest reserves are sufficient to pay the expenses of administering the forest reserves. I made no such statement. But it has been the policy of the Government to create these reserves and it has been the policy of the Government to provide means for the maintenance of them.

Mr. FALL and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I yield first to the Senator from New Mexico and then to the Senator from Idaho.

Mr. FALL. I wish to ask the Senator what is the ultimate object of this policy? What are you going to do with these reserves?

Mr. SMOOT. I thought the Senator understood that thoroughly.

Mr. FALL. I am sorry to say that I am ignorant, and I will be delighted to be enlightened by the Senator from Utah.

Mr. SMOOT. The policy of the Government in relation to the forest reserves is for the preservation of the timber—I mean in its broadest sense—and protection against monopoly of the timber within the reserves.

Mr. FALL. Why do you protect them, unless you expect to use them for the benefit of the people?

Mr. SMOOT. That is what is being done. The Forest Service is selling the timber just as fast as applications are made for it. I was very much surprised to hear the statement made by the Senator to-day in relation to a mine in New Mexico—that it was within 50 miles of standing timber on a forest reserve and yet the company could not get the privilege to cut a foot of the timber, but had to send some $600,000 to Oregon to buy timber to be used by the company for mining purposes. I ask the Senator, Did the company ever make application for the purchase of timber in the reserve that he spoke of?

Mr. FALL. I do not know whether it did or not.

Mr. SMOOT. Of course, if it did not make an application, it would not have the right to cut and remove the timber; but if it made application and the application was denied, I want to say that it is different from the policy followed by the Forest Service in any other forest reserve in the United States. I do not know of a forest reserve in the United States where there is standing matured timber and an application is made for it by a citizen or a company that the request has not been granted upon the payment of the stumpage value of the timber.

Mr. FALL. The Senator is so much wiser in that respect, as well as many others, than some of us that he doubtless knows how to do things on a forest reserve that we can not do. I made the assertion, and I make it again, that it is true. There are forest reserves in New Mexico and in Arizona within 50 miles of the Mexican border, and within 50 miles of that border, in one mine alone, $641,000 worth of Oregon timber was put in in 1907. That timber was brought from Oregon. If it could have been obtained from a forest reserve there, would not the people have obtained it there rather than bring it down the coast a thousand miles and then by railroads into New Mexico? Is that common sense?

Mr. SMOOT. Mr. President, I do not question the word of the Senator that that amount of timber was brought from Oregon and the money paid to Oregon for the lumber, but I ask the Senator whether an application was ever made by the company for the timber that he says was within 50 miles of the mine. I do not know whether it is true or not true that an application was made.

Mr. FALL. Nor do I know whether it is true or not true, but I know that the forest reserve in New Mexico sold $42,000 worth of timber last year. One Indian reservation alone has sold this year 130,000,000 feet of standing timber—more than all the forest reserves have sold for 5 or 10 years.

But I know further that, fortunately for the people of New Mexico, the land grants to railroads cover some timber and that companies have been able to purchase that land from the railroads, and the people of New Mexico can obtain lumber from the timber cut from such land. But if it were not for that, if those land grants had not been made before this forest-reserve policy was initiated, which the Senator is defending, so that the timber could be utilized, I presume that it would be necessary for us to go to Oregon for every board which we might put in a house.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. In just a moment. I wish to say to the Senator that I do not approve of a policy of the Forest Service that withholds timber from use by the citizens of any State in which the forest reserve is located.

Mr. FALL. Let us see——

The VICE PRESIDENT. Will the Senator from New Mexico please observe the rule? He must first address the Chair and get permission from the Senator having the floor before he can interrupt him.

Mr. SMOOT. I will say to the Senator that if such a thing has happened upon any forest reserve in New Mexico I will condemn it and say it is not right, and the regulations effecting that reserve should be changed.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Now, will the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield to the Senator.

Mr. FALL. The Senator from New Mexico had addressed the Chair, been recognized, and then taken his seat. Then the Senator from Utah addressed the Senator from New Mexico and the Senator from New Mexico arose to answer, as he understood, the question propounded by the Senator from Utah. Now, Mr. President, let us see if we can get at the idea of the Senator. That I may not be out of order again, I would ask the Senator to let me put my question and then he can answer it categorically.

First, what is Senator's idea of the policy or of the ultimate object to be obtained by these forest reservations? Is it or is it not a business proposition? Is it not for the purpose of disposing of the mature and fallen timber and reforesting those reservations so that the ordinary amount of timber may be preserved for future generations? In other words, that we may do exactly as Germany and some other foreign countries have done, that we may sell for the use of the people a certain amount of the timber each year of the mature stuff as it comes on, and at the same time reforest the area so that 20 or 50 or 100 years from now there may be possibly as much timber as there is at the present time upon that reserve? Is that the object?

Mr. SMOOT. The Senator has stated one of the objects of the forest reserve very clearly, and I will accept the statement of the Senator as being a true statement of one of the objects of the Forest Service.

As far as the business proposition is concerned, the only business that is connected with it is that the citizen or the corporation that applies for timber—that is, the mature or down timber—is compelled to pay a certain stumpage rate. Now, does the Senator object to that?

Mr. FALL. Mr. President, I will say to the Senator not only that I do not object to it but that is exactly my idea of

the policy which should be carried out. I do not object to the forest reserves. I join the Senator from Wyoming in saying that as to the preservation or the conservation, pursued properly, I would not object to it.

Mr. SMOOT. I can not see that the Senator and I are very far apart.

Mr. FALL. We are so far apart that there is no possibility of our getting together when the Senator defends the present policy of the department in the administration of the forest reserves.

Mr. SMOOT. I just told the Senator that I would condemn it as strongly as he could possibly condemn it if the policy was as stated by him, and I am surprised if such a policy has been carried out upon any reserve in New Mexico.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. CLARK of Wyoming. I regret to see that the Senator from New Mexico and the Senator from Utah can not possibly get together. I think that perhaps I can suggest a plan which, if the Forest Service would see fit to consider it, might settle this question of the timber.

The Senator from New Mexico says that several thousand dollars' worth of timber was brought from Oregon or Washington for mining purposes in New Mexico when timber lay right at their doors, and that they could not get it from the Forest Service, which had it in superabundance. I believe that this is the reason why they could not get it, and I think it is worthy of consideration in connection with this whole subject matter.

I believe that the way is open for the Forest Service to do what the Department of Justice has not been able to do, to do what the whole legal department of this Government has been unable to do, and that is to stop once and for all the imposition of the Lumber Trust, if there be such a thing in this country. Let the Government of the United States take this timberland, which is equal in acreage to the timberland that is held in private ownership, and offer it at a reasonable price to sawmill men; let the sawmill men go and work on the timber that ought to be sawed for the protection of the forests, and let them put that timber on the market at a reasonable profit. Then we will see whether or not New Mexico goes to Oregon and Washington for lumber. New Mexico will then buy the lumber that lies at her door.

The difficulty in the situation heretofore has been that when the Forest Service want to sell timber they do not sell it in relation to its cost of production. They sell it at the price which is fixed by the great lumber people. They do not compel the great lumber people to come down, but raise the price of their lumber to what the big lumber people charge.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New Mexico—because I am deeply interested in this question of refusal on the part of the Forest Service to allow timber to be cut from the reserve—whether the timber that he speaks of being within 50 miles of the mine was in New Mexico or was it located in another State?

Mr. FALL. It was in New Mexico and Arizona.

Mr. SMOOT. It was in both States?

Mr. FALL. Yes, sir.

Mr. SMOOT. Of course, if it had all been included in Arizona, there may have been some reason for not shipping it from one State to the other. I simply asked the question, however, for information, because I want to look up the question myself and learn if such a thing has happened, and if so, why. If the application was made and the company was refused the use of the timber for mining purposes or any other purpose, I think the action was wrong.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield.

Mr. FALL. I have stated to the Senator that I do not know whether an application had been made to purchase this timber or not. I know as a business man, and I think the Senator also knows as a business man, that a business concern will likely purchase timber at the nearest available point and for the best price it can be obtained. I think the Senator would agree, without the figures being placed before him, that it certainly should be possible for timber to be cut from a forest reserve in New Mexico within 50 to 100 miles of a mine, granting that a railroad reached the forest reserve, which it did, and that it could be sold as cheaply as it would be possible to transport that timber from the great timber fields of Oregon.

Mr. SMOOT. There is no doubt of it.

Mr. FALL. I simply state the fact. I know nothing about the application. I stated to the Senator a moment ago that I have some maps in my possession of certain forest reserves which I referred to yesterday. It is impossible to get these maps in the RECORD, but if the Senator is interested in this proposition I should like to show him just one or two of our forest reserves in New Mexico.

Mr. SMOOT. Does the Senator mean as to the extent?

Mr. FALL. The capacity and the private land entries, what they have undertaken to do in what they call a forest reserve.

Mr. SMOOT. As to the extent of withdrawals, does the Senator mean?

Mr. FALL. Yes. I mean to say that we have an agricultural country there which people are continuously entering for agricultural purposes, and the forest reserve has been so extended that it is impossible for them to take up any further these numbered sections.

Mr. SMOOT. Mr. President, I know that the policy has been from the very creation of forest reserves that wherever there has been a considerable amount of land entered by private individuals not to include the entries within the boundaries of a forest. By that I do not mean to say that there has never been an addition to a forest reserve in which there had been private holdings, because I know that there have been private holdings included in an addition to forest reserves. I know there have been ranches that have been used for years and years that have been included in an addition. I am fully aware of that.

Mr. HEYBURN. Even towns and villages.

Mr. SMOOT. The Senator from Idaho suggests that there have been towns and villages included within the forest reserves. Of course that has never happened in my own State, but I have heard the Senator from Idaho state it on several occasions.

Looking at the map of New Mexico, I notice that there are a great many quarter sections that have been entered by private parties, and there must be some good reason; there must be a reason, one that I can not explain from looking at the map, why the private holdings were added to the reserve; but, in my opinion, in a case where lands have been entered by private parties to the extent that this map shows, it would have been better to have left them out of the reserve.

Mr. President, in relation to the sale of timber in New Mexico and Arizona, there have been from fifty to seventy-five million feet sold annually by the national forests in New Mexico and Arizona. A great deal of that is for local consumption by mining companies. So far as I know, no application for timber from such companies has been denied, as I have heretofore stated. Therefore, I asked the question of the Senator whether the application had been denied, and the Senator said that he did not know. I say to the Senator that if the application was made, if the timber was matured—as I know it must have been, or the Senator would not make the statement he has—and if the application was refused it was a gross violation of the rules and regulations of the Forest Service and should be condemned.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I do.

Mr. FALL. Whether or not an application was made for the purchase of this timber, what has the Senator to say with reference to a policy which will exclude from the market the timber for which there is such a demand as I have instanced right at their doors? If they have the timber, could they not have sold it, and what was that policy when they did not offer to sell it?

Mr. SMOOT. I do not think there is a citizen in the United States but knows that wherever there is matured timber in a forest reserve an application can be made for it and the Government will gladly sell it. It can be cut into logs or lumber for local use, or shipped wherever desired. That is the policy of the Forest Service, as I understand it. If it has not been carried out, I condemn it just as strongly as does the Senator from New Mexico.

Mr. President, proceeding with the question of using fences on reserves, I will say it would be utterly impossible to fence the reserves in my State. But, upon the other hand, in the Nebraska forest, where the conditions absolutely require fencing for the control of the stock, the entire forest is fenced and divided into individual pastures. The Forest Service is governed very largely in this matter by the desires of the stockmen and undertakes to make divisions of the range in such manner as is satisfactory to them and will bring the best results.

In Utah it is impossible to fence, while in Nebraska it is best to fence. The policy of the Forest Service has been to fence in Nebraska and not fence in Utah. All the service desires is to get the best results from the grazing lands, no matter where located.

In cases where watering places located in the national forests are used in connection with range outside the boundaries, if the stockmen desire to allow the stock to cross at freedom and graze back and forth across the national forest lands, they are required to secure a grazing permit for a portion of their stock proportionate with the area of national forest lands within the range, but in no case is a charge made for the privilege of merely crossing the forest. The minimum rate for grazing cattle on the national forests is 35 cents per head, while the minimum rate charged for grazing on Indian reservations is $1 per head.

So far as limited grazing charges are concerned, I am in full accord with the Senator from New Mexico. I do not believe that the Forest Service should charge every settler who has a horse or a cow or a beef steer all that it is possible to get out of him. The policy has been, so far as the Forest Service is concerned, to charge per season 35 cents a head for cattle, while upon every Indian reservation in the country the price has been $1 a head.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. FALL. I want to say to the Senator, and that, too, speaking of what we all know personally—my ranch in New Mexico adjoins the Mescalero Apache Indian Reservation and the Alamo Forest Reserve. Unfortunately, I have not been able to secure a lease upon the Mescalero Apache Reserve; but I have secured permits for grazing upon the Alamo Forest Reserve and the Lincoln Forest Reserve. I want to say to the Senator from Utah that I would pay $1 per head for my cattle under the system on the Indian reserves, and I would rather pay 25 cents a head for my sheep under the policy pursued on the Indian reserves than to pay 20 cents for cattle and 5 cents for sheep under the policy pursued on the forest reserves.

Mr. SMOOT. Mr. President, then I will take my own State, and show the policy where the conditions are exactly the same. I know that in the State of Utah the forest reserve does not charge one-quarter for grazing sheep upon certain lands in Utah what it costs men who have bid for the grazing privileges upon similar lands. The only Government reclamation project in the State of Utah has some 52,000 acres withdrawn for construction purposes. For the last three or four years that 52,000 acres has been leased to the highest bidder, and the number of sheep that can be grazed upon it makes the cost of grazing each head of sheep nearly 30 cents, while the lands adjoining the withdrawal, as well as in any forest reserve in the State, are grazed by sheep at a rate not exceeding one-quarter of that amount.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I do.

Mr. WILLIAMS. I should like to ask the Senator from Utah if he does not think, if these forest reserves were turned over to the State of Utah—those that are situated in the State of Utah—that the State could manage them just as wisely and just as much in the interest of the people as the United States Government does?

Mr. SMOOT. I certainly think the State of Utah would do so. The Forest Service has never undertaken to sell the grazing privileges in the national forests on a commercial basis, which inevitably results in the grazing privileges falling into the hands of a few, but has undertaken to preserve a wide distribution of grazing privileges among the people dependent upon the use of the range and collect only a moderate charge for the grazing privileges.

I know that is the case as to all the forests of which I have made an examination.

The criticism was made by the Senator from New Mexico that private or county roads could not be constructed within the national forests. It is evident that the Senator has confused the national forests with the Indian reservations, as not only wagon roads may be constructed within the national forests, but rights of way for telephone and telegraph lines, railways, canals, irrigation ditches, and so forth, may be secured on the national forests under the existing law; but such rights of way may be secured on Indian reservations only by acts of Congress. Over 300 private and county roads were constructed within the national forests last year under the provisions of the existing regulations, and over 1,200 miles of such roads have been built within the national forests.

Mr. President, I expected to occupy but a few moments when I arose. I desire to again state to the Senate that it is not so much the question of the creation of forest reserves that has caused such bitter criticism, but the past administration—and much of it has been misdirected. There is not a western Senator who does not know that there should be changes made in the land laws, yet we have never been able to get together and agree upon a definite policy. I look to see the time when we shall agree upon such a policy. Whether it will result in turning over all the public lands to the States in which those lands are located, I can not say.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Mississippi?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Does not the Senator from Utah think, in view of the fact that the public-land problem is a totally different thing in Arizona from what it is in Nebraska, and a rather different thing in New Mexico from what it is in Utah or Nevada, pretty nearly a different thing in every State, that the only really satisfactory way of having it attended to in the right manner is to have it attended to in different manners; and that, therefore, the only proper remedy for the existing evil is to turn the public lands over to the States in which they exist and let the States manage them, each one in accordance with local conditions?

Mr. SMOOT. Mr. President, it certainly would then rest upon the people of the State whether or not such lands were administered properly, or whether or not they were administered according to the desires of the people of the State. My opinion is that, with certain restrictions, they would be so administered.

Mr. WILLIAMS. But would the States not be very much more apt to administer them properly than the department at Washington, which would have to make all of these regulations under what is, upon the face of it, at any rate, a uniform law?

Mr. SMOOT. Mr. President, if western Senators and Representatives could agree upon some general policy—I mean a policy as to whether there should be any reservation in the granting of rights to settlers within the State—I believe that that would be the proper policy to pursue, and I believe Congress would agree to it. I hope to see the day when this question will be settled, and every year when the agricultural appropriation bill is up that we shall not have to thrash this same question over and over again. The land laws are not applicable to conditions in many of the States; but the difficulty is not so much with the law as it is with the administration of the law. I must admit, however, that the laws are such that the strictest examinations must be made, but they should be made all at once and not take years to accomplish.

Mr. WILLIAMS. If the Senator will pardon me, after all, if it is a Federal law it would have to be uniform. If you make public-land laws applicable to the conditions in Utah, they would not be applicable to Mississippi and Alabama, where there are yet a few public lands, though not many, or to Arkansas, where there are a great many. I see no way out of it except by local self-government and laws adapted to the conditions of each locality.

Mr. SMOOT. I notice that that idea is growing very rapidly in the United States.

Mr. President, I have not examined into the details of this bill; I have not had time to do so; and I do not know whether the appropriations contained in it are too large or too small. I have been so crowded with other work that it has been impossible for me to pay any particular attention to it; but I do know that although there has been a question raised as to the appropriation for the preservation of the timber through the fighting of fires, the appropriation for that purpose is a most important one.

Reference has been made to the fire loss of timber amounting to $25,000,000. I believe, estimating the stumpage value at a very low rate, that more than that amount was destroyed last year. Of course, I do not say that none of that timber would not have been destroyed if the appropriations for fire protection had been greater; but I do claim that if an appropriation had not been made the timber loss of this country last year would have been greater.

Mr. HEYBURN. Mr. President, I want to ask leave to insert in the RECORD in connection with this discussion a section of the original act creating the Department of Agriculture. It is contained in volume 12 of the United States Statutes at Large, page 387. I do it merely for the purpose of showing the

original intention of the creation of this department of the Government. It may be a surprise to some Senators. It was passed on May 15, 1862:

Be it enacted, etc., That there is hereby established at the seat of Government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

That is the entire scope of the purpose of the department. At that time the principal officer was denominated the Commissioner of Agriculture. It so remained until February 9, 1889, when Congress enacted the law creating the existing Department of Agriculture, without extending its powers, but merely providing—

That the Department of Agriculture shall be an executive department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

Then the act provides for the officers. I merely read that to show the possible enlargement of a department of the Government by usage and ancient right.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee in line 19, on page 29, which the Secretary will again state.

The SECRETARY. On page 29, line 19, after the word "each," it is proposed to strike out "54 forest rangers, at $1,100 each."

The amendment was agreed to.

The next amendment passed over was, on page 32, line 10, after the word "and," to strike out "thirty thousand three" and insert "thirty-five thousand seven."

The amendment was agreed to.

Mr. NELSON. Are other amendments now in order, or have all the committee amendments been disposed of?

The VICE PRESIDENT. There remain some committee amendments which have been passed over.

Mr. NELSON. Very well.

The Secretary resumed and concluded the reading of the portion of the bill heretofore passed over.

The VICE PRESIDENT. That completes the committee amendments and the reading of the bill.

Mr. WARREN. There was an amendment, or possibly two amendments, passed over on page 88.

The VICE PRESIDENT. The Secretary advises the Chair that on page 53 an amendment was passed over. The amendment will be stated.

The SECRETARY. At the top of page 53 it is proposed to insert the following:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that, owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms.

Mr. NEWLANDS. I wish to make an inquiry of the chairman regarding this amendment. Under it, as I understand, power is given to extend contracts for payment of stumpage, but not to vary the price—not to reduce the price.

Mr. BURNHAM. I wish simply to say in answer to the question that it authorizes the Secretary to extend the time. It does not authorize a change of price. The price will not be diminished, and in this bill it is said:

Provided, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract.

It seems to me the Government of the United States would be protected.

Mr. NEWLANDS. I have no objection to the amendment, but I wish to inquire in this connection of the chairman what is the average stumpage price for lumber?

Mr. BURNHAM. I think $2.56 this year; $2.44 last year.

Mr. NEWLANDS. I wish to ask him whether the maintenance of that price—the price which is charged, as I understand, by other owners of timberlands, particularly the great combinations—does not have a tendency to maintain too high a price for the average cost of lumber.

Mr. BURNHAM. I think the price is based upon the market price in the first instance, and that is ascertained from the——

Mr. NEWLANDS. But if the market price is fixed by the Lumber Trust——

Mr. BURNHAM. I grant that.

Mr. NEWLANDS. Does it not mean that the Government is helping the trust to maintain the price?

Mr. BURNHAM. It is not the purpose of the Government.

Mr. NEWLANDS. It is not the purpose of the Government; I know that; but I was inquiring as to the effect of it.

Mr. BURNHAM. It may be indirectly, but the idea of the Government, as I understand, is to hold this merchantable timber so that it shall not be sold at a bankrupt price, less than it is worth.

Mr. NEWLANDS. I do not doubt that the intention of the department is all right, but I am merely inquiring as to the effect, and it seems to me it is an inquiry which should be considered by the Committee on Agriculture and Forestry when it considers the next agricultural appropriation bill.

I was struck with the thought of the Senator from Iowa that if the Government is to enter into a combination in restraint of trade we can not expect to reach an era of lower prices.

Mr. WATSON. Mr. President, I do not think the Senator in charge of this bill has fully comprehended the meaning of the amendment. The amendment reads:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture.

It looks to me that that is a very bad discretion to give to the Secretary; that it is unbusinesslike and improper, and we ought not to authorize him to change it.

Mr. BURNHAM. I do not care to debate the question at length. I will submit it to the Senate, if necessary. I understand the fact is that sometimes the contracts lose all effect because the contractor loses his market and the sale is lost. If he can go along with a little leeway with respect to time in which he is enabled to complete his contract, it is to the advantage of the Government. Several instances have been submitted to the committee as bearing out this contention.

Mr. LODGE. Does not this amendment do more than to enable the Secretary to extend the time?

Mr. BURNHAM. It is simply this: These contracts contain a provision that a certain quantity of timber shall be cut each year. The contract must be accomplished within a certain time. Now, if the contractor finds that he can not complete the cutting of so much timber within the year, he fails in his contract. The object here is to give another year, or two years possibly.

Mr. LODGE. But the language is "modify, alter, or cancel."

Mr. BURNHAM. It modifies it to that extent.

Mr. LODGE. It certainly is not limited to extending the time. If it said simply that the Secretary should have power to extend the time, that would be one thing. But this goes much further than that. I do not know anything about the merits of the amendment, for I am not sufficiently familiar with the subject.

Mr. BURNHAM. There is this provision: That whatever may be lost in expenses or in damages shall be reimbursed to the Government.

Mr. WATSON. I should like to ask a question. If the Government makes a bad contract and wants to get out of it, is there any way provided by this amendment to allow it to do so?

Mr. BURNHAM. The Senator knows very well that a contract may be one-sided. That is true.

Mr. WATSON. I shall object to this amendment and ask for a vote on it.

Mr. OVERMAN. Do I understand that if I made a contract last year to pay $2.54 for stumpage the Government has a right, if lumber should go up, to cancel that contract and make me pay $2.75?

Mr. BURNHAM. I understand that the contracts run for five years, and there is a chance under these contracts to readjust the amount according to the value of stumpage at the time.

Mr. WATSON. I make the point of order that the amendment proposes new legislation.

Mr. BURNHAM. I suppose the point of order is good.

The VICE PRESIDENT. The point of order is sustained. The next passed over amendment will be stated.

The next passed over amendment was, on page 53, line 18, after the word "millions," to strike out "one hundred and thirty thousand two hundred" and insert "four hundred and fifty-nine thousand," so as to read:

Total for Forest Service, $5,459,045.

The amendment was agreed to.

The next passed over amendment was, on page 88, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one million," so as to read:

Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $1,000,000.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. HEYBURN. There is objection to it. That is a committee amendment?

The VICE PRESIDENT. It is a committee amendment. The question is on agreeing to the committee amendment. Does the Senator from Idaho desire to discuss it?

Mr. HEYBURN. I do.

Mr. President, as it has been shown that it does not cost any such sum for that purpose, it seems to me it is reckless in the appropriation for fighting and preventing fires to raise it to $1,000,000.

Mr. WARREN. That is entirely an emergency appropriation.

Mr. HEYBURN. Then it should have inserted the words "or so much thereof as may be necessary."

Mr. WARREN. That is understood, of course. I think I said two days ago in debating the subject that the occasion of that amendment was the big fires which exhausted the appropriation of two years ago and created a deficiency, for which we provided something like $700,000 or $800,000 in the deficiency bill. For next year the department suggested that there should be $100,000 emergency appropriation——

Mr. HEYBURN. Made available?

Mr. WARREN. That it should be made available, in case it should be needed. They used of this the next year only $22,000, showing that the department was entirely within bounds in respecting it as an emergency clause. In case of a great emergency there would hardly be authority for the Secretary to incur the expense unless he did it as before under an emergency, which, I think, the Senator from Idaho thinks is precarious ground to tread upon in the expenditure of money.

Mr. HEYBURN. I only rose to suggest an amendment, to insert after the word "dollars" the words "or so much thereof as may be necessary." That goes to the question of the available balance in the Treasury against which appropriations may be made. Are we going to withdraw a million dollars in the beginning, without knowing whether we will need it or not? There is no reason on earth for withdrawing, on paper, from the available cash in the Treasury a million dollars, and by inserting the words "or so much thereof as may be necessary," those investigating the available balance in the Treasury will be put on guard. I move to insert the words "or so much thereof as may be necessary."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After the word "dollars," in line 2, page 88, it is proposed to insert "or so much thereof as may be necessary."

Mr. BURNHAM. I accept it.

Mr. WILLIAMS. Do I understand that it is an increase of $800,000 in that item?

Mr. WARREN. It is not. We may have in a certain year a very extreme succession of fires. It cost last year $700,000 more than we had appropriated.

Mr. WILLIAMS. Is this a deficit?

Mr. WARREN. There was a deficit, and it was taken care of in the deficiency bill.

Mr. WILLIAMS. All right.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to. The next passed-over amendment will be stated.

The SECRETARY. On page 88, after line 19, it is proposed to insert the following words:

> And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. That is a very carelessly drawn amendment. In line 24 it gives authority to appoint a commission for the acquisition of lands for the purposes mentioned. Who is to appoint the commission?

Mr. GALLINGER. The commission is appointed under the law.

The VICE PRESIDENT. It is a mere recital of the statute.

Mr. GALLINGER. A mere recital of the statute.

Mr. HEYBURN. I understand that, but it does not follow that we must make a continuing appropriation for that purpose. We should appropriate such sum as is necessary to make effective the existing law. But this appropriates the money until expended. We are not in the habit of doing that in legislation. I move to strike out the words "as shall remain unexpended at the close of each of said fiscal years," to be found in lines 5 and 6, page 89.

Mr. GALLINGER. Mr. President, I am sorry the Senator from Idaho has thought it necessary to attack this little amendment. The law which was enacted and which was approved March 1, 1911, makes an appropriation in these words:

> SEC. 3. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th of June, 1915.

Mr. President, under that law the first two annual appropriations have been turned back into the Treasury for the reason that the Geological Survey, which has something to do with the administration of this law, was not prepared to make report. So that $3,000,000 have already been lost. For the present year the Geological Survey has not reported on the White Mountain region, but will doubtless make a report in a few days. Lands have been purchased in the South, in two States of the South, I think, under this appropriation, and not an acre as yet has been acquired in the North. The amendment merely provides that the unexpended balance of the $2,000,000 of the present year, if there shall be an unexpended balance, may be applicable to the succeeding year. It takes no money out of the Treasury beyond that appropriated by this act from which I have read, but enables these forest reservations to get, after losing $3,000,000, the remainder of what was provided for in the statute I have quoted.

I think the Senator upon reconsideration will see that this is not bad legislation, and that we may well do it. Whether we are in the habit every day of doing that particular thing or not, it seems to me we can do this, and in this case we ought to do it; and I hope the Senator will not urge his objection.

Mr. HEYBURN. I had this in mind. This is the Appalachian——

Mr. GALLINGER. Yes; the Appalachian and White Mountain Reserves.

Mr. HEYBURN. And the sums appropriated have not all been expended. Under the law they should be returned to the Treasury. That is the rule which applies to all appropriations.

Mr. GALLINGER. The $3,000,000 has been covered back into the Treasury for the first two years.

Mr. HEYBURN. What is the sum involved in this amendment that would be continued?

Mr. GALLINGER. This commission, of which I happen to be a member, is authorized under the statute to spend $2,000,000 for the present fiscal year. The probability is that in view of the fact that a scientific bureau of the Government has taken an inordinate length of time to make a report upon it, that the $2,000,000 will not all be expended. Every dollar that has thus far been expended has been expended in certain of the Southern States, which I am glad was done, and there will unquestionably be a balance, greater or less, of the $2,000,000 not expended when the 30th day of June arrives. What we want to do, and what I think we ought to be permitted to do, is to apply that unexpended balance to the purchases of next year.

Mr. HEYBURN. Is not that a violation of the general law in regard to returning to the Treasury at the end of the fiscal year unexpended balances?

Mr. GALLINGER. I do not know about that. I am not familiar with that law.

Mr. HEYBURN. I have no desire to deprive this enterprise of necessary funds to carry out its purposes and would vote for such an appropriation as might be estimated for. But this violates the rule of estimates as well as the general law in regard to covering into the Treasury the balance unexpended at the end of the year. I think that the appropriation should be made direct.

Mr. GALLINGER. Supposing that by this provision in the pending bill we make a new law so far as this particular item is concerned. Have we not authority to do that?

Mr. HEYBURN. Have we ever done it?

Mr. GALLINGER. I do not know whether we have or not. It is extraordinary if we have not done it. I can not conceive of anything we have not done since I have been a Member of this body.

Mr. HEYBURN. I only speak in the interest of regularity in legislation making appropriations. This is a large unexpended balance.

Mr. GALLINGER. No; it may be much or small. The probability is it will be small. We are not asking you to give us the $3,000,000 that have already been lost. We are simply looking forward to the utilization of the $2,000,000 for the present year that under the law we are entitled to, but a portion of which

we will probably lose from the fact that the Geological Survey, as I say, has taken a very long time to make their investigation.

Mr. HEYBURN. We must concede that this $2,000,000 might now or between now and the ending of the present fiscal year be expended. The existing law authorizes that.

Mr. GALLINGER. If that should be done there will be no unexpended balance.

Mr. HEYBURN. Then what will we do for the next year?

Mr. GALLINGER. We will have $2,000,000 more for next year under the statute.

Mr. HEYBURN. This will give you $4,000,000 for you to expend if you do not spend all of the existing balance before the end of the present fiscal year.

Mr. GALLINGER. No. I think we have expended a million up to the present time.

Mr. HEYBURN. Out of the two millions?

Mr. GALLINGER. Yes.

Mr. HEYBURN. That is a million dollars' balance.

Mr. GALLINGER. That is simply a guess. I am not speaking accurately. We have made purchases in two or three Southern States to a considerable extent, and I have no accurate information as to the precise amount that has been invested in those projects.

Mr. HEYBURN. We have had this question up, and I think the Senator at that time was in accord with the views I express now, when the Forest Service retained in its hands the proceeds of forests and did not turn them into the Treasury. The question was very sharply debated here at that time as to whether or not they should carry them over into the next year, which they were then in the habit of doing; and I think the Senator joined with those who took a strong hand against carrying money from one year to another in the case of an unexpended balance of an appropriation.

I remember that some of the older Members of this body at that time made very strong protests against recognizing that policy of making appropriations.

Mr. GALLINGER. The Senator is wrong in giving me credit for having participated in that debate. I have not wasted any time on the discussion of the Forest Service. I have left that to other Senators. I have no recollection of even having expressed an opinion about it.

I do remember that when the irrigation service needed additional money, although I am not sure whether we reappropriated it or not, we gave an extension of some kind or other. I remember voting with a great deal of pleasure for that proposition, helping that service to accomplish what it had set out to do, but which it had not accomplished because, as it was generally considered, unfortunate management of the projects.

Mr. HEYBURN. I give the Senator from New Hampshire the fullest credit for having at all times shown a friendly disposition to support measures pertaining to the public lands, to the irrigation system, and to the interests generally of that undeveloped or new country.

Mr. WARREN. Will the Senator from Idaho yield to me?

Mr. HEYBURN. Certainly.

Mr. WARREN. So far as concerns the irrigation matter of which he speaks, the Senator is right. The Senator from New Hampshire has always been in favor of assisting along that line. But I may say that of that amount, $20,000,000 which we provided, not one cent has been used, and I do not believe it ever will be.

As to the matter of reappropriating, it is entirely an ordinary thing to do where a specific sum has been appropriated and the negotiations have not been concluded to reappropriate the unexpended balance, not on a proposition such as the Senator mentions, of forestry, where there is a continuing expense, for instance, the pay of the Army or something like that. We do not do that. But it is quite a common occurrence. For instance, where we provide for the purchase of a piece of land at a certain price we may have to go to the courts to secure title. At the end of the year it is quite common to reappropriate the unexpended balance. That applies here, except here you have the money—all that is needed. But reappropriation of unexpended balances is an ordinary proceeding.

Mr. HEYBURN. That is overlapping appropriations. That is what it amounts to. This money was appropriated in the last appropriation bill.

Mr. WARREN. It was appropriated in a special bill.

Mr. HEYBURN. It is an appropriation bill nevertheless.

I make no suggestions in regard to this for the purpose of antagonizing the scheme of the White Mountain and the Appalachian Forest Reserves. My attention was called to it, as it affected the general system of making appropriations. It is just as easy to appropriate the sum representing the unexpended balance in addition to the other appropriations as it is to inaugurate the new system of carrying over the old appropriation. In other words, making the appropriation of one Congress overlap that of another.

I shall not propose any amendment, but I do not feel that I have been mistaken in calling attention to this method of making appropriations.

The VICE PRESIDENT. Without objection, the committee amendment is agreed to. The next passed-over amendment will be stated.

The SECRETARY. On page 91, lines 5 and 6, strike out the words "fifteen million nine hundred and thirty-three thousand three hundred and sixty-six" and insert "seventeen million six hundred and fifty-six thousand nine hundred and seventy-six."

The amendment was agreed to.

Mr BURNHAM. I ask that the clerks be authorized to correct the totals.

The VICE PRESIDENT. The Senator from New Hampshire asks that the clerks be directed to correct the totals.

Mr. WILLIAMS. Would the Senator from New Hampshire mind explaining what that increase of $2,000,000 is for?

Mr. WARREN. It is to correct the footing of the whole bill.

The VICE PRESIDENT. Merely the footing.

Mr. WARREN. I think we should not adopt the amendment in the terms it is in. I think we should authorize the clerk to put in the proper figures as the footing of the bill when we get through with it. We may insert other items.

The VICE PRESIDENT. The thought of the Chair was that, at the suggestion of the Senator from New Hampshire, where throughout the bill amendments had been made which would change the footing, the clerks be authorized to correct the totals.

Mr. WARREN. That will be all right. There may be other amendments that may change the totals.

The VICE PRESIDENT. Without objection, the request of the Senator from New Hampshire is agreed to.

Mr. NELSON. On page 49, after line 4, I move to insert the amendment I send to the desk.

The SECRETARY. After line 4, on page 49, it is proposed to insert:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $100,000 is hereby appropriated for the purpose aforesaid.

Mr. NELSON. Mr. President, my object in offering that amendment is to meet the violent criticisms that have been made against the Forestry Service. It is admitted and can not be disputed that large amounts of agricultural land suitable and proper for agriculture have been included within the limits of the national forests, and that while the law in general terms allows such lands to be taken for homesteads, yet under the existing practice there is an embargo upon the man who wants to take any of this land for homestead purposes. He must first make an application to the Forestry Bureau or the Secretary of Agriculture. Then the Secretary of Agriculture or the Chief Forester refers it over to the local forester, and he refers it to a ranger, and it takes from three months to a year before they finally find out and can determine whether that land can be taken as a homestead or not.

The purpose of this amendment is to require the Secretary of Agriculture to immediately select, segregate, and classify all the lands within forest reservations that are suitable and fit for agricultural purposes, and when they are thus selected and classified and segregated they are to be opened to entry and settlement under the homestead law. It is to get rid of the annoyances that the homestead settlers have now. That is the only purpose and object of the amendment.

Mr. BURNHAM. Mr. President——

Mr. HEYBURN. There is already appropriated——

The VICE PRESIDENT. The Senator from New Hampshire in charge of the bill has been recognized.

Mr. BURNHAM. I yield to the Senator from Idaho.

Mr. HEYBURN. If I am correct, there is already, according to my recollection, in the provisions of the bill quite a large appropriation for that purpose. I think the amendment offered by the Senator from Minnesota is entirely appropriate, and I would be glad to support it, but I think there is no occasion for an additional appropriation inasmuch as there is already an appropriation in the bill for doing that very thing.

Mr. NELSON. I make no point in the matter of the appropriation. I only want a positive mandate and direction to the Secretary.

Mr. HEYBURN. I have no objection to that.

The VICE PRESIDENT. The Senator from Minnesota, then, modifies his amendment.

Mr. NELSON. I suggest to make it $50,000 instead of $100,000.

Mr. HEYBURN. I think the Senator will find, upon investigating the bill, that it is entirely provided for. I think there is an item in the bill much larger than that mentioned by the Senator.

Mr. WARREN. There is an item of $50,000 for survey of agricultural lands within forest reserves.

Mr. NELSON. That is for another purpose.

Mr. WARREN. True; it does not carry the legislation that the Senator proposes.

Mr. NELSON. No; the appropriation should be made for this purpose, but I am willing to make it $50,000 instead of $100,000, and I modify the amendment accordingly.

The VICE PRESIDENT. The Senator from Minnesota modifies his amendment so that it will appropriate $50,000 rather than $100,000.

Mr. BURNHAM. This amendment is in accordance with the wish of the Forestry Service, as expressed in a letter read here to-day, and so far as I have authority I accept the amendment.

The VICE PRESIDENT. Without objection, the amendment will be agreed to. It is agreed to.

Mr. NELSON. I have another amendment following that, which I ask to be inserted at the end of line 16, on the same page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, at the end of the committee amendment already agreed to and at the end of line 16, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers for their domestic use the mature dead and down timber on national forests.

Mr. NELSON. I wish to say about that amendment, it appears, if you will study the action of the Forestry Bureau, that they have been guided in the selling of timber on the forest reserves by the prices that the Lumber Trust has charged. They have aimed always to keep in harmony with the rates that they have fixed, and owing to the fact that most of the timber supply of the country now is either within these national forests or is owned by big lumber barons like the Weyerhaeusers and others, the result is that the national forests have given a monopolistic power to these lumber barons. The Forestry Bureau, in selling the timber, aims to keep in harmony with the prices fixed by the lumbermen, the men who own all the rest of the stumpage of the country.

The purpose of this amendment is to enable the homestead settlers and the farmers to secure the timber not for sale or speculation, but for domestic use at cost. I do not believe that the Government should exploit our timber for mere commercial purposes and hold it up and utilize it in the aid of the Lumber Trust.

Mr. WARREN. I wish to ask one question. The Senator means that the Government shall practically contribute this dead timber to the actual homestead settlers, I presume.

Mr. NELSON. That is the object—the mature and dead and down timber for domestic use. Under the amendment they are not authorized to sell it or speculate in it, but they can acquire it for their own domestic use on their farms.

Mr. WARREN. I see no objection to the amendment. I was only wondering how the cost would be determined. The words used are "actual cost."

Mr. NELSON. Of course the Secretary of Agriculture determines that.

Mr. WARREN. The Senator's idea is that the cost would be limited by what? By the cost of administration or by the cost of getting out the timber itself?

Mr. NELSON. By the cost of getting out the timber, whatever it may be, whatever it may cost the Government to dispose of it—the actual cost. In other words, the purpose is that the Government shall not obtain a profit from that kind of people for that kind of lumber.

Mr. HEYBURN. I will ask that the amendment be read.

The VICE PRESIDENT. The amendment will be again read.

The SECRETARY. After line 16, on page 49, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers for their domestic use the mature dead and down timber on national forests.

Mr. HEYBURN. To say "the actual cost" might lead to some misunderstanding. It is not supposed that the Government will take this lumber out of the forest reserves and deliver it outside?

Mr. NELSON. Oh, no; that is a matter of regulation. You can not insert all the regulations in a law. But there ought to be a way of ascertaining the actual cost. The object is to prevent them from selling this lumber in competition at the rate fixed by the Lumber Trust.

Mr. HEYBURN. There need be no cost except for the services of the man who supervises the transfer. The person using it should be authorized to go and get it.

Mr. NELSON. The department will establish the necessary regulations. We can not in a law lay down all the details.

Mr. HEYBURN. I desire to say, further, that the purposes should be extended. That class of lumber should be available not only for domestic uses, which I presume is intended to cover consumption, but for the building of houses and cabins and fences, and such purposes.

Mr. NELSON. That is domestic use. There is no doubt about it.

Mr. HEYBURN. Will the provision be sufficient?

Mr. NELSON. Domestic use for the settler.

Mr. HEYBURN. If that is to be understood——

Mr. NELSON. For buildings, stables, cabins, houses, and fences is domestic use for actual farmers. There can not be any doubt about that. I have aimed to put the law in broad and general terms. An intelligent Secretary of Agriculture will have no difficulty in administering that law.

The VICE PRESIDENT. Will the Senator include the words "forest reserves"? The Chair notices that the amendment does not say "reserves."

Mr. NELSON. They are known in the law now as national forests.

The VICE PRESIDENT. Very good.

Mr. NELSON. That is the technical name.

Mr. CLARK of Wyoming. Mr. President, I understood from the reading of the amendment that this is simply to provide for the use of those who are in communication with these reserves to go and get timber and take it out.

Mr. NELSON. It does not prescribe in what manner it is to be done. We can not lay down a rule.

Mr. CLARK of Wyoming. I ask, What is the design?

Mr. NELSON. The design is that it shall be furnished to them at cost, at what it costs the Government; whether inside or outside of the reservation makes no difference.

Mr. CLARK of Wyoming. I ask to have the amendment read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. On page 49, after line 16, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature dead and down timber in national forests.

Mr. JONES. I would like to ask the Senator from Minnesota whether, under that amendment, a settler near a forest reserve could go and buy timber, cut it, and haul the logs out to a local sawmill and have it sawed up to build a barn.

Mr. NELSON. That would be discretionary. I do not attempt to lay down any rules. I presume the Secretary of Agriculture would frame the proper rules for disposing of it, whether he would let the farmer go in the reservation and cut the timber and haul it out unsawed, or whether it might be sawed on the reservation. There are some cases where they have sawmills where they admit the big lumbermen who purchase the timber from the Government. They enable them to erect temporary sawmills there. It may be that a homesteader, a farmer, in the neighborhood will go in there and say, "I want certain timber for my domestic use on my little farm for fuel, for fencing, for a stable, a cabin, or for a house," and it is a matter of negotiation between him and the department whether he will take it there or the department will deliver it to him outside of the boundary of the reservation. You can not lay down any hard and fast rule. What would be proper in one case might not be proper in another.

Mr. JONES. Would the amendment permit the forest officers to sell lumber to a local sawmill for purely local and domestic purposes?

Mr. NELSON. It would not permit them to sell it to the sawmill, if the sawmill was speculating. It would permit a farmer to buy it and have it delivered at the local sawmill for his own use.

Mr. JONES. Of course. Then I do not see what the actual cost would be.

Mr. NELSON. The Senator on reflection ought to know that if in one case the Secretary permits the farmer to go in there and cut logs and haul them away the cost would be trifling. If the logs are taken outside and sawed, or suppose they are sawed by the Government either outside or on the edge of the reservation, and the farmer comes there and buys the lumber that is sawed, of course the cost would be higher. It all depends upon the manner in which the farmer acquires the logs or the timber and the manner in which the Secretary sells it.

Mr. JONES. But the Government is not running any sawmill? We do not expect to do that?

Mr. NELSON. They are, indirectly. They are selling the timber there and allowing them to saw it on the reserve in some cases.

Mr. JONES. I know that, but I want it so that the farmer can get that timber. I just want to get at the scope of the amendment. I do not understand that the Government will cut logs and take them outside.

Mr. NELSON. It is not necessary at all. They can pick out the logs or timber and say to the farmer, "Come and get it and haul it out."

Mr. JONES. That is what I think ought to be done.

Mr. NELSON. I have no doubt that is what they will do, but at all events you can not lay down a hard and fast rule. It is a matter that will have to be determined by regulations in each particular case.

Mr. JONES. But under what rule will the department determine the cost to the farmer?

Mr. NELSON. What rule would the Senator determine if he had charge of a reserve?

Mr. JONES. When I was ready I would let the man go in and get logs and haul them out himself.

Mr. NELSON. I ask the Senator what rule can be laid down in law? Can the Senator conceive of any rule we can lay down in law for determining the price?

Mr. JONES. I would not fix any price in that case. I would say, let the farmer go in and take it out under rules and regulations, without cost, except to himself. What I want to get at is——

Mr. NELSON. We leave it to the Secretary to fix the price, but it must be the actual cost price.

Mr. JONES. When there is not any cost there will be no charge unless they pay administration charges.

Mr. NELSON. There may be something in that. Whatever it may be, it is the actual cost.

Mr. JONES. I want to get for the RECORD just what is intended, because I am heartily in favor of the purpose of the Senator's amendment, and I think it ought to be made just as liberal as possible for the local settler.

Mr. NELSON. I do not think it is necessary in these cases to give it away absolutely, but when the farmer or homesteader who can go there and get timber and logs for his fences, for his stable, for his cabin, whatever slight cost the Government may have been to in the premises, he ought to be willing to pay, and it will be a moderate cost. At present that timber is sold in competition. It is sold at the same rate as the big lumbermen charge.

Mr. JONES. That ought not to be.

Mr. NELSON. And that ought not be. At all events, it ought not to be as against this class of people. As against people who speculate and deal in lumber, that is a different question, but this does not cover that. I use the word "domestic," however, and I think there can be no question as to the fair and reasonable meaning of that word. I have made it general; and it is always a good principle in law to deal in comprehensive general terms, like our Constitution of the United States, instead of going into details. If you go into details very much you are apt to run up against the old law rule, expressio unius est exclusio alterius.

Mr. JONES. I wish to ask the Senator a question. I want to understand it. Does the Senator understand that, under his amendment, a settler could not be refused the right to purchase saw logs or timber, on the ground that he has no way himself to work it up into lumber?

Mr. NELSON. No.

Mr. JONES. If he wants it for his own use and expects to take it down to the lumber mill and have it sawed up?

Mr. NELSON. There is no doubt about that.

Mr. JONES. That is what I wanted to have made plain.

Mr. GALLINGER. Mr. President, I had some doubt as to the propriety of this amendment until the Senator from Minnesota quoted the Latin axiom so felicitously; but I am inclined to think now that it is all right. I will ask the Senator if it might not be well to insert, after "the Secretary of Agriculture," the words "under such rules and regulations as he shall establish"?

Mr. HEYBURN. Mr. President——

Mr. NELSON. That will be implied, anyway, but I am afraid the Senator has called out my amiable friend from Idaho, when he proposes to insert those words. I wish the Senator would withdraw it.

Mr. GALLINGER. I think the words had better go in. It is the usual form. I ask the Secretary to report the amendment.

The VICE PRESIDENT. The Secretary will read the proposed modification of the amendment.

The SECRETARY. After the words "Secretary of Agriculture" insert the words "under such rules and regulations as he shall establish."

Mr. HEYBURN. Mr. President, I am going to take some risk in disappointing the Senator. I did not rise for the purpose of objecting to that, but I am inclined to think that the suggestion should go in the RECORD that this is in the nature of legislative competition with local business interests.

All around forest reserves you find towns and villages that are looking over the fence with envy because they are kept out. In all those towns you will find lumber yards, where men have invested money in mills for the manufacture of lumber with the view of selling it to the settlers when they come along to make their fences and to build their houses. Now, what are you going to say to the people within hauling distance, and I would say that might be said to be 30 or 40 miles? A man is going to build a barn, what we call in our country a good barn, which would cost, say, $4,000, and a house which would cost as much more. There would be $8,000, and one-half of it is lumber. One-half of every building of that kind is lumber and the other half is labor. Of course, he might be worth a million or he might be worth one hundred dollars. He would take advantage of this free lumber, and the better off he was the more apt he would be to do it, because he would own his team, and he would say, "Go up into the forest reserve and bring down the necessary lumber to build this house and barn and fence in this tract of land." The fences on that land would be worth $2.50 an acre. He would probably have to have a great deal of that sawed out at the local mill, but the sawmill might be entirely disassociated from the lumber yard, or there might be no sawmill there. He might get what we call a portable sawmill, which is rather easily procured and is not expensive at all. Many farmers maintain them on their places for general use. So he would run around the man who was attempting to establish and build up a business there. That man would not be within the scope of the generosity of this act.

He would have to either buy his lumber, at the prices that have been referred to, of the Forestry Service, and then compete with the man who got it for nothing, or would have to buy it somewhere else; but, in any event, he would have the cost of the manufacture on his hands.

I want to be just as generous to the settler as possible. I would be more generous and let him go in and build his house and barn and fences where the timber grew. Timber grows on rich soil; the richest soil we have is covered with timber, and very often with no more timber than is necessary to equip and maintain the equipment of a farm, but still it is covered with timber.

I have some doubt about this generosity. It sounds plausible, but it would be at the expense of the prosperity of the business men—that is, those who engage in the lumber business and all that pertains to it and sustains it. You would put a certain class of men at an advantage over those business interests. Everything that sounds generous and plausible is not necessarily fair in the distribution of the benefits of government. It is a very nice arrangement for the settler who is within hauling distance, but there is no limitation here. It might be that he would bring it down, put it on a railroad, and take it 200 miles away to build his house. If I were going to build a house over in Latah County somewhere, and I wanted to get free lumber, I would take advantage of this act, get the lumber out, put it on a railroad at one of these many stations, and haul it to the place of use.

It does not follow that the settler would have to haul it in a wagon or snake it with a horse, or anything of that kind. Men might start in to build a great many houses, as they do in those new towns. I have known a town there to grow from nothing to four or five thousand inhabitants in two years. Those people are not close to any forest reserve that has timber on it, but they are close to several forest reserves that have sagebrush on them. They would go over into the Sawtooth, say, which would be 50, 60, or 70 miles away; they would put the lumber on the railroad up there—there is a railroad that runs into that country—and they would run it into the city that I speak of. There is no provision in this amendment that would prevent them doing that. They would have it delivered to them either at the place where it was cut or at the edge of the reservation and haul it away. The enterprise that I speak of would take about 18,000 feet of lumber, or perhaps 20,000, to construct buildings, and 5,000 feet more for fences and incidental improvements. So he would get twenty or thirty thousand feet of lumber off a forest reserve 60 miles away, and he would have only the railroad freight to where he wanted to use it.

I would merely suggest that you pause long enough to inspect this amendment and see whether or not you are really going to benefit the neighborhood where the lumber is to be obtained.

Mr. CLARK of Wyoming. Mr. President, I am in general accord with the Senator from Idaho in regard to the forest-reserve proposition, but on this particular branch of it we are about as far apart as the poles. I should like to see this amendment changed; I should like to see it liberalized; I should like to see it changed to such form that the farmer, the settler, or the homesteader in the vicinity of a reserve needing dead, down, or matured timber for domestic purposes, and the Government having on that forest reservation dead, down, and matured timber which, in the interest of conservation, ought to be removed and used—I should like to have the Government say to that man, "Come and get it free of cost."

Mr. HEYBURN. So should I.

Mr. CLARK of Wyoming. That is exactly my view of it. Having that view of it, I move to strike from the amendment——

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. CLARK of Wyoming. With pleasure.

Mr. WILLIAMS. I should like to ask the Senator from Wyoming a question. We might furnish this lumber, it seems to me, free of cost to the man who got it, but could we furnish it free of cost? Here are all the people of the country paying for the rangers, guards, supervisors, and heaven knows what, and it seems to me it is much better that the lumber should be furnished to the man free of cost to the people of the United States than it is to furnish it free of cost to him.

Mr. CLARK of Wyoming. The Senator from Mississippi forgets, however, that so long as this dead and down timber is there——

Mr. WILLIAMS. This does not confine itself to dead and down timber.

Mr. CLARK of Wyoming. And matured timber which ought to be cut——

Mr. WILLIAMS. Yes.

Mr. CLARK of Wyoming. That that remaining upon the ground is a continual source of expense to the United States.

Mr. WILLIAMS. That would be very true if the amendment simply said "dead and down timber," but it does not. It gives men a right to get perfectly sound timber which is good for building purposes, and they certainly ought to pay for that. So far as the dead and down timber is concerned, that is good for nothing except to burn, and it would be a benefit to the forest reserves to have it hauled away; but it seems to me that there is nothing in the amendment which would prevent a man in a village or a town near there from getting his lumber free, if your idea were carried out—that is, free to him—but he would not get it free to me or to the remainder of the people of the United States, who are paying taxes to keep up this thing. I think it would be better to leave it as the Senator from Minnesota has left it—"at cost."

Mr. CLARK of Wyoming. I am perfectly willing to leave it that way, and shall perhaps not press my amendment; but I want to say to the Senator from Mississippi that his logic is exceedingly faulty, for the reason that the dead and down timber and the mature timber is a continual source of expense to the United States.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, how can the mature timber, which has been sold as the Senator from Minnesota has just told us at Weyerhaueser trust prices, be an expense? It is a source of profit.

Mr. CLARK of Wyoming. But, of course, the Senator——

Mr. WILLIAMS. It is enough to ask of the United States that they shall forego their profit upon the timber that they might otherwise sell. To go further and ask them to forego, not only the profit that they might make upon it, but all that they have expended in taking care of it, it seems to me is going a little too far.

Mr. CLARK of Wyoming. Mr. President, of course the position which the Senator from Mississippi takes and the position which I take are absolutely irreconcilable. He and I can never get together, nor can I ever get together with any other man on the proposition that the Government of the United States has a constitutional right to sell timber for profit. We never can get together on that proposition; but, Mr. President——

Mr. WILLIAMS. Mr. President——

Mr. CLARK of Wyoming. I decline to yield for the present.

But, Mr. President, I do not want to jeopardize the amendment; I want to make it freer; I want to make it so that if a man wants to build a corral, a barn, a house, or a cabin upon his claim—the Government of the United States having hundreds of thousands of feet of lumber lying dead and down and mature, which is often a menace to the forest proposition—that the Government shall give that man the right to have it free of charge. I will move an amendment, which has been suggested by the Senator from Idaho beside me [Mr. BORAH], that instead of using the word "cost" in the amendment of the Senator from Minnesota to substitute the word "expense."

Mr. HEYBURN. That is good.

Mr. WILLIAMS. If the Senator from Wyoming has concluded, I wish to say that I do not suppose, of course, that he intends to make me say something which I have not said.

Mr. CLARK of Wyoming. Oh, no.

Mr. WILLIAMS. I have expressed no opposition to the amendment introduced by the Senator from Minnesota, nor have I expressed any desire that the Government of the United States should make a profit out of its citizens in connection with the public lands. What I have said is that it would be highly unjust that the Government should give away valuable timber to anybody. That is a totally different thing from making a profit out of it. I think the Senator from Minnesota has struck the middle way—which, as Horace says, is the best way—when he says that the Government shall let those people have this timber at the cost which it has been to the Government.

There is no difference that I can see between "expense" and "cost" unless it be the difference betwixt tweedledum and tweedledee. If the word "expense" is to be substituted for "cost," then you will have to go back and ask what real expense has been incurred by the Government in connection with this particular transaction; and when you have made an inquiry upon that subject and have obtained an answer your answer is the cost to the Government of the lumber.

Of course it is absolutely impossible for the Government to run back and keep an account for all time to determine what a particular piece of timber cost the Government. It might have to be merely approximated; there might be some forest reservations so expensively carried on that if the Government included all the charges the lumber would be worth $100 a cord; and from some of the criticisms of the manner in which this business has been handled in the West I think that that probably would be true. I am in favor of letting the people use the logs on the forest reservations, utilize the timber and everything else utilizable about them, but I am not in favor of taxing the entire people of the United States in order to furnish a few of them free of charge with something which otherwise they would have to pay a good round price for.

There is no difference that I can see between the position taken by the Senator from Minnesota and the position which I have taken. I am merely protesting against the idea of not charging anything for that which is costing a good deal; I am merely suggesting the idea that the Senator could not, if he wanted to, furnish this lumber to the settlers free of cost. He could furnish it free of cost to the settler, but it is already not free of cost to us.

Mr. CLARK of Wyoming. The expression was not "free of cost," I will say to the Senator.

Now, Mr. President, the very reason that I suggested a change in the wording of the amendment——

Mr. WILLIAMS. I do not think there will be any objection to the amendment offered by the Senator from Minnesota.

Mr. CLARK of Wyoming. I was going to say, if the Senator will be patient a moment, that I withdraw the first amendment I have proposed, because I see there is no disposition to allow a man to drive his wagon into a great forest and, without paying this great Government of the United States for value received, cut a load of timber or a load of logs. Therefore, I withdraw my suggestion that the settler ought to have it for nothing, because it is a part, as I see in the view of some, of this great domain that we are going to exploit for the financial benefit of the Government.

But the difference between the second amendment which I have proposed and the amendment of the Senator from Minnesota, the difference between the word "cost" and the word "expense," is shown by what the Senator says. If the word "cost" is left in, if the timber be furnished at cost, I am fearful that the cost will be along the line the Senator from Mississippi has suggested; it might run up as high as it is at the present time. I do not suppose that any of the timber that is now sold by the Government is sold for less than cost, if you consider the entire running expenses of the reserve. Therefore, I wanted to substitute the word "expense," I am perfectly frank to say, wishing that the word "expense" should mean

nothing except the expense to the Government in getting out the particular timber or lumber.

Mr. WILLIAMS. Then, the Senator means by that——

Mr. CLARK of Wyoming. But, there being objection to that, I withdraw my proposed amendment, and shall vote for the amendment offered by the Senator from Minnesota.

Mr. WILLIAMS. Mr. President, a word more, because I do not want anybody to think that I am trying to put upon him a rule which would be unjust. There are public lands in the State of Mississippi as well as in Wyoming. A man who goes in upon them for the purpose of cutting a tree and who cuts it and carries it out is prosecuted and sent to prison by the United States Government. So the rule about which I am talking is not peculiar at all. I do not see any reason why people should not be permitted to go upon public lands anywhere and cut timber at cost; but, notwithstanding the fact that this amendment confines this privilege to forest reserves and does not extend it to the people upon public lands in Mississippi and Alabama, I am perfectly willing to vote for it.

Mr. HEYBURN. Mr. President, I merely want to suggest in all seriousness that there is no limitation as to the distance from the reserve to the place where the lumber may be taken. You can, under this provision, get lumber from a forest reserve and carry it through a dozen cities and towns where they have lumber yards, commercial establishments; you can carry it beyond those cities and towns and build your house. You are giving an opportunity for a class of competition and advantage in business that ought not to be passed without notice. The Senate will doubtless adopt this amendment, but I should like it to be noticed in the RECORD that it is subject to these objections. You could get lumber from a forest reserve that surrounds the city where I live—the city of Wallace—take it a hundred miles, and pass through 12 commercial lumber yards. You could take it down to a town where a lumber yard has been built up with a view of supplying settlers who could pay for it.

Now, you can not very well in legislation recognize the degree of poverty that shall entitle a man to a blessing of this kind, and you can not in legislation say that a rich man may not take advantage of it. There will be some embarrassment grow out of it if it is adopted, as it doubtless will be; and I shall watch with considerable interest the report that comes to us a year or two years from now as to the use that is made of this amendment. There will be protests—of course they will be of no avail after we have enacted the law—but men with capital invested in business establishments there will object to it, and they have a right to be heard.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. FALL. Mr. President, on yesterday I gave notice that I would offer an amendment. I have nothing further to say upon the subject. I am aware that a point of order might be made against the amendment, but I hope that it will not be made and that the Senator in charge of the bill will allow a vote to be taken upon it.

The PRESIDING OFFICER. The Senator from New Mexico offers an amendment, which will be stated.

The SECRETARY. On page 52, after line 14, it is proposed to insert the following:

Provided further, That the management, supervision, and administration of the respective forest reserves within the State of New Mexico and of that portion of any such reserve partly within said State shall, subject to all the laws of the United States and of the general rules and regulations heretofore adopted by the Agricultural Department, be devolved upon the State government and officers of the State of New Mexico. The Legislature of New Mexico shall, if the provisions hereof are accepted by a resolution of such body, provide the necessary officers and employees for the care, management, and administration of each of such reserves or parts of reserves. The salary and expense accounts of such officers and employees and all expenses of such care, management, and administration, including reforestation, shall be paid wholly out of the funds derived from the lease of lands and grazing permits, sale of timber, and other sources of revenue from such forest reserves, and no part of any such or any other expense connected with the care, management, or administration of such reserves shall be paid out of the appropriations herein made or by the United States out of any other funds, and any funds remaining after the payment of all expenses as in the proviso set out, shall be paid into the treasury of New Mexico to be expended as provided by the State laws.

The Secretary of Agriculture shall have the power and he is hereby directed to cause such reserves to be inspected from time to time and shall see that all laws and rules applicable to such reserves are enforced, and shall have the power to suspend any State official or employee failing to enforce such laws and rules and regulations, pending a hearing upon charges to be made by him under his direction to the governor of New Mexico, who shall promptly remove and appoint a successor to any such official or employee against whom such charges are sustained.

Mr. BURNHAM. Mr. President, as that amendment is evidently a proposition involving general legislation on an appropriation bill, I must make the point of order against it.

Mr. HEYBURN. I desire to call the attention of the chairman of the committee to the provision with reference to renovated-butter establishments, on page 14.

Mr. BURNHAM. I ask what disposition was made of the point of order?

The PRESIDING OFFICER. The point of order has been entered, and debate is in order.

Mr. HEYBURN. I am now directing attention to an amendment that was adopted, on page 14.

Mr. WARREN (to Mr. HEYBURN). The point of order has not been ruled upon.

Mr. HEYBURN. I thought the Chair had decided the point of order.

The PRESIDING OFFICER. The Chair has not. The Chair was about to ask the Senator from New Mexico if he desired to be heard on the point of order. The Chair is ready to rule.

Mr. FALL. No, Mr. President; I do not think I care to be heard any further, except to say that there is a change proposed in the selection of the officials of the forest reserves in New Mexico, and that is the only change. At the present time they are selected by the Secretary of Agriculture. The amendment simply proposes that they shall be selected by the officials of New Mexico.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HEYBURN. I desire to call attention to the amendment on page 14 which refers to establishments making renovated butter, and I ask the chairman of the committee whether or not the words "renovated butter" are intended to cover all oleomargarine establishments?

Mr. BURNHAM. I do not understand that that is the meaning of it. I understand it to apply to the butter that is brought together in a renovator.

Mr. HEYBURN. Would it not be well to include in the amendment the other establishments?

Mr. BURNHAM. That has not been brought to the attention of the committee.

Mr. HEYBURN. I move to insert after the word "renovated" the words "or artificial butter or oleomargarine."

I think there is no reason for excepting one class of establishments and including the others.

Mr. BURNHAM. I am not informed in regard to that, and therefore I can not accept the amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 14, line 9, after the words "renovated butter," insert "or artificial butter or oleomargarine."

Mr. HEYBURN. It seems obvious that in providing for the inspection of renovated butter we should include all that class of products. There is no reason why we should include one and except the other.

Mr. WILLIAMS. I want to ask the Senator in charge of the bill whether there is not already a law—the oleomargarine law—providing for the inspection of places where oleomargarine is made?

Mr. HEYBURN. No.

Mr. BURNHAM. I do not understand the Senator.

Mr. WILLIAMS. Does not the existing oleomargarine law provide for the inspection of buildings where oleomargarine is made?

Mr. BURNHAM. I have that impression, although I am not sure.

Mr. HEYBURN. I think the Senator will not find it.

Mr. WILLIAMS. I suggest to the Senator that without intending to do it he may repeal some statute on the statute books.

Mr. HEYBURN. I do not think there is any law requiring the inspection of the buildings, but merely of the process.

Mr. WILLIAMS. I think if he will look into the law he will find there is, because when the United States undertook to tax it they took hold of the taxing power really as a means of inspecting.

Mr. HEYBURN. I would call the attention of the Senator to the difference between inspecting the product and inspecting the premises where the product is made.

Mr. BURNHAM. I know of two reasons for the amendment. One is to provide for an inspection with regard to the sanitary condition of the buildings and the other is to enable the Government to inspect the process of manufacture before it is completed.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was rejected.

Mr. SMITH of Arizona. Mr. President, I offer the following amendment.

The SECRETARY. On page 62, line 10, strike out "eighty-five" and insert "ninety"; in line 11 strike out "ten" and insert "fifteen"; and at the end of line 12 insert:

Five thousand dollars, of which sum, or so much thereof as may be necessary, shall be applied to the investigation of insects affecting the alfalfa plant in the Salt River Valley, Arizona.

Mr. SMITH of Arizona. That raises the appropriation only $5,000, and I have a resolution from the chamber of commerce which I will not trouble the Senate to have read, and also letters from the owners of great fields of alfalfa that tell of a fear of the invasion of an insect that is just now getting into the fields, which is very dangerous to them. It strikes me that it is very necessary that this money should be appropriated for that purpose as early as possible. Inasmuch as I have made no other request in connection with this bill, I should be glad to have the amendment adopted.

Mr. BURNHAM. As far as I have any authority I accept the amendment.

The amendment was agreed to.

Mr. FALL. I desire to offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after line 16, insert:

For necessary expenses in establishing and maintaining the breeding station for western saddle horses in New Mexico in cooperation with the College of Agriculture and Mechanic Arts, $25,000.

Mr. FALL. Mr. President, it seems that the President of the United States has just withdrawn in Dona Ana County, N. Mex., near which the College of Agriculture and Mechanic Arts is located, 200,000 acres of the public domain for a horse-breeding experiment station for the breeding of western saddle horses. There is a Government horse-breeding station in Colorado for the breeding of American carriage horses. The Government, as I understand, has been contemplating the establishment of a similar station for experimenting and breeding the western saddle horses for Cavalry purposes. It appears that this land has been withdrawn for these purposes. I can say that neither of the Senators from New Mexico had any knowledge that any such action was contemplated at this time; and I am only to-day in receipt of a telegram informing me that this action has been taken, the information coming from New Mexico. It appears, however, to be official. Mr. Hayes and I believe the president of the agricultural college has agreed that they should have $25,000 to start this breeding station. Certainly, if the Government is going to withdraw the land from entry and reserve it for some purpose, then something should be done with it. The land has been withdrawn.

Mr. WILLIAMS. Mr. President, I thought perhaps the Senator in charge of the bill would make a point of order. I believe the time has arrived when we should stop and inquire how far the Government of the United States is going to go. It seems now that we are to go into the horse-breeding business. The United States is full of people who are breeding horses. The Government is not needed in that business. There is nothing brand new about it.

After it goes into the horse-breeding business, I suppose it will go into the cow-breeding business, and after that perhaps the sheep and goat breeding business. It has already been suggested that we should go into the buffalo business. It seems to me it is about time to draw the line somewhere. It seems to me we might leave farming to the farmer.

As far as the Agricultural Department is concerned, as I understand, its functions consist in teaching how to farm and to some extent in carrying on experimental and demonstration farming for the purpose of teaching. But there is no teaching involved in going into the business of breeding horses or breeding cattle. Everything the teacher can teach on that subject can be taught by books and bulletins. It is not like introducing a new plant into a new territory and experimenting with it and reporting the results of the experiment. It does seem to me that we ought to stop somewhere, and this is a right good place to stop. Before we go into the question of stock and cattle raising business, it does seem to me we might pause and reflect. We might take from this Congress until about the next in pausing and reflecting. Sure I am if we go into it once there will never be any end of it.

I hope the amendment will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Mexico.

The amendment was rejected.

Mr. SMITH of South Carolina. On page 89, after line 13, I move to insert what I send to the desk.

I will state to the Senate that this measure has already passed the Senate, and it is for the purpose of expediting the department in carrying on the exposition provided for in the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 89, after line 13, it is proposed to insert the following:

That the Secretary of Agriculture be, and he hereby is, empowered to prepare from the several divisions of the Department of Agriculture an exhibit to be displayed at the Fifth National Corn Exposition, to be held in Columbia, S. C., from January 27 to February 9, 1913.

SEC. 2. That the said exhibit shall be of such nature as the Secretary of Agriculture deems appropriate: *Provided*, That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent.

Mr. BURNHAM. As I understand this measure has already passed the Senate; it does not call for any appropriation; and I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MEMORIAL TO MAJ. BUTT AND MR. MILLET.

Mr. BACON. I ask leave out of order to introduce a joint resolution, which I ask may be read and referred to the Committee on the Library.

I will state, in order that it may not be misunderstood, that it is a joint resolution authorizing the erection upon the public grounds in the city of Washington of a joint memorial to the late Maj. Archibald W. Butt and Mr. Francis Davis Millet. It is one which does not propose that the Government shall be put to any expense at all. The memorial will be erected by friends of these departed gentlemen, and the only authority asked is that it may be placed upon some point to be selected in the public grounds other than the Capitol Grounds, the White House, and the Library, which are excluded.

The PRESIDING OFFICER. The joint resolution will be read as requested.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial of simple and artistic form to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on the Library.

Mr. BACON subsequently said: It has been suggested to me by Senators that a reference of the joint resolution is probably not necessary, as there is no expense involved, and I will ask the Senate to agree to the immediate consideration of the joint resolution. It is upon that suggestion that I make the request.

Mr. BORAH. I hope the Senator from Georgia will let the joint resolution go to the committee. I may be entirely in error in regard to this matter, but I do not know why we should select out of that heroic group of men and women, all of whom displayed such wonderful courage, these particular parties upon whom to confer this indirect if not direct honor. I do not know that I caught the exact import of the resolution, but I should like any action Congress takes to be in recognition not of an individual but of the courage and self-surrender of all who disclosed such sublime poise and such lofty bearing in the presence of disaster and death.

Mr. BACON. I will say to the Senator that there is no purpose in this to exclude the friends of any other parties from making a similar request if they shall see fit to do so. This is simply a movement on the part of certain friends, at their own expense, to erect a memorial. It will probably be in the nature of a fountain, with perhaps some ornamentation in the way of a figure. As I said, it is to be erected at their own expense, and the only request is that it may be put on public

grounds somewhere in the city of Washington, excluding from that request the Capitol Grounds, the White House Grounds, and the Library.

I have no doubt, Mr. President, that there will be other movements looking to the erection of memorials to others, either jointly or separately, who were lost in that great disaster, but this certainly does not make any invidious distinction. It is simply granting to the friends of these particular parties the opportunity to utilize a small space upon the public grounds—of which there is a vast expanse—and that it shall be done without any expense to the Government. There is a movement, I am told, by the good ladies of this town to erect a memorial of a more general character to all of the unfortunate parties, or particular groups of them, and I have no doubt that we will be willing that that shall be done.

Mr. BORAH. Mr. President, I would not want to be understood for a moment as making the suggestion which I made by reason of any criticism that might be implied of these two individuals. I recognize that they did that which was calculated to call forth the admiration and the profound pride of not only their friends, but of everyone. But there have been so many suggestions in regard to this matter which have been purely individual, I should like to see a monument reared which would speak of the nobility of human nature as it was displayed there upon that ship, not only or alone in honor of the splendid soldier which Maj. Butt proved himself to be, but the nobility of human character which was exhibited upon the part of scores of men and women.

Mr. BACON. Hundreds.

Mr. BORAH. While I am not going to hold this matter up, I want to express my view in a single sentence—that it is the duty of Congress to manifest its admiration and its strong appreciation of that splendid group of men and women as a whole, and that when we permit personal acquaintance to intrude where universal praise and a world's wonder and admiration would pay unstinted homage to nobility of human nature, we are but poorly interpreting that unfortunate affair.

Mr. BACON. Mr. President, if this were a proposition that the United States Government should erect this memorial, the suggestions of the Senator from Idaho would be more convincing than they are at present. I suppose that the erection of this memorial at private expense will not in any manner interfere with the subsequent erection of a more costly and elaborate one, which shall commemorate the heroism and devotion of all those who lost their lives in that deplorable disaster.

I can see no possible foundation for the suggestion that there is anything invidious in it. When there has been a monument erected to a prominent military officer there has been no suggestion that that was an invidious distinction as against all other officers. As time went along the statues of other officers were erected. We have one out in front of the Capitol here which is of a more general character.

I understand, as I have said, that the ladies of this town are now engaged in the collection of a fund with a view to a general memorial, and possibly there may be some particular classes of those who suffered and died there who may have their heroism memorialized in another way.

I wish to suggest to the Senator, to show the peculiar propriety of this measure, that Maj. Butts and Mr. Millet were the only two on that ship who bore the commissions of the United States. Maj. Butt bore a military commission and Mr. Millet a civil commission. This is simply an effort on the part of their friends to erect in the Capital a modest but tasteful memorial, which shall be gratifying to all those who loved them and shall be an encouragement to all those who will wish in the future to emulate their heroism and their devotion on that trying occasion.

Mr. HEYBURN. May I ask the Senator a question? My attention was occupied and I was unable to hear the resolution. The monument is to be contributed, I understand, by private parties.

Mr. BACON. Exclusively so.

Mr. HEYBURN. And where is it to be?

Mr. BACON. On some point upon the public grounds of the capital found in the city of Washington, which may be selected by the Chief of Engineers, but the Capitol Grounds are excluded, the Library is excluded, and the White House Grounds are excluded.

Mr. HEYBURN. It merely occurred to me, and I would suggest, that the rank and relation of those men would recommend them to the consideration of a monument or memorial to be paid for out of the Public Treasury.

Mr. BACON. We are not asking for that. This is an absolutely private testimonial, in which it is expressly stipulated not only that the monument shall be constructed by funds provided by private individuals, but that there shall be no expense of any kind to the Federal Government.

Mr. HEYBURN. I understand. I should like to ask the Senator further whether any of the monuments in the District or city have been constructed by private individuals.

Mr. BACON. Certainly. I will tell the Senator of several. There is the monument to Gen. Albert Pike, which was constructed exclusively by the Masons, of which he was the head of the thirty-third degree, I think.

Mr. HEYBURN. Not the head.

Mr. BACON. I can name a number before I get through, if the Senator will permit me. There is the statue of Martin Luther, which was erected by private individuals.

Mr. HEYBURN. I only ask for information.

Mr. BACON. If the Senator will pardon me, since I started to mention them, there are several others. There is one on the Avenue to Benjamin Franklin, erected by Stilson Hutchins. There is another one near Scott Circle to Daniel Webster, erected by the same man. There is one of Longfellow, on Connecticut Avenue, erected altogether by private subscription. I understand that several of the equestrian statues of military officers of the Civil War have been erected by contributions from their fellow soldiers. There is one, I think, on Seventh Street, near the Avenue, which was erected by the Grand Army of the Republic. I presume there are dozens of them in the city. The different officers have been in that way memorialized by their comrades in the Army, by the Army of the Cumberland, and others. It is a most common thing, and nobody ever suggested when any one of those monuments was about to be erected that there was an invidious distinction as to any other party.

Mr. HEYBURN. I should like to complete my question. It is whether in each case those statues were erected only by the consent of Congress.

Mr. BACON. Absolutely. It is an impossibility that one should be erected in Washington without it. The only exception I know where there was a statue erected in Washington without the consent of Congress was when the statue of Frederick the Great was put up by an arbitrary Executive order without any consultation with Congress.

Mr. HEYBURN. I should like to ask the Senator if it is not true that the District government has assumed in one or two cases to erect statues without the consent of Congress?

Mr. BACON. It may be so; but, if so, I am not informed of the fact.

Mr. HEYBURN. It ought not to be so.

Mr. BACON. I am not informed of the fact if it is so.

Mr. HEYBURN. I am in thorough sympathy with the proposition here.

Mr. BACON. There is no authority for the erection of any monument within the District of Columbia or certainly within the city of Washington except on the authority of Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia for the immediate consideration of the joint resolution?

Mr. TOWNSEND. Mr. President, I am very much impressed with the general idea that has been presented here to-night, but it seems to me that this matter ought to go to the committee. It is something new that is brought up; a great many ideas have been entertained by various Senators, and I shall have to object to its present consideration.

The PRESIDING OFFICER. Objection is made.

Mr. BACON. I understand the objection of the Senator from Michigan sends it to the committee?

The PRESIDING OFFICER. That will be the order. The joint resolution will be referred to the Committee on the Library.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

HENRY E. BURNHAM,
W. O. BRADLEY,
ATLEE POMERENE,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 17, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 16, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that we are created intelligent and industrious beings, that there are always problems to be solved, new fields to be explored, since idleness is a menace to the individual and to the Nation; we must move forward or retrograde. Help us therefore with new zeal and energy to meet the problems which confront us that we may develop our intellectual, moral, and spiritual being and leave the world a little better than we found it. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION OF PAIRS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that where my name appears as paired on the Clayton anti-injunction bill on Tuesday, May 14, it may be stricken out of the Journal and the RECORD. I also ask permission to insert two telegrams explanatory of this request. I have standing orders that under no circumstances am I to be paired during my absence without my explicit instructions, because I do not think the pairs made up at the Clerk's desk are proper as showing the Member's attitude. On May 6, 1912, I telegraphed the pair clerk, "Please pair me in favor of the Clayton bill for trial by jury in injunction cases. This is the bill that comes up on Thursday." It was then thought that the bill would come up at that time. I telegraphed my secretary in the same way. The pair clerk being unable to get a live pair for me proceeded to make an ordinary party pair between absentees. On the first vote he paired me with the gentleman from South Carolina, Mr. ELLERBE, and on the second vote with the gentleman from Kentucky, Mr. STANLEY. Without a doubt both Mr. ELLERBE and Mr. STANLEY favored the Clayton bill. As I also was in favor of the Clayton bill, the pair made by the pair clerk not only was absurd, but also was contrary to my instructions. If I had been present I should have voted for the Clayton bill and against the substitute.

Therefore I ask that in those two places in the record of the proceedings of May 14, wherever I appear as paired that my name may be stricken out of the list of pairs. I also ask that the telegrams sent to my secretary and to the pair clerk be inserted as showing the true state of affairs.

The SPEAKER. Without objection, the corrections as suggested will be made and the telegrams inserted in the RECORD.

There was no objection.

The telegrams are as follows:

HAMILTON, MASS., *May 6, 1912.*

W. W. LUFKIN,
Care Congressman A. P. Gardner, Washington, D. C.:

Please see that I am paired in favor of Clayton bill for trial by jury in injunction cases. HIGGINS, of Connecticut, might pair, or perhaps MCCALL. If necessary consult CLAYTON, but anyway see that the thing is done.

A. P. GARDNER.

HAMILTON, MASS., *May 6, 1912.*

The PAIR CLERK,
House of Representatives, Washington, D. C.:

Please pair me in favor of Clayton bill for trial by jury in injunction cases. This is the bill which comes up on Thursday.

A. P. GARDNER.

Mr. MANN. Mr. Speaker, I would like to have a minute or two.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, the matter of pairs is not so easy of solution as one might think. The other day when the pension bill was about to be voted upon one of the pair clerks came to me and said that he had a number of requests to be paired in favor of the pension bill, but that he had no one to pair against the pension bill. The question was whether to put in pairs as is usually done, without saying for or against, or whether he should leave the Members unpaired who were absent.

The matter was not free from difficulty. I did not desire to impose the obligation upon the pair clerk of deciding the question, and I said to one of the Republican pair clerks that I would assume the responsibility, and suggested to him that he pair absent Members in the usual way, not being able to secure the pairs that Members desired; and that, if objection was made to it, hereafter we would not be able to pair Members unless the pairs were actually made at the desk.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT. Mr. Speaker, I want to ask the gentleman if in his opinion the rule touching the matter of pairs ought not to be abolished?

Mr. MANN. I do not think so because I do not believe it would remain abolished very long.

Mr. GARNER. Why not?

Mr. MANN. It is absolutely impossible for many Members of the House to be present upon every roll call, and sometimes it is desirable from their standpoint and from the public standpoint to pair specifically on a bill. On the other hand, it is often very desirable for Members to have what is called a standing pair, a permanent pair, or a pair until further notice, so that Members, if they can not be present at the time, know that they are taken care of by the pair clerk.

Mr. GARRETT. Mr. Speaker, I concede that, but, after all, the matter of the pair is an individual matter, and it would not interfere with the making of pairs to abolish the rule.

Mr. MANN. It would interfere with their showing in the RECORD.

Mr. GARRETT. They do not now appear in the Journal.

Mr. FITZGERALD. The only rule is that they shall not be announced more than once on the same legislative day.

Mr. GARDNER of Massachusetts. Mr. Speaker, if the gentleman will permit, in this case which I have cited there is a very good illustration of the questions brought up by the gentleman from Tennessee [Mr. GARRETT]. I have given explicit directions never to be paired in my absence without written authority.

The pairs made up by the pair clerks nowadays mean absolutely nothing. They do not show whether a Member is "for" or "against" a measure. They merely show that one Member of the pair is a Republican and the other a Democrat. The only pair which means anything is a written pair which shows whether a Member is "for" or "against" a measure. That is the kind of pair which I telegraphed for.

Mr. MANN. Mr. Speaker, if the gentleman will permit, in his own case he has made a very fair statement. The gentleman sent a telegram directing the pair clerk to pair him in a certain way. It was impossible for the pair clerk to comply with that request. It was then up to the pair clerk to determine whether he would pair the gentleman at all, or not, nothing having been said about that in the telegram, and the clerk took the responsibility of pairing the gentleman. That has now been corrected.

Mr. GARDNER of Massachusetts. That has been corrected; but I am pointing out the absurdity of pairing a man who was for the bill with two other men who undoubtedly were also for the bill.

Mr. MANN. Mr. Speaker, I never have had occasion myself to make use of pairs at many times. In my first term in Congress I had a permanent pair with a gentleman on the other side who was called home by illness in his family, and during the entire session of Congress, a long session, I think I never voted at all.

Mr. SIMS. Mr. Speaker, I introduced a resolution in the last Congress and also in this Congress to prohibit the publication of pairs in the RECORD. It does not make any difference how

many pairs you make just so long as they are not made public. This whole pair business is a farce from beginning to end, and the publication of a farce serves no public or private good and ought to be abolished.

Mr. MANN. Mr. Speaker, I do not agree with the gentleman that it is a farce, but that is a question which is not before the House.

Mr. GARNER and Mr. FOSTER rose.

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. MANN. Well, Mr. Speaker, I am quite willing to be under examination.

Mr. FOSTER. Mr. Speaker, under the rule there is really no right to pair a Member unless the pair is signed.

Mr. MANN. I think that is the case.

Mr. FOSTER. And yet, of course, as a matter of convenience, Members are paired when they are absent without the signing of any pair.

Mr. GARNER. It is not a matter of convenience.

Mr. MANN. But if a Member goes to the pair clerk and says to pair him with a certain man, that he has an agreement with him, the Member would be insulted if he were asked by the pair clerk to produce his written agreement.

Mr. GARNER. Mr. Speaker, if the gentleman from Illinois will permit an interruption, does he not believe if we did away with the publication of these pairs in the RECORD a good many Members would stay here and be more attentive on the sessions of Congress?

Mr. MANN. No; I do not believe so. On the contrary, I think at the end of every roll call every Member of the House who had a pair would rise and say that he voted so-and-so, that he was in favor of such-and-such a proposition, but that some gentleman with whom he was paired was absent, who, if present, would vote the other way; and instead of having a short statement of pairs as we do now in the RECORD, it would cover a page every time we had a roll call, as it does practically every time they have a roll call in the Senate, where there is a much smaller number of Members than in the House.

Mr. SIMS. It is not necessary to make such a rule.

Mr. MANN. You can not avoid giving that courtesy to Members in some way.

Mr. SIMS. Let them drop the explanations in the box; that is all that is necessary; and not have them read on the floor at all. Let them drop them in the box.

The SPEAKER. The Chair will suggest to the two gentlemen from Tennessee that if they want an authority to back up their position they had better read Thomas Hart Benton's Thirty Year View, where he discusses this whole matter.

Mr. MANN. And he was not able to reform the Senate.

The SPEAKER. Oh, no; nobody can do that. [Laughter and applause.]

EXPLANATION OF A VOTE.

Mr. SAMUEL W. SMITH. Mr. Speaker, now that the question of pairs has been raised this morning, I ask the indulgence of the House for a moment.

On the 2d or 3d of May I was granted leave of absence for eight days, but at the same time took the precaution to arrange for a pair, and especially as to pension legislation. I arranged a pair before going away with Representative BATHRICK of Ohio, but for some reason unknown to me the pair was transferred between Representative BATHRICK of Ohio and Representative SISSON of Mississippi. The pair clerk informs me that as both Representative BATHRICK and myself were in favor of the bill he intended to pair me with some one who was against the bill, which he failed to do, and, of course, I did not know about it until my return to the House.

I voted for the pension bill when it passed the House, carrying several more millions than the bill which has been enacted into law, and if I had been here I should have voted for the bill or conference report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, announcing that the President had approved and signed bills and resolution of the following titles:

On May 7, 1912:

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

On May 9, 1912:

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys;

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.;

H. R. 12623. An act to incorporate the American Numismatic Association; and

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

On May 11, 1912:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill S. 5624.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask that the statement be read instead of the report.

Mr. MANN. I suggest to the gentleman that he ask to have the report read, as it is much shorter.

Mr. RUSSELL. I ask to have the report read.

The SPEAKER. The Clerk will read the report instead of the statement.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 688).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

HENRY E. BURNHAM,
W. O. BRADLEY,
ATLEE POMERENE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The bill as it passed the Senate contained a provision to grant an increase of pension to $65 per month to Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry. This item was stricken out by the House and the bill sent to conference. The soldier is drawing a pension of $55 per month under the general law for loss of arm at the shoulder, incurred in line of duty. It appears that he has recently had a stroke of paralysis and is now helpless, and has an aged wife dependent upon him; and while the rate allowed by the Senate is in excess of that usually allowed in such cases, yet in view of all the circumstances of this case your conferees believe they

are justified in recommending that the House recede from its amendment and allow the item to remain in the bill, and so recommend.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on House bill 18335.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 708).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows:

In lieu of the matter inserted insert "fifty"; and the Senate agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 6, 8, 10, 11, 13, and 15 are amendments made by the Senate to correct the record in accordance with records of Pension Office and to strike out items relating to beneficiaries who have died since the bills passed the House, to all of which the House receded from its disagreement.

Amendment No. 2, the case of Edwin G. Owen, which passed the House at $60 per month: The Senate cut the amount to $50, and the House receded from its disagreement.

Amendment No. 3, the case of Martin H. Black: The House passed the bill at $60 per month. The Senate substituted $36 per month. The soldier had a service of more than three years. He is now disabled and practically helpless. The conferees agreed on the allowance of a rate of $50 per month.

Amendment No. 4, the case of John H. Mohler: The House passed the bill at $30 per month; the Senate reduced it to $24. The Senate recedes from its amendment.

Amendment No. 5, George Smith: The House passed the bill at $30 per month. The Senate cut it to $24. The Senate recedes from its amendment.

Amendment No. 7, Hiram S. Kenyon: The House passed the bill at $20 per month. After the bill was passed evidence was filed with the Senate committee showing that soldier had two services, and the Senate raised the amount to $30 per month. The House recedes from its disagreement.

Amendment No. 9, the case of Bridget McAloon, dependent mother of Peter McAloon: The House passed this bill at $50 per month. She is now receiving $30 under the general law, and the Senate struck the item from the bill. The House recedes from its disagreement.

Amendment, No. 12, John S. Cochrane: The House passed this bill at $30 per month. The Senate cut it out on the grounds that the soldier is now working for the railroad at $1.25 per day, hence he is not wholly disabled. The House recedes.

Amendment No. 14, Ellen M. De Coursey: The House passed this bill at $20 per month. It appears that the widow is getting $12 from the Government of the United States and $12.50 from the city of Boston as the widow of a policeman. The Senate struck the item from the bill on the grounds that she had an income of $24.50 per month, and the House recedes.

Amendment No. 16, Stephen D. Smith, dependent father of Franklin Smith: The House passed this at $20 per month. The beneficiary is drawing $12 under the general law, and the Senate struck the item from the bill on the grounds that they have repeatedly refused to grant bills to pension the dependent father of a soldier. The House recedes from its disagreement to this amendment.

Amendment No. 17, Arthur E. Gilligan: The House passed this at $30 per month. Additional evidence filed with the Senate committee is to the effect that the soldier is physically and mentally disabled so as to be helpless as a child and requires the aid and attendance of another person. The Senate increased the amount to $40, and the House recedes.

Amendment No. 18, Friedrich Miller: The House passed this bill at $30. The Senate reduced it to $24 on the grounds of short service. Soldier incurred a grievous disability in the service, and the Senate recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill 18337.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent children of such soldiers and sailors of said war.

The report was read as follows:

CONFERENCE REPORT (NO. 706).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 19, 20, 23, 27, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, and 29, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 21, 24, 25, 26, and 29 are amendments made to correct the record and to strike out items relating to beneficiaries who have died since the bill passed the House. In all of these cases the House recedes from its disagreement.

Amendment No. 2, Alva O. Brooks: The House passed this at $30. The Senate reduced the amount to $24 on the grounds that the soldier was not seriously disabled, and the House recedes.

Amendment No. 7, Richard H. Ely: The house passed the bill at $30 per month. The Senate cut it out on the grounds that it was a second special act, the soldier receiving at the present time $24 under an act passed a number of years ago. His physical condition is much worse, and the Senate recedes.

Amendment No. 10, Marion Finley: This item passed the House at $36. The Senate cut it to $24 without the additional evidence on which it was raised to $36 on the floor of the House. It appears that soldier is suffering from a malignant cancer of the face, and the Senate recedes.

Amendment No. 11, William Miller: The House passed this at $24 per month. The Senate cut it out on the grounds that the

soldier is receiving $12 from the Government as pension and $21 per month from a railroad. The House recedes.

Amendment No. 19, Robert N. Barton: The House passed this at $24 per month. The Senate cut the item from the bill on the grounds of short service. The soldier incurred disability in the service, and the Senate recedes.

Amendment No. 20, Thomas Addington: The House passed this at $50 per month. The Senate cut it to $36. The soldier is nearly 90 years of age and had a long service, and the Senate recedes.

Amendment No. 22, Francis J. Truesdale: The House passed this at $30 per month. It appears that the soldier is getting a salary of $80 a month at the present time, and therefore the Senate cut the item from the bill. The House recedes.

Amendment No. 23, John Williams: The House passed this at $30. The Senate cut it to $24 on the grounds of short service. Soldier is disabled, and the Senate recedes.

Amendment No. 27, John J. James: The House passed this bill at $36 per month. The Senate cut it out on the grounds of its being a second special act. The soldier's condition is much worse than at the time the first act was passed, and the Senate recedes.

Amendment No. 28, Pulaski T. Gaither: The House passed this bill at $30 per month. The Senate cut it to $24 on account of short service. The Senate recedes.

Amendment No. 30, Joseph Butcher: The House passed this at $30. The Senate cut it to $24 on the grounds of the soldier not being wholly disabled. His condition is serious, and the Senate recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 18954.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read as follows:

CONFERENCE REPORT (NO. 709).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 2, 6, 8, 10, 11, and 14 are merely amendments to correct the bill or to strike out the names of certain beneficiaries who have died since the bill passed the House, and the House recedes.

Amendment No. 1, Joseph L. Day: The House passed this at $30 per month. The Senate cut the amount to $24 on the grounds that soldier had a very short service and was not disabled by reason of that service. The House recedes.

Amendment No. 3, Levi Taylor: The House passed this at $36 per month. The Senate cut the amount to $24 on account of short service. Soldier incurred disability in the service, and the Senate recedes.

Amendment No. 4, Mary E. Hitchcock: The House passed this at $20. The beneficiary is drawing $12, and the Senate cut the item out on the grounds that she did not marry the soldier until 1883 and is not seriously disabled. The House recedes.

Amendment No. 5, James P. Nesbit: The House passed this at $30. The Senate cut it to $24 on the grounds of short service and soldier not receiving any disability by reason of such service. The House recedes.

Amendment No. 7, Jacob Guy: The House passed this at $36. The Senate cut it to $30 on account of short service, and the House recedes.

Amendment No. 9, Mary Fox, dependent mother: The House passed this at $20, giving an increase of $8. The Senate cut the item out on the ground that it was adverse to granting increases to dependent relatives. The beneficiary is 86 years old, and the Senate recedes.

Amendment No. 12, Edward D. Bliss, dependent father of soldier: The House passed this at $20, giving an increase of $8. The Senate cut it out on the grounds that he is not seriously disabled or very old. The House recedes. The beneficiary is pensioned as the father of a Spanish War soldier, and the bill really belonged to the Committee on Pensions.

Amendment No. 13, Jerome S. Pinney: The House passed this at $30. The Senate cut the item out on the grounds that the soldier had a very short service and is receiving a salary of $300 or $400 per year and an annuity of $60 in addition to his pension of $12. The House recedes.

Amendment No. 15, William Dodds: The House passed this at $30. The Senate cut it to $24 on account of short service at the close of the war, and the House recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill H. R. 18955.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 707).

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 9, 13, 15, 16, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 4, 6, 12, 18, 22, 25, 27, 29, 31, and 32 are merely corrections and cutting out items relating to beneficiaries who have died since the bill passed the House. The House recedes from all of these.

Amendment No. 2, Lewis B. Rex: The House passed this at $36. The Senate cut it to $30 on the grounds that soldier was not seriously disabled. He is a very old man, and the Senate recedes.

Amendment No. 3, Wilson F. Ball: The House passed this bill at $36. The Senate cut it to $30 on the grounds that the soldier had some income in addition to his pension. The House recedes.

Amendment No. 5, John S. Ponce: The House passed this at $20. The soldier was wounded in service, and the Senate raised it to $24. The House recedes.

Amendment No. 7, Judson B. Lupton: The House passed this at $36. The Senate cut it to $30. The soldier is an old man and had good service. The Senate recedes.

Amendment No. 8, Mary M. Heistler: The House passed this bill at $12 per month. The Senate cut it out on the grounds that she was a remarried widow. She was the wife of the soldier during his service, and the Senate recedes.

Amendment No. 9, Samuel E. Johnson: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier is not seriously disabled. The soldier had good service, and the Senate recedes.

Amendment No. 10, Nelson F. Abrams: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier was not seriously disabled, being rated at only $10 in his last examination. The House recedes.

Amendment No. 11, Hosea B. Brooks: The House passed this at $24. The soldier had a very short service at the close of the war and is getting $15 per month. The Senate cut the item from the bill. The House recedes.

Amendment No. 13, George R. Scott: The House passed this at $50. The Senate cut it from the bill on the grounds of its being a second special act. It appears that he is totally helpless, and the Senate recedes.

Amendment No. 14, Michael Holland: The House passed this at $30 per month. The Senate cut the item out on the grounds of his receiving $1,000 from the Government per year. The House recedes.

Amendment No. 15, John Bunting: The House passed this at $36 per month. The Senate cut it to $30 on the grounds that he did not require aid and assistance. It appears that the soldier is nearly blind and had more than three years' service. The Senate recedes.

Amendment No. 16, Adam Wolf: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier was not in a particularly bad physical conidtion. He had a long service, and the Senate recedes.

Amendment No. 17, Joseph H. Kirby: The House passed this at $36. The Senate cut it to $30 on the grounds that the service was at the close of the war and soldier's disabilities do not confine him to his home. The House recedes.

Amendment No. 19, Merlin L. Kirby: The House passed this at $20. The Senate raised it to $24. The House recedes.

Amendment No. 20, Dora Stevens: The House passed this at $12. The soldier's death was not due to service. The widow did not marry him until 1895, and the Senate cut the item from the bill. The House recedes.

Amendment No. 21, Robert Schumann: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier has some income and is not seriously disabled. The House recedes.

Amendment No. 23, Phillip Main: The House passed this at $30. The Senate cut it to $24 on the grounds that the service was short, soldier having served only about four months. The House recedes.

Amendment No. 24, Sarah Ann Williamson: The House passed this at $20 on account of helpless child. The Senate raised it to $24, and the House recedes.

Amendment No. 25, Darius Cook: The House passed this at $30. The Senate cut it to $24 on the grounds that soldier only served three months. House recedes.

Amendment No. 28, George S. Bristol: The House passed this at $36. The Senate cut it to $20 on the grounds of short service. The soldier received disability in the service, and the Senate recedes.

Amendment No. 30, John W. Arthur: The House passed this at $12. The Senate cut it out on the grounds that the soldier served only 61 days. The House recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

PRINTING OF REMARKS OF MAURICE SIMMONS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a patriotic speech delivered by Mr. Maurice Simmons, of New York.

The SPEAKER. The Chair can not understand the gentleman.

Mr. DYER. I desire to insert in the RECORD a patriotic address delivered by Maurice Simmons, of New York. I desire to extend my remarks in the RECORD by inserting that address.

Mr. RAKER. Mr. Speaker, reserving the right to object, this will take the same course as those of yesterday?

Mr. DYER. Yes; be printed at the close of the proceedings of the House.

Mr. MANN. A course which was not taken by the speech inserted by the gentleman on yesterday.

Mr. RAKER. That is the reason I want to call the attention of the House to the fact that I called the Reporter's attention to it, and I notice it was not at the back of the RECORD, and I wanted to take occasion this morning, so far as it was concerned, to have it put in the back of the RECORD.

Mr. MANN. Yesterday morning it was said that the Members who had speeches of this kind should put them in the rear of the RECORD, having them marked, "Print this at the end of the proceedings."

Mr. BOEHNE. Mr. Speaker, I wish to serve notice now that I am going to object to any future insertions of speeches of this character.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. DYER] to print the speech he has referred to in the RECORD? [After a pause.] The Chair hears none.

PENSION BILLS.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri [Mr. HAMLIN] rise?

Mr. HAMLIN. I wish to call to the attention of the Chair that he has not yet announced the vote on the conference report.

The SPEAKER. The Chair thinks he did. The reading clerk——

Mr. HAMLIN. My colleague from Missouri [Mr. RUSSELL] interrupted the Chair and the Chair did not announce the vote.

The SPEAKER. The vote agreeing to the conference report carried. By a special agreement the gentleman from Georgia [Mr. ADAMSON] is recognized.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21969, designated and known as the Panama Canal bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ADAMSON. Mr. Speaker, pending that motion I would like to confer with the other side as to any agreement they may desire to make in regard to debate. I have only one suggestion myself, and that is that whatever general debate there is be limited to the subject under consideration and divided equally between those who favor and those who oppose the bill.

The SPEAKER. Does the gentleman desire to have any agreement as to the length of the debate?

Mr. ADAMSON. Yes, sir. I would like to hear from the other side.

Mr. BROUSSARD. Mr. Speaker, this bill is probably the most important piece of legislation that has to be considered by this Congress. It involves the establishment of civil government in the Canal Zone, it involves the abandonment of the plan by which the canal has been constructed, it contemplates the disbandment of the workmen who are there now as the work progresses, and the organization, out of a force of some 30,000 men now on the canal, of a permanent force for the operation of the canal. It involves the reduction of Executive orders that heretofore have been issued and by which the canal is being governed. It involves the creation of courts and the granting of jurisdiction to courts in order to deal with subject matters that may come up for an adjudication in the courts, both involving points of admiralty and civil administration. It involves the establishment of stations to furnish coal, and other matters, by the Navy.

The committee has agreed practically on every section of this law except two. One of them is with regard to the question whether tolls shall be imposed upon vessels engaged in coastwise trade. Upon that there is a minority report signed by five members of the committee. Then there is some disagreement as to another section of the bill, and that is as to whether steamships owned in whole or in part by railroad companies shall be permitted to use the canal.

And I think there ought to be considerable time for the discussion of these matters, important as they are.

The SPEAKER. Has the gentleman from Louisiana any suggestion to make as to the length of time?

Mr. BROUSSARD. I should like to have at least three days of general debate on this question.

Mr. GARNER. The gentleman from Louisiana [Mr. BROUSSARD] evidently does not understand the request of the gentleman from Georgia. The gentleman from Georgia is not undertaking to limit debate at this time. He is simply seeking to get an agreement that the debate shall be confined to the bill under consideration, and that the time shall be divided between those who favor it and those who are opposed. I can see no objection to that.

Mr. BROUSSARD. We can see no objection to it either, but I would like to know if we have enough time in which to consider——

The SPEAKER. It is not the time to fix the length of debate now.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest that the great appropriation bills ought to become laws before the 1st of July. They will either have to become laws by that date or else temporary action will have to be taken by Congress for the support of the Government service. After the middle of June there will not be very much work done by the House or by the Senate, if Congress remains in session, before the middle of July. I think it is quite possible for the House to get through with the appropriation bills and the Panama Canal bill and any emergency matters that may be pressing and still adjourn by the middle of June [applause], but it can not be done unless the House is willing to work between now and the middle of June.

Now, I suggest to the gentleman that if we are going to have a long debate on the Panama Canal bill—a long, general debate—we ought to have night sessions——

Mr. GARNER. That is right——

Mr. MANN. And finish the Panama Canal bill and have a final vote on it before Saturday night.

The SPEAKER. The Chair will state to the House in the same line with the remarks of the gentleman from Illinois—and the Chair thinks it will be an accommodation to the Members—that there are still four more appropriation bills to be considered—the naval appropriation bill, the Military Academy bill, the sundry civil bill, and the general deficiency bill—and the Members can make up their minds from experience, those who have been here, how long it will take to get through with those four bills.

Mr. MANN. We could pass the Military Academy bill in——

Mr. GARNER. Two hours——

Mr. MANN. In less than an afternoon, and we ought to be able to pass the naval bill in a couple of days, or three days.

The SPEAKER. Does the gentleman hope to pass that bill in three days?

Mr. MANN. If we have evening sessions, I think so.

Mr. BROUSSARD. I wish to inquire, Mr. Speaker, whether the general debate on this bill, if it is not ended to-day, will be displaced by any special business to-morrow?

Mr. MANN. That will be for the House to determine to-morrow.

The SPEAKER. The House can go on with this bill to-morrow if it wants to, or it can let the pension bills come up.

Mr. ADAMSON. Mr. Speaker, I want to say that I am perfectly willing to agree to any rule that is made as to night sessions if it is applied impartially to all the business of the House from now on. I am not myself insisting on long, general debate on this bill. I do not think it is worth a cent to stand up here and paw the air and talk to empty benches. [Applause.] I am in favor of general debate going on just as long as the House takes an interest in it, but as soon as the Members show a lack of interest in the general debate I want to begin the reading of the bill under the five-minute rule. That is the best way to enable the Members to understand the bill, anyway.

Now, I ask the other side if there is any objection as to the time, and whether they want any further agreement now than that which I have suggested? What I desire to do now is to arrive at some arrangement whereby general debate can be had on the bill and divide the time between those who are opposed and those who are in favor of it.

Mr. STEVENS of Minnesota. I think that is satisfactory to this side, Mr. Speaker.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I wish to say that the members of the Committee on Appropriations are not only interested in the matter in the sense that that committee is responsible for getting the supply bills through, but along with the other Members of the House the members of that committee would like to take some part in the consideration of a bill of this importance; and, speaking for myself, I agree thoroughly with what has just been said by the chairman of the Committee on Interstate and Foreign Commerce, that general debate in this House under modern practice is usually a waste of time. We have too much general debate and too little consideration of a bill under the five-minute rule. [Applause.]

I would be very glad to see an arrangement made by which we can have a time fixed when the bill can be finally voted on, and then have the major portion of the time between that date and now given to the consideration of the bill under the five-minute rule, when the best attention is paid to the discussion of legislation in the House.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. SHERLEY. I do.

Mr. GARNER. Under the suggestion of the gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, if it should develop in a couple of hours from now that nobody was paying attention to the general debate in committee we could go back into the House as in Committee of the Whole and debate the bill under the five-minute rule for two days.

Mr. SHERLEY. I understand that. Perhaps it may be possible to have that arrangement later on as to the length of general debate, when some of us are busy with committee duties. I am willing to have three days' general debate, but I am not willing to waste time in addressing remarks to empty benches.

Mr. ADAMSON. I think the House should have ample opportunity for free general debate on this question, but I am willing to agree to the suggestion of the gentleman from Kentucky. But if we should have two or three days of general debate it means that the major portion of the Members will leave the House and only come back when debate is had under the five-minute rule.

Mr. SHERLEY. It might be that an agreement could be reached whereby there should be three or four hours of general debate, and then start in with the reading of the bill under the five-minute rule, and then the bill could be put upon its passage.

Mr. ADAMSON. Whenever the interest begins to lag in general debate we ought to be able to go back into the House as in Committee of the Whole and bring the general debate to a close and proceed under the five-minute rule. That is what we ought to do.

Mr. MANN. Regular order!

Mr. BROUSSARD. Mr. Speaker, I would like to ask the gentleman from Georgia [Mr. ADAMSON] what he understands by those favoring the bill controlling half the time and those opposing the bill?

The SPEAKER. The House will be in order. The gentleman from Louisiana wants to know what the chairman of the committee means when he speaks of dividing the time between those who favor and those who oppose the bill.

Mr. ADAMSON. I mean that those who advocate all the sections of the bill and all the propositions of the bill ought to have half the time; that those who are opposed to any part of the bill ought to have the other half of the time; and so far as I am concerned the gentleman from Louisiana [Mr. BROUSSARD] shall have half the time that I control.

Mr. BROUSSARD. That is perfectly agreeable.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Panama Canal bill.

Mr. BROUSSARD. Mr. Speaker, one more matter to which I should like to call attention. Would it not be possible under this arrangement to have a night session to-night?

SEVERAL MEMBERS. Yes.

The SPEAKER. This arrangement does not include that, but if a night session is desired the arrangement can be made.

Mr. ADAMSON. I have no objection to a night session if it is necessary.

Mr. BROUSSARD. Does the gentleman make that a part of his request?

Mr. ADAMSON. I have not yet done so. I suggest that we see how the debate runs along. Later in the day we can do it if it is necessary.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Panama Canal bill, and, pending that, he asks that one-half the time be used by those in favor of the bill and one-half by those opposed to any part of this bill.

Mr. ADAMSON. Mr. Speaker, I understand from the gentleman from California [Mr. KNOWLAND] and the gentleman from New York [Mr. CALDER] on the other side of the House, the ranking Members who signed the minority views, that it is perfectly agreeable to them to let the gentleman from Minnesota [Mr. STEVENS] apportion the time and divide with them, just as I divide with the gentleman from Louisiana [Mr. BROUSSARD].

The SPEAKER. That is a matter for the gentlemen to arrange among themselves.

Mr. MANN. I understand the gentleman to make that a part of his request?

Mr. ADAMSON. Yes.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks that he control half the time and asks that the gentleman from Minnesota [Mr. STEVENS] control the other half.

Mr. DOREMUS. Mr. Speaker, I am not thoroughly familiar with the practice, but it would appear to me that in common fairness this time should be controlled one half by those in favor of the bill and the other half by those who oppose the bill.

Mr. ADAMSON. If there was nobody against any section except that one, that would be very true, but other parts of the bill may be assailed.

Mr. DOREMUS. The gentleman from Georgia [Mr. ADAMSON] and the gentleman from Minnesota [Mr. STEVENS] are the chief exponents of section 5 and section 11 of this bill, and it does not appear right to me that the time should be under the control of those two gentlemen.

Mr. STEVENS of Minnesota. Mr. Speaker, the gentleman from Michigan is misinformed. I differ with the chairman of the committee on important propositions relating to that subject.

Mr. ADAMSON. I will yield time to the gentleman.

Mr. KNOWLAND. Mr. Speaker, as the ranking member who signed the minority views I want to say that while under ordinary circumstances I believe it is a bad precedent to give to those who favor the bill the control of the entire time, I have so much confidence in the ranking member of the committee on this side, the gentleman from Minnesota [Mr. STEVENS], that, knowing he will divide the time evenly, I shall make no objection under the circumstances.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection.

There was no objection.

Mr. ADAMSON. Mr. Chairman, I suppose as a matter of form, at least, as a perfunctory performance if nothing else, I am expected to make some statements to the House touching the provisions of the pending bill which I had the honor to report from the Committee on Interstate and Foreign Commerce. The committee has labored hard and faithfully to ascertain what is right and wise in the premises. It has succeeded, if not to its own satisfaction, in agreeing on a bill unanimously with the exception of two sections. I will say that the work of the committee is agreeable to the canal authorities with the exception of one section. That section the chief engineer did not object to on account of its merits, but because he did not believe that a great work like this ought to be blocked by any matter that could be otherwise disposed of without encumbering so great a project, and also that it might diminish the tolls and traffic in opening the canal. That is section 11, and, as I have mentioned that section, I will at this time call attention to the fact that the committee has perfected and will submit a committee amendment in the nature of a substitute for that section. I will ask the pages to place it on the desks of the Members at this time that they may have it in connection with the bill.

Section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may, on its own motion, or the application of any shipper, institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

I will state further, Mr. Chairman, that I had placed in the desk of each Member a complete copy of all the hearings in the form of a House document, containing all the evidence, all the statements of everybody who appeared before the committee, the bill reported, and all bills which were considered by the committee at this time, and the majority and minority reports of the committee. They will find them all in that book, and when they replace section 11 with this leaflet, which is now being circulated, they will have the whole matter as the committee understands it.

I will state to gentlemen that in going through the terms of the bill, if there is any matter upon which I am able to afford any information I will be glad to do it if gentlemen will call my attention to the subject upon which they wish to be enlightened.

It has been a very difficult subject. The construction of the canal was a great enterprise, the greatest of its kind ever attempted by man, and the legislation for its control and management and operation must necessarily be important and fraught with very great difficulties and differences of opinion. In fact, at the very outset of the enterprise there were so many intelligent men in this great country, which possesses more strong and educated minds than any in the world, now or at any time in the past, that they began at once to cast about and make suggestions. Selfish interests began to agitate, fancies of mind began an active career, and all sorts of notions and fads, and also some good ideas, were advanced.

The committee from the outset put its face steadfastly to the front, putting all things of that kind aside, insisting on, first, the construction of the canal, and then the solution of all questions incident thereto. In the very outset people began to talk about whether you could not use the canal for this private interest or that private interest, and if you could not use it for ship subsidy, forgetting that Congress for 100 years, though constantly importuned by a sleepless lobby, has refused to provide a ship subsidy; others, overlooking the millions of unoccupied acres of land in this glorious country, the best country and Government on earth, began to spin theories and build castles and build ideal forms of government and institute ideal republics in these tropical regions before we had gotten rid of the mosquitoes and the malaria and before we had made sure that we could live there long enough to build the canal or whether anybody could live there long enough to stay there and operate it, much less reside there for any length of time.

Some distinguished gentlemen proposed, before the dirt was ever broken very deep below where the French left it on Culebra, that we erect a great luminary of learning on the Isthmus to educate and enlighten everybody in Central and South America.

They filed resolutions and bills and said that nothing should be bought unless it was used as a basis for a particular business, particular lines of transportation and manufacture, and all that sort of thing.

But we kept straight ahead, looking out for the clearing of the jungle, the sanitation of the zone, the acquirement of the title to the land, the construction of the canal, and the preparation for its opening for the use of the Army and Navy of the United States, and, incidentally, when they were not using it, for the purpose of accommodating commerce and recouping the Treasury of the United States with whatever money we could derive therefrom. It is now thought that triumph is about to crown our efforts in the way of physical construction. The engineers have completed their work. The physical work is almost done. The dry excavation is about finished. The lake at Gatun is being raised this month. The system of dams and locks at each end of the summit level designed to receive the Chagres River and fill up the entire summit level of the canal and furnish water to operate the locks is about finished, or will be during the coming summer. The lake will be filled far enough to cover up the unexcavated places, and then the dipper dredges will do the balance. It will not be claimed that the canal is finished until the slides cease to come down at Culebra and one or two other minor places. It would not be fair to open the canal and say that it is finished and then have to stop and excavate the dirt sliding in and charge that up to maintenance. Until the slides have quit, and we have settled the banks—the slopes—we can not say that the canal is finished, and we ought to charge all of that up to construction and not to maintenance. When that is done it is expected that the canal will be opened for the use of our Army and Navy and for the public.

We have provided in the first section of the bill for defining the Canal Zone, and in that connection we name the canal and we name the zone. That is appropriate in the outset, especially for the reason that that canal is not in our own country.

If it had been on American soil, with an American port at each end, we would not have had to make any such definition. We would not have found it necessary to frame any such bill; we would have simply gone to work under an act of Congress, making appropriations, without consulting any other nation on the face of the earth, and we would have proceeded; and it would have been a domestic canal subject to our own sweet will, without any restriction, permission, let, or hindrance. But, unlike any other canal of the sort—and it is unlike any other of the sort in every respect—we were forced to go to a foreign country in order to dig that canal.

The only other two canals in history that can be compared with it are the Kiel Canal and the Suez Canal. The Kiel Canal was built by the Emperor of Germany very much as we have built ours, in one respect, as a Government canal primarily for the use of the Army and Navy. It is entirely in his own domain, under the jurisdiction of Germany at both ports, and he did not have to consult anybody else about it. He proceeded to construct it.

The Suez Canal is a great commercial canal, but is not comparable to ours in magnitude or in expense or in difficulties of construction. It is a commercial canal, and was reconstructed in modern times by a commercial company organized under the laws of France. The country in which it is constructed being too weak to build it itself, its financiers being unable to construct and operate it, it had to look abroad for capital. That capital was found in the various countries of Europe, a great many of them, away up in the teens. All of those countries united in a convention for the control and government and management and neutrality and neutralization of that canal. That canal was not originally constructed in that way. In ancient times, before the dawn of history, an Egyptian king started out to construct that canal. It is also in the Tropics, but he had slave subjects, and under the whip and lash he put them to work digging that canal. Incidentally he killed 140,000 of them in doing it. He did not dig it as we dug ours, to shorten the distance and make communication more easy, but he dug it in the longest way, in order to avoid the invasion of enemies thereby. Yet, fatally for him, he had to quit it, and an enemy did invade and seize it, and while in possession of the country, as a conqueror, Darius finished that canal; but in both these cases the canal was built under the domination of a Government and was entirely within the country of that Government.

The Panama Canal was the culmination of a long series of diplomacy, legislation, contracts, exploitation, efforts of financiers almost all around the world to construct a canal across the Isthmus.

No matter who might construct it, it had to be done by foreigners. None of those countries were able to do it, neither Colombia, New Granada, Nicaragua—none of them were able to construct that work. It was discussed by numerous monarchs in Europe for hundreds of years. We began to discuss it nearly a hundred years ago ourselves. We had ourselves so tied up in our relations with other countries, in addition to the fact that that was in a foreign country, that we were not at liberty to go ahead with it. Finally, by a reconstruction of the Clayton-Bulwer treaty, we did remove the objections to its construction by the United States Government in a foreign country by agreeing with England to retain all the provisions in the Clayton-Bulwer treaty as to neutralization and equal fair dealing and removing the humiliating proposition that we had to rely on other countries to sustain its neutrality and assuming ourselves the duty of opening, protecting, and maintaining the neutralization and the equality of the use of the canal. But it still remains in a foreign country, and it required a contract with the Governments of two countries to get permission to construct it. We are bound to comply with the terms of those two agreements, one with England in the Hay-Pauncefote treaty and the other the Republic of Panama. We had no right to do anything but build and operate the canal; therefore in the treaty and the canal act we provide for the control of the territory for the purpose of constructing, maintaining, and operating that canal, but still in accordance with the spirit in which we have proceeded through all these negotiations—that we are not looking for a place of colonization to gain influence and unfair advantage, but we were simply to construct a canal for the free and equal use of all the people interested in that canal everywhere, of every nation. Therefore we appropriately, in the first section of the bill, define the Canal Zone exactly in accordance with the treaties, naming the canal and naming the Canal Zone. In the second section of the bill we deem it proper, for a very good reason, to stop and legalize and ratify everything that has been done there. When we acquired the Canal Zone it was done rather suddenly. We had had long negotiations.

Congress was in session and we did not know just exactly what the final upshot of the whole thing would be. We wanted time to see what we were going to do there—what legislation ought to be enacted—so temporarily we reenacted or adopted and made applicable the old statute for the temporary government of Louisiana at the time we purchased that, and provided that it should expire by its own terms with the end of the Fifty-eighth Congress, and, for reasons which the House understood and deemed satisfactory, and which the gentleman from Illinois [Mr. MANN] will remember, that temporary act was allowed to lapse at the end of the Fifty-eighth Congress. The commission, which this House had always objected to, was turned out of office the next day and a new régime instituted. Our committee again went to Panama and looked over the situation. The Appropriations Committee began to make visits there annually, and under the stimulation of changed conditions the work proceeded, but occasionally gentlemen complained of a monarchy down there, of absolutism; that without law and authority the President had proceeded to administer the government and construct the canal, and that it did not become the institutions of a great free country to permit that. Our reply was, We have law enough to sustain it, it is ours, we bought and paid for it, and we had acts of Congress authorizing us to proceed and to build it so he certainly could get along until he got it built; that we were ready to legislate as much as necessary at the proper time, but that we are not ready to proceed to the enactment of a long and elaborate system of jurisprudence in a country where we did not expect to have any population,

where we did not expect at best to have anything but the canal, and the President, by the approval of Congress and the sanction of annual appropriations by Congress, has proceeded issuing Executive orders. Courts were established, and the officials were appointed under that temporary statute and have simply been continued by Executive order. In order to be sure that there can be no sort of criticism, no question of the legitimacy and regularity, we provide in the second section of this bill and approve all the laws now in force on the zone and recognize and sanction all the courts that are now on the zone. There we cut short the one-man power connected with the administration. That, of course, leaves it to the United States Government to make future legislation, the question of amending the laws, and the courts of law, and as to all civil institutions—everything of that sort remains with Congress.

We did not undertake in this bill to revise and reform the entire system of law. We did not have time to do it.

Mr. HARRISON of New York. Will the gentleman from Georgia [Mr. ADAMSON] yield for a question?

The CHAIRMAN. Does the gentleman from Georgia [Mr. ADAMSON] yield to the gentleman from New York [Mr. HARRISON]?

Mr. ADAMSON. With pleasure.

Mr. HARRISON of New York. I observe that section 2 provides that the Executive orders shall become laws until changed by Congress, but subsequent sections of the bill, as I read, go on to provide that the President shall make the laws. Is that to be a law of men instead of a law by Congress? The gentleman and I have had very sharp differences in the past in regard to the government of the zone, and I wish that he would explain to the House, if he deems wise, what will be the physical aspect of the zone after the canal is completed, what kind of people will live there, what extent of land will be covered by water, and what emergencies would arise that called for the application of laws?

Mr. ADAMSON. Mr. Chairman, the differences between the gentleman from New York [Mr. HARRISON] and myself have not been substantial differences. They have been as to the time of action only. The gentleman thought it necessary, or deemed it wise, to legislate before I thought we were ready to legislate. That is the only difference between us. I thought it wise to wait until this time when we knew that we were going to succeed triumphantly in our enterprise and remain on the zone to operate the canal forever. Then I thought it would be time enough to legislate for the people there. And now his question comes in opportunely, because I was just coming to the section that touches on his question. Section 3 authorizes the President to secure for the United States all the outstanding titles and possession to land which we have not already acquired.

The Gatun Dam is 6 or 7 miles out from Colon. We call our town Cristobal. At the Gatun Dam there will be another town. Farther over, at the other end of the summit level, which is about 6 or 7 miles from Balboa, the Pacific end of the canal, there will be another town. Between that town and Gatun, about 34 miles, will be the crest or the summit level of the canal. A part of that will be lakes. I believe about one-third of the area will be covered by water when those lakes are filled. That, of course, will cover all of the lowland. Under present arrangements I assume we have settled about all of those claims. The balance of the land in the zone which will not be covered by those lakes is hardly suitable for any sort of cultivation or farming in which an American citizen would indulge. It rains down there about nine months in the year regularly, and three or four hours a day for the balance of the time, as I have found by personal experience. The dry season is too short to produce and gather any kind of a crop that we want, and the wet season is not favorable to the production and cultivation of crops.

Mr. HAMLIN. Will my colleague permit me to make this suggestion right there?

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HAMLIN. It developed in evidence before our committee that the Agricultural Department had made very exhaustive experiments down there, and had determined that it was not available for agricultural pursuits.

Mr. ADAMSON. In addition to the correct suggestion made by the gentleman from Missouri [Mr. HAMLIN], I will say that most of the land in addition, uncovered by the lakes, will be the hilly lands. There are short, sharp peaks, which are mighty pretty. If you had a number of them in your front yard they would be delightful. They are lovely to look at for a little while. But to live on a farm the year around the gentleman would not find it as delightful as Horace and other literary men in the past have tried to make us think.

Mr. BORLAND. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BORLAND. Listening to the suggestion of the gentleman's colleague from Missouri [Mr. HAMLIN] that the Agricultural Department had made an investigation to determine the agricultural value of these lands, is it a fact that their investigations determined, as to the products of the Temperate Zone, that they could be raised there successfully?

Mr. ADAMSON. I would not undertake to decide that controversy. Of course, there are some products of the Tropics that would grow there if properly attended to, and I have no doubt if a man had lots of money and millions of resources and was acclimated to live in that country and he wanted to go there and turn loose measureless wealth on his agricultural experiments, he might have as good a time wasting money there as he could have anywhere else, and that, in my judgment, would be the upshot of the venture, because the evidence before us showed there have been no successful farming ventures of any sort in the zone. Some little farms up and down the Isthmus have proven profitable, but not on the zone.

But, Mr. Chairman, this is our proposition: We have bought or acquired jurisdiction over a strip 5 miles wide on both sides of the center thread of the canal for canal purposes, not for colonization and not for agriculture. You may find in many States of the South and West better land and more land than that, with a better climate for folks to live in, if you want to establish a colony.

Mr. BUCHANAN. But not with so much water.

Mr. ADAMSON. No; but you can find plenty of water if you go with me, and better land.

The primary object of the acquisition of that strip or zone was to construct and operate a canal, and the Government of the United States certainly has the right to acquire the title to all the land, and hold it, and own it until it starts the canal, and then exercise its own judgment and volition as to what use it will make of any of it that is not actually needed in navigating and operating the canal.

Mr. TILSON. Mr. Chairman, may I ask the gentleman a question right there?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Connecticut?

Mr. ADAMSON. Certainly.

Mr. TILSON. What does the gentleman say as to the possibility of living there after this lake is filled up, and after the partly submerged land has become a jungle again? Will it not produce mosquitoes and other insects and all sorts of animal life, up to the size of crocodiles, that will make it at least dangerous or undesirable to live there?

Mr. ADAMSON. Well, it is thought that when we lay out the United States barracks and parade grounds for the military there will not be very much ground left except what only a goat could travel over. [Laughter.] These hills, you must understand, are very steep and abrupt. They are going to try to find level and smooth land enough for the barracks for the troops that they have to have there for the military police and administration of the zone.

Mr. TILSON. I understand that much of the large lake formed by means of Gatum Dam will be very shallow water, and, being in the Tropics, it seems to me it would revert to a very dense jungle in a short time, and in this jungle there would be produced all sorts of enemies to health and human life that would make it uncomfortable and even dangerous for men to live on the zone even to operate the canal.

Mr. ADAMSON. The gentlemen who will operate the canal will live at the towns, where they have artificial means of comfort. They will have refrigerators and cooled air and screened houses and every civilized convenience and opportunity to keep them alive. They can live a little better there, and it is not expected that they will live between those dams at all. It is not intended that the jungle will be allowed to grow up again along the line of the canal. I suppose it will be necessary to keep most of it cleared occasionally in order to avoid intruders coming up covertly and doing mischief and being where they ought not to be.

Mr. MARTIN of Colorado rose.

Mr. ADAMSON. There is one thing that I omitted to state about the population of that zone, and that is that the water supply for all the towns and cities must come from those hills, and the health experts say it is not wise to permit any population to remain on those watersheds at all, as it would produce impurities in the water, and that that is an additional reason why there should not be any population there.

Now I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I only wish to observe that the fears expressed and the conditions described by the gentleman from Connecticut already exist in the Canal Zone. A thousand

feet away from the line of the railroad, or of the canal, there is nothing but a jungle now, filled with mosquitoes and all the tropical conditions of disease, and it could not be rendered any worse by reason of the fact that the Government might here and there destroy a little cluster of native huts up in the hills. I believe that some gentlemen have an impression that the whole Canal Zone is in such a civilized and cultivated state now that it is in danger of being reduced again to a jungle if we put the people out. But it is a fact, as I think everyone that has been there knows, that a stone's throw from the line of actual operations is just as much a jungle as it was when the Spaniards first went there 400 years ago.

Mr. ADAMSON. The natives, or squatters, or the Chinese, or mixed breeds, or whatever they are, had built their little towns right along the line of the Panama Railroad, which is also the line of the canal. Most of those towns will be flooded by the canal when the lake is filled, and of course those people have been bought out and have been removed. If they are not allowed to locate elsewhere in the zone they will not be there any more. The population there now, over whom our courts are operating, consists mostly of our officials and laborers, aggregating somewhere between 30,000 and 40,000 men.

Those laborers, as their time expires, will be returned to their homes. It is not expected that after the canal is opened there will be any population there on the zone except the American employees operating the canal, and their families.

Mr. BORLAND. Does not the gentleman think that, irrespective of that rough land up in the hills between the two dams, the bottom lands surrounding both ends of the canal will be very desirable for commercial purposes? This bill provides that all of the lands shall be acquired by the United States Government and condemned practically as a military reservation.

Mr. ADAMSON. Mr. Chairman, it is true that at the ends of the canal, around those cities, there is some pretty good land, and conditions will be somewhat different there. I think that probably the Government has most of the land that it wants at the ends of the canal. It has most of the land in the city of Colon. It has considerable land in the city of Panama. It is expected that there will be population in the cities at the two ends of the canal.

Mr. BORLAND. At Balboa there is a large tract of land that the Government does not own and does not claim to own. The part colored green on the map represents what the Government concedes to be private land.

Mr. ADAMSON. The committee think the Government has a right to acquire it and hold it if it needs it, and that it ought to be its own judge as to how badly it needs it or what use it ought to make of it, and whether it ought to keep it or not.

Mr. BORLAND. If the gentleman will yield for a question right on that point, this particular bill provides not only for the acquisition of all the land in the zone, but it also provides that no person shall be upon the zone without the permission of the military governor.

Mr. ADAMSON. Yes.

Mr. BORLAND. In other words, if the Government acquires all that land around the terminal at Balboa or at Cristobal nobody could be there without the permission of the Government, and there could be no commercial business carried on practically without favoritism.

Mr. ADAMSON. I do not think it would be much trouble for a man who ought to be there to secure the necessary permission.

Mr. BORLAND. That is not the question. The question is whether it would encourage commercial pursuits there to require special permission from the Government.

Mr. ADAMSON. We have not yet gone far enough to abandon canal purposes and take up commercial purposes. This committee is now trying to build a canal.

Mr. BORLAND. I understand that the gentleman from Georgia [Mr. ADAMSON] believes primarily in a military canal, and incidentally in a commercial canal.

Mr. ADAMSON. "The gentleman from Georgia" believes primarily in a canal, and in finishing it and opening it and operating it. Then, if there are any incidental things that Congress wants to do, there will be time enough to consider them.

Mr. MOORE of Pennsylvania. Mr. Chairman, referring to the exclusion of inhabitants from the zone, does not the gentleman think there would be some advantage in having the zone settled by Americans, if they could be induced to go there, with a view to policing the district and relieving the Government of the expense of so large a military establishment as seems to be necessary?

Mr. ADAMSON. I do not think there will be any trouble about inducing men to go there for their salaries; and instead of the gentleman finding people flocking there to make vicarious sacrifices and to work for the Government for nothing, he will find people congregating around there, just as they do everywhere else where Government pap is open for distribution, begging for salaries; and when they get salaries they will want promotions the next day.

Mr. MOORE of Pennsylvania. Conceding there is some truth in the gentleman's statement, might it not be a relief to the Government in the matter of the expense of maintenance, and particularly in the matter of protection, if the zone should be opened up for settlement by men who would attempt to till the soil?

Mr. ADAMSON. Mr. Chairman, if after the canal is opened and put in operation we should find it desirable to have American citizens there for any purpose, our position is that it will be time enough then to consider the subject. Meantime, pending the completion of the canal, we would like to complete the purpose of the acquisition of that jurisdiction by acquiring title and ownership to the land, in order that when we are in possession of it we may decide the very questions that gentlemen are now asking me. They are premature. The movement is premature.

Mr. MOORE of Pennsylvania. The gentleman from Georgia has given very careful attention to the cost of the maintenance of the canal; does he now consider it wholly a military enterprise that must be maintained by the Government, or does he admit the commercial and agricultural possibilities with a view to raising money from the enterprise to help maintain it?

Mr. ADAMSON. Mr. Chairman, the United States did not go to Panama to run a farm. We had lots of land at home for that purpose, and if the Government had any it would sell it out and give it away, as it has with a thousand million acres. It went to Panama, under the only constitutional warrant, to construct a canal as a war measure for the use of the Army and the Navy. I have no doubt a great many men in their minds gave their consent to it solely for commercial purposes. But I am talking about the constitutional warrant which authorized Congressmen on their oaths to vote for the bill. The Government went there to build it as a Government canal for the use of the Government. It may use it for commercial purposes, and we all hope that the prophets or apostles of peace who are optimistically proclaiming 50 years' millennium, while the nations are overrunning each other to increase their armament—I do hope that there will be long years of peace, and that during that peace, whether long or short, the United States can acquire a great deal of money from the tolls through that canal; that while it is not the business of Congress to foster all the details of local commerce in the various sections, I do hope that all the commerce of the United States will blossom like a rose and flourish like a trust. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for another question?

Mr. ADAMSON. Certainly.

Mr. MOORE of Pennsylvania. This is a very important phase of the question. I am under the impression that a large majority of the people of the country believe that the opening of the Panama Canal will tend to develop the commerce of the United States, and help us to closer connections with the Latin-American Governments.

Mr. ADAMSON. I hope that will be done, although I never pinned my faith on the Panama Canal as the only instrument of doing that, but I think the people ought to do something in their private and collective capacity without making a packhorse of Congress by imposing their private and selfish interests upon everything that the Government seeks to put in motion.

Mr. MOORE of Pennsylvania. I am not striving to argue with the gentleman. From a perusal of the hearings it would seem that the chairman of the committee, who has given this matter careful study, has been of the opinion that the construction of the canal was almost wholly for military purposes and that if it were to be used for commercial purposes commerce in some way should bear a portion of the expense.

Mr. ADAMSON. I should think him an unfaithful public servant of the Government who would give away any assets of the people, and I am sure when the canal is used by any man, whether he calls himself commerce or what not, or goes through it, the Government is entitled to some compensation for his going through. I think he would be very selfish to try to take it away from the people.

Mr. MOORE of Pennsylvania. The construction of the canal at an approximate cost of $400,000,000 and an annual cost of maintenance of probably $25,000,000, was not done merely for the purpose of permitting some modern *Oregon* to pass through to be used in some war that is yet to happen.

Mr. ADAMSON. If the *Oregon* had not gone around the Horn to give the people an object lesson and arouse them to help us build this canal, it would not have been built for a hundred years.

Mr. MOORE of Pennsylvania. But as the *Oregon* did go around the Horn to protect the Government in a war and the people of the country did provide the money to construct this monumental work, to the great credit of the American engineers, is it not advisable that we should get something back, by letting the Army and the Navy and the country understand that this is not wholly a military enterprise, but that it was constructed as well for the development of the trade and commerce of the United States and to strengthen our commercial status abroad?

Mr. ADAMSON. I do not think the Army and the Navy regard it as entirely a military affair. I do not think they want to fight all the time, and I do not think they want to go through every day.

Mr. MOORE of Pennsylvania. They do not want to stay in the canal all the time, and I do not think we built the canal to keep them there.

Mr. ADAMSON. I think, however, that when we have a war and when it is necessary as a war measure to transfer vessels, the object of the digging of the canal primarily was to give them the benefit of it.

I think they agree with me further that when the exigencies of the Army and Navy do not require the use of the locks that we would put through, if the vessels applied for passage, about 48 vessels a day, and get the tolls from every single one of them and put those tolls into the Treasury of the United States, where the $400,000,000 came from that built the canal. [Applause.]

Mr. MOORE of Pennsylvania. That would help to replenish the expenditures.

Mr. ADAMSON. That is the doctrine of the committee, and the doctrine of the Army and Navy, I hope.

Mr. MOORE of Pennsylvania. Then it is not the purpose of the committee to discourage commerce through the canal, but rather to encourage it.

Mr. ADAMSON. No; it is not the doctrine of the committee to discourage commerce. We are in favor of it, and if the gentleman will read the bill a little further he will find a section providing that it be open to the world and that commerce be invited to come through and to pay tolls every time it does come through. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman, of course, knows that the expense of the military and naval establishment will be very great.

Mr. ADAMSON. I do not know about that; but it ought to be great enough to protect the canal. In our pride we thought we were strong enough not to rely upon the other nations of the world to provide for the neutralization, so we provided in the Hay-Pauncefote treaty that we alone would be responsible for the neutralization of the canal; and it may be necessary for us to put men and guns enough there at some time to whip some nation that tries to interfere with that neutrality and equality. We do no know; but if any other nation should bristle up and say they were going to disregard that neutrality and do as they pleased with the canal, we could not, as we could under the Clayton-Bulwer treaty, call on England and some other nations to help, but we would be under the obligation ourselves of protecting the canal against all enemies, and we will have the right to put there just such force and such guns as we need to maintain that neutrality and equality as against anyone.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman what he means by the use of the word "neutrality" in that connection. He says that we propose to have guns and men enough there to insure that neutrality.

Mr. ADAMSON. Mr. Chairman, I do not know whether I am a good enough dictionary or not. I never have looked in an English dictionary many times in my life. What few words I did learn I learned as a boy from the Latin and a Greek lexicon.

Mr. SLAYDEN. I hope the gentleman will not think I am criticizing him at all. I am asking him the question in all sincerity.

Mr. ADAMSON. And I am going to answer it.

Mr. SLAYDEN. I was asking for information, and the gentleman answers as though I were asking the question in a critical way.

Mr. ADAMSON. Oh, no, Mr. Chairman; I was excusing my own imperfection as a lexicographer. I am going to guess at it and give my friend an answer which I think he will agree with me is correct. I hope he will. I have great confidence in his judgment, both as a civilian and as a warrior, and he has been my candidate for Secretary of War for a long time. [Laughter and applause.]

Mr. SLAYDEN. Give us the right administration and we will attend to that.

Mr. ADAMSON. I think that "neutral" is properly applicable to a country or a man who stands aloof from a row, who does not want to have anything to do with it. He is generally hated and despised by both sides and accused by each of covertly helping the other. [Laughter.] That is his fate in politics and everything else. "Neutralization," as I would judge from what little diplomatic history I have read, would mean that somebody would undertake to see that an instrumentality or a route or an appliance, something that men or commerce and nations use——

Mr. SLAYDEN. The canal, for illustration.

Mr. ADAMSON. Yes; the canal, for illustration—and that is the thing we will apply the epithet to—that neutralization would mean that it would be open on equal terms to anybody and everybody on the face of the earth. And when we say we guarantee it, we mean that we are going to see that nobody is interfered with in the use of it.

Mr. SLAYDEN. The gentleman, of course, knows that there was talk of the neutralization of the canal by certain great powers of the world, thereby obviating the necessity for a strong military or defensive force on the canal?

Mr. ADAMSON. That is right; and that is the arrangement with the Suez and was the arrangement under the Clayton-Bulwer treaty.

Mr. SLAYDEN. And I had in my mind the idea that that was what the phrase "neutrality of the canal," or "neutralization," meant.

Mr. ADAMSON. That is the difference between the Clayton-Bulwer treaty and the Hay-Pauncefote treaty. Under the Clayton-Bulwer treaty neither the United States nor Great Britain was permitted to acquire any prestige or influence on the Isthmus; no other power was allowed to acquire any use or advantage in conditions or terms of traffic or treatment, and the nations of the world were to be invited to unite with England and the United States in an agreement to guarantee the neutralization of the canal.

But just after the United States had succeeded in doing what no other nation nor combination of nations on earth could do, whip the South, and just after they had driven France out of Mexico, why they up and jumped on poor old Spain that had not had one dollar nor a friend nor seen a victory for 300 years, and we got to be so cocky and got to be such jingoes that we said to England, We are not going to fool along with you at all; it is true you have got Canada, reaching from one ocean to the other as we do; it is true you have some possessions in the West Indies; it is true you have your guns frowning on us from stations from Labrador to the south seas, but we are not going to fool with you and will not meddle with you. We told Spain to get out and you had better let us alone; we are going to have that canal to use as we please. We got mighty biggity about that, and after several discussions and meetings, and so forth, and the rejection of some propositions, we secured a modification of the treaty. The modification is that section 8 in all its spirit and intendment shall be preserved. That neutralization shall be preserved; that equal treatment at the canal for people and vessels for all nations shall be preserved, but we abrogated the inhibition against fortifications, because we abandoned the proposition for a jointure of the nations of the world to protect the neutralization and allow the United States to assume the sole duty to carry out the identical provisions that formerly were to be protected by a combination of nations, and in spirit the same principle of neutralization that is in the Clayton-Bulwer treaty. Therefore, the United States, in consideration of assuming the entire responsibility in maintaining neutralization, is exempt from the prohibition on fortfications and can establish and use such military police and such military provisions and such force as is necessary to protect that canal against violence, lawlessness, disorder, or anything else that interferes with the neutralization that we guaranteed.

Mr. SLAYDEN. Then the difference is that under the old Clayton-Bulwer treaty that would have neutralized the canal, cooperating with England and other countries at the joint expense of the nations signatory, but now we undertake all the expense and concede the use and privileges of the canal to all upon the same terms.

Mr. ADAMSON. Yes, sir.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. MONDELL. I understood the gentleman to say that by the terms of the Hay-Pauncefote treaty we assume the entire obligation in maintaining the neutrality of the canal, whatever that may be. Does not the gentleman understand that England assumed practically the same responsibility and obligation that we did under article 3 of the Hay-Pauncefote treaty?

Mr. ADAMSON. No, sir.

Mr. MONDELL. Is not she just as much bound as we are to see that the canal shall not be blockaded or that no right of

war shall be exercised in it, no act of hostility committed? Is not section 3 just as binding on Great Britain as it is on us?

Mr. ADAMSON. I do not know that we would call her an accommodation indorser, but she probably would stand behind us if any other nation or combination of nations were about to overrun us. If we manifested that we were unable to carry out the policy that we saw fit to adopt, then I have no doubt on earth she would come to our assistance.

Mr. MONDELL. If we did not fortify the canal at all and there was an attempt made to blockade it or to commit an act of war, is not England already as much bound by the Hay-Pauncefote treaty to protect that act as we would be?

Mr. ADAMSON. Well, I suppose England would feel her obligation to help protect it if we failed.

Mr. MONDELL. But is not that what we agreed to do?

Mr. ADAMSON. What we agreed to do.

Mr. STEVENS of Minnesota. I think the gentleman is in error in regard to the application of the Hay-Pauncefote treaty. The application there is that England only agrees not to commit the acts provided for in article 3, and we agree not to commit the acts set forth in article 3, and nobody else who agrees to preserve the rules agrees not to commit the acts——

Mr. ADAMSON. If you will read it, you will see it says the United States adopts for its use.

Mr. STEVENS of Minnesota. But the power to enforce the performance of the Government is set forth in Article III, and so England has agreed.

Mr. ADAMSON. If the gentleman from Minnesota will look at the language there, he will find there is expressly stated the language the United States adopts for the neutralization of the canal.

Mr. MONDELL. I will not take the gentleman's time longer, as I expect to discuss the matter later, but it seems to me that the treaty places the same obligation on England that we assume.

Mr. ADAMSON. I will say to the gentleman from Wyoming that I had not yet reached the discussion of the treaty, and I did not care to discuss the fortifications at all, because the question of fortifying the canal is before another committee and has been passed on by Congress.

Mr. ALEXANDER. I want to challenge the statement made by the gentleman from Texas [Mr. SLAYDEN] to the effect that under our treaty with Great Britain we are bound to let the other nations use the canal on the same terms as American citizens. There is no such language in the Hay-Pauncefote treaty. The language says:

Such conditions as to charges and traffic as shall be just and equitable.

Mr. ADAMSON. Mr. Chairman, we have not reached the question of ship subsidy yet, and I expect when we reach that point the gentlemen will have a fair opportunity to discuss it, and I prefer to go on with the structure of the bill and reserve that to the last; and when we reach that, if the gentleman wishes to ask any questions about it, I think I will be ready to answer him on that proposition.

Mr. ALEXANDER. I did not want that statement to go unchallenged.

Mr. ADAMSON. It will take more than a challenge; and if the gentleman overthrows the statement of the gentleman from Texas in that he will not only invade the United States Treasury, but overthrow all the treaties of the United States on that subject. The obligation binds us to "terms of entire equality as to charges and conditions of traffic as to the vessels and citizens of all nations."

Mr. ALEXANDER. I expect to answer the gentleman on that question.

Mr. ADAMSON. I will read the books to you on that subject. I will not read from the ship-subsidy papers on that subject, but from the treaty.

The fourth section authorizes the President, in finishing up the canal, to select and train from the operatives such men as he judges competent to organize into an operating force to man the locks and operate the canal, and it also provides that when the canal has proceeded near enough to completion to dispense with the present organization authorized to construct it, the present organization, including the commission, be dispensed with; that a governor of the Panama Canal be appointed, and such other officers as the President may deem competent, to operate the locks and operate the canal and serve the Government on the zone in the necessary capacities and to open the canal formally to the world. In providing that section——

The CHAIRMAN. The gentleman has used an hour's time. Does the gentleman wish the Chair to call his attention to it? The gentleman, of course, controls the time and can take as much as he pleases.

Mr. ADAMSON. I expect that I would better go on with the matter now.

Mr. MONDELL. Will the gentleman yield for a question? Does the gentleman intend to discuss during his opening remarks the question of reduction in the cost of transporting and the difference in the cost of production on the Atlantic and Pacific coasts by the use of the canal?

Mr. ADAMSON. I suppose, Mr. Chairman, that in the course of the debate either I or some other member of the committee will discuss that phase of the question. I have not reached it yet.

Mr. MONDELL. It is a very important question even early in the debate.

Mr. ADAMSON. If I fail to touch upon it, I will say to the gentleman from Wyoming, I hope the gentleman will, but if I do not forget it I expect to say something about it when I reach it.

Mr. Chairman, we did not follow the suggestion of the administration in this provision, but I think I am authorized to say that the substitution of our plan is entirely agreeable to the administration. The only difference between it and the suggestion of the administration is the one raised by the gentleman from New York [Mr. HARRISON]. The proposition in the administration bills—I do not know that I ought properly to call them "administration bills," but they were offered by those officials who have been connected with the constructing of the canal and governing the zone—at any rate, we proposed to legalize the present status, but decided it was time to change that plan and leave to Congress the subject of legislation and have Congress provide for the administration of justice and the jurisdiction of civil officers and all those things. Therefore, we provided that the President might appoint the governor of the Panama Canal, with the advice and consent of the Senate, and any other officers he may appoint who are necessary to operate the canal. And at the proper time, when the canal is finished and ready for use, the President shall have it formally opened and all the world invited to the canal.

Mr. HARRISON of New York. I find, on page 10 of the bill, that the President is authorized by the bill to make all the necessary rules and regulations and establish the procedure of the magistrates' courts and all such matters on his own motion and by Executive order in the future, just as he has been doing contrary to law in the past.

Mr. ADAMSON. In answer to that I will say to the gentleman from New York that the present law covers all those things. We have legalized and adopted them until Congress makes other provision. Until Congress makes that other provision, we intend that the provision that the gentleman from New York alludes to should authorize the President to supply any deficiencies in practice only.

Mr. HARRISON of New York. This is not an unfriendly question at all, I will say to the gentleman. Why did not the gentleman's committee do that now? We were promised eight years ago that it would be done.

Mr. ADAMSON. Those courts take the place of magistrates' and district courts under existing law, and we really found no objection to them. I do not think the gentleman would, if he examined them, and the language to which he alludes does not authorize the President to repeal or abolish any of them. He can not do it. But if there is any necessary rule of practice or any instrumentality that is unprovided for in making a change from one system to the other, we thought it wise that the President be allowed to bridge the hiatus, if necessary, by passing any of these little matters. But there is an existing system and code covering those courts and their jurisdiction, and, I think, covering everything. This provision that the gentleman speaks of is more in the nature of a catchall, or security, to throw out, so that if there is anything left we could pick it up and not suffer by it. That is all that amounts to.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Connecticut?

Mr. ADAMSON. Certainly.

Mr. HILL. I would like to ask this question of the gentleman: Does the bill leave it entirely discretionary with the President whether the canal shall be entirely under the control of an officer of the Army or of a civilian?

Mr. ADAMSON. A subsequent clause of the bill provides that upon the approach of war the governor of the Panama Canal shall surrender control to the Army officer on the zone designated by the President, and be obedient to him in all things touching the operation of the canal and the administration of the zone pending the war.

Mr. HILL. Why would it not be well to recognize that the canal itself is a war instrument, and accordingly have it under

the control of the Army all the time, and then there would be no change?

Mr. ADAMSON. There is a grave objection to that. The gentleman from Pennsylvania and I had a conversation about it, and he thinks it ought to be a civil affair and that the Army should be put in control of it only when we get into a fight.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. MANN. Would it be possible for the President to appoint an Army officer as governor of the canal?

Mr. ADAMSON. I think there is a statute that would require an Army officer to resign or be retired if he should accept ordinarily a civil office. If this office of the governor of the Panama Canal is held to be a civil office, such as ordinarily is covered by that statute, it would not be possible for the President to appoint an Army officer as governor of the canal under that statute.

Mr. MANN. That statute as it is?

Mr. ADAMSON. If it is.

Mr. MANN. I say "as it is."

Mr. ADAMSON. Then the Army officer would be ineligible, and it has occurred to me to submit to the committee at the proper time the propriety of offering an amendment providing that an officer of the Army or Navy or a civilian may be eligible without forfeiting his present position.

Mr. MANN. I hope the gentleman will offer that amendment and make it conform to the existing law in other cases, under which an Army or Navy officer or civilian officer may be appointed to a civil place of this kind and have his statutory salary deducted from the salary that is allowed.

Mr. ADAMSON. I had that in mind, and I thank the gentleman for calling my attention to it, because I would have forgotten to mention it if the gentleman from Illinois had not asked the question. If the committee agrees with me I will offer that amendment as a committee amendment, and if they do not I will offer it as an individual.

Now, that brings us, Mr. Chairman, to the opening of the canal and to section 5, which is one of the disputed sections. I will pass that for the present, and when I reach section 11 I will pass that also until I finish discussing the bill. Then I hope to be allowed to make a few remarks on those two sections in conclusion.

Section 6 authorizes the installation and operation of wireless telegraphy and keeping and furnishing to our troops and others all necessary supplies, coal, oil, repairs, and so forth.

Mr. Chairman, unless I am asked some questions about it I shall not say much about that section. We found, when we went to the Isthmus, that among a great many causes which brought about the failure of the French, one was the remoteness from home and the inconvenience of furnishing supplies and the means of living. We provided in the first place, after sanitation—after providing for the health of our employees there—to supply them with the necessaries of life and the comforts of life, without which we would not have been able to have secured and retained on the Isthmus the superb organization which we have maintained and under which we have so signally succeeded.

They consist of a lot of things that gentlemen can find explained in the hearings, that are ample not only for the purposes of construction, but are thought to be ample for all possible needs and demands of navigation for years to come. Of course, all will concede the value of the installation of wireless telegraphy, and there is no use to discuss that. They have on the Isthmus a magnificent laundry plant and a cold-storage plant and ice factory, and they propose to complete the necessary dry docks and all the necessary machine shops, if those which we already have are not sufficient, so that the nations of the world may understand that ships going by the Panama route can utilize their space for freight and passengers; that they can revictual and recoal there; that they can be repaired there; that they can be supplied with all necessary laundry facilities; that they can be supplied with everything necessary for the prosecution and completion of their voyages.

Mr. RAKER. On page 8 of the bill, under section 6, which you are discussing, I find this provision, which I should like to have explained:

> Moneys received in the ordinary course of business from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

Is not that a dangerous provision, and ought not the money all to be converted into the Treasury of the United States and then an estimate provided for what is needed, so that appropriations can be made as in other supply bills?

Mr. MANN. You could not run a laundry in that way.

Mr. ADAMSON. We gave careful consideration to that subject. It is a question both of banking and bookkeeping and the transfer of funds. It is a long way from home. We provide the initial appropriation to lay in those supplies. It is very troublesome, and might be fraught with inconvenience and privation, to have to wait for the return of money for a new supply.

Mr. MANN. Will the gentleman permit me to make a suggestion?

Mr. ADAMSON. Certainly.

Mr. MANN. We carry, for instance, in the Army appropriation bill every year a number of items for ice manufacture, laundry work, and other work of that character at certain Army posts, with the provision that the money received shall be used for the same purposes.

Mr. RAKER. Will the gentleman permit a suggestion right there? Here you are going into business on a very, very large scale; at an Army post it is only a small matter, relating to providing for the soldiers in the post.

Mr. MANN. But precisely the same principle is involved. It is impossible to tell how much coal will be used by vessels passing through the Panama Canal.

Mr. SLAYDEN. Mr. Chairman, is there not this difference? I have just read the paragraph to which the gentleman from California [Mr. RAKER] refers, and I was thinking it over, and evidently along the same lines that he is. Is there not this difference between that and an Army appropriation for ice and so forth, to which the gentleman from Illinois refers, that in this case they are going to put the Government into big business as a merchant and possibly into competition with citizens who may protest against it?

Mr. MANN. That is the case at the Army posts.

Mr. SLAYDEN. But we provide that they shall not compete with civilians.

Mr. MANN. Oh, well, but they do compete with civilians, if there are any civilians there. There is absolutely no other way of doing it.

Mr. RAKER. The question of competition would not be so much involved as the question of handling the funds. In other words, if the committee, by virtue of a thorough examination, have found good reason for this, I should like to have that fact presented. It seems to be an enormous undertaking and should be safely guarded.

Mr. ADAMSON. We consulted the departments, and their legal advisers, and we reached the conclusion that there was no danger of loss of any of the funds under existing provision of law, and we provided that once a year they should pay the balance into the Treasury, and we thought that to require them to make up a balance once a week or once a month and send it to Washington was a little cumbersome, in view of the security that we have under existing law, and it might result in having a shortage of supplies, in having to pay more, and might involve a loss of business. That is not the main desideratum, but it might discourage the patronage of that route. The object is not to run a business, but to induce custom to the canal.

Mr. RAKER. I want to agree with the gentleman on this proposition: The question is to get the most efficiency and the best work that can be done.

Mr. ADAMSON. Yes.

Mr. RAKER. But ought not there to be some restraints and some restrictions, that somebody should have control of that matter? Let me call attention to the sentence on page 8, line 15:

> Monthly reports of such receipts and expenditures shall be made to the President by the person in charge, and annual reports shall be made to the Congress.

In the meantime nobody is to take any action on it.

Mr. ADAMSON. I do not think you can do any better than to have monthly reports made, and then a provision that the surplus shall be paid into the Treasury once a year. That is ample security.

Mr. BUCHANAN. Are they not doing the same business there now?

Mr. ADAMSON. Of course.

Mr. BUCHANAN. What is the system and method of their doing the business now?

Mr. MANN. It is done through the Panama Railroad now.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. MARTIN of Colorado. Let me ask the gentleman from California if he can tell us what the difference is in respect to the matter under discussion and in the case of the sale of the public lands? Am I not right in saying that all the proceeds

of public lands stand permanently appropriated to certain uses, the disposition of which is handled by the department?

Mr. MANN. For reclamation purposes.

Mr. MARTIN of Colorado. Ninety-five per cent of the proceeds of the sale of public lands stand appropriated to reclamation projects and the other 5 per cent to schools and road purposes, and Congress does not annually appropriate the receipts.

Mr. RAKER. That is not the condition here.

Mr. MANN. Well, do not let us run off on that track.

Mr. MARTIN of Colorado. Is not that true?

Mr. MANN. It is true. If the gentleman will pardon me, I had something to do with the original framing of this law.

Mr. RAKER. If the gentleman from Illinois will pardon me, my object in asking these questions is to get at the purpose and intent of the legislation, so that we may intelligently vote and act on this matter.

Mr. MANN. This bill provides that the appliances, the buildings, or anything of that sort, may only be constructed out of the appropriations made by Congress. If you want to build a coal yard, Congress must first appropriate for it. But when it comes to the purchase and repurchase of coal for the supplying of passing vessels, you can not appropriate for that knowingly and intelligently a year or a year and a half ahead. Hence the bill provides that if you sell a thousand tons of coal to this vessel and receive the money for it, you can invest that money in the repurchase of more coal.

Mr. RAKER. Buy more coal?

Mr. MANN. Buy more coal and sell more coal and buy more coal and sell more coal.

Mr. ADAMSON. And report to Congress every month.

Mr. MANN. But you can not take the money and erect a building, or anything of that sort, because the bill requires that these things shall be constructed out of the money appropriated by Congress.

Mr. MADDEN. If the gentleman will allow me, I want to say that in the Post Office Department they spend $250,000,000 a year in this way. We do not have to reappropriate the money every time they want to buy a postage stamp.

Mr. HAMLIN. I want to say——

Mr. ADAMSON. I will yield to the gentleman.

Mr. HAMLIN. I want to say that I betray no secret of the committee when I say that I raised the very proposition that the gentleman from California raises here. As a general proposition I am not in favor of the provision, but it came to the knowledge of the committee, and we were confronted with this fact, and this House is confronted with the fact, that we are opening up a new canal and a new route of transportation. It would certainly be to our advantage and the advantage of the Nation to get all the traffic through the canal possible. It also came to the knowledge of the committee, just as the chairman of the committee has so well said, that if we provide facilities for coaling and victualing the ships in the Canal Zone it would be a great inducement to all the ships of the world to patronize the canal, because they can use the space in the ships for freight and passengers. If they had to coal and victual from Liverpool, say, to San Francisco, they would necessarily have to use the additional space for that purpose, and that would exclude freight and passengers.

Then it was the judgment of the committee that it would be a great inducement to ships to patronize the canal if we provided facilities in the zone for them to recoal and revictual when they reached that point. As the gentleman from Illinois has said, if we appropriate money to buy coal we can not anticipate in advance the number of tons that will be sold during the next year or the victuals that will be required the next year. We can only make an estimate, and hence we provide that if we have not estimated sufficient coal for their needs we provide that they may take the money that they have received for what they sell and replenish the supply and report it monthly, and at the end of the year report to Congress.

It seems to me, while I do not like the idea as a general proposition, that it is the only feasible thing that we can do.

Mr. STEVENS of Minnesota. And, Mr. Chairman, the gentleman from Missouri has omitted his own suggestion—which is a very valuable one—not only at the end of the year shall we report to Congress, but to pay in all of the profits made during the year.

Mr. HAMLIN. Certainly, that was my suggestion; that whatever surplus there should be would go into the Treasury.

Mr. RAKER. Mr. Chairman, the original question was that this very subject had been gone into, and because of its magnitude and because of the distance and because of the fact they must have money to buy and resell and buy again, this would be the safe way for the Government to get the best results for all concerned.

Mr. ADAMSON. Mr. Chairman, this bill has been made up as a sort of growth. The gentleman from Illinois [Mr. MANN] correctly states that he wrote this original proposition, and several other propositions in the bill; and when we came to consider them we conferred with the departments about it and got information everywhere we could, and we arrived at the best conclusion we could; and to arrive at the purposes to which the gentleman from California suggests, we want to do the best thing down there to handle the institution in the most profitable manner and induce the most custom from the ships of the world.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Georgia that I have watched his course since I have been here, which has been but a short time, and I watched it particularly upon this bill, and it seems to me that his purpose and object is to give the best results to the world, the United States, and to all concerned that can possibly be had. [Applause.]

Mr. ADAMSON. Mr. Chairman, I am very much obliged to the gentleman from California and I am going to say something good about him at the first opportunity. [Laughter.]

Mr. CANNON. Will that happen in this lifetime?

Mr. ADAMSON. Well, Uncle Joe, I have had the provocation, but I have not had the opportunity. He deserves it, undoubtedly.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman from Georgia has spoken of the different kinds of business that are to be carried on and of the establishments that are to be put into operation by the Government. The gentleman will recall the complaints that have been made by merchants and business men of the Isthmus, complaints to the effect that the Government is carrying on business in competition, unnecessarily so, with the business men of the Isthmus. Has the committee yielded in any measure to the demands made upon it by the merchants?

Mr. ADAMSON. Except to this extent: It gave a good deal of comfort and consolation by assuring the delegations who visited the committee upon that subject that after we had established our institutions there and put the canal in operation and prepared for the efficient supply of all the ships that sail that way, there would still be left, incidentally, for the merchants of Colon, infinitely more business than they had ever had before we went there.

Mr. McLAUGHLIN. I remember distinctly that when the representative of the board of trade was presenting his case to the committee he was asked if private capital would be ready to go into some of these enterprises, and he was prompt to assure the committee that the Beef Trust was ready to establish a cold-storage proposition there if the Government laid down the work.

Mr. ADAMSON. Yes; I have no doubt in the world that if the Government failed in its duty to establish a certainty of supply at reasonable prices, various trusts throughout the world existing or to come would immediately put up institutions and put up prices to the great detriment of our canal operation. The regular merchants to whom the gentleman referred were merchants of Colon who did not satisfy the committee that they would be able either to supply the demand of passing vessels or to hold the prices down in what they did supply, and the evidence has been before us in the hearings that the reason we had to establish these plants there to induce our own citizens and others to go there and work was that the regular supply was not sufficient in quantity, not sufficient in quality, not regular and certain, and far too exorbitant in price. It was a matter of necessity to build the canal, and it is infinitely more so to operate the canal and offer inducements to the world to take that route of travel.

Mr. STEPHENS of California. Mr. Chairman, I would like to ask the gentleman if there is anything in the bill or in the law which obligates the officials having charge of the Panama Canal Zone to sell for cash, or are promissory notes to be permitted to be taken?

Mr. ADAMSON. I do not know of any instance where officials are authorized to take notes for the Government.

Mr. STEPHENS of California. Would that be permitted under the law?

Mr. ADAMSON. If I were an official I would hate to take that risk.

Mr. STEPHENS of California. They would not be permitted to go into the credit business?

Mr. ADAMSON. I should think it would require express authority to go into the credit business.

Mr. BORLAND. Mr. Chairman, this bill does not provide for a continuation of the commissary, so called, does it?

Mr. ADAMSON. It provides that those things be supplied. The present plant, as the gentleman knows, can be enlarged or diminished at our pleasure.

Mr. BORLAND. Under the present arrangement the gentleman knows there is this cold-storage plant, a laundry, an ice-cream and coffee-roasting establishment, and then there is at each of the cities a general commissary where goods are sold at retail, everything from a paper of pins to grand pianos, for the employees of the zone. Now, this bill, as I understand it, preserves the power plant as to supplying sustenance for vessels, but makes no provision for a commissary. Is not that the case?

Mr. ADAMSON. Well, the gentleman has the language before him; I do not remember the details.

Mr. BORLAND. It was the commissary, as I recall, to which the merchants in Panama particularly objected.

Mr. ADAMSON. The only thing the bill seeks to do is to provide to passing ships the things necessary to prosecute their voyage. That is the thing we want to keep up in order to induce travel down there.

Mr. BORLAND. The commissary was a sort of retail store.

Mr. MANN. Such as ice, coal, meats, vegetables—those things that a vessel has to carry either in large bulk occupying space or in smaller bulk relying upon a retake.

Mr. BORLAND. The commissary sold garments, dress goods, household furniture, and all that sort of thing.

Mr. MANN. That is purely for the employees.

Mr. BORLAND. That has been done away with under the provisions of this bill?

Mr. ADAMSON. I think not.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. ADAMSON. I do.

Mr. BURKE of Pennsylvania. I do not know how seriously the gentleman intended his expression, that if the Government did not make certain provisions for these supplies the Beef Trust and other trusts possibly would come in and ultimately control the supplies and raise the prices. Is any of this legislation predicated in the bill upon any such apprehension?

Mr. ADAMSON. Well, I was answering the question some gentleman asked me, and I always act on Josh Billings's advice, that when he was not under oath about a particular matter and he found out what advice the man wanted he gave him such as he thought would please him. The gentleman made his speech and I thought I would answer him in the same vein. I do not know any particular trust that contemplates debouching on us down there at all; I do not know which one, but we are all satisfied that if we do not make arrangements to supply the passing vessels with all these commodities that they need to prosecute their voyages, there will be an accumulation of money that will make provision there, that will take advantage of their necessities rather than supply their needs by raising prices while they render the supply uncertain, and it might impair the enticement or weaken the enticement we are striving to offer to vessels to go via Panama. [Applause.]

Mr. BURKE of Pennsylvania. Will the laws prohibiting these things be more susceptible to violation by parties there than here?

Mr. ADAMSON. While you are bringing one of these suits you might lose tolls on a great many vessels.

Mr. McLAUGHLIN. If the gentleman will permit, I spoke as I did because I had read and heard of a statement made by a representative of the business men of Panama before the Committee on Interstate and Foreign Commerce at Colon or at Panama. The representative was complaining that the Government of the United States entered into and was carrying on a business that seriously interfered with what they said was the legitimate business of the merchants who resided on the Isthmus; and the representative was asked by a member of the committee in case the Government decided to give up some of the enterprises it had established and was carrying on if private capital would be allowed and would be able to take them up. The representative said yes; that it was suggested a short time before that the cold-storage plant be given up and the Government cease to carry it on, and that the merchants of Colon, or some one representing them, had at once received a communication from the Armour Co. and others, whom I understand are considered to be the Beef Trust of the country, offering to furnish the money to carry on that work. That is why I said I did not want to speak of the bogie trusts that frighten some people so much.

Mr. CANNON. If the gentleman will permit, speaking of cold storage and the Beef Trust and all the other kinds of trusts, which I am not responsible for, I want to ask the gentleman if, in the purchase of provisions and putting them in our cold-storage plant necessary to carry on the construction of the canal, did we patronize the infernal Beef Trust, or is it not true that every pound of meat was bought under a contract and substantially came from the wicked packers in the United States; and if so, should not somebody be impeached? [Laughter and applause.]

Mr. ADAMSON. Mr. Chairman, with compliments to the gentleman on his descriptive language, and leaving him to rejoice in his own conclusions, I have to reply to him that we have done the very best we could under the circumstances every time. And if the gentlemen who constitute the trusts, so called, have us by the umbilicus and bring us to our knees and cause us trouble, even when we let out and invite contracts, I can only remind the gentleman that under present circumstances the delays of the courts, the law's delays, the differences of opinion as to what is a trust and who is a trust, and who wants to fight trusts, and who is against the trusts, and who is for the trusts, reminds me of an old lady in my town who was sick, and the preacher visited her very often to give her consolation. She claimed to have more religion than he did, and I have no doubt it is true. He asked her one day, "My dear sister, what in all of your Christian experience is the most consoling and comforting passage in that wonderful book, the Bible?" She replied to him, "I believe the most consoling and comforting passage in that book is, 'Grin and bear it.'" [Laughter.]

Mr. RUCKER of Colorado. We all know how frank the chairman of this committee is, and I simply want to put in an injection here to help him out of a little bit of a hole that I think he has gotten into. The gentleman is not in favor of the Government going generally into the commercial business, is he?

Mr. ADAMSON. I do not think that is the object.

Mr. RUCKER of Colorado. Is it not a fact that it is simply the exigencies of the occasion that require the Government to go into the commercial business to the limited extent of victualing these vessels that make there and coal there, so far as the gentleman from Illinois says, in the purchase of vegetables, and so forth? But, generally speaking, the gentleman is not in favor of the Government going into a commercial business against those who are in the commercial business down there and handling commodities that they may be able to sell to these passing vessels? Is not that true?

Mr. ADAMSON. Mr. Chairman, I have tried several times to give expression to what I thought was substantially the idea advanced by my distinguished friend from Colorado [Mr. RUCKER]. My infelicity of expression, perhaps, ought to be my only apology for not making it clear. But I thank the gentleman and appreciate his more expert use of the mother tongue, and thank him for giving expression to what I have always regarded as a fundamental doctrine, namely, that it was not the prime purpose in the creation of the American Government either to meddle with or compete with everybody's business, but run governmental affairs, and only incidentally do the things which the gentleman from Colorado says are made necessary by an exigency like this.

Mr. RUCKER of Colorado. Only one word, Mr. Chairman, in answer to the gentleman. I would not have said what I did except for the fact that the gentleman from Illinois [Mr. MANN] said that the commissary departments throughout the Army, and so forth, were in competition with civilians. Now, that is not true, because a civilian can not buy anything at an Army post from the commissary department.

Mr. ADAMSON. They are not supposed to do so down there.

Mr. MANN. The gentleman evidently has not read either the law or the bills relating to the military establishment.

Mr. RUCKER of Colorado. I know in certain cases, for instance, where there is a famine of coal, or where there is a famine of something, that the department has allowed civilians to buy from an Army post, but otherwise not. Now, the Government is running the commissaries down there for the benefit of the employees, and to that extent it is a departure from the rule that the Government shall not go into the commercial business.

Now, one other suggestion. I would not have said so, but that the gentleman from Georgia [Mr. ADAMSON] said also that these merchants in the zone would be after the Government to supply to these passing vessels all the things they needed, and then have a greater trade than they ever had before. I submit that is not an answer to it, and that the frank way to meet this question is that it is by the exigencies of the occasion that the Government be allowed to sell some few articles to these passing vessels.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. ADAMSON. The gentleman from Colorado is correct, Mr. Chairman, as to the use of the word "exigency." I believe it is an exigency requiring us to supply these things. Ships would not use that route unless they knew in advance just what supplies and accommodations they could secure. And no an-

nouncement from any individual would satisfy those ships, even if it were given in advance. But if the management of the canal, under the authority of the United States Government, announces that those supplies are there ready and at reasonable prices, to furnish to all on the same conditions and terms, there is a certainty there, and we can not get along without certainty. [Applause.]

Now I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Is not the real answer to the question propounded by the gentleman from Illinois [Mr. CANNON] as to the Government purchasing those supplies from the Meat Trust, this: That no one individual butcher, no one ordinary provision dealer could, under the circumstances, provide regularly the quantity of meat and supplies that are necessary for so large a body of men as are now on the Isthmus? Was not such a large combination necessary in order that the men might be properly supplied with food, and the work go on?

Mr. ADAMSON. The element of uncertainty would have been left in that condition, and we can not afford to have that.

Now, Mr. Chairman, the next section provides for the civil administration of the canal, section 7, and the establishment of the inferior courts to take the place of the present ones. The committee in the remaining portions of the bill attempted, having put the canal in successful operation, as we hope, up to this point, to do something that would not have been necessary if we had not provided for the abolition of the present organization, which would carry the present courts out of existence when the Canal Commission is dismissed. Therefore we deemed it necessary to go ahead and provide for a new administration, to come into power when the old one was discontinued. Therefore we provided as simply as we could that the governor of the Panama Canal should exercise the functions of the civil government; that the zone should be divided up into magistrates' courts, with one of the few towns in each subdivision, and that enough magistrates and constables should be appointed to serve those courts.

In a subsequent section——

Mr. FOWLER. Mr. Chairman, will the gentleman yield at that point?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. ADAMSON. Certainly.

Mr. FOWLER. I discover that you give the magistrates jurisdiction in civil cases to the amount of $300, and in criminal cases you do not in this bill give them the power to impose a fine above $25. I can not quite understand the reason for making that distinction, and I would be glad to have the gentleman explain that, if he will kindly do so.

Mr. ADAMSON. Ordinarily those matters would depend on the judgment of different individuals in reaching a conclusion, but in this case we adopted that because it is the existing law down there. We did not make any changes as to the criminal offenses. As to civil jurisdiction we made the change. We raised the jurisdiction.

Mr. FOWLER. Do not you think if you raised the criminal jurisdiction of that court above $25 to $300, as in civil cases, it would relieve the district court also?

Mr. ADAMSON. Well, the committee thought that cases above that should be tried in the superior courts.

Mr. FOWLER. Why did you not provide for trial by jury, so that both civil and criminal cases could be tried before a justice's court by jury?

Mr. ADAMSON. It was just a matter of judgment with us. We thought when the magistrate got through the civil case below $300, if the party wanted to appeal he could take it to the district court.

Mr. FOWLER. Does not the gentleman think it would be better to the individual litigant to give him the right of trial by jury in the justice's court, if he sees fit to require it, and not put him to the trouble of going to the district court in order to get a trial by jury, entailing upon him additional expense and cost? The litigant might be a poor man, and the gentleman knows the justice's court is the poor man's court.

Mr. ADAMSON. That is a matter of judgment that gentlemen may differ about. Of course, we do not expect to have much litigation down there at all. We do not expect to have anybody but American citizens of high class. We do not expect them to have that kind of trouble that mean folks have. We do not expect to have anybody there but the employees and their families.

Mr. FOWLER. I trust that the gentleman, in his wisdom, has seen through the situation and that it will turn out that way and that that territory will blossom like the rose and flourish like a trust. [Laughter.]

Mr. ADAMSON. We have tried to do the best we could, but I suppose there may be errors and imperfections in the bill that ought to be corrected.

Mr. SIMS. Mr. Chairman, will the gentleman yield there?

Mr. ADAMSON. Yes.

Mr. SIMS. The State of Tennessee is one of those States of the Union where the magistrates have jurisdiction of cases on notes and bonds as high as $1,000, and in other cases as high as $500, and no jury trial at all—and that is in the United States.

Mr. FOWLER. Does the gentleman think it is good policy?

Mr. SIMS. It works very finely. If the litigant wants to appeal the case, he can do so.

Mr. FOWLER. The gentleman means that a man in a justice's court can not get a trial by jury unless it is on an appeal after being defeated?

Mr. SIMS. Yes; and taking an appeal without giving bond.

Mr. ADAMSON. I will state to the gentleman that this district court sits at two places, and it will not be far away from the litigant who wants to make an appeal.

Mr. FOWLER. I understand. I was trying to get at the reason for the discrimination between the jurisdiction of the justice's court in civil cases and criminal cases, so far as the imposing of the amount of fine is concerned.

Mr. ADAMSON. We had to draw the line somewhere, and we agreed upon that amount.

Mr. FOWLER. And there was no particular reason for making that discrimination?

Mr. ADAMSON. One reason was that it is the present law.

Mr. FOWLER. I believe the gentleman said that. Would not the gentleman agree to an amendment in this bill giving the right of trial by jury in the justice's court if an individual requested it?

Mr. ADAMSON. If this House voted it, I would agree to it.

Mr. FOWLER. Does the chairman of this committee, in his wisdom, have any objection to that?

Mr. ADAMSON. I think we have got it in about as good fix as we can get it.

Mr. FOWLER. I do not want to amend the gentleman's bill, and if I ever get an opportunity I am going to nominate him for Secretary of the Navy, because I think he has done such good work in this bill, but I am trying to get at the right of the individual to have a trial by jury whenever he demands it.

Mr. ADAMSON. I am much obliged to the gentleman, but if it is all the same to him, when he gets ready to give me a good job, I wish he would let me select the job. [Laughter.]

Mr. FOWLER. I never expect to have the opportunity to select a job, but I am always ready to assist the gentleman in soliciting whatever job he may want, because I think he is worthy of whatever he asks.

Mr. ADAMSON. I thank the gentleman, but my colleagues here are so clever and good to me that I would rather stay in Congress than be connected with the Navy. It always makes me seasick to go on the water, and I could not conscientiously discharge my duties as Secretary of the Navy without looking into the details of the whole business.

Mr. FOWLER. It does not appear that the gentleman has ever been seasick while considering this bill.

Mr. ADAMSON. I will have to say something good about the gentleman from Illinois the next chance I get.

Mr. MANN. When we took control down there, the civil law, the Spanish law, being in force, there was no trial by jury at all for any criminal offense. By order of the President, trial by jury was allowed in felony cases, and when a former Panama bill passed the House in the last Congress, the House inserted the provision that in criminal prosecutions for felonies there should be the right of trial by jury. Perhaps it ought to be extended, although probably down there it would not work very well in the trial of these small offenses.

As I understand the bill, it authorizes the President to divide the Canal Zone into magistrate's subdivisions. Does the gentleman construe that that would authorize the President afterwards to resubdivide it?

Mr. ADAMSON. That was the intention, unless Congress provided differently. The whole matter——

Mr. MANN. It seems to me that ought to be clearly provided here, because if we are to acquire the land in the zone, the magistrate's subdivisions that may be needed now may not be needed after we acquire the land and devote it to other purposes.

Mr. ADAMSON. If the gentleman will notice, he will find that that section also authorizes the President to determine what towns shall exist. The old towns will be mainly flooded and swept away.

Mr. MANN. I understand.

Mr. ADAMSON. The President is to select what towns are to be allowed to exist, and accompanying that is the additional exercise of power by him to lay out the subdivisions, with a town in each one, and I would construe that to be a continuing power in the President, to create a subdivision whenever and wherever necessary; and if that involves the necessity of changing the boundary of a subdivision I should think it would be incidental to the other power.

Mr. MANN. It says:

And subdivide said Canal Zone into subdivisions to be designated by name or number.

Mr. ADAMSON. I have no objection.

Mr. MANN. The gentleman is clearly of the opinion that after these conditions are changed there the magistrate's divisions will probably want to be different from what they are now?

Mr. ADAMSON. If that is not clear, it ought to be made so, of course.

Mr. BORLAND. Mr. Chairman, I want to suggest to the chairman of the committee that possibly if this bill has the effect of turning the Canal Zone into a military reservation and excluding practically all population from it except employees, none of these courts may be needed, and instead of the provisions not being broad enough, the committee may have gone into more particularity than the results will require. This bill requires that there shall be a magistrate's court in each town that is established. Now, the word "town" under those circumstances would not mean a commercial center. It would not mean a place where there was a collection of citizens engaged in private business. It might mean possibly one at Gatun and one at Paraiso or Pedro Miguel, and none others, except at Balboa and Cristobal, and it is possible that there are more courts provided than would be needed.

Mr. ADAMSON. Does the gentleman think if we had one on our hands we could not get rid of it?

Mr. BORLAND. If this bill becomes a sort of organic law, which requires certain courts, instead of leaving it to the President to create them when necessary, to that extent you limit the power of the President to make those regulations.

Mr. ADAMSON. I hardly think there is much trouble in that suggestion. I do not apprehend that the President will permit a town to be located and named unless in such a place as all conditions would promise permanency, and then around that make a district for the court. But that whole matter will be left to Congress. Congress will be here, and I hope most of us will be here, and anything further necessary to be done can be done.

Mr. BORLAND. I have no doubt the gentleman from Georgia will be here.

Mr. ADAMSON. It will be two or three years, anyway, before the canal is put in operation, and anything necessary can be attended to before that time.

Mr. BORLAND. I want to say that I do not believe in the military reservation theory. I believe that we will have commercial towns there and that Congress ought to legislate on a wider scale than is contemplated in this bill.

Mr. ADAMSON. I do not think the gentleman from Missouri has used the name that I gave. I do not call it a military reservation; I call it a canal zone. The Government of the United States is going to run that canal, and, incidentally, it is going to use the zone as an adjunct for canal purposes. The Government of the United States in conducting that canal will use it for war purposes when necessary, and the United States Government, I hope, will have a long period of peace in which commerce may use the canal to the great profit of the United States Treasury.

Mr. BORLAND. I concur fully in that hope, that we may use it forty years in peace to one of war.

Mr. KOPP. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. KOPP. The courts provided for here are to be permanent courts for all time.

Mr. ADAMSON. I think they will last until we change them. I do not think that any other nation will ever change them until we get ready.

Mr. KOPP. Well, what I meant to say was that these courts are not established for a temporary purpose.

Mr. ADAMSON. No; although they are established subject to a modification by Congress.

Mr. KOPP. Oh, certainly. Section 8 provides that "the rules of practice in such district courts shall be prescribed or amended by order of the President."

Mr. ADAMSON. That does not relate to statutory procedure. The statutory procedure is in the law and will be made applicable to these courts.

Mr. KOPP. I wanted the gentleman to explain what he meant by the language.

Mr. ADAMSON. There are always, as the gentleman knows, in every court rules that are not embodied in a statute.

Mr. KOPP. But they are usually prescribed by the judges themselves.

Mr. ADAMSON. These will probably be prepared by the judge or by the Attorney General, but signed by the President.

Mr. KOPP. What is the object of having the President do it? It is almost the unbroken practice to have the courts establish for themselves the rules of practice.

Mr. ADAMSON. The answer is that since we started to build the canal—and I think the gentleman from Illinois [Mr. MANN] is the only Member present on the committee with me at that time—we set out with the idea of making the President the executive officer responsible for the administration of everything on that zone. This committee did not want to connect it with any department of the Government, and the gentleman will notice that in writing the bill we have not connected it with any department wherever we could help it. We make the President responsible for everything and always have, and in preserving the symmetry of the bill and his sole responsibility, we require that the President shall sign the order to establish these rules. We expect the President to refer the question to the Attorney General, and then he will sign the order.

Mr. KOPP. But in providing a system in general for administrative matters that is absolutely correct. But when you are to establish a permanent branch of the judiciary coexistent with the district courts of the United States, it seems to me ill advised to provide that the rules and practices of the court should be in any wise under the direction of the executive department. They should be controlled by the same rules as other branches of the judiciary and established by the judges themselves.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HARRISON of New York. This is one of the matters referred to as continuing, in my judgment, the government of one man in the Canal Zone. I notice in that same section the admiralty jurisdiction of the court is to be the procedure and practice of the United States district courts.

Mr. ADAMSON. That is statutory.

Mr. HARRISON of New York. I would like to ask the chairman of the committee, who has given such an interesting series of answers to all of these questions, if he can tell me why it was that the committee did not adopt for the district court in the Canal Zone the laws or practice of the United States districts courts? If he will remember, that is substantially the proposition I made to the committee several years ago. In the magistrate's court, in view of the facts that developed that the zone will be practically bare of permanent population, I can conceive that this is a proper form of government.

But when it comes with questions such as felonies committed upon the Canal Zone, or with suits for civil damages for accidents in the canal, does it not seem to the chairman of the committee that it would have been wiser to adopt and apply to the Canal Zone the laws and the practice and the procedure of the United States district courts which were all familiar to us and which were on hand and entirely applicable?

Mr. ADAMSON. Mr. Chairman, as I stated to the gentleman, in answer to his other question about the magistrate courts, the procedure and practice of the circuit courts is already established by law on the zone. These provisions at present are not so material to practitioners here as they are to practitioners there. The practitioners there are familiar with the present statutes and laws. We legalized the old court in section 2, and in this section we abolish it and substitute the district court for the circuit court, and in a subsequent section we transfer all cases and jurisdiction to the court having like jurisdiction, which is this new district court, and we provide, as you will read, that the procedure and practice shall be the same. As I stated to the gentleman before, we did not have time now, two or three years in advance of the taking effect of this system, to revise all of this code of law. Congress will be here until that time and will have plenty of time to do that. We simply provide, if the President himself makes the change in the courts before Congress has had time to revise that code of law, that the old procedure now existing shall prevail until the change is made.

Mr. RAKER. If you would make that provision here, then there would be no question about it.

Mr. ADAMSON. Section 1 says until Congress shall otherwise provide.

Mr. RAKER. Let me read this to the gentleman.

Mr. ADAMSON. I have said in another place, until Congress shall otherwise provide, and if we had not said that, it would have been that way in any event.

Mr. RAKER. The rules of practice in such district court shall be prescribed or amended by order of the President.

Mr. ADAMSON. That does not mean a statutory procedure, but it means such incidental rules as the court may adopt, and they are simply rules of the court.

Mr. RAKER. I appreciate that. The rules adopted by the Supreme Court for the district courts are rules of practice of the court, and they are not statutory provisions.

Mr. ADAMSON. It is not even contemplated that the present rules of practice shall be changed unless it is necessary to add something to them in some way.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. FOWLER. Does not the judge of the court now have the power, and is it not the practice that he prescribes the rules governing the trial of cases in his court, or rather, governing his court and the manner in which he shall get at trials?

Mr. ADAMSON. If he does it, he does it under Executive order signed by the President.

Mr. FOWLER. Does not the district court do that now?

Mr. ADAMSON. There is not anything done there now except on the basis of an Executive order.

Mr. FOWLER. Is that all there is there now?

Mr. ADAMSON. That is all that there has been there since the Fifty-eighth Congress.

Mr. FOWLER. Is not that a matter of legislating by an Executive order?

Mr. ADAMSON. It was; but we had no law for it except that we bought and paid for the Isthmus and we gave the power to the President.

Mr. FOWLER. Does not the gentleman think we ought to change that and give that power to the court?

Mr. ADAMSON. We are going to when we get time. We have not yet had the time. We are just now providing to open the canal.

Mr. FOWLER. Why not substitute the words "the courts" instead of the word "President"?

Mr. ADAMSON. For the reason that I gave to the gentleman from Wisconsin [Mr. KOPP] that inasmuch as we had to trust somebody down there, we thought we would hold the President responsible for everything. It is symmetrical.

Mr. Chairman, I believe before I have gotten to it, of my own accord, that I have already been brought by other gentlemen to a discussion of the next section. I have also, in answer to questions, discussed section 9, which abolishes the district courts and transfers the jurisdiction. Section 10 has been already referred to by two or three gentlemen, and I have answered them. It prohibits trespassing on the Canal Zone or any injury or damage in any way to the locks. That prohibits anybody without authority being on the zone after the canal is open.

Mr. FOWLER. May not American citizens go there?

Mr. ADAMSON. Oh, yes; they will be given permission. We will give permission to everybody who ought to go there. There will be no trouble about that.

Mr. MARTIN of Colorado. Is the gentleman now discussing section 10?

Mr. ADAMSON. Yes.

Mr. MARTIN of Colorado. It just occurred to me to suggest whether it would not be advisable to except the ports at either end of the canal so as to permit persons to be within the defined boundaries of Cristobal and Balboa without written permission.

Mr. ADAMSON. We discussed that in the committee, and we concluded it would be easier just to issue a proclamation on the subject when necessary. We would rather exclude everybody and then admit those we want.

Mr. MARTIN of Colorado. I feel bound by the action of the committee in the matter, being a member of it, but this is one of the provisions of the bill about which I have not been so clear—the exclusion of everybody from all parts of the zone unless they are employees of the Government or have a written permit from the governor to be within the zone.

Mr. ADAMSON. Well, I do not think it says written permission, does it?

Mr. MARTIN of Colorado. But, if the gentleman pleases, for instance, a man would not have the right to get off a ship——

Mr. ADAMSON. You are mistaken about that.

Mr. MARTIN of Colorado (continuing). Without a written permission, as he would be within the zone; and if he got off, say, at Balboa, which is the Pacific port of entry, and started to walk up the street, he would be a trespasser.

Mr. ADAMSON. I think not. I think if we invite him to come and pay toll to go through he is there by our permission.

Mr. MARTIN of Colorado. I just made the suggestion as it occurred to me.

Mr. ADAMSON. I think it a great deal easier, if the gentleman from Colorado will permit, to establish a general rule and then use our discretion about what we shall do as to admissions.

Mr. MANN. Will the gentleman yield for a question in that connection?

Mr. ADAMSON. Yes.

Mr. MANN. This is an entirely new proposition?

Mr. ADAMSON. Yes.

Mr. MANN. Where does it come from, if I may be permitted to ask?

Mr. ADAMSON. I do not know whether anybody started it before I did or not, but I have been talking for it for 15 years, and Col. Goethals has been talking about it before the committee for some time.

Mr. MANN. I will not dispute the gentleman has been talking about it for 15 years, but I have been more intimate with the gentleman in connection with the Panama Canal than any other person, and I am sure I never heard him mention it before.

Mr. ADAMSON. I have said it 100 times.

Mr. MANN. I do not see how it is workable.

Mr. ADAMSON. I will try to show the gentleman.

Mr. MANN. I have no objection to giving the widest latitude of authority to somebody on the zone to keep people out. It may be desirable to do that by express law, but I do not see how it is possible to say that no one shall be in the zone without they get permission from somewhere all the time as a general proposition.

Mr. ADAMSON. Well, I do. Has the gentleman from Colorado another question?

Mr. MARTIN of Colorado. I believe not, but I think if such action as a proclamation of the governor is necessary to allow people to disembark from a ship and walk up the street of one of the ports of entry that is something we ought to look after in the substantive law.

Mr. ADAMSON. I do not think there is any trouble about it.

Mr. TALCOTT of New York. Has not the United States title to the land of the Canal Zone as well as jurisdiction over it?

Mr. ADAMSON. We have passed that section. We own most of the land now, but there is a little of it to which we have not acquired title. Of course we had jurisdiction over all of it, but not the title to all, and we have already passed the section in the bill authorizing the President to acquire title to the balance. What does the gentleman from Colorado [Mr. MARTIN] say to the other provision of the section in regard to the injury of locks—that men shall not have the privilege of going upon the canal for the purpose of injuring the locks?

Mr. MARTIN of Colorado. I had in mind a moment ago, while making my suggestion about trespassing, the idea that the provisions for protection of the locks could not be too rigid. I do not think that persons ought to be given the opportunity to do the irreparable damage that could be so easily done to the locks, but I submit, further, that the locks are the only part of the canal that could be injured by a person or any number of persons within the zone.

Mr. ADAMSON. We think an ounce of preventive may be better than a good deal of cure or punishment or reparation. We think that if these people are able to account for themselves there will be less danger of having the locks blown up.

Mr. BORLAND. Would not the locks more likely be injured by a man in an airship than on foot?

Mr. ADAMSON. I do not know about that. There are a lot of possibilities. The ways that are dark and the tricks that are vain of evildoers are multitudinous and multifarious and limitless in their inventive genius. Section 12——

Mr. HAMLIN. Will the gentleman yield at that point? Possibly the gentleman may have covered it before, but is it not true that the conclusion of the committee was that the zone would not be populated except by officers and employees of the canal, soldiers, and so forth, to police the canal?

Mr. ADAMSON. We except all that expressly.

Mr. HAMLIN. That is what I say. A great part of the Canal Zone could not be used for agricultural purposes on account of the lakes, and it would be mostly used for that purpose; toward the two ends——

Mr. ADAMSON. We are talking of trespassing.

Mr. HAMLIN. The balance is hills, and so forth, and there is no inducement for anybody to go there to make a home for himself unless he goes to either the Atlantic or Pacific end of the canal for commercial purposes. If that be true, he can get permission covering agriculture under this bill. The purpose of this is to prevent idle trespassers on the canal, who might

be there for some unlawful purpose, and it is very difficult to make an exception to the rule.

Mr. MANN. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. MANN. The Panama Railroad is to be operated by the Government after the canal is constructed, as I understand it?

Mr. HAMLIN. Whenever it is needed.

Mr. MANN. And it will run from Colon to Panama?

Mr. HAMLIN. Yes.

Mr. MANN. I have always assumed that many people going through the canal would prefer to get off the vessel at Colon, for instance, and go over on the railroad, a short ride, to Panama, and be there a few hours, and take the vessel from there; but under this provision they could not do it without getting permission.

Mr. HAMLIN. I think the gentleman is entirely in error. I think the gentleman from Georgia [Mr. ADAMSON] is entirely right in saying that any passenger coming by ship to the canal is invited there by the Government, and no court in Christendom, much less on the Canal Zone, would convict any man for being on that zone who is a passenger there and wanted to go over on the railroad.

Mr. MANN. Then a man who wanted to do mischief would be able to sail down there, and could do what he pleased.

Mr. HAMLIN. I concede that; but let us throw all the safeguards around it that we can.

Mr. MANN. But the gentleman who is invited to go there is invited to go through on the vessel that passes through the canal, and he is not invited to get off, and you do put a penal provision here against his going on the Canal Zone.

Mr. ADAMSON. We will print on all those railroad tickets that he has permission to ride.

Mr. HAMLIN. So far as doing damage is concerned, I will call the attention of the gentleman from Illinois to the fact that he might do damage although he remained a passenger on the boat.

Mr. MANN. That is true.

Mr. HAMLIN. We want to do the best we can to protect the canal.

Mr. MANN. I appreciate what the gentleman desires. I will not move to strike it out, so far as I am concerned.

Mr. ADAMSON. Section 12 carries out the treaty as to extradition of criminals. Section 13 provides that when war is imminent the governor of the Panama Canal shall be subject in all respects touching the operation of the canal or the jurisdiction of the Canal Zone to the Army officer designated by the President for that purpose. And section 14 names this as the "Panama Canal act."

Mr. HARDY. Does the gentleman intend to discuss section 11?

Mr. ADAMSON. Yes, sir; but not right now.

Mr. HARDY. I notice the gentleman skipped it.

Mr. ADAMSON. Mr. Chairman, I have stated to the House the details of the bill, shown its framework, and so far as I thought necessary the details, and have tried to answer good humoredly, if not satisfactorily, all questions that my colleagues have asked me. I have passed by two sections, and if I may have the attention of the committee for a few minutes, I will allude briefly to those sections. The first one is the toll proposition—section 5. That provides that the President shall fix and change tolls as often as necessary. The committee has not felt it was able, nor that Congress will be able, arbitrarily to fix tolls that would work to the satisfaction of the Government. We have several competitors for business down there. If we are to get any of the present business away from the Suez Canal, some of it may depend on tolls, though I have not myself been very optimistic as to the amount of the present traffic through the Suez Canal that we would be able to secure. There is what is called a zone, or batch, of traffic that the Suez Canal under normal conditions will hold. There is another portion that naturally and normally the Panama route would hold. There is a very small and very poorly defined, and perhaps indefinable, twilight zone of competition between the two. The Tehuantepec competition will be entirely eliminated, I believe, under almost any view we may take.

The Suez Canal, being owned by a French company under a concession from the Government of Egypt, and being guaranteed by some 15 or 16 European nations, the stock being owned by the leading commercial men of the leading nations of Europe, it stands to reason that, conditions being equal, those who are the virtual owners of that canal, and who in paying toll to that canal would be simply putting money in one of their pockets and taking it out of the other, would patronize that canal in preference to ours. The prospective volume of business at the Panama Canal is at present pure speculation. It is guesswork. We have had some eminent statisticians, and doctrinaries—and I do not use the word offensively—figuring on it, investigating it, but the best thing they do is to make suppositions and then base conclusions on suppositions. Some of them for one purpose figure out large business in order to show that we can afford to give away something to somebody. Some of them figure out large business in order to make us feel good about our investment and to feel good themselves. Some of them figure out large business because they want a large business, and it pleases them. Some figure it out because they actually believe it, and they take their own suggestions and pass them around and have them repeated by somebody else, and bandied back and forth until they become authority. Great propagandas on many other causes are carried forward in that same way. I know there is a great deal of business now going through the Suez Canal that we can not get. I can not understand how a Government that owns 30 per cent or more of the stock of the Suez Canal, and a number of other Governments who own all the balance of that stock, and who are directors in it, would give up that route from northern Europe to the Far East in order to come across a route almost as far, and in some cases farther, and pay tolls to us on our canal. That is a reasonable suggestion.

That is a reasonable suggestion. Of course northern Europe can reach the western coast of the United States through the Panama Canal easily. It can reach the northern part of the west coast of South America. The west coast of North America and the north coast of South America can reach the European ports in shorter sailing. As to the far eastern business people generally talk about Japan—and I do not want to scare anybody, or raise any yellow peril, or anything of that kind—but Japan can come across and go through the Panama Canal and go to the Atlantic coast of the United States more cheaply and quickly than by any other route. There is no doubt that there will be some business there.

It is estimated by experts that it costs about 10 cents a net ton per mile for a ship to sail, so that without getting lost in geographical figures, which are a mere matter of detail and which I do not want to bother about, any of you can figure out from the map or the globe the probable diversion as affected by the tolls on these different routes. But the proposition I make and lay down is that, the conditions being nearly equal, those who are virtually owners of the Suez Canal will patronize that canal in preference to the Panama Canal.

Mr. HAMLIN. Will the gentleman allow me to interrupt him right on that point?

Mr. ADAMSON. Yes.

Mr. HAMLIN. The gentleman spoke of Japan. Is it not true that from Yokohama to New York by way of the Suez Canal and by way of the Panama Canal there is only a difference of about 18 miles?

Mr. ADAMSON. Well, it occurs to me that Japan not owning any interest in either canal would take the one that was cheapest and quickest.

Mr. HAMLIN. But from Japan to one of the particularly important points—New York—it would be a toss-up, and that would be uncertain?

Mr. ADAMSON. That would be in the twilight zone; the competitive zone.

Now, so far as the Suez Canal is concerned, we know what that rate would be. We know that the tolls are now about $1.31 per net ton, and I believe, on the average, a net ton is space enough to hold about 2 tons of freight, or 2 freight tons.

Now, the Suez rate being at present $1.31½, or about that, and knowing that the order is that the rate will be lowered to $1, we know that by the time of the opening of the Panama Canal we can not hope to divert from the Suez Canal any of her business if we charge over $1 per net registered ton.

There is another thing to consider in that. The way they measure it over there is that they count more space on the ship than we do on ours, about one-fifth more, so that in reality, according to the way they measure most of their ships and the way we measure our ships of commerce, about 80 cents charged by our canal would be equal to their rate of $1, whenever it reaches $1, and it will reach that before very long. That question of amount we leave to the President to watch and determine and to change from time to time.

I have already stated that we think that the Tehuantepec route is taken out of the deal entirely. Their charges to foreign ships heretofore have been one-third of the freight that the ships charge for their voyage.

The other competitors are the railroads. There is one of them, I believe, in South America. There is the Straits of Magellan route, which Chile and the Argentine Republic try to say they preserve the neutralization of. The route around

the Horn, of course, is what we are trying to eliminate and remove the necessity for—some 10,000 miles difference from the northern Pacific points to the middle and Atlantic points between going around through the Straits of Magellan and going through the canal. So the matter that the people dread most is the competition with the railroads. The question is, Will the transcontinental railroads, which are accused of having opposed and delayed the construction of the canal so long, manage to prevent business going through the canal? Of course that depends on conditions. We think the evidence shows that the freight rates through the canal may be so low if honest conduct is maintained in the fixing of freight rates through the canal that it will be impossible for the railroads to compete as to most of the freight. That is one of the things that it is necessary for the President to study and understand. There is one consideration that must not be lost sight of. If there were a zone of competitive business that we could secure by reducing the tolls, we might reduce thereby the tolls on the business of which we were sure, so as to lose more income on that than we gained by reducing low enough to secure the competitive business.

I am discussing this as a representative of the United States of America with a view to operating an institution that belongs to the Government of the United States, that the Government of the United States is paying for out of the Treasury, and from which the Government of the United States has the right to derive money to return to its Treasury in order to reduce its expenditures.

I do not regard this great enterprise as entered upon for the sole purpose of carrying out the objects or forwarding the particular interests of any set of men or any class of men. If there is any kind of business in this country which is unprofitable, if there is any kind of business which is so necessary to the public that the people as a whole or the Government ought to contribute to its support and prosperity, the people are here all the time, and Congress is here most all the time of late. We ought to adopt a direct, square, honest method, and go at it in a separate bill and not attempt to hang it around the neck of this great enterprise on which we have expended so much money and on which the hopes of the world so largely depend. We ought to be allowed to open it, to consider the charges and customs of our competitors, to study the way to secure the business for that canal, and we ought to be allowed to run it in that way; and as the canal proceeds in its operation, and we see what business it does and how much profits are being returned, then it will be time enough for the United States to take into consideration any diversion of its receipts or any other incidental use to make of the canal or of the income therefrom.

Now, at the outset, when we were considering this canal, the very first proposition I heard in this House, when the bill was first up for a Nicaraguan Canal, was that the Isthmian Canal should be used to restore the American merchant marine to the sea. Well, in God's name, I believe in the American merchant marine. I think we ought to have all the ships we need. I think somebody ought to build them and run them. I think the people ought to patronize them. I think we ought to have them as we had them in the days of yore, when, like the wagoner, we could get a load both ways, and it paid to haul, and we sent out ships to every port, to every sea throughout the world.

I should love to see that again; but, gentlemen, can we not devise other means, if it is a failing industry, if it needs help, if it can not stand alone, if the Government must take it up and support it because it is unprofitable or because it does not pay profits enough? Why can not Congress devise some other means? Why can we not let this enterprise alone and operate the canal for the benefit of this Government and the benefit of mankind, and introduce some other bills to take care of American shipping? I would be glad to see you provide some other means to increase American exports. I should be glad to have some gentleman introduce a bill, and I should be glad to see Congress pass it, that every American bottom that goes to a foreign country laden with American exports and comes back laden with foreign goods in exchange therefor shall have those foreign goods admitted at a reduced rate of duty. That would not violate any favored-nation clause. It would not violate any treaty about the canal. It would not be treating anybody in the United States dishonestly. It would not be hampering a great enterprise by taking tolls from the Treasury that belong there according to the law and giving them to a particular interest. There is no trouble about that. There is another way it might be done. It is not my duty in advocating this bill to usurp the functions of other committees and tell them the way they ought to do these things. I am protesting against hampering our project, hanging a millstone around our necks by making us take care of their pet projects and their special interests, when they ought to do it in other ways if it is right to be done at all. I have suggested one way. That would not only help the ship-subsidy folks, without being called a subsidy, but it would help the American people. It would help American exports. It would help you send your products abroad. It would help you to buy goods cheaper.

If gentlemen want to do something to help the special interests of the ship industry, let them couple it with a plan to help the people, too. If these people will give a guaranty of cheaper rates, which they have never done in human experience, so that people will have the benefit of the reduced tolls, suppose they adopt the zone and commodity system. It is easy, without any violation of these clauses in the treaty, to adopt a zone system where you know the necessaries of life are produced which our people need, and say that ships loaded with them may come through at reduced rates. Gentlemen might say that that was a subterfuge, but it is not; it is open and aboveboard. It is legal, because in Russia and China the same things might be produced, but in practice would not be carried through the canal. These people would load with the things that we ourselves produce here. But, gentlemen, the only ships that they want to help are not the foreign ships, the only ships that the minority of the committee talk about are the coastwise ships, the ships already the most highly protected of any interest on earth. They have a monopoly of the coastwise trade of this country, whose commerce is greater than that of the commerce of all of the rest of the world put together, the commerce of the people that do more traveling and more commercial business than any nation on the face of the earth. They have as protection that no foreign-registered ship shall touch their business at all. They have it all.

I am not opposed to that. Some Members of our Congress are. Some want to invite the world into our domestic commerce. I do not, for this reason: Not that I want to enrich these people, none of whom are suffering, but because I do not want foreigners to do our domestic business. I want our own people to do our domestic business, and all the regret I have is that the rule is not now sufficiently conformed to, from what I learn.

Now, the coastwise trade had a great many witnesses before the committee. Some of them were good, high-toned men. It developed in these hearings that these men were not suffering; they were doing their business and making it profitable. They were building ships, but they had developed a practice which goes to show that no amount of tolls of the canal will affect their business or their charges to the people at all. They would scorn a combination. They would not be guilty of entering into a trust; by no means. But they are the most courteous and prudent gentlemen on the face of the earth; when one establishes a line between two ports, the others let him alone. [Laughter.] And if another company starts a new coastwise-ship line, it opens it between two other ports. When it was developed before the committee that the American-Hawaiian Line was able to go into the coastwise business and do every bit of the business through the canal that the Pacific coast would offer, we asked one of these coastwise gentlemen, who with great courtesy and prudence abstain from meddling with anybody else's rights, if he could not go through the canal and interfere with the Hawaiian Line and compete with it. He said that he did not think it would be good business. If that is the course that is to be taken, what is the use for us to give them tolls? Both gentlemen said that they were willing to take the tolls if they were given to them, but they could get on without them and did not care anything about them.

Mr. HAMLIN. Will the gentleman yield for me to read what was said on that subject from the hearings?

Mr. ADAMSON. Certainly.

Mr. HAMLIN. Mr. Dearborn, president of the American-Hawaiian Line, when before the committee, in discussing this question of tolls, and so forth, was asked this question:

Mr. HAMLIN. If I understand you on this question, the tolls, everything else being equal, you could carry trade through the canal at the rate you now get from Hawaii to New York and pay a dollar a net ton and make more money than you are now, making on account of the transshipment?

Mr. DEARBORN. Yes; if rates of freight were unchanged.

Mr. HAMLIN. And, consequently, so far as you are concerned, the question of tollage is a negligible quantity?

Mr. DEARBORN. Yes; so far as any toll that has been considered.

Mr. KNOWLAND. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. KNOWLAND. Is it not also true that he said it would not make any difference to him because the tolls would be added to the price to the consumer?

Mr. HAMLIN. That is also true.

Mr. ADAMSON. I am glad of any interruption, Mr. Chairman, where I can shed any light, but the distinguished gentleman from California is beyond my capacity to enlighten him. He is the chief malefactor in the line of digression and diversion from legitimate uses of the canal, and has been leading in this insurrection and interfering with the course of the committee in the opening of this canal throughout our entire sitting. He is the apostle of the other side and will have ample time himself. I will simply reply to his statement by saying that several gentlemen have asserted in magazine and newspaper articles and elsewhere that the tolls would simply be added to the consumer, but nobody yet has ever proved it.

Mr. STEVENS of Minnesota. Mr. Chairman, let me ask the gentleman a question.

Mr. ADAMSON. And in his cross-examination he did not sustain it. I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. Does the gentleman recall that the testimony before the committee showed in substance that the amount of tolls at the rate of $1 per net registered ton, which is assumed as a basis at the beginning, would be practically from 40 to 60 cents per cargo ton, or between 2 and 3 cents per hundred pounds, and in view of that fact I would ask the gentleman how-much of a reduction of tolls would reach the consumer with a reduction of 2 to 3 cents per hundred pounds?

Mr. KNOWLAND. Mr. Chairman, before the gentleman from Georgia answers that question I desire to amplify it by saying that at the outset we deny that it amounts to only 30 or 40 cents a ton. Tolls are based on net registered tonnage, upon total capacity of the ship, and if a ship goes through with half its space occupied that means that the cargo in that ship is charged a double rate, so that it would not be 40 cents a ton; and I have the figures to show that a majority of the ships do not go through loaded, which means that that in proportion is added to each ton.

Mr. ADAMSON. Mr. Chairman, answering the two gentlemen, I will state that the gentleman from Minnesota is, in my judgment correct. I have not much of a head for mathematics, and if I had I would not want to put the whole arithmetic in the RECORD.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Let me answer the other gentleman first, please. I do know that this gentleman and others disclosed the fact that the amount of tolls was absolutely immaterial to the freight rates and immaterial to the consumer, for this reason: They either get to cutting the rates and get them down so low it makes no difference what the tolls are, or they make a combination and hold the rates up at a certain price, so that it makes no difference what the tolls are. Those two propositions are established incontrovertibly in the hearings. I now yield to the gentleman from Indiana.

Mr. CLINE. Mr. Chairman, I want to ask the gentleman if it is not a fact that it was disclosed in the hearings that instead of a ship going through half loaded, as the gentleman from California [Mr. KNOWLAND] says, under the practice of the Suez measurement they carry all the additional tonnage they possibly can on uncovered deck, which is not computed in the measurement at all?

Mr. ADAMSON. Mr. Chairman, I do not dispute any of these statements that my interlocutors make. I recognize and remember some of them, but this is a voluminous record, and I can not recollect and swear to it all. I have put the record on the desk of every gentleman here, and I do not want to speak all day if I can help it.

Mr. MARTIN of Colorado. Mr. Chairman, I do not want to cut into the toll proposition now, but I simply wish to suggest that the gentleman from Georgia in eulogizing the gentleman from California [Mr. KNOWLAND] surely did not intend to slight the gentleman from Washington [Mr. HUMPHREY].

Mr. ADAMSON. Oh, he is not on the committee, and I do not want to talk about outsiders.

Mr. MARTIN of Colorado. I desire him to be duly credited with just as much pernicious activity on this subject as the gentleman from California.

Mr. ADAMSON. The gentleman from Washington is not a member of the committee, and I did not want to take liberties with him as I did with the others. He is a highly enthusiastic gentleman, however, and he has been so impregnated and infused and hypnotized with this heresy of ship subsidy in any possible form that he honestly believes that if you are not going to give his neighbors up there a ship subsidy on their ships you ought to fill up the canal at once.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. Will the gentleman tell us whether the trade that was reported to have been made between the Pacific coast Members and certain southern Members concerning the election of Senators by direct vote extended also to the toll proposition?

Mr. ADAMSON. Mr. Chairman, I shall have to ask the gentleman to name his committee of investigation to find that out. I do not know the origin of the report. I suppose the gentleman, as the last man to mention it to me, can tell me where he got it, and I might trace it back. [Laughter.]

Mr. MANN. Oh, it was published in the newspapers and widely circulated on the floor of the House.

Mr. ADAMSON. I did not see it in the newspapers. I never talk about the newspaper men, because there are not only more of them in number, but they are bigger in size than I or my friends. They could talk about me or the gentleman from Illinois. Whenever they say anything in the newspaper that is not strictly accurate, I spread the mantle of charity over the poetic license that exists, because it is absolutely necessary to fill those large papers up with something, and if not enough truth happens to fill their papers those enterprising men have a right to fill up those columns by creating something. [Laughter.] The smartest men in the world, except drummers, are the newspaper men. [Laughter.]

Mr. HAMLIN. Do you except Congress?

Mr. ADAMSON. No. Now, Mr. Chairman, if I am not to be relieved by a further rest through questions of my colleagues, I will proceed. I referred to combinations, and I exonerated the coastwise trade from combinations. I have been told, however, about my friend Dearborn managing to cut rates enough on the American-Hawaiian Line to get a living amount of business away from the railroads without getting the rates low enough to do the people any good. Of course this is allegorical and metaphorical, but it has been supposed either he or an agent, for whatsoever a man doeth by another he doeth himself, had his ear close to the keyhole whenever the railroad authorities had a rate meeting in Chicago; and whenever a railroad rate was published the steamship rate, a few cents cheaper, appeared the next morning on a few leaders. That is not a violation of the anti-trust law. There is no trouble about that, but if shipowners can have this keyhole communication it demonstrates the greater facility with which they can find information enough with which to exercise their innate courtesy and not get in one another's way about the business. Now, there is great fear, and one of the hobgoblins in the question of a ship famine. There is conjured up a fear that there will be no ships to do the business, and there are some folks scared about there not being enough ships; and even as sane a man as my friend from Tennessee [Mr. SIMS] began studying about the policy of giving entry to the coastwise trade in order to allow all tramps to be taken into the use of the coastwise trade.

Mr. SIMS. As a matter of justice.

Mr. ADAMSON. The alarm of the gentleman is not well grounded at all. He ought to have studied the report of the Commissioner of Navigation and looked at the list of American coastwise ships. It is true the Commissioner of Navigation is not to be absolutely trusted when he makes a digression and goes off on a long ship-subsidy argument that he is not capable of sustaining when cross-examined before the committee, but when he gives a list of coastwise ships in the United States you can rely on that.

And I have figured out his own list, and according to his own figures there are several thousand ships and nearly 2,000 steamers. There are 150 of them according to the letter I put into the hearings from him that can go through the canal profitably, because they are above 3,000 or 4,000 tons. I ask any gentleman here who is good at figures just to count up and see if 33 per cent of them should use the canal, and say they have an average tonnage of 4,000 each, it would be two and a half million tons a year, and it would constitute, I tell you, regardless of the speculations of the optimist and regardless of the guesswork of doctrinaires, it would constitute the bulk of our business the first few years through the canal and pay the Treasury $2,500,000. Now, the proposition is that there will not be ships enough to do the business. Have you been to New York Harbor and to Boston and to Philadelphia and Baltimore and Savannah and Brunswick and Charleston and on the Great Lakes? Have you noticed that more business is done through the canal at the Soo than at Suez or will be done at Panama possibly for many years? Have you noticed the amount of coastwise business on the Atlantic coast, on the Gulf coast, on the Great Lakes, and even on the Pacific coast in the Pacific cities? It will not lead you beyond the verge of veracity if you assert that the coastwise trade on the Pacific itself, the cities, may be as great as the trade through the Panama Canal will

be, and so far as the coastwise trade is concerned going through the canal it will never be 10 per cent of the coastwise trade on the Gulf, the Atlantic coast, and the Great Lakes. Now, just look into these records, look into your business and steady common sense instead of going off on fads. There have been several widespread errors and some of them entered into honestly——

Mr. TOWNER. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. TOWNER. As I understand, the gentleman agrees that in fact the remitting or omitting of tolls on the Panama Canal would be in the end a subsidy? Is that true?

Mr. ADAMSON. It would be a great deal worse in my judgment. It is taking money already due the Treasury and giving it to a particular class of ships.

Mr. TOWNER. I understood that was the gentleman's provision. Then would the gentleman be in favor of opposing tolls on the Soo Canal, where the commerce is so tremendous, as he has just stated?

Mr. ADAMSON. I am coming to the gentleman's proposition just as hard as I can, and I tell him here that no tolls are charged on the Soo Canal.

Mr. TOWNER. It occurs to me, if the gentleman will pardon the statement, that that must be an exceedingly greater subsidy, if it is to be considered as a subsidy.

Mr. STEVENS of Minnesota. If the gentleman will permit, does the gentleman consider that the Soo Canal is on a parity with the Panama Canal in any particular?

Mr. TOWNER. I am speaking merely about the principle.

Mr. ADAMSON. That is based on an entirely different principle.

Mr. STEVENS of Minnesota. On an entirely different principle than the Panama Canal.

Mr. TOWNER. It occurs to me if the one is a subsidy the other should be considered so.

Mr. ADAMSON. My distinguished friend from Iowa, who is a fine lawyer and a good and genial gentleman, is in one of the categories I have mentioned. I have mentioned that some good and wise men have fallen into errors inadvertently. Prominent among those errors is the idea that the Panama Canal should be free because the American policy has been to make all American waterways free. In the first place, that is done by statute. Our statute makes all American waterways free. In the second place, those in which other countries are interested are made free by treaty. When it was not known where the origin of the Mississippi River was, but it was supposed it was in Canada, by treaty we made the navigation of the Mississippi River open to England as well as ourselves. When we built one canal on the Canadian border the Canadians built two. By treaty we agreed they should use ours and we would use theirs, and their border rivers would be navigable freely, and that our interests in the Great Lakes should be open freely also. So the border locks and the border canals are made free by treaty.

It is true with the Panama Canal that by treaty, whatever our practice, it must be uniform. The Panama Canal is built under two treaties. It must be operated by the terms of the treaties. We had to agree with England, which owns Canada, reaching from coast to coast, and owns possessions in the Caribbean Sea and the West Indies, and which claims she has as large interests in the Western Continent as we have, to be relieved from the Clayton-Bulwer treaty in order to build this canal. And we had to treat with Panama as to its construction, and we must build it and operate it in accordance with the terms of those treaties.

Now, as to the gentlemen who have propagated this erroneous statement and had it largely signed by unthinking bodies of men and commercial bodies and societies everywhere, who took the statement of leading men who were supposed to know and passed resolutions on them and sent them in here, if their doctrine be true, it proves entirely too much. I admit we are at liberty to make the Panama Canal free to all the world. If we propose to be that altruistic, and if we are able and willing to give all the vessels of the citizens of all continents free transportation, there would be no violation of any treaty in it. These gentlemen, if they pursue the logic of their contentions, are compelled to go to that extent. Then there will be no use for any toll keeper, no tollgates, and no tolls to be fixed on the Panama Canal. Let it all go free to the world. And that is what they prove, or they do not prove anything, in regard to their contention.

Let me go back to one thing, which I forgot on account of the interruption of my friend from Iowa [Mr. TOWNER], and that is the application of the tolls to a part of the coastwise trade of the United States. If it is true that we ought to give them a subsidy, if it is true that we ought to give them an amount of tolls, do you want to discriminate among them? Are they dishonest enough among themselves to have some of them get a benefit which some of them do not?

If those who do business all the time on the Atlantic coast, and the Gulf, and the rivers, and the Great Lakes get no subsidy, why should those who go through the Panama Canal on a longer cruise, on a longer haul, with greater freight and greater profits, be given a subsidy of three or four thousand dollars a ton?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ADAMSON. Yes, sir.

Mr. HUMPHREY of Washington. Is it not true that the ships which go through the Soo Canal receive a subsidy, if your definition is a subsidy? Has not the Government built those locks, and does it not own and operate them? If it is a subsidy for them to go through the Panama Canal which the Government builds, why is it not a subsidy for them to go through a canal on the other border which the Government has built?

Mr. ADAMSON. Mr. Chairman, I am sorry that my friend did not listen to me. I tried to state that there was nothing in the treaty to prevent our remission of the tolls to all the ships of the world if we want to do it. That is a question for Congress to settle. The statement is made that the "Soo" is made free by the terms of the treaties themselves, and that we have a reciprocal benefit of using the Welland Canal, built by Canada, in return for their use of ours, just as the navigation of Lake Michigan is made free to navigation by treaty.

Mr. HUMPHREY of Washington. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Washington?

Mr. ADAMSON. Yes.

Mr. HUMPHREY of Washington. I hope also that the gentleman will put the treaties to which he refers into the RECORD. I have not been able to find them.

Mr. STEVENS of Minnesota. I will say to the gentleman that I will put them in the RECORD before we get through. The gentleman need not worry.

Mr. HUMPHREY of Washington. Now, if the gentleman thinks that the giving of free tolls to our coastwise vessels passing through the Panama Canal is a subsidy, I will ask him whether the other 90 per cent that pass through the Soo Canal free of tolls are not receiving a subsidy for nothing. What is the difference between the Government building a harbor and allowing people to use it for nothing and building a canal and letting the ships use it for nothing?

Mr. ADAMSON. The 10 per cent that goes through the canal also uses the same harbors, if they wish to use them. They are all open and all are treated alike. I have explained to the committee that all our domestic waters and harbors are open, first, because we made them so by statute, and, second, because we made some thirty-odd treaties with the different nations of the world, making ourselves free to their harbors and making them free to ours.

I also tried to make it plain—and the treaties will be put into the RECORD by the gentleman from Minnesota [Mr. STEVENS]—that waters on the border and the rivers on the border, and harbors, some in our country and some in Canada, are made free by the two Governments. Before we found where the Mississippi River originated, thinking it might be in Canada, we made the navigation of that river free to English subjects. Great Britain would not have been interested in the matter if it had not been thought that she had the headwaters of that river in her own borders.

Now, 90 per cent of our coastwise trade will continue to enjoy the same privileges as the 10 per cent that will go through the Panama Canal. They work all the time for the benefit of the American people, building up and transmitting our commerce from port to port. Here is the one-tenth of those ships—10 per cent—that by agreement, as I have shown, goes through the canal, the one standing off for another; and the others do not compete with them; and here it is proposed to take $4,000 apiece, on the average, for every passage, out of the Treasury of the United States and give it to that 10 per cent.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. ADAMSON. In a moment. I say, I do not care whether you call it a subsidy or a gratuity or a largess or a gift; but if you are going to give anything to the coastwise ships of the United States, give it to them all alike. Give them an equal and fair chance. But I protest that if you do it at all, you should

do it by a separate bill and a separate process. Do not take out of the Treasury the $4,000 per ship which the Treasury is entitled to, and give it to this 10 per cent.

Mr. ALEXANDER. Now, if the gentleman wants to do that and leave it to a future Congress to determine whether or not in the use of the Panama Canal we shall discriminate in favor of American ships, why does he use this language in section 5?—

No preference shall be given nor discrimination shown directly or indirectly to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.), and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

Now, that, to my mind, is an interpretation of our treaties with foreign countries, and the committee, in section 5, are undertaking to declare that policy. Are you not willing that that language shall go out of the bill, and leave it to a future Congress to determine the policy of this Government with reference to the canal, and interpret the treaties, and not have you interpret them for us in this language?

Mr. ADAMSON. Mr. Chairman, it would rather break the thread of my argument to go into that now. I am trying to get through with the economic discussion of this subject of the remission of tolls before I go to the treaty. When I reach the discussion of the treaty I will undertake to explain the situation to the satisfaction of the committee, if not to the satisfaction of the gentleman from Missouri.

I want to stick to the text I am on, if I can. Before leaving the proposition I want to emphasize the fact that if 33⅓ per cent of the coastwise ships go through that canal, giving the American coast of the Pacific Ocean a ship a day arriving and leaving, in all human probability it will accommodate their necessities for a long time to come. Any of you who are familiar with the sailing list of the ship companies and the business they do will find that they sail once a week, twice a week, or once every two weeks, and when it comes to sending a 4,000-ton ship there every day and another one back the same day, every day in the year, no man need have any doubt that for years to come that will accommodate all the coastwise trade of that coast.

But while the committee were satisfied that whether we desired it or not we are bound by the treaty, we based our action primarily on the fact that we were digging this canal at an immense expense, that we want to see it started successfully, that there is not business enough in sight to insure profits on it at the beginning; but we have a right to open it for all there is in it and run it for all it will bring for a few years and see what it will do, and we think that private and selfish special interests ought to postpone their claims and allow this great enterprise to go into operation and demonstrate its capacity before taking up any other question.

Now as to the treaty itself. While we based our action on economic questions and common sense, yet we are compelled in decency and honor to recognize the obligations of the United States.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREYS of Mississippi. I understood from the gentleman's remarks a few moments ago that there was a combination among the shipping interests, a working agreement, under the terms of which only certain ships in the coastwise trade were to go through this canal, that the others would not. Is that true?

Mr. ADAMSON. Mr. Chairman, they all bitterly deny any combination, but they all admit the soft impeachment that they are very courteous any very prudent financially, and that when they see a track sufficiently occupied by a ship line they are so prudent that they will not put another line on that track, and one of them answered my question by saying he did not believe he would find it profitable to compete with the American-Hawaiian Line by going through the canal.

Mr. HUMPHREYS of Mississippi. Exactly.

Mr. ADAMSON. His opinion being that the American-Hawaiian Line itself would be able to transact the coastwise business of that canal.

Mr. HUMPHREYS of Mississippi. And that being true, was it the opinion of the committee that a free canal would give the American shipper lower freight rates, or, on the contrary, that the shipping companies themselves would pocket the $4,000 per ship?

Mr. ADAMSON. It appeared to us that not one cent of profit would ever go to the consumer if it did to the shipper, and it was not demonstrated to us that it would ever go to the shipper, even. But conceding that it was possible for them to find the shippers and give them their part of that toll, the shippers would be a very small part of the American people, and they would never be able to refund it to the consumer. So the argument fails at every step.

Mr. SIMS. Inasmuch as the coastwise lines do not now compete from port to port on the Atlantic coast, why should they change their whole policy and compete from port to port between the Pacific coast and the Atlantic coast?

Mr. ADAMSON. They have practically said they would not, that it would not be profitable.

Mr. SIMS. Certainly not.

Mr. ADAMSON. That it would not be good sense for them to do it.

Mr. KNOWLAND. According to the gentleman's logic I take it that he does not hold that a tariff tax would be a burden, or at least that if the tax was removed, the consumer would not get the benefit of its removal.

Mr. ADAMSON. That is a pretty long story on which there are some different opinions, and I do not have any idea that the gentleman from California and I could ever agree on it, either as a matter of fact, or conclusion, or principle.

Mr. TOWNER. Will the gentleman yield for an interruption?

Mr. ADAMSON. Certainly.

Mr. TOWNER. I dislike to interrupt the gentleman.

Mr. ADAMSON. I love to have the gentleman interrupt me.

Mr. TOWNER. I should like to have an explanation of a problem that has bothered me somewhat. I understood the gentleman to say that the difference in principle between the Welland Canal and the Panama Canal was that we have a treaty stipulation with Great Britain by which, in consideration for the use of the Welland Canal, we yielded the free use of the Soo Canal.

Mr. ADAMSON. They are all governed by treaty.

Mr. TOWNER. I understand so.

Mr. STEVENS of Minnesota. Mr. Chairman, I think the gentleman's statement is incorrect. I do not think the chairman of the committee understood it that way. That is not the arrangement.

Mr. ADAMSON. What I mean to say is that the use of each canal is governed by treaty.

Mr. STEVENS of Minnesota. That is correct.

Mr. TOWNER. Is it not true that the United States would have absolute power under our treaty with Great Britain to impose tolls on American ships?

Mr. ADAMSON. Is the gentleman talking about the Panama Canal?

Mr. TOWNER. In the Soo Canal.

Mr. ADAMSON. They would not violate a treaty against the interests of their own citizens if they would not against the citizens of another country.

Mr. TOWNER. The question of a subsidy is involved.

Mr. ADAMSON. You can call it what you please.

Mr. TOWNER. I think the gentleman does not understand me; I do not wish to interrupt him unnecessarily.

Mr. ADAMSON. That is all right.

Mr. TOWNER. This is the thought in my mind: If it is wrong now to remit tolls on the Panama Canal to American ships, then it is wrong to remit tolls on the Soo Canal to American ships.

Mr. ADAMSON. I do not think so.

Mr. TOWNER. Why not?

Mr. ADAMSON. It is right to conduct the Soo Canal according to the treaty and to conduct the Panama Canal according to the treaty.

Mr. TOWNER. There is nothing to prevent the exemption in either case.

Mr. ADAMSON. Oh, the gentleman is badly mistaken. I will put both treaties into the RECORD and he can see for himself.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to ask the gentleman one more question.

Mr. ADAMSON. Very well.

Mr. HUMPHREY of Washington. Before the gentleman leaves the question of tolls I would like to ask him this question: I understood him to say that he did not think a free canal would benefit the consumer, and he doubted whether it would benefit the shipowner.

Mr. ADAMSON. I said giving the tolls to the owner of a ship would not benefit a single consumer one nickel.

Mr. HUMPHREY of Washington. And the gentleman doubted whether it would benefit the shipper. Suppose you add 50 cents a ton to the product going through the Panama Canal, would not that enable all the transcontinental railways to add 50 cents a ton to every ton they carried on land of similar traffic, so that when you give a dollar by toll to the Government you enable the railroads to charge $10 for themselves?

Mr. ADAMSON. Those are questions of practice and detail, and no amount of talk or theory can adjust them. My proposition is that the canal tolls are going to be so low that they will not be affected by anything that we could normally get from the railroads, anyway, and that they will not be affected by anything the ships themselves do, for the ships would either by combination make the tolls immaterial to the shipper and consumer or they would by cutting rates make them immaterial to the consumer.

Mr. STEVENS of Minnesota. If the gentleman will pardon me, I want to add this one suggestion. These gentlemen assume that the present condition of blanket rates between the East and the West will continue, and if so, if the canal rates were reduced, the blanket rates would be proportionately reduced. The Interstate Commerce Commission, in all of its cases since the passage of the amendment of our friend from Illinois [Mr. MANN] relating to the long and short haul clause, has held that the blanket rates shall no longer be in effect and in its report has indicated its policy to abolish them, and if they are no longer put into effect and no longer allowed, the railroads can not reduce their through rates to the canal rates, because the intermediate rate and territory would not permit it. The whole system of rate making will be different between the Atlantic and the Pacific by the time the canal rates are in operation.

Mr. HUMPHREY of Washington. If that is true, the ships will carry the products through the canal.

Mr. STEVENS of Minnesota. The result will be to throw an immense mass of traffic through the canal and take it away from the railroads, and that can not be helped.

Mr. HUMPHREY of Washington. Why should it not be done?

Mr. STEVENS of Minnesota. It should be done, and we are glad to have it done; but it does not help them at all to reduce the tolls.

Mr. BOWMAN. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. BOWMAN. Suppose the rates are based on the cost of carriage, how much would they be reduced by any rates that might be made on merchandise and products that pass through the canal?

Mr. ADAMSON. I do not understand the gentleman's question.

Mr. BOWMAN. Suppose the rates upon the railroads are now fixed upon the cost of carriage, upon a reasonable return on the money invested, what effect would it have upon any rate which might be established across the canal? In other words, if the rates to-day are fixed upon the cost of carrying, any rate which you might apply across the canal could not lower those rates.

Mr. ADAMSON. Mr. Chairman, it might not lower the rates on the railroads, but the rates will be so low via the canal, according to the evidence before our committee, that a great deal of the business will go through the canal; and if it does that, the people will get the benefit of the cheaper rates, while the Treasury will get the benefit of the tolls.

I have now tried to demonstrate in line with the report of the committee that we ought not give any of these tolls to the small per cent of the shipowners or prospective shipowners in the United States engaged in coastwise trade, even if we could.

I come now to the other proposition, that in honor and decency we can not do it, if we wanted to, under the treaties which we have made. I know that gentlemen get enthusiastic and talk wild sometimes, and they have been filling up the newspapers and the magazines for years on this subject in anticipation of the opening of the canal, and one sometimes see the wild statement that it is a fight between the ships and the railroads. That is as silly as it is unfounded. The railroads and the shipowners frequently get friendly when it is financially to their interest to be friendly, and when it is financially to their interest not to be friendly they are not friendly. Money is kin all over the world and every last dollar is denationalized. There is not a dollar of it in circulation on the face of the earth that cares a continental for any flag on the face of the earth except in so far as the prospect is that that operation under that flag will double the dollar. The proof of that is in every ship line in the world, and in the stockholders and in the bondholders in them all over the face of the waters to-day.

There is another wild and foolish opinion expressed by those in respect to others who deny this right, that they are turning from American ships in favor of the ships of England.

Mr. MADDEN. Mr. Chairman, I notice there is a provision in this bill calculated to prohibit ships owned——

Mr. ADAMSON. Will the gentleman please wait until I reach that?

Mr. MADDEN. I just wanted to ask the purpose of putting that in the bill.

Mr. ADAMSON. When I get to it I will tell the gentleman, but I hate to have my most beautiful sentences punctured and dislocated by questions, shot right into the middle, that ought more properly to apply to some other subject of the bill.

Mr. MADDEN. I thought the gentleman was on that point now.

Mr. ADAMSON. No; I am proceeding to show it would not be polite in us, after making a solemn treaty not to do so, to show discrimination in favor of some ships as against others. As I said, Mr. Chairman, some people excitedly say that those who are in favor of observing this treaty are favoring England. Well, I was sort of a jingo when we started in to try and dig this canal and wanted to drive England away, but I found we had to notice treaties, not only through the respect and veneration we should have for international law but because it might not be prudent to be getting up unnecessary jars with foreign powers, unless it was somebody that we could whip easily.

It is unfortunately true, or fortunately, if you can so state it, that England came here and was our mother. We might not have been here if she had not come here first. She did not get off the nest and leave as soon as we wanted her to. The bees got ready to swarm and we told the original hive to leave and let the young swarm stay here and grow up with the country. I reckon we made a mistake when Cornwallis surrendered that we did not have there our friend from California, Mr. KNOWLAND, and our friend from Washington, Mr. HUMPHREY, and Brother ALEXANDER, so that they might put a codicil to that surrender and fix up the treaty of amity and commerce that we later made with England, whereby she would get out of these regions and let us have Canada and all her possessions in the West Indies. I do not see what business she has there, unless it is to help her make money, and I do not know that I like to have her putting the lines over us any more than anybody else. I think we ought to be able to run things on our own continent, if we can, but somehow or other when we got Cornwallis to surrender and got a treaty of independence we felt pretty friendly over it. We then proceeded to make a treaty with the old lady about how we would behave, and with some 30 other nations. Then, after the war of 1812, not being properly advised by the gentlemen who know of late days how to construe treaties in favor of our own ships, we made another mistake and let her off again without taking Canada and all these things away from her.

It is a physical and historical fact that I deplore. I assure my friends on the Pacific coast I am no tory. I believe I would fight England, I would as soon invade her, if I were a fighting machine, as any other country, if I thought that I could whip her. But, gentlemen, you have to look these facts in the face. But that was our position in 1812, and then along later than that Mr. Clay got to help run the Government and other great men, and they kept on making treaties and kept on talking about canals, and they finally made the Clayton-Bulwer treaty. It authorized a canal for commercial purposes. It was not a Government canal for governmental purposes, and we were prohibited from doing hardly anything at all except to help furnish the money and help England guarantee the neutralization of the canal, and I will show you some utterances by which to show you how these things were dealt with and how these things were put in the treaty. That was for an Isthmian Canal. The whole of the first section pledges that neither country will acquire any influence at all or use any advantage that either may possess—

> With any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

The fifth section contains most specific language:

> If both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other.

Now, section 6:

> That of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all.

Some of them say, What are you reading them for? That section has been superseded. Let us see whether it is or not. The preamble of the treaty which we made superseding this treaty is as follows:

> By whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the

construction of such canal under the auspices of the Government of the United States without impairing the "general principle" of neutralization established in article 8 of that convention.

Now, what is article 8 of that convention? I read three or four of the other sentences to show the idea presented in that treaty.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they thereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

But, gentlemen say, the Hay-Pauncefote treaty supersedes that treaty and provides that the Government of the United States may construct and manage a canal as the owner thereof. I call attention to the fact that that other section, where it is authorized to operate and maintain a canal as the sole owner and constructor thereof, and so forth, also contains the qualification, "subject to the terms of this treaty," and the terms of this treaty are that article 8 of the Clayton-Bulwer treaty shall be unimpaired.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, it might be inferred from the gentleman's reference to the Clayton-Bulwer treaty that the United States was to construct a canal. The Clayton-Bulwer treaty did not necessarily contemplate the construction of a canal by the United States, but by any other party or nation.

Mr. ADAMSON. Not by any nation, but by private capital.

Mr. MOORE of Pennsylvania. The terms of the treaty would apply to anyone undertaking the construction of a canal.

Mr. ADAMSON. Of course, the United States and England guaranteeing the neutrality and equality. Now, Mr. Chairman, there is one other error that gentleman have fallen into, and that is, they make a discrimination as to coastwise and foreign shipping.

I will call attention to the fact, but I will not take the time to read the treaties, as the gentleman from Minnesota has collated all of them, and has an unanswerable demonstration on the subject, and as I have spoken on the subject, I am going to ask him to put those in his speech.

Mr. HAMLIN. I want to call your attention and the committee's attention to another fact, that when we entered into a treaty with Panama we especially, in article 18 of that treaty with Panama, recognized section 1 of article 3 of the Hay-Pauncefote treaty, to which you referred, in this language:

The canal, when constructed, thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with, all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Mr. ADAMSON. The same obligation exists from us to Panama as existed from us to Great Britain.

Mr. ALEXANDER. If the gentleman will permit, I wanted to call attention to the fact that while you may regard that as correct, in section 5 of this you provide the Government of Panama shall use the canal free of toll.

Mr. ADAMSON. I will come to that.

Mr. HOBSON. I want to ask the gentleman a question.

Mr. ADAMSON. Will you let me answer the gentleman from Missouri [Mr. ALEXANDER] on that question, and hold your question a minute? In answer to the statement of the gentleman from Missouri [Mr. ALEXANDER], the right of a constructor and owner and manager, who would put tolls into one pocket and take them out of the other with his own hand, certainly would allow the constructor, owner, and manager, standing the expense and taking the returns, to pass his own individual ships free. And therefore the ships of the United States Government are passed through free. By these treaties, and pursuant thereto, the United States had a right to make a contract with any Central American power and to insure a canal right through the country. In order to do so they had to make a contract. Inasmuch as the United States was compelled to contract for the place to dig that canal, I think it could operate as constructor and owner and pay the expense and take the profit; it had to make terms, and it had to make terms it could comply with, and it should comply with them when it made them. It duly made a contract with Panama, and it created, in order to do it, a Republic for its own purposes; and the first article of the treaty is that, "We will uphold and maintain the sovereignty of this Republic forever." We put in the treaty that guaranty to begin with, and then they make a contract to the effect, "I will use your land and you give me the perpetual right to use it, and give you so much money, and after nine years so much money annually, and I will allow your Government ships the free use of the canal, because you are substantially in partnership with me; you are, at least, a quasi owner; you are the owner of the land on which I have got to dig the canal, and I have got to treat with you in order to dig it, and I have got the right to give you the free use of the canal for your Government ships."

Mr. SIMS. Is it not the right of the Panama Government to retain instead of the United States Government to bequeath?

Mr. ALEXANDER. You are urging those as reasons why we violate the terms of the Hay-Pauncefote treaty?

Mr. ADAMSON. No, sir. I think, Mr. Chairman, there is no violation of the Hay-Pauncefote treaty. The United States as constructor gives her the right for the valuable consideration of the land on which to construct the canal, to use the canal freely for all official vessels—and only the constructor in the language of the treaty.

Mr. STEVENS of Minnesota. If you will allow me, I think I can explain. The treaty with Great Britain provides in article 3 for two essential things: First, equality; and, second, neutralization. In article 4 it provides for a change of the territorial sovereignty of the Panama Zone. The treaty provides, in substance, that the United States is responsible: First, for equality; second, for neutrality; and third, that the zone itself shall not be interfered with so far as neutrality is concerned. The burden is on the United States for doing those things. It is expressly provided it shall be on the United States by providing in article 2 that it shall have the exclusive right for providing for the regulation and management. Now, that has been construed more carefully and elaborately by Secretary Hay, who framed the treaty, and by Senator Davis, of Minnesota, the chairman of the Committee on Foreign Relations, who reported the treaty, and by Lord Lansdowne, the British foreign minister, who framed the treaty on the part of Great Britain. And that treaty was this: The burden was on the United States for strengthening the canal and for that right we had the right to fortify. The burden is on us to say that the canal shall be kept sanitary, and that the burden of obligation shall be taken from us in part and be put upon the Government of Panama, as we had a right to do before the Hay-Pauncefote treaty.

In addition we made an agreement with Panama that Panama should establish ports of refuge at her own expense and keep them open at all times, as we had the right to do under the terms of the Hay-Pauncefote treaty. Then we exacted from Panama that she should enforce the provisions of article 4 to maintain her own sovereignty, and she can maintain her own sovereignty and peace along the canal, and sanitation along the canal, and pass her own ships through; and by that provision, pursuant to the Hay-Pauncefote treaty, we made that agreement with Panama that she should take those matters up and take them off our hands and save us from the incurrence of that expense. So that the gentleman from Missouri will easily see that the provisions of the Panama treaty are for directly carrying out the provisions of the Hay-Pauncefote treaty.

Mr. ALEXANDER. In other words, they are giving us value received in exchange for free tolls?

Mr. STEVENS of Minnesota. Not at all. We are responsible for the conditions in the Hay-Pauncefote treaty. In carrying out that responsibility we are compelling Panama to bear part of the expense and we bear the other part of the expense. In other words, we are enforcing provisions 2, 3, and 4 of the Hay-Pauncefote treaty.

Mr. ALEXANDER. In exchange, as I say, for that we are giving them free tolls?

Mr. STEVENS of Minnesota. Only to that extent, and not in that sense.

Mr. ALEXANDER. But if we build the canal, is not that a sufficient consideration for us to give our vessels free tolls?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Alabama?

Mr. ADAMSON. I do.

Mr. HOBSON. Will the gentleman tell me whether, in his judgment, irrespective of the matter of subsidy or equal tolls charged to the vessels of all nations, the payment of the tolls of American ships passing through by the American Government would be in violation of the spirit of the treaty?

Mr. ADAMSON. I was coming to that proposition, Mr. Chairman, as soon as I had finished the statement I was en-

gaged in making. I was calling the attention of the committee to the mistake which gentlemen make in differentiating under the treaty between coastwise trade and foreign ships. The rule will be found by reference to the treaties which the gentleman from Minnesota [Mr. STEVENS] will call to the attention of the House, that whenever in these treaties of amity and commerce and navigation a distinction is to be made, it is done in express terms. It will be found in thirty and odd of our treaties that where it was desired to make a distinction it was expressly stated that "the coastwise trade is exempted from the operation of this treaty."

That exemption is not made in any of the four or five treaties that have been made touching the Isthmian Canal at any point or any railroad on the Isthmian Canal except in two papers—in the treaty with Granada and in the treaty with Panama. In the treaty with Nicaragua some language is used something like this, except some of it is made stronger: "Citizens of foreign countries shall not pay any higher tolls than are charged to our own citizens." Every one of these isthmian treaties with the Central American States uses the language I have suggested except one treaty with Mexico and one concession from Nicaragua, which use either the same or stronger language than the treaty with England. Some of them expressly say that, as between the citizens of those countries and foreign countries, the tolls shall be the same; no higher for the foreigners than for natives. The only exception to the thirty and odd treaties is the Mexican treaty in regard to the Tehuantepec route. It is based on a substantial reason. Mexico built the railroad between two of its own ports, on its own territory, and paid the expense itself, and so in its treaty of amity and commerce and navigation with us Mexico expressly stipulated that all foreign countries should be treated alike, but expressly stipulated that foreign nations should not be treated on the same basis as its own citizens.

There is one concession from Nicaragua which did the same thing that Mexico did, and that was that inasmuch as she was doing the work between two of her own ports she would let foreign nations all fare equally, but not equally with the subjects of Nicaragua.

Now, I am making this statement because it is argued in relation to that discrimination that while the treaty may bar us from giving these free tolls to ships in foreign trade, yet so far as the coastwise trade is concerned, it is admissible, because they are not in competition with the ships of foreign countries and are not to be considered therewith.

Mr. CLINE. Mr. Chairman, I think perhaps the gentleman has simply omitted to call the attention of the committee to the fact that when the first Hay-Pauncefote treaty was sent to the Senate for ratification by Mr. McKinley in December, 1900, the Senate attempted to amend that treaty with this language:

ART. 3. The United States reserves the right, in the regulation and management of the canal, to discriminate in respect to the charges for traffic in favor of the vessels of its own citizens engaged in the coastwise trade.

That amendment was defeated by a vote of 27 to 43 in the Senate, by which the Senate recognized the binding force of the original treaty unless it was relieved by direct legislation.

Mr. ADAMSON. I think I put that in the majority report.

Mr. KNOWLAND. Will the gentleman allow me to make this observation right there——

Mr. ADAMSON. I prefer that the gentleman put it into his own speech. I know what he intends to say.

Mr. KNOWLAND. The amendment in favor of fortification of the canal was voted down by a larger majority than that, and yet we are fortifying the canal.

Mr. ADAMSON. Now, Mr. Chairman, I come to the last proposition on this subject. The gentleman from Missouri [Mr. ALEXANDER] asked me a question and the gentleman from Alabama [Mr. HOBSON] asked me a question. The gentleman from Missouri asked me why it was that certain language is in the bill. I am afraid the gentleman has not given that attention which he should have been giving for the last 15 years to the treaties which have been ratified or he would not have asked the question. The gentleman from Missouri asked me about the following language and asked me if I would not agree to strike it out:

No preference shall be given or discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, etc.

This was complained of in the minority report. I wish to say, without giving away any secrets of the committee, that the section as originally drawn had a good deal more in it than that, and it was objectionable to a great many people on and off the committee; and as the committee was deciding the case on economic grounds, and not attempting to foreclose the consideration of a treaty for future generations, we tried to strike out everything that was objectionable, and thought we had; and in apologizing for this I think when I explain the sources from which it came some of the gentlemen will forgive me if it was an infelicity in the use of language.

As I have stated before, a great many bills have been introduced on this subject, and there has been a sort of evolution and growth, a little of this man's bill and that man's bill and the other man's bill creeping in. The language used was unconsciously taken from other bills, most of which had been introduced by statesmen in sympathy with the minority report, who could not have intended the language in the sense attributed to it by the minority report. For instance, in House bill 17589, introduced by that great persistent apostle of discriminating tolls, the gentleman from Washington [Mr. HUMPHREY], on page 2, beginning on line 9, the language is used beginning:

No preference shall be given to the vessels of any nation, its citizens or subjects.

The same language is used by Senator JONES in Senate bill 2455, Sixty-second Congress, page 6, line 4. In House bill 31436, introduced in the Sixty-first Congress by an able and distinguished leader of this House, whose position on this subject I do not seek here to locate, incorporated provisions which made discrimination possible.

The House passed House bill 12316, a bill for certain purposes, and sent it over to the Senate, where it was referred to the Committee on Interoceanic Canals, dominated by that prince of the advocates of discrimination, Senator Flint, who wrote the committee report, reporting the bill back into the Senate with sundry amendments, among which the same language was used complained of in the minority report on page 7, beginning on line 1. That language could not have been used with the meaning ascribed to it here by the minority report. In the amendments reported by Senator Flint, the advocates of discrimination went to the limit and provided expressly for free tolls for any vessel engaged in the coastwise trade. Happily for its credit, the Senate never acted on that bill.

Now, the gentleman from Alabama [Mr. HOBSON] asked me a question, and he does not seem to be here to listen to my answer; but I will answer his question anyway.

Mr. HAMLIN. He fired and fell back.

Mr. ADAMSON. Our contention for the construction of the treaty, it seems to me, has been admitted by most advocates of discrimination who have introduced bills, the gentleman from California [Mr. KNOWLAND], the gentleman from Washington [Mr. HUMPHREY], the gentleman from Michigan [Mr. FORDNEY], Senator LODGE, and Senator Frye, and others who have sought to provide that the tolls imposed upon American vessels should be refunded out of the Treasury. The same position has been taken by such of our Cabinet officers as have been betrayed into the advocacy of preferential treatment. The able and distinguished Commissioner of Navigation, who devoted so much of his last report to misinformation on the subject of ship subsidy, makes Senator Frye's bill the basis of his argument, and argues himself and all the balance of the minority out of court by proposing to admit that the treaty expressly prohibits discrimination at the canal, but providing that the Government refund to them their tolls out of other money.

The same position has been taken by certain Cabinet officers who have been betrayed into the advocacy of preferential treatment. Two or three gentlemen had sought to differentiate between American ships engaged in foreign trade and those engaged in the coastwise trade, for which differentiation there is no authority in law, precedents, or reason.

Now, as to whether this Government can provide preferential assistance to its ships, domestic or foreign, whether a foreign Government may provide assistance to their ships, domestic and foreign, are questions entirely foreign to our consideration here. We have demonstrated by treaty, and there is no getting around it, that an erroneous action by Congress might involve our country in a serious criticism and trouble with the powers of the world by not maintaining our honor. The bills I have cited, introduced by great men, and the quotations I have made by Cabinet officers and others recognize the proper construction of the treaty and propose that the Government provide other preferential assistance for their ships.

It seems to me, Mr. Chairman, that the best and the logical course, if they deserve and need help, is to rest on that proposition, recognize the inviolability of our treaty obligations, and use the powers of Congress otherwise to make any provision they wish or can get Congress to make to help their ships, foreign and domestic.

It is true that other Governments have made treaties to help their ships, but in every case the ships help the Government. Some have helped mail ships, but the mail ships hauled the mail. Some have helped passenger ships, but the passenger ships helped the Government. France once made an arrange-

ment with sailing ships to haul freight, but there was a quid pro quo for the Government.

The only proposition I have ever heard from these suppliants for this gratuity from the Government is that "We will build the ships and you will give us our tolls, twice on every trip, and after 50 years of peace, if war comes on and you need our old rotten hulks you can have them, provided you give us a high price for them; and if we can not agree we will have arbitration that will fix a high price and we will get the money." What kind of a quid pro quo is there in that? If they are honest and want to do the right thing when they ask us to give them the tolls they should agree that they will haul the soldiers, that they will haul munitions of war, that they will carry passengers when we have passengers to carry, and that we will give them the credit for the tolls so that they can be partly or wholly paid for. That would look somewhat honest on its face.

Mr. HOBSON rose.

Mr. ADAMSON. I want to say to the gentleman from Alabama that I answered his question while he was out. I cited a long list of most distinguished advocates for the preferential and differential rates to give American ships their tolls, in which there were a number of Senators and Representatives of the highest character and ability, among whom were some of our brethren on the other side, Senator LODGE, Senator Frye, the Commissioner of Navigation, Cabinet officers, in which they proposed that we concede the inviolability of the treaty, but provide to pay or refund, as the gentleman stated. I say that is a different proposition. I say if Congress wants to provide for plenary aid to the American shipping——

Mr. HOBSON. If I understand the gentleman correctly, he would find no objection or obstruction in the treaty to prevent our Government paying the tolls of our ships, those tolls being levied equally with tolls levied upon other ships.

Mr. ADAMSON. Mr. Chairman, if I ever fall from grace and vote to give away the public money to any private shipowners I do not think I would mention the canal. I would just provide that by certain means these ships should have so much help.

Mr. HOBSON. We all understand the gentleman's views on that question, but on the matter of the treaty, has he taken into consideration the fact that a similar practice is indulged in in connection with the Suez Canal?

Mr. ADAMSON. I answered that while the gentleman was out.

Mr. HOBSON. I was necessarily absent to answer a telephone call, but so much wisdom falls from the lips of the gentleman from Georgia that one needs to be here constantly to get it all.

Mr. ADAMSON. I do not know much about the wisdom that falls from my lips, but it is to the credit of the gentleman from Alabama that he has so much to disseminate that he has to be in a good many places to shed it about. I do not censure him because he is popular.

Mr. HOBSON. I thank the gentleman; but do I understand that the gentleman recognizes any obstacle in the treaty obligations of our Government to paying the tolls of our vessels? I mean not only the treaty, but the spirit of the treaty.

Mr. ADAMSON. Mr. Chairman, I believe if we would introduce this bill in the language of some of those introduced that the tolls paid by American shipping shall be immediately paid back to the ships at the canal we would as grossly violate the treaty as if we remitted the tolls directly, because that would be a subterfuge that any Englishman would be smart enough to discover, and he would kick about it; but if Congress is able to devise any scheme by which it will help American shipping, by which it will contribute to their lines or operations and make no mention of the canal, and steer entirely clear of the treaty, the gentleman could reach his purpose.

Mr. HOBSON. Mr. Chairman, I can not quite see yet an answer to my question. The gentleman is aware evidently that a practice exists not only on the part of the British Government——

Mr. ADAMSON. No; I am not.

Mr. HOBSON. Whereby tolls paid by their ships going through the Suez Canal and through canals under which there are treaty obligations are returned——

Mr. ADAMSON. I am not aware of it. Some wild statements have been made upon that subject, but they did not stand the glare of cross-examination. As I stated in the gentleman's absence, foreign Governments have made arrangements with ships, and some of them have paid enough to pay canal tolls. It is calculated, and the language of the Commissioner of Navigation is in some cases that it is estimated to be enough to cover that, but in only one or two occasions have they expressly said that they are paying enough for the canal tolls. And further, in answer to the gentleman's proposition, I call his attention to the fact that the people who built the Suez Canal are not a government. I called attention earlier in my statement to the fact that that canal is not in charge of any government, that it is simply built under a guaranty of neutralization, that several Governments took stock in a French corporation—or the citizens of various countries; and there can be no possible analogy between the situation and management of that canal and the management of the Panama Canal in a foreign country, built by the American Government under strict treaty stipulations with two powers that at the canal everybody shall be treated alike and equally. It is impossible under the treaty for the canal to be made an instrument of settling the differences and inequalities of the commercial affairs of other countries or matters in other parts of the world. The point is that under the treaties the United States is bound at the canal to operate that canal physically on exactly equal terms, without seeking to inquire into the domestic conditions in the various countries of the world, or to inquire who pays subsidies or who protects coastwise shipping or what inequality exists here or there or elsewhere.

Mr. HOBSON. Mr. Chairman, I hate to impose on the gentleman's good nature, but I can conceive how the British Government, or some other Government, might proceed to pay out of its treasury the tolls levied by our Government upon their ships passing through the Panama Canal. I want to get the gentleman's idea, because he has investigated this matter so thoroughly. I want to get his interpretation as to whether our Government by an appropriation of Congress could appropriate for the specific purpose of paying the tolls of our ships through the Panama Canal, and whether that action of our Government would be in violation of the spirit of the treaty?

Mr. ADAMSON. I have answered the gentleman——

Mr. HOBSON. An answer yes or no would please me very much.

Mr. ADAMSON. I have answered distinctly time and again that if the gentleman made it evident in the act which he was passing that it was a subterfuge to avoid the terms of the treaty it would be discovered by an Englishman as quickly as it would by a Yankee. You can not fool either of them about commercial matters. But as a friend of the gentleman and as a lawyer willing to serve him, if he desires to have my services, I would say that if he wants to accomplish that purpose, if he can pass a bill through Congress to give any particular set of men that much money, if he will just draw the bill and say give them that much money without saying that it is to get around the treaty or avoid paying canal tolls, then neither England nor anybody else could say a word against it.

Mr. HOBSON. And if we did say that it was to pay our tolls——

Mr. ADAMSON. It would be a subterfuge, and I believe if we wanted to do that we could not do it. And I believe, Mr. Chairman, that on this floor right here in this House—and here is one of them weighing 200 pounds—there are gentlemen who would be just as proud to see a great American commerce whitening the ocean with its sails as any of these gentlemen who shed crocodile tears about the decadence of the American merchant marine.

Mr. HAMLIN. The gentleman agrees with me, does not he, if any kind of subsidy should be given these coastwise ships, primarily to reimburse them for tolls paid to pass through the canal, it would be a violation of the spirit of these treaties?

Mr. ADAMSON. I say it is a violation of the treaty; and to pay the money back to them after they pay it in is a subterfuge and an evasion.

Mr. HAMLIN. And if we pass an act remitting the amount actually paid it would be just as bad.

Mr. ADAMSON. Why, certainly.

Mr. HOBSON. Would the gentleman object, in connection with his remarks about aiding vessels in the merchant marine, to saying whether he would vote for the aid of the general merchant marine above the discriminating duties?

Mr. ADAMSON. The gentleman was not in the House when I began my remarks. I said to the gentleman from Missouri [Mr. ALEXANDER], before you came in, that I want to help build American shipping.

Mr. ALEXANDER. I did not hear that.

Mr. ADAMSON. Yes, sir; in the beginning of my speech that we wanted to help build——

Mr. HOBSON. I will remind the gentleman that the committee reported out favorably at the last Congress a bill, part of which provided for a discrimination of 5 per cent reduction

on dutiable goods brought in American bottoms, and a discrimination of 2 per cent ad valorem placed upon goods brought free in American bottoms.

Mr. ADAMSON. My statement to the gentleman from Missouri improves it greatly. I said these ships which went away from here loaded with American exports and brought back foreign goods should have the foreign goods admitted at a lower rate of duty, because that would benefit the people as well as the shipping trust. [Applause.]

Mr. FOWLER. I would like to ask the gentleman one question before he closes.

Mr. CANNON. Before the gentleman concludes I want to ask——

Mr. ADAMSON. There is another section on which I have not touched.

Mr. CANNON. That is section 11.

Mr. ADAMSON. Yes, sir; that is the one I now want to talk about.

Mr. CANNON. I will be very glad if the gentleman will do so.

Mr. ADAMSON. Mr. Chairman, I will tell the committee frankly about the genesis and history of that section 11. The insistence of certain gentlemen for help to our coastwise ships for various reasons, some of which I do not care to state or guess at, included among others the complaint——

Mr. BUCHANAN. Mr. Chairman, I ask for order.

Mr. ADAMSON. If I may be permitted to conclude I would like to do so. The committee has been good to me.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. FOWLER. I would like to ask the gentleman what he regards as Panama vessels. Does that include any vessels except——

Mr. ADAMSON. The bill expressly states Government vessels if there are any.

Mr. FOWLER. Not vessels owned by any individuals living in Panama?

Mr. ADAMSON. No; the Government; and the Government is a part of us. Mr. Chairman, as to section 11, I was going on to say that the people who are clamoring and delaying and hampering the opening and management of this canal use as one of their arguments that the railroads are going to run other ships out of business and put their ships on the canal and drive everybody off, and then raise their rates so that the canal would not do us any good commercially. The President put something about that in one of the messages; it was put in bills by four or five gentlemen, and I confess, inadvertently, I supposed they knew what they were doing; and I put it in a bill of mine about railroad ships going through the canal. But we studied the treaty, and we decided that at the canal we had to do the square thing as to all ships which came there, without regard to who owned them or where they came from, providing other nations observed our rules.

That is all there is. Those are all the conditions. Perhaps citizens of our own country might complain if we violated the treaty against them, just as well as the citizens of another country. We decided we did not know just what was going to happen—what the railroads were going to do to us there—and, furthermore, we thought if railroads engaged in interstate commerce were doing that it was the business of Congress to regulate them and manage them and keep them out of mischief. While we could not go to the canal and make it an instrument of discrimination, we could amend the interstate-commerce law so that the railroads that we regulated should not compete with themselves by putting ships on that canal in mock competition with themselves and drive other ships off of the canal. We put in this bill a provision, and we have all studied it, and we thought it would improve it a little; and we have submitted a committee amendment to the House as a substitute for that section, when we get to it.

I was willing to leave it out of the Panama Canal bill, along with the contention for free toll for American ships, and go on and provide for the opening and operation of the canal, the management of the zone, and having two or three years yet in which to watch events, wait and see what ought to be done to regulate the ships and railroads, and do it in due time. But there was such insistence that something should be done that we did take it up in the only possible and legal way under the treaty, and that which we submit in the substitute which we will offer when we reach section 11 is the sense of the majority of the committee as the way to deal with that question. While we may or may not deal with it in the Panama bill, we have got to deal with it some time in interstate commerce and coastwise trade. The question is coming up, and we have got to face it. The people in the country and the people in the vast areas through the interior of the country are not going to consent that they forever, by taxation, will have to keep up water courses and rivers and harbors for railroads to put ships on there in competition with their own tracks, in competition with their own commerce. I know of some lines, without having to refer to the evidence in the record, where a long line of steamships, supplemented by short railroads in the interior, make the same rates as a long railroad between the same towns and same sections. This condition will have to be met some time. It is 10 times more material to the coastwise trade and interior than the use of the Panama Canal. The Panama Canal is going to be a small thing compared with the difficulties in the United States coastwise trade. If the committee saw proper to keep it in this way, we would like to adopt it. If it does not, the committee will in the future deal with it as a separate amendment to the act to regulate commerce.

Mr. MALBY. Will the gentleman give way for an inquiry?

Mr. ADAMSON. I will, but I would be glad to stop.

Mr. MALBY. I appreciate the gentleman's desire, because I know he must be very tired. Has the gentleman read section 11?

Mr. ADAMSON. Are you not reading the substitute?

Mr. MALBY. I am reading the bill as furnished by the Clerk.

Mr. ADAMSON. I sent the gentleman a substitute this morning.

Mr. MALBY. I have not seen the substitute bill, but my inquiry relates, however, to the effect of section 11. That applies to all railroads owning stock or an interest in a line of steamboats, irrespective of the fact whether they use the Panama Canal or not.

Mr. ADAMSON. I would not give a cent for the provision to affect the Panama Canal alone if I could not make it useful in all the coastwise trade. It would not be worth a bawbee. The canal business presents only 10 per cent of the trouble.

Mr. MALBY. My only suggestion was that it is a very important matter to be considered in a bill regulating the government and traffic on the Canal Zone.

Mr. ADAMSON. I thought so, and I have explained to you how it got in there.

Mr. MALBY. Mr. Chairman, of course I have not had time to read the substitute, but it does apply to all the railroad and shipping lines outside of the Panama Canal line. Would it not be well for the chairman of the committee to explain it before we get to the five-minute rule, where we would have only five minutes to discuss one of the most important subjects in the entire bill?

Mr. ADAMSON. I beg the gentleman's pardon, but I thought I had just explained it.

Mr. MALBY. I have listened to the gentleman, and to my mind it does not seem to be an explanation of such an important matter as this.

Mr. ADAMSON. Will the gentleman intimate what it is?

Mr. MALBY. I would like to know on what theory the committee proceeds to deny to a railroad company, as a part of its general system, necessary for the running of the railroad itself, a right to own a shipping line which is an extension or a feeder upon which the railroad itself absolutely, in many cases, depends for its transportation of freight. Why should you deny to them any ownership over that line, any more than you would deny to the railroad a right to extend its rails across to the very market where the ship goes?

Mr. ADAMSON. I answer the gentleman by denying his premise absolutely. No railroad has any right to run a ship line to the exclusion of real competition through the watercourses that ought to be competitive with itself. It is not true that railroads have built up waterways. Naturally ships were the original means of transportation, and the railroads have, through manipulation of capital, managed of late years to drive ships off of the watercourses along their own lines and put their own ships on them. I have no objection to their running ships where, as the gentleman says, they are feeders, to gather up and distribute business. That is all right. But when they propose to get possession of that watercourse that runs parallel to the railroad and take the business and raise the rates by excluding other ships prevents that and kills competition, and that course of action will be prevented some time, if it is not done in this bill. [Applause.]

Now, we have amended that in the substitute by making the Interstate Commerce Commission the judge or arbiter as to when a ship is in competition and when it is not. The commission could tell whether the ship line was operating in violation of the section or not. If it is all right to run it, let it run; but there is no use in taxing the people hundreds of millions of dollars to open up water channels on the delusive

assumption that we are going to get cheaper transportation, which the figures show ought to be one-fifth of the cost of the railroad transportation, and then allow the railroads to take charge of all the business that ought to be competitive with them and raise the water rates to their own level. [Applause.]

I thank the committee for its kind attention to me. I did not want to talk as long as I have talked, but my brethren were kind to me.

Mr. MALBY. Will the gentleman allow a suggestion?

Mr. ADAMSON. I want to hear the speeches of others, and let somebody else have a showing. I suggest that the gentleman from New York ask the next speaker the question he has in mind.

Mr. MALBY. I would rather ask the chairman of the committee, because he knows.

Mr. ADAMSON. I will take the floor some other time, and then I can answer the gentleman.

Mr. MALBY. Just one question. I am familiar somewhat with the railroads operating through the State of New York, and——

Mr. ADAMSON. I can not agree that the gentleman shall make a speech.

Mr. MALBY (continuing). And I would like to inquire what particular objection there is against the railroads running through New York and having a terminal at Buffalo also having a line of steamships operating on the Great Lakes? I can assure the gentleman that he is mistaken in his premises that there is no diminution in the price of freight transportation, because the rates between New York and Chicago are lower by water than they are by rail.

Mr. ADAMSON. The gentleman will have a chance to speak later.

Mr. MALBY. Under the rules we have not very much opportunity.

Mr. ADAMSON. I will see that the gentleman gets time during the debate.

Now, I hope that the gentleman from Minnesota [Mr. STEVENS] will put in the RECORD those treaties that he referred to. I have promised that he would. Then, I would like to yield to the gentleman from Michigan [Mr. DOREMUS] after he has finished. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, do I understand that the gentleman from Georgia desires to use more time now?

Mr. ADAMSON. Does the gentleman from Minnesota ask me a question?

Mr. STEVENS of Minnesota. I desire to know if the gentleman from Georgia desires to use more time now.

Mr. ADAMSON. No. I yielded to the gentleman from Minnesota, and when the gentleman finishes, if I am not in the Hall, I want to yield to the gentleman from Michigan [Mr. DOREMUS].

Mr. STEVENS of Minnesota. How much time has been used by the gentleman from Georgia, Mr. Chairman?

The CHAIRMAN. Four hours and 17 minutes.

Mr. STEVENS of Minnesota. Then I yield one hour to the gentleman from California [Mr. KNOWLAND], if he desires. Mr. Chairman, I should think that it would be in order that some of the time could be now occupied on this side. I desire to yield to the same side represented by the gentleman from Michigan [Mr. DOREMUS]. They can arrange it among themselves.

The CHAIRMAN. The Chair is endeavoring to ascertain what the gentleman from Michigan [Mr. DOREMUS] desires.

Mr. DOREMUS. I will say to the gentleman from Minnesota that under an arrangement that the gentleman from Georgia [Mr. ADAMSON] had with the gentleman from Louisiana [Mr. BROUSSARD] I am, at his request, controlling the time for those on this side of the House who are opposed to the majority report.

Mr. STEVENS of Minnesota. Does the gentleman desire to use more time of the gentleman from Georgia?

Mr. DOREMUS. No; I think not.

Mr. STEVENS of Minnesota. Then I will take some of the time, and will yield one hour to the gentleman from California [Mr. KNOWLAND], if he so desires.

Mr. KNOWLAND. Mr. Chairman, having presented to the House the minority report upon the pending bill, providing for the operation of the Panama Canal, signed by both Democartic and Republican members of the Committee on Interstate and Foreign Commerce, it may be well for me to explain, for the benefit of those who perhaps have not read either report, that we dissent from the views of the majority touching but one section of the bill—section 5—dealing with the important question of tolls. The bill contains 13 other sections, over which there is practically no disagreement among the members of the committee. At the proper time we shall propose certain amendments to this section.

While opposing section 5, I shall support the remaining sections of the bill, and particularly section 11, which can not be too strongly commended, because it seeks to protect the people of the United States against a railroad-controlled canal. With no intention of disclosing committee secrets, I may say that I feel somewhat responsible for this section, a claim which I think my colleagues on the committee will not dispute. This statement is made without disparagement to others who were active in this important contest to prevent transcontinental railroads from minimizing the competitive value of the Panama Canal.

Before entering upon a discussion of the toll question, I feel that it is incumbent on me, as the Pacific coast Representative of this committee, to frankly state to the House and country some of the reasons which prompted practically all the leading commercial bodies of the Pacific coast to insist that the pending bill contain a provision to protect shippers against the abuses growing out of the control by railroads of competing water lines.

The Mann bill as reported to this House in 1910 contained a provision, which I offered in the committee, somewhat similar to the present section 11, preventing railroad corporations from owning or controlling water lines. That section was stricken out on the floor of the House as the result, I think I am safe in declaring, of the opposition of certain railroad interests. In order to prevent, in part at least, the stifling of water competition, I offered the following amendment from the floor, which the House adopted by a vote of—ayes 106, noes 77:

> Whenever a carrier by railroad in competition with a water route or routes shall reduce the rates on the transportation of any kind of traffic it shall not be permitted to increase such rates unless, after hearing by the Interstate Commerce Commission, it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

This amendment, with but slight change in phraseology, remained in the bill and is now a part of the interstate-commerce act. Its effect has been generally beneficial, but it fails to go far enough to meet conditions that will exist with the opening of the Panama Canal. In a speech before this House on April 10, 1910, anticipating the problems shippers would be called upon to face unless legislation was enacted of the character now proposed in section 11 of the pending bill, I said:

> Four hundred million dollars will be the cost of the Panama Canal. Will there accrue to the Nation benefits commensurate with such vast expenditures? Not unless we, as representatives of the people, enact legislation that will curb the power of the railroads to destroy the water competition, which, by the expenditures of these millions, we are seeking to develop. * * *

With the near approach of the opening of the canal the necessity for restrictive legislation is even more imperative than it was two years ago. I have no patience with those who contend that we should postpone the consideration of the subject of railroad owned or controlled water lines until the canal has been in operation for a few years. Why should we delay action until the transcontinental railroads have, perhaps, acquired, at the cost of millions of dollars, steamships to engage in domestic commerce through the canal in fake competition with themselves? To obtain relief from Congress under such conditions, with the railroad steamships in full operation, would be far more difficult than to now definitely announce a policy by the enactment of the pending provision dealing with this subject. Fair and full notice would thus be given to the transcontinental railroads that they must not attempt this method of throttling competition. [Applause.]

The people of California have not appealed to Congress for protection against imaginary dangers. Their experience of 30 years with railroad-controlled water lines is responsible for the demand, voiced through the leading commercial organizations in every section of the State, that Congress, in the pending bill, provide against the possibility of the railroads impairing the value of the Panama Canal as a regulator of transcontinental freight rates. Let me briefly review the causes which have so influenced public sentiment on the Pacific coast.

Between 1877 and 1892 the Pacific Mail Steamship Line, which was carrying freight in alleged competition with the railroads between San Francisco and New York via the Isthmus of Panama, was paid a monthly subsidy by what was known as the transcontinental railway pool, ranging between $110,000 and $75,000, the amount of the subsidy for these 14 years reaching the enormous total of $14,555,000. These monthly payments were in part for space in the steamers of the Pacific Mail, which space was frequently not filled; but the object of the subsidy was attained, and California shippers were deprived of the benefits of water competition. After 1892 this direct method of controlling water traffic was discontinued. A congressional investigation in 1893 had exposed the methods of this railway

pool. The report of that special House committee, after pointing out how the payment of a monthly subsidy by the transcontinental railroads covering a period of 15 years had stifled competition via the Isthmian route, concluded by directing attention to the necessity of providing against similar abuses in the future, and this warning, sounded nearly 20 years ago, was strikingly prophetic of present-day conditions and needs with the canal nearing completion. Let me quote the significant concluding paragraph of this congressional report:

> Your committee can not refrain from calling attention to what seems an obvious deduction from the facts shown—that it is to the interest of the United States that the American people should absolutely control some outlet across the Isthmus at some point which shall be used for the benefit of American trade in general as an open and continuous competitor, affording no opportunity for entangling subsidies from great competing lines or chance of falling into the grasp of any monopoly through stock manipulation.

In 1893 the business men of San Francisco organized the North American Navigation Co., inaugurating a line of steamers between San Francisco and Panama. Fortunately there had been a rupture between the Panama Railroad Co. and the Pacific Mail, which made it possible for the new steamship line to make arrangements for through shipments to New York from San Francisco across the Isthmus.

Mr. MARTIN of Colorado. What year was that?

Mr. KNOWLAND. Eighteen ninety-three.

For 15 months this line operated, but was compelled to discontinue as the result of a relentless war made upon it by the transcontinental railroads. The cost of the maintenance of this line to the merchants of San Francisco was $300,000, but it has been carefully estimated that the savings in reduced freights for that period amounted to $10,000,000 to the State of California. For the period during which this line was in operation the railroads reduced both east and west bound freight rates on an average about 50 per cent, but the rates were again raised when this opposition was eliminated. I will say in this connection, that under my amendment to the commerce act adopted in 1910 that could not be done at the present time, but there is no law to prevent a railroad-owned steamship line from lowering the rates and again raising them.

Mr. RAKER. In other words, the railroads reduced their rates and drove them off the ocean, and then raised them again as soon as they were driven off?

Mr. KNOWLAND. Yes.

Mr. MARTIN of Colorado. Is the gentleman going to discuss present conditions with reference to independent water lines on the Pacific coast?

Mr. KNOWLAND. Yes; I am going into that.

Mr. MARTIN of Colorado. In competition with the transcontinental railroads?

Mr. KNOWLAND. Yes; I am going to take that up.

It may be urged that all this is ancient history and that similar practices have not been attempted in recent years. It is probably true that subsidies have not been paid. Under present laws the existence of such a railway pool would be impossible. It is charged, however, that indirectly the same results are now accomplished by the railroads as in the days when they resorted to more direct methods. About 1902 the Southern Pacific Railroad Co. obtained control of the Pacific Mail. This transcontinental railroad now holds 100,100 shares of the capital stock of the steamship company out of a total of 200,000 shares, a bare majority, but as effective for its purposes as if it held it all.

An analysis of the volume of freight moved by the Pacific Mail after the Southern Pacific acquired a controlling interest is significant. During the year 1903 the east-bound freight amounted to 28,882 tons. For a period of four or five years following 1902 the Pacific Mail had no opposition via the Isthmian route. The amount of freight carried eastward by this company gradually diminished, as shown by the records of the Panama Railroad Co., which I have before me, running down as low as 8,700 tons for the year 1909. There appears to have been no great effort put forth for east-bound freight. It is claimed that preference was always given to shipments for Central American ports. Twenty-six days was the schedule time between San Francisco and Panama, but the boats were generally late.

In January, 1909, the transcontinental railroads made a general and marked advance in freight rates which aroused Pacific coast shippers, causing them to look around for relief and impressing them with the necessity of obtaining genuine water competition. With the advance of the transcontinental rates the Pacific Mail, in conjunction with the Panama Railroad Co., owned by the Government of the United States, gave notice of an intended increase. The shippers of California, through Mr. William R. Wheeler, then Assistant Secretary of Commerce and Labor, protested against this synchronical and sympathetic advance on the part of the water carriers. The matter was taken before the Secretary of War, and his attention directed to the fact that the Panama Railroad Co. was purchasing ballast at Colon for its steamers for every trip north bound, but in face of this fact the management of this company had decided to raise rates and continue to buy ballast when a lower rate would have resulted in an increased freight movement, obviating the necessity of purchasing ballast. Secretary of War Wright, upon the showing made, directed that there be no advance in rates, and, as a matter of fact, a reduction was made, a flat rate of $8 per ton for all east-bound freight going into effect. This action, resulting in a greater differentiation between water and rail rates, making the water route more attractive to shippers, stimulated the east-bound freight movement, which increased in 1910 to 33,482 tons, as compared with 8,700 tons for the fiscal year ending June, 1909.

In 1911, with the California-Atlantic Steamship Line in the field, operated in genuine competition with the Pacific Mail, the east-bound freight movement for that fiscal year increased to 105,577 tons, of which the Pacific Mail carried 47,892 and the California-Atlantic 57,685 tons. This competing company put on a direct line of steamships to Panama, forcing the Pacific Mail to follow suit. Prior to this time it had taken the Pacific Mail steamers between 26 and 30 days to make the run to Panama owing to the numerous calls at Central American ports. With their direct line they cut the time to 12 days. The California-Atlantic Line was fast becoming too formidable a competitor and the necessity of driving this rival off the ocean became apparent. Casting about for an effective method it was determined to temporarily reduce rates to a figure that would be unprofitable, the railroad-owned line, backed by strong financial interests, being certain that it would survive the war. The Pacific Mail had always claimed that an $8 rate was unremunerative, but in face of all previous contentions the rate was lowered to $5.

Mr. MICHAEL E. DRISCOLL. Five dollars between what two points?

Mr. KNOWLAND. Between New York and San Francisco.

Mr. MARTIN of South Dakota. I was about to ask that, but the question of the gentleman from New York has covered the point on which I desired information.

Mr. KNOWLAND. This reduction to $5 resulted in a telegraphic protest from the traffic bureau of the Merchants' Exchange of San Francisco.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. KNOWLAND. Yes.

Mr. MARTIN of Colorado. The gentleman said the Southern Pacific Railroad proposed to put on through the Pacific Mail Steamship Co. a $5 rate for the purpose of crushing out the independent competitor—the California & Atlantic Steamship Co. I presume the gentleman will agree with me that a $5 rate would crush out the independent company.

Mr. KNOWLAND. I think it would have made it very hard for them to continue.

Mr. MARTIN of Colorado. Will not the gentleman concede that that would be a hard rate for the transcontinental railroad?

Mr. KNOWLAND. I will ask the gentleman to defend the railroad in his own time.

Mr. MARTIN of Colorado. Does the gentleman think the railroad could meet a $5 rate?

Mr. KNOWLAND. You will always find them able to take care of themselves.

Mr. MARTIN of Colorado. Will the gentleman permit a further question?

Mr. KNOWLAND. Yes; if it is brief.

Mr. MARTIN of Colorado. Mr. Wheeler said that an $8 a ton rate was satisfactory to our shippers, and no shipper, as far as my knowledge goes, has asked for a $5 a ton rate. Now, bearing in mind there was already an $8 per ton rate, the statement was further made by Mr. Wheeler that after the completion of the Panama Canal that the shipping traffic would not have to give up one-third——

Mr. KNOWLAND. Did the gentleman rise to ask a question or to repeat a part of his speech? I have promised certain time to gentlemen on this side, and I have only a given time. I am willing to yield for a short question at any time, but I do not want gentlemen to take up my time, not that I have any personal objection, but it will be taking the time of other gentlemen.

Mr. MARTIN of Colorado. I will be as brief as possible; I have no desire to encroach on the gentleman's time with a long question. As I said, Mr. Wheeler stated that the water traffic would not have to give up one-third of the earnings to the rail-

road when the Panama Canal was completed. Now, the gentleman knows as well as I do that that means with free tolls of water transportation they could make a $5 rate through the Panama Canal.

Mr. KNOWLAND. I have not entered into the question of tolls; I am discussing section 11. The gentleman can discuss the question of tolls when we get to it. If he has anything to say on the railroad provision of the bill I would be glad to answer him.

Mr. MARTIN of Colorado. I wanted to ask whether on that state of facts the railroads could meet that rate.

Mr. KNOWLAND. They will take care of themselves.

Responding to this appeal from the San Francisco Traffic Bureau, the Government of the United States, a connecting carrier, refused to allow this temporary reduction, the object of which was so palpable, and compensatory rates were established. With the canal completed and open to traffic and the United States no longer a cocarrier, the Government could not promptly and effectively meet a similar situation.

As the day approached for the Panama Canal to be opened to traffic it was to be expected that transcontinental railroad interests would study with the greatest care the probable effect of this all-water route upon transportation by rail. It was likewise realized that if the shrewd and farsighted men in control concluded that the canal was likely to become a dangerous competitor they would cast about for a method whereby its effect might be neutralized. That a carefully devised plan of neutralization has been determined upon is the opinion of commercial organizations on the Pacific coast and elsewhere, who have been keeping in close touch with the situation. This brings us to a discussion of the present-day activities of the Pacific Mail Steamship Co. and a study of its plans for a line of steamers to be operated through the canal.

This company, a majority of whose stock is held by the Southern Pacific Railroad, announces its intention of building four new steamers of 37,000 tons displacement, carrying about 500 passengers and 10,000 tons of freight, the cost of each steamer to be $3,000,000, a total investment for the four steamers of $12,000,000. These steamers, if built, are to operate between New York and Pacific coast ports through the canal, then proceed to the Hawaiian Islands, Japan, the Philippines, and finally Hongkong. The people of the Pacific coast do not object to railroad-owned steamships engaging in foreign trade, and a line to the Orient, to South America, or to any other foreign port is desirable, but they do emphatically protest against using this foreign line as an instrumentality to neutralize the beneficial effects of the Panama Canal as a competitor of the transcontinental railroads, which they fear is the purpose of the Pacific Mail Steamship Co. The evidence before our committee strengthens this belief. According to the managers of the Pacific Mail, the money centers of New York refuse to finance the building of these ships if Congress adopts any provision against railroad-controlled lines. We must not mention the word "railway" or Wall Street will not advance one dollar. The frankness of the vice president and general manager of the Pacific Mail, Mr. R. P. Schwerin, who appeared before our committee, was certainly commendable, although somewhat startling. Let me read from the testimony, so that the House may judge for itself as to the accuracy of my statements:

The CHAIRMAN. You don't propose to monopolize the ports and terminal facilities of any port in the world, or conspire with others to do that?

Mr. SCHWERIN. If I was big enough to do that I would be master of the world.

The CHAIRMAN. It is not your intention to do that?

Mr. SCHWERIN. No, sir.

The CHAIRMAN. Then, if it is not, how can it hurt you if we simply enact a statute prohibiting those things only?

Mr. SCHWERIN. It won't hurt at all, Mr. Chairman, if you leave out the word "railway."

The CHAIRMAN. How can we distinguish between railroads or ships unless we say the railways, ships, or any other person or corporation?

Mr. SCHWERIN. That is all right, but leave out the word "railway."

* * * * * * *

The CHAIRMAN. Why strike out the word "railway," if you can get finances enough, if you are not guilty?

Mr. SCHWERIN. You can not build ships without money, sir.

* * * * * * *

Mr. CULLOP. Now, then, if they require that the word "railway" be left out of there, they mean to have some advantage by it. They mean to claim that a person, that some person or by some other name, lets the railroad escape. This puts the railroad in or any other person, association, or corporation.

Mr. HAMLIN. But if a railroad owns ships and does not violate the provisions of this act, it does not hurt them any.

Mr. SCHWERIN. You would not get any money under this bill.

Mr. HAMLIN. If a railroad intends to obey the law, then no reasonable man can assert that they will be hurt any by this law, can he?

Mr. SCHWERIN. I don't know, sir, whether you have tried to raise any money for a venture on the ocean, but my idea is this: That if there is anything in this bill that would cause any criticism as to the future safety of the investment, let the merit of the investment or its operation stand on the soundest basis, you will not interest capital. The fact that there is any doubt will make it an undesirable investment and unpopular with investors. Any American marine venture is doubtful enough in itself.

There are those who will be only too delighted if I fail. If I fail they will congratulate themselves, and I am here making this fight cleanly, as an American, to keep our flag on the ocean, and they do not want me to succeed.

Mr. HAMILTON. If you were divorced from the Southern Pacific Railroad—your company—couldn't you raise money just as well?

Mr. SCHWERIN. No, sir; I couldn't get $1.

* * * * * * *

Mr. CULLOP. Did you go to the people, in your application for a loan, who are interested in the Southern Pacific Railroad?

Mr. SCHWERIN. Interested in the railways of this country, I suppose, directly or indirectly. I haven't the slightest idea what their interests were in the railways.

This testimony is illuminative and should impress upon the House the wisdom of providing in this bill, as the committee has done, against the ownership by railroads of competing water lines. The provision does not debar railroads from owning steamships engaged in foreign trade. The inhibition applies only to water lines engaged in interstate commerce which compete for traffic with the railroads by which they are owned or controlled. Can it be questioned that a railroad controls a water line under these circumstances with any other object in view than to minimize competition?

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. KNOWLAND. Yes.

Mr. HUMPHREY of Washington. What the gentleman has been saying has suggested a question to me that I have not seen discussed anywhere in any of these hearings, and that is, Is there anything in the bill now before the House that would prevent the Canadian Pacific Railway, which has its terminals at Boston and New York, and also at Seattle, as well as at Vancouver, from owning ships and running them through the canal? They already have several ships heavily subsidized by the British Government. Is there anything now that will prevent them from having the privilege that you propose to take away from a competitive American line? Perhaps I did not state that exactly, because they would not be permitted to stop on the coast, but on the line that you propose they could start from Vancouver, bring their vessels around through the canal, come to New York, load from their own wharf, and go back the other way, which is practically a coastwise trade.

Mr. KNOWLAND. Of course, no Canadian line can enter directly into coastwise trade. I have heard the same question raised that the gentleman has just asked. My answer to that would be this: We have a condition in our own country to meet first, and I believe that we should now face that situation. If in the future it develops that Canadian railroad-owned lines are doing the same things that our railroads have done in the past, I believe then Congress can meet the situation which then arises, but for the present I think that we should at least see that our own house is set in order and that our shippers are protected. In my opinion, section 11 covers Canadian railroad-owned steamship lines, as these lines all come under our Interstate Commerce Commission.

Mr. HUMPHREY of Washington. Does not the gentleman think that we ought in this bill at the same time make the same prohibition against foreign railroads that we do against our own?

Mr. KNOWLAND. Some question our right to do it under the treaties. There is no question as to our right to regulate our own interstate commerce, and let us do at once that about which there is no question.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. KNOWLAND. Yes.

Mr. HARDY. Mr. Chairman, I need not say that I am thoroughly in accord with the purpose of this amendment, as the gentleman knows from our past conversations, but is there anything in this section 11 that will prevent the same individuals from organizing and owning stock of a railway company, on the one hand, and organizing and owning stock of a ship line, on the other? Is there any way of preventing that?

Mr. KNOWLAND. If the gentleman will read the bill, I think he will find there is. As I recall it, it provides against stock ownership also. That is correct, is it not, I will ask the gentleman from Minnesota [Mr. STEVENS]?

Mr. STEVENS of Minnesota. Yes.

Mr. TOWNER. The language is:

By stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner.

Mr. HARDY. But that is an inhibition that is directed solely to the company, and the same stockholders may be the owners of both companies. You prevent a railway company from owning stock in a water line, but you do not prevent the

same stockholders that own stock in a railway company from owning stock in a water line.

Mr. KNOWLAND. We prevent any control, directly or indirectly; and I think that would cover it. As far as I am personally concerned, if the gentleman can frame any amendment that would strengthen the language, I should be very glad to give it my support.

Mr. HARDY. I am afraid your language is so indirect that it will not affect the purpose.

Mr. KNOWLAND. If the gentleman can make it any stronger, he will have my support.

Mr. RAKER. The proposed amendment reads as follows:

From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner).

Would not that cover just the things the gentleman has suggested?

Mr. KNOWLAND. I am inclined to believe that it would.

Mr. HARDY. I will study over that and see if I can not improve the language, but I think the gentleman is mistaken.

Mr. MICHAEL E. DRISCOLL. Would that mean that an ordinary man could not own a little stock in one company and still have a little in the other?

Mr. KNOWLAND. I do not think that it goes as far as that.

Mr. HARDY. Just one moment. I do not think that a railroad company would be owning an interest in a ship line because one of its stockholders owned an interest in a ship line; and if the railroad company would not be owning any interest in a ship line because its president owned an interest, then it would not own it by stockholders, because the railroad does not own what its stockholders own.

Mr. KNOWLAND. I hope the gentleman will give that careful study and correct it if he can.

Mr. CULLOP. Mr. Chairman, the gentleman from California [Mr. RAKER] did not read all of the provision upon this subject, and I will insert the section:

From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Mr. KNOWLAND. It is claimed that the Pacific Mail Line would be in competition with other water lines operating through the canal, and consequently could not stifle competition. With the knowledge that one of the most powerful transcontinental railroads controlled a line of fast steamers of large carrying capacity and with the history of the throttling of water competition on the Pacific coast during the past 35 years fresh in mind, would investment in a competing line through the canal be attractive? How long would the opposing line survive a rate war?

It has been suggested that to place all water carriers under the control of the Interstate Commerce Commission would solve the problem of regulating Panama Canal traffic, and I will say, in justice to Mr. Schwerin, that he is willing that the steamers of the Pacific Mail be placed under the jurisdiction of the commission. This suggestion opens up a big question. There has always been strong opposition on the part of shippers against placing water lines in port-to-port traffic under the control of the Interstate Commerce Commission. In attempting to regulate water rates the commission would find conditions vastly dissimilar to those which obtain as to rail rates. Railroads must secure rights of way, and the building of a road, exclusive even of its equipment when completed, involves the expenditure of millions of dollars. Conditions make railroads natural monopolies. They control the rails. When in former years they combined and fixed rates the public had no redress. In marked contrast the ocean is an open highway. No right of way can be obtained. Steamers can be chartered with small capital. The movement of crops and many other conditions influence charters. The tramp is an important factor.

For the commission to attempt to regulate rates under these varying conditions would present almost insurmountable difficulties. Having in mind conditions likely to arise with the opening of the canal, with special reference to the governmental control of railroad-owned ships, the President recently referred to the commission the question of placing water carriers under its jurisdiction, hoping this might solve the problem. It was the unanimous opinion of the commission that the most effective way of meeting the situation would be by a statute prohibiting the ownership by railroads of water lines with which they compete for traffic. Under these conditions it seems to me that Congress can well afford to accept the recommendation of the commission, which, through long experience in dealing with these problems, is better qualified to pass intelligent judgment upon the questions involved than any other body or individual.

In discussing section 11 I have dealt with the situation in California only, but it is well known that in many other sections of the country similar conditions exist, and there could be cited innumerable illustrations on the Great Lakes, the Atlantic and Gulf coasts, and along our largest rivers where railroads are controlling water lines with but a single object in view. It seems to me that conditions throughout the country warrant legislation as drastic as proposed. With the opening of the canal the necessity increases. The hour is at hand for the announcement of a definite policy on the part of the Government of the United States relating to the control of competing water lines by railroads. [Applause.]

While the minority in its report has set forth at some length its views favoring free tolls for American ships engaged in commerce between the States, I nevertheless desire before concluding to briefly discuss several phases of this important question. It is a fact worthy of the notice of the House and country that in all the wide discussion touching our right, under the Hay-Pauncefote treaty, to favor our coastwise ships in the matter of tolls, that the only voices raised to question this right have been those of Americans. Every department of this Government from which an expression has been had upholds the position of the minority in its interpretation of the treaty. If Members will examine the CONGRESSIONAL RECORD of February 25, 1911, a little over one year ago, which contains the debate upon the question of our right to fortify the canal, they will find that this same Hay-Pauncefote treaty was then conveniently quoted, and the assertion made by speaker after speaker opposed to the policy of fortification, that by the language of this treaty with Great Britain we had surrendered our right to fortify the Panama Canal, built by American money and American skill and upon what is practically American soil.

Mr. STEVENS of Minnesota. May I interrupt the gentleman a moment?

Mr. KNOWLAND. Yes.

Mr. STEVENS of Minnesota. Is there anything in that debate showing that at the time of the negotiation and ratification of the Hay-Pauncefote treaty that Secretary Hay, on behalf of the United States, and the British foreign office, through the foreign minister, Lord Lansdowne, both agreed, under the treaty as it stands, the United States did have a right to fortify?

Mr. KNOWLAND. That was disputed in the debate. I have the Senate document, published several years ago, which contains copies of the correspondence between the representatives of the United States and Great Britain, and I find no such acknowledgment on the part of England of our right to fortify.

Mr. STEVENS of Minnesota. I presume the gentleman would like me to put the language in the RECORD?

Mr. KNOWLAND. In the gentleman's own speech.

Mr. STEVENS of Minnesota. I will do that.

Mr. KNOWLAND. Gen. Keifer, for instance, a former and able Member of this body, who led the fight against the erection of fortifications, after calling attention to the action of the Senate in voting down several amendments while the treaty was pending reserving to this Government the right to fortify, said:

Nothing can be more conclusive of the Senate's understanding and desire that this treaty forbid fortifications, even though the canal should be built at the expense of the United States.

But we are now fortifying the canal, for Congress wisely decided by a large majority upon that policy. Again we find that Americans, not Englishmen, are flaunting this same treaty in our faces and proclaiming that we have by this instrument waived our right to regulate our domestic commerce. By the provisions of this bill, as has been clearly pointed out, we hasten, for fear that some doubt may exist in our favor, to declare in express terms that we surrender even before we are asked. Such an attitude seems indefensible. [Applause.]

For the benefit of our American friends who appear so anxious to interpret the Hay-Pauncefote treaty to mean that we are estopped from favoring American coastwise shipping in the matter of canal dues, I desire to quote some British authorities who take directly the opposite view. The London Morning Post, one of the leading papers of Great Britain, early in January of this year published a series of articles dealing with the question of canal tolls, taking the ground that there was a question as to whether our Government had the right under the treaty to favor American ships in the foreign trade.

As to the coastwise trade, our right, they declared, was unquestioned. Editorially this paper said:

The proposal—the free use of the canal to American ships in the coastwise trade—does not really concern other countries, since the coasting trade of the United States is already restricted to native shipping.

Probably the most eminent British authority in shipping matters, Sir Owen Philipps, president of the combined British steamship lines, including the Royal Mail, the Pacific Steam Navigation Co., and Lambert & Holt, all engaged in business with the Atlantic and Pacific coasts of South America, said in an interview:

As regards American ships trading exclusively between United States ports on the Atlantic and the ports of that country on the Pacific—trade which is exclusively confined to steamers built in the United States—British vessels would not be adversely affected if in this case United States ships were allowed to pass through the canal free of dues.

Another English shipping expert, who did not desire his name used, was quoted in the Post as follows:

Practically all the American shipping is now engaged in the coastwise business, and whether they are able to carry goods a little cheaper does not matter to us in the least. Any reduction in the canal dues—

Now mark carefully the words which follow, for, in my opinion, they prove that this Englishman was exceptionally well posted as to conditions in the United States and familiar with the real influences at work—

will only enable the shippers to compete with the transcontinental railways of the United States. That, I believe, is the point of the whole thing.

If the shipping interests of England are not complaining, as these articles in the London Post go to prove, why such anxiety in the United States? What influences are so solicitous over "our solemn treaty obligations"? I need not answer.

In the early history of railroad building this Government, in an effort to encourage capital to construct lines across the continent and thus bring the Atlantic and Pacific coasts into closer commercial and political union, made enormous land grants to these transcontinental railroads; the Union Pacific and the various branches receiving, according to the Department of the Interior, 19,136,991.84 acres. The Central Pacific Co. received 6,300,865.69 acres; the Sioux City & Pacific Co., 42,601.95; and the Northern Pacific, 33,279,866.99, a grand total for these transcontinental roads of 58,760,326.47 acres, the present value of which runs into the billions. I am not criticizing the policy of the Government in making these grants, for the building of the roads was necessary, and without this aid would unquestionably have been postponed, but a charge emanating from these sources that free tolls would be a Government subsidy to shippers and shipowners comes with poor grace. [Applause.]

The minority contends that there is no more excuse or reason for charging a toll upon American ships that will pass through the canal engaged in commerce between the States than to impose a charge upon American craft using the waterways of the country upon which our Government has expended $627,098,236 in improving. In this connection I wish to publicly commend the consistency of one Member who joined in the majority report, Mr. MARTIN of Colorado, for on March 20, after the majority report had been submitted and coincidently upon the very day that the views of the minority were presented, he introduced House bill 22142, which I hold in my hand, providing for the levying of a toll upon all water craft, excepting only rowboats, making use of any navigable waters of the United States upon which the Government has heretofore expended or shall hereafter expend money upon improvements. He includes rivers, harbors, lakes, bays, and creeks, as well as canals. If we are going to inaugurate this policy at Panama, then why not pass Mr. MARTIN'S bill? We will at least be consistent.

Some of our friends from the interior express alarm lest free tolls would benefit the Coast and Gulf States, or those immediately adjacent, to the disadvantage of their sections. This argument has been advanced for the purpose of arraying the interior of the country against the proposed policy. In my opinion no Representative from an interior State can read the decision of the Interstate Commerce Commission in what is known as the Reno case without becoming convinced that the history of rate making as reviewed in that report bears out the contention that water rates are invariably reflected into the interior. On page 355 of that report (Opinion No. 1623) the commission says:

It is the admission of the carriers themselves that the rates which they make from Chicago to the Pacific coast terminals are established in order that the manufacturers and jobbers of the West may compete on a level with the jobbers and manufacturers who have the advantage of a location on the Atlantic seaboard.

Mr. STEVENS of Minnesota. Does not the gentleman know that the whole system of rates has practically been abolished by the Interstate Commerce Commission?

Mr. KNOWLAND. I do not. Rates will continue to be regulated by water competition, regardless of their decision.

Mr. STEVENS of Minnesota. Did not the Interstate Commerce Commission state in its report and in its decision made only a few weeks ago that the whole system of blanket rates will be practically abolished under the long-and-short-haul clause? And if that is true, the gentleman himself must realize the railroads can not reduce their coast rates to compete with the water rates.

Mr. KNOWLAND. I do not think there is any doubt in the world the railroads will always meet the water rates, as they have for the past 30 or 40 years.

Mr. STEVENS of Minnesota. Does the gentleman think that the intermediate territory, the mountain territory, the interior territory, is going to permit the coast to recoup by making higher rates into the interior?

Mr. KNOWLAND. I know this: We are now shipping by water from New York into Montana by using water and rail, and the lower the toll rate the greater will be the advantage to the interior. We can get along on the coast. The toll will affect the interior country and determine how much benefit they will receive from the Panama Canal.

Mr. STEVENS of Minnesota. Does not the gentleman know that that very class of rates are those that have been condemned by the Interstate Commerce Commission as contrary to the long-and-short-haul clause, and they will not be allowed to continue, and will be abolished before the Panama Canal will have any effect?

Mr. KNOWLAND. I think the gentleman is in error.

Mr. STEVENS of Minnesota. All the gentleman has to do is to read the decision in the case.

Mr. KNOWLAND. I have read the decision very carefully.

Mr. HUMPHREY of Washington. The gentleman speaks of shipping as far east as Montana. I want to call attention to the fact that we are now sending certain products down the coast, across the Isthmus, up to Philadelphia, and back as far west as Duluth, to compete with rail rates from Seattle to that point—back to the center of the country.

Mr. KNOWLAND. Again, on page 364 of this same opinion:

From the date of the first transcontinental tariff that we have upon the files of the commission Chicago has never paid a higher rate to reach a Pacific coast terminal than has New York, either upon classes or commodities. The water competition of the seaboard has never been strong enough since 1887 to compel a reduction of rates from New York which the lines out of Chicago did not feel fully justified in meeting at that point.

Many manufactured articles that would find a Pacific coast market are not produced directly on the Atlantic or Gulf coasts, but at interior points, and the rate of toll might be a determining factor in making it possible to reach these markets. Pacific coast products, including citrus fruits, could reach interior points at reduced freight rates with free tolls, to the advantage of the consumer. I will frankly admit that any toll within reason would probably not prevent the two coasts from using this water route. But the toll may limit the opportunity of the producer or manufacturer in the interior to reach the coast, or, on the other hand, to purchase certain water-borne products.

It is claimed that a toll of $1 per net register ton would amount to only between 40 or 50 cents an actual ton, and would be such a small tax as to be negligible. This line of reasoning is tantamount to a declaration that a tax is not a burden, and I am inclined to refer this question to my Democratic colleagues in the hopes of starting something. In this connection, however, I would call attention to the fact that all ships will be charged upon their net registered tonnage, and that in many instances, according to figures which I have obtained, they go to sea loaded to less than their net register capacity, and this would increase the toll proportionately upon the freight actually carried. In short, the figures which I have obtained refute the statement that a rate per net registered ton would result in a lower rate for freight actually carried. At $1 per net registered ton, according to these figures furnished me by one of the witnesses who testified before our committee, of sailings from Boston, it is shown that this rate, instead of amounting to but 50 cents per actual ton, averages from $1.25 to $2.50 per ton of freight carried.

Mr. MADDEN. If the gentleman will permit, I want to know if it is a fact that the net registered tonnage is only about half the average tonnage of the commodities carried in a ship.

Mr. KNOWLAND. I think that is entirely incorrect. For instance, you take in a case of lemons and oranges——

Mr. MADDEN. I am talking about the average now.

Mr. KNOWLAND. I have a list here which I will put in the RECORD, which shows that, taken on the average, the ships—and this is a list of those sailing from Boston—carried less actual cargo than their net register capacity.

The tabulation is here given:

Line.	Year.	Number of sailings.	Net registered tonnage.	Average cargo carried.	Assumed rate per net register ton.	Corresponding rate per ton weight carried.
Cunard	1909	27	9,075	3,790	$1.00	$2.50
Cunard (8 months)	1910 / 1911	28	9,075 / 11,200	4,000	1.00	+2.50
Warren	1910	16	3,275	3,405	1.00	.95
Leyland, Liverpool	1910	62	6,100	4,586	1.00	1.32
White Star, Liverpool	1910	27	8,000	2,830	1.00	2.82
Leyland, London	1910	35	3,500	3,000	1.00	1.17
Leyland, Manchester	1910	24	3,210	2,800	1.00	1.14

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. KNOWLAND. Yes.

Mr. MARTIN of South Dakota. The net registered tonnage is based upon the basis of 100 cubic feet, is it not, to the registered ton?

Mr. MICHAEL E. DRISCOLL. It is exactly 100 cubic feet.

Mr. MARTIN of South Dakota. Did not our expert witnesses, Dr. Johnston and Mr. Chamberlain, of the Bureau of Navigation, and other witnesses, substantially agree that the net registry ton of 100 cubic feet, with an average cargo, meant practically double that tonnage in actual cargo?

Mr. KNOWLAND. They said in some cases—if the ship was full. If it was not full, you would pay on the net register capacity of the ship. There are many other commodities on which it costs more for each ton because of the bulk. For instance, on pig iron you could get more tons in a net registered tonnage of a ship's space.

Mr. MARTIN of South Dakota. Is this not a fair synopsis of the testimony, that, taking one tonnage with the other and in the passing of commerce the ships in usual course, they carry practically double the tonnage of actual freight represented by the net registered tonnage?

Mr. KNOWLAND. That was Dr. Johnston's statement.

Mr. MARTIN of South Dakota. Was there any dispute of that in the testimony?

Mr. KNOWLAND. There was none of us who knew anything about it.

Mr. MARTIN of South Dakota. And Mr. Chamberlain said the same thing.

Mr. KNOWLAND. Practical operation is what we have to consider, and I have taken an average of ships, which I think is a good test.

Mr. MICHAEL E. DRISCOLL. You have taken certain ships that are satisfactory to your side?

Mr. KNOWLAND. I have taken actual ratings from Boston.

Mr. ESCH. In view of the fact that citrous fruits are now being shipped by fast routes and can be diverted en route, do you anticipate that much citrous fruit will be carried between the Atlantic and Pacific seaboards by sea?

Mr. KNOWLAND. They figure there will be a considerable amount carried in vessels which have cold-storage facilities. There may not be as much as many people imagine, I admit, but there will be a large movement in vessels properly equipped, and the fruit will reach a territory quite a way inland.

Mr. ESCH. But it would be rather confined to the coast lines, would it not?

Mr. KNOWLAND. It would reach quite a way into the interior, I think.

Mr. ESCH. You know that you can go a good many miles in a day by fast freight.

Mr. KNOWLAND. You would have a diversion from New Orleans, which would supply a large southern country; and from Boston, and from Philadelphia.

Congress at this session will consider no legislation of greater importance or more far-reaching in its effect. The bill provides for the operation of this great canal, the most gigantic engineering project of the age, and upon the form of the legislation will depend in some measure at least the success, commercially, of this mighty enterprise. It is generally conceded that we can expect little from our foreign trade under present conditions, for we have practically no ships. To-day we carry scarcely 9 per cent of our ocean commerce, foreign ships carrying 91 per cent. We have some coastwise shipping which we should seek to increase, but there are those who would destroy even this remnant of a decadent merchant marine. The pending legislation, in the opinion of many who have given careful study to this question, offers an opportunity for Congress to aid our merchant marine and in small measure at least revive the shipbuilding industry. This can be done, and the revenues from the canal, as has been clearly shown by the testimony, be still sufficient to pay more than double the expenses of operation and maintenance. It is squarely up to Congress whether we will grant to the United States the fullest possible measure of advantage incident to the opening of this American canal or permit foreign nations to reap all the benefits, conceding to them now, as we must, the greater share. I am proud to raise my voice and cast my vote in favor of according to American citizens every opportunity the canal offers for the development of domestic or foreign commerce, and if a doubt exists, as some contend, touching our right under the treaty to so favor our own citizens, instead of voluntarily coming down and surrendering, like Davy Crockett's coon, I for one would at the outset give to the United States the benefit of the doubt. [Applause.]

Mr. MADDEN. I would like to ask the gentleman a question right there as to the statement which he makes to the effect that he is in favor of giving equal opportunity to every American citizen, in view of his opposition to allowing ships owned by railroads to pass through the Panama Canal.

Mr. KNOWLAND. I would not be in favor of treating any American citizen equally if I thought he was endeavoring to stifle legitimate competition.

Mr. MADDEN. The gentleman has no right to suppose anybody would do that.

Mr. KNOWLAND. The resolutions and telegrams are as follows:

RESOLUTIONS AND TELEGRAMS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS THROUGH THE PANAMA CANAL FOR AMERICAN SHIPS ENGAGED IN COASTWISE TRADE AND AGAINST THE USE OF THE CANAL BY STEAMSHIP LINES ENGAGED IN INTERSTATE COMMERCE WHICH ARE OWNED OR CONTROLLED BY RAILROADS WITH WHICH THEY COMPETE FOR TRAFFIC.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

—

Resolutions adopted at a meeting held in Washington December 6, 1911, composed of delegates representing civic and commercial bodies of the Pacific coast, cities on the Gulf of Mexico and the Atlantic coast, and the cities of Philadelphia, Newark, Trenton, Richmond, Buffalo, St. Louis, Cincinnati, and Pittsburgh:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in time of war, and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope, on the one hand, and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the conference for Panama Canal free tolls for American coastwise commerce strongly and urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

—

The Boston Chamber of Commerce adopted resolutions similar to the above.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal., October 2, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural

methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and, incidentally, to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

—

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C., January 18, 1912:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity;

"*Resolved*, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal: *Provided*, That when such vessels are owned, controlled, or operated, directly or indirectly, by any land transportation line or lines, no preferential tolls shall be granted to the vessels so owned, operated, or controlled."

Resolutions adopted by the Navy League of the United States at convention held in city of Washington, February 23, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy—amongst other things of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; and of encouraging the upbuilding of our merchant marine, which has practically disappeared from the foreign trade: Be it

"*Resolved*, That although it is the sense of this meeting that the question of tolls through the Panama Canal is one beyond the scope of this league's present activities, yet be it further

"*Resolved*, That as we believe the war-time efficiency of our Navy will depend, in part, on the existence of a fleet of merchant vessels available as naval auxiliaries, we heartily approve of any legislation directly or indirectly aiding in building up the American merchant marine, and we believe that if Congress in its wisdom, deems it advisable to levy tolls, that these tolls should be returned to the ships, either in the coastwise or foreign trade, for the purpose of assisting in rehabilitating that merchant marine."

—

Resolution adopted by Philadelphia Chamber of Commerce, December 14, 1911:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

—

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense; to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries; to prevent monopoly of means of transportation between the various sections of the Union; and to provide such transportation to the people of the United States at the lowest possible cost; to build up and expand commerce with foreign nations; and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

"Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now therefore be it

"*Resolved by the following civic bodies of the State of Washington, viz: The New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled*, That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate commerce laws a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.' Be it further

"*Resolved*, That a copy of these resolutions be sent to each Senator and Representative of the States west of the Rocky Mountains and of the States bordering on the Atlantic and Gulf of Mexico and of the States in the Mississippi and Missouri River Valleys, and that these resolutions be accompanied by a request to the Senators and Representatives of the State of Washington to support and vote for such arrangement of tolls."

—

Resolutions adopted by New Orleans Progressive Union, February 9, 1912:

"(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

"(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

"(3) In the fixing of tolls for vessels passing through the Panama Canal the President shall have the right to reduce tolls to meet competition or other conditions that may arise, after 90 days' notice.

"(4) If the conditions at any time be found that the canal should be entirely free, that the rebate referred to in section 2 shall nevertheless continue to American vessels."

—

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911:

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we approve of amendments to the present interstate-commerce laws provisions prohibiting railroads under their jurisdiction from owning or controlling ships engaged in the trade through the Panama Canal, to the effect that the people of the United States may have the benefits resulting in competition between the Atlantic and Pacific seaboards, for which purpose this canal was primarily intended."

—

Resolutions adopted by the Merchants' Association of New York, March 5, 1912:

"Whereas the United States, by act of Congress, passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be and hereby is approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic

coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

—

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved*, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests, and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved*, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

—

Resolutions adopted by the Maritime Association of the port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved*, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

—

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved*, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved*, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports passing through the Panama Canal as coastwise commerce of the United States and free of tolls, and if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry."

—

Resolutions adopted by the resolutions committee of the Waterway Conference of the Southern Commercial Congress, and unanimously approved and adopted by the Southern Commercial Congress at its convention at Nashville, Tenn., on April 10, 1912:

"We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coastwise commerce free of toll and the prevention of the use of the canal by any steamship line owned or controlled by a railway or any monopolistic interest.

"We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships under the American flag."

—

Resolutions passed at meeting of the Mobile (Ala.) Chamber of Commerce and Business League, held Monday, March 18, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; to provide, through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through this canal to vessels coastwise flying the American flag: And be it further

"*Resolved*, That we heartily approve the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting, as a wise amendment to the interstate-commerce law, a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

—

Resolution adopted by Board of Trade of Tampa, Fla.:

"Whereas the Government of the United States has expended nearly $700,000,000 for the improvement of rivers and harbors and the construction of canals, and by act of Congress, passed 1884, declared as follows: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas the Panama Canal was built by American money, American genius, and American enterprise, and with the understanding by the American people that the canal would be operated for their benefit, primarily because of the military and economic necessities of the entire United States and for commercial benefit of the whole country; and

"Whereas the imposition of tolls or charges for the use thereof of American boats engaged in American commerce would in many instances prohibit the shipping of American products from coast to coast, the interchange of products of the Pacific and the Atlantic and the Gulf, therefore defeating the very ends for which the American people indorsed the tremendous project and the expenditure of nearly a half billion of American dollars in the building of the Panama Canal: Therefore be it

"*Resolved by the board of governors of the Board of Trade of Tampa, Fla., in session April 24, 1912*, That we object and protest in strongest terms against this language in section 5 of the House bill 21969: 'No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or its subjects, other than to vessels belonging to the Government of the United States.' And be it further

"*Resolved*, That this section of the bill be so amended that preferential treatment may be accorded American vessels of commerce, or at least those engaged in the coastwise trade; and be it further

"*Resolved*, That public interest demands the passage of section 11 of said bill, so that the relations between carriers by water and carriers by rail may be established on a proper basis.

"[SEAL.] "F. C. BOWYER, *President*.

"Attest:

"W. B. RIVELL, *Secretary*.

—

MARCH 16, 1912.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

"(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal, and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States.

"Under the decision of the United States Supreme Court on the so-called commodities clause in the interstate commerce act, in the case of United States *v.* Delaware & Hudson Co. (213 U. S., 366), we believe there can be no doubt as to the legal right of the Government to compel a railroad to sell its holdings in a steamship line. We can find no valid reason in governmental policy against this recommendation. The inevitable result of permitting railroads to own, operate, or control competing steamship lines through the Panama Canal, as shown by the history of the coastwise traffic of this country, will be to crush out every independent line, to give to the railroads the control of the Panama Canal and consequently to keep freight rates higher than they normally would be. We would refer in this connection to the decision of the Interstate Commerce Commission in the case of Railroad Commission of Nevada *v.* Southern Pacific Co. (21 I. C. R., 329), decided on June 22, 1911, in which case the history of steamship competition in this country is fully explained.

"(2) We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

"Under the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., 332) it is clear that the United States may carry out this recommendation. The provision in section 1 of article 3 of the Hay-Pauncefote treaty to the effect that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise"—whatever the full effect thereof may be—certainly does not apply to coastwise traffic for the reason that as American vessels may alone engage in such traffic there can be no question of discrimination as against the vessels of other nations. The Olsen case squarely sustains this position.

"The remission of tolls on vessels engaged in the coastwise trade will make it possible for them to lower to that extent the freight rates which they would otherwise have to charge, and in this way the American people will secure a reduction in freight rates to which they are clearly entitled as the result of the tremendous sums which they have expended in the construction of the canal.

We use the words "American people" advisedly. We do not concede that the lower freight rates between coast points brought about by water competition through the canal can in any wise injure interior localities. On the one hand, the free movement of traffic between coast points not only will operate for the benefit of these localities, but such benefit will be reflected far inland and the general prosperity of the country will necessarily result. On the other hand, lower freight rates to coast points will not operate disadvantageously to the interior by increasing rates to and from interior points. It is well established that railroads may not lower their rates to meet competition to such an extent as to burden other traffic. If rightly regulated, the railroads of the United States must give reasonable rates to all points, and reasonable rates are all that they can be forced to give. The fact that a less than reasonable rate is put in by railroad companies voluntarily to meet water competition does not justify such railroad in putting any different rate in effect elsewhere than it could legally put in if it did not meet such competition. The result, then, of free competition through the canal will be a lower rate to coast points than would otherwise prevail, which lower rate to the coast points will have its effect to that point in the interior where the local freight rate from the coast to such points plus the steamship rates equals the transcontinental rate from the opposite coast point. Much of the interior, therefore, will be better off than it now is and none of it can be worse off, because, as we have stated, the railroads must accord the same reasonable rate when they meet competition as they are allowed under the law to give when they do not meet such competition.

(3) We recommend that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls or that subsidies equivalent in amount, at least, to those paid

by other Governments to their ships using the canal be provided by the United States.

Otherwise, the United States, which built the canal at a tremendous outlay, will be the only nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Suez Canal. The vessels of Great Britain and other nations using the Suez Canal receive subsidies from their Governments, and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

We respectfully direct the attention of California's Representatives in Congress to these recommendations and urge that they do all in their power to secure their adoption in the Panama Canal bill.

JOHN M. ESHLEMAN,
H. D. LOVELAND,
ALEX GORDON,
MAX THELEN,
E. O. EDGERTON,
Railroad Commission of California.

—

RESOLUTION IN RE PANAMA CANAL TOLLS.

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"Resolved, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"Resolved, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'

"Resolved, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy, which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

—

LOS ANGELES, CAL., *March 12, 1912.*

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government expense in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. H. OSBORNE, *President.*

—

OAKLAND, CAL., *March 12, 1912.*

Hon. JOSEPH R. KNOWLAND,
Washington, D. C.:

Oakland Chamber of Commerce to-day adopted following:

"Resolved, That Oakland Chamber of Commerce is in favor of such legislation as will prevent the operation through canal of ships in coastwise trade owned or operated in combination with railroads which will prevent equalizing effect upon rates of water route.

"Resolved, That Oakland Chamber of Commerce urges upon Congress such laws as will exempt from canal tolls all ships sailing under American flag engaged in coastwise traffic."

Please notify Members of California congressional delegation.

OAKLAND CHAMBER OF COMMERCE,
A. A. DENNISON, *Secretary.*

—

ALAMEDA, CAL., *March 12, 1912.*

J. R. KNOWLAND,
Washington, D. C.:

We heartily indorse your efforts for congressional action for the remission of tolls for American ships in the coastwise trade, realizing that the benefits to be derived for this coast will otherwise be nullified. We are all proud of you with the position you have taken in this vital matter.

H. ROSENTHAL,
President Alameda Chamber of Commerce.

—

SAN JOSE, CAL., *March 21, 1912.*

Hon. JOSEPH R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the board of directors of the San Jose (Cal.) Chamber of Commerce we unanimously passed the following resolution:

"Resolved, That this chamber of commerce is opposed to the operation through the Panama Canal of any railroad owned or controlled ship engaged wholly or partly in coastwise traffic; also that we strongly urge upon the Senators and House of Representatives the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

Yours, very respectfully,

JOS. T. BROOKS,
Secretary-Manager.

—

SEATTLE, WASH., *March 13, 1912.*

This bureau is unalterably opposed to the operation through the Panama Canal of any steamship line owned, operated, or controlled, directly or indirectly, by a railroad engaged in interstate commerce. We trust every effort will be used to prevent it. If not prevented, canal will be useless in controlling transcontinental rates, and will in no wise benefit interstate commerce between States bordering on United States littoral.

TRANSPORTATION BUREAU OF THE
NEW SEATTLE CHAMBER OF COMMERCE.

—

The following resolution was unanimously adopted by the Northwestern Association of Box Manufacturers by a regular vote of the members at Portland, Oreg., on the 22d of March, 1912:

"Whereas the Government of the United States is constructing the Panama Canal, entirely at its own cost, for the benefit of its own people, as a military measure, and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world; and

"Whereas in so far as respects domestic commerce in the United States the Panama Canal is a part of the interrelated waterway system of the United States; and

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions, or charges, or traffic, or otherwise, because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce; and

"Whereas it is necessary in order to secure to the people of the United States the benefits of the competition between the eastern and western seaboards of the United States, through said canal, and on other waterways of the United States, that railroad owned or controlled steamship companies should not be permitted to use said canal, and that railroads should not be permitted to own, control, or operate competing lines of water carriers on the waters of the United States—

"*Resolved*, First. That there should be no tolls charged to vessels or on their cargoes engaged in domestic commerce between ports of the United States passing through the Panama Canal.

"Second. That a law be enacted making it unlawful for railroads to own, lease, operate, or control any competing steamship or other water lines on or through the Panama Canal or other waterways of the United States or between the ports thereof."

—

Resolutions of the Merchants' Association of New York, adopted May 7, 1912:

"Whereas the waterways of the country, including the Panama Canal when completed, are largely the creation of national expenditure, and are valuable in proportion as they are utilized for transportation; and

"Whereas the extent of their utilization is largely influenced by the charges imposed upon the traffic which avails of them, which charges should be regulated by the competitive conditions which should normally and fairly exist; and

"Whereas it is the declared policy and the duty of the Government to safeguard the independence of such competition, and laws enacted for that purpose have been construed by the Supreme Court of the United States to prohibit a consolidation under one control of different railroad lines competing for the same traffic; and

"Whereas it is evident that a consolidation of control of transportation over a water route and a land route which are parallel and competitive would imply an advantage which would not inhere in the control of either route independently, and that independent transportation by water would thus be placed at a disadvantage by such joint control, which would tend to destroy the benefit to the public which free competition would afford; and

"Whereas it has transpired in proceedings before the Interstate Commerce Commission in the Spokane and other rate cases that efforts are being made to minimize the natural advantages arising from location on the seaboard and from less expensive transportation by water, which efforts, if successful, would tend arbitrarily to divert both the distributive and manufacturing business from the seaboard; and

"Whereas the history of control by railroads of water lines competitive with such roads discloses a general tendency to eliminate independent competition by water, resulting in a subsequent increase in the rates charged for water transportation: Therefore be it

"Resolved, That the Merchants' Association of New York approves the principle embodied in section 11 of the proposed act of Congress, known as H. R. 21969, which prohibits the ownership or control by a railroad line of facilities for transportation by a water route competing for the same traffic, and urges that it be enacted into law."

AMERICANS LIVING IN ENGLAND.

At a meeting of the London (England) Section of the Navy League of the United States, on Friday, March 29, 1912:

Moved by F. C. Van Duzer:

"Whereas the opening of the Panama Canal will unquestionably effect great changes in our coastwise trade, leading to an increasing demand for an efficient merchant marine;

"Whereas the new canal route will be open to ships of all nations, involving increased protective measures for the proper safeguarding of American interests, which must comprise a strong merchant marine as a necessary auxiliary to an efficient navy;

"Whereas the American merchant marine is at the present time decadent and the Navy League has repeatedly passed resolutions in favor of general measures having for their object the restoration of the American merchant marine: Be it therefore

"*Resolved*, That this meeting of members of the Navy League of the United States in London views with concern the present inefficiency of the American merchant marine to cope with the trade of its own country; that, with special regard to developments likely to occur in connection with the opening of the Panama Canal, it urges upon the Navy League at home to continue to use every effort within its power for the promotion of legislative measures calculated to raise the American merchant marine to a footing commensurate with the needs, present as well as future, of our coastwise trade (but, above all, to endure a naval auxiliary fleet), and by subsidies, remission of canal dues, or otherwise, as the high discretion of Congress may determine, to so encourage private enterprise in the shipping industry at home as to insure the service becoming a powerful auxiliary to our naval arm."

Seconded by Arthur G. Glasgow.

Carried unanimously.

Signed on behalf of the governing committee,

THOMAS L. FIELD, *Chairman.*
FRED M. FISK,
Honorable Secretary.

—

SALEM, OREG., *March 13, 1912.*

The effect of the ownership or control of competing water lines by rail lines in this country is too well known to require any extended explanation. This control and ownership has practically eliminated water competition and largely minimized water transportation. There are bills now pending in Congress containing provisions which forbid the ownership or control, directly or indirectly, of competing steamer or boat lines by rail lines. Some bills limit it only to use of steamers using the Panama Canal. We believe the law should be general in its scope. We respectfully solicit your support of the bills now pending advocating laws forbidding such ownership or control. We know of nothing that is more detrimental to the development of water transportation than is the ownership or control of competing water lines by rail lines.

RAILROAD COMMISSION OF OREGON.

The CHAIRMAN. The gentleman from Michigan [Mr. DOREMUS] is recognized for one hour.

Mr. STEVENS of Minnesota. The time of the gentleman from Georgia is to be charged to his colleague [Mr. ADAMSON].

The CHAIRMAN. So the Chair understands.

Mr. DOREMUS. Mr. Chairman, I desire at the outset to make a few general observations that will explain my attitude on the pending bill before entering upon a discussion of its merits.

The five members of the committee who signed the minority report parted company with their colleagues because of a firm conviction that to tax interstate commerce at the Panama Canal would be an unwarranted departure from a long-established policy and would deny to the American people the full and complete benefits to which an investment of $400,000,000 clearly entitles them. [Applause.]

To my mind this is the most important and far-reaching question that has come before Congress in a generation. The naked issue that confronts this House is whether the Panama Canal is to be run in the interest of the taxpayers and consumers of the United States or in the interest of the transcontinental railroads that have always opposed the canal and would now destroy its beneficial use to the American people. [Applause.]

In my judgment, Mr. Chairman, it would mean political suicide for any party or any individual who votes to make this great canal, built at such tremendous expense, less than a free and unfettered competitor of railroad transportation. [Applause.]

If we could have a referendum on this question of a free waterway to interstate commerce, absolutely divorced from railroad influences, nine-tenths of the American people would vote "Yes" and the railroads would vote "No."

The canal should not only be a free waterway for our domestic commerce, but no railroad-owned or railroad-controlled boat engaged in interstate commerce should be permitted to poke its nose into the locks. [Applause.]

I repudiate the specious plea that this great question should await a future solution. The time to play fair with the American people is now. Let us not do the wrong thing to-day and trust to a future Congress to right the wrong. [Applause.]

It is said that by the Hay-Pauncefote treaty we have bartered away to a foreign government our constitutional power over interstate commerce through the canal. On that proposition I refuse to run up the white flag of surrender. I deny that the control of our domestic affairs has been transferred from Washington to the Court of St. James. [Applause.]

If we are going to allow the English press to construe the Hay-Pauncefote treaty for us and permit the railroads to dominate the canal we might better have sunk our four hundred millions of dollars in the bottom of the sea.

I am opposed to allowing a coterie of Wall Street parasites to dictate the canal policy of Congress. [Applause.] The Pacific Mail Steamship Co. is owned and controlled by the Southern Pacific Railway. Mr. R. P. Schwerin, vice president and general manager of the Pacific Mail Steamship Co., went down to Wall Street recently for the purpose of securing a loan for the construction of four boats to be operated through the canal. He was informed that he could not have the loan if Congress was going to enact Panama Canal legislation hostile to the interests of the transcontinental railroads. (Panama Canal Hearings, vol. 4, pp. 1051–1070.)

Not only that, but Mr. Schwerin also stated before the committee that if his steamship company divorced itself from the Southern Pacific Railroad he would still be unable to obtain the loan. I call attention to the following testimony of Mr. Schwerin, found on page 1062 of the Panama Canal Hearings, volume 4:

Mr. HAMLIN. But if a railway owns ships and doesn't violate the provisions of this act, it does not hurt them any.

Mr. SCHWERIN. You won't get any money under this bill.

Mr. HAMILTON. If you were divorced from the Southern Pacific Railroad—your company—couldn't you raise money just as well?

Mr. SCHWERIN. No, sir; I couldn't get one dollar.

This testimony shows clearly that Wall Street will loan no money to a railroad-owned ship company if Congress discriminates against railroad-owned boats, and that if a ship company divorces itself from the railroad it can obtain no money, for in that event it might become an independent competitor of the railroads. In other words, Congress must admit the railroads into the Panama Canal upon equal terms with everybody else or no money will be forthcoming with which to build ships for traffic through the canal. Thus would these patriotic gentlemen throttle competition with the railroads and rob the American people of the legitimate fruits of their $400,000,000 investment. The issue, Mr. Chairman, is clearly drawn with the country on one side and these great financial interests on the other.

I hope this House will meet the issue squarely and serve notice upon the railroads and their Wall Street allies that they must keep their hands off the Panama Canal. [Applause.]

For the first time in American history it is proposed to erect a tollgate in the path of interstate trade. I believe that if this House does its duty it will apply the torch to section 5 of this bill and burn it up. Let the conflagration be so complete that a like proposal will never find its way to the floor of this House. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, will it bother the gentleman if I ask him a question?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Minnesota?

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. Section 3 of the general bridge act provides that any company desiring to use a railroad bridge, built under the railroad-bridge act, shall pay for it, the same as is provided by the law under which the Panama Canal was built; that is, we authorize a railroad that builds a bridge to charge for the use of it in interstate commerce.

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. So that this Congress does authorize charges, levies tolls, and imposes taxes in interstate commerce, does it not?

Mr. DOREMUS. Yes. The gentleman is entirely right. The mistake he makes is in confusing a proposition of that kind with the Panama Canal, which is a Government-owned proposition, and the tax proposed to be imposed is a Government-imposed tax. If they had proceeded under the old Clayton-Bulwer treaty and permitted an American company or private individuals to build the canal, of course everybody would have had to pay tolls for the use of the canal. But this is an entirely different proposition. The canal is not being built by a private corporation. The Government simply permits a private corporation to charge a reasonable toll for the use of the improvement.

Mr. STEVENS of Minnesota. Article 1 of the canal treaty provides as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares—

So that the treaty provides for three different methods of construction.

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. The gentleman will admit that under the last two methods there might be tolls charged. The

gentleman claims that under the first method there can not be tolls charged. What is in the treaty that provides for a different arrangement or rights or obligations as to one of those methods as distinguished from any other?

Mr. DOREMUS. I will say to the gentleman that at the time that treaty was entered into nobody in this country or anywhere else contemplated that anyone other than the United States would build that canal. All hope of a private corporation building it was abandoned years ago.

Mr. STEVENS of Minnesota. But the treaty makes those three provisions. Will not the gentleman explain how that was?

Mr. DOREMUS. When I come to that I will do that, if my friend will permit me to proceed.

I trust that the Members of this House understand fully the real significance of section 5 of this bill. By that section it is deliberately proposed that an American vessel, flying the American flag, laden with American products, and bound from the port of one State to the port of another State, shall be stopped at a tollgate and compelled to pay a tax before it may proceed to its destination.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield there? If that ship, bearing those goods from one port to another, does not pay the tolls, who will pay them?

Mr. DOREMUS. I would rather my friend from New York would wait a minute, because I will come to that if I am only given the time. I will show just how much money we expect to get out of the coastwise trade and out of the foreign trade. I will come to that in regular order.

Mr. MICHAEL E. DRISCOLL. I hope the gentleman will discuss that.

Mr. DOREMUS. I will be glad to do that.

To state the proposition in another form, it is proposed to erect an artificial barrier in the path of free exchange between the States of the products of the American farm, forest, mine, and factory. It is unnecessary to say that this proposal is new and revolutionary. It is at war with the fundamental policy of this Government for 125 years—a policy which, coupled with a national system of internal improvements, has made the domestic commerce of the United States the marvel of the civilized world.

We have expended in the improvement of rivers and harbors and the construction of canals, exclusive of the Panama Canal, the sum of $627,098,236.05. (Report of the Secretary of the Treasury to the President of the Senate, Mar. 6, 1912. S. Doc. No. 382, 2d sess. 62d Cong.)

If we are now to abandon our historic policy of free commerce between the States, why not erect tollgates on the Mississippi River, in the improvement of which we have expended $123,088,909.05—or nearly one-third of the estimated cost of the Panama Canal? Why not burden our merchant marine at the harbors of Philadelphia, Baltimore, Boston, New York, Savannah, New Orleans, Galveston, and other places, in the improvement of which the Government has expended many millions of dollars? If this is to be our policy, why not erect a tollgate at the Soo Canal, through which 41,653,488 tons of shipping passed in 1911? We have expended upon the Great Lakes and waterways connected therewith, including the Soo Canal and locks, the sum of $110,015,381.04. The commerce that passed through the Soo Canal in 1911 exceeded the world's commerce through the Suez Canal in 1910 by 25,000,000 tons. This tonnage, nearly all of which was domestic traffic, also passed through the Detroit River, upon which the Government has expended nearly $10,000,000. Why not build a tollgate there?

The reasons which actuated the majority of the Committee on Interstate and Foreign Commerce to recommend tolls upon our coastwise trade at the Panama Canal are found in the report that accompanied this bill. Therein we are informed that free tolls to our domestic merchant marine would be a "subsidy" to the shipowner, because it would take money from the American people and give it to a small special interest. This would be a strange doctrine, Mr. Chairman, to be embraced by this House, a majority of whose Members profess the faith of their Democratic fathers and proclaim their unfaltering devotion to our ancient institutions.

I hold in my hand a volume containing the laws enacted at the first session of the First Congress under the Constitution. This volume is gray and musty with age, but within its ancient covers are reflected, in my opinion, more wisdom on the subject of our merchant marine and the development of American commerce than is contained in all the propositions that have been advanced in Congress during the intervening years. The first act found in this volume is an act to regulate the time and manner of administering certain oaths—an unimportant measure. The second act, introduced by James Madison, approved July 4, 1789, is an act for levying duties on goods, wares, and merchandise imported into the United States.

This act aimed to raise revenue for the support of the Government, protect our infant industries, and encourage the upbuilding of our merchant marine. This latter purpose was accomplished by providing for a discount of 10 per cent of the tariff duties upon imports into this country in ships built and owned by American citizens. Not satisfied with this, Congress provided in the same act for special discrimination in favor of American vessels in the trade of the Far East. It provided that if tea was imported in American ships direct from India and China, it paid a duty of 6 cents a pound for Bohea, 10 cents for Souchong, 20 cents for Hyson, and 12 cents for all other green varieties. If, however, tea was imported in a foreign ship, it paid a duty of 15 cents for Bohea, 21 cents for Souchong, 45 cents for Hyson, and 27 cents for other varieties. The effect of this discrimination in favor of our own shipping will be understood when it is stated that on a cargo of 100,000 pounds of assorted teas, an American ship sailing from China or India would pay duties of $10,980, while a foreign ship would pay $27,800 for a like cargo.

The effect of this law upon American shipping was instantaneous. The report of the American Institute of the city of New York stated in 1828 that "so complete has been this security that your committee believes that there has not been a single pound of tea imported since the passage of the law in question which has not been imported in an American bottom." (Marvin's American Merchant Marine, p. 41):

> Between 1789 and 1828 Congress passed numerous laws intended to protect and encourage American shipbuilding. Under these wise and salutary measures our merchant marine grew rapidly. On December 31, 1789, our total shipping registered for the foreign trade was only 123,893 tons. It had increased to 346,254 tons in 1790 and to 576,733 tons in 1796. (Report of Commissioner of Navigation for 1900.)

I have carefully examined the debates in Congress that preceded the passage of the act of 1789, and have found no intimation or suggestion that a reduction of 10 per cent in duties on goods carried in American vessels would take money from the pockets of the people and give it to a special interest. The Members of that Congress knew that a tax collected at the customhouse would be borne by the consumer, and that a lower duty in favor of goods carried in American ships would relieve the consumer and at the same time encourage the upbuilding of our merchant marine. Give us more "subsidies" that leave money in the pockets of the people and at the same time develop American industries.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield there?

Mr. DOREMUS. I yield.

Mr. MICHAEL E. DRISCOLL. Would this policy of removing the tolls help our American merchant marine in the least, except our local commerce, of which we now have a monopoly? If the gentleman is in favor of something for our merchant marine on the high seas, I am with him, and the Republican Party is with him on that proposition.

Mr. ALEXANDER. Will the gentleman permit?

Mr. DOREMUS. I yield to my friend from Missouri.

Mr. ALEXANDER. It may be interesting to note at this point that the Republican Party in 1896 declared in favor of discriminating duties in favor of American ships, although since that time every proposition presented to Congress by them has been in favor of a subsidy.

Mr. HUMPHREY of Washington. That is not correct.

Mr. DOREMUS. I will say in that connection that this great arm of our merchant marine, known as our domestic merchant marine, exceeds that of any nation upon the face of the globe; and I know my friend from New York will take equal pride with me as he contemplates that splendid fact, and I propose if within my power to encourage it still further. But my time is passing and I will have to hasten on.

The third act passed by the First Congress, approved July 20, 1789, was an act imposing duties on tonnage. It provided that on all ships built within the United States and belonging wholly to a citizen or citizens thereof a tonnage duty of 6 cents per ton should be levied. It provided that all ships thereafter built in the United States, belonging wholly or in part to subjects of foreign powers, should pay a duty of 30 cents per ton, and that all other ships should pay duties at the rate of 50 cents per ton. It also provided that no ship built within the United States and belonging to a citizen or citizens thereof, should, while employed in our coasting trade, pay tonnage duties more than once in any year. At the present time no tonnage duties are imposed upon vessels engaged in our coastwise trade. This policy of encouraging our merchant marine culminated in 1817 in a law that prohibited foreign vessels from engaging in our coastwise trade. It was, however, the legislation of 1789 that laid the foundation of our long-continued policy of preserving our domestic trade to American vessels, and this policy, supported by our ablest

statesmen in all parties, has given the United States the greatest domestic merchant marine on the globe. Under the stimulus of this early legislation, the tonnage of our coastwise shipping increased from 68,607 tons in 1789 to 245,295 tons in 1800. It reached the one million mark in 1838, and has continued its rapid growth up to the present time. In 1911 the tonnage of our coastwise trade reached the splendid volume of 6,720,313 tons.

In the Fifty-eighth Congress the Democratic minority, while opposing a direct subsidy from the Treasury to American ships, favored a return to the ancient system of discriminatory duties as best calculated to restore our merchant marine. I quote the following from the report of the minority members of the Merchant Marine Commission, presented in 1905:

A return to the discriminating duty policy appears to be generally favored, as shown by the hearings of the Merchant Marine Commission at the most important ports on the Atlantic, Pacific, and Gulf coasts, and on the Great Lakes. This was the policy of the fathers of the Republic, under which our shipping interests were so marvelously developed in our early history. Under this policy merchant ships flying the American flag were seen in every important port of the civilized world, and, under its fostering care, our ships carried more than three-fourths of our exports and imports. (Rept. 4136, pt. 2, 58th Cong., 3d sess.)

This was the voice of Democracy, speaking through its chosen Representatives, in the Fifty-eighth Congress. What will be its position now, when, for the first time in American history, it is proposed to hold up at a tollgate an American vessel engaged in interstate trade and exact from it the same tribute we demand from a foreign vessel flying a foreign flag?

My Republican friends, how are you going to vote on this proposition? This is not a partisan question. Two Republicans and three Democrats signed the minority report, advocating no tolls on American ships engaged in interstate commerce. Are you gentlemen, who in the past have advocated direct subsidies from the Treasury in order to encourage our merchant marine, going to vote against this preference to American shipping? I sincerely hope not.

We are told in the majority report that—

we may rightfully appropriate from the Treasury for the benefit of all the people, but giving public funds to special interests would be an unauthorized diversion and in politics and morals amounts to a misappropriation of the people's money.

Against this declaration I am perfectly willing to place the historic policy of this country, acquiesced in for so many years by the great leaders of all parties, and leave the question to the sober and deliberate judgment of the Members of this House. The party now in control of this House nor any of its leaders, past or present, have ever taken the view advocated by the majority of the committee, that a discrimination in favor of American shipping was a "subsidy" drawn from the pockets of the people. There is no difference in principle between a discrimination by a remission of duties at a customhouse and remission of duties at a tollgate. Both tolls and tariff duties are burdens upon consumption, and when remitted operate to leave money in and not take it out of the pockets of the people.

In the majority report we find the following strange proposition:

Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal. * * * Yet it is selfishly demanded that those few ships (for only a few will be needed) shall be given their tolls in the interest of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. DOREMUS. Yes.

Mr. RAKER. I find this on page 6 of the report:

Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal, making longer journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships (for only a few will be needed) shall be given their tolls in the interests of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

Mr. DOREMUS. That is part of what I just read. Now, assuming, for the sake of argument, that the percentages given are correct, the answer is that the 90 per cent of our coasting trade referred to are already enjoying the same privilege that we now ask shall be conferred upon the remaining 10 per cent that will use the canal. In other words, it is the majority of the committee who would unjustly discriminate, for they would withhold from the 10 per cent the privilege that is now freely given to the 90 per cent.

There is another proposition in the majority report to which I wish to refer. That majority report, in my judgment, is one of the most extraordinary documents that ever emanated from a committee. We are told that when "we go to voting away the Government's money and credit to special interests they prefer some method more fair and equitable." I know my friend from Minnesota [Mr. STEVENS] did not have anything to do with writing that.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. DOREMUS. I will.

Mr. HUMPHREY of Washington. I would like to call attention to the fact that most of the 90 per cent about which the majority seem so solicitous is owned by railroads, and that the 10 per cent that will go through the canal it is proposed to divorce entirely from the railroads.

Mr. DOREMUS. If we can.

Mr. MICHAEL E. DRISCOLL. I want to say, if the gentleman from Michigan will permit, that the majority are not solicitous about the 90 per cent of the shipping but the 90,000,000 people who must pay for running the canal if the ships do not pay anything toward it. We are solicitous for all the people against a few shipowners who want a donation.

Mr. HUMPHREY of Washington. If we are to judge by the report, you are solicitous for the 90 per cent of the shipping.

Mr. DOREMUS. It is indeed a novel proposition with which we are confronted in this bill. From the foundation of the Government we have pursued a consistent and undeviating policy of free trade between the States and of discrimination in favor of our own commerce. The minority of your committee are contending for a great fundamental principle. Political parties have divided upon questions of commercial policy in regard to foreign trade from the beginning, but never until the present hour has anyone had the temerity to suggest that we erect an artificial barrier in the way of the free exchange of commodities between our own people. The wheat and corn of the West, the cotton and tobacco of the South, the manufactures of the East, the iron and coal of our mountain ranges, and the lumber of all sections have penetrated the farthest confines of the Republic, and neither the commercial nor the taxing power of Congress has ever been employed to intercept or impede their progress. This policy, wisely ordained by the founders of the Government, has been one of the great contributing causes of our marvelous growth. It has developed all sections of our country and benefited all classes of industry. It has made possible the present civilization of the Pacific coast and rendered the Panama Canal a military necessity and a commercial desirability.

EFFECT OF TOLLS UPON FREIGHT RATES.

The majority of the committee want to compel American vessels in the coastwise trade to pay something for the use of the canal. They overlook the fundamental economic truth that, if this bill becomes a law, the tolls will not be paid by the shipowner but by the American people. Congress has not the power to compel vessels engaged in the coastwise trade of the United States to contribute to the Public Treasury for the use of the canal. If tolls are levied they will be added to the freight and the people will pay the freight. Does anyone imagine that, if a steamship company is required to pay $5,000 or $10,000 in tolls upon a cargo of merchandise shipped from one American port to another American port, those tolls will not be impressed upon the freight rate and passed on to the consumer? A tax, Mr. Chairman, whatsoever its form or name, that restricts the free interchange of commodities is paid by the purchaser of the commodities. When did it come to pass that a tax of 75 cents upon a ton of coal levied at the customhouse is paid by the consumer of coal, and a tax of 75 cents levied upon a ton of coal at a tollgate is not paid by the consumer of coal? Who is the founder of this new school of political economy that teaches that a tax of 50 cents or $1 on 1,000 feet of lumber is a burden on the home builder if paid at the customhouse and not a burden on the home builder if paid at a tollgate? What Member of this House is willing to father the doctrine that a tax is a burden when called a tariff, but a blessing when called a toll?

With reference to interstate commerce, the American people have always been free traders. We have always had plenty of protection against foreign countries. Are we now going to supplement this system by protecting ourselves against each other? Are we going to protect the lumber of the Pacific coast against the lumber of the South? Are we going to protect the products of one State against the products of another State?

My firm conviction is that we had better pause long and consider seriously before we embark upon such a policy as this.

This question affects not only every ton of American freight that passes through the Panama Canal but every ton that is carried by the transcontinental railroads. Every burden placed upon interstate commerce through the canal impairs its usefulness as a competing route with transportation by rail. This is true not only as to freight rates between coast-to-coast points but as to rates from interior points to the coast, for the through

rate from coast to coast controls to a large extent the rate from interior points to the coast.

Before the construction of railroads to the Pacific the manufactures and other products of the East reached San Francisco via Cape Horn. In order to take away from the water carriers the traffic from the eastern seaboard, the railroads found it necessary to make a rate that compared favorably with the rate via Cape Horn. This was a primary consideration that in those days fixed the rail rate from the eastern seaboard to the Pacific. The next water-transportation route was via the Isthmus of Panama. Traffic was shipped by steamboat from New York to Colon, carried across the Isthmus by rail to Panama, thence by steamboat to San Francisco.

Then came the route from East to West through the Straits of Magellan. By this time the steamboat was fast supplanting the sailing vessel, and the time consumed between New York and San Francisco via this route was from 60 to 90 days. To-day the route most frequently used is via the Tehuantepec Railroad, owned by the Mexican Government, and running across lower Mexico, a distance of 180 miles. It receives the freight from New York at Coatzacoalcos, transfers it across the country to Salina Cruz, from which point it is taken by steamer to San Francisco and other Pacific coast points. The water rate by these various routes has always been, according to the Interstate Commerce Commission, somewhat lower than the rail rate from New York to San Francisco; and the commission has found—and of that there can be no question—that this water transportation has limited the rate which would be obtained by rail carriers between New York and Pacific terminals. (Twenty-fifth Annual Report Interstate Commerce Commission, p. 28.)

Manufacturing in this country is no longer confined to States bordering on the Atlantic Ocean. Aided by the policy of free commercial intercourse between the States, manufacturing plants have sprung up all over the great Middle West. These plants turn out the same products and are seeking the same markets as those located in the eastern section of the country. In this connection I quote the following from the Twenty-fifth Annual Report of the Interstate Commerce Commission, on page 29:

> Suppose, for example, that a manufacturing plant located at Chicago produced the same article manufactured by a similar plant in New York City. In order that this article may reach San Francisco from Chicago by water, it must first be transported to New York, where it is taken by a steamship. The cost of carriage by this route is, therefore, greater from Chicago than from New York, and if the force of water competition were to be alone considered, the rate from Chicago to San Francisco ought to be higher than the rate from New York by the amount of the interior rail rate from Chicago to New York. The Chicago manufacturer, however, insists that his rate by rail to San Francisco should be lower than the rate by rail from New York, for the reason that the traffic when taken up at New York moves through Chicago and is hauled 1,000 miles farther, at a correspondingly additional expense. It is for the interest of the rail line which begins at Chicago to apply a lower rate from Chicago then is applied from New York, since if the traffic originates at Chicago that line obtains the entire freight money, while if the traffic originates at New York it must divide the transportation charges with its connections east of Chicago, which bring the traffic from the Atlantic seaboard.

The manufacturer of automobiles in Detroit must have a rail rate to the Pacific coast that will be fairly competitive with the water rate given the manufacturer of automobiles on the Atlantic seaboard. The furniture manufacturer of Grand Rapids must have a rail rate to the Pacific coast that will be fairly competitive with the water rate of eastern manufacturers of furniture. The bath-tub manufacturer at Chicago demands a rate by rail to the West that will enable him to compete with the bath-tub manufacturer at New York who uses the water route. These examples might be multiplied indefinitely. The manufacturers of Detroit, Grand Rapids, Chicago, St. Louis, and other cities must meet the market competition of their eastern rivals, and to enable them to do so the railroads must meet the competition of the water route. If this is not done, both manufacturers and railroads will lose the business.

The majority of the committee would have us believe that free tolls to our interstate commerce would affect only a small section of the country. We are told in their report that "only a small per cent of the American people will ship freight in considerable quantities through the canal." No man can predict with any degree of accuracy the volume of traffic that will pass through the Panama Canal. There are those of us who believe that we have not built this canal at an enormous cost in vain, but that this great enterprise will in the course of time revolutionize existing transportation conditions. Certainly the American people, who with common accord have been willing to bear the vast expense incurred in its construction, are entitled to all possible benefits therefrom.

In justice to the American people Congress should not, by the levying of tolls, discourage transportation through the canal and thus impair its usefulness as a competing route with transportation by rail. I have endeavored to show that the benefits of free tolls to our domestic commerce will not be confined to the two seaboards, but will extend to that immense section of our country east of the Rocky Mountains. The Panama Canal will operate as a natural regulator of rates throughout this entire section. This will be true for the reason that the railroads operating between intermediate points and the Pacific coast will not permit a lower rate from coast to coast points to take their business from them. As stated in the minority report—

> Free tolls can not but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast to the ultimate advantage of the producers and consumers throughout the entire country.

It is predicted by those whose familiarity with the transportation problem entitles their opinion to great weight, that if the canal is made a free competitor of the transcontinental railroads complaints before the Interstate Commerce Commission under the long and short haul clause will ultimately cease. Surely, Mr. Chairman, this consummation would be of infinitely more benefit to the people than the proposed scheme of taxation, which, in the form of tolls, would exact from the consumer a contribution for the support of the canal.

I trust the argument that free tolls would subsidize a comparatively small part of our merchant marine will not obscure the overshadowing question of whether this canal shall be operated for the benefit of all the people, or favor the great transcontinental railroads that opposed the canal from the beginning and would control it now if they could. With the utmost respect for those who differ with me on this question, their horror of a subsidy reminds me of the old lady who with her eyes intently fixed upon the flyspecks on the ceiling was unable to see the accumulation of dirt upon the floor.

Assuming that freight rates through the canal will be fixed by competitive conditions, a toll of $10,000 upon a cargo of merchandise en route from New York to San Francisco will increase by $10,000 the amount the transcontinental railroads may charge for a similar service. I do not think this proposition can be successfully assailed. It will also increase the rates the rail carriers may charge from the interior, for, as heretofore pointed out, the through rate controls the rate from intermediate points. This being so, it becomes a question of whether Congress is willing to tax interstate shipping at the canal in order to get a comparatively small amount of revenue while enabling the railroads to collect from the American people many times that amount in freight rates. I recognize nothing that would justify Congress in enacting a law that would favor the railroads at the expense of the American people.

Now, in reply to the question asked by my colleague from New York [Mr. MICHAEL E. DRISCOLL], I will say that section 5 of this bill provides that the tolls to be levied shall not exceed $1.25 per net registered ton nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The unwise and un-American feature of this section is that any attempt to lower the tolls on coastwise vessels to meet the actual cost of operation and maintenance would have to be followed by an equal reduction of tolls levied upon foreign vessels. That a much lower toll than $1.25 would pay the cost of maintenance and operation is clearly shown by the testimony of Dr. Emory R. Johnson, the Government's special commissioner on Panama Canal traffic and tolls. Dr. Johnson estimates that 10,500,000 tons of shipping will pass through the canal during the first year of its operation. Of this total only 1,160,000 tons will be interstate traffic. (See statement of Dr. Johnson, committee hearings, p. 705.) According to this estimate the remission of tolls to our interstate commerce would result in a revenue loss to the Government, on the basis of $1 per net registered ton, of only $1,160,000, leaving a gross revenue of $9,340,000. The conservative estimates of Col. Goethals show that it will cost to operate and maintain the canal, including sanitation and civil government, the sum of $4,000,000. It will thus be seen that the surplus for the first year on the basis of these estimates will be $5,340,000. This, of course, does not take into account the interest on the bonds. Indeed, if we attempted to levy a toll sufficiently large to pay this fixed charge and the cost of maintaining the military establishment on the zone, it would amount to a prohibition against the use of the canal by the commerce of the world. This canal is a military necessity. It will unify our naval fleet and practically double its efficiency. In view of this fact, if the canal is to be charged with the expense of military protection, it should also be credited with the vast sum that will be saved in the cost of battleships. I agree thoroughly with Col. Goethals that the cost of its construction should be written off the books as a charge

against the national defense. The surplus earnings could then be converted into a sinking fund for the purpose of retiring the debt at maturity, and whatever additional sum is found necessary should be paid by the American people through the usual and constitutional methods of taxation.

I desire now to discuss the claim that the Hay-Pauncefote treaty prevents the United States from favoring American vessels engaged in interstate commerce. The preamble of the Hay-Pauncefote treaty recites that it is—

desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention.

For a proper understanding of what was meant by the words "general principle" of neutralization mentioned in the preamble of the treaty, it will be necessary to refer briefly to the Clayton-Bulwer treaty and the circumstances that surrounded its ratification. The discovery of gold in California emphasized the desirability of constructing a transisthmian canal to connect the Atlantic and Pacific Oceans. The route most generally considered at that time was via San Juan River and Lake Nicaragua. In 1849 a treaty was entered into by the United States and Nicaragua whereby the Government of the latter conceded to an American company the right to build a canal from San Juan, on the Caribbean Sea, through the San Juan River and Lake Nicaragua to the Pacific. Two obstacles, however, stood in the way of this company's successful prosecution of the undertaking. One was the British pretensions in Nicaragua, and particularly to the so-called Mosquito coast, over which Great Britain claimed to exercise a protectorate, and the other was the lack of the necessary capital in this country.

It would serve no useful purpose to dwell upon the claims and counterclaims with reference to British pretensions in Nicaragua, Costa Rica, and the Mosquito Coast. It will suffice to say that they were deemed by this Government of such importance that in 1849 Mr. Clayton, Secretary of State, entered into negotiations with the British Government that resulted in the ratification of the Clayton-Bulwer treaty in 1850. By this treaty the two Governments engaged to cooperate in guaranteeing the neutrality of a ship canal, to be open to the world and common to all nations. This convention contemplated that the canal should be built by a private corporation, and declared that neither the Governments of Great Britain nor the United States would ever obtain or maintain any exclusive control over the canal; that neither would erect or maintain any fortifications commanding the same or occupy, fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, and the Mosquito Coast, or any part of Central America. By this treaty the two Governments assumed a joint protectorate over the canal and the private corporation which, it was expected, would undertake the work. By article 7 of the Clayton-Bulwer treaty they determined that they would give their support and encouragement to such persons or company as might first offer to commence the canal with the necessary capital and the consent of the local authorities. This undoubtedly had reference to the American company which had already obtained its concession from the Government of Nicaragua. At this time, however, two other routes had been suggested—one through the Mexican Province of Tehuantepec and the other through the Isthmus of Panama. For this reason alone another article was added to the treaty. This was article 8, the "general principle" of which, under the Hay-Pauncefote treaty, it is our duty not to impair. This article reads as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

For the purpose of this controversy it would avail nothing to follow this celebrated treaty on its troublous journey from 1850 to 1902, when it was abrogated and superseded by the Hay-Pauncefote treaty. To-day not a vestige of the conditions that surrounded the making of the Clayton-Bulwer treaty remains. All hope of constructing the canal by private individuals or corporations was long ago abandoned. Great Britain claims no protectorate, sovereignty, or dominion of any kind over the Isthmus of Panama. The canal is being built on territory that belongs to the United States in perpetuity, by virtue of a treaty with the Republic of Panama. No questions exist involving the integrity of the Monroe doctrine.

By the Hay-Pauncefote treaty Great Britain has voluntarily withdrawn her protection of the canal to which she obligated herself in the former treaty. The Panama Canal is a distinctly American enterprise, and the United States is its sole owner, builder, and protector. What, then, is the "general principle" of neutralization established by article 8 of the Clayton-Bulwer treaty mentioned in the preamble of the Hay-Pauncefote treaty?

Strictly speaking, the term "neutralization," when applied to a canal, refers to a condition under which the canal would be closed to the ships of war of belligerents. The term, however, has come to be used in a broader sense than this, so as to include an arrangement whereby protection is sought to be guaranteed against hostile attack or hostile interruption, while the same freedom of use is sought to be assured in war as in peace. No doubt, however, the leading motive of agreements of neutralization is to secure exemption from hostile attack and a corresponding prohibition of distinctive hostile use. When by article 9 of the treaty of Vienna provision was made for the "neutrality of the Free Town of Krakow and its territory," it was declared in the same breath: "No armed force shall be introduced upon any pretense whatever." When by article 11 of the treaty of Paris the Black Sea was "neutralized," the maintenance of armaments upon it was forbidden. In the neutralization of Luxemburg it was stipulated that the city of Luxemburg should no longer be treated as a federal fortress. By a treaty between Austria, France, Great Britain, Prussia, and Russia, signed at London November 14, 1863, the Ionian Isles were united to Greece and were neutralized.

Article 3 of the treaty declares that—

as a necessary consequence of the neutrality to be thus enjoyed by the United States of the Ionian Islands, the fortifications constructed in the Island of Corfu and in its immediate dependencies, having no longer any object, shall be demolished.

The treaties of March 30, 1856, November 2, 1865, and March 13, 1871, having effected the neutralization of the Lower Danube and of the works constructed in aid of its navigation, the treaty of Berlin of July 13, 1878, provided that—

all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths should be razed and no new ones erected.

The Argentine Republic and Chile, by their treaty of July 23, 1881, declare:

The Straits of Magellan are neutralized forever, and their free navigation is guaranteed to the flags of all nations. To insure this neutrality and freedom, it is agreed that no fortifications or military defenses which might interfere therewith shall be erected. (Moore's International Law Digest, vol. 3, p. 267.)

Referring to the Clayton-Bulwer treaty, we find that by article 5 the contracting parties engaged to "protect it from interruption, seizure, or unjust confiscation" and to "guarantee the neutrality thereof so that the said canal may forever be open and free and the capital invested therein secure." It was, however, expressly understood that the guarantee of protection and security was given conditionally and might be withdrawn by both Governments or either Government if both or either of them should consider that the persons or company undertaking or managing the canal had established regulations concerning traffic contrary to the spirit and intention of the convention, either by making unfair discriminations or by imposing oppressive exactions or unreasonable tolls.

Construing articles 5 and 8 of the Clayton-Bulwer treaty together we can not escape the conclusion that the United States and Great Britain engaged to protect and guarantee the neutrality of the canal whichever route was finally selected, reserving to themselves, however, the right to withdraw that protection and guaranty if the private corporation operating the canal should discriminate against either. They also engaged that the canal should be open on equal terms to the citizens and subjects of every other nation which was willing to unite with the United States and Great Britain in their joint protection of the canal.

As heretofore observed, under the Hay-Pauncefote treaty there is no joint protectorate over the canal. Neither Great Britain nor any other nation is obligated to cooperate with the United States in protecting the canal nor is the right of the citizens and subjects of any other nation to the equal use of the canal conditioned upon any agreement by that nation to cooperate for its protection. By article 3 of the present treaty, the canal is to be free and open without discrimination to the vessels of commerce and of war of all nations observing the rules which the United States has adopted as the basis for the neutralization of the canal.

The original draft of the Hay-Pauncefote treaty, as transmitted to the Senate by President McKinley, contained the following:

ART. 3. The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.

The article above quoted was stricken out in the Senate. The attitude of Great Britain with reference to this action is reflected in the subsequent negotiations as to amendments by the memorandum of Lord Lansdowne of August 3, 1901, wherein he said:

The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers. While the United States would have a treaty right to interfere with the canal in time of war or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interest in and near the canal.

In the same communication Lord Lansdowne said:

While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would, therefore, suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe these rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept and will furnish an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

The attitude of the United States toward the last suggestion is shown in the communication of Lord Lansdowne to Mr. Lowther of September 12, 1901, in which he said:

With regard to the changes suggested by His Majesty's Government, Mr. Hay was apprehensive that the first amendment proposed to clause 1 of article 3 would meet with opposition because of the strong objection entertained to inviting other powers to become contract parties to a treaty affecting the canal. If His Majesty's Government found it not convenient to accept the draft as it stood, they might perhaps consider favorably the substitution for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules" the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and instead of "any nation so agreeing" the words "any such nation." This, it seemed to Mr. Hay, would accomplish the purpose aimed at by His Majesty's Government.

Writing to Lord Pauncefote on October 23, 1901, Lord Lansdowne said:

Mr. Hay has suggested that in Article 3, Rule 1, we should substitute for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to the use of the canal.

I desire now to call the attention of the House to another significant feature of the negotiations that preceded the formal acceptance and ratification of the treaty. Article 2 of the original draft of the treaty, as transmitted to the Senate, reads as follows:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople, October 29, 1888, for the free navigation of the Suez Maritime Canal; that is to say.

In the final draft the words "the high contracting parties" were stricken out, and the words "the United States" inserted. Referring to this change Lord Lansdowne, in his memorandum to Mr. Lowther, of August 3, 1901, says:

In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

These negotiations seem to demonstrate clearly that Great Britain, recognizing the United States as the sovereign owner and sole protector of the canal, and fully conceding our exclusive right to provide for its regulation and management, was contending only for equal treatment with other powers observing the rules adopted by the United States as the basis for the neutralization of the canal; and this, Mr. Chairman, in my opinion, based upon the investigation I have made of the question, is all there is to the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, and which the United States agreed should not be impaired. Not by the wildest flight of the imagination can it be conceived that this "general principle" would be impaired by any preference the United States might see fit to give American vessels engaged in interstate commerce. Would anybody seriously contend that under this treaty Great Britain would not have the right to subsidize her own vessels using the canal or repay the tolls charged them for such use? On the contrary, would it not be the height of impertinence for this Government to attempt to dictate to Great Britain or any other nation the treatment they should accord their own shipping? The treatment that other nations may see fit to give their own vessels is none of our affair; and, for a better reason, it is no concern of any other nation what preference we give to our own vessels using a canal built, owned, and controlled by ourselves alone. We discharge our obligation to the world when we exact equal tolls and accord equal treatment to all nations, their citizens, and subjects that observe the rules the United States has laid down for the neutralization of the canal.

That portion of article 3 of the present treaty which it is claimed would be violated by passing our interstate commerce through the canal without the payment of tolls reads as follows:

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

The language of the subdivision just quoted shows plainly that the purpose was to prevent discrimination against any nation. Since 1817 no foreign vessel has been permitted to engage in our coastwise trade. This being so, any exemption Congress sees fit to make in favor of American vessels engaged in that trade would not and, in the very nature of things, could not be a discrimination against any nation, its citizens or subjects. In other words, no treatment that we may accord our own vessels could affect in any way, either for better or for worse, any foreign nation.

The United States having adopted as the basis of the neutralization of the Panama Canal the rules embodied in the convention of Constantinople for the free navigation of the Suez Canal, it may be proper to consider for a moment the construction that the powers signatory to that convention have placed upon it. It should be understood that the Suez Canal was built by a private corporation through territory over which the Ottoman Empire exercised the attributes of sovereignty. While a portion of its stock is at present owned by the British Government through purchase from the Khedive of Egypt, the canal is operated by a private company. It has been the practice of some of the powers that signed the treaty of Constantinople to favor by subsidy or otherwise their own vessels using the Suez Canal. According to the report of the Commissioner of Navigation for 1911, the Russian Government in 1908 appropriated the sum of $334,750 for the purpose of repaying the tolls exacted of Russian vessels passing through the canal to and from Russian ports. The right of Russia to do this under the treaty of Constantinople has passed unquestioned, yet we are confronted at the threshold of this controversy with the strange proposition that the United States, having adopted the rules of the convention of Constantinople, are prevented from doing the same thing that other nations under that convention have done. The construction that the powers signatory to the treaty of Constantinople have given that instrument clearly supports our right under the Hay-Pauncefote treaty to favor our own shipping; and if we have the right to collect the tolls at the canal and repay them, we certainly have the right to remit them in the first instance. As stated in the minority report:

It is unnecessary to resort to a device or subterfuge in order to do indirectly what we have a right to do directly.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DOREMUS. Yes.

Mr. ALEXANDER. Let me suggest that Russia and Austria-Hungary do pay the tolls of their ships going through the Suez Canal.

Mr. DOREMUS. That has been done for years, and I thank my friend from Missouri for calling my attention to it.

Mr. CULLOP. I did not quite understand the question of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. I said that Russia and Austria-Hungary paid the tolls for their ships going through the Suez Canal.

Mr. CULLOP. Yes; but there is a difference between the Suez Canal and the Panama Canal. The Suez Canal is owned by a private corporation and the Panama Canal is owned by the Government.

Mr. ALEXANDER. The gentleman is mistaken. The stock in the Suez Canal is owned by the British Government.

Mr. CULLOP. It is owned by people living under the British Government.

Mr. DOREMUS. The bill now under consideration expressly reserves the right of the United States to pass its own ships of war through the canal without the payment of tolls, notwithstanding the fact that the treaty provides—

the canal shall be free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality.

The minority of your committee confess their inability to see the consistency of the position assumed by the majority of the committee that free tolls to our ships of commerce would violate the treaty, but that free tolls to our ships of war would not violate the treaty. In attempting to justify the right of the United States to exempt our war vessels from the payment of tolls, while denying our right to exempt our vessels of commerce, the majority of the committee take refuge behind article 2 of the treaty which gives the Government of the United States—

all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

Let us examine this for a moment. The full text of article 2 reads as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscriptions to or purchase of stocks or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

It will be observed that, subject to the provisions of the present treaty, this Government has the exclusive right of providing for the regulation and management of the canal; and one of the provisions of the present treaty is that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. If this language is to be so construed as to prevent us from preferring our ships of commerce, it must also apply with equal force to our ships of war. In other words, under any fair construction of the treaty we can not exclude from its provisions vessels of war and include vessels of commerce. Either we have the power to exempt both from the payment of tolls or the power to exempt neither.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ADAMSON. How much more time does the gentleman want?

Mr. DOREMUS. About 10 minutes.

Mr. ADAMSON. I will yield to the gentleman 10 minutes more.

Mr. MANN. Mr. Chairman, may I inquire whether it is the intention of the chairman to have the committee rise when the gentleman from Michigan has concluded?

Mr. ADAMSON. Mr. Chairman, we have been unable to find any gentlemen who wish to go on and speak this evening, and therefore it will not be necessary to ask for an evening session.

Mr. MANN. What time does the gentleman want the House to meet to-morrow?

Mr. ADAMSON. We have already agreed to meet at 11 o'clock.

Mr. MANN. I know that, but I did not know but what the gentleman might want to meet earlier; say, at 10.

Mr. ADAMSON. I think that would be a little early, but I am willing.

Mr. DOREMUS. The contention that an exemption in favor of our coastwise trade would violate the Hay-Pauncefote treaty is due to a misconception of the purpose of the treaty. It will be pointed out in this debate that many of our treaties relating to commerce and navigation expressly reserve our coastwise trade from their operation; and this will be made the basis for an assumption that the absence of this reservation in the Hay-Pauncefote treaty shows an intention on the part of the high contracting parties not to exempt our coastwise trade. The majority report that accompanies this bill calls attention to the fact that when an amendment to the treaty was offered in the Senate expressly reserving to the United States the right to discriminate in favor of vessels of its citizens, it was rejected by a vote of 43 to 27. There is, of course, no record showing the reasons that led the Senate to reject the proposed amendment. The majority did not point out the fact that the Senate also rejected several amendments permitting the United States to fortify the canal, yet the canal is being fortified and the Government of Great Britain recognizes our right to fortify under the treaty.

Mr. ADAMSON. The answer to that is that in the new copy of the treaty Great Britain yielded to the military police and fortification propositions, but never did yield on the other.

Mr. DOREMUS. That is my friend's statement, and I shall pass on.

In the absence of any record to the contrary, it is fair to assume that both proposed amendments were rejected because the Senate believed the United States possessed the power to fortify the canal and exempt American commerce without expressly reserving that power in the treaty.

There is an inherent distinction in nature and purpose between a treaty of commerce and navigation and the Hay-Pauncefote treaty. Treaties of the first-mentioned type are made for the purpose of securing reciprocal liberty of commerce and navigation between the contracting parties. The Hay-Pauncefote treaty was entered into for the purpose of facilitating the construction of a ship canal connecting the two oceans. Our treaties of commerce and navigation are reciprocal in character. The Hay-Pauncefote treaty, to all intents and purposes, is largely unilateral. In other words, we get nothing from other countries in return for opening up this great canal to the commerce of the world. The only condition we exact is that all nations, their citizens and subjects, shall observe the rules which we have adopted as the basis for the neutralization of the canal. By our treaties of commerce and navigation we obtain the right to enter the ports, places, and rivers of foreign countries and in return grant their citizens and subjects the same privilege in our own ports, places, and rivers. Our present agreement with Canada, regarding the use of the Soo and Welland Canals, is a reciprocal agreement. By it we permit the free use of the Soo Canal by Canadian vessels and receive our quid pro quo in the free use of the Welland Canal by American vessels. In every treaty of commerce and navigation in which we reserve the coastwise trade from its operation the reservation is merely declaratory of the law of 1817, excluding foreign vessels from that trade.

Our treaty of commerce and navigation with Great Britain contains no reservation of our coastwise trade for the reason that it was entered into before the navigation act of 1817 was passed. In that treaty it was provided that—

no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

The Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 332) held that this treaty was not violated by either a State or Federal statute that exempted the coastwise trade of the United States from the payment of pilotage charges on the ground that such an exemption did not operate to produce a discrimination against British vessels. The fact that in that case the court was construing a statute of the State of Texas does not lessen its value as an authority. An act regulating pilotage and fixing pilotage charges with reference to vessels engaged in trade between the States is an exercise of the power to regulate commerce, a power which, however, the Supreme Court has held, may be exercised by the State until Congress has acted. I think it will be conceded that the Legislature of the State of Texas would have no more power to enact a law that violated a treaty with Great Britain than would the Congress of the United States. From the investigation I have been able to give this question, I am satisfied there is nothing in the Hay-Pauncefote treaty that tends to impair in any way the power the people have conferred upon Congress to regulate commerce by favoring American vessels engaged in interstate trade.

Mr. LEVY. Mr. Chairman, may I interrupt the gentleman?

Mr. DOREMUS. Certainly.

Mr. LEVY. Do I understand the gentleman to say that he is in favor of excluding ships that are owned or partly owned by American railroad companies from the Panama Canal?

Mr. DOREMUS. I am in favor of excluding from the Panama Canal every railroad-owned or railroad-controlled boat that is engaged in interstate commerce. I think the presence of a railroad-owned or railroad-controlled boat in the Panama Canal is a menace to the free and open competition to which the American people are entitled. [Applause.]

Mr. LEVY. Is it not true, then, that very few steamships flying the American flag will go through the Panama Canal?

Mr. DOREMUS. I do not think so.

Mr. LEVY. Oh, the gentleman does not think so!

Mr. DOREMUS. I will answer the gentleman. I do not believe the American people are investing $400,000,000 in this proposition in vain. I think, of course, that no man can predict

with any degree of certainty either the character or the volume of traffic that may pass through that canal.

Mr. LEVY. Then you would exclude the American flag from going through the canal?

Mr. DOREMUS. I will say in answer to that question that while I want to develop the American merchant marine, I do not want a merchant marine controlled and dominated by the transcontinental railroads of the United States. [Applause.]

Mr. LEVY. We are very poor in shipping, and does not the gentleman think that we ought to encourage those persons who supply the money for steamships? We have no steamship lines at all at the present time.

Mr. DOREMUS. I will say in answer to that that we had better try and get along for a little while without the assistance of the railroads and their Wall Street allies, and if we find, then, that we can not get along without them, it will be time to change that policy. [Applause.]

Mr. LEVY. Then the gentleman means to say that the only line that can go through there is a Canadian steamship line?

Mr. DOREMUS. Mr. Chairman, I can not yield any longer.

Mr. LEVY. I think the gentleman ought to yield, inasmuch as he has made the statement that he has made.

Mr. DOREMUS. Mr. Chairman, I can not yield further.

Mr. Chairman, we stand to-day upon the threshold of the opening of this great canal, the most stupendous enterprise of this or any other age. About to realize the dream of years, the heart of every American thrills with pride as he contemplates the successful prosecution of this great work under the American flag. In dedicating it to the perpetual use of all mankind let us preserve inviolate the great principle of free commerce between the States and thus guarantee to the American people the full and complete benefits to which they are honestly entitled. [Prolonged applause.]

Mr. HILL. Mr. Chairman, I desire to ask the gentleman from Michigan a question.

Mr. ADAMSON. Mr. Chairman, he has yielded the floor.

Mr. HILL. I do not care whether I ask the chairman of the committee the question or the gentleman from Michigan.

Mr. ADAMSON. I have yielded the floor, but, Mr. Chairman, I will be very glad to inform my friend if there is anything in the world that I know that he does not know.

Mr. HILL. I do not know about this question, and I do not know how I am going to vote. I would like to ask the gentleman this question for information. Under the provisions of this bill a railroad-owned steamship, owned by the Grand Trunk or by any of the Canadian lines, could start from Halifax and run to Victoria through the canal, while an American railroad-owned steamship could not start from Boston and go to San Francisco?

Mr. ADAMSON. Mr. Chairman, there is not a man in the world, except JIM MANN, who knows everything at once, though some may know many things. We are not attempting in a canal bill to solve all of the commercial questions that may affect this country and the world. My construction and the only rational construction of this treaty is that at the canal we can not solve any of these questions, that we have to treat everybody and every ship and every man alike that comes through that canal. The question the gentleman asks relates to a question of commerce, not touching the canal, and in a proper place I am willing to deal with all such questions.

Mr. HILL. Does not this bill deal with them?

Mr. ADAMSON. This bill contains a provision in section 11 which disposes of the question as to interstate-commerce railroads using ships in coastwise trade, which includes, of course, the use of the canal.

Mr. HILL. But does it not give to a Canadian steamship line owned by a railroad privileges that it does not give to an American steamship line owned by a railroad?

Mr. ADAMSON. It does not give any privileges to anybody. It prohibits some people whom we have control over from doing things.

Mr. HILL. But allows other people over whom we do not have control to do those same things.

Mr. ADAMSON. If there is any way of reaching the other trouble, if there is any other trouble, that can be done by a proper amendment to the commerce laws, if it can be reached at all. We can not do everything in a canal bill. Gentlemen are mistaken if they thought that I arose to make another speech.

Mr. MURRAY. Mr. Chairman, may I have two minutes to ask the gentleman from Michigan [Mr. DOREMUS], who has evidently given a good deal of time and thought to this subject, a question?

Mr. ADAMSON. The gentleman says he has quit. He wound up with his peroration. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, the Panama Canal bill, and had directed him to report that they had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for one week, on account of illness in his family.

To Mr. FRANCIS, for one week, on account of death in family.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 15, 1912.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

Attest:

CHAS. G. BENNETT, *Secretary.*
By H. M. ROSE, *Assistant Secretary.*

The question was taken, and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that Mr. KNOWLAND, Mr. DOREMUS, and myself, who have spoken, have leave to extend our remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p. m.) the House adjourned to meet to-morrow, Friday, May 17, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent on trade in cotton goods in Russia (H. Doc. No. 760); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting special supplemental estimate of appropriation for repair of roads in Yellowstone National Park (H. Doc. No. 761); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 488) requesting the Attorney General to transmit certain papers with reference to Leslie J. Lyons, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16651) authorizing the Secretary of War to grant freedom to certain of the Apache prisoners of war now being held at Fort Sill, Okla., and giving them equal status with other restricted Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 724), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2588) to promote the efficiency of the Naval Militia, and for other purposes, reported the same with amendment, accompanied by a report (No. 728), which

said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana, reported the same without amendment, accompanied by a report (No. 725), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 21094) to create a commission on industrial relations, reported the same with amendment, accompanied by a report (No. 726), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill (H. R. 4011) amending sections 2541 and 2543 of the Revised Statutes of the United States, defining the boundaries of the customs collection districts of Philadelphia, Pa., and Bridgeton, N. J., and establishing ports of entry and subports of entry therein, reported the same without amendment, accompanied by a report (No. 722), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 17679) to make Bay City, Mich., a subport of entry, reported the same with amendment, accompanied by a report (No. 723), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 720), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps, reported the same without amendment, accompanied by a report (No. 727), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 24603) to erect a statue of Jefferson Davis in the Jefferson Davis Home Park, at Fairview, Ky.; to the Committee on the Library.

By Mr. ELLERBE: A bill (H. R. 24604) to authorize the construction of a bridge across Goose Creek, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: A bill (H. R. 24605) to authorize and direct the Mississippi River Commission to make certain examinations and surveys in the State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky: Joint resolution (H. J. Res. 316) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 24606) for the relief of John W. Cupp; to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 24607) for the relief of the legal representatives of James McVicker, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 24608) granting a pension to Mary J. Schmidt; to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 24609) granting a pension to William Haubennestel; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 24610) granting a pension to Michael McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24611) granting a pension to John Y. Thornton; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24612) for the relief of Augusta G. Evans; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 24613) granting an increase of pension to Charles L. Arnold; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 24614) for the relief of Jose T. Santillanes; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 24615) for the relief of J. H. Stolper; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 24616) granting an increase of pension to Jane Grace; to the Committee on Invalid Pensions.

Mr. HAMILTON of Michigan: A bill (H. R. 24617) granting an increase of pension to Ova O. Nutting; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 24618) granting an increase of pension to Anna A. Bolan; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 24619) granting a pension to Mary L. Reynolds; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 24620) for the relief of Oren H. Kunce; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 24621) for the relief of James W. Newton; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 24622) granting an increase of pension to Mary S. Obernier; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of the B'nai Israel Congress, Anderson, S. C., protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the American Purity League, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Resolutions of Polish citizens of South Bend, Ind., against passage of the Dillingham and Burnett bills, relative to literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Wireless Association of Pennsylvania, Philadelphia, Pa., protesting against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Mining Congress, Washington, D. C., favoring passage of House bill 17260, to create a bureau of mines; to the Committee on Mines and Mining.

Also, petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of T. M. Powell, Wilkes-Barre, Pa., relative to House bill 22300, relating to naturalization; to the Committee on Immigration and Naturalization.

By Mr. BROWNING: Petition of citizens of Camden County, N. J., favoring old-age pensions for deserving men and women over 65 years of age; to the Committee on Pensions.

Also, petition of the Patriotic Order Sons of America, of New Jersey, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Resolution of Jacob Zuckerman Lodge, No. 34, Independent Order B'rith Abraham, of Cleveland, Ohio, against passage of the Dillingham and Burnett bills, restricting

immigration; to the Committee on Immigration and Naturalization.

By Mr. CATLIN: Petition of engineers of the city of St. Louis, favoring passage of the employers' liability act, recently passed by the Senate; to the Committee on the Judiciary.

Also, petition of Local No. 41, International Association of Machinists, of St. Louis, Mo., and Local No. 30, United Brotherhood of Leather Workers on Horse Goods, urging passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petitions of United Jewish Charitable and Educational Association; Western Pride Lodge, No. 136; Jewish Branch of Socialist Party; Lieutenant Marrix Lodge, No. 88, Independent Order B'rith Abraham; Pride of the West Lodge, No. 106; and Ethical Branch, No. 446, Workmen Circle, all of St. Louis, Mo., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of officers of the Society of Theo. Lenartoweir Branch of Polish Americans, against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hamburg, Orchard Park, and Springville, Erie County, N. Y., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Orchard Park Supply Co., of Orchard Park, N. Y., and citizens of the State of New York, favoring regulation of express rates and express classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of Congregation Adeth Yeshnum, Syracuse, N. Y., and Onondaga Lodge, No. 259, United States Grand Lodge, Order of B'rith Abraham, Syracuse, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of C. C. Lockett, St. Louis, Mo., protesting against passage of House bill 21969, for preventing the use of the Panama Canal by steamship companies in which railroads are interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that would effect price maintenance; to the Committee on Patents.

Also, petition of the American Mining Congress, Washington, D. C., for passage of House bill 1726, for creating a bureau of mines; to the Committee on Mines and Mining.

Also, papers to accompany bill granting an increase of pension to John B. Harris, Company M, Fifth Regiment Iowa Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Celsus G. Gross, St. Louis, Mo., veteran, Spanish-American War; to the Committee on Pensions.

Also, petition of the Patriotic Order Sons of America, Reading, Pa.; the Junior Order United American Mechanics, New York; and the American Purity Federation, Washington, D. C., favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the general assembly, Order Knights of Labor, favoring passage of House bill 20840, known as the Redfield bill, an amendment to provide for both pension and retirement of policemen and firemen; to the Committee on the District of Columbia.

By Mr. ESCH: Resolution of the American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against changes in the present patent law; to the Committee on Patents.

By Mr. EVANS: Petition of the Junior Order United American Mechanics of New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Resolution of the American Purity Federation, favoring passage of the Dillingham immigration bill containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the St. Benedict's Men Society and citizens of Chicago, Ill., against Stephens resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, petition of Cook County Cabinet, National Union, Chicago, Ill., favoring a more rigid enforcement of existing laws pertaining to inspection of excursion and passenger steamships on navigable waters; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade of New York, N. Y., against any change in the present patent law; to the Committee on Patents.

By Mr. FULLER: Petitions of John H. McGee, of Ironton, Ohio, and William Riley, of Yonkers, N. Y., favoring passage of House bill 1339 granting increase of pension to Civil War veterans who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the American Mining Congress, favoring passage of House bill 17360 to create a bureau of mines, etc.; to the Committee on Mines and Mining.

Also, petition of the National Association of Talking Machine Jobbers, protesting against the proposed amendments to the patent laws; to the Committee on Patents.

Also, petition of Illinois Manufacturers' Association, favoring the Cullom amendment to the river and harbor appropriation bill relating to raising and strengthening of levees in the city of Cairo, Ill.; to the Committee on Rivers and Harbors.

By Mr. HAYES: Petitions of the National Association of Talking Machine Jobbers, Pittsburgh, Pa.; the National Jewelers' Board of Trade, New York, N. Y.; A. Muller, San Francisco, Cal.; James R. Lester & Co., Sonora, Cal.; the A. D. Walsh Co., Redwood City, Cal.; and Sanborn Vail & Co., San Francisco, Cal., protesting against any change in the patent laws that would affect maintenance of resale prices; to the Committee on Patents.

Also, petitions of the German-American Alliance, Philadelphia, Pa.; the United Hebrew Trades of New York, N. Y.; and the Allied Committees of the Political Refugee Defense League of America, New York, N. Y., protesting against passage of the Dillingham immigration bill (S. 3175) containing the literacy test, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the San Joaquin & Sacramento River Improvement Association, San Francisco, Cal., relative to improvement of the Sacramento River; to the Committee on Rivers and Harbors.

Also, petition of the International Longshoremen's Association, Tacoma, Wash., favoring passage of House bill 11372, for making sea travel less dangerous; to the Committee on the Merchant Marine and Fisheries.

Also, petition of State of California Board of Charities and Corrections, favoring the creation of Federal commission on industrial relations; to the Committee on Appropriations.

Also, petition of District Council of Painters of San Francisco, Cal., protesting against policy of W. B. Moses & Son, of Washington, D. C., for not using union men on Government work; to the Committee on Labor.

Also, petition of the Chamber of Commerce of Sacramento, Cal.; Thomas A. Quinlan, Frazer & Peterson, Imperial Gas Engine Co., Henry C. Peterson, Standard Gas Engine Co., and Union Gas Engine Co., of San Francisco, Cal., protesting against passage of House bill 18788, for requiring all boats 40 feet or more in length to have two licensed pilots; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Golden Gate Harbor, No. 40, San Francisco, Cal., favoring passage of House bill 18788, requiring all boats 40 feet or more in length to have two licensed pilots; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., favoring passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of the Junior Order United American Mechanics, of Baltimore, Md., favoring passage of House bill 22527, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against changes in the present patent laws; to the Committee on Patents.

By Mr. LAFEAN: Petition of True Blue Council, No. 186, Daughters of Liberty, of East Prospect, Pa., and Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, Pa., favoring passage of the Gardner and Burnett bill, for amending immigration laws; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the National Jewelers' Board of Trade of New York City, N. Y., against any change in the present patent law; to the Committee on Patents.

Also, petitions of Charles T. Coleman, corporal, Company B, Seventy-fifth Regiment New York Volunteer Infantry, Canton, Ill.; Jesse Burkett, Company M, Fifth United States Cavalry; William A. Evans, Company F, Eighty-third Illinois Volunteer Infantry; S. D. Frank, Company A, One hundred and tenth Ohio Volunteer Infantry, of Troy, Ohio; and the Maimed Veterans of Lincoln, Nebr., favoring passage of House bill 1339 and Senate bill 1514, relative to veterans who lost limbs, etc., in the Civil War; to the Committee on Invalid Pensions.

Also, resolutions of the American Purity Federation and the Junior Order United American Mechanics, of New York, N. Y., favoring passage of the Dillingham bill, restricting immigration; and of B'nai Elisser Lodge, No. 277, and Elisser Liebermann Lodge. No. 131, of Brooklyn, N. Y., against passage of the Dillingham bill containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that would affect price maintenance; to the Committee on Patents.

By Mr. McGILLICUDDY: Petition of Cigarmakers' Union, No. 273, of Rockland, Me., favoring passage of House bill 19133, relative to operation of postal express; to the Committee on the Post Office and Post Roads.

Also, petition of Laymen League, Universalist Church, Rockland, Me., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Paris, Me., favoring passage of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolutions of Dr. Herman Adler Lodge, No. 238, Independent Order B'rith Sholom, of Brooklyn, N. Y.; Jacob Gordin Lodge, No. 66; Dr. Sabato Morais Lodge, No. 9, and Moses Montieflove Lodge, No. 21, Independent Order B'rith Sholom, of Philadelphia, Pa., against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Philadelphia Chamber of Commerce, of Philadelphia, Pa., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the W. W. Conde Hardware Co. and others, of Watertown, N. Y., against passage of the Oldfield bill, favoring change of the patent laws; to the Committee on Patents.

Also, resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of the Junior Order United American Mechanics of Baltimore, Md., and the American Purity Federation, favoring passage of the Dillingham bill; and of Kings County Lodge, No. 45, and Doctor Theo. Herzel Lodge, No. 107, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, of New York City, N. Y., against change in the present patent law; to the Committee on Patents.

By Mr. REILLY: Petition of Waterbury Hebrew Benefit Association, No. 1, Waterbury, Conn., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty, of Belford, N. J., favoring passage of the Gardner and Burnett bills, containing educational test, etc., for immigrants; and of United Hebrew Lodge, No. 502, Independent Order B'rith Abraham, of Perth Amboy, N. J., against passage of the Dillingham and Burnett bills, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany House bill 24187, granting an increase of pension to George R. Stearns, of Spring Creek, Pa.; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Lenshizer Mollino Lodge, No. 75, Independent Order Ahawas Israel, New York, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of F. Blumenthal Co., New York, relative to bill requiring manufacturers to place brands on all goods made by them; to the Committee on the Judiciary.

Also, petition of the Committee of Wholesale Grocers, New York, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Wireless Association of Pennsylvania, Philadelphia, Pa., protesting against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect maintenance of prices; to the Committee on Patents.

By Mr. TALCOTT of New York: Petitions of the American Purity Federation, favoring passage of the Dillingham bill; and of Schuyler Lodge, No. 254, Independent Order B'rith Abraham, of Utica, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, of New York City, N. Y., against change in the present patent laws; to the Committee on Patents.

By Mr. TILSON: Petition of the Junior Order United American Mechanics, New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petitions of Moses Montifiore Lodge, No. 21; Independent American Lodge, No. 35; Jacob Gordon Lodge, No. 66; Rabbi Herman Adler Lodge, No. 10; Dr. Sabatio Morais Lodge, No. 9; Old Constantine Lodge, No. 17; and Marcus Jastrow Lodge, No. 152, of Independent Order B'rith Sholom, of Philadelphio, Pa.; and Jacob Gordon Lodge, No. 169, Independent Order Ahawas Israel, of Philadelphia, Pa., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the American Purity Federation, Washington, D. C., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Bernard Rothberg Lodge, No. 515, Independent Order B'rith Abraham, New York, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

SENATE.

FRIDAY, *May 17, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

COTTON-GOODS TRADE IN RUSSIA (H. DOC. NO. 760).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. O'Dell, containing the result of his investigation of the cotton-goods trade in Russia, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution (No. 21) of the Senate requesting the President of the United States to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented a petition of the Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the enactment of legislation granting the privileges of second-class postage rates to the publications of fraternal associations,

which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Commercial Association, of Wilmot; of the South Dakota Retail Hardware Dealers' Association, and of sundry citizens of Lake Andes, Mobridge, and Montrose, all in the State of South Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented a petition of Mascoma Grange, Patrons of Husbandry, of West Canaan, N. H., and a petition of Winnesquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Winnesquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the congregation of the Grace Methodist Episcopal Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Illinois Federation of Women's Clubs, and a petition of sundry citizens of Media, Ill., praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the City Council of Elgin, Ill., praying for the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Oglesby, Ill., praying for the establishment of free mail delivery in towns, cities, and villages with a population of 1,000 or over, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry retail merchants of Moline, Ill., praying for the enactment of legislation to codify, revise, and amend the laws relating to patents, which was referred to the Committee on Patents.

He also presented a memorial of the Board of Trade of Peoria, Ill., remonstrating against the enactment of legislation providing for the Federal inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the passage of the so-called Kenyon "red-light" injunction bill, which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and ships, which was referred to the Committee on Public Buildings and Grounds.

Mr. TOWNSEND presented a petition of sundry veterans of the Spanish War, residents of Traverse City, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WETMORE presented a memorial of the Young Men's Hebrew Association, of Providence, R. I., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Maryland, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. BRIGGS presented memorials of sundry citizens of Closter, Hoboken, Montclair, Newark, Englewood, Paterson, Jersey City, and Atlantic City, all in the State of New Jersey, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Brunswick, Deckertown, Newark, Lebanon, Morristown, and Montclair, all in the State of New Jersey, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented petitions of the Associated Fraternities of America, of Lincoln, Nebr.; the Ancient Order United Workmen, Brotherhood of American Yeomen, Mystic Toilers, of Des Moines, Iowa; of the Woodmen of the World of Omaha, Nebr.; of the Improved Order of Heptasophs of Baltimore, Md.; of the Ladies of the Modern Maccabees of St. Louis, Mich.; of the Railroad Trainmen of Cleveland, Ohio; of the Supreme Tribe of Ben-Hur of Crawfordsville, Ind.; of the Catholic Order of Foresters of Chicago, Ill.; and of the Knights of the Maccabees of Newark, N. J., praying for the enactment of legislation extending the privileges of second-class postage rates to the publications of fraternal societies and organizations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Perth Amboy, Paterson, Atlantic City, Newark, Hoboken, and Camden, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Newark, Hackensack, and Verona, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Summit, N. J., praying for the enactment of legislation for the protection of migratory and insectivorous game birds, which was ordered to lie on the table.

He also presented a petition of the Society for the Prevention of Cruelty to Animals of Paterson, N. J., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Bloomfield, Camden, Riverton, and Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill, which were ordered to lie on the table.

He also presented a petition of the Russian Caviar Co., of New York City, N. Y., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of the Central Labor Union of Meriden, Conn., praying for the enactment of legislation requiring manufacturers to place their name on articles manufactured by them, which was referred to the Committee on Manufactures.

He also presented a memorial of the Merchants' Association of Connecticut, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Myrtle Hive, Ladies of the Maccabees of the World, of Ansonia, Conn., praying for the enactment of legislation granting to publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of New Haven Lodge, No. 131, Independent Order of B'rith Abraham, of New Haven; of Charter Oak Lodge, No. 610, Independent Order of B'rith Abraham, of Hartford; of the Knights of Israel of New Haven; of the Independent Minsker Association of New Haven; and of the Young Men's Hebrew Association of Bridgeport, all in the State of Connecticut, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which were ordered to lie on the table.

He also presented a memorial of the New Haven Trades Council, of Connecticut, remonstrating against the so-called Taylor system of shop management, which was referred to the Committee on Education and Labor.

He also presented a petition of the Cigar Manufacturers and Wholesale Dealers' Association, of Meriden, Conn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Stamford, Conn., praying that an appropriation be made for the purchase of a new site for the post office in New York City, N. Y., which was referred to the Committee on Public Buildings and Grounds.

Mr. O'GORMAN presented resolutions adopted by the North Side Board of Trade, of New York City, N. Y., and resolutions adopted by the Board of Trade and Transportation, of New York City, N. Y., favoring the enactment of legislation to provide for the acquisition of a site or sites for a Federal courthouse in the southern district of New York, and for a post office for the southern part of Manhattan, in the Borough of Manhattan, city of New York, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6380) to incorporate the American Hospital of Paris, reported it without amendment and submitted a report (No. 760) thereon.

He also, from the same committee, to which was referred the bill (S. 2598) changing the name of Maine Avenue and providing for a new location for Maine Avenue, submitted an adverse report (No. 761) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. LODGE. From the Committee on Finance I report back the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with an amendment in the nature of a substitute, and I submit a report (No. 763), which I ask may be printed and the bill go to the calendar. I desire to state that the minority of the committee will later present their views.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CULLOM. I am directed by the Committee on Finance, to which was referred the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, to report it adversely, and I submit a report (No. 765) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SIMMONS. Mr. President, I desire to state that the minority of the Committee on Finance will at a later date file their views with reference to the bills reported this morning concerning sugar and the income tax.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 764), accompanied by a bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 56. Joseph Morris.
S. 190. William P. Mandeville.
S. 347. John A. Connolly.
S. 394. Frederick L. Jones.
S. 427. Ann O. Burt.
S. 432. James A. Bean.
S. 440. Ulysses J. Wannemaker.
S. 516. Cora E. Ruttinger.
S. 565. Robert H. Parker.
S. 757. Benjamin A. Yates.
S. 794. Leslie Harding.
S. 840. Philip C. Elbert.
S. 842. Le Claire H. Evans.
S. 1136. Libbins W. Davis.
S. 1480. Joseph L. Cooper.
S. 1481. James Tompach.
S. 1634. Anderson Wright.
S. 2074. Thomas Roy.
S. 2416. Jennings J. Pierce.
S. 2476. Joseph P. Sullivan.
S. 2533. Mary Lillie Bauskett.
S. 2557. Albert W. Kelley.
S. 2616. Andrew L. Weatherford.
S. 3029. Gomecindo Sallas.
S. 3188. Roscoe C. Tartar.
S. 3210. Paul Lemm.
S. 3581. Andrew Knight.
S. 3589. Otto Paulson.
S. 3659. Sarah F. Maynard.
S. 3715. Tivis C. Simmons.
S. 4583. Florence H. Ridgway.
S. 5815. Catharine Huber.
S. 6048. John K. Jamieson.
S. 6117. Emily J. Chambers.
S. 6138. Chauncey S. Pratt.
S. 6409. John Mooney.
S. 6437. Benjamin F. Downen.
S. 6607. Martin J. Tunney.
S. 6608. Lydia Blanke.
S. 6667. Susie C. Heilner.
S. 6668. Samuel H. Craig.

Mr. WORKS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported it without amendment and submitted a report (No. 766) thereon.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 6109) for the protection and increase of State game resources, reported it without amendment and submitted a report (No. 767) thereon.

UNVEILING OF COLUMBUS MEMORIAL.

Mr. GALLINGER. From the Committee on the District of Columbia I am directed to report back favorably with an amendment the joint resolution (S. J. Res. 107) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus memorial on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling, and I submit a report (No. 762) thereon. I ask for the present consideration of the joint resolution.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 3, after the words "*Provided further*," to strike out the remainder of the joint resolution and insert:

That the United States or the District of Columbia shall be put to no extra expense of any kind thereby, and that the structures shall be removed by the said committee on unveiling within 10 days following the unveiling ceremonies, and the site cleared of all débris and put in as good condition as before the erection of the structures.

So as to make the joint resolution read:

Resolved, etc., That the Secretary of War and the Commissioners of the District of Columbia are hereby authorized to grant permission, under such restrictions as they may deem necessary, to the citizens' general executive committee of the Columbus memorial unveiling, for the use of any public space under their respective jurisdictions in the city of Washington on the occasion of the unveiling of said statue, which will take place on June 8, 1912: *Provided*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of said committee on unveiling, and in accordance with plans and designs to be approved by the engineer commissioner of the District of Columbia and the officer in charge of public buildings and grounds: *Provided further*, That the United States or the District of Columbia shall be put to no extra expense of any kind thereby, and that the structures shall be removed by the said committee on unveiling within 10 days following the unveiling ceremonies, and the site cleared of all débris and put in as good condition as before the erection of the structures.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

J. KENNARD & SONS CARPET CO.

Mr. STONE. From the Committee on Finance I report back favorably without amendment the bill (S. 4007) for the relief of the J. Kennard & Sons Carpet Co., and I submit a report (No. 759) thereon. This is a unanimous report recommending its passage. It is to refund some penalties imposed on importations of linoleum. Would there be objection on the part of any Senator to having the bill read and taken up now?

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the J. Kennard & Sons Carpet Co., of St. Louis, Mo., a corporation of the State of Missouri, the sum of $2,427.88, the same being the amount of penalties heretofore assessed against and collected from said company on account of customs duties in the months of April, May, July, and August, 1907.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I do not rise to object, but in the absence of any report I suggest that the Senator introduce the letters from the department.

Mr. STONE. I have made a report, with the letters.

Mr. HEYBURN. I did not suppose it was possible for the Senator to have prepared a report so quickly.

Mr. STONE. The report consists mainly of the letters that were read before the committee this morning.

Mr. HEYBURN. They ought to go in the RECORD in connection with the bill.

Mr. STONE. I ask to have the report inserted in the RECORD.

The VICE PRESIDENT. Without objection, the report will be inserted in the RECORD following the consideration of the bill. The Chair hears no objection to the present consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The report this day submitted by Mr. STONE is as follows:

This bill is for the relief of J. Kennard & Sons Carpet Co., of St. Louis, Mo., to refund to the said company $2,427.88, the amount of the penalty assessed and collected from the same company on account of customs duties during the months of April, May, July, and August, of 1907. This company is a thoroughly responsible and in every way highly reputable establishment of long standing in St. Louis. The facts of this case are fully stated in the subjoined letter of the Secretary of the Treasury, Mr. MacVeagh, to the chairman of the Finance Committee, in which he inclosed copy of letter he had written relative to the same matter to the chairman of the Committee on Claims of the House of Representatives.

The Finance Committee by unanimous vote recommends that the bill pass.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 5, 1912.

The CHAIRMAN COMMITTEE ON FINANCE,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, transmitting a copy of bill (S. 4007) for the relief of A. J. Kennard & Sons Carpet Co.

In reply to your request for an expression of opinion regarding its merits, I have to inclose a copy of a report made to the Committee on Claims on November 25, 1910, upon bill H. R. 27153, for the same purpose.

At the request of the chairman of the Committee on Claims of the House of Representatives, the files of this department were transmitted to that committee on January 26 last, and they have not yet been returned.

This department sees no objection to granting the relief proposed in this bill.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

—

NOVEMBER 25, 1910.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your reference of the 14th ultimo of H. R. 27153, a bill for the relief of the J. Kennard & Sons Carpet Co., of St. Louis, Mo., to refund to the said company $2,427.88, the amount of a penalty assessed and collected from the same company on account of customs duties during the months of April, May, July, and August of 1907.

The facts, as they appear from the records on file in this department, are as follows:

Between the dates of March 23 and August 9, 1907, J. Kennard & Sons Carpet Co. entered at the port of St. Louis nine different shipments of linoleum imported from England. The invoices on which entries were made showed the price at which the merchandise was purchased with various discounts and a freight allowance of 40s. per ton, which was deducted from the values of the merchandise as stated in the invoice.

On some of the entries the importers deducted the entire freight allowance from the invoice value, while on other entries one-half of the freight allowance was deducted.

Upon appraisement by the local appraiser the freight allowance deducted by the importers was added back to make market value, and upon reappraisement by a single general appraiser and by a board of three general appraisers the entire amount deducted as a freight allowance was added to make market value, together with an addition of 2s. per bale for packing charges. Pursuant to the requirements of section 13 of the act of June 10, 1890, the surveyor liquidated the entries upon the values returned by the Board of General Appraisers and assessed an additional duty of 1 per cent for each 1 per cent that the appraised value exceeded the entered value, as required by section 32 of the act of July 24, 1897, the total amount of such additional duties being $2,427.88.

The importers applied to the department for a remission of the additional duties so assessed, but as it appeared that the undervaluation was not the result of a manifest clerical error, this department was without authority to remit the additional duties assessed in accordance with the law.

It appears that linoleum sold in England was invoiced at a price including the freight from the point of shipment in England to the place of delivery in the United States; that for a number of years prior to July 1, 1907, it had been the practice in appraising linoleums to deduct the amount of freight from the purchase price of same to ascertain the foreign market value thereon; and that, in accordance with this practice, the importers in making entry of linoleums always deducted the freight allowances, and declared in their entry the invoice value of the merchandise less the amount allowed them for freight from England to the place of delivery in the United States.

The published reports of reappraisements for the week ended June 24, 1907, Reappraisement Nos. 10879, 10881, and 10948 show reappraisements on linoleums wherein the deduction of freight was allowed. All reappraisements of linoleums made subsequent to July 1, 1907, however, show that the deductions for freight were disallowed.

This department has no record of the evidence upon which the Board of General Appraisers changed their ruling and decided that the freight charges should be added to make the market value, nor whether these importers had notice of the change of the rule of the general appraisers as to the market value of this merchandise.

It does appear, however, that it was the practice of these importers to enter their merchandise at the value which had been affirmed by the Board of General Appraisers as the correct market value, and that there was no intention on their part to undervalue the said merchandise or to evade the payment of duty thereon.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

FORT GRANT MILITARY RESERVATION, ARIZ.

Mr. SMITH of Arizona. The bill (S. 6799) granting to the State of Arizona the Fort Grant Military Reservation for an industrial school, and for other purposes, was referred to the Committee on Military Affairs. I find that that reservation has been turned over to the Interior Department and is now subject to that jurisdiction. I therefore ask the reference of the bill to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

ANNA I. WOOD.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 303, to report it with an amendment, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, after the word "pay," to insert "from the contingent fund of the Senate," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Anna I. Wood, widow of the late Thomas Wood, laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6852) to place C. T. Dulin on the retired list of the United States Army; to the Committee on Military Affairs.

A bill (S. 6853) granting a pension to Patrick Moore; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6854) granting an increase of pension to Smith Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6855) granting a pension to Abbie W. Myrick (with accompanying paper); and

A bill (S. 6856) granting an increase of pension to Charles F. Wellman (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6857) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party; to the Committee on Military Affairs.

A bill (S. 6858) granting an increase of pension to Cyrus E. Prindle (with accompanying papers);

A bill (S. 6859) granting an increase of pension to Frederick Richards (with accompanying papers); and

A bill (S. 6860) granting an increase of pension to Elroy S. Jennings (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6861) granting an increase of pension to William L. Baird (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6862) providing for the payment of interest to certain States on the amount contributed to the reclamation fund by such States; and

A bill (S. 6863) to provide for the expenditure of a portion of the reclamation fund in the States in which such fund originates; to the Committee on Irrigation and Reclamation of Arid Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment relative to the wages of workmen, clerks, and other employees at the assay office at Seattle, Wash., etc., intended to be proposed by him to the legis-

lative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $800 for the salary of a shipping commissioner at Bath, Me., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment relative to the appointment of three assistants in the reading room, Library of Congress, at $900 each, and two assistants at the charging desk, at $1,200 each, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the transportation of foreign mails from $3,748,400 to $3,757,400, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WARREN submitted an amendment providing for the widening, when necessary, and surfacing of roads in the Yellowstone National Park leading from Mammoth Hot Springs to the north boundary line, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

EIGHT-HOUR LAW.

Mr. BORAH. I desire to state that on Monday next, after the routine morning business, I will ask the Senate to consider House bill 9061, known as the eight-hour bill.

REPEAL OF RECIPROCITY ACT.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911.

Mr. STONE. Mr. President, of course in due time I will have no objection to considering the bill, but I will ask the Senator to consent to let it go over for to-day.

The VICE PRESIDENT. Does the Senator from Idaho withdraw the request?

Mr. HEYBURN. Let it stand on the objection. That is an objection to present consideration.

The VICE PRESIDENT. It is an objection, but the Senator from Missouri put it so nicely the Chair thought perhaps he did not wish to put it in the form of an objection. The bill goes over on the objection of the Senator from Missouri.

REPORTS RELATING TO COTTON.

Mr. SMITH of South Carolina. I ask for the consideration of the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton. The bill is on the calendar and was objected to when called up before, and now there is no objection to it, I understand. It will lead, I presume, to no discussion. It is simply to change the date from June to July for the acreage report, and all concerned, both North and South, are interested that the bill shall be passed.

The VICE PRESIDENT. The Senator from South Carolina asks for the present consideration of House bill 14052, which will be read for information.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I should like to know what special occasion there is for considering the bill at this time. Unless there is some——

Mr. SMITH of South Carolina. The Secretary of Agriculture, I will say to the Senator from Idaho, desires to avoid the expense incident to getting the June preliminary report, which is subject to correction, under the law, in July. The bill proposes to make one report, which will give the final acreage seeded to cotton.

Mr. HEYBURN. I will not object to anything that proposes to make one blade of grass grow where two have heretofore grown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out section 2, lines 8 to 13, inclusive, on page 1, in the following words:

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Mondays in August, September, and October of each year, showing the condition of the cotton crop of the United States on these respective dates.

So as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be directed to cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year, showing by States and in total the number of acres of cotton then in cultivation in the United States.

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

SEC. 3. That all acts or parts of acts inconsistent with the foregoing provisions be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The VICE PRESIDENT. Without objection, the sections will be renumbered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE METAL SCHEDULE.

Mr. SIMMONS. I ask the Senate to proceed to the consideration of House bill 18642.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent to now consider the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WATSON. Mr. President, in what I say at this time I shall speak entirely from a business man's point of view. While I do not underestimate in the least the importance of the larger and more abstract problems of government, I am more interested in those which have to do with its practical conduct under existing conditions of constitutional development and of legislative control. There are many lessons of economy, system, and attention to the work in hand that can be learned by administrators and legislators from men who have been occupied chiefly with commercial affairs and can be helpful in insuring, to some extent, the proper and profitable transaction of business. Much has been heard within the past year or two of economy and efficiency in the public service. Many broad and somewhat vague statements on that subject have been indulged in; many extreme assertions have been made. But, whatever may be done in reorganizing the administrative conduct of affairs, it is certain that much more may be accomplished by the legislative branch of the Government. It would be possible to transform our whole system, to reduce its cost enormously, and to cut down in corresponding proportion the burden resting upon the public if we were willing to shape legislation along the lines of greatest economic effectiveness. I shall endeavor to show how far, in my judgment, the present system of tariff legislation, as illustrated by the schedule of duties now under consideration, departs from the standard of businesslike administration.

The first practical question concerning the tariff is to what extent that system conforms to the system of government in this country. Nothing is more productive of friction and waste in the operation of any concern, whether governmental or commercial, than an attempt to employ methods which do not agree with the purposes for which it was created or out of harmony with the essential principles of its organization. The present tariff system of the United States is subject to this criticism. It was begun in 1789 as a source of revenue, and for that purpose alone; it was continued in the tariff acts of 1816, 1824, and 1828 for the purpose of promoting one set of industries and one part of the country at the expense of another; and it was sad experience which, after 1832, forced the country to a gradual abandonment of the protective idea and a return to the revenue principle in the tariffs of 1846 and 1857. Only the exigencies of civil war could have restored the protective system in all its unfairness and with all of its inconsistencies and jokers. It has continued to the present day as the result of peculiar conditions in American politics, combined with the powerful influence of manufacturers who were resolved to maintain the advantages they had gained through war-revenue legislation.

Mr. President, it has long been the opinion of many able lawyers that our customs system is distinctly opposed to the intent of the Constitution of the United States. That document authorizes Congress to lay imposts, duties, and excises, and under this provision the levying of tariff duties for a revenue purpose can be fully justified. Indeed, the organization of the United States upon its present basis was partly, at least, dictated by a desire to render uniform the systems of duties

which were then in vogue in the several colonies. But this is far from being an assertion that the tariff as at present used represents a constitutional exercise of the taxing power. The confessed purpose of many of the duties now levied is that of redistributing the property of the community by enabling domestic manufacturers to charge higher prices for their goods than they otherwise could. As the Supreme Court of the United States has expressed the matter in the leading case of Loan Association *v.* Topeka (20 Wall., 655)—

> We have established, we think, beyond cavil, that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

But easy or hard, Mr. President, the fact remains that the levy of taxation for a purpose which is not public is an unconstitutional exercise of power. This view is sustained not merely by the case which I have cited but by a long line of unbroken decisions running through the history of our highest tribunal. I am aware that there are those who would hasten to defend the tariff as at present levied upon the ground that, though admittedly protective, the protection has been sought for a public purpose or that it results in public benefit. That I absolutely deny. But even though it be granted that the purpose of the protection is a public one, and even though it be conceded—what by no stretch of the imagination can be admitted—that the effect of the protection is generally beneficial, it still remains true that the collection of duties for such a purpose would not be warrantable. This point was fully covered in the case of Lowell *v.* The City of Boston, in which that city was restrained from issuing its bonds to raise a fund for use by way of loans in rebuilding the portion of the city destroyed by fire in November, 1872. Certainly here was a worthy object, one fully in the interest of the community, yet involving an appropriation of public funds to private purposes. As such it was held unconstitutional by the supreme judicial court of the Commonwealth (111 Mass., p. 444), and this point of view has been repeatedly sustained by the Supreme Court of the United States.

Neither can it be alleged by those who would apologize for protection that it may be constitutionally sustained because the use of this method of taxation for a private purpose—the upbuilding of private enterprises—is merely incidental to the use of the taxing power and does not involve a direct diversion of the funds thus collected after they have reached the Public Treasury. Our courts are equally as clear in their holding that the use of this power of taxation for the purpose of redistributing property or of discriminating between persons is as unfair and as unconstitutional as if the money had been paid out of the Public Treasury to advance the interests of one class in the community at the expense of others, provided such use of the power is the chief purpose and not a mere incident to its exercise. Even in the classical case of Veazie Bank *v.* Fenno (8 Wall., p. 533), involving the 10 per cent tax on State-bank notes imposed by Congress for the admitted purpose of preventing the circulation of the notes, the Supreme Court of the United States, contrary to general assumption, failed to uphold the tax in this light. True, it essentially sustained the 10 per cent tax as the exercise of a special power bestowed by the Constitution—that of regulating the circulation of money. But it declined to rebut the argument of counsel for the bank that the use of taxation for the purpose of injuring or impairing the privileges of the bank was unconstitutional. To this argument it merely replied that "the judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged power." The unlimited power of the character of taxation thus vindicated was not, however, and has never been regarded as incapable of being wrongly exercised. If the power of the courts to restrain the unconstitutional exercise of the taxing authority be relatively feeble, there is the more reason for keeping the legislation which embodies it within the limits required by the plain dictates of the Constitution.

Not being a lawyer, I should not care to discuss the constitutionality of the tariff if the question were simply academic. But the unjust use of tariff duties for the purpose of changing the direction of industry is as unbusinesslike as it is unconstitutional. As legislators we should aim at a better conception of the Government of the United States as a business concern organized for the performance of specified duties in a businesslike way and without any unnecessary expenditure or waste of resources. To secure this desirable result thoughtful men who are not wholly controlled by considerations of self-interest, or what is popularly known as "politics," are essential to the administration of laws as well as in making laws. It is the fundamental law of business that an enterprise shall be self-sustaining and that it shall not unnecessarily draw upon its resources at one time or prevent itself from gaining access to them at another. How does the tariff stand from this point of view? Experience shows that it is a most unreliable source of revenue. During the past 20 years it has alternately produced a surplus and a deficit. The possession of the surpluses has invariably led to extravagance and inflated expenditures. The deficits have necessitated the issuance of bonds or the imposition of additional taxes, which combine with the tariff to produce another inflation. It was a condition of this kind, inherited by President Cleveland in 1893, which necessitated the bond issues of his administration in order to supply the shortage of revenue due to the unduly protective McKinley tariff law, with its provision for enormously expensive sugar bounties. Viewing the United States Government as a business corporation organized for the distinct purpose set forth in the Constitution, I do not hesitate to say that it is the duty of Congress to collect from the people the funds which are needed to sustain that Government in the most economical manner by the use of the taxing power in such a way as will least reduce the resources of the community and yet subject them to the smallest tax or strain necessary.

With our enormously inflated rates of duty, it is an obvious demand of common sense that Congress should at the earliest opportunity set itself to the reduction and equalization of the various schedules. This, Mr. President, is not a suggestion of free trade, which, I think, is impracticable at the present time, however desirable it may be in theory. The Treasury could not endure the loss of much, if any, of the present customs revenue. But, Mr. President, I am perfectly certain that the people of the United States properly demand an immediate and thorough readjustment of duties so as to eliminate, so far as possible, all special protection, place our producers upon a competitive basis, and reduce duties to a point where our manufacturers will have to expect competition when unreasonable or unfair advances in prices are attempted. I do not believe that this program contains the slightest element of danger to the business community. On the contrary, it would positively strengthen industry, eliminate many unwholesome and dishonest practices, and call forth resources and economies which are not now resorted to because of the absolute monopoly of our domestic market. It would, moreover, meet the main evil of the present situation. That evil, Mr. President, is nothing more nor less than uncertainty. Far too much has been said about the effect of reduction of the tariff in interfering with business; far too little about the effect of continued discussion and debate upon the temper and capacity of business men. There can be no doubt that the chief danger to business at present is not the danger of reduction, still less the actual reduction of rates, but it is the uncertainty by which the whole subject is attended and surrounded. I do not believe that the best plan to secure tariff quiet is to let the tariff alone. That is not possible. The country is aroused. It will not endure the indefinite continuance of the existing schedules. It absolutely insists upon reasonable and immediate revision. The pressure upon Congress for action will continue until the demand is met and satisfied by sincere, businesslike legislation. From such legislation the business of the country has absolutely nothing to dread.

Yet, in spite of the manifest demand for this kind of honesty in the treatment of the subject, it seems almost impossible to secure rational consideration of the question of reducing duties, still less a moderate degree of fairness in the discussion of any particular bill. The House of Representatives some weeks ago sent to the Senate a measure reducing the tariff on steel. But this bill has received no attention on the floor until within the last few days, and its consideration in the Finance Committee of this body has been largely partisan and one-sided.

Mr. President, I regret to say that I find what almost amounts to pig-headedness and intolerance with reference to tariff reduction that it is difficult indeed to understand. It has often seemed to me during the recent hearings before the Finance Committee that a self-respecting man could not appear as a witness if he intended to suggest the desirability of reducing duties. Both before the Finance Committee, and in times past before Republican Ways and Means Committees of the House of Representatives, nothing has so surely subjected a witness to sarcasm, distortion of his remarks, and even personal insinuation, not to say insult, as the suggestion that the duties in some existing schedule were higher than they ought to be. Protectionist members of these committees have apparently constituted themselves defenders and advocates, if not counsel, for manufacturers whose object was not merely that of preventing an injurious general reduction in the tariff duties, but who were insistent upon being sustained in their enjoyment of special tariff favors which enabled them to market their own

products at prices far above those possible under any reasonable system of duties. I regret that such an attitude should ever be adopted by those who are placed in a judicial or legislative position and whose duty it is to hold the scales even, that they may obtain the evidence needed in the revision of existing law. The correction of this evil is demanded by the people of the country as well as by business principles, and has no special reference to the tariff question, although the latest and perhaps the worst illustration of it has been furnished in the partisan tactics lately adopted toward witnesses before the Finance Committee.

But the refusal to give the slightest heed to tariff reform is not solely confined to Congress.

I have no intention, Mr. President, of offering any improper criticism of the Chief Executive of this Nation. Yet it remains true that President Taft and ex-President Roosevelt have cooperated with the opponents of tariff revision in this body to prevent the enactment of any satisfactory measure designed to relieve the public of its present great burden. The President has had much to say of tariff revision, yet when actual measures have reached him he has not scrupled to return them with a veto. His only positive action for the reduction of the tariff during his term of office has been negotiation of the reciprocity treaty with Canada. A bill carrying this treaty into effect was passed by the Senate and the House of Representatives largely by the aid of Democratic votes given merely because of the belief that the reciprocity proposal was at all events a step forward.

How unfortunate it was, Mr. President, that the Executive of this great country should have been practically driven to a "deal" in order to get votes for his reciprocity agreement with Canada by agreeing to veto the tariff bills that were to be sent to him at the special session. Yet this is the sole possible explanation of the remarkable conduct of President Taft in refusing to the country the relief from tariff oppression to which it was entitled. Very early in the special session President Taft allowed it to be definitely understood that the session had been called solely for the purpose of authorizing the Canadian reciprocity agreement, and that he was not prepared to consider or accept any measure that might come to him upon other subjects. It was a matter of common knowledge among the Republican Members of Congress that President Taft had taken this position simply because he believed that the reciprocity arrangement would tend to reduce the cost of living, and would thereby relieve or check the outcry against unreasonable duties which was then growing too loud to be ignored. True, the Executive technically based his vetoes upon the absence of a report from the Tariff Board upon any of the schedules then sent him.

But the President of this Nation can not expect Members of this Congress to entertain for the views of the Tariff Board a greater regard than he himself displays. In framing the Canadian reciprocity agreement he entirely ignored the Tariff Board, for he did not call its members into consultation until after the agreement had been shaped. Although they supplied him with a report which showed an average difference in the cost of production of news print paper between this country and Canada of $4.45 per ton, he persisted in urging upon Congress the enactment of a measure which would have resulted in making pulp and paper free of duty. He did more than this, for he secured the reconstruction of the reciprocity measure in such a way as to make this reduction upon pulp and paper entirely independent of the action of Canada in accepting the general agreement, and this removal of the duties upon tax-free pulp and paper is to-day actually in effect, resulting in admitting into this country entirely free of duty about 70 per cent of the total importations of those articles from Canada. How grotesque and absurd it was, then, for the Executive to request Congress to await the reports of the Tariff Board before acting upon the subject which had been committed to its charge by an unmistakable popular mandate. No adequate explanation of President Taft's position can be afforded, except the unfortunate necessity to which he was subject of obtaining the votes of certain members of his own party by guaranteeing to certain special interests a further continuance of the tariff duties which the President himself had denounced as absolutely "indefensible," and which were recognized by the country over as being hopelessly obsolete, unfair, and ill adapted to present conditions. I hope the same outcome will not meet the pending bill, although definite reports prevail throughout this Chamber that the President will veto any measure revising the tariff on iron and steel, no matter how reasonable may be its terms, because of the lack of a report on that subject from the Tariff Board.

In what position does this place the Commissioner of Corporations, who for more than four years has been engaged, with the aid of a large staff of expert assistants, in investigating the steel industry? He has examined the subject from every point of view and has recently devoted a large volume to the publication of an analysis of the cost of producing iron and steel. Does not the President's attitude imply that no inquiry can be accepted as final on the iron and steel schedule unless it is conducted by specially chosen agents who are "reliable" on the tariff question? How does this attitude affect the Immigration Commission, which spent nearly $800,000 in preparing for Congress a report in which the iron and steel industries figured to a very large degree? Where does it leave the Bureau of Labor and the staff of trained economists and investigators employed by that organization in several important studies of iron and steel?

All of this information giving definite and convincing evidence of the need for reduction in the iron and steel schedule has been so ably presented by the Senator from Iowa that I will not even attempt to quote it. The threat of veto under these circumstances, irrespective of what the terms of the proposed bill may be, shows an utter indifference to the idea of tariff revision put forward by the administration as one of its cardinal policies and convicts it at once either of political deceit and evasion or of absurdity.

It is well known that reformation of the tariff is an article of faith with those who are known as "Progressives." Yet, I remember that the archprogressive of all, who is now pushing his own campaign for a third term in the Presidency, was in the White House for seven years without ever lifting a finger to secure a revision of the tariff. It can not be said that this total indifference on the part of former President Roosevelt was due to ignorance, for as far back as 1902 he considered the propriety of recommending to Congress the appointment of a tariff commission, whose duty it should be to prepare a revision of the schedules upon which some action might be based.

But while Mr. Roosevelt was insistent and persistent upon all kinds of legislation and in his general efforts to regulate all forms of business activity, he could not be induced even to make a genuine demand for the tentative notion of reform which he had thus conceived. He allowed one of the worst tariffs ever placed on the statute books—the Dingley Act of 1897—to continue in operation absolutely without disturbance throughout the whole seven years, which, as he himself announced, are to be considered two terms in the White House. This is Mr. Roosevelt's record as a tariff reformer. It should be borne in mind by those who are now sending abroad his criticisms of President Taft's action in signing the tariff act of 1909 and in praising that unfair and partisan enactment as "the best ever." There is nothing to be expected from President Roosevelt with reference to the tariff should he again enter the White House. Experience has shown him as one who had not the courage to attack this fundamental problem, knowing, as he did, that the foundations of his party supremacy were laid upon tariff favoritism and special privileges.

Efforts to secure action in this very Chamber have shown that the same form of particularism and localism, characteristic of the ultra-standpat tariff leaders on the Republican side of the Chamber, is equally characteristic of some of the progressives. They were not willing to assent to reciprocity, because it reduced the rates on grain and agricultural products generally in that northwestern region where they expected to capture votes. They are not willing to-day to join with Democrats in an attempt to reduce the duties on raw wool. The flockmasters of Wisconsin, Wyoming, Washington, and other States have the same influence with them as do the manufacturers of pig iron and steel rails with the gentlemen who are now seeking to uphold the present rates of duty in the metal schedule. The Senator from Idaho, who is apparently so earnest in his assault upon the trusts, will not consent to a cut in the duties on lead and zinc, notwithstanding that these necessary substances are to-day largely regulated in price by one of the greatest trusts in the United States.

No; there is nothing to be hoped by the public from those whose progressivism is halted by the interest of those manufacturers and growers among their constituents who are to-day profiting from abnormal duties and whose fortunes are built up by the receipt of excessive prices for the wool the poor man needs for his blankets or for the metals that furnish the material for a hundred other necessaries of life.

It would seem, Mr. President, that there is little to be expected by way of tariff revision, either now or in the future, which can reasonably be foreseen from any source other than the Democratic Party. To that party the country owes every genuine effort to secure the reduction of the tariff within recent years. From that party and from that alone comes the impulse for the actual reduction of duties to-day. And it was no mis-

taken understanding of the industrial situation that led to the presentation of a bill for the reduction of the rates on iron and steel before any other schedule at this session of Congress. President Taft had rejected measures dealing both with cottons and woolens. He had called for scientific information on every schedule that was to be dealt with. On the steel schedule and the steel industry in general there was such information in abundance. Steel is the chief requisite of manufacture. Except for the products of our farms and our mines, which are perhaps more fundamental to industry, it lies absolutely at the root of all other industrial undertakings, since it supplies the raw material of production. To-day the country is suffering from high prices for iron and steel products—prices that have been exacted as the result of combinations and agreements. To-day the average rate of duty under existing laws is about 34 to 37 per cent, including in the average all items affected by the metal schedule. We propose to reduce it to about 19 to 22 per cent. What reason is there for this action? What good arguments are there against it?

In 1901 the United States Steel Corporation was chartered with a total capitalization of $1,400,000,000. At the end of its first 10 years of existence this corporation has added to its investment in tangible property about $500,000,000, or an average of $50,000,000 a year. The Bureau of Corporations estimates that the total investment of the concern in 1900 was $698,869,756, or substantially only 50 per cent of the total capitalization with which it started. The same authority estimates its investment in tangible property in 1910 as $1,186,982,038, the difference being about $448,000,000. Whether we accept the estimate of the Bureau of Corporations as to the value of the property in 1901 or not, the fact remains that nearly half a billion dollars has been added to the actual tangible investment during the first 10 years of the concern's life. There has been an average earning of 12 per cent on the total invested property during the decade in question, the gross average earnings amounting to not less than $112,856,498 annually. Of this great sum the half billion to which reference has already been made has been used to reduce the discrepancy between real valuations and par values, while more than that amount has gone as dividends upon the vast volume outstanding of securities. Charles M. Schwab, one of the foremost steel experts in the country, in an authorized interview in a New York paper, Saturday, May 11, predicted that the earnings of the United States Steel Co. in the next 10 or 15 years would be more than $200,000,000 annually. What a compliment it is, Mr. President, to the ability and capacity of those who organized and conducted the United States Steel Corporation that they have been able to pay handsome returns upon so immense a volume of outstanding securities with less than 50 cents on the dollar of actual tangible property behind them. What a tribute it is to the charitable attitude of the United States Government in permitting and maintaining conditions that practically prohibited importation of many of the classes of manufactures controlled by the United States Steel Corporation. It is a part of the general beneficence which has led Congress to create conditions whereby manufacturers and parts of the country that enjoyed special favor at the hands of the legislative body could successfully and without interference levy a tribute upon the consuming classes for the sake of their own prosperity.

But, Mr. President, it is often stated that while the United States Steel Corporation has been successful in maintaining itself and in paying dividends upon its immense burden of stocks and bonds, as the Bureau of Corporations has so clearly shown, the same does not hold good of the so-called independent interests. Professional apologists for excessive tariff rates have told us that a reduction of the tariff designed to curb the trusts will have no effect except that of driving out the so-called "small" men in the industry and of leaving the larger concerns to occupy the field. It seems to me that this argument positively passes the limit of human credulity. Can it be believed that foreign manufacturers situated at a distance and subject to all the disadvantages of cost of transportation, to say nothing of inferior natural resources in the production of steel and iron, would be able to subject these independent concerns to an extremity of competition that had not been visited upon them by the monopoly with which they must compete at home? The logic of the case is all against so violent and impossible a conclusion. But fortunately, Mr. President, we have the actual facts in the case to show the absurdity of such an assertion. The Bureau of Corporations has carefully compiled the percentage of each kind of iron and steel product as compared with the total output of the United States that is turned out by the so-called independent companies. From this computation it appears that in the aggregate the percentage of the total production of the United States controlled by the steel corporation fell off heavily between 1901 and 1910. Its proportion of the production of nearly all steel products, with the exception of steel rails, very sharply declined, while its production of iron ore during the same period fell from about 60 per cent of the total to about 51 per cent. The conclusion is inevitable that the independent interests are amply able to maintain their position against the United States Steel Corporation, whether with or without the tariff. If they can maintain themselves against the steel corporation, they can maintain themselves against any steel-manufacturing organization in the world. They have nothing to fear from a change in the tariff any more than has the steel corporation itself.

Another excellent index to the present strength of the iron and steel industry is seen in the remarkable success had by the domestic producers in building up an export trade. The compiled figures which I herewith submit show the extent of this movement and indicate that the total exports of iron and steel and their products were $230,725,351 in 1911, against $14,716,524 in 1880, or a growth of more than 16 times in 32 years.

Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911.

[Compiled from reports of Bureau of Statistics, Department of Commerce and Labor.]

Article	Year ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Aluminum, and manufactures of				$58,161	$244,091	$175,859	$666,937	$1,330,018
Babbitt metal				263	76,145	67,215	156,396	261,418
Brass, and manufactures of	$183,468	$538,118	$467,313	784,640	1,866,727	3,025,764	4,355,561	6,230,092
Cars, carriages, other vehicles, and parts of	1,407,425	1,864,528	4,746,678	2,382,714	9,905,610	10,610,437	20,630,859	30,534,935
Automobiles, and parts of						2,481,243	11,199,220	15,509,229
Automobiles							9,548,700	12,965,049
Parts of							1,641,520	2,544,180
Cars, passenger and freight, and parts of	583,723	369,053	2,689,698	868,378	3,542,677	3,154,008	3,715,099	8,254,711
For steam railways					2,558,323	1,934,352	2,192,282	5,472,648
For other railways					984,354	1,219,656	1,522,817	2,782,063
Cycles, and parts of					3,553,149	1,378,428	620,760	883,309
Wheelbarrows, pushcarts, and hand trucks						276,117	534,576	571,269
All other carriages, and parts of	823,702	1,495,475	2,056,980	1,514,336	2,809,784	3,320,641	4,570,204	5,316,427
Clocks and watches, and parts of	1,453,237	1,345,949	1,695,136	1,204,005	1,977,694	2,316,414	2,588,931	3,126,771
Clocks, and parts of	1,356,742	1,209,048	1,344,047	846,676	1,190,074	1,192,246	1,360,218	1,565,901
Watches, and parts of	96,495	136,892	351,089	357,329	787,620	1,124,168	1,228,713	1,560,870
Copper, and manufactures of:								
Pigs, ingots, bars, plates, and old	667,242	5,339,887	2,220,097	13,921,460	55,772,166	81,795,226	83,624,806	98,705,303
All other manufactures of	126,213	107,536	129,295	547,243	2,080,794	4,430,065	4,379,591	5,107,802
German silver							104,244	41,073
Iron and steel, and manufactures of:								
Iron ore	11,027	12,891		6,000	79,042	581,077	1,637,019	2,496,291
Pig iron	54,115	102,888	300,832	277,066	3,124,753	528,123	1,353,589	2,473,130
Hoop, band, and scroll iron	15,401	7,705	620	6,411	70,186	127,193	259,924	
Scrap and old, fit only for remanufacture					749,495	270,224	281,825	794,685
Bar iron	25,302	43,605	65,328	143,221	378,120	1,180,901	648,965	691,770
Bars or rods of steel—								
Wire rods					513,866	592,732	789,193	529,204
All other					1,444,522	1,470,859	3,468,473	4,486,705
Billets, ingots, and blooms of steel	15,223	15,674	15,884	95,471	441,605	4,515,586	1,192,565	4,102,138
Rails for railways, of steel	47,490	248,685	346,104	309,869	9,356,448	10,291,442	10,546,180	11,377,444

Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911—Continued.

Article.	Year ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Iron and steel, and manufactures of—Continued.								
Sheets and plates—								
Iron	.....	$31,764	$39,032	$52,936	$549,975	$316,449	$5,860,526	$3,545,585
Steel	.....	3,803	15,949	66,236	1,249,576	2,788,571	6,120,065	8,563,840
Tin plates, terneplates, and taggers' tin	.....	.....	.....	.....	19,062	880,810	912,171	2,489,094
Structural iron and steel	.....	.....	.....	.....	2,835,588	3,622,320	5,800,551	8,683,851
Wire	.....	242,948	780,222	1,277,479	5,982,400	6,264,918	8,396,966	10,199,968
Barbed	.....	.....	.....	.....	.....	.....	4,322,311	4,643,391
All other	.....	.....	.....	.....	.....	.....	4,074,655	5,556,577
Builders' hardware and tools	.....	.....	.....	.....	.....	.....	14,160,439	17,064,813
Locks, hinges, and other builders' hardware	$31,118	1,156,654	1,985,794	2,483,666	5,915,929	5,402,036	6,561,153	7,759,509
Saws	.....	1,108,474	1,865,603	1,984,612	267,923	556,869	919,483	1,137,787
Tools, n. e. s	926,882	.....	.....	.....	3,465,072	5,487,923	6,679,803	8,167,517
Car wheels	86,103	92,698	103,782	140,010	166,829	177,638	410,291	367,453
Castings, n. e. s	222,276	386,179	653,102	582,988	1,576,174	1,330,228	2,061,028	3,213,737
Cutlery	71,122	91,290	102,851	154,410	296,795	437,388	906,683	1,083,891
Firearms	2,286,091	1,700,655	797,564	786,903	1,403,915	1,399,120	2,373,662	2,916,217
Machinery, machines, and parts of	3,490,410	3,794,795	8,954,776	16,898,088	55,485,495	63,063,051	79,899,361	104,528,722
Adding machines	.....	.....	.....	.....	.....	.....	.....	845,802
Brewers' machinery	.....	.....	.....	.....	.....	.....	.....	175,461
Cash registers	.....	.....	.....	.....	813,096	2,036,107	2,920,517	3,224,886
Electrical machinery	.....	.....	.....	.....	4,340,992	7,290,932	6,048,263	8,024,628
Laundry machinery	.....	.....	.....	.....	441,562	518,800	831,614	1,233,613
Metal-working machinery (including metal-working machine tools)	.....	.....	.....	.....	7,193,390	4,332,665	5,975,503	9,626,965
Mining machinery	.....	.....	.....	.....	.....	.....	5,400,420	7,017,486
Printing presses, and parts of	251,227	177,111	317,336	159,627	1,219,774	1,470,156	2,065,299	2,854,210
Pumps and pumping machinery	.....	.....	.....	.....	3,112,525	3,116,088	3,110,908	3,562,458
Refrigerating machinery (including ice-making machinery)	.....	.....	.....	.....	.....	.....	.....	616,187
Sewing machines, and parts of	1,649,367	2,898,698	2,793,780	2,260,139	4,541,774	6,104,279	7,513,852	9,039,840
Shoe machinery	.....	.....	.....	.....	1,163,265	1,273,015	1,239,789	1,633,670
Steam and other power engines, and parts of—								
Locomotives	466,313	732,403	1,280,606	2,379,519	5,592,403	3,617,010	2,404,619	3,953,648
Stationary	136,087	137,675	305,478	220,375	673,197	991,852	3,098,785	4,042,793
Traction	.....	.....	.....	.....	.....	.....	2,333,803	3,627,837
All other engines, and parts of	115,213	218,169	580,354	385,335	1,782,771	2,297,218	3,741,290	4,424,303
Sugar-mill machinery	.....	.....	.....	.....	.....	.....	.....	2,590,739
Typewriting machines	.....	.....	.....	.....	2,697,544	4,745,285	8,239,510	9,778,498
Windmills	.....	.....	.....	.....	.....	.....	1,484,813	1,929,991
Woodworking machinery	.....	.....	.....	.....	.....	613,578	1,242,841	1,827,933
All other	.....	.....	.....	11,493,093	21,913,202	24,656,066	22,247,535	24,497,744
Nails and spikes	287,939	246,385	471,760	.....	.....	.....	.....	.....
Cut	.....	.....	.....	283,646	647,711	404,400	407,904	434,788
Wire	.....	.....	.....	.....	2,124,528	1,793,230	1,705,026	2,364,671
All other, including tacks	.....	.....	.....	210,192	278,709	397,974	613,004	737,131
Pipes and fittings	.....	.....	.....	.....	7,024,888	8,148,187	9,574,748	10,735,167
Radiators, and cast-iron house-heating boilers	.....	.....	.....	.....	.....	.....	.....	268,654
Safes	.....	.....	.....	.....	149,637	266,305	351,835	496,437
Scales and balances	199,412	273,961	318,749	292,918	536,040	674,771	834,890	1,061,388
Stoves, ranges, and parts of	91,473	209,802	251,877	248,199	535,385	855,223	1,294,797	1,582,387
All other manufactures of	4,247,960	2,670,134	3,194,825	5,706,068	15,322,922	11,183,892	18,908,525	22,932,480
Total iron and steel and manufactures of, not including ore	14,716,524	16,592,155	25,542,208	32,000,989	121,913,548	134,728,363	179,133,186	230,725,351
Lead, manufactures of	49,899	123,466	184,317	216,087	205,786	499,609	481,333	729,960
Pigs, bars, and old	.....	.....	.....	60,514	14,081	2,508	.....	.....
All other	.....	.....	.....	155,573	191,705	497,101	.....	.....
Nickel, nickel oxide, and matte	.....	.....	.....	316,638	1,219,812	3,196,622	4,532,897	6,004,414
Manufactures of	.....	.....	.....	.....	447	97,083	80,808	.....
Total nickel and manufactures of	.....	.....	.....	316,638	1,220,259	3,293,705	4,613,705	6,004,414

But creditable as has been this development of the foreign trade, it should be remembered that the farming interests of the country have done much more to develop our trade with foreign countries. According to the latest figures of the Bureau of Statistics in the Department of Commerce and Labor our exports may be classified by groups, as follows:

Exports classified by groups.

Groups.	March—				Nine months ending March—					
	1911		1912		1910		1911		1912	
DOMESTIC.		*Per ct.*		*Per ct.*		*Per ct.*		*Per ct.*		*Per ct.*
Foodstuffs in crude condition, and food animals	$10,226,770	6.45	$8,364,652	4.13	$93,383,652	7.02	$81,259,417	5.17	$87,713,041	5.19
Foodstuffs partly or wholly manufactured	23,777,494	14.98	29,729,318	14.68	203,232,973	15.27	206,184,953	13.12	251,185,606	14.87
Crude materials for use in manufacturing	38,796,489	24.45	73,096,747	36.09	466,703,040	35.08	622,097,872	39.58	614,970,057	36.41
Manufactures for further use in manufacturing	27,345,645	17.23	29,297,966	14.47	200,232,850	15.05	225,640,158	14.35	247,853,418	14.68
Manufactures ready for consumption	57,499,206	36.24	61,219,109	30.23	361,219,535	27.15	430,731,671	27.42	481,841,972	28.52
Miscellaneous	1,024,852	.65	809,455	.40	5,692,856	.43	5,676,268	.36	5,645,359	.33
Total domestic	158,670,456	100.00	202,517,247	100.00	1,330,464,906	100.00	1,571,590,339	100.00	1,689,209,453	100.00
FOREIGN.										
Free of duty	1,964,100	60.33	1,751,129	59.98	13,299,180	59.27	14,338,414	57.64	12,648,895	56.92
Dutiable	1,298,648	39.67	1,168,486	40.02	9,138,711	40.73	10,544,806	42.36	9,575,319	43.08
Total foreign	3,262,748	100.00	2,919,615	100.00	22,437,891	100.00	24,883,220	100.00	22,224,214	100.00
Total exports	161,933,204	.....	205,436,862	.....	1,352,902,797	.....	1,596,473,559	.....	1,711,433,667	.....
Excess of exports	22,891,276	.....	48,805,924	.....	168,591,672	.....	441,095,504	.....	508,314,675	.....
Total imports and exports	300,975,132	.....	362,067,800	.....	2,537,213,922	.....	2,751,251,614	.....	2,914,552,659	.....

Our farmers have thus done far more to bring about a favorable balance of trade than have our steel and iron manufacturers. The testimony of all recent investigations, the showing of the Bureau of Corporations, the hearings before congressional committees, bear out the view that an effective, well-organized, and well-located steel plant has nothing to fear. The growth of the independent business proves it.

But, Mr. President, I am not an extremist. I do not urge an immediate breach with the policy which has been developed in this country throughout a long series of years. I should be glad if the Christian Science doctrine, advocated by the Senator from California, could be applied to our industrial system. I am confident that if our manufacturers would only think they had the power to stand alone they could do so. But since they will not, it would be too radical a departure from the past to deprive them suddenly of all the protection they have heretofore enjoyed. The bill which is now before us does not propose to do that. It retains an adequate rate of duty upon practically every product throughout the whole list except those whose manufacturers have unmistakably demonstrated their power to control the trade and whose products are exported from the United States instead of being imported, and those fundamental raw materials which are needed by the industry, and protection to which can serve no purpose except to enable their owners to draw a monopoly profit through their control of ore deposits. On the average, the bill fixes a rate estimated at from 19 to 22.4 per cent ad valorem. This is a reduction of but 15 per cent from the level of the rates fixed in the present law. The substitute measure which has been prepared by the Senator from Iowa compromises between the levels of duty afforded by the present law and the bill which has been passed by the House of Representatives, since it would fix an estimated average ad valorem of perhaps 25 per cent. There can be no question that a rate of 20 per cent on the average is ample. Upon the convincing argument made by the Senator from Iowa himself I believe that a jury would fix the average at less than 20 per cent. However, 20 per cent furnishes a sufficient measure of protection to those less efficient plants which may have been depending upon the tariff and gives them an opportunity to readjust their business affairs on such a basis as will correspond to the altered rates of duty.

A reduction only to the extent proposed by the Senator from Iowa would, in my judgment, be entirely unsatisfactory. It would not remove a sufficient proportion of the present tariff burden to enable us to get relief from existing high prices. I think, moreover, that the measure proposed by the Senator from Iowa is unwise in many of the rates which it includes, and that this maladjustment of rates is in itself enough to call for the rejection of the measure, even if the general or average level of duties should be deemed sufficient.

But there is another and more important reason why the bill proposed by the Senator from Iowa can not be considered acceptable. It seeks to abandon the ad valorem basis of duties proposed in the House measures and to return to the specific system. Mr. President, in my judgment, the use of the ad valorem system in the House bill was one of the features which most genuinely entitled it to approbation. The system of specific duties embodied in existing laws has been thoroughly discredited. It has tended to put the protective rate up to an unreasonably high point, relatively speaking, whenever iron and steel prices fell, while it has kept them at a relatively low point whenever they rose. Thus it has tended, on every occasion, to defeat all possibility of importations, no matter how strongly the conditions prevalent at the time might call for them. The customary apology for specific rates is that they are easier to assess in those cases where values are difficult to ascertain and that they avoid undervaluation. That may be true in certain instances. But there is no difficulty in establishing the worth of a consignment of steel rails. They have a known market price which is as well recognized as the price of wheat. It is not necessary to quarrel about the valuation of a consignment of pig iron. There is no need of a difference of opinion regarding the price of an importation of wire nails. The ad valorem system can be applied to the steel schedule with as little difficulty as it can to any schedule throughout the tariff. It should be so applied. And whatever the rates of the bill to be adopted by the Senate may be, they should be prescribed on a basis of valuation rather than of weight. There is still another consideration which militates strongly in favor of the House bill and against that of the Senator from Iowa. The House measure placed upon the free list a number of important articles. These were not chosen for reasons relating to protection or free trade. Like many other items in the iron and steel schedule, they needed no protection. They were placed upon the free list for the same reasons which control in the making of any free list. Their fundamental necessity in carrying on the agricultural operations of the country and the desire, so far as possible, to exempt them from that control of prices which is rendered easier by the existence of tariff duties were the reasons for relieving them of duty. The barbed wire, cotton ties, nails, machinery, and other products which were relieved of duty in the House bill should undoubtedly be left upon the free list. The Senator from Iowa has restored them to their dutiable position. He has, in my judgment, acted erroneously in so doing.

While I am stating my views with respect to the duties on steel, I desire to call attention to an amendment to the pending measure which I wish to submit and for which I ask the attention of this body. This amendment provides that the President of the United States shall be vested with authority to suspend any given rates of duty statutory at the time the action is taken if, from considerations of public policy, he may deem best to take such action. The necessity for such action has been demonstrated over and over again within the past few years, but I shall allude to but two instances in support of it. During the disastrous coal strike in 1902 conditions would have been very much relieved had it been possible for the Executive at that time to admit coal free to the United States by the exercise of an authority bestowed upon him through some express provision of law. As it was, an effort was made to admit the coal under as favorable conditions as possible through interpretations of the law which permitted it in some cases to enter without payment of duties. The relief thus given was, however, only very limited and the process was hampered by the difficulty of administrative officials in complying, at least technically, with the terms of the existing act.

In this instance there could have been no possible objection to the admission of the coal free of duty, even from American producers who believe in a tariff upon coal. The freer importation of coal would have tended simply to have relieved suffering without in the least degree affecting home industry. Another striking example is afforded by the experience of the past winter in the importation of potatoes. A short crop last season led to a rapid advance in price, the charge reaching a maximum of $1.25 per bushel wholesale during the winter. This shortage led to the control of the supply in the Middle West, and prices were raised to such an extent as to render the importation of potatoes profitable and necessary. I have here a tabular statement which I shall insert in my remarks showing the increase of importation for the first three months of 1912 as compared with the same period of 1911 that took place last year as a result of the monopolization of the domestic supply:

Imports of potatoes (except sweet potatoes) into the United States during the first 3 months of 1911 and the same period of 1912.

Month.	1911		1912	
	Quantity.	Value.	Quantity.	Value.
	Bushels.	*Dollars.*	*Bushels.*	*Dollars.*
January	20,876	21,912	1,706,214	874,205
February	24,570	32,697	2,505,751	1,270,589
March	23,294	32,767	2,532,060	1,274,270
Total, 3 months	68,740	87,376	6,744,025	3,419,065

In fact, prices have been so regulated that potatoes could be shipped in from abroad and distributed on a competitive basis without loss as far west as the Ohio River. Beyond that point the territory was controlled by certain Chicago monopolistic interests, which had succeeded in purchasing the available western supply, and who so often have shown themselves to be experts in controlling the prices of foodstuffs. In this instance a satisfactory showing to the President of the United States establishing the existence of such a combination in the potato market should have been sufficient to bring about the issuance of an order suspending the tariff on the imported article in the interests of the consuming public had the amendment which I am advocating been at that time a part of the law. That the President can constitutionally exercise the function of suspending tariff duties under specific conditions is well established, having been sustained by the Supreme Court in leading cases—Fields *v.* Clark, Boyd *v.* United States, and Steinbach *v.* United States (United States Reports, vol. 143, pp. 649, etc.). In those cases, Mr. President, it was held by the court that Congress could vest the President with power to suspend the application of a tariff duty under conditions which should be set forth in the law, his function being purely ministerial and involving no infringement whatever upon the exercise of the legislative power which is constitutionally exercised by Congress alone.

How would this provision operate in the case of a schedule such as that now under consideration? It is a notorious fact that steel prices have been sustained by combinations formed for the express purpose of determining the rates of sale of the different items. This has been fully established by the elaborate and careful inquiry into the condition of the steel industry which has been conducted during the past winter by a special committee of the House of Representatives. This, in fact, is one of the chief grounds of complaint mentioned in the bill filed by the Department of Justice in its suits against the United States Steel Corporation. How much more effective would it have been had President Taft been in a position to inform the masters of the steel industry that further persistence in the agreements which were being used to maintain the high level of prices would be followed by a complete suspension of the tariff on all items thus affected?

For years past it has been known upon the most unquestionable authority that American sewing machines and other articles of similar description, including agricultural implements, have been sold abroad at prices very much less than those realized for them in the United States. At the present time a tariff duty of 30 per cent is levied upon sewing machines and other articles of a similar description. Would not it have been far more effective than a suit to penalize the National Cash Register Co. for its monopolistic practices had the President been able to say to it that the suspension of the tariff duties upon the product would immediately follow further persistence in the illegal agreements used for the purpose of maintaining excessive prices to consumers? I do not think the question is open to a moment's debate. I have shown that it is not possible for the United States under present conditions to abolish the tariff, since our Federal finances are so largely based upon the customs-revenue system. But it is entirely within the limits of practicability to remove the danger which inheres in all tariff duties by bestowing upon the administrative authorities the power which I demand for them, in order that they may be effectively armed against combinations expressly designed through increased prices to increase the cost of living.

Add this proviso to the proposed House bill for the revision of the steel schedule; enact the measure promptly into law, let the President give it his approval, and the question of steel duties can be laid aside for a period of years. The industry will not suffer in the least. This will not, however, occur, in my judgment, until next year, when our tariff schedule will be signed by a Democratic President.

If there be factories that are so inefficiently conducted that they can not subsist without public bounty afforded through the maintenance of exorbitant rates of duty on their product, it would be far better for the country that they should cease their operations rather than endeavor to sustain themselves under artificial conditions, which can sustain them only at the cost of a handicap to all industries that are forced to depend upon them for material. Give up the fiction that American labor and American manufacturers can not do as efficient work as those of other countries. There is no truth in such a statement. Our most successful industries are those in which we have accepted the competition of the world; our least successful those in which we have protected inefficiency and placed a handicap upon capacity. The steel industry has prospered in the past partly because its protection has been steadily reduced. It has not been able to hide behind the tariff wall to the same extent as was true of the woolen textile business or sugar refining. But, Mr. President, it has reached the point where, after 15 years of enjoyment of high duties, it is amply able to endure a reduction and will profit instead of suffering from it. The tentative reduction afforded by the tariff of 1909 need not be considered for it amounts to nothing. We cut the protection afforded by that measure, but we did not lower it beyond the point where a domestic manufacturer did not have absolute control over all things in sight. The time is ripe to take more genuine and more effective action. The country demands it; the Democratic Party will act next year.

Mr. SMOOT. Mr. President, I am not feeling as well as I wish I were to-day, but this bill has been on the calendar for some time and I know that all members of the Finance Committee are anxious that it should be disposed of at the earliest possible moment. It is for that reason that I shall begin to-day what I have to say and finish my remarks at some future time.

I do not claim that all the rates in the present steel schedule are just what they should be. I know that conditions in business have changed and do change as years pass by. But, after listening to the testimony given before the Finance Committee, I am positive that, without additional information, it would be unwise to undertake a revision of this schedule, a schedule that involves nearly 25,000 industrial concerns in this country, an industry that is employing a million and a half workmen, an industry which produces in manufactured articles nearly $4,000,000,000. I think that Congress should hesitate before radically changing present duties, especially if the information at its command and the testimony which has been given before the committee will not justify such a change.

We have before us the House bill, and the majority of the Finance Committee of the Senate has reported that bill adversely. Since the bill was reported to the Senate the Senator from Iowa [Mr. CUMMINS] has offered an amendment to the House bill. I asked the Senate to have printed a comparison of schedule C—that is, a comparison of the rates as provided in the House bill, the rates of the present law, and the rates provided in the Cummins amendment, as well as the equivalent ad valorems of each. That information, Mr. President, has been laid upon the desk of every Senator and, no doubt, Senators have in turn studied the comparisons.

But I wish to call the attention of the Senate to one thing that I have noticed particularly in the comparison. I speak now of the House bill and the amendment offered by the Senator from Iowa [Mr. CUMMINS]. I notice that a great many of the items in the amendment offered by the Senator from Iowa carry a less rate of duty than the House bill. That is the case more particularly upon the heavy steel products, while the House bill upon the greater number of items carrying a lower rate than that provided in the Cummins amendment is upon the highly finished products of the industry—that is, upon the items made by the smaller concerns of the country; and I believe that, taking the industry as a whole, there are more men employed in making the higher finished products that carry a lower rate in the House bill than does the amendment offered by the Senator from Iowa than there are in making the heavy steel products.

Let us examine the comparison and note some of the rates in the amendment of the Senator from Iowa that are lower than those in the House bill.

First, iron in pigs. The equivalent ad valorem provided for in the Cummins amendment, that is, the total, is 6.16 per cent, whereas the bill of the House carries 8 per cent.

Ferro-manganese, the next item. The House provides an equivalent ad valorem of 15 per cent, the Cummins amendment 2.63 per cent, while the present law provides an equivalent ad valorem duty of 6.52 per cent; in other words, ferro-manganese in the Democratic bill has been increased over the present rate by nearly 250 per cent.

The next item is chrome or chromium. The Cummins amendment provides for an equivalent ad valorem duty of 4.88 per cent; the House bill for a duty of 8 per cent.

The next is slabs, blooms, loops, or other forms less finished than iron in bars. On these the Cummins amendment provides an equivalent ad valorem duty of 6.21 per cent; the House bill carries a duty of 10 per cent.

In that same paragraph items in which the manufacture of charcoal is used as fuel the Cummins amendment provides an equivalent ad valorem duty of 8.71 per cent; the Democratic House bill of 10 per cent.

Bar iron, bars, and billets in the manufacture of which charcoal is used as fuel the Cummins amendment provides an equivalent ad valorem duty of 7.95 per cent; the House bill of 10 per cent.

On muck bars the Cummins amendment imposes an equivalent ad valorem duty of 9.74 per cent; the House of 10 per cent.

On flat iron not less than 1 inch wide nor less than three-eighths of an inch in diameter, bars or shapes of rolled or hammered bar iron, the Cummins amendment provides an equivalent ad valorem duty of 6.47 per cent, whereas the House bill imposes 10 per cent.

On round iron, not less than seven-sixteenths of an inch in diameter, the Cummins amendment imposes an equivalent ad valorem duty of 7.22 per cent, and the House bill 10 per cent.

The next item is beams, girders, joists, angles, channels, T T columns and posts, and other items valued at nine-tenths of a cent per pound or less the Cummins amendment provides an equivalent ad valorem duty of 11.50 per cent, and the House provides 15 per cent; valued above eight-tenths of a cent per pound and not above 2 cents, the Cummins amendment provides 15.78 per cent, and the House provides 20 per cent.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Gladly.

Mr. CUMMINS. The Senator from Utah will not fail to notice that the classification in the amendment that I have

proposed is not the same as that in the act of 1909. The structural iron and steel in my amendment are not divided according to value.

Mr. SMOOT. I was going to call attention to that.

Mr. CUMMINS. And therefore the conclusion that the Senator draws based upon imports could not be at all accurate.

Mr. SMOOT. Mr. President, I was going to call attention to the fact that in the Senator's amendment the value above 2 cents and not above 3 cents per pound and the value over 3 cents per pound is 15 per cent, instead of 15.78 per cent.

On the next item, circular saw plates, the Cummins amendment provides for an equivalent ad valorem duty of 4.23 per cent, whereas the House bill provides 15 per cent.

The next item is anchors or parts of anchors, on which the Cummins amendment imposes an equivalent ad valorem duty of 11.98 per cent, while the House bill provides 15 per cent.

Take the total of the ad valorem duty on hoop, band, or scroll iron or steel and the total equivalent ad valorem duty in the Cummins amendment is 11.81 per cent and in the House bill 15 per cent.

On sheets of iron or steel polished, planished, or glanced, the Cummins amendment provides an equivalent ad valorem duty of 15 per cent and the House bill 20 per cent.

On bands and strips—that is, cold rolled and not polished—the Cummins amendment provides for an equivalent ad valorem duty of 2.59 per cent and the House bill 20 per cent.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Gladly.

Mr. SIMMONS. The Senator from Utah is discussing the fact that the House bill carries higher duties upon certain bulky and heavy articles of iron and steel than the amendment of the Senator from Iowa. I wish to suggest to the Senator from Utah that the Senator from Iowa, in framing his amendment, sought in fixing the duties, I imagine, to cover what he regarded as the difference between the cost of production here and abroad, applying as best he could the Republican platform adopted at Chicago with respect to duties. The Democrats do not believe there is any difference in the cost of production here and abroad on these heavier forms of steel and iron; on the contrary, they believe these heavier products are very often produced cheaper here than they are abroad. From their standpoint, there was no necessity of imposing a duty for the purpose of measuring the difference between the cost of production here and abroad. Under the Democratic theory of raising revenue to run the Government by customs duties, the Democrats were of the opinion, and they are still of the opinion, that there is no reason why the steel and iron industry of this country should not contribute its part toward maintaining the expenses of this Government. The duties fixed by the Democratic bill were based upon the idea of requiring this industry to contribute its reasonable share toward the expenses of the Government. Whether or not they have been successful, they have sought in fixing these duties to put them at a figure that would produce the greatest amount of revenue.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I simply want to renew at this time a statement that I have more than once made in the discussion of the general subject. First, I premise that there are certain duties in my amendment which unquestionably are lower than the duties prescribed in the House bill; but there is nothing more inaccurate, nothing more misleading than to attempt to convert specific duties into ad valorems upon the basis of the imports in the past where the paragraph which is the basis of the computation comprises a wide range of articles. Take the paragraph to which the Senator has just referred; it covers probably a hundred different classes of articles, and when you take the imports under that paragraph you have not separated them into their various parts and ascertained what particular kind of commodity has been imported. The customhouse or the Treasury Department simply collects all the imports under the paragraph and the value of the imports as given under the paragraph; and that is the way in which you compare the specific duty with the ad valorem duty.

The Senator from Utah is not in the least to blame for this. It is a comparison that has been made a hundred times here; but I want simply to warn Senators that it does not necessarily mean anything; it does not show exactly what the operation will be under the two schedules. I do not believe that anybody can convert specifics into ad valorems where the paragraph under consideration embraces a great number of articles having different values.

Mr. SMOOT. Mr. President, answering the Senator from Iowa first, I will say that, if he will notice, nearly every item to which I have called attention has been specifically reported as to its value, as to the amount of each particular shipment corresponding to that value, and also the amount of duty collected and the rate of duty applied. Speaking of the last item to which I referred, strips and plates of iron or steel, there is only one duty upon them.

Mr. CUMMINS. I referred to the items of hoop iron and band iron.

Mr. SMOOT. And circular saws?

Mr. CUMMINS. And things of that kind. That was the particular paragraph I had in mind when I made the remark.

Mr. SMOOT. The Senator said the last paragraph.

Mr. CUMMINS. I should like to ask the Senator, while I am on my feet, where he got his information with regard to imports under these various paragraphs and the duties paid upon them

Mr. SMOOT. I got them from the reports of the Treasury Department.

Mr. CUMMINS. Where are they? In what form are they? I have never seen any such report in which there has been any careful or logical separation of the various articles imported.

Mr. SMOOT. Mr. President, I thought I had the report from the Treasury Department here.

Mr. CUMMINS. I think the Senator from Utah will find he is not altogether mistaken, but somewhat in error when he says that he can divide these things into their component parts.

Mr. SMOOT. There is no question about it in my mind. I have studied the reports of the Treasury Department day after day and night after night, and there is no doubt, for instance, in the case of this report which shows that of steel circular saw plates valued above 4 cents and not above 7 cents per pound there was imported 332,549.50 pounds, their value being $20,432.50 and the value per unit of quantity being 6.1 cents. The duty under the present law is $1\frac{6}{10}$ cents per pound.

Mr. CUMMINS. The Senator has simply taken that from the report of the Ways and Means Committee of the House, as found in the tables which accompany the House bill. That is the information upon which the Senator has made his statement.

Mr. SMOOT. Yes; but I will guarantee, Mr. President, that the Senator can call upon the Treasury Department for the reports, or, if I had my papers here, I could take every paragraph under any schedule of the tariff act and for every year show the total amount of importations, the quantity, the value per unit, and the amount of duty collected.

Mr. CUMMINS. Mr. President, it may be that the Senator from Utah can get that information; I have not tried to get it at this session, but in two separate years I did try to get that information and was advised that it was not accessible; that is, the Treasury Department itself did not have any such information and did not keep the books so that it could be known.

However, before I sit down—for I do not intend to further interrupt the Senator in this part of his speech—I will say that the duties proposed in my amendment have not been fixed with any reference to the imports, save occasionally. I have gone to the imports to ascertain what general proportion of the business has been done abroad, as compared with the business at home, in order to correct what might be a false conclusion reached from other calculations. The duties in my amendment have been ascertained solely with reference to the cost of production here and abroad in view.

Mr. SMOOT. Mr. President, I understand the theory upon which the Senator from Iowa has framed his amendment, even if he had not just stated it, because upon the floor of the Senate many times and in private conversation I have heard him state that the duties imposed in his amendment were the duties which he thought measured the difference between the cost of production in this country and abroad.

Mr. CUMMINS. Precisely.

Mr. SMOOT. I believe that the Senator in fixing the rates in his amendment has fixed them upon the information he considered the most reliable.

Now, answering the Senator from North Carolina (Mr. Simmons), I believe that he has also stated correctly the position of the Democratic party in making a tariff bill. But I want to call his attention to the fact that in making this tariff bill on that basis the party has protected and more than protected the Steel Trust in many of its products and failed to protect the American manufacturer on most of the highly finished goods.

Mr. SIMMONS. Will the Senator from Utah permit me for a moment? I should like to make an inquiry of the Senator. He says the duties fixed by the House protect and amply protect the steel industry.

Mr. CUMMINS. The Steel Trust.

Mr. SMOOT. I say in some items it does; in some items it does not.

Mr. SIMMONS. I would be glad if the Senator would specify those items, and tell us whether he is in favor of and will vote for the reduction which the House bill makes.

I assume that the Senator will answer that he will, because the Senator has said that the rate fixed by the House afforded ample protection, and as he does not want more than ample protection he would be willing to vote for it.

Mr. SMOOT. In many items I would gladly vote to reduce the rate fixed by the House. Take, for instance, ferromanganese, which is manufactured only by the Steel Trust. There is not another concern in the United States that manufactures a pound of it. Under the present law the equivalent ad valorem duty is only 6.5 cents, and the Democratic party has imposed a duty of 15 per cent, and I might as well say now that this solicitude for the trusts on the part of the Democratic Party does not apply only to this schedule.

Take the chemical bill: We find the Democratic House took particular pains to select from a paragraph of the present tariff bone black and place it on the free list, although it has carried a duty for years past. Who are the principal users of bone black? The sugar refineries of this country and the greatest of all, the Sugar Trust.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. Of course, there can be no doubt in the world about the fact that the Democratic Party is peculiarly the friend of the trusts, and there can be no sort of doubt about the sincerity and earnestness with which the Senator from Utah really believes that!

But, to come back to our mutton, where he and the Senator from Iowa were, I want to ask the Senator from Utah if the variation of values in steel circular plates is not between 4 and 7 cents, and if under the law of 1909 the duties were not $1\frac{9}{20}$ cents per pound. I want to ask the Senator from Utah how he could possibly arrive at the equivalent ad valorem of $1\frac{9}{20}$ cents a pound upon a product varying in price from 4 to 7 cents a pound, unless he could at the same time tell precisely how much of the 4 cents per pound, how much of the 5 cents per pound, how much of the 6 cents per pound, and how much of the 7 cents per pound product were actually imported. In other words $1\frac{9}{20}$ cents per pound, as applied to a product worth 4 cents, would be within a shade of 50 per cent ad valorem, whereas upon that part of it worth 7 cents it would be within a shade of one-half as much. I notice the next grade under the same schedule varies in price from 7 to 10 cents, and the next one from 7 to 13 cents. In other words, when he comes to convert a specific duty into an ad valorem—let us take 1 cent as an illustration. Suppose that that specific duty of 1 cent was paid upon a 4 cents per pound valued product. That would be precisely 25 per cent, would it not? Suppose it were paid upon an 8 cents product. It would be precisely $12\frac{1}{2}$ per cent, would it not? Suppose part of what was imported was the 4 cents product and part of it the 8 cents product and all conglomerated, how could the Senator say that his deduction to an ad valorem equivalent is at all accurate?

Mr. SMOOT. That could not be accomplished if we did not know what the amount of the duty collected was. But in every shipment is given the amount of duty collected, the number of pounds and the value per pound, and this being so, the equivalent ad valorem for every shipment is easily ascertained in any particular paragraph.

Mr. WILLIAMS. What does the Senator from Utah say is the ad valorem equivalent of $1\frac{9}{20}$ cents per pound specific duty under this heading "Steel circular saw plates" above 4 cents and not above 7 cents per pound.

Mr. SMOOT. I have not the figures before me to tell exactly what the equivalent ad valorem is.

Mr. WILLIAMS. Let us take the Cummins bill. What is the specific under the Cummins bill, or is it a specific duty?

Mr. SMOOT. The equivalent is 4.23 per cent.

Mr. WILLIAMS. What is the specific duty?

Mr. SMOOT. Seven-twentieths of 1 cent per pound.

Mr. WILLIAMS. Seven-twentieths of 1 cent?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Now then what equivalent ad valorem do you make that amount to?

Mr. SMOOT. 4.23 per cent.

Mr. WILLIAMS. Under this heading "Steel circular saw plates."

Mr. SMOOT. The equivalent is for the whole paragraph.

Mr. WILLIAMS. Oh; then if the Senator will pardon me, it is worse than I thought. I thought he could come pretty near it if he undertook to make an equivalent between 4 and 7 cents, because the variation in price and therefore the variation in ad valorem there is only 75 per cent, but if he is undertaking to make the ad valorem equivalent on articles beginning at 4 cents in price and going up to 40 cents in price then it is clearly impossible.

Mr. SMOOT. The Senator evidently thinks that the equivalent ad valorem is applied to the rate per pound. The equivalent ad valorem is applied to the amount that is collected on the shipment and the quantities of those shipments. That is how the equivalent ad valorem is arrived at.

Mr. WILLIAMS. But in calculating upon the basis of the quantity of shipments, how could you tell how much of it was 4 cents a pound, and how much of it was 32 cents a pound, and how much was 40 cents, and you can not indicate any ad valorem equivalent upon any specific article.

Mr. SMOOT. In answer to that I can say to the Senator that there were 332,549 pounds at the value of 4 cents and not above 7; that there were 436,411 pounds valued above 7 cents and not above 10 cents a pound; that there were 65,243 pounds valued at above 10 cents and not above 13 cents per pound; that there were 1,288 pounds valued at 16 cents and not above 24 cents per pound; that there were 537 pounds imported at a value above 24 cents and not above 32 cents per pound; that there were 622 pounds valued above 32 cents and not above 40 cents per pound; and that there were 125 pounds imported valued above 40 cents per pound.

Mr. WILLIAMS. I understand.

Mr. SMOOT. These are the quantities that are imported and for every importation the specific value of the shipment is known, and not only that the value must be known before the Government can collect its revenues. The revenue quantity and value being known, the equivalent ad valorem of the shipments can be easily ascertained.

Mr. WILLIAMS. But it is not upon the report of the shipment that the Senator has based his reduction to an equivalent his equivalent. It is upon the mass of all of these various articles. The Senator surely will admit that when you put a specific duty upon a given thing, upon all goods of a certain class, running from 4 cents a pound, let us say, to 32, just as an illustration, the ad valorem equivalent upon the 4 cents part of it is just eight times what it is upon the 32 cents part of it.

Mr. SMOOT. As far as concerns the comparisons, I want to say to the Senator that, even if his statement were correct, it would make no difference, because as far as this comparison is concerned the quantities of the shipments, the value of the same, and amount of duties collected on all the shipments are used in both cases.

Mr. WILLIAMS. Ah! With this difference, if the Senator will pardon me: When he puts a specific duty upon products of widely variant value, he has brought into operation the principle of taxing the cheaper part of the product at the highest ad valorem and the highest priced of the product at the lowest ad valorem, necessarily; whereas an ad valorem duty is of course in keeping with the value, whatever the value may be. It is a fixed percentage.

Mr. CUMMINS. I do not intend to take up the proposition just made by the Senator from Mississippi. That involves the whole merit——

Mr. SMOOT. Of the two systems.

Mr. CUMMINS. Of the specific, as compared with the ad valorem system. But I do want to start with a full understanding with regard to the conversion of these specific duties into their equivalent ad valorem duties.

I have no confidence whatever either in the conclusion to be drawn from these comparisons or in the former tables of similar import. Take the very commodity the Senator from Utah is now discussing. It is a very simple one and will illustrate precisely what I mean—pig iron. Pig iron, if imported from England, will come in under a value of from $10 to $17 a ton. The Payne-Aldrich bill fixed a duty on pig iron of $2.50 per ton. The report of the Treasury will show the number of tons of pig iron imported, and the amount of duty collected upon those imports, which, of course, is simply reached by multiplying the number of tons by the amount of duty.

Anyone can see that it is wholly impossible for the Treasury Department or for a Senator to determine the equivalent ad valorem duty upon these imports, unless the Customs Department would keep the invoices showing the foreign value of each ton of pig iron. The Treasury Department does not do that, and it has no information of that sort; at least it so reports to me.

Mr. SMOOT. Mr. President, I do not want that statement to go uncontradicted.

Mr. CUMMINS. If the Senator from Utah can produce that information he will have been able to get access to a source of knowledge that I have never been able to find, and I have industriously tried to find it, because I have known that a great many of these conversions from specific duties into ad valorem and contrary have not been accurate. I believe if you will turn to the report of the Treasury with regard to pig iron you will not be able to tell me, and you can not tell the Senate, the per ton foreign value of pig iron and the amount imported into this country from abroad.

Mr. SMOOT. There certainly must be a misapprehension on the part of the Senator from Mississippi, and also on the part of the Senator from Iowa, in this matter.

Referring to the steel circular-saw plates, now take this comparison and see how it is arrived at. It gives the amount of importations, it gives the value of the importations, and it gives the value per unit of the quantity.

Now there are seven brackets. If the Senator from Mississippi were correct, if you would add those seven values per unit together and divide them by seven that would be the average, would it not?

Mr. WILLIAMS. No. That would be the average percentage of that which constituted the total product. It would not be anything else.

Mr. CUMMINS. Allow me to ask who ascertained those units of value? That was done by a clerk of the Ways and Means Committee.

Mr. SMOOT. No; these values are the amounts that were collected by this Government upon the imports, and I can show, as I said before, that the imports were reported by the Treasury Department. Now, I say that that does not give the average, nor in this calculation does it pretend to. You add the values of the units in quantities together and it would be $1.80⅛. Divided by 7 that would give about .26, but it is not 26 cents, because all of the different shipments, as to value, were not equal. But what does it give? It gives 8.3 cents, showing that every shipment was taken into consideration as to the quantity and the value of the shipment, and the equivalent ad valorem is based upon all the shipments and upon the prices paid for each of the shipments.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Will the Senator from Utah explain what interest the Government of the United States has in the value of a shipment upon which it lays only a specific duty ascertained by weight or measure?

Mr. SMOOT. They have the same interest in that that they have in the gathering of statistics on any subject affecting the United States. Take, for instance, any kind of statistics as to the amount of manufacture, as to importations, and as to exportations. What interest, I may ask the Senator, has the United States in finding or keeping track of exportations from this country?

Mr. CUMMINS. It does not keep the track of them in the sense named by the Senator from Utah. If we export pig iron, confining ourselves now to the first subject under consideration, the Government does not ascertain whether that pig iron is worth $8 a ton or $9 a ton or $10 a ton.

Mr. SMOOT. Not as to exportations.

Mr. CUMMINS. Nor as to imports.

Mr. SMOOT. But they do ascertain the number of pounds that are exported.

Mr. CUMMINS. Undoubtedly.

Mr. SMOOT. And they do ascertain the number of pounds that are imported and the value of those importations, and whether the article be free or whether it be dutiable.

Mr. CUMMINS. If the Senator from Utah is right with respect to this, it is the most gratifying information that has come to me, and I believe will be the most useful information that can come to the Senate. If the Senator from Utah, as respects the metal schedule, will secure from the Treasury Department a table which will show precisely what has been imported and the value of each shipment that has come into this country within the last two years, I will be his debtor for all time to come. I have never been able to get any such information as that, and I would like very much to have it laid before the Senate and the country. Will the Senator from Utah agree to do what he can before this debate shall close upon the metal schedule to put that information before the Senate of the United States?

Mr. SMOOT. Mr. President, I have only to call the attention of the Senator to the fact that when the tariff was under discussion in 1909 the Ways and Means Committee had a book, I suppose of 2,000 pages, although I am not positive as to that, showing the importations under every schedule, the value, the rate of duty, the amount of duty collected. I remember very well that the Treasury Department was asked to furnish the committee with the amount and value of shipments on many items as they arrived, and this was after the House had passed the bill.

Mr. CUMMINS. Mr. President——

Mr. SMOOT. And I will say to the Senator that I have no doubt but what I can get from the Treasury Department the daily statement showing the amount of importations, their value, the amount of duty collected, as well as showing the amount of exportations from this country of every item mentioned in the schedules of the tariff law.

Mr. CUMMINS. There is no difficulty whatever about getting the information with regard to exportations not as to value, but as to amount and measurement. The book to which the Senator from Utah refers, and that was commonly used in the debate of 1909, does not furnish the information that I have in view, and the table that has been prepared by the Ways and Means Committee of the House does not furnish the information. I have never seen any publication, I have never heard of any publication, that did furnish it. Now, I will be glad if the Senator will get it. I want him to understand just what I want, because I think it will be very illuminating if we could once get it. Referring again to pig iron, I want to discover just how much pig iron came in here that was worth $10 a ton; just how much came in that was worth $10.50 per ton and $11 per ton, and $12, and $14, and so on.

I do not want to duplicate the information we already have. We already have the bracket information to which the Senator from Utah refers, but that does not help us to turn specific duties into ad valorem duties. We can not do it accurately unless we have each individual shipment and the value of that shipment abroad.

Mr. LIPPITT. Mr. President, if the Senator from Utah will yield for a minute; as long as this subject has been introduced into the debate, I wish to state that I agree with the Senator from Iowa in what he says in regard to getting very detailed information in reference to the shipments. The most puzzling thing that confronts anyone in studying these tariff figures is the bunching of a number of items under one heading, so that it is impossible to distinguish what figures apply to each distinct article that comes under that group.

I think no greater improvement could be made in future tariffs, if the time ever comes when it is possible to make tariffs of any kind, than to provide that the report of the Treasury Department in regard to imports shall be given in much greater detail than it is at the present time. It is not necessary, as the Senator from Iowa says, that each shipment shall be given, but that at least articles of similar kinds shall be in some way grouped together, so that when we come to study the imports we can find out what figures to apply to the articles of each kind.

Mr. SMOOT. I will simply say again, Mr. President, that when the tariff was under discussion in the year 1909 I do not believe there was a day that I did not ask for certain information as to the importations in this country of the different items under the schedule that I was then considering, and I had them furnish me the information up to within 15 days of the time asked for, showing the amount of the importation, the value per unit, the amount of duty collected, and the equivalent ad valorem of the same.

Mr. CUMMINS. I ought to say that I do not want anything I have suggested here to be construed into a criticism of the Treasury Department. I think it very gladly and very expeditiously furnishes all the information it has. I do not think it has the information to which I have referred; at least I have been so informed more than once.

Mr. TOWNSEND. Mr. President, referring to the statement of the Senator from North Carolina [Mr. SIMMONS], I understood him to say, in describing the principle which governed the Democratic Party in fixing the tariff rates, that they had no regard to protection, and in fixing some of the duties they had actually placed them higher that the difference in the cost of production between this and the competing country.

Mr. SIMMONS. Mr. President, the Senator from Michigan misunderstood me. I said that the Senator from Iowa in arriving at the rate fixed in his bill was governed by the application of the theory of the Republican platform as to the

difference between the cost of production here and abroad. I stated that the Democratic Party recognized, in fixing tariff rates, no such principle as that; that we propose to levy rates for the purpose of obtaining revenue to pay the expenses of the Government.

Mr. TOWNSEND. I supposed I had so put my question to the Senator. That is what I intended to do. The Senator further stated that some of the duties fixed in this bill by the Democratic Party are higher than the difference in the cost of the product.

Mr. SIMMONS. No; I did not. I said some of them were higher than the rates in the bill prepared and introduced by the Senator from Iowa, and that if his bill measures the difference between the cost of labor here and abroad accurately, then the rates in the House bill on a few of the heavier articles would be a little higher than the difference between the cost. That is what I said, Mr. President. And the Senator must not forget that part of my statement in which I said that we levy duties for the purpose of raising revenue and for that purpose we fix the rate at the highest point where it will, in our judgment, yield the largest amount of revenue.

Mr. TOWNSEND. Let me put it another way, then. If it be true that the Senator from Iowa has fixed the duties equal to the difference in the cost of production and the House bill raises those rates, then in the House bill in certain instances the rate is higher than the difference in the cost of the product.

Mr. SIMMONS. That would undoubtedly be true as to a few of the heavier articles if the rates provided in the bill of the Senator from Iowa accurately measures this difference.

Mr. TOWNSEND. Then the Senator from North Carolina further stated that the reason why that was done was to enable these manufacturers to pay a part of the expenses of the Government.

Mr. SIMMONS. I said, Mr. President, that there was no reason why the steel and iron industry in this country should not contribute toward the expenses of maintaining the Government, and that in levying duties for the purpose of raising revenue to support the Government I knew no reason why they should be exempt from the application of that rule.

Mr. TOWNSEND. If the duty in the House bill should be higher than the difference in the cost of production, can the Senator from North Carolina tell me how under such a duty the producer or manufacturer in this country would contribute to the expenses of the Government?

Mr. SIMMONS. Mr. President, I used that term in the sense that here is a product produced in this country and in order to get revenue we levy a duty upon that product. It may be that the consumer of that product would be the one who would pay the amount of duty, but the consumer of iron and steel in this country is not entitled to exemption from contribution toward the payment of the expenses of the Government.

Mr. SMOOT. Right in that connection, if the duty is higher than the present duty, and the present duty excludes importations, I should like to ask the Senator how the importations would get into the country to raise revenue with which to pay the expenses of the Government.

Mr. SIMMONS. What duty does the Senator refer to? I did not say higher than present law, but than the Cummins bill.

Mr. SMOOT. All duties mentioned; ferromanganese, for instance.

Mr. SIMMONS. That is the only duty the Senator has referred to in this bill as being higher than in the Payne-Aldrich bill.

Mr. SMOOT. I can give others.

Mr. SIMMONS. That is the only one the Senator has referred to up to this time.

Mr. SMOOT. It is the only one I have had a chance to refer to.

Mr. SIMMONS. I asked the Senator a little while ago, and he has not answered the question yet, if he would please specify the instances in this bill where we had raised the rate. He suggested a little while ago that we had used protective rates, and I asked him to please single out those instances and state to the Senate whether he would vote for those particular items in the bill. The Senator has referred only to ferromanganese, and he refers to that because the tariff in the present bill is higher than the duty in the Payne-Aldrich bill. The Senator knows that result was accomplished by transferring ferromanganese from the metal schedule to the alloy schedule.

Mr. SMOOT. No; I do not.

Mr. SIMMONS. Ferromanganese is an alloy. It is a sort of medicine which is used in tempering steel and iron. The Democrats thought that that ought to be taken from the metal benefit of the manufacturers of iron and steel, and put in the alloy schedule along with affiliated articles.

That same thing happened when the Payne-Aldrich bill was schedule, where it has no place, at the instance of and for the under consideration. I do not know whether it has been brought to the attention of the Senate or not, but it is a fact that the House bill in 1909 placed ferromanganese in the alloy schedule exactly as the present bill places it in the alloy schedule. When that bill came into the Senate ferromanganese was taken out of the alloy schedule and put into the metal schedule, thereby increasing the rate of duty upon that article.

Now, Mr. President, the Senator says that the United States Steel Corporation does not import ferromanganese.

Mr. SMOOT. No; I did not say that, Mr. President.

Mr. SIMMONS. That is true, Mr. President.

Mr. SMOOT. No; it is not true.

Mr. SIMMONS. The United States Steel Corporation makes its own ferromanganese. It is the only concern in this country that does make ferromanganese, and it will not sell to the independents a single pound of its ferromanganese. So far as the United States Steel Corporation is concerned it is not affected in the slightest by any duty, however low or however high it may be, upon ferromanganese. It makes all its ferromanganese, and it does not sell its competitors any of that product.

Mr. SMOOT. The Senator reports a bill carrying 15 per cent, and every independent manufacturer in this country will have to pay 15 per cent in order to obtain ferromanganese he is compelled to use in making steel and iron that goes in direct competition with the product made by the Steel Corporation.

Mr. SIMMONS. Ferromanganese brought in does not compete with any ferromanganese made in this country except that made by the Steel Corporation; and it does not compete with that, because the Steel Corporation makes all it consumes and will sell none to anybody else. We have fixed the duty upon a revenue-bearing basis.

Mr. SMOOT. I will ask the Senator if the 15 per cent on ferromanganese does not increase the cost of steel to the independent manufacturers of this country?

Mr. SIMMONS. Not according to my theory. According to the Senator's theory, yes, but not according to my theory. The Senator's contention is that the manufacturers of this country shall have all their raw material free upon the idea that it increases the price of the product.

Mr. SMOOT. The Senator is absolutely wrong. I think he has heard me say time and time again that I am not one of those who believe in free raw material. I believe in a duty upon everything whether it is free raw material or whether it is a manufactured article if the free raw material is produced in this country.

Mr. SIMMONS. The Senator and his party entertained that idea in the bill which they framed in 1909. According to the importations of the last two years, nearly 75 per cent of the importations that came in in 1910 and 1911 were the raw material of the manufacturer, and only about 20 or 25 per cent of those things that your tariff law permitted to come in free are bought and consumed in the homes of the people.

Mr. SMOOT. The Senator must remember that the products that were admitted into this country free were products that are not produced in this country. For instance, silk, indigo, tea, coffee, and hundreds of articles none of which we produce in this country.

But I notice that the House passed a chemical bill transferring article after article not produced in this country that have been upon the free list for years and placing them upon the dutiable list. We will discuss that question when we come to the chemical schedule, and I think the Senator will be one who will ask that those articles at least that are used in the South which are now upon the free list and made dutiable in the House bill be transferred from the dutiable list back to the free list.

Mr. President, I could go on and make comparisons of perhaps 20 or 30 other items, but I think that I have called attention to items sufficiently to show the Senate just what I stated in the beginning.

The Senator said that I had only mentioned ferromanganese as one item where the House bill rate is higher than in the present law. I have later in my speech and in regular order a number of inconsistencies to call the Senate's attention to in this bill, but while passing let me call attention to just one other item so that the Senator from North Carolina will not say I only mentioned ferromanganese, and then I will content myself with further references as I have already stated.

Mr. President, we notice in paragraph 12 of the House bill the following:

Wire rods—Rivet, screw, fence, and other iron or other steel wire rods, whether round, oval, flat, square, or in any other shape, and nail rods in coils and otherwise, 10 per cent ad valorem.

The equivalent ad valorem duty provided for in the Cummins bill is 2.49 per cent; in the House bill, 10 per cent; in the present law, 7.05 per cent.

Another very significant fact in relation to this schedule is that cotton-bale ties are made free and the same iron, if it is in rolls, uncut, unprepared for use, carries a duty.

So, Mr. President, I call attention of the Senate to these few comparisons and inconsistencies and proceed to another part of the discussion.

Freight rates cut a great figure in the cost of placing the manufactured article in the centers of trade, especially upon the heavy manufactures of steel and iron. In passing, I desire to call attention to transportation rates now in force, to show that the foreign manufacturer of Germany, Belgium, and England has a decided advantage in reaching the great centers of distribution for these manufactured products along the eastern and southern coasts of our country. The freight rates from Pittsburgh mills to the United States North Atlantic ports and the United States Pacific ports, as compared with foreign freight rates to the same ports are as follows:

On rails to North Atlantic ports, $2.60.

To Pacific coast ports——

Mr. SIMMONS. From what point?

Mr. SMOOT. From Pittsburgh mills. Then I want to compare the rates with the ocean rates to all of the United States North Atlantic ports, showing that in the delivery of many of the heavy steel products the foreigner has the advantage in our own markets and markets where there are millions of tons of steel used.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Why should the manufacturer at Pittsburgh desire to ship steel rails to New York or to any part of the Pacific coast for domestic use?

Mr. SMOOT. Pittsburgh, I believe, to-day ships a great deal of her product to the eastern seaboard and especially to the southern seaboard.

Mr. CUMMINS. I agree to that. She ships a great deal there for export, but not for domestic use.

Mr. SMOOT. Yes; for domestic use.

Mr. CUMMINS. Because domestic use would simply require the steel rails to be started back west again in order to reach the point at which they were to be laid.

Mr. SMOOT. That would be true if all the steel rails were used at western points.

Mr. CUMMINS. They are all used either west of the Atlantic Ocean or east of the Pacific Ocean.

Mr. SMOOT. That is absolutely true.

Mr. CUMMINS. That is all that I suggested.

Mr. SMOOT. New York is west of the Atlantic Ocean.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. Certainly.

Mr. OLIVER. I will say that while there are comparatively few steel rails shipped from Pittsburgh to eastern ports, because between Pittsburgh and the East there are a number of plants making rails, and the eastern railroads naturally take their supplies from those mills, the argument of the Senator from Utah will apply to a vast extent of steel products of which rails are only an example. For instance, I think the majority of iron products made in Pittsburgh to-day go east rather than west.

Mr. SMOOT. I think the advantages in transportation rates apply to all the heavier products, including rails, plates, structural steel of all kinds, bar iron, tin plate, sheet iron, plain wire, wire rods, nails, pig iron, billets——

Mr. CUMMINS. Mr. President, I have not compared them, but I ask the Senator from Utah for information. Are the rates in the schedule before him different from the rate I presented the other day from the Interstate Commerce Commission?

Mr. SMOOT. I have not compared them closely. I hardly think there will be any difference.

Mr. CUMMINS. There was no difference in the rate on steel rails from Pittsburgh to New York?

Mr. SMOOT. No; I think the Senator will——

Mr. CUMMINS. The rate I gave the other day was $2.60.

Mr. SMOOT. That is correct. And from the foreign mills to the United States at the same ports of entry it is $2.85, and from the foreign mills to the Pacific coast it is $7.50, while from the Pittsburgh mills to the Pacific coast it is $13.50. I admit that that is not a fair comparison, and I mention it incidentally to show that on account of the rates the Pacific coast is buying most of its structural steel, iron, and rails from foreign countries. I am not asking that there be a rate of duty imposed equalizing the freight rates and that will protect that particular part of the United States. I do not ask it, nor do I expect a Senator in this body to support such a proposition.

Mr. SIMMONS. Do I understand the Senator to say that the Pacific coast is now buying most of its iron product abroad?

Mr. SMOOT. Mr. President, I stated that the Pacific coast to-day is buying a great part of its structural steel and iron and steel rails from abroad.

Mr. SIMMONS. Mr. President, I have not the figures with reference to the importations of structural iron, but I have figures I think reasonably accurate with reference to the importation of pig iron. Although we, in this country, are producing about 27,000,000 tons of pig iron a year, I do think they imported on the Pacific coast last year but 40,000 tons. Now, I should like to ask the Senator, as a matter of information before he leaves that subject, what does he claim are the importations of structural iron and steel and other iron products not manufactured on the Pacific coast?

Mr. SMOOT. Mr. President, I have not the figures here; I can not tell exactly what they are; but the Senator from North Carolina was at the hearings and he must remember——

Mr. SIMMONS. I will ask the Senator, for in the hearings I heard no such statement as the one he has made.

Mr. SMOOT. That was testified to, and I do not think a Senator who has studied this question closely and knows where the importations come from will deny the fact.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SIMMONS. Will the Senator from Utah permit me to interrupt him further?

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I will yield first to the Senator from North Carolina.

Mr. SIMMONS. I have not claimed to have studied the subject accurately and that was the reason I was asking the Senator from Utah the question for information. Now, I understand the Senator to say that he is speaking from the hearings before the Finance Committee. I do not remember that anybody stated before the Finance Committee that the bulk or any very considerable part of the iron and steel used upon the Pacific coast was brought from abroad. I did understand them to say that just after the earthquake which occurred there, when there was a very great demand, there was for a while a considerable amount of structural iron and steel imported.

Mr. SMOOT. Mr. President, for the information of the Senator from North Carolina, I will say that I know personally that there is a great deal of structural iron and steel shipped into San Francisco from foreign countries.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. In just a minute, if the Senator please.

In relation to pig iron, the statement was that there were only about 42,000 tons shipped to the Pacific coast. Where did it come from? China. Why was not there more than 42,000 tons imported? Because of the fact that the industries located there are not using more. China has the Pacific coast market for pig iron to-day, and I am of the opinion it will not be very long until she will take a portion of our eastern market as well. Mr. President, a Chinaman is paid about one-fifteenth as much in an iron mill in China for what an American can be hired for. The Chinaman can do just as much work at a blast furnace; he can handle just as many pounds; he can watch the mechanical work just as well as can an American laborer. Many scout the idea of the yellow peril. I look for the day to come, Mr. President, when there will not be a person in the United States who will not demand protection from a people whose standard of living is that of the Chinese.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I will say that I think I can enlighten the Senator from North Carolina [Mr. SIMMONS] as to the importations of structural steel, but not alone upon the Pacific

coast, because I have not the importations segregated, but speaking from memory alone——

Mr. SIMMONS. I asked about the Pacific coast because we are discussing that branch of the subject.

Mr. OLIVER. If the Senator will allow me to proceed, I will proceed in my own way.

Mr. SIMMONS. I simply wanted to know if the Senator was going to be specific about the importations on the Pacific coast?

Mr. OLIVER. I ask the Senator not to interrupt me now, but to let me complete what I intend to say.

Mr. SIMMONS. I will not interrupt the Senator any further now, nor about anything else, if the Senator objects to interruptions.

Mr. OLIVER. The importations of structural steel in the year 1909—the last year of the Dingley law—amounted, as I remember, to about 8,000,000 pounds. The imports in the year ending July 1, 1911, amounted to something like 28,000,000 pounds. I do not know what part of that went to the Pacific coast or what portion of it went to other parts of the country, but I do know that the imports during the last year amounted to something like three or four times as much as the imports during the year immediately preceding the enactment of the Payne-Aldrich law.

Mr. WILLIAMS. Mr. President, before the Senator from Pennsylvania sits down I should like to ask him a question.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi for that purpose?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. Would the Senator from Pennsylvania mind giving the exports of structural steel for those same years, putting them in parallel columns?

Mr. OLIVER. I have not the figures for the exports here, Mr. President, but I would be very glad to give them to the Senator, or to give him any other information for which he asks and which is in my possession.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Certainly.

Mr. GORE. I should like to ask the Senator from Pennsylvania if he stated that the importations of structural steel had been larger since the enactment of the Payne-Aldrich law than they were prior to the enactment of that measure?

Mr. OLIVER. They were several times larger.

Mr. GORE. Was not the duty on structural steel increased in that law?

Mr. OLIVER. The duty on structural steel was reduced by the Payne-Aldrich law.

Mr. BACON. Will the Senator from Pennsylvania permit me to ask him a question?

Mr. OLIVER. Certainly.

Mr. BACON. Is it not true that the duty on structural steel which was cut to certain lengths was made absolutely prohibitory, and that it was announced upon the floor of the Senate that that was the intention?

Mr. OLIVER. If any part of the duty was prohibitory some part of it was certainly not prohibitory, because the imports of structural steel as a class has largely increased.

Mr. BACON. But the Senator has not answered the question I asked him. The Senator went on to state what was the relative rate of duty under the different laws and said it had been reduced, and I asked him the question whether it were not true that the duty on structural steel cut to certain lengths, or cut to lengths with a view to assembling in a certain way, had not been made absolutely prohibitory, and if the statement was not made by the then Senator from Rhode Island that the intention of it was to make it prohibitory?

Mr. OLIVER. Mr. President, whatever is in the RECORD the Senator from Georgia can revert to in order to learn what he desires. I can not say what the then Senator from Rhode Island said, but I do know that the duty on structural steel not assembled or fitted was reduced in that law, I think, from four-tenths to three-tenths, though I am not quite certain of the figures, but as to steel assembled or fitted coming under what is known as the basket clause, how much of that has been imported I do not know, but I do know that on the structural steel provided for in paragraph 121 of the Payne-Aldrich bill the duty was reduced and that the imports of that steel were largely increased.

Mr. BACON. Well, Mr. President, the Senator still does not reply. I understood the Senator to say that he does not know what the then Senator from Rhode Island said; but is it or is it not a fact that the Senator does know that the duty upon the particular class of structural steel which has been mentioned as cut or assembled steel was very largely increased and that the avowed purpose of that increase was to make the duty prohibitory?

Mr. OLIVER. I can not say that, because I am not armed with the facts.

Mr. CUMMINS. I think I shall be able to answer the question of the Senator from Georgia so that the matter may be clearly understood.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. Prior to the passage of the Payne-Aldrich law the duty on all forms of structural steel was $10 per ton. The Payne-Aldrich law divided structural steel into three classifications. On the first, structural steel, neither punched, fitted, nor assembled, under a certain price, the duty is $6 a ton and under a certain other price the duty is $8 a ton. With respect to those two classifications the duty was reduced in the law of 1909. With respect to all other structural iron and steel, however, that which was punched, fitted, or assembled, the duty was made 45 per cent ad valorem. That meant an increase upon that form of the product of from $8 to $10 a ton. I think Senators who were were in 1909 will remember that very clearly, because we had an animated discussion with reference to it.

While I am on my feet may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I am glad to hear the Senator say that he does not expect that we can levy duties on pig iron or any such material that will protect us against a disparity in freight rates charged by the railroad companies across the continent and charged by the steamship companies from Germany or England. I have no fear of China, because when China takes the United States with her pig iron she will have already taken Germany and Great Britain and their pig iron; but I want to remind the Senator from Utah—and I am sure he is just as much interested in this as I am—that there is an easy way to protect the Pacific coast from the inroads of any foreign country with regard to pig iron. Just north we have unlimited coal fields that are precisely as good as those in Pennsylvania, Ohio, or West Virginia; we have in California an abundance of iron deposits, and all we need is the fuel to convert that ore into all forms of iron and steel. Now, all that we have to do is to be little patriotic at this session and open up the coal fields in Alaska so that coke can be brought to California, in order to enable her to abundantly protect the Pacific coast with a reasonable duty upon these various iron and steel products.

Mr. SMOOT. Mr. President, in relation to structural steel, I will state that there were two brackets made in the law of 1909, or, in other words, values per pound, upon which the duty was levied. The first bracket included structural steel valued at nine-tenths of a cent per pound or less, and the other structural steel valued above nine-tenths of a cent per pound. Under the last bracket clause there were imported into this country during the fiscal year 1911, 24,605,085 pounds. That was a decided increase of the importations over those of any preceding year.

Mr. WILLIAMS. Was the duty increased under the last bracket?

Mr. SMOOT. No; the duties under those two brackets were decreased.

Mr. CUMMINS. I might say, Mr. President, that the first bracket was a pure pretense. There is no structural steel, and there was not at that time, that was worth as little as $18 a ton, for the ingot out of which it is rolled is worth $18 a ton. The bracket was put in there, as I always thought, simply to answer a demand for a reduction in duty without really accomplishing it. The other is an operative bracket, and it was a reduction of $2 per ton upon that kind of steel.

Mr. SMOOT. Well, the Senator does not mean to intimate by his statement that I was going to try to cover up anything in this matter, does he?

Mr. CUMMINS. No; not at all.

Mr. SMOOT. I was going to tell the Senate exactly what the importations were.

Mr. CUMMINS. It seems to me I remember the Senator from Utah admitted that on the floor of the Senate when I charged it in 1909.

Mr. SMOOT. Mr. President, I certainly told the Senate then that there was an increase on all structural steel not included in the two brackets as mentioned. No doubt of it, and the reason for it was that, under the ruling of the department, all fabricated steel came into this country under the rate intended for unfabricated steel. Window frames, doors, sash,

and all steel products entering into the construction of a building were made in Germany, fitted together there, then taken apart and shipped to this country in the knockdown. On arrival they were put together and were then ready to be placed in the great buildings in this country. I know the Senator will remember the case that was referred to at the time the Payne bill was under discussion; I refer to the Singer Building in New York. It was frankly and freely admitted that upon that class of fabricated steel there was an increase of duty, but there was not an increase upon structural steel, such as girders and all kinds of channels, T's, and everything that goes toward making a great fire-proof structure.

Mr. BACON. Now, will the Senator kindly state——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. BACON. Will the Senator kindly state the product in this country of structural steel in the year when he says there were 24,000,000 pounds imported?

Mr. SMOOT. I have not those figures at hand.

Mr. BACON. The reason I ask is that I think when that amount is ascertained, while it sounds very large to talk about 24,000,000 pounds being imported, that was a very small fraction of the total number of tons produced in this country. Of course, structural iron and steel are very heavy compared with the weight of other articles in relation to value.

Mr. SMOOT. I will admit what the Senator says is absolutely true.

Mr. BACON. And, while the figures will show, I presume, that assembled structural steel was not imported at all under the prohibitory duty which the act of 1909 placed upon it, the structural steel of other kinds imported, while it sounds very large to talk about 24,000,000 pounds, was a small fraction, almost a negligible fraction, as compared with the total quantity of structural steel produced in this country.

Mr. SMOOT. But, Mr. President, under the 45 per cent duty, importations have not been excluded; they still come into this country.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes.

Mr. SIMMONS. I have the figures here which the Senator said he did not have accessible. The Senator from Pennsylvania [Mr. OLIVER] was correct a little while ago when he said that in 1910 about 24,000,000 pounds of structural iron and steel were imported. Twenty-four million pounds was the importation in that year. That is equivalent to a little over 11,000 tons, hardly enough to build one of the great skyscrapers of New York. The value of that——

Mr. OLIVER. The amount was a little over——

Mr. SIMMONS. I will not yield to the Senator for the present, but I will do so a little later.

The value of that importation in 1910 was $322,303. The amount of structural iron and steel produced in this county in that same year was 2,124,000 tons, valued at $65,000,000.

Mr. SMOOT. That is right. I now have the figures.

Mr. SIMMONS. So that we imported last year about $323,000 worth of this material and we produced in this country during the same time $65,000,000 worth of this material, and the Senator is afraid that a slight reduction of this duty may result in the capture of the American market by the foreign producer!

Mr. SMOOT. The Senator, after I yielded to him——

Mr. SIMMONS. I beg the Senator's pardon; I did not mean to make a speech.

Mr. SMOOT. No; I do not object. I am glad to yield to any Senator. I have no desire to shut off debate, but what I was going to say was——

Mr. SIMMONS. One word more, if the Senator will allow me. I think I owe him an apology. Probably the reason I injected this little speech was because of the heat that had been injected by the Senator from Pennsylvania.

Mr. SMOOT. Mr. President, I have no objection whatever to the speech. The only thing that I object to is that the Senator imputes to me something that I have not claimed. Structural steel was brought into the discussion at this particular time not by me; I have not reached the rate on structural steel and did not mention it except in connection with the freight rate. This whole matter came up without any desire on my part to discuss the rate of duty imposed upon structural steel.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Certainly.

Mr. McCUMBER. Mr. President, a few moments ago there was considerable discussion between the Senator from Utah and the Senator from North Carolina as to the comparative amount of structural iron and steel used on the Pacific Coast. I want to insert right here the testimony of Mr. Pigott, or at least a few sentences of his testimony, which will explain that situation. Mr. Pigott is a manufacturer of structural iron and steel in Seattle, Portland, and San Francisco, and in the course of his testimony the following occurred:

Senator McCUMBER. Do you know, in the rebuilding of San Francisco and in the late very great building in Los Angeles, what proportion of this character of steel that was used there in their buildings came from Germany and what proportion of it came from your mills,

Mr. PIGOTT. About one-half. Our representatives at San Francisco and Seattle and different points on the Pacific coast, from the figures they have given us, indicate that even under the present tariff half of the bars that are used in San Francisco are imported.

Senator McCUMBER. How about Los Angeles; do you know about that?

Mr. PIGOTT. Exactly the same condition does not exist there—but to a more or less degree—from the fact that San Francisco, being a larger shipping town, has the advantage of numerous vessels plying in and out, and therefore more competition.

Senator McCUMBER. Then, under present conditions, in your field of consumption Germany, or Europe, comes in and takes one-half of the American trade?

Mr. PIGOTT. Yes, sir.

That shows that the American manufacturers in the West who compete on about the same freight rates are unable to secure more than one-half of the business at their very doors and in the places in which their factories are located.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I do not intend to discuss this matter from my point of view in the midst of the speech of the Senator from Utah; but I must remind the Senator from North Dakota of the fact that the iron industries on the Pacific coast have nothing but scrap iron and other light material to deal with——

Mr. McCUMBER. They have pig iron imported from China.

Mr. CUMMINS. Outside of a very little pig iron which they import from China, but very very little. So I do not think it is wonderful that they can not——

Mr. SMOOT. But that pig iron is imported at a very low rate.

Mr. CUMMINS. At a very low rate. But I do not think it is possible for them to take merely scrap iron, manufacture large products out of it, and compete with the world or their own country in products manufactured from pig iron. The only way in which we could protect those industries would be to levy a duty upon the product that would measure the difference between the freight rate from our eastern coast across the country and the freight rate from England, Germany, or France, across the ocean, to our western coast.

Mr. McCUMBER. Oh, no, Mr. President.

Mr. CUMMINS. In order to do that we would have to multiply the present duties once or twice, and I do not think the Senator from North Dakota even hopes to be able to protect the western coast of our country until there is some way in which the production can be developed there, and their industries carried on substantially as are the industries in the eastern part of our country.

Mr. McCUMBER. No, Mr. President; no one would claim that, so long as we must pay from $7 to $9 per ton in freight from Pittsburgh to any one of the Pacific coast points of consumption. We should levy a tariff sufficient to allow Pittsburgh the western trade. No one will claim that; but when we can import pig iron, costing but $7.50 a ton in Hankow, and bring it at a very low freight over to San Francisco, Seattle, Tacoma, and Portland, we ought to give such protection as will enable those who import the iron from that cheap source of supply to compete against Germany and England for the trade right at the doors of their factories. That is all we claim.

Mr. CUMMINS. I agree, Mr. President, with the general conclusion that has been reached by the Senator from North Dakota. If our western coast could get the pig iron from China, which it can not, it would convert that pig iron into the steel products, if it had the fuel, which it has not, and compete with any country in the world with our present duty. The difficulty is, first, that China has not the pig iron to export, and the second difficulty is that our western people have not the coal with which to do business. I hope they very soon will have; and, as I suggested a few moments ago, if we adjourn this Congress without making some provision whereby the western coast can supply itself with the cheap and excellent

coal lying in Alaska, we will fail in one of the great duties which is incumbent upon us.

Mr. SIMMONS and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I will first yield to the Senator from North Carolina and then to the Senator from Nevada.

Mr. SIMMONS. I simply wish to ask the Senator from Iowa a question. I desire to ask the Senator if he thinks that after the opening of the Panama Canal there will be any difficulty in the manufacturers of the Birmingham district competing on the Pacific coast in the heavier products of iron and steel?

Mr. CUMMINS. I suppose that when the Panama Canal is completed we may be able to get steel from New York or from Mobile to Seattle or San Francisco under a freight rate as low as obtains, and possibly a little lower than obtains, from Germany, France, or England to those places. That depends, too, upon our diligence at this session of Congress——

Mr. SMOOT. And the tolls charged.

Mr. CUMMINS. As to whether the railroads of the country will own the ships going through the Panama Canal or whether they will be independent instrumentalities.

Mr. SIMMONS. Mr. President, a few days ago, if the Senator will permit me a moment, my attention was called to the fact that at that very time a large steamer was being loaded at the Port of Wilmington in my State with steel rails manufactured in Birmingham and hauled across four States, to be exported and sold in Peru and Chile.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Yes; I yield.

Mr. NEWLANDS. The Senator from Utah a few moments ago was explaining the duty imposed upon assembled structural steel; that form of steel which is cut and punched and ready to be put together in a building. I will ask him whether the duty on that class of steel, as I understand from the Senator, is to protect the structural iron workers in the building trades?

Mr. SMOOT. Yes; those engaged in the fabrication of the structural steel. Just those engaged in the fabrication; not the structural steel itself.

Mr. NEWLANDS. Yes. Can the Senator inform me how many men are engaged in that industry in the United States?

Mr. SMOOT. That is, in the fabrication?

Mr. NEWLANDS. Yes.

Mr. SMOOT. I could not say, but there are a great many thousands of men engaged in it.

Mr. NEWLANDS. Could the Senator tell me how many men are employed in the entire steel industry?

Mr. SMOOT. I have it here, but I can not turn to it immediately. I intend to refer to it presently, but there are employed in the making of all the items covered by this schedule nearly a million and a half men.

Mr. NEWLANDS. And those men have votes, I presume?

Mr. SMOOT. Yes; a great many of them have.

Mr. NEWLANDS. Of course, some of them are foreigners. If the Senator will permit me, I wish to call attention to one fact. I have been advocating for many years a sliding scale of reduction, with a brake, and I have had two purposes in view. One was to avoid unnecessarily imperiling the industries of the country, and the other was to avoid scaring away the voters from the Democratic ticket.

I observe that in this schedule we are affecting the interests of about a million and a half workers. The statement of statistical information regarding the iron and steel schedule furnished by the Finance Committee and lying on our desks informs us that the total steel products consumed in this country amount to about $1,722,000,000.

Mr. SMOOT. Oh, no; that is not correct.

Mr. CUMMINS. That is an error.

Mr. NEWLANDS. I have added the amounts here under the different paragraphs, and that is what it amounts to.

Mr. SMOOT. You have added it wrongly.

Mr. NEWLANDS. How much was it?

Mr. SMOOT. Between three and four billion dollars.

Mr. NEWLANDS. Very well. This is probably accounted for by the fact as that to certain classes of steel there are no statistics as to consumption here.

Mr. SIMMONS. As to that particular class, it is one billion and a half. The Senator from Nevada is correct.

Mr. NEWLANDS. I find the domestic consumption of all classes of steel is not stated here. Assuming that the total domestic consumption of steel products amounts to about three billion dollars, as the Senator from Utah says, it is evident we admit into this country foreign importations to the extent of only $51,000,000.

Mr. SMOOT. That is, of a certain class.

Mr. NEWLANDS. Fifty-one million dollars these statistics show as a total.

Mr. SMOOT. That is the small part of it; that is the heavy manufactured steel, and not the importations of all of the higher finished products.

Mr. NEWLANDS. Then may I ask what is the value of the statistical table which is furnished to us?

Mr. SMOOT. The value of it is in just what it purports to be, and if the Senator will examine it carefully he will find that the tabulations there are correct as to the items that are mentioned.

Mr. NEWLANDS. But on page 15 I call the attention of the Senator to the fact that there is a recapitulation as to all classes of steel imports, and the value of the total dutiable imports for 1911 under the bill H. R. 18642 is given as $51,000,000.

Mr. SIMMONS. That is correct for a year.

Mr. NEWLANDS. For a year; $51,000,000 is a very small percentage of $3,000,000,000.

Now we will assume that the House bill goes into operation and it seeks to maintain a duty of only 22 per cent in place of the average present duty of 35 per cent and yet it is expected, from this table, to obtain just about the same revenue that we now secure.

Mr. SMOOT. That will require an additional——

Mr. NEWLANDS. That would mean that we would have to have importations of nearly $90,000,000 instead of importations amounting to $51,000,000, and it means that as to that extra $40,000,000 of steel products American workers are to be displaced and foreign workers substituted.

I want to know from my Democratic friends, who are eager to have not only immediate reductions, but very considerable reductions, what effect it will have upon the voters engaged in these industries to tell them that so large an amount of American labor is to be immediately displaced?

Now, recollect, that is only one of the industries, and yet the same reasoning applies to all. I believe we should do that which our platform calls for—that we should have a sliding scale with a brake; that brake so adjusted as not to permit a very large immediate increase of foreign importations; and that we should have regard to our platform, which has repeatedly declared that our reductions should be accomplished in such a way as not to imperil the interests of the American workingman or to seriously impair American industry.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I desire to reassure the Senator from Nevada that I sincerely hope that his party will not succeed in the coming campaign. Nevertheless I do not want its friends to be frightened to death. And therefore I beg to give him the assurance from a long study of this subject and great familiarity with the Democratic bill that there will be no more importations under the Democratic bill than there have been under the Republican bill. The duties are all prohibitive, practically, and therefore he need not fear that a single man will lose a day's work or that his wages will be diminished by a single dollar.

Mr. NEWLANDS. I am very glad to receive that assurance from the Senator from Iowa, whose familiarity with the subject we all know. But I ask, then, the further question, whether, if the amount of importations is not to be increased and the amount of the duty is reduced one-third, we can expect the same revenue that we now receive, or whether that revenue will not be reduced from about $18,000,000 to $11,000,000 or $12,000,000?

Mr. CUMMINS. The revenues will undoubtedly be diminished to some extent, but I have not been concerned in that part of the subject. All that I want is that the domestic prices shall be reduced for the benefit and the relief of the people.

Mr. NEWLANDS. Let me state——

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Will the Senator permit me just one moment to complete my statement? The Senator will permit me to state that the statistical table must then be incorrect, for, if under a tariff duty of 22 per cent, substituted by the House bill for the average present duty of 35 per cent, the revenue will be $17,000,000 as against the existing revenue of $18,000,000, as declared by this statistical table, the importations must increase to between eighty and ninety million dollars.

Mr. CUMMINS. Perhaps some political economist or statistician or politician—I do not know who—has estimated that

by the pending bill imports will be increased from $50,000,000 to $70,000,000. I differ with that political economist or statistician. I do not think the imports will increase in that way.

Mr. NEWLANDS. Then if this does not increase the imports the revenue will be less than $12,000,000, and it is well for us to understand that as we go along, for that means a reduction of $6,000,000 in existing revenue.

Mr. SMOOT. I wish to say that I differ entirely with the Senator from Iowa, for I believe, if the Democratic bill passes, the importations not only will increase $25,000,000, as estimated by the Democratic House, but they will increase $100,000,000. I do not say that they will increase that amount upon the items affected by the amendments offered by the Senator from Iowa, but take the highly finished products, every rate is reduced by the Democratic bill, and the rates are cut until they will drive not a few hundred concerns into bankruptcy, but will close the doors of thousands of small mills in this country. I will predict that, and I believe it as positively as I believe the sun will rise to-morrow morning.

Mr. CUMMINS. I think I ought to have confined my statement to the heavier forms of iron and steel, because I do believe that the duties in the Democratic bill upon the heavier forms—better organized forms of manufacture—are too low.

Mr. SMOOT. Now, Mr. President——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Certainly.

Mr. NEWLANDS. Of course, I regard the statement of the Senator from Utah as to the disastrous effects of this reduction as very much exaggerated.

Mr. SMOOT. That may be the Senator's opinion, but I have given him mine.

Mr. NEWLANDS. It is perfectly apparent, if we are to get the same revenue—$18,000,000—from steel that we have derived heretofore, that under this new duty we will have to make importations to the extent of about $80,000,000 instead of importations to the extent of $51,000,000, and that the labor producing that $30,000,000 worth in this country will be displaced.

I want to see this tariff reduced, and I want to see it materially reduced, and I want to see it reduced by the only party that is bent upon the reduction—the Democratic Party.

Mr. SMOOT. That will not be accomplished yet awhile.

Mr. NEWLANDS. I want to see that party come into full and complete power in order to make the reduction, and I do not want that party to make an announcement before election that will so alarm the men who are employed in these various industries, and whom we are told aggregate 1,500,000 in the steel industry alone, that they will cast their votes against the Democratic Party and deprive it of all opportunity for usefulness.

For this reason I wish to make a gradual approach toward the final reduction which ought to be accomplished, and I believe that a sliding reduction, with a percentage reduction each year extending over a period of 5 or 10 years, with a brake so adjusted, under a rule fixed by Congress, as to stay the reduction temporarily at least when a wave of foreign importation threatens to invade the country, will bring the result we seek to accomplish more satisfactorily than any other process.

I have been in Congress now for nearly 20 years, during which we have been talking about reductions of the tariff, without substantial result, whereas by a reduction of 5 per cent annually we can accomplish a reduction of 50 per cent of the tariff in 10 years, and by a reduction of 10 per cent annually we can accomplish a reduction of 50 per cent in the next 5 years, and we can provide such a brake in this reduction as to stay it when an invasion of foreign goods is imminent. I would rather undertake a gradual course of reduction under the rule laid down by the Democratic Party, with reference to a gradual reduction so accomplished as not to disturb this vast army of wage earners and not to seriously interfere with domestic industries, than I would any radical action now which might so scare the workers as to prevent the Democratic Party from coming into power. I am aware that the steel schedule is one of our most indefensible schedules, but the statistics before me have suggested these remarks, and I present them in the hope that the Democratic Party will handle this subject of tariff revision and reduction in such a gradual and progressive way as to invite confidence in its wisdom and constructive capacity.

Mr. SMOOT. I am not worried as to what is going to happen to the Democratic Party, nor do I care what one Democrat may think as to what will happen to it; and if I had full confidence in the fear expressed by the Senator from Nevada, that to pass this bill would destroy the party, I think the proper thing, perhaps, would be to assist its passage.

But, Mr. President, I want to say that in my estimate of the importations into this country if the Democratic bill became a law is not based entirely upon my knowledge of the business, but we had before the committee laboring men who had worked in mills in foreign countries, who knew conditions in foreign countries—knew them not from hearsay but from actual experience—and they testified to the fatal effect the rates provided for in the Democratic bill would have upon American mills were they put in force. My statement is based upon opinions of men who should know.

Now, Mr. President, when I was diverted——

Mr. SIMMONS. Will the Senator yield for a question?

Mr. SMOOT. Certainly.

Mr. SIMMONS. Do I understand the Senator as saying that these laborers who had visited Europe and worked in the mills of Europe made the statement he has just quoted?

Mr. SMOOT. They did not visit Europe. They were born there. They were brought up in the mills in Europe. They knew just what they were paid per day in Europe, compared it with the wage received in this country for the same class of work, and they testified before the committee that if the rates as provided in the Democratic bill were put into force the manufacturers in this country would be ruined.

Mr. SIMMONS. If the Senator will permit me, my recollection is that the laborers who came before the committee and testified to having worked in Europe, or having been in Europe and acquired information, confined their statements to the difference between the wages per diem paid in the factories of Europe and in the factories of this country.

Mr. SMOOT. The Senator certainly must not have been at all the hearings.

Mr. SIMMONS. They did not profess, as I understand, to be able to compare the entire cost of production here with the cost of production abroad, but based their statements upon the theory that a lower per diem wage was paid in the factories of Europe than was paid in the factories of America.

Mr. SMOOT. That is all I am basing my statement upon, and the items I am speaking of are items in the manufacture of which there is from 50 to 90 per cent labor. I am not speaking of pig iron. I am not speaking of steel rails. I am speaking of the highly finished products, and I say that the rates provided in the Democratic bill if put in force will drive American manufacturers of these articles out of business.

Mr. SIMMONS. If the Senator will permit me, what did Mr. Schwab say when he was testifying before the committee? He declared that the wage per diem in this country was about twice as high as it is in Europe.

Mr. SMOOT. He so stated.

Mr. SIMMONS. But this same man had testified only a short while before, in the steel investigation, that while the per diem wages in this country were twice as high as in Europe, the cost of producing the heavier forms of iron and steel there was about as high as it is here.

Mr. SMOOT. I want to say to the Senator that we do not have to take Mr. Schwab's word as to what the rate of wage is in this country and in Europe. I will take the report made by the British Board of Trade, appointed by the Parliament to gather statistics as to the wage paid in this country, in Italy, in Germany, in Austria, in France, as compared with the wage paid in England, and from it I can prove to the Senator that the wage paid in this country is more than double what it is in England.

Mr. SIMMONS. If the Senator will permit me, I have not disputed that the per diem was higher here than it is abroad. What I am contending for is while the per diem rate is a little higher in this country, the cost of the product is not measured by the per diem, and the cost of production in this country of the heavier products of steel is about the same as abroad.

Mr. SMOOT. I say again that a man who is laboring in Germany—or why should I say a man? Let me say a man or a woman laboring in Germany, making all kinds of chains, scissors, knives, and cutlery of all kinds can produce in these higher finished products just as many dozen in 24 hours as can be produced in this country. Men who have worked in both countries producing these goods so testified before the committee.

It is true, Mr. President, that a few short years ago the handling in great quantities of the ore and the pig iron and in the making of steel rails in this country was done in a way that it did not cost as much per ton or per unit as it did in a foreign country, but that condition does not exist to-day, and the testimony showed that this class of goods to-day is manufactured

in foreign countries in the same way and with as improved machinery as in this country.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes; I yield.

Mr. GORE. John W. Gates testified before the Industrial Commission that the mills of the United States supplied 60 per cent of all the wire used in England. Now I would like to know how that could be done if the cost of production is greater here than there?

Mr. SMOOT. I am very tired, and I am not feeling very well, but I am going to cover that subject from A to Z. It is not a question of tariff; it is not altogether a question of what it costs to make an article. It is a question of keeping a company's mill running even if it gets cost for its product or even less. I have made goods, and in some cases made more than my regular trade demanded, and have shipped them to a market where they would not interfere with my regular market. I did not care so much about the price as I did to get rid of them, for if I could get cost out of them I was ahead. Why? Because the overhead expenses, the taxes, the insurance, the administration charges were the same whether I manufactured a million dollars' worth or whether I manufactured $500,000 worth. The extra quantity made cheapened the goods I sold to my regular trade, and gave the employees a chance to work every day in the year. This same thing is being done by many mills in this country. It costs just about as much to run 2,000 tons a day from blast furnaces as it does to run 500 tons a day.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. SHIVELY. The statement the Senator has just made is decidedly interesting, and ought to be illuminating on this question. The Senator says that what he has just stated is a part of his personal experience as a business man. The Senator states that he has manufactured goods; and do I understand that he stated that he sold them abroad?

Mr. SMOOT. No; not abroad.

Mr. SHIVELY. The surplus?

Mr. SMOOT. Not abroad.

Mr. SHIVELY. Where was the surplus market to which the Senator refers?

Mr. SMOOT. The surplus market we had was San Francisco and eastern points.

Mr. SHIVELY. That is to say, the Senator had a certain circle of regular customers or trade?

Mr. SMOOT. Yes; in Chicago, New York, Baltimore, Cincinnati, and other large cities.

Mr. SHIVELY. And having supplied that at his price, he sold the surplus outside of that market at a lower price.

Mr. SMOOT. In some cases; in others it may have been a class of goods that were of such a style that the trade did not want them.

Mr. SHIVELY. The Senator is now speaking from personal experience. What class of goods was that? Give an instance of them.

Mr. SMOOT. I was speaking particularly of woolen goods.

Mr. SHIVELY. So you had one price in one part of the country for your regular trade, and another price for what you regarded as the surplus product of your mills?

Mr. SMOOT. No; I had one price for the goods that were demanded all over the United States, but if there was a surplus stock I had to get rid of, that there was no special demand for, I would not go into the regular market and offer that to the regular trade. I had to sell them somewhere, if at no more than cost and sometimes even less.

Mr. SHIVELY. What temptation was there to manufacture that class of goods in your mills?

Mr. SMOOT. The manufacturer makes mistakes the same as a merchant or the same as other people. The Senator must know that. The manufacturer may undertake to make a piece of goods from a particular sample, and for some unaccountable reason the colors do not blend and the goods are not salable. I have seen a slight difference in the shade of the threads used to form a pattern spoil the goods for the regular trade, and could only be sold as seconds.

Mr. SHIVELY. I did not understand, however, that the Senator was doing that. Those things were more or less accidental. He was not operating in that way in order to keep the mill running the whole year round, was he?

Mr. SMOOT. No, of course not; but when you talk about the exportation of manufactured steel and iron, I want to tell the Senator that in Germany the industry is under one head, one syndicate. All orders come through it and they make the local price. Every exportation is reported to this syndicate, and the amount of loss occasioned by any and all exportations is made up to the exporter and paid out of a fund collected by the syndicate. Germany wants to protect and does protect her local market. They are protected against all the world. Not only that, a syndicate in Germany seems to be a virtue, but we send men to jail in this country who would form one, and I am not complaining of that——

Mr. SHIVELY. Do you think it is right?

Mr. SMOOT. I am not complaining of that——

Mr. SHIVELY. Do you think it is right to send them to jail?

Mr. SMOOT. I approved the law. I am only calling attention to the fact that the men who manufacture these goods in this country have to meet conditions of that kind.

Mr. President, I will show by the report of Mr. Pepper, the gentleman the Senator from Iowa referred to so often, that these bounties, if you may call them such, have been paid to German manufacturers on exportations to foreign countries; sometimes as high as $7.80 per ton on finished products.

The American manufacturer is up against a bounty-paid competitor, paid by a country that not only protects her local market, but she has made up her mind that the German laborer shall make the goods for the world as far as possible, and they do not care what system is adopted to accomplish it.

Mr. SHIVELY. I presume the Senator has the statistics?

Mr. SMOOT. I have.

Mr. SHIVELY. What were the German exports of iron and steel and the manufactures of iron and steel for the last year?

Mr. SMOOT. I do not want to begin the discussion of that question now. I am tired. As I said in the beginning, I am not feeling well; I should like to continue at some other time.

Mr. SHIVELY. I, of course, do not want to take the Senator's time——

Mr. CUMMINS. I hope the Senator from Indiana [Mr. SHIVELY] and the Senator from North Carolina [Mr. SIMMONS] will allow the bill to be laid aside temporarily. I am sure that the Senator from Utah is proceeding under considerable difficulty.

Mr. SMOOT. Before that is done, I should like to have inserted in the RECORD, so as to complete what I was discussing when interrupted, the freight rates upon the different items from the Pittsburgh mills to the United States North Atlantic ports and to the United States Pacific coast ports, and the rates from foreign mills to the United States North Atlantic ports and to the United States Pacific coast ports.

The PRESIDING OFFICER. Without objection it will be so ordered.

The table referred to is as follows:

Freight rates.

	From Pittsburgh mills—		From foreign mills—	
	To United States North Atlantic ports.	To United States Pacific coast ports.	To United States North Atlantic ports.	To United States Pacific coast ports.
Rails	$2.60	$13.50	$2.85	$7.50
Plates	3.58	17.92	3.00	8.75
Structural	3.58	17.92	3.00	8.75
Bars	3.58	17.92	3.00	8.75
Tin plate	3.58	14.83	3.25	9.25
Sheet	3.58	21.28	3.00	8.75
Plain wire	3.58	19.04	3.25	8.75
Wire rods	2.60	17.92	2.85	7.50
Nails	3.58	19.04	3.00	8.75
Pipe	3.58	12.88	3.00	8.75
Pig iron	2.45	14.00	2.50	7.50
Billets	2.60	14.56	2.50	7.50

Mr. McCUMBER. Mr. President, the Senator from North Carolina [Mr. SIMMONS] seems to have not always remembered accurately everything that is in the testimony, and he seems to differ quite often with the Senator from Utah as to what the testimony shows. A short time ago, if I understood the Senator from North Carolina correctly, he stated that those who testified before the committee and who represented the labor side of the question did nothing more than give the comparative wages in the old countries and in this country, and they did not state what the effect would be upon them. I may have been in error, but that was my understanding.

Mr. SIMMONS. I wish to say that my statement was made from the testimony that I heard. I do not claim that I heard all the testimony, because I did not.

Mr. McCUMBER. I want to call the Senator's attention to two paragraphs. One is from Mr. Durkee, who represents the laborers employed in the manufacture of cutlery. On page 576, in the resolution which he presented, he says:

> We would call attention to the fact that the present rate, as shown by the importations of the past year, is not too high.

The present rate is 45 per cent, and the reduction is to 25 per cent. He proceeds:

> And that any reduction in the rate would mean an increase in importation and a closing of the factories here or a reduction in wages to meet the lower prices.
>
> Being mindful of the hardships entailed on us and our families by previous tariff reductions, we would therefore earnestly request you to use your best efforts for the retention of the present duty.

Then, turning to the testimony of Charles J. Pilling, who also represents the laborers employed, he says, on page 579:

> The surgical-instrument industry of this country is one that has been worked up by skilled laborers, and nothing but skilled laborers. The cost of manufacturing surgical instruments is nearly all labor and very little material. If the duty is reduced, it will mean the destruction of the industry in which these laborers are engaged. Already, to-day, about 75 per cent of the surgical instruments used here are imported into this country at the 45 per cent rate, so we do not know where we would be at the proposed 25 per cent rate.

His reasons for opposing it are that the manufacturer would receive less, and his answer, which I think very apt, was as follows:

> Protecting the laborer, of course, does affect the manufacturer. The manufacturer can not get along without the laborer, and the laborer can not get along without the manufacturer.

There is testimony of the same character right along in the following pages. Those who are engaged as laborers, with the knowledge that in that particular industry, the manufacture of surgical instruments, for instance, a very high class of manufactures, about 75 per cent of the articles used here are imported under a 45 per cent duty, can see that a reduction to a 25 per cent duty, as it seems to me anyone else can see, might possibly take up the other 25 per cent of the consumption in the United States.

Mr. SIMMONS. I understand the Senator to say that he was reading from the testimony of a factory laborer.

Mr. McCUMBER. Yes.

Mr. SIMMONS. I can readily see that laboring men working in the factories in this country and also in the factories of foreign countries would be able to give some reliable testimony as to the difference in the wage scale per diem or per year here and abroad. I can not see that the testimony of a laborer in a factory as to the cost of production, as contradistinguished from the per diem cost of labor, would be of very great value.

I want to say to the Senator that in speaking a little while ago I was speaking with reference to a case of which I had recollection.

Mr. McCUMBER. Certainly. I understood that.

Mr. SIMMONS. Some of the laboring people came before the committee probably when I was not present and their testimony escaped my attention, but my recollection was that the men who spoke purely as laborers, who had been abroad and who came back with a knowledge of the wages abroad as compared with the wages in this country, spoke in reference to the per diem wage or the per month wage or the per annum wage. For myself, I would not regard the testimony of a laborer in a factory upon the question of the total cost of production here and abroad as of very great value.

Mr. McCUMBER. Right there, Mr. President, let me suggest to the Senator that those representatives of the laborers in those factories have as clear and accurate and as close a technical education as any one else dealing with the subject. They make it their study, perhaps, more than any Senator does to know exactly what effect previous laws changing the duties have had upon the matter of importations and the effect of any duty upon those importations. I believe that we get just as accurate information from the intelligent men who represent the labor element in the manufactories as we will get from the manufacturers themselves.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SIMMONS. I have no objection to that provided no one else is ready to go on this afternoon.

Mr. SMOOT. I have understood that no one else is ready.

Mr. SIMMONS. Otherwise I do not wish to have the unfinished business displaced by anything.

Mr. SMOOT. I understood that no one is ready to go on to-day, and an executive session, I understand, is desired.

Mr. SIMMONS. I make no objection under the circumstances, if no Senator indicates his purpose to go on.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection, the unfinished business will be temporarily laid aside.

Mr. SIMMONS. I understood the Senator from Utah to say that an executive session is desired.

Mr. SMOOT. Yes; I understand that an executive session is desired.

Mr. GALLINGER. Mr. President, the Senator from Utah informs me that he is not in robust health, and he would prefer to complete his argument on Monday rather than to-morrow. A large number of Senators, an unusual number of Senators, have made an appeal that we should adjourn over until Monday. Personally I have no preference in the matter, but in deference to the requests that have come to me from both sides of the Chamber, I thought I would make the motion, and the Senate could do with it as it pleased.

Mr. SIMMONS. Mr. President, I hope that will not be done. I do not, of course, want to insist on the Senator from Utah going on to-morrow, but I think the Senator from Missouri [Mr. STONE] will be ready to go on to-morrow. We are very anxious to facilitate action upon this bill.

Mr. GALLINGER. I am quite as anxious as anyone.

Mr. SMOOT. I have not any desire whatever that the bill shall go over until Monday on my account. I think I will be ready to go on to-morrow.

Mr. GALLINGER. Then I will not make the motion.

Mr. SMOOT. If there is any objection——

Mr. GALLINGER. There is objection.

Mr. CUMMINS. Mr. President, I could not hear the suggestion of the Senator from North Carolina. Will he repeat it? I very much hope that the suggestion of the Senator from New Hampshire will be accepted by the Senate. There is some work some of us want to do which we find it pretty hard to do when we continue in session during every day of the week from 12 o'clock until 6 or 7, as we have been doing for the last few days. I really think that we will make progress if we adjourn, when we do adjourn, until Monday.

Mr. SIMMONS. I desire to say to the Senator from Iowa that I am not insisting upon a session to-morrow to press the Senator from Utah to speak.

Mr. SMOOT. I understand that.

Mr. SIMMONS. There are other Senators who, I am advised, will be ready to speak to-morrow.

Mr. SMOOT. I understood that the Senator did not mean to press me to speak to-morrow. I am perfectly aware of that. But, as far as I am personally concerned, I have no doubt that on to-morrow I will feel better than I feel to-day, and I will be perfectly willing to go on. The only question that arose was not with me but with others, and it was just as the Senator from Iowa states. I know, of course, that I shall have to work all day Sunday to get my mail answered. It has been piling up for the last week. But I am perfectly willing to have a session to-morrow.

Mr. SIMMONS. I should like to inquire of the Senator from New Hampshire if there is any possibility of an agreement to take a vote on a day certain?

Mr. LODGE. Not the slightest. I can answer the Senator that.

Mr. SIMMONS. If we can do that——

Mr. LODGE. There is not the slightest prospect of an agreement; that is, at present.

Mr. SIMMONS. Not the slightest prospect of an agreement?

Mr. SMOOT. Not at present—later; not at present.

Mr. WILLIAMS. It seems, then, that the only possible way by which we can secure a vote is to keep in session all the time possible.

Mr. LODGE. That it is perfectly easy to do, if you have a majority to do it.

Mr. GALLINGER. Mr. President, I had intended to make the motion out of deference, as I said before, to an unusual number of Senators on both sides of the Chamber, but I do not want to make it if the Senators in charge of the bill feel that Senators are ready to proceed to-morrow. I will be glad to have the Senator from North Carolina——

Mr. STONE. Mr. President, I should like to ask a question suggested by the remarks of the Senator from Massachusetts, and more particularly because of the words he used.

The PRESIDING OFFICER. The Chair is informed that it is impossible for the reporters to hear Senators.

Mr. STONE. I rather gathered from what he said that possibly it was not the intention on the other side to let us have a vote on this bill.

Mr. LODGE. Oh, not at all; I did not say that. I said there was no prospect of an agreement at present.

Mr. GALLINGER. I will venture——

Mr. LODGE. It is rather early to make an agreement. A great many of us desire to be heard on the bill. It is a measure too important to be hurried.

Mr. GALLINGER. I will venture to suggest to the Senator from Missouri I feel sure there will be no undue delay in the matter of agreeing to a vote. Certainly I want a vote on all these bills. But as long as Senators desire to discuss them of course we can not force a vote; it is impossible for us to do that.

Mr. STONE. We have been discussing this bill now for weeks.

Mr. LODGE. Oh, no; there have been but two speeches made on it.

Mr. STONE. It has been before the Senate.

Mr. LODGE. It has been before the Senate, and there has been an appropriation bill up all the time. The Senator from North Carolina [Mr. SIMMONS] has made a speech, and the Senator from Iowa [Mr. CUMMINS] has made a speech upon this bill. Those are all the speeches which have been made until to-day.

Mr. WILLIAMS. There was plenty of time for other Senators to have made speeches, if they had wanted to do so.

Mr. LODGE. I do not see the time. We have spent four days in the continuous discussion of the agricultural appropriation bill.

Mr. STONE. Of course, if Senators on the other side do not want to let us vote on the bill, if that is really the policy of our friends on the other side, it will develop pretty soon, and we ought to begin to have that development now, so that we will have some idea as to what we are going to do. We are in a minority. We can not force the majority.

Mr. CLARK of Wyoming. Mr. President, I understood from the statement of the Senator from North Carolina that it is probably the wish of the Senator from Missouri to go on with the discussion to-morrow.

Mr. STONE. I said that I could do so.

Mr. CLARK of Wyoming. If that is true or if there is any Senator upon the other side who desires to go on with the discussion, I do not believe we ought to adjourn over, because I think we ought to close this matter up as soon as we can. I know that I am right in assuring the Senator from Missouri that there is no desire to delay it, and if we can take it up and do anything with it to-morrow I am not in favor of adjourning over.

Mr. WILLIAMS. If no Senator is ready to go on with it, can we not go ahead with the reading of the bill?

Mr. CLARK of Wyoming. I have no objection.

Mr. WILLIAMS. The Senator from Utah said he would be ready to go on to-morrow, and the Senator from Missouri is ready to follow him.

Mr. CLARK of Wyoming. If there is any Senator ready, I shall not be in favor of an adjournment over.

Mr. GALLINGER. Under the circumstances I will not make the motion to adjourn over. Some other Senator may make it if he chooses.

Mr. CLARKE of Arkansas. Mr. President, I want to say a word. We have been here continuously now for the past two weeks in close attendance on the sessions. A good many of us have gotten behind with our routine work and the time will not be lost, I feel satisfied, taking into consideration the time consumed in the consideration of this bill, if we would spend to-morrow otherwise; and in the end we will find we have made real progress.

I think the sentiment here on this side is that there should be an adjournment over. Of course I do not want to antagonize the wishes of any of our Members of this side, or the other side, for that matter, and any courtesy which usually prevails in the Senate will still prevail here. What I have to say is not in antagonism to it, but I give it as my opinion that we will make real progress by adjourning over to-morrow.

I hope the Senator from New Hampshire will not withdraw the motion, but will give the Senate an opportunity to express itself on the subject.

Mr. CUMMINS. Mr. President, I am sure no one would accuse me of any desire to delay the consideration of this bill or a vote upon it, but I think unless some Member of the Senate has made such arrangements as that it will be more convenient for him to speak to-morrow than upon any other day, we ought to adjourn until Monday. We have been here continuously now for a good many days, and our adjournments have been rather late in the afternoon. There is a great deal of work every Senator has to do that can not be done in the Senate Chamber. There are some of us, at least, who do not want to leave the Senate while it is in session.

I hope, therefore, that the Senator from New Hampshire will adhere to his motion, for I believe it will be and is the wish of a great majority here to adjourn until Monday.

Mr. GALLINGER. Mr. President, under the circumstances, in view of the appeal that has been made from both sides of the Chamber, I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. WILLIAMS. Upon that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire moves that when the Senate adjourns to-day it adjourn to meet on Monday next. The Senator from Mississippi calls for the yeas and nays upon that motion. Is there a second? [After a pause.] The yeas and nays are not ordered.

Mr. STONE. Mr. President, can we not have a division? I should like to have Senators stand up and be counted.

The PRESIDING OFFICER. As many as desire to sustain the call for the yeas and nays will rise and stand until they are counted. [After a pause.] Five only have risen, which is not sufficient to sustain the call. The question is on the motion of the Senator from New Hampshire that when the Senate adjourns to-day it be to meet on Monday next at the usual hour.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 45 minutes spent in executive session the doors were reopened.

PRIVILEGES OF THE PRESS GALLERY.

Mr. HEYBURN submitted the following resolution (S. Res. 314) for consideration:

Resolved, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

Mr. CLARK of Wyoming. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, May 20, 1912, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate May 17, 1912.

POSTMASTER.

INDIANA.

John O. Motto to be postmaster at Winona Lake, Ind., in place of Vernon G. Lamb, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17, 1912.

PROMOTIONS IN THE NAVY.

Lieut. Francis Martin to be a lieutenant commander.
Lieut. Emil P. Svarz to be a lieutenant commander.
Lieut. (Junior Grade) Harry L. Pence to be a lieutenant.
Ensign Harlow T. Kays to be a lieutenant (junior grade).
Boatswain Birney O. Halliwill to be a chief boatswain.
Lieut. Commander Robert K. Crank to be a commander.
Lieut. Commander Stanford E. Moses to be a commander.
Asst. Surg. Glenmore F. Clark to be a passed assistant surgeon.

To be assistant surgeons in the Navy:
Charter C. Wood, and
Cline H. Dragoo.

POSTMASTERS.

CALIFORNIA.

E. E. Brown, Maricopa.
Minnie E. Chalmers, Niles.
Franklin L. Glass, Martinez.

IDAHO.

H. H. Hamilton, New Plymouth.

ILLINOIS.

Archibald W. Fletcher, Highland Park.
William Hawley, Dundee.
Daniel McArthur, Glencoe.
Paul Spitzer, Techny.
Don A. Spurr, Wilmington.

IOWA.

Daniel J. Adlum, Missouri Valley.
Ezra Bradford, Wellman.
Stephen M. Brinton, Brighton.
Jacob Kiefer, Hazleton.
Ozro J. Kramer, Schaller.
Hiram E. Morrison, Seymour.
Thomas J. Ochiltree, Morning Sun.
Alma G. Ott, Riverside.
William G. Ross, Fairfield.
Peter S. Narum, Waukon.

KENTUCKY.

Marvin W. Barnes, Elizabethtown.
Terry T. Hanberry, Eddyville.
Joseph Insko, Augusta.
D. U. Poole, Greenville.
Llewellyn F. Sinclair, Georgetown.
John B. Weller, Bardstown.
Wallace R. Wood, Elkton.

MAINE.

Vesta P. Carle, Woodland.

MASSACHUSETTS.

Charles E. Wallace, Fitchburg.

MONTANA.

Lawrence Hauck, Philipsburg.

NEBRASKA.

Gust Abrahamson, Holdrege.
Loree V. Styles, St. Edward.

NEW HAMPSHIRE.

Leander Patterson, Antrim.

OREGON.

William E. Tate, Wasco.

SOUTH CAROLINA.

Lawrence O. Harper, Honea Path.

WEST VIRGINIA.

John E. Houston, Davis.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 17, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, help us to realize the great responsibility of life, for "it is the truth of God, working through the personality of man, which has been the salvation of the world." Inspire us to put our personality into our work on the side of right and truth and justice, that we may enhance the real values of life and thus increase our efficiency for good to the honor and glory of Thy holy name, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—DAMS ACROSS THE SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask the Speaker to lay before the House the conference report on the bill S. 5930. It will only take a moment.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River, by authority granted to the Twin City Power Co. by an act approved February 20, 1908.

Mr. MANN. I reserve a point of order.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I desire to reserve a point of order upon the report, and I would like to ask the gentleman whether in making the report the conferees have not changed the text of the bill as it passed both Houses?

Mr. ADAMSON. Well, I do not think we have. In fact, there was a proviso added to the Senate bill. We struck out by amendment in effect the most substantial and only thing in that proviso applicable to this case. The conferees receded by taking out the entire proviso.

Mr. MANN. But the gentleman did make a change. I do not know; I may make a point of order if I get a chance to examine it, but I would like to have a chance to examine it.

Mr. ADAMSON. I have no objection if the gentleman has not had time to examine it, and I will withhold the request.

The SPEAKER. The gentleman withholds the conference report.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, I move, then, in order to test the pleasure of the House about a matter I am not at all contrary about myself, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) known as the Panama Canal bill.

Mr. POU. Mr. Speaker, I would like to ask a question. The gentleman is well aware that this day is set apart under the rules for the consideration of bills on the Private Calendar. I would like to ask if he is not willing to yield to-day for the consideration of the Private Calendar. I will say to the gentleman that there are a large number of bills from the Committee on Claims, and the gentleman is well aware this session is drawing to a close, and while his motion, we all know, is a preferential motion, if the committees which have charge of these appropriation bills and bills like that of which the gentleman has charge now continue to insist upon displacing the Claims Committee, why all there is to it is that these matters will not have consideration during this session of Congress.

Mr. ADAMSON. Mr. Speaker, while I am not aware, as the gentleman suggests, that the session is rapidly drawing to a close, I do hope and trust he is correct in his supposition to that effect. As to my willingness to withdraw this motion and yield to the Claims Committee, it is not a question of my personal pleasure. So far as I am concerned, I would yield anything personally to the distinguished gentleman from North Carolina [Mr. POU]. I stated in making the motion that I simply wished to take the pleasure of the House. I will state, however, and it is no betrayal of secrets, that there was a kind of conference among a number of us the other day, looking to the very purpose that the gentleman suggests as to early adjournment, and those present thought if we could pass this canal bill and the appropriation bills, and get them over to the Senate, that pending the consideration of the conference reports there might be ample time to consider the matters that the gentleman from North Carolina refers to and many others.

The SPEAKER. The question is, Shall the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21969?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. POU. Division, Mr. Speaker.

The House divided; and there were—ayes 28, noes 13.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

OPERATION OF PANAMA CANAL.

Mr. ADAMSON. Mr. Chairman, the situation at present is that I am about three hours ahead in the distribution of time on this side of the aisle, and I will ask the gentleman from Minnesota [Mr. STEVENS] to consume some time.

Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman from Georgia taken?

The CHAIRMAN. Five hours and 27 minutes.

Mr. STEVENS of Minnesota. How much time has been charged to me?

The CHAIRMAN. One hour.

Mr. STEVENS of Minnesota. I yield an hour to the gentleman from Wisconsin [Mr. ESCH].

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to inquire of the gentleman from Minnesota [Mr. STEVENS] if he feels that is carrying out the agreement? There have been five hours in favor of the bill and two against. What is the object of the gentleman in exhausting all the time in favor of the bill and dividing up the last part of it?

Mr. MANN. The last two speeches were made on the gentleman's side.

Mr. STEVENS of Minnesota. Whatever has been charged to my side has been used by the gentleman from California [Mr. KNOWLAND]. I am willing to carry out the agreement, but necessarily prefer members of the committee.

The CHAIRMAN. Will the gentleman from Minnesota [Mr. STEVENS] withhold his statement until the bill is reported? The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. MARTIN of Colorado. I do not understand that the time of the gentleman from Michigan [Mr. DOREMUS] is charged up to the support of the bill.

Mr. ADAMSON. Oh, yes. Each side of the House has to divide between the two factions.

Mr. MARTIN of Colorado. The time so yielded to the gentleman from Michigan [Mr. DOREMUS] by the gentleman from Georgia [Mr. ADAMSON] at that time was used against the bill.

Mr. ADAMSON. I will keep the division straight between the gentleman from Michigan and myself.

Mr. FOSTER. What the gentleman from Colorado [Mr. MARTIN] is getting at is that all this 5 hours and 27 minutes has not been used by those who favor the bill entirely.

Mr. ADAMSON. I understand that. I am keeping account of that.

Mr. KNOWLAND. I think the situation is this: The agreement was that the time should be equally divided between those who signed the majority report and those who signed the minority views. The agreement with the chairman of the committee was that half of his time should be given to the gentleman from Louisiana [Mr. BROUSSARD] and half of the time on this side be given to me. Now, there has been used up to this time 4 hours and 27 minutes by those in favor of the bill, but at least in opposition to one section there has been used but 1 hour and on the other side but 1 hour and 10 minutes, so that in reality this side has still 2 hours more, divided between the Democratic and Republican sides, before the majority should really get in again.

Mr. STEVENS of Minnesota. Mr. Chairman, the time can not be divided that way. As the Chair and the committee have noted, I have tried to keep my agreement faithfully. I yielded an hour to the gentleman from California, and I now yield an hour to the gentleman from Wisconsin, on the opposite side. The next hour will be controlled by the gentleman from California [Mr. KNOWLAND] and the next hour by myself, and the gentleman from Georgia will then deal out the time as agreed with his colleagues. I think that is in a spirit of utmost fairness. It gives them the same time as on the other side of the Chamber. On the other side I can not control the time. But I think the gentleman is doing the best he can under the circumstances.

Mr. HUMPHREY of Washington. Does the gentleman think this is in harmony with the agreement with those in favor of the bill who consumed so much time at first? Have you seen it done before on the floor of the House? I never have since I have been here.

Mr. MANN. The gentleman from Georgia [Mr. ADAMSON], in charge of the bill, consumed 4 hours and 27 minutes nominally. A large share of that time was really consumed by gentleman opposed to the bill, because the gentleman from Georgia was in charge of the bill.

Mr. SIMS. Certainly it was.

Mr. ADAMSON. Two-thirds of my time was consumed in that way.

Mr. MANN. I do not see how the gentleman can complain.

Mr. HUMPHREYS of Mississippi. Those who are in favor of the bill want to take the time first, and it ought to be divided up equally.

Mr. MANN. I think the gentleman's statement is a very unfair statement.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield an hour to the gentleman from Wisconsin [Mr. ESCH]. The next hour will be controlled by the gentleman from California [Mr. KNOWLAND], who opposes a provision of the bill.

Mr. ESCH. Mr. Chairman, I shall not in this address devote much time to the contentious sections of the bill, namely, sections 5 and 11. I wish now to call attention to the larger aspects which this legislation presents, and to that end I wish to consider the effect of tolls on the world's traffic using the Panama Canal.

This legislation ought to have been passed a year ago. There is great need of its speedy enactment now. The chairman of the Isthmian Canal Commission ought to be given speedy authority to mould the present labor force on the Isthmus into the operating force which is to take charge of the work when the canal is opened to traffic. This authority should be given to him early, so that he can select out of the present labor force the most efficient men to constitute the permanent operating force.

Another reason for the speedy consideration of this legislation arises out of the fact that the shipping world is entitled to at least two years' notice as to the tolls and the regulations affecting traffic through the Panama route. We are advised that merchant ships will be able to pass through the canal by the latter part of 1913. There is therefore now barely time enough for the world's shipping to make contracts for the construction of new ships, the establishment of new lines, and complete trade arrangements. The Isthmian Canal Commission and the Secretary of War have been receiving urgent appeals to know what the tolls are to be on the Isthmus, so that the shipping lines can guide their course accordingly.

I stated that I wished to consider this matter in the wider and broader aspect—the relation of tolls to the world's traffic—and in considering this phase of it I wish to present a map on which are marked the routes of travel now carrying the majority of the world's commerce and the new routes which the Panama Canal will make available. There is no doubt in my mind but that the Panama route will secure a monopoly of the traffic on the west coast of both North and South America. The greatest fact connected with the canal is the shortening of distance and the lessening of time; and time and distance are the elements to-day which largely control the routes of ships. When it is realized that the construction of this canal will save the circumnavigation of South America in traffic between the North Atlantic and Pacific seaboards, its importance is at once realized; and when that saving is reduced to miles, and the amount is known to be about 8,000 miles, the monopoly of the Panama route as against any other competitive route also becomes readily apparent.

In order more clearly to realize the importance which the shortening of distance and of time will have on commerce it is necessary to reduce it to dollars and cents. That brings us to the consideration of the unit of toll charges at the canal. What shall that unit be? Vessels are measured by different systems. There is the displacement measurement, which represents the weight of water in tons which a vessel will displace when fully loaded and equipped and ready for sea. This is the system adopted by all maritime nations in the measurement of warships and is the system we will apply at the Isthmus of Panama.

There is the gross tonnage measurement of ships, which represents in cubical contents of 100 cubic feet per ton all the inclosed portions of a vessel. There is also the net tonnage measurement, which represents what is left of gross tonnage after there has been deducted the spaces for coal bunkers, engines, boilers, and shafting.

The net tonnage system of measurement is the one used by most nations in the fixing of tolls. It is the system applied at the Suez Canal, and as a result of the testimony presented before our committee by experts the committee feel inclined to favor the net-tonnage system as the basis for the measurement of tolls at the Isthmus.

Besides these several systems of measurement there is what is known as the weight or measurement tonnage, the weight tonnage representing the number of long tons which can be carried in the net tonage of a vessel; measurement tonnage being the amount of the cubical space expressed in tons, allowing 40 cubic feet to the ton.

The net-tonnage system is the one which concerns us in the administration of the Panama Canal, and it is the system which will be adopted there without doubt, although this bill gives the President the discretion of adopting gross or displacement tonnage, net tonnage, or any other form as, in his judgment, seems best. He also is given the discretion of using displacement tonnage in the measurement of war ships using the canal.

Having thus determined the unit of measurement for the tolls at the Isthmus, it will be necessary next to determine the cost of that unit per day for vessels at sea, in order to determine in dollars and cents the advantage in using the Panama route over any other competitive route.

Dr. Emory Johnson, the special commissioner on Panama traffic and tolls appointed by the President, than whom there is no more reliable expert, has made an exhaustive examination of this subject, and has consulted with shipowners and shipbuilders and has deduced this formula, that the cost per net register ton per day at sea is 10 cents for the average vessel of 10 knots per hour. He found that 10 knots, a knot being equal to 1¼ statute miles, was the most profitable speed of freight-going ships the world over. This unit cost embraces not only coal cost, cost of victualing the ship, and wages of the crew, but also the proportionate cost of interest, depreciation, maintenance, and insurance. In fact, he took into the calculation all possible elements of cost and deduced therefrom the formula of 10 cents per net registered ton per day at sea.

The testimony also shows that vessels which can most profitably use the canal will be vessels of 4,000 tons net register or more. Those of less tonnage can not use the canal to best advantage.

If then we take a vessel registering 4,000 net tons, the dues or tolls at the canal, if fixed at $1 per ton, will amount to $4,000, and her cost at sea per day $400. Having gotten some idea of the cost of the ship per day, and the cost of the tolls at the

canal, we are more readily able to understand the advantage in dollars and cents resulting from the use of this canal as against competitive routes.

In this connection we can declare without fear of contradiction that $1 a net registered ton will give to the Panama route a monopoly of the traffic between our Atlantic and Gulf seaboard and the Pacific coast of North and South America and the Hawaiian Islands.

I wish to call attention to the further fact that the Panama route can not expect to receive any tonnage developing on the north coast of South America, and in fact but little developing on the entire east coast of South America. In other words, the great ports of Rio Janeiro, Montevideo, and Buenos Aires will have little or no use for the Panama route. The territory in South America which will be benefited by the canal is that narrow strip extending from Panama to the Straits of Magellan, a distance of 4,000 miles, and lying between the summit of the Andes and the Pacific Ocean, a strip small territorially, but extremely rich in minerals and other resources.

The Pacific coast of North America will use the Panama route for its commerce with the Atlantic and Gulf seaboard. At present the Tehuantepec route, crossing Mexico, is a rival of the Panama Railroad; but that rivalry will cease upon the opening of the Panama Canal. It now costs $3.50 per cargo ton to cross the Isthmus of Tehuantepec, which will amount to about $7 per net registered ton. The Tehuantepec Railroad gets one-third of the through rate. Therefore the rate at Tehuantepec being $7 per net registered ton, as compared with $1 per net registered ton at Panama, the difference in favor of Panama will be $6 per net registered ton. There can be consequently no competition between the Panama Canal and the Tehuantepec Railroad route. The extremely large percentage of wastage and breakage resulting from twice breaking bulk still further handicaps the Tehuantepec route.

I have here Table I, prepared by Dr. Johnson, showing distances and time saved via the Panama Canal as compared with the Straits of Magellan between the Atlantic-Gulf ports of the United States and the west coast of South America.

TABLE I.—*Distances and time saved via the Panama Canal as compared with the Strait of Magellan between the Atlantic-Gulf ports of the United States and the west coast of South America.*

To—	From New York.						From New Orleans.					
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—				
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.
	Miles.						*Miles.*					
Callao	6,250	28.4	25.2	21.2	18.1	15.7	7,245	33.0	29.7	24.7	21.1	18.4
Iquique	5,139	23.3	20.9	17.3	14.8	12.9	6,134	27.9	25.0	20.8	17.7	15.4
Valparaiso	3,747	16.8	15.1	12.5	10.6	9.2	4,742	21.4	19.2	16.0	13.6	11.8
Coronel	3,296	14.7	13.2	10.9	9.3	8.1	4,291	19.4	17.4	14.4	12.3	10.7

A vessel from New York to Callao, on the west coast of South America, would save 6,250 miles as against the Strait of Magellan route. In days saved this would represent 28.4 days for a vessel traveling 9 knots per hour, 25.2 days for a vessel traveling 10 knots, and 15.7 days for a vessel traveling 16 knots. Fourteen and sixteen knot vessels are, as a rule, passenger steamers, and these will not to any large extent in the early years of the Panama route use that route. As the per diem cost of such steamers is much higher than that of the freight steamers, it will take a less number of days saved at sea to pay the canal tolls; hence in time we may expect fast vessels to use the canal.

If it costs a 4,000-net-register-tonnage ship $400 per day, then 10 days saved in sailing time would equal $4,000, or the amount of tolls the ship would have to pay. A vessel from New York to Callao, which is 6,250 miles nearer New York by the Panama route than by the Strait of Magellan, saving 25.2 days if a 10-knot vessel, would have an advantage of 15.2 days by way of profit by reason of the use of the Panama route, or over $6,000.

The next port south of Callao of importance is Iquique, 5,239 miles near New York by way of the Panama route than by way of the Strait of Magellan, representing a saving of 23.3 days for a 9-knot ship and 20.9 for a 10-knot ship. This port of Iquique is important, because it is the great nitrate port of South America; near by and within easy reach of tidewater are the great nitrate fields of northern Chile.

Last year 2,500,000 tons of nitrates were shipped from this port, 500,000 tons coming to the United States to be made into fertilizer and 2,000,000 tons being sent to Europe. These 2,500,000 tons of nitrates required in their shipment a vessel capacity of 1,000,000 net registered tons. At $1 a ton the export of nitrates alone through the Panama Canal would have developed a revenue of $1,000,000.

To Valparaiso, the great port of the west coast of South America, the distance saved via the Panama route over the Magellan route would be 3,747 miles, representing a saving of 16.8 days for a 9-knot ship and 15.1 days for a 10-knot ship.

Coronel, the southernmost port in Chile, except Punta Arenas, 400 miles south of Valparaiso and about 1,000 miles north of Magellan, is important because it is the only port on the west coast of South America where native coal can be secured. I hope, if I have time, to discuss the importance of coal and coal costs as affecting the traffic that can use the Panama route.

If Table I be examined, it will be found that New Orleans is nearer these South American ports on the west coast via the Panama Canal than from New York by about 1,000 miles, giving to New Orleans and other Gulf cities just that much advantage in the saving of time and distance.

Remembering that 10 days saved in sailing time will equal or make good the canal tolls with a 10-knot ship, every one of these South American ports to which I have referred can profitably use the Panama route as against the route through the Strait of Magellan.

I wish next to direct your attention to Table II:

TABLE II.—*Distances and time saved via the Panama Canal as compared with the Strait of Magellan between European ports and the west coast of South America.*

To—	From Liverpool.						From Antwerp.						From Gibraltar.					
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—				
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.
	Miles.						*Miles.*						*Miles.*					
Callao	4,043	18.2	16.3	13.5	11.5	10.0	3,905	17.6	15.8	13.1	11.5	9.7	3,327	14.9	13.3	11.0	9.4	8.1
Iquique	2,932	13.1	11.7	9.7	8.2	7.1	2,794	12.4	11.1	9.2	7.8	6.8	2,216	9.7	8.7	7.2	6.1	5.2
Valparaiso	1,540	6.6	5.9	4.8	4.1	3.5	1,402	6.0	5.3	4.3	3.5	3.1	824	3.3	2.9	2.3	1.9	1.6
Coronel	1,089	4.5	4.0	3.3	2.7	2.3	951	3.9	3.4	2.8	2.3	1.9	373	1.2	1.0	.8	.6	.05

The distances are longer than between the Atlantic and Gulf seaboard and this west coast, and the savings in days are less, but the demonstration of advantage in favor of the Panama route is almost as conclusive. For instance, from Liverpool to Callao—Liverpool, representing a typical port of England, is nearer to Callao by way of the Panama route than by way of the Strait of Magellan by 4,043 miles, representing a saving of 18 days for a 9-knot ship, 16.3 days for a 10-knot ship, and exactly 10 days for a 16-knot ship, while Iquique, the great nitrate port, is nearer by 2,932 miles, representing a saving of 13.1 days for a 9-knot ship and 11.7 days for a 10-knot ship.

Valparaiso, the objective port for most of the west South American trade, will be nearer to Liverpool by way of Panama than by way of the Strait of Magellan by 1,540 miles, repre-

senting a saving of 6½ days for a 9-knot ship and 5.9 days for a 10-knot ship. You will notice, therefore, that as to Valparaiso there is a saving in time of less than 10 days, practically only 6 days, representing $2,400 in money equivalent. But as the canal tolls on our typical ship of 4,000 tons net register would be $4,000, there would be a handicap of $1,600 against the ship using the Panama route. The question is, Would that ship go through the Panama Canal instead of going to Liverpool by way of the Strait of Magellan?

I believe, and the experts declare, that the Panama route will be preferred for the following consideration: The Strait of Magellan is over 200 miles long. The shores are rocky and precipitous and there are few aids to navigation. In the winter time floating ice abounds and there are dangerous cross currents. It is a dangerous passage at any time. The rate of marine insurance on vessels from Europe to the west coast of South America is higher through the straits than it would be through the Panama Canal. It is impossible now to give the amount of this difference, but it will be appreciable. Whatever it will be, it ought to be deducted from the $1,600 handicap on the vessel that uses the Panama route. Again, a vessel leaving Liverpool or Antwerp or Gibraltar for Valparaiso by way of the east coast of South America would have few ports of call, and would, therefore, have less opportunities for taking on or discharging cargo, whereas if it took the Panama route it would have ports like Guayaquil, Callao, Iquique, Valparaiso, Coronel, and even Punta Arenas on the Strait of Magellan.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Certainly.

Mr. MARTIN of South Dakota. The gentleman concludes, I take it, that practically all the traffic with western South America and northern ports would pass through the Panama Canal.

Mr. ESCH. What does the gentleman mean by northern ports?

Mr. MARTIN of South Dakota. I mean Atlantic and Gulf as well as European ports.

Mr. ESCH. Yes.

Mr. MARTIN of South Dakota. What sum does the gentleman consider, figured in net registered tonnage, might reasonably be expected in the first year?

Mr. ESCH. In 1910 the foreign commerce of the west coast of South America with Europe amounted to 3,128,000 net registered tons, and it is safe to assume that that entire tonnage would use the Panama route, thus developing a revenue of $3,128,000. Another advantage in using the Panama route between Europe and Valparaiso or return is the fact that coal can be gotten cheaper than by way of the east coast of South America and through the Strait of Magellan. In fact, from the figures that are given the saving in coal alone by the use of the Panama route might be enough to pay the canal tolls. On this account we conclude that the Panama Canal, with a rate of $1 per net registered ton, will secure practically all of the traffic developing along the west coast of South America with Europe, barring possibly a portion from Coronel down to the straits. It is easy to conceive that if a vessel at Valparaiso can secure a full cargo it might go home by way of the Strait of Magellan, or if it could secure part or full cargo at Montevideo, Buenos Aires, or Rio de Janeiro for Europe. Another fact to be considered is this: Passenger traffic with Valparaiso from Europe might go down the Atlantic coast to Buenos Aires and then go over the trans-Andean railroad, which has been opened within the year, to Valparaiso and Santiago, but the cost for railroad fare from Buenos Aires to Valparaiso would be so great as to make this route practically prohibitive for all save emergency traffic.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. MANN. In the comparison which the gentleman has made I notice he has not called attention to the matter of the amount of vessel space required for coal by the two routes. Would it not require much more vessel space for coal going down the east coast of South America than it would going by way of the Panama Canal and recoaling at these different points?

Mr. ESCH. Mr. Chairman, the gentleman's suggestion is a proper one, and I had intended to develop it in connection with another branch of the subject. However, the idea suggested is this: If a vessel coals at Southampton for Valparaiso by way of the Magellan route it would have to take on a large supply of coal, thus diminishing its freight capacity. If a vessel can coal frequently at near-by stations it need use but a small space for coal and leave a large space for freight tonnage, thus increasing its freight earning capacity.

By use of the Panama route a vessel, say from Southampton, can coal at St. Thomas in the Danish West Indies, or St. Lucia in the Bahama Islands, and proceed to Panama, where it could take on coal at either Cristobal or Balboa and then cruise down the west coast and get coal at any of those ports. That is an added argument why vessels from Europe will be induced to use the Panama Canal.

Mr. MADDEN. I would like to ask the gentleman about the difference in the cost of the coal as between the starting point of the ships and the various coaling points to which he has called our attention. Would the difference in cost be sufficient to recompense the ship for the loss of freight that might be earned by reason of taking a full cargo of coal to supply it for the whole trip, as against coaling at the different points?

Mr. ESCH. I think that the best practice among shipowners is to seek to leave the port of clearance with a small cargo of coal and reload at intervals, thus permitting it to carry the maximum of freight-earning tonnage.

Mr. MADDEN. The point I want to get the gentleman to tell us about, if he will or can, is whether the difference in the price of coal at Liverpool or Southampton and Valparaiso is sufficient to offset the freight receipts which might be secured by a ship on account of leaving the port of Southampton with a small quantity of coal.

Mr. ESCH. Well, it would be very difficult to determine that in dollars and cents, owing to the fact that rates of freight vary very materially and the coal cost varies very materially.

Mr. MADDEN. But the gentleman must remember that freight has to be paid on the coal that is taken on board ship at Valparaiso, and freight must be paid on coal taken on board the ship at Panama or paid on coal taken on board at any other point of the West Indies—St. Thomas or any other place. Now, that freight must be added to the cost.

Mr. ESCH. I have figures here giving the coal cost at the various stations of the world and along the four great competitive routes which I will describe, and if I have the time I will be glad to take up that phase of it.

Mr. MADDEN. That side of the question is one that is very interesting.

Mr. ESCH. Yes; it is interesting. I wish next to call attention to Table III, showing the relation of Panama Canal tolls to the traffic between the Atlantic-Gulf seaboard of the United States and Australia and New Zealand.

TABLE III.—*Relation of Panama tolls to the traffic between the Atlantic and Gulf seaboards and Australia and New Zealand.*

To—	From New York.						From New Orleans.						Remarks.
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
	Miles.						*Miles.*						
Adelaide	1,746	7.5	6.7	5.6	4.6	4.0	3,258	14.6	13.1	10.8	9.2	8.0	Difference between routes via Panama, Tahiti, Sydney, and Melbourne, and via St. Vincent and Cape of Good Hope.
Melbourne	2,770	12.3	11.0	9.1	7.7	6.7	4,282	19.3	17.3	14.3	12.2	10.7	Difference between routes via Panama, Tahiti, and Sydney, and via St. Vincent, Cape of Good Hope, and Adelaide.
Sydney	3,932	17.7	15.8	13.1	11.2	9.7	5,444	24.6	22.2	18.4	15.7	13.7	Difference between routes via Panama and Tahiti, via St. Vincent, Cape of Good Hope, Adelaide, and Melbourne.
Wellington	2,493	11.0	9.9	8.1	6.9	6.0	3,488	15.6	14.0	11.6	9.9	8.6	Difference between routes via Panama and Tahiti and via Strait of Magellan,

The commerce of Australia and New Zealand is developing with very great rapidity. In 1909 the foreign commerce of Australia amounted to $550,000,000, an increase of $200,000,000 over the preceding decade. New Zealand's foreign trade in 1909 amounted to $175,000,000, an increase of $75,000,000 over the preceding decade. The commerce of our Atlantic and Gulf seaboard in 1910 with Australia and New Zealand amounted to $46,000,000, an increase of 68 per cent over the preceding decade. The importance of our canal securing an increasing share of this traffic between our Atlantic and Gulf seaboard and Australia and New Zealand ought to be apparent. I have here Table III, giving the saving in distance and days from New York to Adelaide on the south shore of Australia by using the Panama route as against the Cape of Good Hope route. The difference is 1,746 miles, showing a saving of 7½ days for a 9-knot ship and 6.7 days for a 10-knot ship. If Adelaide were the port of destination a saving in time of 6.7 days for a 10-knot ship would not be a large inducement for a vessel to pass through the Panama Canal and pay tolls. It might instead go around the Cape of Good Hope. At the present time our traffic between the Atlantic and Gulf seaboards and Australia is by means of line vessels around the Cape of Good Hope. That is a much longer route than even the Straits of Magellan. The Panama route will be the shortest. From New York to Melbourne, on the southeast shore of Australia, the saving, by using the Panama route as against the Cape of Good Hope route, would be 1,710 miles, represented by a saving of 12.3 days for a 9-knot ship and 11 days for a 10-knot ship. From this it would appear that a vessel could profitably use the Panama route and have one day's saving of time at sea to its credit. Sydney, on the east coast of Australia, and its greatest city, a city of 500,000 people, will be 3,932 miles nearer to New York by way of the Panama route than by way of the Cape of Good Hope, represented by a saving of 17.7 days for a 9-knot ship and 15.8 days for a 10-knot ship. Sydney, therefore, which all line vessels and most chartered vessels or tramps make, would determine the homeward route and not Adelaide or Melbourne.

It is thus seen that it would be profitable to use the Panama route, because there would be a margin of profit or of saving of 5.8 days for a 10-knot ship, after deducting 10 days saving in time to neutralize or compensate for the canal tolls. Wellington or Auckland, in the New Zealand Islands, would be nearer to New York by way of the Panama route by 2,493 miles over the route by the way of the Straits of Magellan, representing a saving of 11 days for a 9-knot ship and 9.9 days for a 10-knot ship. Even as to Wellington, the Panama route would be preferable to the Magellan route. What course a vessel will take after arriving at one of the ports of Australia for the home journey will depend not merely upon the saving of distance and of time, but upon other factors, such as facility of securing traffic and cargoes en route and on the cost of coal. However, Dr. Johnson believes that New Zealand could stand a toll of a dollar per net registered ton and the Panama Canal get at least 50 per cent of its traffic. A vessel in a south Australian port which had to leave Australia in ballast or with partial cargo would doubtless sail up to the East Indies, to Java or Sumatra or Singapore, for a cargo of Java coffee or sugar and then proceed through the Suez route back home, or it might possibly return home by the way of the Cape of Good Hope.

Table III shows that New Orleans will be nearer these ports of Australia via the Panama route by about 1,500 miles over New York, amounting to a saving for a 10-knot vessel of about 6 days. Even with Adelaide, such vessel would save 13.1 days as against the Cape of Good Hope route. The Panama route ought to secure in traffic between our Atlantic and Gulf seaports and Australia a fair percentage of that commerce and ought to secure at least 50 per cent of the growing commerce of New Zealand.

I next wish to call your attention to Table IV, showing the effect of tolls at the Isthmus of Panama on the traffic between Europe and Australia and New Zealand.

TABLE IV.—*Effect of tolls at Isthmus of Panama on traffic between Europe and Australia and New Zealand.*

To—	Via—	From Liverpool. Distance.	Distance saved via shorter route.	Days saved via shorter route for vessels of— 9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	Remarks.
		Miles.	*Miles.*						
Adelaide	Panama	13,478	2,336	10.8	9.7	8.1	6.9	6.1	Via Panama, Tahiti, Sydney, and Melbourne.
	Suez	11,142							Via Aden, Colombo, and King George Sound.
Melbourne	Panama	12,966	1,312	6.1	5.4	4.6	3.9	3.4	Via Panama, Tahiti, and Sydney.
	Suez	11,654							Via Aden, Colombo, King George Sound, and Adelaide.
Sydney	Panama	12,385	150	.69	.62	.52	.44	.39	Via Panama and Tahiti.
	Suez	12,235							Via Aden, Colombo, King George Sound, Adelaide, and Melbourne.
Wellington	Suez	12,989	1,564	6.7	6.0	4.9	4.2	3.5	Via Aden, Colombo, King George Sound, and Melbourne.
	Panama	11,425							Via Panama and Tahiti.

Here the distances are longer and the percentages will be less. A line which is equidistant from Liverpool by either the Panama or Suez route runs through Yokohama, about 200 miles east of the island of Guam and about 150 miles east of Sydney, Australia. All east of this line, therefore, would be nearer Europe by way of the Panama route, and all west of it, which would include the continent of Australia and most of the east coast of Asia, would be nearer by way of the Suez route. The question arises, will Australia and New Zealand give any of their commerce with Europe to the Panama route? It may expect to get some portion of this tonnage, but the Panama route would have to meet sharp competition with the Cape of Good Hope route and with the Suez route. The question of tolls and coal costs will be largely determinative as to the route.

Mr. BOWMAN. And some difference in insurance.

Mr. ESCH. There is some difference in insurance. At present the bulk of cargo from Europe to Australia passes around the Cape of Good Hope and does not pass through the Suez Canal. The Suez Canal is used largely by line steamers carrying fast mail and passengers. The 10-knot vessel carrying cargo prefers the Cape of Good Hope route to the Suez route, because it will have no tolls to pay, because of the cheap coal of Natal, South Africa, and because the Cape of Good Hope route is only about a thousand miles longer than the Suez route. We may expect some vessels outbound from Adelaide or Melbourne or Sydney, and especially New Zealand, to return to Europe by way of the Panama route.

New Zealand furnishes much cargo tonnage, especially in the line of frozen meats, and cargoes of frozen meats—refrigerated cargoes—will seek to go to Europe by the cooler route. The cooler route would doubtless be by way of Panama as against the route through the Suez Canal. The Red Sea, 1,300 miles in length, has almost torrid heat and is swept by the blasting winds from the desert, hence it is more difficult to carry refrigerated tonnage through the Suez route. We can expect a small tonnage from Australia and a considerable tonnage from New Zealand to pass through the Panama route to Europe.

Mr. LEWIS. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Maryland?

Mr. ESCH. Yes.

Mr. LEWIS. You are just referring to the Suez Canal and the probability of some Panama traffic being diverted from that point.

Mr. ESCH. Yes.

Mr. LEWIS. May I ask the gentleman the character of the rates fixed for traffic on the Suez Canal, whether they are law-made rates or statutory rates that may not be changed by an administrative tribunal, and in that respect do they differ from the rates proposed in this measure now?

Mr. ESCH. The Suez rates are made by the company that practically owns and operates the Suez Canal. They are not statutory rates. The rates put in force on the Suez Canal on January 1 of this year were 6¾ francs per registered ton, amounting to about $1.30. But the Suez tonnage is measured by the Suez measurement, which differs from the British and American measurement in that it does not allow as large a deduction for bunker, engine, and other space as is allowed under

the British and American measurement. Therefore the net registered tonnage at Suez is higher than it would be at Panama, and the same ship going through the Panama Canal would pay less tolls than if it passed through the Suez Canal. In other words, the $1.30 per net registered ton at Suez would amount to $1.53 at Panama.

Mr. MANN. Does not the Danube measurement which is used on the Suez Canal include 80 cubic feet to the ton, while the American measurement allows 100 cubic feet?

Mr. ESCH. Yes; that is also a factor in making the net-tonnage rate at Suez higher than our proposed rates at Panama, and this difference of $1 Panama rate and $1.53 equivalent Suez rate will be quite a determining factor in the routing of vessels.

I wish next to call attention to Table V, showing the relation of tolls on traffic between our Atlantic and Gulf seaboards and the region between Yokohama and Singapore, on the east coast of China, including the Philippine Islands.

TABLE V.—*Effect of tolls on traffic between Atlantic and Gulf seaboards and Yokohama and Singapore, including Philippine Islands.*

To—	Via—	From New York.						From New Orleans.						Remarks.
		Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					
			9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
		Miles.						*Miles.*						
Yokohama	Panama	3,768	16.9	15.2	12.6	10.7	9.3	5,705	25.9	23.3	19.3	16.5	14.4	Via San Francisco.
	Suez													Via Colombo, Singapore, Hongkong, and Shanghai.
Shanghai	Panama	1,876	8.1	7.3	6.0	5.1	4.4	3,813	17.1	15.4	12.7	10.8	9.4	Via San Francisco and Yokohama.
	Suez													Via Colombo, Singapore, and Hongkong.
Hongkong	Panama	18						1,919	8.4	7.5	6.2	5.2	4.5	Via San Francisco, Yokohama, and Shanghai.
	Suez													Via Colombo and Singapore.
Manila	Panama	41						1,978	8.6	7.7	6.4	5.4	4.7	Via San Francisco and Yokohama.
	Suez													Via Colombo and Singapore.
Singapore	Panama	2,484	11.0	9.8	8.4	6.9	5.9	547	2.0	1.7	1.4	1.1	.9	Via San Francisco and Yokohama.
	Suez													Via Colombo.

Mr. RAKER. If the gentleman will permit me, the discussion came up yesterday that England had to do with this Suez company and owned the majority of the stock in it; that is, the Suez Canal. Is there anything in that?

Mr. ESCH. English citizens own some of the stock.

Mr. RAKER. But the English Government itself has nothing to do with the company?

Mr. ESCH. I think not. It is not owned by the Government.

Mr. MARTIN of Colorado. The English Government owns a lot of the stock, but the company is under the control of a private company.

Mr. ESCH. This trade area between Yokohama and Singapore is largely within the influence of the Suez route. However, the northern portion of it may safely be considered as within the influence of the Panama route.

Mr. MARTIN of Colorado. From where?

Mr. ESCH. For instance, from New York to Yokohama it is nearer by 3,268 miles through the Panama Canal than by the Suez route, representing a saving of 17 days for a 9-knot ship and 15.2 days for a 10-knot ship; while Shanghai, on the Chinese coast, will be nearer via Panama than via Suez by 876 miles, represented by a saving of 8.1 days for a 9-knot ship and 7.3 days for a 10-knot ship. Hongkong, down the Chinese coast, will be nearer New York by way of Panama than by way of Suez by only 18 miles, and Manila will be nearer by only 41 miles.

In other words, the line equidistant from New York by way of Panama or Suez runs through Peking, China, through Hongkong, practically through Manila, and through the west-central part of Australia. Everything, therefore, on the east coast of Asia east of that line would fall within the influence of the Panama route, and all west of it, from Hongkong to Singapore, would fall within the influence of the Suez route. Can we hope for or expect any traffic from this region to use the Panama Canal?

Yes, we can, for the reason that the distances to Yokohama and even Shanghai show a saving in days of travel at sea almost equivalent to the number necessary to offset the canal tolls, but Hongkong and Manila are practically the same distance by either route, and therefore other factors, aside from distance, would determine the course of the vessel outbound from either of these two ports. As Manila is a possession of the United States, and as the coastwise-trade laws apply to it, we may expect to get most of the traffic of the Philippine Islands across the Pacific through the Panama Canal to our Gulf and Atlantic seaboard.

Mr. MARTIN of Colorado. Will the gentleman permit a question?

Mr. ESCH. Yes.

Mr. MARTIN of Colorado. It would be impossible to state this matter of distances any more clearly than the gentleman is stating them; but I will ask if it is not the fact that all ports in western Pacific waters, not only the Asiatic ports, but the Australasian islands, are in the Suez Canal zone from all European ports?

Mr. ESCH. The next table will give the distances and show that very fact.

Mr. MARTIN of Colorado. I assume that that is what your chart will show, that all Asiatic and Australasian ports are in the Suez zone from all European ports.

Mr. ESCH. This red line shows that all west of it is within the influence of the Suez route for European ports.

Mr. MARTIN of Colorado. In addition to that, as a practical proposition, these ports are nearly all in a competitive zone as between New York and European ports?

Mr. ESCH. Yes; there is an overlapping territory along the coast of China.

Mr. MARTIN of Colorado. Even from New York we have got to fight Europe for all the traffic that we get in this zone?

Mr. ESCH. Yes. Another thing: The Suez influence is well established, because it is a route that has been traveled since 1869. The banking facilities and trading companies along it also tend to attract and hold the traffic with Europe through the Suez route, so that, as the gentleman from Colorado [Mr. MARTIN] well says, we will have to fight for whatever traffic we are able to get from, say, Shanghai down to Singapore; but Table V also shows that New Orleans would have an advantage over New York of about 2,000 miles to Yokohama, Manila, and the great ports of China, permitting her to offer strong competition to vessels using the Suez route.

Mr. SIMS. In case the Suez Canal should reduce its charges the competitive zone will naturally move east to that extent.

Mr. ESCH. Certainly; and it will be, to the extent of the reduction, a potent influence in determining the course of vessels, except line vessels, which can not deviate from their course. It would have a large influence on chartered vessels or tramps.

Mr. LEWIS. I wish to inquire as to the character of rate making on the Suez Canal. Is it entirely free, as it would be with a private railroad company, to change the rates? If so, has there been much change in rate making through the canal in the last generation?

Mr. ESCH. The directors of the Suez company—I think it is the Suez Maritime Co.—fix the rates from time to time. From 1869 to 1884 the rates remained practically at 10 francs a registered ton. After 1884 changes were made every few years, until in January, 1912, the rate was reduced to 6.75 francs a net registered ton, and the directors will doubtless in the near future make a still further reduction to meet the competition of the Panama route, so that I look to see the time when they

will reduce the rate to $1 a net registered ton, as we have proposed to fix it at Panama.

Mr. LEWIS. They can make those reductions without regard to any governmental action.

Mr. ESCH. Without regard to any governmental action——

Mr. LEWIS. Or action of the British Parliament?

Mr. ESCH. Or action of the British Parliament.

Mr. KENT. Are they under any sort of obligation to levy uniform tolls?

Mr. ESCH. Yes; under the Suez agreement the tolls are equal to all nations, without discrimination.

Mr. FOWLER. Will the gentleman discuss the dangers attending the navigation through these two great highways?

Mr. ESCH. Which two does the gentleman mean?

Mr. FOWLER. I mean the Suez Canal and the Panama Canal.

Mr. ESCH. I have already described the Magellan route.

Mr. FOWLER. Yes; I know the gentleman has.

Mr. ESCH. The Suez route would be more dangerous than the Panama route for oriental trade, on account of the terrific storms that sweep over the Indian Ocean. Crossing the Pacific we have comparative freedom from storms. We, however, would have the disadvantage of a stormy passage possibly across the North Atlantic.

Mr. MARTIN of South Dakota. Can the gentleman tell the committee whether the insurance rates as between these two competitive routes, where they are real competitors, would be to the advantage of the Panama route?

Mr. ESCH. Oh, certainly; and it would be an advantage to the Panama route as compared with the Magellan route and as compared with the Suez route where it crosses the Indian Ocean.

Mr. MARTIN of South Dakota. Will the gentleman state why the advantage will be with the Panama route in the oriental trade? It is on account of the voyage over the Pacific, is it not?

Mr. ESCH. That is comparatively a safe voyage as compared with the voyage by the Suez Canal and across the Indian Ocean.

Now, I wish to call your attention to Table VI, showing the relation of tolls at Panama on the traffic between Europe and Yokohama and Singapore, including the Philippine Islands.

TABLE VI.—*Relation of tolls on traffic between Europe, Yokohama, and Singapore, including Philippine Islands.*

To—	From Liverpool.						Remarks.
	Distance shorter via Suez than via Panama.	Days saved for vessels of—					
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
	Nautical miles.						
Singapore	6,946	31.6	28.4	23.6	20.2	17.5	Panama route via San Francisco and Yokohama. Suez route via Colombo.
Manila	4,421	19.9	17.9	14.8	12.6	11.0	Panama route via San Francisco and Yokohama. Suez route via Colombo and Singapore.
Hongkong	4,172	18.8	16.8	13.9	11.9	10.3	Panama route via San Francisco and Yokohama. Suez route via Colombo and Singapore.
Shanghai	2,776	12.3	11.0	9.1	7.8	6.8	Panama route via San Francisco and Yokohama. Suez route via Colombo, Singapore, and Hongkong.
Yokohama	694	2.7	2.4	1.9	1.5	1.3	Panama route via San Francisco. Suez route via Colombo, Singapore, Hongkong, and Shanghai.

As already stated, the red line on the map passing through Yokohama marks the line which is equidistant from Liverpool by way of either route, and as all the Chinese coast lies west of that line it is normally within the influence of the Suez route.

There are regions that we can not influence, so far as traffic goes, nor can we seduce traffic from the Suez route to or from such regions to the Panama route. The Suez route will have absolute monopoly of all traffic on the east coast of Africa and the east and west coasts of India, and the Malay Peninsula, Java, and possibly Sumatra. We can not hope to break into that zone of traffic. On the other hand, the Panama route will have zones where it will be supreme and where the Suez route can not encroach.

In regard to this traffic between the Chinese coast and Europe, both the Magellan route and the Cape of Good Hope, can be ignored because they are too long to enter into competition. We may expect some vessels outbound, securing cheap coal at Yokohama, to cross the Pacific on the arc of the great circle to Tacoma, Seattle, or San Francisco; thence down the coast to Panama and on to Europe. The reverse movement may also be true; that is, vessels may seek to cross the Atlantic from Europe in the hope of getting a cargo on our Atlantic seaboard and proceed through the canal to San Francisco or the Sound cities and cross the Pacific to Yokohama, Shanghai, or Manila.

At present there is considerable traffic across the Atlantic to European ports where cargoes are transshipped to vessels bound for the Orient through the Suez Canal. When the Panama Canal is opened that movement may be exactly reversed, and vessels from Europe may be willing to take cargoes at cheap rates across to New York, Baltimore, and Philadelphia and there have them transshipped to vessels passing through the Panama Canal bound for the Orient. So that even as to these two trade areas we may expect a small share of the traffic. This concludes my consideration of the relation of tolls to the traffic of the various trade areas affected by the opening of the new route at Panama.

But there is another potential factor which determines the route of vessels, namely, the cost of coal. The greatest cost of a vessel at sea is the cost of its fuel. Last year there were 75,000,000 tons of coal sold to ocean-going vessels, representing a cost of $250,000,000.

I wish now, if I have the time, to show coal costs along these various competitive routes in order to show the advantages of the Panama route based upon cheaper coal costs. A vessel starting from Southampton with Welsh coal, probably the best coal used by ocean-going craft, can secure that coal at Southampton for $5.06 a ton trimmed. It can take on a sufficient supply to carry it to the Straits of Gibraltar, where there is another coaling station, and it can buy Welsh coal there for $5.28 to $5.76 a ton. Then it can proceed to Algiers, on the north coast of Africa, and get Welsh coal there for $5.40 a ton. It could then proceed to Port Said, the northern entrance to the Suez Canal. Port Said is one of the greatest coaling stations in the world. Last year there was shipped to that port from England one and one-quarter million tons of Welsh coal. It is there sold to vessels by several dealers, and the competition between the dealers serves to keep the price down. Coal at the coaling stations along the older routes of travel is sold by contract from dealers, and vessel owners make yearly contracts with these dealers, securing a cheaper rate than is charged to the occasional vessel or tramp steamer. Good and ample coaling facilities can be found along the entire Suez route, and they are better than along any other route. At Port Said the cost of Welsh coal, 1912 contract prices, is $6.12 to $6.24 per ton. The occasional vessel or tramp steamer would have to pay about $6.50. Please bear this in mind when we come to consider the cost of coal at Panama.

Mr. MADDEN. Will the gentleman yield?

Mr. ESCH. Certainly.

Mr. MADDEN. What is the coal worth at the port of shipment?

Mr. ESCH. Five dollars and six cents at Southampton, which would be a little more than the cost at Cardiff.

At Port Said or Suez the vessel can take on coal enough to carry it to Colombo, on the island of Ceylon.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ESCH. Can not the gentleman from Minnesota yield me a little more time?

Mr. STEVENS of Minnesota. The gentleman will remember that I yielded an hour to the gentleman from California, and I could not grant him any more. The gentleman will remember the colloquy that I had with the gentleman from Washington [Mr.

HUMPHREY], and how he insisted upon me yielding. I yielded an hour to the gentleman from California, and it is up to him. If he cares to yield time to the gentleman, very well.

Mr. KNOWLAND. Mr. Chairman, if the gentleman from Washington is willing to have it taken out of his time, I have no objection.

Mr. HUMPHREY of Washington. Oh, I do not want to have it taken out of my time.

Mr. BUTLER. But, as I understand, general debate has not been limited.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be permitted to proceed for 15 minutes.

Mr. MANN. That can not be done.

Mr. HUMPHREY of Washington. Then I will ask the gentleman from Minnesota to yield the gentleman 15 minutes.

Mr. KNOWLAND. Mr. Chairman, I am willing to take it out of our time if it will not be taken out of the time of the gentleman from Washington. The gentleman from Wisconsin has not taken up the question of tolls, and I think it is no more than fair that our side should let him have the time. [Applause.]

Mr. STEVENS of Minnesota. Very well, with that understanding I will yield to the gentleman 15 minutes.

Mr. ESCH. Mr. Chairman, I am very grateful to the gentleman and to the House. At Colombo Welsh coal first comes into competition with foreign coal. At Colombo Welsh coal is sold, under 1912 prices, for $8.16 a ton. The Bengal or native coal is sold for $5.16 a ton, while the Natal coal, brought up from South Africa, can be had for $6.12 per ton, all f. o. b., trimmed. From Colombo the vessel could proceed, for instance, to Singapore, another of the great coaling stations along the Suez route. At Singapore Welsh coal can be obtained for $8.40 per ton. Australian coal, brought up from the Newcastle fields, near Sydney, can be obtained for $5.76 to $6 per ton, while Japanese coal can be obtained for $5.40, f. o. b. At Yokohama the cheap Japanese coal, known as Yubari lump, can be had for $5.40 a ton.

Let us now consider coal costs by way of the Cape of Good Hope route. A vessel would again coal at Southampton with Welsh coal at $5.06 a ton. It could coal again at Cape Vincent, where it would have to pay $7.50 for Welsh coal. It could then proceed to Cape Town or to Durban, South Africa, where Natal coal could be obtained as cheaply as $3.28 to $3.48 a ton, free alongside ship. It could then proceed to Australia and obtain coal at Melbourne, on the south coast, Newcastle or southern Australian coal, for $4.50 a ton, free alongside ship. Then it could proceed to Sydney, which is only 60 miles from the great Newcastle coal fields, and get the best quality of southern coal for $3.84 a ton.

Proceeding now by way of the Magellan route, the vessel would again coal at Southampton and recoal at St. Vincent, possibly, and go down to Montevideo, where it could get Welsh admiralty coal by paying $10.32 a ton. It could also get native coal at Coronel, Chile, over on the west coast of South America, at $5.60 per ton.

Let us now consider the coal cost by way of our proposed Panama route. The secretary of the Isthmian Canal Commission has just sent me the contract prices for the delivery of coal at Panama from Newport News. The contract made by the Government last month is at the rate of $2.70 per ton for coal at Newport, with a contract price of $1.39½ per ton to carry it down to Cristobal and unload it from the hold of the vessel. The cost, therefore, delivered at Cristobal for the current year will be $4.09½ per ton. If the Government makes an overhead charge of, say, 50 cents per ton to cover depreciation and a small profit, coal could be sold at $4.59½ per ton to passing ships.

Mr. NYE. Is that substantially the same quality of coal?

Mr. ESCH. Our New River and Pocahontas coal has 5 per cent less heat efficiency than the Welsh coal, the Welsh coal being the best bituminous coal used by steam vessels. Then it will cost 50 cents a ton to take this coal through the canal and deliver it at the coaling station at Balboa, so when the canal is finished, under present contract prices, we may safely state that coal can be sold at a small profit by the Government at Cristobal at $4.50 a ton and at Balboa, on the Pacific side, for $5 per ton. Proceeding through the canal and up the west coast the vessel can recoal at San Francisco. Comax coal from British Columbia at San Francisco is sold at $6.90 per ton. Carbon Hill or Washington coal can be gotten at Seattle for $4.15 and the best Comax lump, at Comax or Union, British Columbia, for $5 per ton. This gives the coal cost from the Atlantic seaboard to the Pacific coast. To-day coal is sold at New York for $3 to $3.25 per ton and at Newport News for $3 per ton. A vessel passing through the canal gets cheap coal at the Isthmus, and can get a fairly good supply at cheap rates at the Sound; it can then cross the Pacific and get a good supply of cheap Japanese coal at Yokohama or Nagasaki, taking on enough to make the trip down to Shanghai or Manila and return. Homeward bound it can secure a supply at the same rates. A review of the coal situation leads to this conclusion:

The coal cost along the Suez route will be probably higher than the coal cost along the Panama route, and the coal cost along the Cape of Good Hope route will be cheaper than along the Magellan route. In order to show what a factor the cost of coal is in determining the route of a vessel, I wish to give you an illustration. Last year a steamer of 4,640 gross tons—2,927 net tons—with a speed of 10½ knots, made the round trip from New York to Manila by way of the Suez Canal. It consumed 4,475 tons of coal, costing $20,868.75. Maj. Wilson, chief commissary officer at the Isthmus, estimated what that same vessel's coal cost would be if it had gone through the Panama route by way of San Francisco and Yokohama. He estimated that according to the 1911 prices the total coal consumption would be about the same in amount, but the cost would be $18,222, a saving of $2,646.25. Had the 1912 prices prevailed the saving would have been $3,164, or more than the canal tolls on this vessel at the Isthmus. Finally, the relative efficiency of various coals can be shown by the daily consumption of a given vessel. The relative steaming value for a vessel of 3,550 gross tons is as follows: It would burn 22 tons per day of best No. 1 Cardiff coal; 25 tons of Tyne or Lancashire (English) coal; 29 to 30 tons of Indian (Bengal) coal; 29 to 30 tons of Japanese; 24 to 25 tons of Newcastle (Australian); 30 tons of Coronel (Chile); only 24 to 25 tons of Sterling, New River, or Berwind White (American); 26 tons of Alabama coal. From this it is evident that our American coals compare very favorably in heat efficiency with the coals produced elsewhere and sold on other routes. This concludes consideration of coal costs in relation to traffic on the Panama and competitive routes.

Mr. RAKER. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. RAKER. In figuring these costs by the Panama route up north thence to Yokohama, the gentleman has not figured what it would be if we were able to develop the coal fields of Alaska, has he?

Mr. ESCH. That is a factor that can not be determined until we develop our coal fields in Alaska. I wish to call attention in that connection to this significant fact, that the arc of the great circle route passes only a few miles south of the available coal fields of Alaska, and in time it may be possible to develop these fields and establish a coaling station on one of the Aleutian Islands, thus aiding the traffic which we hope to get.

A word as to the probable traffic which will pass through the canal. In Dr. Johnson's first report, published in 1901, he gives an estimate of the possible tonnage which could have used the canal during the year 1899 had the same been open. He found that a possible net registered tonnage of 4,891,075 tons could have passed through the canal that year. In 1910 he made another investigation and found that a possible net tonnage of 8,328,029 tons could, or possibly would have used the canal that year, showing an increase of 66½ per cent in 11 years. He estimates that if the same percentage of increase were to continue during the five years from 1910 to 1915, a total traffic of 10,500,000 net registered tons would be available for passage through the canal during 1915. If, during the decade following the formal opening of the canal in 1915, a rate of increase of only 60 per cent is maintained, we could reasonably expect that in 1925 a total of 17,000,000 net registered tons would pass through the canal, but it is too much to expect that during the first year of operation, 1915, there will be 10,500,000 net registered tons of available traffic which will use the canal. It will take several years for steamship lines to fully establish themselves, and only actual trial can develop the full advantages of the Panama over the Suez and other competitive routes. Moreover, it will require time to fully establish and supply coaling stations along the new route. The traffic during the first few years through the Suez Canal was disappointing. During the first year, 1870, only 486 vessels passed through that canal, and in 1871 only 765. The average net tonnage per vessel for these two years was less than 1,000 tons.

At a dollar per net registered ton the revenue from tolls during the first year of operation, 1915, would amount to $10,500,000, provided the total net registered tonnage estimated as available for the use of the canal would pass through it, but such revenue can not be expected. It will fall short for the first few years. According to the testimony of Col. Goethals and other experts, the annual cost of operation of the canal, including sanitation, policing, and so forth, will amount to $4,000,000. The interest

on the bonds which have been and will hereafter be issued to meet the cost of construction will amount, at 3 per cent, to $11,250,000, or a total of over $15,000,000. Therefore, for some years after the opening of the canal, the total revenues will not meet the cost of operation and the fixed charges. This is taking no account whatever of the cost of maintaining an armed force on the Isthmus and manning the defenses which are now being constructed there. If such expenses be added, the total cost will approximate $30,000,000 per annum. Even if the cost of maintaining the armed force and the fortifications be entirely charged off, a large revenue will have to be derived from tolls to meet the cost of operation and fixed charges, and a charge of a dollar per net registered ton, including charges on vessels of the United States engaged in coastwise trade, will be insufficient for some years to meet the same. While our Government has no design to make the canal a revenue producer, good administration would dictate that such revenue be secured from its operation as would meet the cost of operation and of fixed charges with the least detriment or discouragement to commerce seeking to use the same.

The work of the great engineers on the Isthmus is about concluded, a work worthy of the admiration of the world. It remains for us as legislators to do our part to fittingly supplement their work to the end that the success of the canal may be complete.

Under the dome of St. Paul's Cathedral in the city of London is the tomb of Sir Christopher Wren, the greatest of English architects. On that tomb is a tablet on which is inscribed:

If you would see his monument, look about you.

If I had my way, I would construct on "a peak in Darien," on the summit of the Cordilleras, on the very brink of Culebra, a monument of brass or enduring granite in honor of Col. Goethals and his splended staff. [Applause.] And thereon I would engrave this testimonial:

If you would see their monument, look about you.

[Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.

The message also announced that the Senate had agreed to reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bills of the following titles:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

OPERATION OF PANAMA CANAL.

The committee resumed its session.

Mr. KNOWLAND. Mr. Chairman, I yield one hour to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman and gentlemen, I have just listened with a great deal of pleasure and a great deal of profit to the very able speech of the distinguished gentleman from Wisconsin [Mr. ESCH].

What time I shall take I shall devote entirely to the question of the tolls, as this is a question that vitally affects, in my judgment, not only the Pacific coast, but the use of the canal by the entire country.

This question of the Panama Canal tolls, it seems to me, can be stated in a single sentence: The People *v.* The Railroads.

This is the entire case of the Panama Canal, so far as tolls are concerned. This is the case. The court is the American Congress. It is for us to decide this contest between the people and the railroads. I care not at what angle you may look upon the question. I care not in what shape the arguments may come. I care not from what apparent source springs the opposition. I care not what reasons may be given or what pretense may be advanced in favor of tolls for coastwise ships through the Panama Canal, it all comes back to this: The People *v.* The Railroads.

I have never belonged to that class of men who have denounced corporations because they were corporations; that have denounced great interests because they were great interests; that have believed that any great business was evil simply because it was large. I have never belonged to that class of men who seek every opportunity to stand upon the floor of the House and proclaim that they are the friends of the people. I have never been one of those who have condemned and denounced the railroads of this country.

I have never been one of those who have denounced those who have constructed and run our railroads. In fact, I have always believed, and believe now, that many of the men engaged in the building and construction of railroads have been great benefactors of the people; that this country owes to them a debt of gratitude. I would not to-day injure the railroads in the least degree. I believe that they should be permitted to make a legitimate profit. I believe that the prosperity of the railroads is largely the prosperity of the entire country, and that you can not injure the railroads without injuring the whole people of this Nation.

But believing all this is no reason why I should not be opposed, as I am unalterably opposed to the railroads controlling the Panama Canal. I believe that we have constructed the Panama Canal primarily for the purpose, from a commercial standpoint, of having competition between the railroads and the ships that shall run through the canal. Every attempt to impose tolls upon the coastwise trade is an attempt to throttle this competition and to that extent benefit the railroads.

Who has asked for tolls upon coastwise trade? The railroads. Who has appeared before the Committee on Interstate and Foreign Commerce and asked that tolls be placed upon our domestic trade? No one. What business interests have appeared before that committee opposing free tolls? No one.

It is most remarkable that this great committee of the House should make a report against free tolls when no one interested has appeared before them and argued against the proposition, when no interest in all this country thought it worth while to appear before that committee and protest that free tolls would injure them. What does canal tolls mean? It means that much obstruction to commerce. It means taking just that much from the people to give to the railroads. Every dollar paid in tolls means several dollars paid to the railroads. It is a dollar given to perpetuate the greatest and most powerful monopoly that ever existed in this country.

Canal tolls is an effort to take from the American people the benefit of the many millions that we have spent in the construction of the canal and transfer this benefit to the great transcontinental railroads. The railroads of this country did everything within their power to prevent the construction of the canal, and now, by the assistance of the majority of the Interstate and Foreign Commerce Committee, it is proposed to turn over to them the benefits of this canal after it has been constructed.

Many people of this country and perhaps many Members of this House may think that there exists to-day competition between the water and the rail transportation companies. That is a great mistake. No such conditions exist now, and no such conditions ever have existed in this country. Most of the regular steamship lines that ply up and down the Atlantic coast are absolutely controlled by the railroads. Most of the steamship lines that run up and down the Pacific coast are controlled absolutely by the railroads. Most of the steamship lines upon the Great Lakes are absolutely controlled by the railroads. Do you suppose that there is any competition between the railroads and these railroad-controlled lines of steamships? The statement of the fact answers the question conclusively to any sane man. No amount of subterfuge or evasion can conceal the truth. There never has been any real competition in this country between rail and water traffic. This is fully shown by an examination of the history of water transportation, and it is also fully shown by an examination of the interstate-commerce reports. The American people had hoped, and they had a right to hope, that the completion of the Panama Canal would mean the end of this complete monopoly of transportation, both on land and sea, by the railroads. People of this country hoped that, at least between the two coasts, we would have competition, and that at last we would have an opportunity by actual trial to see what would be the result of competition between rail and ship. Such competition will do more than all courts and commissions to regulate traffic and to produce a fair and reasonable rate for shipper and consumer. But now it is proposed, at the request of the railroads, and of the railroads alone, so far as the records show and so far as the hearings show, to forget the interests of the American people and, in violation of every principle heretofore followed by our Nation, to protect the railroads of the country by imposing a tax upon domestic traffic, which in the last analysis is the American public.

It is the first time, so far as I know, in the history of this Republic, except in time of war, that it is proposed to place a tax upon domestic commerce, and this proposal is made, not

because money is needed in the National Treasury, but to protect the greatest monopoly that exists in the Nation. The majority of the committee that made this report may think that they have deceived the American people by their arguments that the canal must be made to pay for itself, by the statement that our treaties prevent our giving free tolls, by the sophistry that a tax is not a burden upon commerce, but while they may deceive themselves and possibly may deceive the majority of this House, yet nine-tenths of the people of this country believe as I believe—they know as I know—that canal tolls are for the benefit of the transcontinental railroads, and for no one else.

All through the hearings upon page after page is found this line of argument in the form of questions submitted by those who favor the bill as reported: "Will not ships, if permitted to go through the canal free, be able to carry freight so low that the railroads can not compete with them?" The solicitude of the majority of the committee as shown by these hearings for the railroads was truly and touchingly pathetic. No one, so far as I know, has attempted to show that such competition would seriously injure the railroads. While Mr. James J. Hill, if he is correctly reported, has said, in his opinion, that such competition would not injure the railroads or seriously interfere with their business, it is my understanding that experts before the committee testified that not more than 10 per cent of the traffic carried by the railroads would be directly affected by vessels running through the canal. It can not greatly injure the railroads if we are to believe the only evidence we have upon the subject, and if we are to exercise common and ordinary judgment, but it might reduce their earnings.

This is the foundation of the objection to free tolls, if we have a free canal for coastwise trade it will take away from the railroads just that much of their power to arbitrarily fix freight rates. It will tend to destroy their absolute monopoly. It will give us an opportunity for the first time in the history of this Nation to know what is the result of real competition between freight carried by land and water.

But, suppose for the sake of the argument, that free tolls would bring a ruinous competition. Suppose that a large portion of the traffic could be carried so much more cheaply by ships than the railroads that the railroads could not compete. Would that be a public evil? Is not the public entitled to the cheapest rate obtainable? What are we building the canal for? To reduce rates as much as possible or simply to reduce them to a point where the railroads can profitably compete? When before in the history of this Nation has it been proposed to ask the assistance of Congress by way of law to protect one domestic industry from the competition of another domestic industry?

Many enlightened people of this Nation protest to-day, and always have protested, against protecting by law an American industry even against the competition of a foreign industry. The most radical protectionist has never gone so far as is now proposed by this majority report—to exercise the power of the Government to protect one American industry from another American industry.

As I have said before, I have never been one of those who have denounced what is called the "interests," but in the 10 years that I have been a Member of Congress the proposition that comes from the committee to impose tolls upon domestic traffic passing through the Panama Canal is the most indefensible and the most shameless attempt that has ever been made to turn over at the expense of the people a great public work for the benefit of the private interests.

BENEFIT OF TOLLS.

Who will be benefited by free tolls and who will be injured? Who has appeared before the committee and pointed out, or attempted to point out, that if free tolls are granted they will be injuriously affected? No one. It has been secretly circulated about the Halls of Congress that if free tolls are given some unusual calamity, like the San Francisco earthquake or the sinking of the *Titanic*, will befall somebody and somewhere. But who and where and why? This awful foreboding is so appalling that no one speaks of it except in whispers, and none has been so bold as to commit to print his thoughts upon the subject. From day to day those favoring a free canal have been assured that if we only knew the facts, that if we only understood the situation, we would see the error of our way, but none has yet had the courage to attempt to enlighten us. Two fearful things have been whispered: First, that the railroads have threatened to increase interior rates if free tolls are given; second, that free tolls will injure the jobbing trade of Chicago.

If there is anyone who believes that this is true, they should long since have given their reasons to the House and to the public, and they should do so now. As to the railroads increasing their rates, it is self-evident that this is not true. Who ever knew a case whereby one competitor lowering his rates compelled the other to increase his? It is just as true as the law of gravitation that the lowering of the water rate tends to lower the rail rate. To say that free tolls—that is to say, lower water rates—will mean higher rail rates will be as absurd as to contend that the apple Newton saw did not fall but ascended. The action of the majority of the committee all the way through the hearing distinctly showed that they did not believe that rail rates would be increased, for their actions demonstrated that they constantly saw the appalling shadow of a rate so low that it would injure the railroads if they were compelled to meet it.

Will the jobbing interests of Chicago suffer by a free canal? I doubt it. No evidence, at least, has been made public so far as I know to prove it. It is true that the head and front of the opposition to free tolls has come from the railroads and Chicago interests; and the Chicago interests, like the railroad interests, have not seen fit to take the public into their confidence and show to them how they would be injured. But suppose it would limit the Chicago field of jobbing trade. Suppose that the field of trade of New York, Boston, and Philadelphia should be extended westward. Suppose that the field of trade of New Orleans, Galveston, and other Gulf cities should be extended northward. Suppose that the field of trade of San Francisco, Portland, and Seattle should be extended eastward. Would this be any reason to keep up freight rates and place an additional burden upon 80,000,000 of people to benefit a few in the jobbing business located in Chicago?

If it be true—and I do not believe it—that Chicago, because of its location, would be injured by free tolls, then it has no more reason to complain than has any other city that is not favored by being on tidewater.

The majority of the committee attempts to show that competition through the canal will benefit only that portion of the country near deep water, while the whole country is to pay for the canal.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield.

Mr. MICHAEL E. DRISCOLL. The gentleman said that these tolls collected at the canal would not be put into the Treasury. Where would they be put?

Mr. HUMPHREY of Washington. One dollar would be put into the Treasury and ten into the treasury of the railroads.

Mr. MICHAEL E. DRISCOLL. I am talking now about the actual tolls collected. We will take care of the railroads later on. Where will they be put?

Mr. HUMPHREY of Washington. If you put these tolls in the Treasury, you take them out of one pocket of the people and put them in another, and you simply add the cost of the transaction.

Mr. MICHAEL E. DRISCOLL. Is it not the other way? If they do not pay the tolls, money is taken out of the Treasury to operate the canal, and the people must pay from one pocket or the other, either by a tax to pay for the deficit or the people who use the canal pay it. The question we are up against is whether the people who get the special benefit directly, for the ships and the shippers, should pay that little expense or whether the people who do not get any direct benefit should pay it. That is the contention, and I wish the gentleman would discuss that—whether all the people shall pay or the people who get the benefit shall pay?

Mr. HUMPHREY of Washington. If the gentleman will give me the opportunity, I shall be pleased to do so. The majority attempts to show that the competition through the canal will benefit only that portion of the country near deep water, while the whole country has to pay for the canal.

They claim that this competition through the canal will not affect interior rates. If this be true, then why the agitation of Chicago? Her field of trade is not along the seacoast. Evidently Chicago does not believe that a free canal will affect freight rates only along the ocean edge. But suppose, for the sake of the argument, that we admit that a free canal would only lower freight rates and increase trade near deep water. If you will look at the census report you will see that 46,117,000 of the people of this country live within a hundred miles of deep water. What, then, becomes of that vast majority that we have heard so much about that lives somewhere in the far interior that has paid so much toward the construction of the canal who will be benefited by it so little? One of the members of the committee favoring the report said in the hearing that not one-third of the population of the United States would be benefited by the construction of the canal, yet considerably more than one-half of the population live within a hundred miles of deep-water transportation. You draw a line south from Chicago to the Ohio River, thence west to the Rocky Mountains, thence north to the Canadian boundary and you will have practically all of the territory of the United States where freight rates and trade

are not directly and powerfully influenced to-day by the water and rail rates between the Atlantic and the Pacific coasts by way of the Isthmus. Approximately speaking, the rates to-day from the Pacific coast to the Atlantic by way of the Isthmus, and from ports on the Atlantic as far west as Chicago, and from ports on the Gulf to the interior points and as far north as the Ohio River, are the same as direct rail rates from the Pacific to these points. In other words, it costs less to-day to send a thousand feet of lumber from Seattle to Philadelphia by way of the isthmus and from Philadelphia back westward to Indianapolis than it does to send it directly by rail from Seattle to Indianapolis. It costs less to send a ton of canned salmon from Seattle to New Orleans by way of the isthmus and from New Orleans northward approximately to the Ohio River than it does to send it directly from Seattle by rail to these points. It is cheaper to reach practically all points in Texas and Oklahoma by way of the isthmus than it is directly by rail from Seattle to these points. In some instances rail and water rates meet even much farther west.

And what I say as to Seattle applies to other Pacific coast points as far south as San Francisco. Take as an illustration the rail and water rates meet as far west as Duluth on canned salmon. On soda ash the rate from Hutchinson, Kans., to the Pacific coast is the same as the rate from New York to the Pacific coast by the Isthmus. In this case we have the water rate fixing the freight rate miles eastward from the Pacific coast.

To explain more fully I will refer to the map showing the rates on two of the chief commodities of the Pacific coast—fir lumber and canned salmon—that are shipped to the eastern portion of the United States. I will show the various rates to different points by all rail and by water and rail across the Isthmus of Panama to Atlantic and Gulf ports, and from these ports to various points in the interior. The figures marked "R" is the direct mail rate from the Pacific coast to points mentioned. The figures marked "W & R" is the rate by water and rail, by way of the Isthmus. The figures marked "R, W & L" is the rate by way of the Isthmus, then by rail to the Great Lakes, and by the Great Lakes to the point mentioned.

Now, to explain more fully what I mean, I will illustrate here on the map, because I have heard a great deal of argument to the effect that only the portion of the country along the coasts will be benefited. I am quoting from the actual statements made from the tariff rates on fir lumber and on canned salmon, the most recent I could get, which were of December of last year. You take lumber to-day from Seattle, and it will come down here to the Isthmus of Panama, be transferred on the cars, and carried 103 miles by rail across the Isthmus, come up here to Philadelphia by another boat, and be carried back west to Pittsburgh by the railroads for 49 cents a hundred, while the direct rail rate from Seattle to Pittsburgh is 68 cents a hundred.

Now, take another illustration. You take Concord, and you will find that the all-rail rate is 75 cents.

The water rate is 55 cents. Take it as far west as Cincinnati, the all-rail rate is 64 cents. The water rate is 60 cents.

Mr. MARTIN of Colorado. What is called the water rate?

Mr. HUMPHREY of Washington. The water rate is the rate by water from Seattle to the isthmus, then across the Isthmus of Tehuantepec by railroad, and from there to New York by water and back to the point mentioned in the interior by rail. That is what I mean by water route, although it is both rail and water.

Mr. MARTIN of Colorado. I wanted to know the route.

Mr. HUMPHREY of Washington. That is the route. Now, for the sake of illustration, I will take Indianapolis, between Illinois and Indiana, is about where these two rates meet; at that point the two rates are the same. Take the rate to Indianapolis as an illustration. The all-rail rate from Seattle, and when I say Seattle I mean all Pacific coast ports, for the rate is the same from all, on lumber is 63 cents, while the water rate is 61 cents.

Mr. MOORE of Pennsylvania. Does not that charge include the rate across the Isthmus of Tehuantepec?

Mr. HUMPHREY of Washington. Yes; it includes the entire cost of sending the lumber from Seattle to those points that I have mentioned.

Mr. BOWMAN. What is the Panama Railroad rate on lumber?

Mr. HUMPHREY of Washington. That I do not know. Now, you take canned salmon, which is one of the big industries of the Pacific coast, amounting to $30,000,000 last year, and you can send that product to New Orleans and up the Mississippi to St. Louis cheaper than you can ship it direct by rail. A short time ago a cargo of barley was sent from the Pacific coast across the isthmus and up to New Orleans and up to St. Louis for considerably less than the direct rail rate.

Now, as an extreme illustration of cases where you use water again, you take the canned salmon. It comes to New York by the water route and goes up to Buffalo, and there is again placed on a vessel and goes out to Duluth, and there practically meets the direct railroad rate from Seattle at that point.

Now, what becomes of your argument that only the people along the Pacific coast and the Atlantic coast and Gulf coast are benefited by the canal rates if you can to-day bring lumber and many other products down to the Isthmus and there transship them and carry them 103 miles by rail and place them again in ships and bring them to Atlantic and Gulf ports and then take them back west a thousand miles and up north a thousand miles from these ports as cheaply as you can send them direct? What becomes of the argument that only the two coasts of the country are going to be benefited by the Panama Canal?

Mr. NYE. Will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. Yes.

Mr. NYE. What is the relative cost of the transshipment across the Isthmus as compared with the total cost?

Mr. HUMPHREY of Washington. I do not know. I want to call the attention of the committee to the fact that if you take this space indicated by the yellow line on the map, it approximately represents to-day the only portion of the United States where rail and water rates do not meet and where they are not directly affected; that is, for a distance of 300 or 400 miles south of Chicago, and thence west to the Rocky Mountains, and thence north to Canada.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Minnesota?

Mr. HUMPHREY of Washington. Yes.

Mr. MILLER. The gentleman has in detail mentioned the relatives rates on lumber. Of course, that is a commodity that can always be carried in bulk very cheaply, and a commodity which lends itself very readily to water transportation, and, therefore, the water cost of transporting a commodity of that kind is very much less than the rail cost of transporting other commodities, like grain or ore or manufactured goods. Can the gentleman give us any statistics showing the relative costs of transporting general merchandise, as we might call it, or dried fruits or cotton fabrics or woolen fabrics, if anything of that character should be desired to be transported?

Mr. HUMPHREY of Washington. No; when I started on this subject I specifically stated this was on certain freight and that on other commodities the difference is not so great. The water rates are not so much different from the rail rates on many commodities. I am now speaking particularly of the great commodities of the Pacific coast that we want to get into these markets, on the Atlantic, and the great Middle West, and those great commodities are our lumber and our canned salmon.

The other way, going back to the Pacific, the greatest purchases, perhaps, are steel and machinery that come from Pittsburgh, Cleveland, and the Middle West, all of which, after the canal is open, can reach the Pacific coast at a cheaper rate by water than they now reach it by rail.

Mr. MILLER. Take commodities manufactured in the East, to be transported to the west coast, and the same rule which the gentleman has indicated in reference to lumber would not apply.

Mr. HUMPHREY of Washington. Yes, it would; on certain commodities.

Now, I want to call the attention of the committee to this fact, that whenever you reduce these rates along the coast, interior rates must be reduced. I have heard arguments made here upon the floor of the House that if we reduce the rates to the coast the railroads will probably increase the interior rates to make up their losses; but this is the first time that I have ever heard the argument made that one competitor lowering his rates must compel the other to increase his. To show you the absurdity of that statement, suppose that we reduced the rates until the rate from New York as far east as Spokane and over into Idaho and Montana, and in all that portion of the country, is less than it is from Chicago. Chicago will either reduce her rates or New York will take that market from her. We know what Chicago will do, what she must do; she must meet the New York rate to the advantage of the buyer and seller.

Now, the argument has been made, and admitting for the sake of argument that it is true, that the east coast and the west coast will be more directly benefited by the canal, and by the remission of tolls, than will the interior, a proposition which I do not admit, except for the sake of argument. Suppose it were true. Can anyone demonstrate, for instance, that the people upon the Pacific coast are as directly benefited by the Soo Canal and by the improvement of the Great Lakes as the people

in that portion of the country nearer the Lake ports? If you are going to adopt that argument, then why should not a special rate be placed upon shipping that goes through the Soo Canal?

Can anyone demonstrate that the many millions that we have put into the Mississippi River and its tributaries—more millions than we have put into the Panama Canal, and we are still putting in other millions—can anyone demonstrate that those millions directly benefit the Pacific coast and the Atlantic coast as much as they do the Mississippi Valley? Yet the Atlantic and the Pacific coast help to pay for those improvements. If you are going upon that theory, why do you not place a charge upon the vessels that run up and down the Mississippi River? I exclude the Missouri, because, in spite of all the millions we have spent on it, there are no vessels upon it.

Mr. MARTIN of Colorado. The gentleman is getting away from a point where I would like to ask him a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. MARTIN of Colorado. The gentleman has stated that the interior points will derive some of the benefits of the lower rates that will result from the Panama route. I want to ask the gentleman if he does not think that such a lowering of rates as he anticipates to coast points, and as he thinks ought to be brought about, will greatly intensify the rate struggle between coast and interior points which has resulted in the enactment of the long-and-short-haul clause of the interstate-commerce law?

Mr. HUMPHREY of Washington. I do not know that I understand the gentleman's question. I will ask him to make it as brief as he can.

Mr. MARTIN of Colorado. One of your people said yesterday that the Panama Canal would completely wipe out this age-long struggle between the coast cities and the interior points over the difference in rates against the interior points, whereas it seems to me that the inevitable result will be greatly to intensify that struggle.

Mr. HUMPHREY of Washington. If the gentleman means to ask whether or not it will intensify the struggle for the reduction of freight rates between the railroads and the ships that run through the Panama Canal, my reply to him is that that is what we want.

Mr. MARTIN of Colorado. Why are the Pacific coast cities in the Supreme Court of the United States to-day fighting the long-and-short-haul clause, fighting the decisions of the Interstate Commerce Commission in the back-haul cases, fighting Spokane and Reno and similar inland points?

Mr. HUMPHREY of Washington. I am not arguing these cases in the Supreme Court.

Mr. MARTIN of Colorado. They are doing it, are they not?

Mr. HUMPHREY of Washington. I do not know what they are doing, and whatever the fact may be about that it has no relation to the argument which I am making.

Now, I want to answer about the interior not being benefited by the reduction of rates; we know that water and rail rates by the isthmus are made now as far west as Indianapolis and as far north as St. Louis in competition with the railroads. If you lower the water rate when you go through the Panama Canal, as must be the case, then you open up this territory in the Middle West to a market they have never had before. The products from the Pacific coast will then go up into this portion of the country, into places where they have never been before; and on the other hand you take the people who manufacture in Pittsburgh and Cleveland and all that great manufacturing country, they can get their product out to the Pacific coast for less than they ever did before.

Free tolls means free competition. It means free commerce. All sections of the country will be benefited by the canal, and all sections should bear the burden of its construction and maintenance.

When you say that if you reduce the freight rates on the coast of the United States that the rates in the interior will not be reduced, you might just as well say that if you reduce the level of the water along the edges of a great lake that the interior of the lake will not be reduced. One is to dispute the law of gravitation; the other is to dispute the law of trade. So that while trade will continue between the coasts the people in the Middle West will get lower rates and new markets.

Mr. MARTIN of Colorado. I wish the gentleman would allow me to interrupt him again.

Mr. HUMPHREY of Washington. Very well.

Mr. MARTIN of Colorado. Speaking as one from the interior, I do not pretend that we will not benefit in some measure by the construction of the Panama Canal, but the gentleman and every Member present knows that for years the railroads have charged and claimed the right to charge a higher rate to interior points than to water points, and the courts of this country have permitted them so to do by nullifying the long-and-short-haul clause of the interstate-commerce law and recognizing the claim that the railroads had to make the higher rates in order to sustain the losses they met at the water points. Now, then, the gentleman, notwithstanding the great reductions that will be made in the cost of coastwise transportation through the canal, wants the little additional amount of reduction that will come from free tolls to be paid in part by the people of the interior country, who have put up with these unduly high rates all these years.

Mr. HUMPHREY of Washington. Will the gentleman from Colorado yield to me now? [Laughter.]

Mr. MARTIN of Colorado. If the gentleman will answer my proposition, I will yield gladly, and I will not ask him another question. [Laughter.]

Mr. WARBURTON. If the gentleman from Washington will pardon me, I would like to have the gentleman from Colorado suggest wherein that theory has ever been advanced in any court, as he states.

Mr. HUMPHREY of Washington. I am arguing the question presented here and not the questions in court with which I am not familiar.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. Referring to the troubles of Reno and other thickly populated parts of the western country——

Mr. MARTIN of Colorado. Oh, Portland is fighting Spokane, and——

Mr. HUMPHREY of Washington. I thought the gentleman from Colorado agreed not to ask another question.

Mr. MOORE of Pennsylvania. I would like to have the House and the gentleman from Colorado know what the Boston Chamber of Commerce reported three years ago. You gentlemen from the West, whose railroads were built largely of capital coming out of the East, ought to know it. In New England to-day, according to the Boston Chamber of Commerce, presumed to be one of the best-posted commercial institutions in the country, the coal bill is $100,000,000 per annum, and the actual value of that coal at the mines is $30,000,000 per annum. The freight paid for the limited railroad facilities to get that coal into New England is the remaining $70,000,000 per annum, which means that the man who works in New England has to pay a little more freight in proportion to the facilities for getting fuel and raw material than does the man in Reno. I thank the gentleman from Washington for giving me this opportunity.

Mr. MARTIN of Colorado. It seems it makes a difference on which side a gentleman makes a speech in the time of the gentleman from Washington. [Laughter.]

Mr. MOORE of Pennsylvania. I merely wanted to show that if you have troubles in Reno, there are troubles also along the east coast, where improved canals and waterways might help us.

THE REPORT.

Mr. HUMPHREY of Washington. I desire to call attention to one of two statements made in the report. In many respects this report is the most remarkable that has been filed by a great committee since I have been a Member of this House. I refer solely to that part that is devoted to canal tolls. This portion of the report seems to have been prepared for the express purpose of trying to conceal the facts by fervid denunciation and lurid adjectives. This part of the report sounds like the harangue of a professional agitator, delivered from a soap box on the street corner. By attacking and denouncing the imaginary ships that may go through the canal, by repeating over and over again the word "subsidy," the majority attempts to conceal from the public that canal tolls means largely to hand over this great work to the railroads for their use and benefit. It may not be assumed that the committee are as ignorant of our navigation laws as this report would indicate. Again and again it is attempted to show that free tolls would be solely for the benefit of the ships that might pass through the canal. Yet after repeating this statement time and time again the committee makes this solemn assertion as if they had discovered a new and great truth:

> We found from the hearings that the coastwise ships which will pass through the canal do not need the remission of the tolls.

Who ever disputed this fact? The committee did not, however, have the courage to add what is self-evident, that free tolls would not benefit the ships in the coastwise trade which will pass through the canal. Who ever contended that it was necessary for coastwise ships to have free tolls? No shipowner ever did. No one, so far as I know, has ever so testified. No man, so far as I know, has ever been guilty of making a contention so stupid.

Surely it can not be seriously contended by full-grown men that a fact had been discovered that anyone disputed when

they said that they had found that the ships in the coastwise trade going through the canal did not need free tolls.

But when they made this statement the majority destroyed every argument that they had made against tolls, for their sole argument has been that free tolls would be a subsidy paid to coastwise ships going through the canal. So long as our coastwise laws remain unchanged it is a matter of indifference to the ships that pass through the canal whether they are charged tolls or not.

This is the testimony of every shipowner that has spoken upon the subject. This is common sense so plain that none will dispute it. This trade is reserved for American ships. If one ship pays a toll, so does the other. All ships are kept on an equality. The matter of tolls does not concern the coastwise ship in the least. It is simply added to freights, and the people pay it. When the ship adds it to the freight the railroad also adds it to the freight on every ton of similar products that they carry. Here lies the fundamental objection to canal tolls. It is not so much the remission of the tolls that go through the canal as it is a remission of a part of the freight on similar traffic carried by the railroads. Tolls are not a burden upon the ship that carries the products, but upon the consumer and the producer.

Many times in this report in sophomorical language the majority cries out that to give free tolls would be an unjust discrimination and a great injustice to 90 per cent of our coastwise vessels that now run up and down our coasts but will not use the canal. Listen how anxious and solicitous they are about the railroad-owned ships in the coastwise trade:

> Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal, making long journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships—for only a few will be needed—shall be given their tolls in the interests of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

If the argument of the majority be true, all the coastwise vessels are now participating in a subsidy. Every coastwise vessel receives a subsidy when it runs into one of our subsidized harbors. Why should not a coastwise ship stop and pay tolls to reimburse the Government for improving the harbors it uses? If remission of tolls is a subsidy, then every vessel that goes through the Soo Canal receives a subsidy. Why should these vessels not stop and remit to the Government the money it has expended to construct this canal? Why should this canal be free and the Panama Canal charge tolls? We have subsidized the Mississippi River and its tributaries in a greater amount than we will expend for the construction of the Panama Canal. And all these many millions have been expended for politics more than for the benefit of navigation.

If remission of tolls is a subsidy, then every vessel running on our interior rivers is receiving a subsidy. Why does not some subsidy hater, some railroad despiser, some special-privilege denouncer, some self-proclaimed protector of the people rise and exercise his privileges and his vocabulary in demanding that the Government be repaid this vast subsidy that is given to the 90 per cent of the American vessels now running in our coastwise trade and upon our lakes and rivers? Why are the majority so strenuously against a subsidy, if remission of tolls be a subsidy, for the few ships that may pass through the canal and so tenderly solicitous about giving the 90 per cent of American vessels that never will go through the canal a subsidy? Far be it from me to suggest that this pathetic cry for justice repeated time and time again in the majority report for the 90 per cent that now receive a subsidy, if remission of tolls is a subsidy, is in the least degree inspired by the fact that most of this 90 per cent that now receive a subsidy belong to the railroads of the country, and that the 10 per cent that may hereafter go through the canal may not belong to the railroads. It is always a credit to men to desire to protect the weak and defenseless, and the majority of the committee should be honored for defending the defenseless and helpless railroad-owned vessels and seeing that they are not discriminated against by private-owned vessels in this hour of their extreme peril.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. HUMPHREY of Washington. I have only a short time; yes.

Mr. MICHAEL E. DRISCOLL. Since the gentleman is so anxious to save American ships this little item of toll, why does not he say a word for the American ships in the foreign trade and get them a little help from the Government? Why does he not say a word for them?

Mr. HUMPHREY of Washington. I did say a good many words on the floor of the House in favor of American ships, but according to my recollection the gentleman from New York was opposed to assisting them.

Mr. MICHAEL E. DRISCOLL. No; I was not opposed to it, because they need it and the coastwise ships do not need it.

Mr. HUMPHREY of Washington. They do not need it, and are not asking for it, and they do not want it.

Mr. MICHAEL E. DRISCOLL. They were before the committee, and were asking for it like beggars.

Mr. HUMPHREY of Washington. Name one.

Mr. MICHAEL E. DRISCOLL. Dearborn.

Mr. HUMPHREY of Washington. He expressly said that he did not care for tolls.

Mr. MICHAEL E. DRISCOLL. He was there.

Mr. HUMPHREY of Washington. And I challenge the gentleman now to stand on the floor of this House and point in the hearings to a single shipowner who asks for tolls, or anybody else.

Mr. MONDELL. They did not have the nerve.

Mr. HUMPHREY of Washington. They did not have the nerve to ask for what they did not want, and they would not go there and write themselves down as being so stupid.

Mr. MICHAEL E. DRISCOLL. Then what did they appear there for—the people of California and from the gentleman's part of the country—unless they were for it?

Mr. HUMPHREY of Washington. The people from my country appeared there and asked the committee to give us some competition between the railroads and the ships that will run through the canal. [Applause.]

Mr. MICHAEL E. DRISCOLL. I will admit they said they were going to shift all of the benefit to the people, but I know they would not, any more than the railroads would. Do you suppose that they would pass over that 50 cents a ton to the common people throughout the country?

Mr. HUMPHREY of Washington. Oh, we know what it is on the Pacific coast to be at the mercy of railroads without competition, and we thought that when we dug the canal that at last we were going to get some competition, some release from the railroad monopoly.

Mr. MICHAEL E. DRISCOLL. Oh, you want the benefit of it all.

Mr. DOREMUS and Mr. MONDELL rose.

Mr. MONDELL. Mr. Chairman, will the gentleman yield now?

Mr. HUMPHREY of Washington. I can not yield to the gentleman at present. I will yield to a member of the committee.

Mr. DOREMUS. Will the gentleman permit me to ask the gentleman from New York [Mr. MICHAEL E. DRISCOLL] one question—a short question? [Laughter.]

Mr. HUMPHREY of Washington. I would, but you would get into an argument and take up my time.

Mr. DOREMUS. Oh, no; I would not. I will ask the gentleman from New York if he will vote for an amendment to this bill providing for free tolls for American vessels engaged in foreign trade?

Mr. MICHAEL E. DRISCOLL. Why, certainly; I would vote for a subsidy large enough to pay it, but not directly for free tolls.

Mr. DOREMUS. You will?

Mr. MICHAEL E. DRISCOLL. And I will vote for more than that. I have always voted for subsidies for our American vessels that were trying to get some headway, to get some foothold in foreign trade. The gentleman from California [Mr. KNOWLAND] wants to strike down the one steamship company now engaged in foreign trade—the American-Hawaiian Co. He wants to drive it out of business and give more to these coastwise companies that have a complete monopoly now.

TOLLS A BURDEN ON COMMERCE.

Mr. HUMPHREY of Washington. We are informed by the majority of the Committee on Interstate and Foreign Commerce that a reasonable toll upon domestic trade is not a burden; that a small toll upon commerce does not make any difference in the freight rates; that it will be absorbed by the carriers; and that it will make no difference to the producer or the consumer. A good deal of space is taken up by the committee trying to demonstrate the correctness of this argument. That is trying to show that two and two under certain circumstances do not make four, or, in other words, the committee would have you believe that if you can only make enough noise while you are doing it, that it is perfectly easy to perform the ancient trick of lifting yourself over the fence by your own boot straps. When you consider that the Panama Canal is owned and controlled by the Government and that no private monopoly of the canal can exist, and then say that tolls upon the coastwise traffic, however small, is not a burden upon commerce, then you say that a tax is not a burden upon the people. If the argument of the committee is true and 40 cents a ton is not a burden upon commerce, then is 50 cents a ton a burden? If 50 cents a ton will still be absorbed by the carrier and is

not a burden upon commerce, will a dollar a ton be? If not, just where does the burden begin? At just what point does the transportation company begin to shift the burden from themselves and make it show in the freight rate? Just where does the carrier shift the burden from himself to the consumer? If the argument of the majority is sound, then we should tax all our transportation companies, both by land and sea, because it would not affect the rates which would be paid entirely by the companies and not by the people. If their argument is true, then we should tax the vast tonnage of the Great Lakes that passes through the Soo Canal, because such tax would be no burden upon commerce. It would be paid entirely by the ships going through the canal. It would be no burden upon the people and it would repay the Government the millions it has spent and is still spending in constructing and operating that canal.

If the argument of the majority of the committee is correct we should at once place an enormous tonnage tax on all our oversea traffic, for it would all be absorbed by the ships that carry the trade. It would not be a burden upon the people. It would not affect freight rates, and in this instance at least we would make the foreigner pay something to the United States in return for the millions that this Government has spent in improving our rivers and harbors, mostly for the benefit of these foreign ships.

A tax, says the majority, is no burden upon the people. It is borne directly and solely by the interests upon which it is laid. This argument is radiant with hope and promise to us all, for if it is true then all the burdens of government should be borne by the great interests upon which the taxes are laid and the people pay nothing. If the argument of the majority of the committee upon this proposition is correct then anyone who possesses a dollar can soon become a millionaire by changing it often enough from one pocket to the other. It is hard to argue seriously a proposition so absurd as that a toll is not a charge upon commerce. Every charge and every toll of every kind and description upon commerce is a burden. The very statement of this proposition demonstrates the truth. Every toll laid upon traffic through the canal is an obstruction to commerce. Make this toll high enough and you as completely obstruct the Panama Canal as if you were to permanently close one of the great gates of the giant locks. And every rate, from the lowest to the complete closing of the canal, is just that much of an obstruction. It interferes to that extent with commerce. It interferes to that extent with the fullest use of the canal. In other words, it takes from those who own the canal just that much benefit. Every charge that is made on an American vessel in the coastwise trade passing through the canal, whether that charge be great or small, will eventually show itself in the freight rate and will eventually be paid by the American people. The amount of the charge will make no difference in the certainty and the sureness of the result. With a mind that deceives itself with the delusion that a tax, however small, is not a burden upon commerce and eventually borne by the people it is useless to argue. It is worse than a waste of words to attempt to convince anyone who holds such views, for such mind is beyond improvement and has absorbed more than earthly wisdom.

Mr. MONDELL. Will the gentleman yield now?

Mr. HUMPHREY of Washington. Yes; I yield now to the gentleman from Wyoming.

Mr. MONDELL. The gentleman argues that the tolls will be reflected in the rates. I have not heard any part of his argument that substantiates that. That is his statement. If that is true, would it not help also if, in addition to expending $400,000,000 for building the canal and several millions for maintaining it, we also furnish coal free to these vessels while they go through? And if we furnish them free tolls, why not give them free coal? And why should we not also pay the wages of the sailors from coast to coast?

Mr. HUMPHREY of Washington. Of course, the gentleman sees the sophistry of his argument. It is such that it does not need an answer. The question is this: Why are you going to make a different rule in regard to the Panama Canal from what you do in regard to other waterways? Why do you place the burden upon all of the people in respect to the other waterways of the country and then in the case of the Panama Canal make an exception?

Mr. MONDELL. Is the gentleman in favor of making the Panama Canal free to all traffic as all of the other waterways are free?

Mr. HUMPHREY of Washington. Why, Mr. Chairman, I am surprised at the gentleman. Does the gentleman mean to tell me that all of our waterways are free for foreign ships?

Mr. MONDELL. I never heard they were not.

Mr. HUMPHREY of Washington. I can tell the gentleman that he is very much mistaken.

Mr. MONDELL. Why are they not?

Mr. HUMPHREY of Washington. Because we make them pay for them. That is why.

Mr. MONDELL. In what way do they pay for the use of the harbor of New York?

Mr. HUMPHREY of Washington. In the way of tonnage tax, pilotage charges, and various other charges.

Mr. MONDELL. They pay exactly what the domestic ships pay.

Mr. HUMPHREY of Washington. The gentleman is again mistaken.

Mr. MONDELL. If the gentleman would not mind another question, why should an American ship between San Francisco and New York be given an advantage over an American ship between New York and Valparaiso?

Mr. HUMPHREY of Washington. Have I advocated that?

Mr. MONDELL. That is the gentleman's proposition.

Mr. HUMPHREY of Washington. The difference is simply this, if the gentleman will permit me, because the trade between this coast and the east coast is domestic traffic.

Mr. MONDELL. It is a monopoly, and you give the benefit to the American shipowners competing with all the world, and would not give the advantage——

Mr. HUMPHREY of Washington. I have never said anything of the kind. I do not believe it; I am not in favor of it. Now, the gentleman will please not put anything in my mouth I have not said.

Mr. MONDELL. The gentleman said he is in favor of giving the American ships free tolls, no matter where they go.

Mr. HUMPHREY of Washington. Certainly.

Mr. MONDELL. That is the gentleman's position?

Mr. HUMPHREY of Washington. It is. Is that plain enough?

Mr. MONDELL. I would ask the gentleman, now, to give us the reasons, which he has not suggested up to this time.

Mr. MALBY. Will the gentleman give way for a question?

Mr. HUMPHREY of Washington. I can not yield now.

Mr. MONDELL. But does the gentleman think under the terms——

Mr. HUMPHREY of Washington. I do not want to be discourteous, but I refuse to yield to anybody until I have finished.

Mr. MONDELL. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not.

TREATIES.

Our treaties in relation to the canal is the wall behind which the committee seeks to protect itself from public condemnation in attempting to use the canal for the use and benefit of the railroads. The majority of the committee would have you believe that we can not charge tolls without violating our solemn treaty obligation, placing deep-toned emphasis on the "solemn." Who contends that a free canal would violate our treaties? The railroad attorneys. Anyone else? Yes; some of the foreign shipping nations, our commercial rivals, after being prompted by the railroads, have made this claim. Has anyone else? If so, it has not been made public. What great legal mind appeared before the committee and gave such an opinion? What authorities have been cited? As no interest has asked for tolls except the railroads, so no one in this country has urged the treaties as an obstacle for a free canal except the railroads. Yet the committee tells us that the interest of the people imperatively demands that we charge tolls upon our own ships, and that the sacred honor of the Nation would be violated if we did not charge our own vessels the same that we charge the vessels of other nations. This eagerness to favor other nations at the expense of our own country under pretense of the treaties is so transparent as to almost challenge the good faith of the committee.

If you will take the facts surrounding the treaty and the wording of the treaty itself, it is clear that it was the intention of the makers of that treaty that the United States could do as she wished with her own ships, both in the foreign and in the domestic trade. All that the treaty means or ever was intended to mean was that the United States should treat all other nations alike. If the treaty had intended that we should charge our own vessels the same as we charge the vessels of other nations, it would have so stated in plain and unequivocal language. There is ample precedent for believing this. This is the usual language used in our treaties in relation to shipping made with other nations. Why, then, was it not used in this most important treaty? In the treaties which we have with other nations in regard to our port charges the language is:

> That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

There can be no mistaking this language. Why was it not employed in the making of our treaty with reference to the canal if we so intended? These treaties and this language was undoubtedly familiar to those who negotiated the treaty. Then, why was it not used? There could be, there is, but one reason: Because it was not intended that the United States should not use the canal, so far as our own ships were concerned, as she pleases. As the United States was to build the canal, pay for it, own it, operate it, and defend it, it was intended that the United States should use it as her own, and that is the language of the treaty. The treaty says that the United States shall "enjoy all the rights incident to such construction." What are those rights? We need not stop to give them all, but the most important of all these rights was that of using the canal for the use of her ships. If that right is not one of the "incidents to construction," for what purpose did we build the canal? The United States agreed to this and to this only: That she would treat all other nations—not as she treated herself but all other nations—"on terms of entire equality."

Mr. MONDELL. Now will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not. I will not yield until I have finished.

No one ever dreamed of placing any other construction on the treaty until the railroads, defeated in their attempt to prevent the building of the canal, raised this question to destroy the result of its construction.

The language of the treaty is as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If it was intended that the vessels of the United States should pay the same as the vessels of other nations, especially in view of the fact that it was to construct and own the canal, certainly it would have so stated. The most strained construction of the wording of this section does not bear out the contention that we can not use the canal without charge so far as our own vessels are concerned. In fact, the majority of the committee convict themselves of inconsistency if not insincerity when they make this contention, for they themselves propose by this bill to admit vessels "of war" owned by this country through the canal free, and yet the treaty says "vessels of commerce and of war."

And still the committee contends that the treaty would be violated by admitting free vessels of commerce and not of war, when exactly the same provision is made in the treaty with reference to vessels of each class. They attempt in vain to explain this difference in their report, but it is an explanation that does not explain.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not.

But I confess that all things are possible to any mind that can conceive that this Nation would, under any circumstances, even in the least degree consult other nations in regard to her domestic affairs, and yet the majority of the committee contends that we can not even exempt from tolls ships in the coastwise trade, a trade with which foreign nations have nothing whatever to do. I have yet to hear of any legal mind that makes such contention. Even the committee did not have the courage to rely upon the treaties for imposing tolls in the coastwise trade, but sought various other pretexts to justify them for placing this tax upon domestic commerce.

There can be no discrimination against any man in the conduct of any business in which he has no part and can not have any part. No nation can claim that it is discriminated against in a trade in which it is not engaged and in which it can not engage. This is axiomatic. So far as the coastwise trade is concerned the Supreme Court of the United States has already settled the question in the case of Olsen *v.* Smith (195 U. S., 332). The Supreme Court has squarely decided that it can not be in violation of our treaty to give free tolls in the coastwise trade. In that case the Supreme Court was construing the treaty to which I have heretofore referred, in which the language was:

That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

It will be noted that the language here is much stronger than that of the Panama Canal treaty. Yet the Supreme Court decided in that case that it was not discriminating against a British vessel for this country to charge a British vessel a tonnage tax for coming into a port where American vessels engaged in the coastwise trade were admitted free.

The language of Mr. Justice White, now Chief Justice of the United States Supreme Court, upon this subject in that case is explicit and conclusive, and is as follows:

Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

The majority of the committee say that this case is not in point. They could say nothing else. It is significant that they neither attempt to answer the argument nor to explain why it does not apply. The lone assertion that it is not in point has little weight and carries little conviction when no reason is given for making the assertion. That a case is not in point is the only reply that is left for a lawyer to make when he denounces a decision so plain and so clearly in point that it destroys his case. This statement on behalf of an attorney is always an admission that the case is decisive and against him. This is the answer of the majority, because it was the only one that could be made. Suppose that we had said in our treaty in relation to Panama that we would not charge other vessels "higher or other duties" than we should charge "vessels of the United States" for using the canal, that language would have been immeasurably stronger than the language of the treaty, and yet under exactly that language our coastwise trade could still go through the canal free without violating the treaty either in letter or in spirit. The coastwise trade is our own trade. It is our domestic commerce, and what we do regarding it, as Judge White points out, does not in any way concern foreign nations and does not in any way discriminate against them.

Let us be fair and not attempt to deceive either ourselves or the people in regard to this question. If you believe that tolls should be imposed so that the canal may be self-supporting, then say so. If you believe that tolls should be imposed so that the coasts shall bear more than their portion of the burden because they are more greatly benefited, then say so. If you believe that it would not be to the best interests of this country to have complete and unobstructed competition between the railroads and the ships going through the canal, then say so.

But if you expect the American people to have faith in your sincerity when you say that our treaties prevent free tolls from being given to our domestic trade, then you are doomed to find that you are greatly mistaken. No nation of the world other than the United States would for a moment entertain the suggestion that we did not have the right under existing conditions to make the canal absolutely free for any vessel, either of commerce or of war, that flies the American flag. Imagine, if you can, England or Germany or Japan building a canal, paying for it, controlling it, and then refusing to use it for their own commercial advantage and stopping to ask the other nations of the world whether they had the power to run their own ships through their own canal without paying themselves tolls. It is beyond comprehension that any one of these nations would think of placing a burden upon their own commerce. Can you imagine a member of the legislative body of one of these great commercial nations under such circumstances standing up and under the pretext of such a treaty arguing against the interests of his own country? Would he not at least leave that task for others? Nowhere except beneath the Dome of this Capitol is such spectable possible—so plainly indefensible and so astonishingly unpatriotic. No nation would have had the assurance when the treaty was being negotiated to have said to us, "You build the canal, you pay for it, you operate it, you defend it, you protect it, and then admit us to use it on exactly the same terms that you use it yourself." Such a proposition is inconceivable to any normal mind. It is little short of a national scandal that Congress now proposes to cowardly surrender the benefits of the canal. By doing this we admit to the other nations of the world that we lack either the courage or the intelligence to care for the interests of our own country.

FREE TOLLS ARE NOT A DIRECT BENEFIT TO AMERICAN SHIPS IN THE COASTWISE TRADE.

It is perfectly clear that a free canal for coastwise trade would be a benefit to commerce, but not in particular to ships that would carry that commerce. As I have before said, if tolls are imposed upon one ship they are imposed upon another, so that an exact equality is maintained between all ships that would pass through the canal. Yet, for the sake of the argument, admit that tolls on coastwise trade would be only making a private industry—that is, American ships—pay for using a public canal. Why should this be done? One of the great purposes of the canal is a military one. They tell us that it will double the efficiency of our Navy, a statement which, I think, is very far from the fact; but, if it is true, why should a single industry be compelled to bear the burden of the canal that was constructed primarily for the common defense? Would it not

be as just to select any other single industry and compel it to support the Government? Why not, then, select some other single industry and compel it to support half the expense of the Army? When the canal is completed it will be part of our coast line, which will be on the south what the Great Lakes are to-day on the north. Why charge vessels for the use of the canal on our southern border any more than we charge for the use of the canal on our northern border? Why should we charge ships for the use of the Panama Canal any more than we should charge for using the Mississippi River? We have already spent more millions in improving the Mississippi River and its tributaries than we have spent in the construction of the Panama Canal, and as the years go by we will spend more millions to continue the improvement of the great waterways of the Mississippi Valley than we will to maintain and operate the Panama Canal. Why, then, should we not charge the vessels that use these rivers, improved at Government expense, tolls if we are to charge tolls for the use of the Panama Canal? In each and all of these improvements of our rivers and harbors we were inspired by the same purpose that we were in building the Panama Canal, so far as commerce is concerned, and that was to reduce the cost of transportation.

There is a great fleet of vessels on the Great Lakes. They use a canal built and owned and operated by the Government at the cost of many millions. Why should not this great fleet of vessels, owned mostly by the railroads, pay a toll for using this canal? There is but one consistent answer that can be made to these questions, but this answer no man who favors placing a toll upon ships passing through the Panama Canal dare make, and that consistent answer, which is the real answer, is this: That the railroads of the country own or control practically all the regular lines of steamships that use all the waterways of this Nation, and thereby the railroads are enabled to fix freight rates and prevent competition. The railroads fear that they will not be able to control the Panama Canal; that they will not be able to monopolize this waterway; that there may be some real competition, so they desire to lessen this competition as much as possible by having tolls charged, and the higher it is the better it will suit the railroads. And this is the real reason why there is a demand for tolls to-day. You let it be known that the railroads of this country own and control the lines of steamships that will be operated through the canal in the coastwise trade and all objection to a free canal for domestic trade will disappear within 24 hours.

FOREIGN SHIPS IN THE COASTWISE TRADE.

Free tolls, while they would not benefit the ships that go through the canal in the coastwise trade for the reasons already stated, they would greatly benefit American shipping. Free tolls would add to the amount of commerce that would go through the canal in the coast-to-coast trade, and would thereby necessarily increase the American tonnage and the number of American ships. The greatest and most beneficial effect upon American shipping that free tolls would have would be that it would establish the policy of the Nation in relation to the toll question, and it would be a guaranty to the American people that the coast-to-coast trade would be reserved to American ships. As it now is, the American citizen wishing to buy ships does not know what the policy will be. He hesitates to place his orders in American yards because he fears that eventually he may have as his competitors either foreign ships flying foreign flags or foreign built ships running under the American flag. His fears are well founded.

Already a bill has been reported to this House giving to foreign-built ships every privilege of the canal that shall be given to American-built ships engaged in the foreign trade. Should this bill become a law and much foreign tonnage be purchased by American citizens and Congress still hesitate to give American ships in the coastwise trade free tolls, few American ships will be built for the use of the canal. And some day, not far distant, the canal will be ready for use and there will be no American ships to use it, traffic will be waiting to be transported, and immediately there will be an insistent demand that foreign-built ships be admitted to this trade. We know by experience with the Philippines that this is true. We know that Congress could not resist the demand then, and it would not long resist, in all probability, the demand that would be made for foreign-built ships through the canal. This proposition to admit foreign ships to the coastwise trade already has many advocates in Congress, both in the House and in the Senate. Herein lies the greatest menace of all in the proposition to impose canal tolls and in the delay of Congress in declaring for discrimination in favor of American ships. Most other mistakes if we made them could and would soon be remedied, but if once foreign ships are admitted to coastwise trade it would be a great national calamity that we would not soon remove. The admission of foreign ships to the coastwise trade means not only the destruction of our great shipbuilding industry by making desolate places of our shipyards, of the complete disappearance of our flag from the sea, but it would also place us completely at the mercy of foreign nations, not only in matters of commerce, but also in time of war. It would make us as helpless and as subservient to the will of other nations as China has been for the past century.

The foreign steamship combine and the transcontinental railroads of this country, the two most powerful influences and monopolies in the world, are working together toward this common end—the admission of foreign ships to the coastwise trade. Why is this true? Because they have a common interest. One desires to do the carrying and the other wishes to avoid competition.

It is a fact to-day, denied by no one, that all the foreign steamship lines of the world engaged in over-seas trade belong to rings, pools, conferences, and combines that fix rates and prevent competition. The rate that every passenger and that every pound of freight must pay to-day that goes from our ports to the other ports of the world beyond the sea is fixed in advance by agreement. In the fixing of these rates American interests are not represented and American interests are not considered. There is no competition whatever between the vessels of foreign nations engaged in the deep-sea trade.

Foreign vessels to-day completely dominate the commerce of the oceans, and they have but one rule that regulates the rates that they charge, and that is the old rule of "all the traffic will bear." These foreign steamship combines have at least a "gentlemen's" understanding with our railroads, and they always have had. This combine of foreign ships largely controls freight rates even upon the railroads in this country. All these facts are known to-day by everyone. The railroads are well aware of the fact that they would have no competition through the canal if foreign ships controlled this trade. The matter of fixing freight rates would be certain and easy. If foreign ships controlled the trade through the Panama Canal the rate would always be exactly the highest the interstate commerce would permit the transcontinental railroad to charge engaged in the same traffic. It is by no means a remote possibility that foreign nations will capture the coast-to-coast trade through the Panama Canal. This is the belief of the foreign steamship combine, and there is no better judge of the probabilities of the action of Congress than this great monopoly. No other interest in the world follows more closely the action of this body, and no other interests spend more money to influence public opinion than this same foreign steamship combination. As evidence of their belief that they will control this trade, foreign steamship lines are spending millions in the construction of ships for this purpose and in the purchase of new terminals in this country largely based upon this hope. Judging by their actions the foreign shipowner has more hope of the coastwise trade being destroyed than does the American shipowner that it will be preserved. One of the leading railroad and shipping men in America told me a few days ago that he felt absolutely certain that with the opening of the Panama Canal would come the admission of foreign ships into the coastwise trade. Under such circumstances can you expect American citizens to buy American ships in anticipation of the opening of the canal? If Congress will promptly declare for a free canal for American ships immediately our yards will be busy constructing ships for this trade, and however much that trade may prove to be, sufficient American ships will be found to carry it.

Here is an opportunity to largely restore the American flag to the sea, and it will not cost the American people a single dollar, but, on the contrary, by doing it we will save to the American consumer and the American producer countless millions.

TOLLS SHOULD NOT BE LEVIED TO PAY THE EXPENSE OF OPERATING THE CANAL.

One argument for tolls upon the canal is that it is a great public work, built at Government expense, and that the traffic passing through it should be taxed to help pay the cost of maintenance. Those who make this argument treat the canal as if it were a private proposition, built for private gain. Herein lies the foundation of their error. They forget that the canal is a public achievement, built by the public for the public benefit. When you place a toll on domestic trade you take it in the first instance from one industry—in this case shipping. This industry adds this toll to the freight, and this is again paid by the consumer, so that all that is accomplished is the cost of collecting and again disbursing what the people in any event must pay; but by this circuitous way the burden is increased instead of lessened.

A firm in my State bought a large tract of timber some distance from Puget Sound, and in order to move this timber economically to tidewater they built a railroad of several miles in length for this purpose. According to the opinion of those who claim that the Panama Canal should pay for itself this logging firm lost a large amount of money in the operation of their railroad. They showed a lack of business judgment. They should have erected a number of stations along this line and placed men in charge and have compelled traffic that went over this road to pay so much per ton in order to make the road pay for its construction and operation. At least they should have made it pay running expenses. This same firm again showed lack of business judgment because another logging company having a large tract of timber in that neighborhood was permitted to haul their logs over the railroad owned by the other firm. The firm that owned the railroad made the absurd and unexplainable mistake of charging their neighbor for the use of this railroad and at the same time did not charge themselves for using their own property.

The gentlemen who are urging canal tolls in order to benefit the people ought to go into the logging business and build a railroad, and they would soon become millionaires by charging themselves as much for using their own property as they charge their neighbors for making the same use of it. The proposition to charge canal tolls is just as absurd and lacks as much of sound economic judgment as would that of the logging firm if it had charged itself for using its own railroad which it had constructed at its own expense. If a charge must be made for using the canal, then let that charge be borne by the ships of foreign nations. Why should not these foreign ships bear the entire burden of the canal so far as its commercial advantages are concerned? Foreign nations have paid nothing for the construction of the canal. They will pay nothing for its maintenance. They will pay nothing to defend it. If war ever comes and it is necessary to protect the canal, the United States will have to bear that burden alone. Why should not American vessels go free through the canal and foreign vessels pay the expense of its maintenance. So far as has yet been shown by any expert a reasonable toll upon foreign vessels alone would pay for the operation and the maintenance of the canal. Why should any American citizen object to this being done?

WHAT THE PEOPLE EXPECTED.

It was the hope and the belief of the American people that the completion of the canal would be the commencement of building up a great commerce between the two coasts to the benefit of the entire country. It was hoped that freight rates in domestic commerce everywhere upon land and sea would be reduced. It was hoped that at last we would in one trade at least have real competition between rail and water. It was hoped that after the expenditure of many millions that the complete control of the domestic commerce of this Nation, both on land and sea, by the railroads would be broken, but if tolls are to be imposed these purposes will be largely defeated. The people will find that they have spent their money principally for the benefit of foreign nations and for the enrichment of transcontinental railways.

Remember that when by the imposition of tolls you increase the freight rates upon any commodity through the canal you at the same time in the same amount increase the freight rates upon that commodity that is carried by the railroads, or, in other words, when you increase the freight rate by canal tolls upon water-borne traffic you to the same extent increase the freight rate upon all similar traffic carried by the railroads. To illustrate, suppose the tolls imposed amount to a dollar per thousand upon lumber, then you add a dollar to the price of every thousand feet of lumber carried not only through the canal, but a dollar to the price of every thousand feet of lumber carried over land by the railroads. In other words, for every dollar you collect by placing a tax upon American ships that go through the canal and place in the National Treasury you collect a hundred dollars from the American consumer and put it into the treasury of the railroads. Suppose by canal tolls you collect a hundred thousand dollars a year upon lumber for the benefit of the United States Treasury, you at the same time enable the railroads to collect a million dollars from the American people for the benefit of themselves. We should not lose sight of this primal fact that when we increase the canal rates we increase the land rates. Suppose you increase the tolls on the Panama Canal upon canned salmon until it increases the cost of a case of salmon a dollar. You take a dollar for every case that goes through the Panama Canal and put it in the National Treasury, but you thereby permit the railroads to collect a dollar from every case of canned salmon that is shipped by the railroads and put it in their own treasury.

And all this money that goes into the National Treasury and all that goes to the railroads is paid by the consumer and the producer. So even if you admit that canal tolls are for the benefit of the people in order to get a hundred dollars for them you permit the railroads to get a thousand dollars for themselves. The railroads know that this is true. The great commercial bodies of the country know that this is true. The people of the country know that this is true. Everybody knows that this is true except the majority of the Interstate and Foreign Commerce Committee of the House of Representatives, and even they will discover it when the people have had an opportunity to reason with them.

The chairman of the committee, Mr. ADAMSON, in a speech yesterday afternoon made a sarcastic reflection upon the commercial bodies that have declared in favor of a free canal, but I notice he did not produce any resolutions passed by any commercial body of this country condemning it, and, so far as I am informed, there is but one commercial body in the United States that declared against a free canal.

I close this argument as I began. This is the case of the People *v.* The Railroads. Never since I have been a Member of Congress has there been such a transparent and indefensible attempt to legislate in behalf of any great private interest, without regard to the public welfare, as has been displayed in the bill that has been reported to the House proposing that in the use of the Panama Canal ships flying the American flag shall be taxed the same as those flying a foreign flag. Shall we have competition between the steamship lines running between the two coasts and the transcontinental railroads? Shall our commerce be increased and our freight rates lowered? Shall we have dug the canal for the benefit of the American people who have paid for it and own it and must protect it, or shall we have expended all these millions for the benefit of other nations and for the benefit of the railroads? This is the question that we must answer to the American people by our votes upon this bill. [Applause.]

I insert an article on the subject of canal tolls by Gen. H. M. Chittenden, one of the foremost engineers in the world and one of the clearest and ablest writers in the country, taken from the Forum for April, 1912. He states that it is as capable of demonstration as any principle in mathematics, that it is fallacious to place tolls upon domestic commerce. I commend to each Member of this House a careful reading of this argument:

THE CASE AGAINST PANAMA CANAL TOLLS.

(Gen. H. M. Chittenden.)

If any railroad company or other business corporation should discover that a certain policy which it was pursuing was seriously curtailing its revenues, it would alter that policy unless there were controlling reasons why it could not do so. Now, it is a fact, as capable of demonstration as any fact in mathematics, that the levying of tolls upon our coastwise trade through the Panama Canal will produce this very effect so far as the people of the United States are concerned. It will cost more than it will come to. It will be worse than the folly of taking from one pocket to put into another. It will strike at the very root of utility of the great work itself.

Why do the public not see this? Precisely because the vast majority are victims of what a great philosopher has called "the illusion of the near." We are influenced, controlled, led by what is near at hand, by what we can actually see or hear or feel. We are too indifferent or too deficient in insight to reason upon things which lie beyond our immediate vision. We see revenue pouring in in dollars and cents enough to pay expenses and yield a substantial surplus. That is a definite, tangible fact—and a satisfying one. Why look further? Why inquire whether the policy pursued is doing all the good it should do, or possibly doing more harm than good? A bird in the hand, etc.

Now, with private enterprise, conducted according to the accepted standards of business ethics, this is sound argument. A net revenue sufficient to pay substantial dividends is pretty good evidence that a business is doing what was expected of it. Collateral relations are immaterial to the case. If indirect benefits flow to outsiders, they do not enter the calculation. If injury is being done, it most likely falls on competitors and may even be an apparent source of gain. This is accepted as good doctrine in private business; but it is a capital error, though one constantly committed, to apply this doctrine to public enterprise. The two are fundamentally different. Collateral or indirect results, which in private business can not ordinarily be taken account of at all, may be and often are more important in public enterprises than the direct results. This failure to discriminate between the two cases is the greatest handicap from which public work suffers to-day. It is one thing to say that a railroad company, if it is to succeed, must have a direct revenue in excess of all expenditures; it is a very different thing—in fact, a wholly erroneous principle—to apply any such rule to a great public work like the Panama Canal.

Yet this is precisely the argument which now seems to prevail in Congress; and, what is more remarkable, finds its inspiration in the Canal Zone itself. "Make the canal support itself and ultimately pay off its cost." Well and good so far. But—"Do this by means of tolls upon commerce passing through the canal." Absolutely fallacious and, in greater or less degree, according to the amount of the toll, destructive of the very ends for which the canal is being built. This remark is here applied specifically to the coastwise trade of the United States. The application of the principle to foreign commerce will be considered further on.

We said that this proposition as applied to Panama was as capable of demonstration as any principle in mathematics. This is true, even without taking account of certain indirect benefits which are themselves sufficient to justify the canal project, but which can never be made a definite source of revenue. Let us, however, refer to them in passing.

It is estimated by the Secretary of War that the effect of the canal in increasing the value of the Navy as defender of two coasts is nearly equivalent to an equal expenditure on the Navy itself if there were no canal. This may be a high estimate, but its value in this respect is certainly equivalent to an outlay on the Navy of not less than $200,000,000.

But the supreme and far-reaching influence of the canal will be upon the development of the country. There is no dissenting voice to the proposition that its beneficial influence will be felt in all sections, though, of course, more directly on the Pacific slope than elsewhere. A great barrier to the free movement of the world's commerce will have been removed. The rivers and canals of the East and the railroads leading in from the coasts will cooperate with the great water route to bring all sections of our broad land closer together and closer to our sister nations. Commodities which now find only limited markets because of the handicap of high freight rates will come into greater use. Immigration will pour into the Pacific States, that kind of immigration that is wanted, and the development of the whole country will be accelerated. No one can doubt this. We can not measure the magnitude of this movement in definite figures, but it will be the most important result of all growing out of the construction of the canal.

If the late Mr. Harriman had built the canal (as it is said that he intended to do if the Government did not) and had financed it in the usual way, he could not, of course, have given much weight to these indirect benefits. They would have been of no use in paying dividends. He could have looked no further than the ships actually passing through the canal, and upon every one of these, regardless of nationality or character of commerce, he would have levied tribute. But how different is the situation with the Government. Is it not altogether probable that, if it were never to collect a cent of revenue from the commerce passing through the canal, the indirect benefits resulting from that work would still justify the immense cost? In any event, is it not a logical absurdity to maintain that the only way in which the Government can be recouped for this outlay is by laying tolls upon commerce passing through the canal?

However, let us leave these matters out of consideration and take only the actual commerce passing through the canal, and let us consider the problem of making this commerce pay the cost and maintenance of that work. We purpose to demonstrate that the true solution of this problem lies in making the canal absolutely toll free, so far as our coastwise trade is concerned, and to this end we shall consider first the toll itself, and secondly its effect in restricting the volume of traffic through the canal.

There are two ways in which the cost of the canal can be met—one from the General Treasury and the other, in part at least, by tolls. In either case the burden falls ultimately upon the consumer of the luxuries or necessities of life. In the one case a large percentage comes from luxuries pure and simple (as distinguished from necessities); in the other it comes almost entirely from necessities—coal, lumber, grain, fruit, building material, and the manifold commodities whose price will be affected by the tribute exacted at Panama. There is no escape from this fact. The canal cost must in any event be paid by indirect taxation, and the fact that in one case it finds direct expression in the form of tolls collected does not alter the truth. Do not be victimized by the "illusion of the near." Do not imagine for a moment that by paying the cost of the canal from tolls collected you are lifting so much as one cent of the burden from the shoulders of the people. On the other hand, the most superficial analysis will show that a toll will impose that burden where it can least easily be borne. At the very best it is no better than taking from one pocket to put into another.

Consider, now, the effect of tolls upon the utility of the canal itself. In its commercial relations the purpose of the canal is to remove a great barrier to the movement of the world's trade. Manifestly the maximum value of the canal will come from the widest possible actual use made of it. Anything which restricts that use will limit the value of the work itself. Now, the direct effect of a toll is to restrict such use. It is perfectly conceivable that the toll might be so high as to form a barrier as effective as Culebra Hill itself. On the other hand, it is certain that with no toll the actual tonnage of traffic (or the true usefulness of the canal) will be at a maximum. Where between those two extremes the utility of the canal shall fall will depend upon the rate of toll imposed. The fact that the toll may be small does not alter the principle. A dollar a ton will keep millions of tons annually away from the canal and either prevent its transport altogether or throw it back on the railroads. In either case the public will suffer a direct loss. The canal is a conserver of energy. It enables results to be accomplished at less cost than without it. It is really a productive agent of immense force. Whatever restricts its use increases the cost of production and imposes a corresponding burden upon the people.

This same consideration is the foundation of the free public highway system in most civilized countries. The highway toll has given way to the logic of facts. Whatever is saved in public taxation through tolls on such traffic is more than lost in increased prices and restrictions of use. If it were possible to deduce from current experience any general rule of practice, it would seem to be that routes of traffic—whether purely artificial, like highways and canals, or partly artificial, like improved natural channels—are generally held free to public use where the user owns and operates the means of locomotion, but are generally subject to a toll where the public owns and operates the plant, as in the case of public ferries or railroads. But there is, of course, no absolute rule. The one thing that experience has demonstrated beyond peradventure is that a tribute laid on the use of the highway itself, whether land or water, costs more than it comes to.

It is scarcely necessary to add that it is this principle which underlies the policy of absolute freedom of traffic on all the river and harbor works of the United States. That policy, which is the growth of long experience, was formulated into legislation in the act of Congress of July 5, 1884, as follows: "No tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States." This enactment was not paternalism. It did not originate from any desire to dole out charity to the people. It was based upon the practical consideration that all money gained in tolls would be lost somewhere else, and that much more would be lost through inevitable restriction upon the use of such works. The policy has proved as beneficent as it is wise. Take, for example, the great Sault Canal—greatest of all canals in the volume of commerce carried. The traffic which passes that canal enters the economic life of every citizen of the Republic. To impose tolls upon it would yield a direct revenue to the Government, it is true, but it would take far more from the people. Such a policy would result in loss, not gain.

We may now restate our two fundamental propositions on this Panama toll question: First, that tolls will not relieve the people of the burden of paying for the canal, but will place that burden where it can be least easily borne; second, that tolls will restrict the use actually made of the canal and will thus deprive the public of a portion of the legitimate fruitage of their sacrifice. In both cases the public will get the worst of it. So far as our coastwise trade is concerned, we should treat the Panama Canal exactly as we do the Sault Canal. There is absolutely no difference in principle.

Pacific-coast sentiment, in close touch with which this article has been prepared, is a unit that our coastwise trade be given free passage through the canal. To the people of this coast the canal holds out a hope which it would be difficult to overestimate. It means to a large degree the abolition of the barriers of mountain and river and vast distances which separate them from the rest of the world, and a nearer approach to those sources of supply and of population upon which the development of their country for a generation to come must largely depend. To see the fruition of their hopes so close only to be robbed of it by the erection of an artificial barrier in place of the natural one now almost removed would be to spread a black cloud of disappointment and resentment over this entire region.

To the Atlantic coast the question is of scarcely less importance. In its search for world markets the East will find nowhere else on the globe a better than on the Pacific coast. For there is an empire-building people sprung from its own loins—a people who do more work that counts, who will buy more per capita and produce more to sell in return, than an equal number of any foreign nation. It is the market best of all worth saving, best worth fostering. Here surely is a public question in the settlement of which the East and West should stand shoulder to shoulder on common ground.

The railroads may be consistent in their opposition on the ground of self-defense, but they are certainly shortsighted, if not entirely mistaken. Taking the railroads of the country as a whole, it is a question if the increased revenue due to local haul to and from the coasts will not more than overbalance the loss to the interior haul across the country. Whether this is so or not, the increased development of the country under the impetus of the canal, if left to its full and legitimate effects, will certainly more than make up any loss. The railroads should rise to a patriotic view of this question, laying aside their narrow traditional self-interest, and join hands with the rest of the country in securing to the people the utmost good of which the Panama Canal will be capable. It is no angry threat, but simply a candid warning that a contrary policy will exasperate public sentiment, rearouse suspicions of the past now happily somewhat allayed, lead to the renewal of antirailroad legislation, and hasten the day of Government ownership.

Let us now consider the question of foreign commerce. Do not the principles above laid down apply with equal force to that also? Unquestionably. But there is this countervailing fact, that foreign nations have borne no part of the cost of the canal, and ought therefore, in common equity, to pay something for the privilege of using it. There is no difference of opinion as to the justice of a reasonable charge for this privilege. This fact, however, does not relieve traffic of the evil effects of the toll system, which will certainly restrict the use of the canal, and thus diminish its value to the world at large. Is there any practical way to overcome this difficulty and at the same time compel the foreign user of the canal to bear his proper share of its cost?

The practice already followed by certain governments of rebating tolls on the Suez Canal is one method that suggests itself and one which would accomplish the purpose if generally applied. But if not generally applied it would produce all the evil effects of a discriminating tariff and would be far from realizing ideal freedom in the use of the canal. Moreover, it would not relieve the canal authorities or passing ships of the delay, annoyance, and expense of toll collections.

It has been suggested as an effective solution of the problem that an international convention be entered into whereby the canal should be made free to the world's commerce, each nation paying the United States yearly from its own treasury a sum proportionate to the commerce passing the canal under its own flag, the charge to be based upon the actual cost of maintenance and operation and such a percentage of the cost of construction as would pay off the debt within a specified period. This would be a strict interpretation of the principle of free use of river and harbor works as applied in the United States.

The problem is one which may well engage the attention of the world's best minds. The great principle to be kept constantly in view is that tolls mean restriction of use, and the restriction of use means less than the highest result. Some way should be found for making Panama and Suez as free to the world's commerce as if nature herself had excavated the channels, as free as are the Straits of Gibraltar or Magellan.

Mr. CALDER. Mr. Chairman, the great problem that is occupying the attention of the business world is the question of transportation. This Government in the creation of the Interstate Commerce Commission sought to regulate transportation over railroads, and in subsequent legislation amendatory of the interstate-commerce act has increased the powers of the Interstate Commerce Commission to an extent not dreamed of by the authors of the original act, so that to-day the commission has power not only to pass upon the question of rebates, practices, and regulations of all descriptions, but also passes upon the sufficiency of rates, and has the right under the law to fix same. As a result of this legislation we have done away with unfair methods and have prohibited a condition of affairs whereby one shipper could be favored over another, thus placing every shipping concern and every railroad in the United States on an equal footing with the other. All of this has been of the greatest benefit to the railroads. It has stopped the giving of free transportation; it has stopped ruinous competition, and to-day no honestly conducted railroad would agree for a moment that they would favor its repeal.

In the consideration of section 5 of the Panama bill we are dealing with a subject of as great importance to the shipping interests of the country as Congress did in the consideration of the interstate-commerce law and in the amendments thereto. In the effort to encourage traffic through the canal we are establishing a competitor with the railroads in which every part of the United States is vitally interested. I represent on

this floor a district in the city of New York. As a result of the opening of the Panama Canal that city will become within a short period easily the greatest commercial center in the world. The granting of free tolls to the ships in the coastwise trade will unquestionably add some to the commercial importance of that city, but it is of small moment compared to its effect upon the agricultural and manufacturing business of the entire country. It has been well said in the minority report:

> The tolls imposed at the canal will be added to the freight paid by the American people who consume the commodities. We hold this proposition to be fundamental; and viewed in this light, free tolls to our coastwise trade would not be a subsidy to shipowners, but a concession to the American people.

Every ton of merchandise carried through the canal is that much merchandise taken from the transcontinental railroads, thereby compelling the transcontinental roads to compete with the canal. The effect of this, it seems plain to me, would be to compel the transcontinental roads to meet the competition of the canal, thereby lessening freight rates between points within the country. The impression seems to prevail that the only people to be benefited by the free tolls in the coastwise trade are at points on the Atlantic and Pacific coasts. Careful consideration of the proposition will convince everybody, I am sure, that any reduction in freight rates forced by sea competition between New York and San Francisco is contemporaneously applied between Chicago and St. Paul, Kansas City and St. Louis, and, in fact, every city of the Middle West on the one hand and the Pacific coast cities and towns on the other. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already established rate-making system. If, by reason of free tolls to vessels in the coastwise trade, freight rates between New York and Seattle would be less than if tolls were charged, they will by the same measure be less between St. Paul and Chicago, Omaha and St. Louis, and Kansas City on the one hand and Seattle and Portland, San Francisco and Los Angeles on the other. In all of the hearings before the Committee on Interstate and Foreign Commerce on the subject of free tolls no one appeared in advocacy of American ships engaged in the coastwise trade paying tolls.

THE RIGHT OF CONGRESS TO GRANT FREE TOLLS TO AMERICAN SHIPS IN THE COASTWISE TRADE.

Coastwise trade is, and was at the time of the negotiations of the Hay-Pauncefote treaty, restricted by law to transportation exclusively in American ships, and ships of all other nations were and are prohibited from engaging therein; therefore it appears that coastwise commerce in the very nature of things can not be affected by the terms of the treaty which relates to tolls. That provision reads as follows:

> The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It seems clear that the general statement in this clause regarding "terms of equality" is defined and limited by what follows, and therefore it becomes the attitude of the United States only to so adjust the question of tolls—

> that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise.

In this phase the question of the application of tolls relates to four classes of commerce:

First. Commerce between nations other than the United States passing through the Panama Canal.

To this class the full force of the treaty provision applies, and tolls must be so adjusted that vessels of all nations observing the rules of neutrality shall enjoy the free and open use of the canal on terms of equality; that is, with equality of tolls.

Second. Commerce between the United States and foreign countries passing through the canal in foreign ships.

It seems clear that the United States is under the same treaty obligations as to tolls because the commerce carried is the foreign commerce of the United States, and more particularly because the vessel is owned by a foreign country.

Third. Commerce between the United States and foreign countries passing through the canal in ships of the United States.

There is a difference of opinion concerning the obligations arising from the treaty in reference to this class of commerce, and there is well-grounded opinion among many people that it should also go through the canal without paying tolls, many holding that the clause referred to in the treaty might easily be construed to permit, not to forbid, this. The minority of the Committee on Interstate and Foreign Commerce have not discussed this phase of the subject in their report, and I believe it is an open question.

Fourth. Commerce between parts of the United States which under the long-standing law must be confined to transportation in vessels of the United States.

This constitutes a kind of commerce in which no ships of any foreign nation are permitted to engage and, therefore, whatever the Government should do in reference to tolls thereof in the Panama Canal could not in the very nature of the case constitute any "discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise," as stated in the treaty. Hence, so far as the treaty obligations are concerned, the United States is morally and legally entitled to make such provisions concerning tolls on coastwise commerce passing through the canal as it may desire, including exemptions from all tolls if thought wise. Under these conditions coastwise commerce is strictly a part of our internal domestic commerce, any regulations concerning which can not constitute discrimination against other nations or other subjects.

Many eminent legal authorties agree that the provisions of the treaty do not relate to our coastwise commerce and, therefore, it may be exempted from tolls. I am informed that the Secretary of War, Mr. Stimson, goes further even, stating that as a legal proposition he has no doubt whatever that the Hay-Pauncefote treaty gives full liberty of action to the United States and would permit us to do whatever we pleased in relation to either our ocean or coastwise trade. Having this freedom of action, as I believe, the question passes from one of treaty obligation to one of commercial expediency and propriety.

DOMESTIC COMMERCE SHOULD BE FREE.

The policy of the Federal Government relative to the freedom of commerce, as declared by act of Congress, adopted in 1884, and still in effect, which reads:

> No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States and that may hereafter be acquired or constructed.

The United States has expended on waterway development of various kinds $693,914,237.08 up to 1911. This enormous expenditure has been made under the policy stated before at the general expense of the whole country, although the direct benefit in most instances has accrued to the particular locality in which each individual project was located. In spite of this fact, however, no section advocates or would permit a change in this general policy.

Commercially the Panama Canal will directly benefit a greater portion of the country than any other waterway improvement ever undertaken. All the coast, all sections tributary thereto of inland waterways which have their ultimate outlet in the ocean or Gulf, together with the vast area served thereby, are directly benefited. If freedom from tolls on commerce is guaranteed in the waterways of lesser general benefit, how much more just it is that the same freedom for commerce passing through this work of greater general benefit should be provided for. Incident to the opening of the canal, in response to the impending economic and military needs of the whole Nation, comes the question of the terms upon which commerce, other than our coastwise commerce, may be accorded the privilege of using that waterway. By all other nations the canal can not be considered simply as an artery of transportation, and to them the peculiar economic and military benefits referred to above can not accrue. Therefore it is but just that those people of other nations who actually use the canal as such an artery of transportation should pay a larger toll for the actual service rendered, levied upon the actual ships passing through.

In cases, however, of our own coastwise commerce, it appears to me on the broad national grounds above mentioned that no tolls whatsoever should be levied upon our ships engaged therein. In my opinion, the fact that this particular improvement, made across the Isthmus of Panama and not in the territorial confines of the original United States, should make no difference. The Canal Zone is part of our territory and subject to our use and jurisdiction. It seems to me that the same policy should apply to that waterway as applied to those constructed or improved in any of the thirteen original States or in the territory subsequently acquired. While freedom from tolls on coastwise commerce is a direct benefit to a very large proportion of the territory of the United States, such freedom is in direct harmony with a general waterway policy as declared by Congress, and should therefore become the fixed policy in the case of the Panama Canal.

THE EFFECT OF FREE TOLLS ON AMERICAN SHIPPING.

The idea that free tolls should be established solely for the benefit of American shipping and the suggestion that if this

policy was carried out the only beneficiary would be the shipping interests is, in my judgment, erroneous and entirely misleading. The primary object of free tolls is to cheapen the cost to the people on the Pacific coast of the productions of the people of the Middle West, the East, and Atlantic coast of the United States through the reduction in transportation charges that such exemption from tolls will effect, and vice versa, that it will cheapen the cost to the people in the Middle West, the East, and the Atlantic coast parts of the United States of the products of the Pacific Coast States that the reduction in transportation rates that the exemption of vessels in our coastwise trade would effect. The benefit to such American vessels is merely incidental to the much larger objective—the benefit to the people of the United States as a whole, in giving them a larger market in the one case for their products and in the increase of consumption inevitable in the reduction of the cost of such products. It is true that we give a monopoly of our home trade to American ships, built by American workmen, of material taken from American mines and American workshops, and manned by American seamen, paid American wages, and treated like human beings; and it is also true that the United States Government has given to the railroads of the United States in the way of land grants over 157,000,000 acres of public lands and to the trans-Pacific road companies alone over 58,000,000 acres of land, which is equal in area to all of New England and New York State combined. It is hardly a seemly thing for the railroads, either secretly or openly, to oppose the granting of this benefit to vessels using the canal, considering the vast contributions to them in the way of guaranteeing their bonds and the granting of untold millions in the way of land by the United States to aid in the construction of their roads. It will be quite impossible for the vessels enjoying the use of the Panama Canal free to ever be relieved from a sum the total of which would approximate the interest upon the amount of these donations to the transcontinental railroads.

The trifling proportion of continental traffic that would be transferred from the railroads to ships passing through the canal would be much more than offset—very much more than offset—by the increased business that the railroads would enjoy in moving the products of the country to the seaboard, in shipment from one coast to the other, and in moving the products so carried by ships from the seaboard to the interior of the country. The great point is that reduced transportation charges not only attract commerce but they create commerce. As to the incidental benefit to American vessels that would follow their exemption from tolls, this would consist entirely in the increased traffic that would use the canal in the coast trade; that is to say, if tolls are imposed upon vessels in the coast-to-coast trade, there will doubtless be a substantial tonnage carried by such vessels. Then the increase due to exemption from tolls would measure the benefits that American vessels could enjoy therefrom, and it would not by any means measure the amount of the exemption in the matter of rates that vessels would enjoy. The statement that if the vessels were exempted from tolls the total benefits would go into the pockets of the vessel owners and not the producers or the consumers of the merchandise thus carried is entirely erroneous. Of course, if freight rates were pooled or their amount fixed by agreement between the carriers—a thing not to be thought of in view of the safeguards with which Congress seemed determined to surround the merchandise thus carried—then such a condition might follow. If the railroads are to be permitted to freely use the canal in the coast trade with their own vessels, and pursue the tactics for which they have been notorious in effacing competition, such a condition might obtain. But there seems to be small chance of the railroads being permitted to exert any such baneful influence upon traffic. The ships that use the canal will be in active competition with each other, and the rates they will charge will be based upon any sum of reasonable profit to them; the competition between them will render any excessive charges quite impracticable. Considering that we have ceased to build ships for foreign trade because our Government has been unwilling to extend the protective system to vessels in foreign trade, thus denying them the right they should enjoy in common with all producers of goods in the United States that are subject to foreign competition, our domestic trade alone now affords opportunity for the retention and preservation of our maritime rank.

The opening up of the Panama Canal affords a signal opportunity for a substantial increase in American shipping, for increase in the type of seagoing ships that would be most useful to the Nation in time of need. In contemplation of the increased trade in the canal, a number of new vessels have been ordered constructed. The American-Hawaiian Steamship Co. are having constructed three great vessels, the Pacific Mail Steamship Co. are contemplating the building of three more; in fact, only yesterday I was informed that all the shipyards of the east coast are fast filling up with orders for new vessels in expectation of a largely increased trade immediately on the opening of the canal. To the extent, therefore, that the United States facilitates freedom of trade and the increase of trade through cheap rates of transportation between the coasts, to that extent it increases the demand for seagoing vessels of the United States and brings to its support a reserve marine that may yet prove invaluable to the Nation. This I regard as a consideration of the greatest importance, and I venture to hope that in the consideration of this legislation the House will appreciate the importance of this phase of the question.

THE ATTITUDE OF THE STATE OF NEW YORK ON THE MATTER OF FREE TOLLS.

The advanced and enlightened position that the State of New York has taken in the matter of water transportation facilities and the generation that has passed since our canals were free from tolls—by a majority of 322,000 in 1882—through an amendment to the State's constitution, should receive the most careful consideration of Congress, and especially from every Member from the State of New York and the Middle and Northwestern States. Since we freed our canals from tolls their ordinary repair and maintenance has averaged a cost of over a million dollars a year. In addition to small sums for lock enlargement and duplication, there have been appropriated the following sums for the enlargement of our canals since they were freed from tolls: In 1895, $9,000,000; in 1903, $101,000,000; and in 1909, $7,000,000, making a total of $117,000,000 for enlargement, plus $30,000,000 for ordinary repair and maintenance, a grand total of $147,000,000 the State of New York has expended and is expending upon the canals that the people 30 years ago, by a majority of 322,000, declared to be free of tolls.

If the single State of New York can afford to expend $147,000,000 in the enlargement and maintenance of its canals in 30 years, free of all tolls or charges to vessels or freight carried over it, can not the United States afford to exempt vessels in at least the coast-to-coast trade from tolls in using the Panama Canal? The population and wealth of the State of New York form not over one-twelfth of the entire United States—population, one-tenth, and wealth about one-twelfth—so that if the United States should free the Panama Canal from any tolls on any vessels using it, the total cost of the canal's construction, together with all the money the United States has expended upon river and harbor improvements, would not approximate a sum proportionately as large as the State of New York has expended. Is the position of the State of New York as a result of this enlightened policy suggestive that these vast expenditures for its toll-free canals has been to the injury of the State or any of its inhabitants? On the contrary, the State of New York has achieved the position it now occupies as the Empire State of the Union chiefly as a result of its advanced and enlightened policy of improving and enlarging the canals and freeing them from all tolls. The people of the entire State gladly bear the entire burden of these charges, as likewise they will willingly bear their full share of the cost of maintaining the Panama Canal for the benefits that accrue to the people as a whole. This is a wise policy. It is the policy of the State of New York as adhered to for nearly a century in building and maintaining its canals, and for 30 years of improving and maintaining them free of all tolls. Bear in mind that the improved canals of that State will accommodate boats of 1,000 tons and over, an accomplishment that is expected by a great majority of the people of the State of New York will greatly redound to the benefit of all its people and clearly to those of the Middle and Northwestern States.

The reduction in transportation charges that it is expected will be effected through our improved canals will far more than repay the people of the State for the sums they expend upon their enlargement and maintenance free of all tolls. In the election of 1911 the people of my State agreed to bond themselves in the sum of $19,800,000 for the construction of canal terminals—depots for the handling and temporary care of freight carried on its canals. New York is the first State in the Union to take so advanced a position as to construct freight terminals for water-borne traffic, and this is all a part with the enlightenment of its people and their appreciation of the estimable advantages of cheap transportation. In all of the discussion of free canals and enlarging canals the benefit to canal boats and barges have kept their relative secondary or incidental position; the direct benefit to the vessels has never been a claim advanced for any of the work undertaken. Why, then, should benefit to vessels using the canal be given such prominence and the benefits to the people through reduced freight

charges and greater consuming ability as a consequence almost be lost sight of?

Mr. Chairman, I will submit as an appendix to my remarks the following resolutions adopted by the great commercial bodies of the State of New York favorable to the views of the minority on the question of free tolls through the Panama Canal for American vessels engaged in the coastwise trade:

Resolutions adopted by the Merchants' Association of New York, March 5, 1912:

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

—

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved*, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests, and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved*, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

—

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved*, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

—

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government, and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved*, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved*, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports, passing through the Panama Canal, as coastwise commerce of the United States and free of tolls, and, if treaty provisions or commercial conventions which have provisions for termination by notice from either party, will permit to also consider the making of the Panama Canal free to all vessels of American registry."

Mr. ESCH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

FREE TOLLS IN COASTWISE TRADE ARE IMPOSSIBLE. SUCH A POLICY WOULD VIOLATE OUR SOLEMN TREATY OBLIGATIONS AND PLEDGES, IMPERIL OUR VAST INTERNATIONAL INTERESTS, INTRODUCE COMPLICATIONS IN FOREIGN AND DOMESTIC AFFAIRS LIKELY TO BE SERIOUS, EVADE JUST PROPORTION OF HEAVY PUBLIC BURDENS BY THOSE RECEIVING THE GREATEST BENEFITS AND BEST ABLE TO BEAR THEM, AND UNFAIRLY FAVOR PRIVATE AND SECTIONAL DEMANDS AS AGAINST THE BROAD NATIONAL INTERESTS AND WELFARE.

Mr. STEVENS of Minnesota. Mr. Chairman, my discussion will be confined to section 5 of the bill, which relates to the tolls and charges for vessels in their passage through the canal.

It was the judgment of the majority of the Committee on Interstate and Foreign Commerce that the section as reported, providing that all vessels should be treated alike and on the same basis, was necessary and for the best advantage of the people and the Government of the United States and for the welfare of the canal itself.

REASONS AGAINST FREE TOLLS.

Substantially, the reasons for this action are as follows:

First. Because the treaty obligations of the United States require "treatment on terms of entire equality, without discrimination, of all nations," including our own in the use of the canal; and any violation of these obligations would be a betrayal of the faith and honor of our Government and a reversal of the traditional policy of our Nation toward the canal since the inception of the enterprise.

Second. Unfair discrimination in favor of our own ships, which would violate international pledges, would seriously injure our foreign trade, not only with the nations on the Pacific, which would be most affected, but also with other nations which would resent our violations of pledges and discrimination, and in turn would retaliate against our commerce and people.

Third. Discrimination or free tolls for American ships in coastwise trade would not build up the American merchant marine because the rate of toll, $1 per net registered ton, would amount to between 40 and 60 cents per cargo ton, which would not be sufficient to encourage or warrant the construction of new vessels, and would not reduce prices to consumers, being only 2 or 3 cents per hundred pounds. Again, under existing laws, American vessels have a monopoly of the coastwise trade. This monopoly is further restricted by section 11 of this bill, prohibiting ships owned or controlled by competing railroads engaging in coastwise traffic through the Panama Canal. In addition, the enforcement of section 4 of the interstate-commerce act, known as the "long and short haul" clause, will gradually tend toward distance tariffs, which will diminish railroad competition in the coast-to-coast traffic, and so help the canal traffic. These reasons render coastwise subsidies unnecessary to develop the coastwise business.

Fourth. The annual expense in caring for the canal will be an enormous burden upon the American people for all future time. Testimony shows that this expense for operation, maintenance, protection, and interest charged on the investment for the canal will be between $25,000,000 and $30,000,000 per annum. If the additional cost for naval protection, replacement, and retirement of the particular forces be added, such amount will be increased to between $40,000,000 and $50,000,000 per annum. Thus the annual expenditure for the construction of the canal can never be reduced and may be much increased. The canal will reduce freight rates from coast to coast from 25 to 50 per cent, and it is only fair that this vast commerce, so greatly benefited by the construction of the canal, should bear its fair share of the enormous burden of caring for it.

Fifth. The main effect of discrimination, or free tolls for American ships in the coastwise trade, would be to help the great mercantile interests of the coasts in competing with their trade rivals of the interior. The reduction of freight rates by the opening of the canal, will greatly help the business interests of the coasts in extending their trade territory and proportionally diminish that of the interior competing with them. Blanket rates to the coast will be in large part discontinued, and the railroads can not be allowed to reduce to the low rates provided by water competition, because of the injurious effects to the intermediate territory. Under these circumstances, it would not seem to be fair or just, to levy an additional burden

on the country in order to have free tolls for the purpose of still further diminishing the trade of the interior, and proportionally increasing the competitive capacity of the coasts. It would not seem fair, to levy taxes upon a section of the country to use in strangling and reducing its own natural business. That would be the necessary and almost only effect of free tolls in coastwise trade.

Sixth. Free tolls and discrimination against other nations in violation of treaty obligations would incite resentment and reprisals against our commerce and interests in the use of other international waters under the control of some one nation suffering from our discrimination. It would revive the old contention of Canada discriminating against American interests in the use of its canals in the region of the Great Lakes, and might cause a loss of many millions annually and injuriously affect the Central West, already discriminated against by the operation of the canal.

II.

CONSTRUCTION OF TREATIES.

It necessarily is of prime importance, to examine the exact text of the treaty obligations of this country with others concerning the canal, to ascertain precisely what may or may not be done under such agreements.

No fair or sensible man desires to have his Government deliberately violate its solemn obligations and pledges to the other nations, concerning the use of the Panama Canal. But honest and intelligent men may fairly and justly differ as to what such agreements and pledges actually are. This shall be my endeavor to ascertain and place of record as concisely and clearly as possible.

In this investigation, and in the interpretation and construction of these treaties, there must be adopted the ordinary fair and just rules which have for many years, and among all civilized nations, been used for such purposes; and which would be applied to all other treaties as well as to these, to all other nations as well as to our own, and to all occasions when the interest of our Nation and people would be best served by the rule adopted, as well as when they would seem to be injured by such rules. These rules should bear impartially upon all, and at all times, and be so fair and reasonable and just as to receive the common acceptation of civilized mankind. We can not afford to follow any other course, at the inception of this great enterprise. But we should endeavor to find out exactly what the situation is, and construe in our own favor whatever we fairly and justly can, with the object always to advance all the interests of our own people and seek the just advantage of our own Nation as much as we possibly can do, and as much as should be decently done.

We must realize always, that the rule which we insist upon in any situation will most certainly be invoked hereafter in other situations and controversies; and we must be willing to do in these cases as we might be willing to have done hereafter in any other cases, in which we might be involved.

TREATIES.

The United States has entered into two treaties concerning the use and control of the Panama Canal which are now in force. The first, with Great Britain, known as the Hay-Pauncefote treaty initiated by Secretary of State Hay in 1898, was signed in Washington November 18, 1901, ratified by the Senate December 16, 1901, and proclaimed by the President February 22, 1902.

The second treaty was with Panama, signed at Washington November 18, 1903, ratified by the Senate February 23, 1904, and proclaimed by the President February 26, 1904. This treaty by article 18 provides for the operation of the canal on the terms provided by the treaty with Great Britain, so there is no need to separately discuss its provisions. The text of the Clayton-Bulwer treaty and of the Panama Canal treaty and all its sections and provisions, as promulgated and now in force, are annexed to and made a part of these remarks.

The section in the treaty with Great Britain which is the center of this controversy is section 1, article 3, as follows:

> The canal shall be free and open to the vessels of commerce and war of all nations, observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This language is plain on its face; and from its terms there can be no inequality or discrimination in favor of or against any vessels, citizens, traffic, or country, but all must be treated exactly alike, subjected to the same tolls, charges, and conditions, without any distinction.

SOME CONSTRUE DIFFERENTLY.

Apparently clear and plain as is this provision, yet some public officials, many patriotic and intelligent citizens, commercial and public organizations, and an influential portion of our press strongly and sincerely contend that an exception must be implied from this plain and clear language, by which vessels of the United States engaged in coastwise trade can be authorized to have free or discriminating tolls in their use of this canal.

The reasons claimed for this exception are in substance two: First, because the laws of the United States give a monopoly in our coastwise trade to vessels constructed, owned, and operated by American citizens, and other vessels are prohibited from engaging in such coastwise trade or in any part of it; consequently the coastwise vessels constitute a peculiar class under our laws, so that no foreigner can complain as to any preference or discrimination granted to our own ships in such trade, in which they can not compete. Secondly, it is urged that under the provisions of article 2 of the treaty, the United States may have all the rights incident to the construction of the canal and the exclusive right of regulation and management of it. And in the making of such rules and regulations that discrimination can be shown to domestic vessels and trade.

RULES AND REGULATIONS NOT ADEQUATE.

This last reason and argument is not seriously considered by intelligent students, because such regulations and management must be by the very terms of the same article, "subject to the provisions of the present treaty," which includes the section above cited. If this section allows such discriminating rules, they can be made to favor our own domestic commerce. If that section does not allow any such preference, then they can not be fairly adopted. So the question finally and decisively must be determined upon the fair, just, and reasonable interpretation of section 1, article 3, as to whether the coastwise trade of the United States can be fairly excepted from its plain terms declaring equality and forbidding discrimination.

SOME EXCLUDE ALL AMERICAN SHIPS FROM TREATY.

Some public-spirited citizens would go so far as to demand that foreign as well as coastwise shipping should be excepted from this section, and that there should be implied the word "other" between the words "all" and "nations" in the second line of the section. This would make the section refer only to the vessels of all other nations except the United States, and so exclude our foreign commerce from the terms of this section.

But this contention is not seriously urged, and has no reason or precedent for such a violent wrenching of all language, precedent, rules of interpretation, and policy; and so has not been seriously considered. The main controversy must be as to whether the section as it stands, fairly and justly excepts coastwise commerce from its provisions. And to that I shall confine myself, in discussing the treaty obligations of the United States with reference to the Panama Canal; and it is certain that if no exception as to coastwise trade can be fairly made from the terms of the treaty, then the same situation must exist as to foreign commerce.

ALL SECTIONS CONSIDERED TOGETHER.

At the outset, a fair and clear interpretation of the language of the treaty itself should be ascertained to find what basis exists within its terms, for an important exception from its plain provisions. Section 1, article 3, should be considered together with article 2, which provides three methods for constructing the canal. First, by the United States itself at its own cost; second, by individuals or corporations whom the United States might assist by loan or gift of money; third, by individuals or corporations with whom the United States may cooperate through subscription to or purchase of stock or shares. Article 2 is as follows:

> ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Necessarily the rules as to the use of the canal prescribed in section 1, article 3, must apply in the same way to all of these methods of construction and to whichever one of them may be adopted. There is nothing in the treaty indicating any different treatment of American coastwise vessels, whether the canal be constructed by private corporations or by the Government itself. This being true, with no provision in the treaty granting any preferential right or privilege, but, on the contrary, the strongest kind of language forbidding it; it must be difficult for any impartial person to fairly contend, that a corpo-

ration constructing the canal at its own expense and operating it for a profit, as the Suez Canal was constructed and is operated, can, under these circumstances and conditions, be compelled to give free passage to a large class of vessels possibly yielding a larger profit to their owners, owned by other corporations or interests not named, described, or excepted anywhere in the treaty.

SUEZ PROVISIONS.

It should be noted here, that article 12 of the convention, described in this treaty, governing the use of the Suez Canal, provides for "equal use" by all nations without advantage or discrimination in favor of any; expressly "reserving the rights of Turkey as the territorial sovereign." In the Panama treaty there is no reservation, but, on the contrary, the strongest prohibition against such discrimination. While the Suez treaty was careful to provide for such discrimination, expressly as was desired for the territorial sovereign. Under the ordinary rules of construction, where the Suez Convention is used as a basis for the Panama treaty, there would also be no exception unless expressly provided for. Such exception has not been made, but just the contrary language is used in the Panama treaty requiring treatment of entire equality without any discrimination, with very good reason and consideration for its deliberate use.

NO REASON FOR EXCEPTION.

It is submitted, that under this treaty any corporation constructing and operating the canal under this provision, could and would not be compelled to relinquish without consideration, any of its legitimate revenues to another corporation owning and operating American ships in the coastwise trade.

Exactly the same rule must apply to the construction and operation by the United States as by a private corporation doing the same thing, because the same language and the same authority and rules apply to both. There can be no exception in one case, unless it can also be an exception in the other.

It can hardly be argued that the United States might exact as a condition of any grant, aid, or subscription that there should be a preference or discrimination to its coastwise trade; because that very thing is expressly forbidden by the broad terms of section 1, article 3, prohibiting any such exception or condition.

STOCKHOLDER WOULD HAVE SAME RIGHT.

Any other stockholder or guarantor could have as much right to exact his own private conditions for his own private advantage, with the result that the enterprise would face ruin from the start. The treaty gives the United States, as a stockholder or guarantor, no other rights than any other interest also assisting in the enterprise. A British, German, French, or Japanese steamship company might subscribe, own, and hold large blocks of stock or bonds in a corporation provided in section 2, and with equal right under the treaty might demand a preference for its vessels as an exception on account of such ownership. Of course, such a demand would be absurd and unjust, and yet equally valid and equitable as a similar demand and exception for the United States. The terms of the treaty and the existing situation would seem to practically and legally make the United States a corporation sole, for the purpose of constructing, operating, and managing the canal with exactly the same rights, obligations, and responsibilities which would pertain to any other corporation provided for by the treaty, doing exactly the same thing under the treaty.

This discussion is academic, because no such condition for a preference here exists; but it illustrates the fallacy of seeking to imply an exception in favor of our coastwise trade, when the plain provisions of the treaty so clearly exclude any such unfair discrimination.

III.

TREATIES—NEUTRALIZATION.

It has been agreed expressly in the treaties, and always understood among the nations, that the basis for the beneficial use of the canal must be its neutralization in time of war and peace, so that there shall be a certainty that peaceful commerce at all times can enjoy its privileges. This policy signifies impartiality so far as conduct and operation are concerned, and carefully abstaining from acts to aid either belligerent in time of war. With special reference to the canal, it signifies that it is not to be made the object of attack by any power, nor distinctively employed by any nation as a means of or base for hostilities.

RULES FOR NEUTRALIZATION.

Article 3 of the Hay-Pauncefote treaty sets forth the rules for such neutralization, first and as the foundation, "entire equality of treatment between all vessels of all nations without any discrimination;" next, "that the canal shall not be blockaded or used for war or any acts of belligerents; third, that the waters and plant of the canal be included within the neutralization." These provisions are the substance of the rules laid down by the Suez convention concerning that canal; and the essence and practice as to that and all other neutralized waters has been the perfect equality of treatment of all vessels, traffic, and persons as an integral part of their neutrality and operation.

NO EXCEPTION IMPLIED.

If by implication an exception must be made as to coastwise vessels, so far as equality is concerned, and they in that way can be treated differently from all other vessels, the same rule as to exception by implication must also obtain as to neutralization of them. The two attributes can not and should not be separated. In fairness and justice and from the reason of things, they belong together, because no nation is under any moral obligation to observe the rules of neutrality as to commerce receiving discriminating terms as against its own, when the plain language of the treaty provides for equal treatment without discrimination. This being true, our coastwise commerce in and about the canal, if not on an equality with other commerce, would not be neutralized and would be subjected to different rules from all other commerce, as to the acts of belligerency set forth in article 3.

EQUALITY AND NEUTRALIZATION.

Prof. John Bassett Moore, perhaps the highest authority on this subject, has said that—

equality of tolls has also been treated as a feature or perhaps rather as a condition of neutralization. Little need to be said on the subject since a discriminating policy, even if it did not lead to the building of another canal, would merely provoke retaliation in some form and prove in the end to be impracticable.

The opinions of other notable authorities are invariably to the same effect.

[Extract from the report of Senator Davis of Minnesota, from the Senate Committee on Foreign Relations, recommending the ratification of the Hay-Pauncefote treaty.]

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

That while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interest independently of aid and despite of her opposition or hostility.

It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations.

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act, or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries, would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

IV.

PREAMBLE AND "GENERAL PRINCIPLES."

One of the most important considerations in the construction of this section 1, article 3, as to "equality of treatment without discrimination," and as to whether an exception concerning our coastwise vessels can be implied from it, must be from the language of the preamble of the treaty. This preamble is in terms:

"The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed, etc."

CONSTRUCTION OF PREAMBLE.

It is a fundamental principle of construction of all documents that such a preamble shows first of all the reason for the making and existence of the agreement, document, or act; and secondly, that the language of the document, treaty, etc., should be so construed, if reasonably possible, to give effect to such purpose. (Moore, 5 Dig. Int. Law, p. 249.)

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intentions of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Hauenstein *v.* Lynham (100 U. S., 483–487); Goefy *v.* Riggs (1890, 133 U. S., 258–271). See to the same effect, United States *v.* Auguisola (1 Wall., 352).

That a construction of a treaty most favorable to its execution, as designed by the parties, will be preferred.

United States *v.* Payne (2 McCrary, 289; 8 Fed. Rep., 883).

A treaty is not only a law, but also a contract between two nations, and, under familiar rules, it must, if possible, be so construed as to give full force and effect to all its parts.

Goetze *v.* United States (1900, 103 Fed. Rep., 72).

The reason of the law or of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise he will be made to speak and act contrary to his intention and in opposition to his own views. (Vattel, book 2, chap. 17, sec. 287.)

It is important to ascertain what is the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, which must not be impaired by this treaty. This article 8 speaks for itself, substantially as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a "general principle," they hereby agree to extend their protection by treaty stipulations to any other practical communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications—should the same prove to be practical, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charge or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be noted that the "general principle" is established and embraces, first, protection to the canal; second, that the charges therein shall be just and equitable; and third, that it shall be open to the citizens and subjects of the United States and Great Britain on "equal terms" and also shall be open on like terms to the citizens and subjects of other nations willing to grant the same protection to the canal as do Great Britain and the United States.

SAME AS IN PANAMA TREATY.

These are the same provisions as article 3 of the Hay-Pauncefote treaty, and on their face there can be no possible exception of our coastwise commerce. Not only the language of the section but the very reason for the existence of the language forbids such exception, because Great Britain and some other nations had commerce competing with that of the United States, both foreign and coastwise. It was the evident and proper design of this treaty to place all such competing commerce on exactly the same basis, so that there should be no disadvantage or particular advantage on account of this canal to the commerce, coastwise or foreign, of any one nation. This was the object of the whole treaty, and especially of this particular section.

Great Britain and Canada have a large commerce directly competing with some of our coastwise commerce through the Panama Canal, and undoubtedly they undertook to protect such commerce and its interests by insisting upon its equal treatment with all competing commerce in the use of all interoceanic waterways.

The report of the Senate Committee on Foreign Affairs submitting the Hay-Pauncefote treaty clearly shows the true policy and intent of this section in both treaties and has been set forth at some length.

SECRETARY OLNEY CONSTRUES.

Secretary of State Olney in 1896, in a memorandum on the Clayton-Bulwer treaty, said (Moore, 3 Dig. Int. Law, p. 207):

As article 8 expressly declares, the contracting parties by the convention desired not only to accomplish a particular object, but to establish a general principle. This general principle is manifested by the provisions of the first seven articles, and is that the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike.

CLAYTON-BULWER TREATY PROVISIONS.

The preceding articles of the treaty, which show the intent and purpose of the general principle, are as follows:

Article 1, in part:

Nor will the United States or Great Britain take advantage of any intimacy or use any influence, etc., for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce and navigation through the said canal which shall not be offered on the same terms to the other.

Article 5, in substance:

The contracting parties further engage that they will guarantee the neutrality thereof, which protection may be withdrawn if unfair discriminations are made in favor of the commerce of the one over the commerce of the other.

Article 6, in part:

The contracting parties engage to invite every State, etc., to enter into stipulations concerning the constructing and maintaining the said canal—for the benefit of mankind, on equal terms to all—and of protecting the same.

GENERAL PRINCIPLES CONSTRUED.

These all show exactly how the term "general principles" must be construed with reference to the Hay-Pauncefote treaty, that "equality of treatment of all vessels, foreign and domestic, coastwise and all," must be an integral condition for neutral treatment and a guaranty of protection for the canal.

CONTINUOUS POLICY GOVERNMENT.

This has been the invariable construction of these treaties and of the policy of the United States from the beginning down to the present. It should further be noted as to the action of our Government in carrying out the "general principle," thus construed and defined in these treaties. President Roosevelt in his message of December 4, 1901, transmitting to the Senate the Hay-Pauncefote treaty, which was ratified and is now in effect, described it as "A convention without impairing the general principle of neutralization established, etc., in article 8 of that convention." Further, on the 22d day of February, 1902, in the proclamation making such treaty effective, President Roosevelt,

in the preamble to it, again sets forth the existence of the "general principle" of neutralization, which was to be maintained by such treaty, and in the final statement of the proclamation is found this clause, "*to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.*"

NOTIFIED WORLD TREATY OBEYED.

Thus the United States Government at once in the proper way notified the world in the exact language of the treaty itself of its intention to observe and fulfill every article and clause thereof.

To show clearly the policy of our Government, it is well to place here the exact terms of article 3, section 1: "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, etc."

The United States by its President and Secretary of State at once notified the world that it would be the first nation to observe these rules. And it is hardly becoming now for our good citizens to violate such pledge, reverse such policy, abandon the traditional and honored principles, so solemnly agreed to and announced, merely for the sake of granting a bonus or subsidy to some business interests, which for nearly a hundred years under our laws, have enjoyed a monopoly, free from foreign competition, and by this very measure are still further protected by the exclusion of strong domestic competition.

V.

NEGOTIATIONS FOR HAY-PAUNCEFOTE TREATY.

In the construction of the controverted clauses of any document, it is always of prime importance to know exactly what the persons themselves who framed it, intended by the language which is subject to dispute; and when they have set forth their own ideas as to its intention and meaning, and have given good reasons for it, usually such facts have been conclusive as to the construction, whenever the language has fairly allowed.

The negotiations for the modification of the Clayton-Bulwer treaty and which resulted in the framing of the Hay-Pauncefote treaty were commenced by Secretary of State John Hay by a letter, December 7, 1898, to Hon. Henry White, chargé at London, and the reply of Mr. White, of date December 22, 1898. These letters are described in Third Moore, Digest International Law, page 210, note A. Another letter of Mr. White, of January 4, 1899, also refers to the same subject.

CONDITION FOR EQUALITY.

From these letters, it appears in at least three different places, that the first and necessary condition of a treaty must be that all vessels of all nations must receive in the canal, the same terms and treatment as American vessels. This condition was emphasized more than any other one provision, and descriptive references were forwarded to make it clear, that such clause must include all vessels of all classes, foreign and coastwise, so there could be no mistake about the meaning of any language in the treaty.

Secretary Hay and our Government readily agreed to such condition, and nobody objected to it, because it has always been the consistent, continuous, and historic policy of our Government for more than 50 years, to do that identical thing. Practically the only exception is the Nicaraguan treaty. That will be referred to hereinafter in proper order.

TREATY SO PREPARED.

So Secretary Hay, with the approval of President McKinley and the proper officials of the United States, prepared the Hay-Pauncefote treaty and submitted it to Great Britain. In it were placed the clauses, heretofore referred to, maintaining the general principle of "equality and neutralization," and expressly setting forth in as clear and explicit language as possible "that the vessels of commerce and war of all nations should be treated on terms of entire equality, so that there shall be no discrimination against any such nation, its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." Not a hint of any exception for our coastwise commerce, or any other exception; but on the contrary, the correspondence showed that all intended clearly and beyond question that all vessels, commerce, and citizens must be treated exactly alike.

Surely this preliminary history, these negotiations, the language itself, the preamble, and then the proclamation, in terms following and adopting the language, and the evident and admitted reasons for all of them, should be sufficient to show that no ambiguity or implication of any other meaning could possibly exist. In ordinary cases it would be sufficient, and no further question could be raised. But one additional fact still further reenforces this history and construction.

PROCEEDINGS IN SENATE.

When the first Hay-Pauncefote treaty was before the Senate for ratification on December 13, 1900, the following proceedings appear on page 15, Senate document 85, Fifty-seventh Congress, first session: "On the question to agree to the amendment proposed by Mr. Bard, to wit: Strike out article 3 and substitute the following: '*Article 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.*'" It was determined in the negative: Yeas, 27; nays, 43.

SENATE REFUSED PREFERENCE.

This would also seem to show conclusively that no such a provision was intended to be in the treaty or could in any way be implied or inferred from its terms, or such an amendment would not have been offered. The fact that it was rejected shows that the Senate understood such fact, that it did not want such provision but desired to preserve and maintain the general principle of "equality and neutrality" and preserve the uniform and continuous policy as to the canal for more than 50 years. This action of the Senate was so overwhelming that no attempt was made by anyone to offer such an amendment to the second treaty.

ATTEMPT TO OFFSET.

To explain and offset this conclusive evidence that no discrimination was intended by the Senate or should be had for the coastwise trade, the minority, on page 4 of the minority report, inserted a sentence from a private letter of Senator Bard which states:

> When my amendment was under consideration *it was generally conceded* [the italics are his] by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

It is very evident that Senator Bard was the only Senator who had such an understanding. Those who voted with him and desired such a policy certainly did not so believe or they would have so declared and would not have so voted. Those who voted against him evidently did not so understand, from statements which some of them have made personally, and from the official action of the others. Six of the Senators who voted with Senator Bard and seven who voted against him are yet in the Senate, and their views can be expressed on this very measure.

SENATOR BARD DID NOT UNDERSTAND.

The very best illustration that Senator Bard did not understand what actually were the views of those who opposed his amendment is shown by the fact that Senator Frye, of Maine, and Senator LODGE, of Massachusetts, who had charge of the treaty in the Senate, and both of whom were probably consulted in its negotiation and preparation, voted against the amendment of Senator Bard. Both of these Senators were very prominent members of the Senate Committee on Foreign Relations, which had long discussed this whole policy, and especially this very treaty, and both have been foremost in their efforts to promote the American merchant marine for many years and had long experience and great ability; yet both of them seem to have construed the provision of this treaty entirely different than did Senator Bard, because both of them introduced the following bill with reference to tolls on the Panama Canal:

> A bill (S. 3632) to provide for the payment of tolls and transit charges of public vessels of the United States and merchant vessels of the United States passing through the Panama Canal.
>
> *Be it enacted, etc.*, That all tolls and transit charges which may hereafter be imposed on public vessels of the United States and on merchant vessels of the United States for passing through the Panama Canal shall be paid from any money in the Treasury not otherwise appropriated, and there are hereby appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose; and such appropriations shall be deemed permanent annual appropriations.

This clearly shows that these eminent and experienced Senators, the recognized champions of the coastwise commerce, and members of the committee which passed upon and reported this treaty, voted and acted upon the belief that all vessels, all commerce of all kinds and of all nations, must in the passage of the canal be treated exactly alike and on the same terms; and that there can be no exception or discrimination possible under the treaty in favor of our coastwise trade; but that any aid for that purpose must be by direct action of Congress by proper appropriations and express legislation therefor such as in form has been proposed by both of them.

UNSOUNDNESS OF VIEWS.

There can be no question as to the soundness of such views or the patriotism or wisdom of the eminent men who held them. Finally, to show how much Senator Bard actually knew about that subject, in comparison with the other Senators who had a great interest and knowledge of it, it is only necessary to examine his legislative proposition as it appears from the records

of the Senate. Senate Document No. 85, Fifty-seventh Congress, first session, page 15, shows the following:

On the question to agree to the amendment proposed by Mr. Bard, to wit, strike out article 3 and substitute the following:

"ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade."

The text of the treaty shows article 3 of the original treaty to read as follows:

The contracting parties will immediately upon the exchange of the ratifications of this convention bring it to the notice of the other powers and invite them to adhere to it.

This shows that the amendment was not germane as offered, was not in the right place, was not proposed to the right article or section, and, finally, article 3 had already been stricken out of the treaty on a motion by Senator Foraker, and there was no such article in existence to which Senator Bard could offer his substitute in the terms of his motion. (S. Doc. No. 85, p. 13, above referred to.) Yet this evident misinformation, carelessness, and lack of knowledge of what was actually going on concerning a very important matter, is offered as a basis for reversing the policy and history of our Nation and violating its solemn pledges to the world.

MERCHANT MARINE COMMISSION.

It is to be noted also in this connection that the Merchant Marine Commission, appointed under an act of Congress in 1904, made its report after exhaustive hearings concerning the improvement of the American merchant marine. Many plans were suggested for legislation for such purpose, and the commission consisted of very warm friends of the navigation interests; and various plans were outlined for the use of the canal construction to aid American shipping. But not one of them at that time had the hardihood to put forward a plan of preferential tolls for our ships in the canal, at the very time when the treaty was fresh in the mind of everybody.

VIEWS OF SECRETARY HAY.

As a very important part of this discussion are the views of Secretary of State John Hay, upon the Hay-Pauncefote Treaty, as submitted to the Senate in a confidential memorandum in December, 1901, as published in the New York Sun of January 27, 1911. The memorandum was quite lengthy, but its substance is as follows:

(1) With this is submitted the new treaty, which declared the neutrality of canal for the use of all nations "on terms of entire equality."

This is the treaty now in force, and it was then adopted without amendment.

(2) The United States alone adopts the rules as a basis for neutralization; and adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing its absolute neutrality without the assistance of Great Britain or any other nation.

(3) It was considered that war between the contracting parties or between the United States with any other power would have the ordinary effect when not specifically otherwise provided; and remit both parties to their original and natural right of self-defense, and give the United States the clear right to close the canal against the other belligerent, and to protect and defend it by whatever means might be necessary.

(4) The whole theory of the treaty is that it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances it was thought fair to omit prohibition of fortification.

(5) The sixth clause of article 3, referring to plant, etc., was inserted so that it should come within the rules of neutrality and should be respected at all times by all nations.

This illustrates the effect of the United States insisting upon a construction which withdraws its coastwise trade from the effect and provisions of the treaty.

(6) The general principle of neutrality was reaffirmed, preserved, and secured against any change of sovereignty of Panama.

(7) The President takes the position that the United States built the canal at its sole cost for the equal benefit of all nations.

(8) The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty. So that this general principle and its application to the sovereignty of Panama should be maintained.

(9) These rules (based on neutralization and equality) are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty.

(10) Upon the consideration and at the same time to put all powers on the same footing, by complying with the rules of neutrality, this section 1, article 3, was framed and adopted.

MEMORANDUM EXCLUDING ANY EXCEPTIONS.

From this elaborate and carefully prepared memorandum upon which the Senate acted in ratifying the treaty, it is clearly evident that neutrality and equality can not be separated in the construction of the treaty. That both were considered as necessary for its existence, and that Great Britain requested both as a consideration for its consent to the abrogation of the Clayton-Bulwer treaty, and that Great Britain was entitled to so request because she surrendered important material and national interests by so doing; that this was considered just as well as a continuation of our historic policy; that the United States has the burden of operation, maintaining, and defending the canal in any way it may deem best. At the time of the negotiation of the Hay-Pauncefote treaty Great Britain had some joint interests with the United States in the control of any canal constructed under the provisions of the Clayton-Bulwer treaty which the United States were extremely anxious to extinguish. On the other hand, the United States would build and control the canal solely and by itself, and Great Britain desired such condition should not be used to discriminate against its commerce, interests, or people. So an agreement was made in the form of a treaty that on condition that the joint interest and control of Great Britain should cease the commerce, interests, and people should have equal treatment with us in the use of the canal.

It is impossible for anyone to examine the elaborate and judicious statement of Secretary Hay, and then honestly and sincerely spell any exception from this memorandum as to the treaty, by which our coastwise trade shall be excluded from its provisions as to equality and neutrality. Nobody so thought at the time. It can not be done now, by any reasonable construction used anywhere else in the world, and any such forced construction would hereafter return to plague us a hundredfold, as to other matters of vast importance.

VI.

"EQUALITY OF TREATMENT" DEFINED.

It is admitted in this controversy that the exact meaning and construction of the words, section 1, article 3, "on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise," is the crux of the controversy, as to whether the American coastwise trade be included within the language as it reads, or be excluded by necessary and agreed implication.

The minority report on page 5 intimates that the interpretation of the majority is in favor of the foreign shipping interests. This is so obviously untrue as to not even require mention or denial. But it is essential to know exactly how the United States Government itself, has construed similar language with reference to such questions, since such terms appear in most of our treaties in the clauses concerning commerce and navigation.

CONSTRUCTION FORCED BY UNITED STATES.

It is fortunate that this exact question has been determined by the forced construction and contention of the United States itself concerning a treaty, also with Great Britain, relative to the canals and channels of the Great Lakes; in which the political departments of our Government, executive and legislative, contended successfully against the strenuous objection of Canada and Great Britain. The United States insisted that the words "on terms of equality" *did include* both coastwise and foreign commerce, trade and navigation, exactly as the majority of your committee has reported. Canada and Great Britain insisted to the contrary that the words "equality of treatment" *did not include* coastwise and domestic trade, commerce and traffic, exactly the position of the minority of your committee. This contention continued through several years, covered larger interests probably than would be affected by the provision as to the Panama Canal for many years in the future, was participated in by two Presidents and three Secretaries of State and both Houses of Congress, was finally won by our Government and admitted by Great Britain, that the words "on terms of equality" did include coastwise as well as foreign commerce; and that coastwise trade could not by implication be excepted from such language in any treaty by the nation which desired it. Our legislative acts declaring and insisting upon such construction are now on our statute books, are in force and ready for business, if Great Britain should again refuse to agree to our construction of such language with reference to the use of the canals about the Great Lakes.

TREATY PROVISIONS.

By article 27 of the treaty of Washington of May 8, 1871, Great Britain agreed to urge upon the Dominion of Canada, to secure to the citizens of the United States the use of the canals in the Dominion of Canada "on terms of equality" with the inhabitants of the Dominion.

In 1888, and again in 1891, representations were made by the United States that the stipulated equality in the use of the canals was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years, by an annual order in council issued before the opening of lake navigation, a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof. The effect of this system, which violated, as the United States maintained, the stipulated

equality, was aggravated by the ultimate denial of any rebate on cargoes transshipped, as often as necessary, for the passage through the canal from larger to smaller vessels if the transfer was made in a United States port. On April 4, 1892, a new order in council was issued, which, while fixing the canal tolls at 20 cents a ton on freight of all kinds, allowed a rebate of 18 cents on wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat originally shipped and actually carried to Montreal or any port east thereof in case such products were exported, and provided that the right to the rebate should not be lost by intermediate transshipment if it took place in Canada. By another order in council, dated April 11, 1890, and mentioned by the United States as a discrimination, the toll on cargoes bound eastward was reduced from 20 cents to 10 cents a ton, while the full rate was continued on cargoes bound westward.

The Canadian Government argued that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty.

The United States replied that the treaty guaranteed equality of treatment not merely to vessels of the United States, but also to their citizens; that this equality was violated by the system in question, since it required grain bound to the United States ports to pay 10 times as much toll as grain bound to Montreal and discriminated against American vessels, ports, consumers, and trade routes.

This contention was carefully investigated by Secretary Bayard, who was impressed with the justice of the claims of the shipping interests of the United States. President Cleveland then called the attention of Congress to this discrimination in his regular message, found in Foreign Relations, 1888, first volume, page 813, and by a special message to Congress August 23, 1888, House Executive Document No. 434, Fiftieth Congress, first session, page 7. The Canadians gave no heed to our demands, but continued to adhere to their construction of the treaty as to these discriminations. The administration of President Harrison again called attention of Congress to this condition, in Foreign Relations, 1892, page 277, and President Harrison submitted to Congress a special message on June 20, 1892, Senate Executive Document No. 114, Fifty-second Congress, first session, setting forth the substance of the controversy, including an elaborate report and argument on this subject by our Department of State. There is here inserted excerpts from the messages of President Harrison and the reports of the officials of the Department of State clearly stating the controversy, and its analogy to the controversy concerning the Panama Canal is obvious.

President Harrison in his message to the Senate, June 20, 1892, said, in part:

The report of Mr. Partridge, the Solicitor of the Department of State, which accompanies the letter of the Secretary of State, states these discriminations very clearly. That these orders as to canal tolls and rebates are in direct violation of article 27 of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both, without favor, upon grain carried through to Montreal, or transshipped at a Canadian port to Montreal. The treaty runs:

"To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concessions on the part of this Government made in the same article of the treaty, and which have been faithfully kept. It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls.

The papers submitted show how serious the loss inflicted is upon our lake vessels and upon some of our lake ports. In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of article 27 of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should, with deliberation and yet with promptness, take such steps as may be necessary to secure the just rights of our citizens.

Secretary of State Blaine in a letter to President Harrison April 15, 1892, in part said:

It is obviously in violation of the provisions of the twenty-seventh article of the treaty of 1871.

Solicitor of State Department Partridge to Secretary of State Blaine, April 14, 1892, stated in part:

Although the circumstances in the case required that article 27 of the treaty of 1871 should take the form which it did, it can not be doubted that it was intended to secure thereby complete equality to the citizens of each country in the use of the canals of the other necessary to the navigation of the Great Lakes and the St. Lawrence River.

This order discriminates against our citizens in at least three respects:

(1) In that it makes the toll on grain for export from Montreal and other Canadian ports east of Montreal 2 cents per ton, while the toll on grain for export from American ports is 20 cents per ton.

(2) In that even the lesser rate is refused on grain for Montreal and ports east, if it has been transshipped at a Canadian port.

(3) In that the 2-cent rate only is levied on grain for Montreal and ports east from any Canadian Lake Ontario port, while the 20-cent rate is exacted on grain for the same destination from American Lake Ontario ports. This is a new discrimination not contained in the order of March 25, 1891.

Recently this subject was again presented to the department quite fully by a memorial from the Lake Carriers' Association of Buffalo, N. Y., dated September 18, 1891. Since then memorials have also been received from the Milwaukee Chamber of Commerce, Chicago Board of Trade, the Cleveland Board of Trade, the Detroit Board of Trade, the Oswego Board of Trade, the Rochester Chamber of Commerce, and from other associations and individuals.

It does not relieve the position of the Dominion Government with respect to the grain rebate, that considerable of the grain carried to Montreal and the East is shipped from ports of the United States, and that, the transportation of such grain being open to American vessels, they can secure the rebate on the same conditions on which it is given to Canadian vessels. * * * An equality in the use of the canals to American vessels would not alone satisfy the conditions of the treaty. The distinction between the vessel and the cargo is recognized by the Canadian Government, which exact distinct tolls for each. Neither does the treaty provide for equality in tolls only. The conditions imposed upon the use of the canals discriminate against American shippers and consumers, American transportation companies and routes, and American ports. This present practice of the Canadian Government is probably even a greater discrimination against our citizens than if directed against our vessels.

President Harrison in his message to the Senate July 1, 1892, said in part:

The position taken by this Government, as expressed in my previous communication to the Senate, that the equal tolls and regulations of which complaint has been made are in violation of our treaty with Great Britain, is not shaken but rather confirmed. There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of Canadian regulations.

Mr. Herbert, of the British legation, Washington, D. C., to Acting Secretary of State Wharton, June 24, 1892, stated in part:

The effect of this order in council is to fix the rate of toll on all of the specified products passing through the Welland Canal and the St. Lawrence canals, without discrimination as to nationality. Vessels of both countries are entitled to the rebate and also to transship, provided that such transshipment be made at a Canadian port. If, however, the transshipment takes place at an American port, the vessel loses its right to the rebate. And the loss of rebate would apply equally to both Canadian and American vessels. In like manner, the vessels of neither country would obtain rebate should they land at a point short of Montreal, either on the American or Canadian side.

* * * In favoring their national route the Canadian Government do so on precisely the same conditions with regard to both nations, and they contend, therefore, that they have acted in accordance with the obligations which Great Britain has requested them to take under article 27 of the treaty of Washington. The stipulation in that article is that the United States citizens shall use the Canadian canals on terms of equality with the people of the Dominion. And this equality is, in the opinion of the Canadian Government, preserved by the imposition of the same conditions and the granting of the same privileges, with the same restrictions, to vessels of both nationalities.

A memorandum by Assistant Secretary of State Adee, June 28, 1892, contained in part:

If the object were to favor the use of the Canadian canals and that object was carried out impartially, citizens of the United States would have little or no cause to complain. Moreover, the defense of the Canadian Government is confined to alleging that no discrimination, in fact, is made between Canadian and United States vessels carrying the favored cargoes through the canals, when the treaty of Washington makes the treatment of citizens the sole test of equality in the use of the canals. That the order does favor and is intended to favor the citizens of Canada at the expense of citizens of the United States is clear, looking at the order as a whole. Were the purpose of fostering the Canadian export trade accomplished by a bounty to the vessels carrying grain cargoes from the St. Lawrence ocean ports the case might be different, but the purpose is effected by levying differential tolls in and for the use of the Welland and St. Lawrence River Canals, so that the encouragement of the export trade is converted into such a discrimination against the enjoyment of the canals by citizens of the United States as the treaty of Washington expressly aimed to guard against.

As to this the Canadian reply merely says "the loss of rebate would apply equally to both Canadian and American vessels," thus narrowing the contention to the equal treatment of vessels and ignoring the engagements of the treaty as to the equal treatment of citizens.

* * * The order is in this regard a naked discrimination against the American citizen, for the enforcement of which the canal tolls are employed as a convenient instrument.

As to the traffic passing through the St. Lawrence River canals, a third discrimination exists which is in absolute and open violation of the intent of the treaty, for if the starting point of the grain cargo for export be a Canadian Lake Ontario port, the toll is but 2 cents per ton, while the 20-cent rate is exacted on grain for the same destination from the American Lake Ontario ports. * * *

The Canadian Government is, therefore, silent as to this, perhaps the most intentionally vexatious discrimination against the stipulated privilege of citizens of the United States to use the Canadian canals "on terms of equality with the inhabitants of the Dominion."

PROCEEDINGS OF CONGRESS.

Bills providing for retaliation against such discrimination on the part of Canada, and representing the views of the Department of State, were introduced in the Senate by Senator Davis, of Minnesota, chairman of the Committee on Foreign Relations, and in the House by Representative Blount, of Georgia, then chairman of the House Committee on Foreign Affairs. The committee favorably and unanimously reported such bill without amendment, and Judge Blount, in his report, indorsed and

included the very able and comprehensive report of Solicitor Partridge and Assistant Secretary of the Department of State Adee, and in addition stated as follows:

The treaty of 1871 permits Canadian citizens the use of St. Marys Canal on the same terms as our own citizens. It opens St. Clair Channel on the same terms. This the Canadian enjoys in all his comprehensiveness. It was expected that the Welland and other canals in Canada would be open to American citizens on the same terms.

This would enable the traffic which debouches from our territory into the Great Lakes to find an outlet into Ontario ports and the Atlantic Ocean on equality as to charges with the Canadian citizen. The same principle would apply as to products and tonnage on the return traffic. Following the report of Solicitor Partridge, Mr. Blount concludes: "All efforts to secure a just interpretation of all treaty rights of American citizens have been met in a spirit of evasion, avoidance, and delay. Such conduct is notably dishonest in purpose and deceitful in method, but almost reaches the point of contumely and insult."

This vigorous language characterizes the exact construction of a treaty and the exact contention now made by the minority of your committee.

PROCEEDINGS IN HOUSE.

On the 21st day of July, 1892, the bill came before the House for consideration, and Judge Blount, the chairman of the committee, and Mr. Hitt, of Illinois, the ranking Republican member of the committee, both discussed the bill, calling attention to the outrageous discriminations and violation of the treaty by Canada and urging this measure of retaliation. Following are extracts from their remarks upon this bill, found in CONGRESSIONAL RECORD, Fifty-second Congress, first session, page 6531 et seq.

Mr. Blount said in part:

The President of the United States has in two messages during this session of Congress called the attention of the Congress of the United States to the conditions of the rights of American citizens in the use of the Welland, St. Lawrence, and other Canadian canals. The twenty-seventh article of the treaty was intended to give our own citizens the same right to use these canals that was accorded to the citizens of Canada.

It was claimed on the part of the Canadian Government that as the rebate applied to "vessels," and our vessels were covered by its terms, provided their cargoes took the lines indicated by the order, there was absolute "equality"; but the language of the treaty shows that it had relation not only to vessels but to citizens. It was intended for the benefit of the consumers in our own country; it was intended to give advantages to our ports; it was intended to give advantages to our transportation companies. The Canadians have sought by this technical construction to evade the spirit of the treaty. The proposition in the pending bill is to allow the President of the United States to prescribe tolls to be levied at the St. Marys Canal on products passing through there, and also to provide that those tolls shall not operate against American vessels plying to ports within our own territory.

The object is to apply to Canadian citizens using that canal a rule similar to that which the Canadians apply to American citizens using their canals. It is expected that in this way we shall secure a recognition of our rights under the treaty. It is believed that the result of this course on the part of our Government will be to put an end to the delay and evasion which has characterized the negotiations of the Canadian commissioners with our State Department upon this subject and to compel on the part of Canada a recognition of our rights under the treaty.

* * * The President of the United States, interpreting this treaty, says:

"The treaty runs to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with inhabitants of the Dominion. It was intended to give to consumers in the United States, to our own people engaged in railroad transportation, and to those exporting from our ports, equal terms in passing their merchandise through these canals."

If this is a correct interpretation—and I believe it is—why should we submit to a ruinous and wrongful interpretation?

The bill provides simply for the application of the same rule laid down by the Canadian authorities in reference to their own merchandise—nothing more, nothing less. Let them conform to the terms of the treaty, and the President has no power. But we have had first one evasion and then another; we have had delays and misunderstandings. But no Canadian, if he and his government act rightly, is harmed thereby.

Mr. Hitt said in part:

Mr. Speaker, this bill is one which deeply concerns our people in the Northwest and the North and the exporting cities of the East. It is intended to prevent the continuance of a gross injustice, to redress by retaliation a great wrong to the grain interest, to secure a treaty right to which we are entitled and for which we have paid and are paying. Our people send their vast crops to the East by lake and by canal and by concurrent railroads for export. These crops pass in almost immeasurable volume by water during the season of water navigation. The passage from Lake Erie to Lake Ontario is by the Welland Canal. By our treaty with Great Britain, the words which have just been read to the House, we are entitled to "the use of that canal on terms of equality with the inhabitants of the Dominion of Canada."

We keep faith; but while we do this how is it upon that Welland Canal, upon which we are entitled to equality of treatment? Every ton of cargo that passes through the Welland Canal to the American port for export is, in fact, charged exactly ten times the toll that is exacted upon the cargo that is to be exported from a Canadian port. That is the interpretation which a Canadian ministry gives to the words of a treaty so simple that a child could not mistake its meaning.

Yet the provisions in the Canadian treaty requiring equality and prohibiting discrimination were not nearly so clear and comprehensive as in the Panama treaty. The bill was then passed unanimously. In the Senate it was favorably reported from the Senate Committee on Foreign Relations by Senator Frye, of Maine, and was passed unanimously by the Senate on the 22d day of July, 1892, and signed by President Harrison on the 26th day of July, 1892.

RETALIATION.

Under it, on the 18th day of August, 1892, President Harrison issued a proclamation making retaliation for such discrimination. This caused Canada and Great Britain to recede from their action and revise their previous obnoxious construction of the provisions of the treaty. So, on the 21st day of February, 1893, the President withdrew the retaliation. Thus was established by the action of both Governments, the construction by legislative and executive action that the words "equality of treatment" includes both coastwise and foreign trade as to all vessels, citizens and subjects, ports and places, and trade and routes and traffic.

LAW YET IN FORCE.

The act of retaliation is yet on the statute books of the United States, Twenty-seventh Statutes at Large, page 267, being chapter 248, Fifty-second Congress, first session; and may be found on page 153, Navigation Laws of the United States, 1907, and is construed by the War Department as yet in force and can be made effective at any moment should the occasion require.

CONSTRUCTION BY UNITED STATES.

Here is a recent authoritative construction by the United States itself, and by all its political departments on behalf of our own citizens, our own commerce and interests, that the words "equality of treatment" in the British treaty of 1871 included both coastwise and foreign trade and vessels, citizens, ports, and traffic. This contention and construction was insisted upon by Presidents Cleveland and Harrison and by Secretaries of State Bayard, Blaine, and Foster. The House and Senate committees by report, and the two Houses separately and unanimously sustained such construction and contention, and their act is yet upon the statute books and expresses the legislative and executive judgment and will upon such subject. Great Britain and Canada yielded reluctantly to such construction, but they finally acquiesced, and for 20 years it has met the acceptation of all.

SAME OFFICIALS IN BOTH TREATIES.

During this controversy, many of the American and British officials took part in this matter, who subsequently participated in the framing and ratification of the Hay-Pauncefote treaty. They were familiar with all of the phases of the exhaustive contention; and this may explain the extremely careful and definite terms in the Hay-Pauncefote treaty on this point, as against the shorter and more doubtful language in the earlier treaty of 1871. The language of the latter was to secure the citizens of the United States the use of the canal, etc., on "terms of equality with the inhabitants of the Dominion." This language, by agreement and through our own construction, includes coastwise and foreign vessels, commerce, citizens and subjects, places and ports, routes and traffic. Many of these same officials five years later, began the draft of a new treaty between the same nations, concerning the Interoceanic Canal, which was concluded eight years later; in which is found the language, "the canal shall be free and open to the commerce and war vessels of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." It is to be noted that the language is far broader and stronger to prevent any possible discrimination or difference than in the earlier treaty; and undoubtedly was so done in view of the very controversy above described, and to prevent any possible recurrence of misunderstanding in the future.

RELIGIOUS OBSERVANCE OF TREATIES.

The minority stated, on page 7 of their report, that they—

Believe in the religious observance of our treaty obligations as essential to the maintenance of our own self-respect and the confidence and friendly regard of the other nations, but we refuse to assent to the mere suggestion, to say nothing of the bold declaration, that by the Hay-Pauncefote treaty we have without consideration bartered away to a foreign nation the constitutional power of the United States to regulate commerce between the United States, and encourage the upbuilding and growth of our domestic shipping.

In other words, these gentlemen seem to believe that it would be a religious observance of our treaty obligations to insist upon the construction of the treaty between the United States and Great Britain, concerning canals, and so forth, on the Great Lakes, so that the words "equality of treatment" must include all coastwise vessels, trade, ports, and citizens (of both nations), and that such construction must be continued in force so it may be effective at any time now and in the future.

SIMILAR TERMS CONSTRUED.

But in another treaty also between the United States and Great Britain, made eight years later, concerning Panama

waters, in which very many of the same officials of both nations participated, that the words "on terms of entire equality * * * so that there shall be no discrimination against any nation, its citizens or subjects in respect of charges or conditions of traffic or otherwise," much stronger and broader language, must not include our own coastwise vessels, citizens, subjects, commerce, trade, routes, and traffic, but must include those of Great Britain.

It is unfortunate that Mr. Pecksniff could not now be embodied, so that he could sincerely congratulate the minority of the committee upon this delicious exposition of hypocrisy and humbuggery.

OPINION OF SECRETARY HAY.

The minority states that—

We have without consideration bartered away to a foreign nation the constitutional power of the United States to regulate commerce between the United States and encourage the upbuilding and growth of American shipping.

As against such assertion, it might be well to place the carefully considered statements of Secretary of State Hay to the Senate previous to the ratification of this very treaty—

that Great Britain by this treaty surrendered important national interests, and as a consideration for which, and in further carrying out the historic and unvarying policy of our country, we place in this treaty beyond dispute the general principles of "neutralization and equality."

Senator Davis in his very able report upon this same treaty strongly supports the position of Secretary Hay.

This plain enunciation of principles sustained the full contention of our Government less than 10 years before, that such language included the foreign and coastwise vessels, citizens and subjects, ports and places, traffic and routes of both nations.

It may be charitable to ascribe to the minority ignorance of our recent history and of the basis for important public action, as stated by the high responsible officials of our Government.

But the policy of our Nation in its treatment of the greatest public work of the ages can not well be predicated upon the combination of that, together with the greed of some petty commercial interests who hope to gain some profit by betrayal of the honor of their country.

VII.

SUEZ CANAL RULES.

It is an elementary rule in the construction of treaties and statutes, that where the provision in question has been copied from those of another nation or state, where such provision has received a careful construction, that such construction would be of great value in considering the proper construction of the borrowed section. In this instance article 3 of the treaty provides "that the United States adopts as a basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal. That is to say," then follow the six sections laying down the rules of neutralization and equality which shall apply to the Panama Canal, as may be seen from the text of the treaty annexed to these remarks.

SUEZ ARTICLES.

The article in the Suez convention relating to charges and tolls is as follows:

ART. 10. The high contracting parties, by application of the principle of equality as regards the free use of the canal (a principle which forms one of the bases of the present treaty), agree that none of them shall endeavor to obtain, with respect to the canal, territorial or commercial advantage or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

Other sections contain substantially the same provisions as in the other sections of article 3 of the Hay-Pauncefote treaty.

CONSTRUCTION OF RULES.

These sections have always been construed to forbid any discrimination in favor of or against the coastwise vessels or trade of any of the contracting nations; and though Great Britain really has the controlling voice in the management of the canal, and France is the headquarters of the management, yet their vessels pay and are treated exactly the same as all others. Of course, Turkey is specifically excepted. But in the case of the Panama Canal, there was no specific exception and none can be fairly implied, any more than in the case of the Suez Canal.

It is true that some nations do pay specific amounts to their own steamship companies to help defray the tolls and charges at Suez, and some propose to do the same at Panama. This is clearly allowed by the provisions in both treaties, and Secretary Adee, in his argument upon the Canadian controversy, clearly pointed out the difference between the payment of a bounty or a subsidy directly to the vesssel, citizen, or traffic from the Public Treasury; and that of the remission of tolls to a particular class as an act of favoritism. Each nation can regulate its own policy as to the former method; while as to the latter, the public action would be entirely within the power of one nation. In the payment of subsidies or bounties, each nation determines its own policy for itself. And so all are placed upon an equality, exactly as provided by the treaty must be done. But if one nation, controlling the canal, determines to let through its own vessels free of tolls for any reason which may seem good to it, at once a gross inequality and discrimination arises which the treaty clearly prohibits. This is the difference between the policies, which is substantial and conclusive; and in all justice ought to be observed, as the United States pledged it would do with reference to this treaty.

Equality can only be obtained by actually compelling all vessels to be treated exactly alike as they pass through the canal; and unless this equality can be obtained, neutrality can not be. They must accompany each other necessarily and so do, unless expressly agreed and reserved as in the case of Turkey as to the Suez Canal. So, if the construction and application of the Panama treaty follows the construction and application of the Suez treaty, upon which it is based and after which it is framed, then there can be no exception or implication in favor of or against anybody or interest; but all must be treated exactly alike, as both treaties expressly provide, and as the Suez management actually does.

The Commissioner of Navigation, in his annual report for 1911, on page 12, stated as follows:

The river and harbor act of 1884 was passed in the full knowledge that Congress, of course, could have imposed tolls on all vessels using any of the improved waterways on which so much has since been expended, just as Germany imposes tolls for the navigation of the Kaiser Wilhelm Canal. It was passed with the knowledge that if it chose to impose such tolls Congress must impose them on American vessels as well as foreign vessels, for the United States and all other maritime nations make no discrimination on account of the flag.

And, further, on page 17, he said, in part:

Our treaties of amity, commerce, and navigation usually contain a special article on the coastwise trade. Thus article 13 of our treaty of February 21, 1911, with Japan, our latest important treaty, provides: "The coasting trade of the high contracting parties is excepted from the provisions of the present treaty and shall be regulated according to the laws of the United States and Japan, respectively."

There is no such article in the Hay-Pauncefote treaty, and there is no need to read such an article into the treaty. Within its concise provisions the Frye bill has provided fully for the coastwise trade as well as for foreign trade and for merchant vessels as well as for public vessels of the United States. That bill, in brief, is based on the belief that in accord with our treaties every nation, including the United States, will contribute to the support of the canal in proportion to the use it makes of it. Each nation is free to choose the manner in which it will make its contribution. All other nations, of course, will adopt the same method of making the contribution in behalf of their vessels of war, namely, by direct appropriation from their treasuries. Nations will differ as to the manner in which they will provide for the contributions in behalf of their vessels of commerce. Some will require each shipowner to pay, himself, the tolls on his vessels and look to his freight and passengers to recoup himself. Other nations will pay subsidies to some of their ships or navigation bounties to all of them sufficient to pay in whole or in part the canal tolls. Still others will appropriate specified amounts to pay the tolls of specific steamship companies. The Frye bill proposes that the American people shall pay and American merchant ships and their cargoes shall not pay tolls, but shall enjoy the navigation of the canal precisely as they now enjoy untaxed the navigation of a thousand improved American harbors, rivers, lakes, and canals.

These citations, from one of the most intelligent, ablest, and strongest advocates of assistance by Congress for our merchant marine, show conclusively that any assistance must be granted by appropriations therefor by Congress, and that it can not be honorably or decently done by remission of tolls to our own vessels in contravention to the express terms of our treaties.

VIII.

CANAL TREATIES WITH LATIN COUNTRIES.

The continuous and historic policy of the United States as to equality of tolls on the Panama Canal, can be well understood and illustrated by its previous action concerning this subject with the various Latin-American countries. There are two phases: First, the negotiations, treaties, and attempted agreements between the United States and the various Latin nations, with reference to the construction of the canal. Second, the construction and contention of the United States in such treaties and agreements, with reference to equality of treatment between the citizens, commerce, and vessels of the United States and the various nations.

LIST OF AGREEMENTS.

Following is a partial list of treaties, attempted treaties, and negotiations between the United States and the various Latin-American nations, with reference to the construction of an interoceanic canal; United States with New Granada, ratified June 10, 1848; United States with Colombia, concluded January 14, 1869; United States with Colombia, concluded January 26, 1870; United States with Colombia, concluded August 8, 1873; United States with Colombia, concluded February 17, 1881.

All of these treaties contained in substance the provision in the thirty-fifth article of the original treaty of 1846, securing to

all nations the free and equal right of passage of the interoceanic waterway.

The United States with Honduras, concluded July 4, 1864. Same as in the preceding treaties with New Granada. United States with Nicaragua, concluded June 21, 1849; United States with Nicaragua, concluded September 3, 1849; United States with Nicaragua, concluded November 16, 1857; United States with Nicaragua, concluded June 20, 1869; United States with Nicaragua, concluded February 28, 1877.

These contain either the language of the New Granada treaty of 1848 with reference to tolls, or such as the following: "For all vessels on equal terms in every respect as between each other." This has been invariably construed by all nations and all administrations, as embracing both coastwise and foreign vessels and commerce of both nations.

TREATY FOR COASTWISE PREFERENCE.

The treaty of the United States with Nicaragua, concluded December 1, 1884, known as the Frelinghuysen-Zalaya treaty, contained the provision "equal tolls for the vessels of all nations." "Excepting the vessels of the contracting parties engaged in the coastwise trade."

The draft of this treaty is very important to consider in this controversy for this reason, that it conclusively shows that all previous treaties containing the words "equal terms" or their equivalent, *included both coastwise and foreign vessels and trade*, and that the United States did not contend or expect that a construction of such terms could imply that its own coastwise trade was to be necessarily excluded by implication. No one thought of such a construction. But on the contrary, when it was desired by our Government that its coastwise trade should be excluded from the general provision as to "equal terms to all nations," it was found necessary to expressly provide for such exclusion, as was done in the Frelinghuysen-Zalaya treaty. This was the rule which was followed in the controversy between the United States and Canada over the treaty of 1871, above referred to, and it is also the rule of construction of the Suez convention, in which the rights of Turkey were expressly reserved.

This additional fact is significant also that, together with the express exception of its coastwise trade, there is no provision in the treaty for its neutralization, showing that our officials realized that such could not be granted by the nations where favoritism is openly exacted.

GENERAL RULE CONSTRUCTION.

It is the general rule in the construction of all treaties and among all nations that the general rule should include all matters fairly within its terms and that any exception from the policy must be expressly noted. Never has this rule of construction been seriously controverted, until in the present discussion concerning tolls in the Panama Canal.

The United States negotiated with Costa Rica, in 1876; with provisions the same as Nicaragua.

FAVORED-NATION CLAUSES.

The treaties of Costa Rica and Nicaragua with other nations contained the most-favored-nation clauses, which would have extended the privilege for free or preferential tolls to the coastwise trade of most nations, under the old canal treaties, if such a principle had been adopted as is contained in the minority report. This suggestion alone, would have ruined any chance for the construction of an interoceanic canal by any company. Yet the terms of those treaties are not as sweeping concerning equal treatment, as the general requirement for "entire equality, without discrimination as to any such nation," etc., in the Hay-Pauncefote treaty.

CONSTRUCTION BY UNITED STATES.

It is next important to ascertain in what manner the United States has itself construed and insisted upon a construction of those treaties with Latin America, with reference to the rights of equal treatment between its own citizens and those of the other nations. The basis of nearly all of the Latin American treaties with the United States is the original treaty with New Granada of 1846, ratified in 1848. The treaty was lengthy, but the substance of it, so far as this controversy is concerned, is contained in article 35, which provides, in substance, "that the citizens, commerce, and navigation of the United States shall be subject to the same tolls, charges, and duties as the citizens of New Granada." Under this treaty, soon after its ratification, there was much commerce, coastwise in character, principally to California, and many charges of discrimination and unfair treatment were made by citizens of the United States against New Granada and Colombia. (See pp. 103, 115, 119, 123, and 124, vol. 3, Moore Dig. Int. Law.)

TREATMENT NOT EQUAL.

The basis of the complaints were nearly always that the Republic of New Granada or the representatives of its local governments did not treat the citizens or commerce or mails of the United States on the same or on equal terms with its own.

The United States Government has always been strenuous and continuous for such contention and construction, not only with the Latin countries but with Canada; and such contentions then related principally to the same class of trade, which now demands preferential treatment at our own hands, that between the two coasts, as our own domestic commerce. At that time those engaged in such business demanded that our Government should construe the treaties, as requiring the Central American nations to treat our people, vessels, and trade exactly as they did or should their own. Now the same class of domestic commerce strongly urges us to reverse such a policy, and abandon such traditions in the construction of far stronger and broader language in the Panama Canal treaty, promising entire equality and forbidding any discriminations, which we have sacredly pledged ourselves to observe by the words "to the end that the same and every article and clause thereof may be observed and fulfilled by the United States and the citizens thereof."

COASTWISE TRADE SEEKS DEFENSE.

The coastwise trade between the two coasts had a right in years past to demand the full protection of our Government and its treaties, that their provisions for equal treatment should include and defend them in the coastwise business in their immensely profitable ventures and in the wonderful development of our western shores. But what could be more shameless now, when it seems to be for their profit, that they seek an abandonment of the just and historic construction of the language "equality of treatment," a reversal of our policies and traditions which in the past they so besought and have so benefited them, so that they may now gain a little something additional, by the violation of the principles of justice and fair dealing?

IX.

GENERAL TREATIES WITH OTHER LATIN AMERICAN NATIONS.

No treaty or public act of any nation can be considered or construed separately and independently and by itself. It must be realized that it is only a part of a continuous history and policy of a Government. The greatest future development through the opening of the Panama Canal is expected to be on the Pacific Coast; and the region where the United States would have a natural advantage in the extension of its commerce would be with those nations which have ports on the Pacific. The relations between these governments and our own must be of prime importance in the consideration of what benefits can be hoped and expected through the opening of the canal. These nations have expressed themselves many times and in many ways, as most friendly with the United States, and have been profoundly grateful to our Government for the construction of the canal and conferring such inestimable benefits upon them and mankind.

RESOLUTION OF GRATITUDE.

Perhaps this is best expressed by a resolution adopted at the Pan American Conference at the City of Mexico on the 22d day of January, 1902, as follows:

> The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the highest degree beneficial to the development of commerce between the American States and other countries of the world.

That splendid evidence of good feeling has continued, and the trips to and through those nations of Secretaries Root and Knox have greatly increased and intensified it, and they are now ready to meet and greet the United States, its people, and commerce on terms of the utmost cordiality, to the mutual advantage of all. This sentiment has been expressed most forcibly and felicitously by Secretary Knox in his brilliant address at San Francisco on the evening of Tuesday, May 7.

COAST LINES OF NATIONS.

The following nations front on the Atlantic and Pacific coast lines: Great Britain, United States, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, while Salvador, Ecuador, and Peru have connections by waterways which may not be of much importance. As Secretary Knox, in his address, stated:

> In the case of those States fronting on the two oceans, like Colombia, Panama, and four of the five Central American Republics, its immediate effect, like that so far as the United States and Mexico are concerned, is to give them a virtually continuous water frontage on both seas.

These nations have a deep interest in the treatment of their coastwise trade through the Panama Canal, and of the construction by the United States of the canal treaties, as to the treatment of their and our coastwise trade.

THEY KNOW CONSTRUCTION OF TREATIES.

They are well acquainted with the section in the canal treaty providing for "terms of entire equality, without discrimination, to all nations observing the rules," and they well know the traditional policy of the United States in its insistence that the language "terms of entire equality" must include both foreign and coastwise trade, unless the coastwise be specifically excepted; and they know that no such exception exists in the canal treaty. They are well informed as to the consideration and potent reasons as set forth in the official utterances of our Government and responsible officials, as to why "equality to all" was justly promised and granted by the language of the treaty. They know, too, that in the treaties between the United States and several of these nations may be found the following article:

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each, etc., shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do and shall enjoy, etc. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively according to their own separate laws.

The following nations have a similar article in their treaties with the United States: Brazil, Central America, Ecuador, Colombia, Guatemala, and Salvador, and the others have something similar, expressing about the same idea.

ARTICLE REQUIRES EQUALITY.

The substance of the article is, that commerce and navigation of the two nations shall be on a basis of perfect equality and reciprocity, and the citizens and commerce of the two nations shall enjoy the same rights, privileges, and immunities. The Panama Canal treaty is equally broad in its treatment of commerce and the citizens of all nations on terms of "entire equality without discrimination."

It would seem in all fairness that the construction of all such treaties should be that the same privileges, rights, and immunities should extend equally to all trade and commerce of all these peoples and of all of these nations; and if there be desired any exception to such general terms that such exception be plainly and fairly set forth. That is exactly what was done as to the coastwise trade in every other treaty except the canal treaty. In other treaties it was agreed that all commerce and navigation, except coastwise, should be treated exactly alike. In the canal treaty it was so agreed with no exception, so it would seem the general terms would include the coastwise business because not expressly excluded. The proposition for such an exception was often discussed and contended for, and was once contained in one of the drafts of a treaty with Nicaragua; but the treaty before us does not contain it. It would seem impossible to justify such construction as contended by the minority, on any basis of fair and honest dealing with those nations and peoples. But if we do so except our coastwise trade, in all fairness we should equally except the coastwise trade of all of these nations with whom we have had such relations in the past.

IMPOSSIBLE FOR EXCEPTION.

And this would be impossible, because the favored-nation clauses would thus practically embrace nearly all nations. This would leave only tolls on exclusively foreign commerce, and the large part of the necessary revenues of the canal would be lost. Yet that is the only fair deduction from the construction and demands of the minority; or forfeit the respect of all these other nations as well as our own self-respect. If we do not follow such a course, then complaints as to the unfairness and discriminations and violations of our various treaties will at once commence.

NATIONS WILL DISCRIMINATE.

Various nations will at once begin to discriminate in some way or other, against the citizens and commerce of the United States in favor of their own citizens and commerce, and in favor of citizens and commerce of their friends and those who treat them fairly. When we point to our treaty rights and ask for redress, we will be met with our own construction of the words "entire equality of treatment of all nations without discrimination," as implied by exempting our own citizens and commerce from its effect. They can then inform us, that similar language in their treaties must also exempt their own citizens and commerce from the obligations of them; that if we implied that exceptions can exist when we want to make them; they can also insist upon their existence when they want to make them in favor of their own people.

RIVAL NATIONS INCITE.

Rival nations in the commercial world, can and undoubtedly would use such a situation and such a construction as a means to excite hostility and discrimination against the United States, our people, and commerce; and they could easily use the cloak of local interests by such construction, to really bring about a discrimination for their own benefit. This condition may be expected, if we refuse to abide by our own agreements and violate the plain principles of fair dealing and decency.

SUCH CONSTRUCTION INJURES OUR PEOPLE.

The construction of the Panama Canal treaty, as it would be by the minority, would bind the hands of the Government and render it helpless to protect our own people and commerce in such a class of cases. The losses which must ensue to our own people and from the humiliation to our Nation, would be many times greater than any possible benefit which could possibly accrue from any policy of evasion and dishonesty. Indeed, it would be probable that every commercial organization which now demands such discriminating construction of our canal treaty, would be foremost to complain when their own medicine should be administered to their own members and interests, under similar language in the commercial treaties with other nations. It might be well to look before we leap in this tremendously important matter of construction of this treaty.

It is always well to remember that honesty and fair dealing of our own with other nations will be productive of the peace, good will, advancement, and prosperity to all people and to all nations; and this broad and patriotic policy and its attending results has always been the fond hope of the promoters of this great work from its beginning.

X.

TREATIES WITH OTHER NATIONS.

A somewhat similar situation exists with the other commercial nations of the world. The language of most treaties is nearly the same, and the same construction is given to the terms used in these agreements. Everyone who is interested, realizes what these customary terms mean, and the foreign and political departments of this Government have always followed the accepted usage of all commercial nations, in interpreting such terms and construing such provisions. It has been the uniform course of our Government, of Presidents and Secretaries of State, ambassadors and ministers, of Congress and courts to construe the terms "equal treatment," "equality of treatment," "on equal terms," and "equal and equality," referring to commerce, trade, and navigation as including all of the class and excluding none by implication unless expressly reserved, so there can be no misunderstanding about it.

TERMS GENERAL AND INCLUSIVE.

This is evident, since an examination of the treaties of the United States and the general terms in those agreements, referring to commerce and navigation, is nearly always general and inclusive; and the general terms have been invariably construed to include coastwise commerce within such provision. That this is true must be realized, because whenever it has been desired to exclude coastwise business from the general language as to commerce and navigation, express words to such effect have been inserted in such treaties. The list of commercial treaties, containing such reservations of coastwise commerce, is given in the testimony of Commissioner Chamberlain, page 878, volume 3, Hearings before the House Committee on Interstate and Foreign Commerce on the Panama Canal. Unless such exception be expressly made, it is evident that the general rule laid down in the treaty must apply to both foreign and coastwise trade.

CANAL TREATY WITHOUT QUALIFICATION.

In the canal treaty, the terms were most general, with no qualifications or exceptions. The language included all nations, all vessels, all trades, all citizens, with no discrimination against any of them or exception in favor of any nation, trade, or interest. This rule was inserted not only because such had been the historic and uniform policy of our country as to the interoceanic waterways, but because in all fairness and justice it should be done by us when other nations had yielded to us valuable rights, at our request, for this purpose. Under these circumstances, and viewing the long and uniform course of diplomatic dealings of this country, whereby coastwise trade was expressly excluded from the provisions of our treaties when it was desired that it should so be excluded, and when not so expressly excluded, should be deemed to be included within the broad and general provisions, it does not seem possible that any exception now can be fairly implied from such plain language, or admitted by the authorities of any nation.

XI.

MINORITY OBJECTIONS.

USE OF CANAL BY WAR VESSELS OF THE UNITED STATES AND PANAMA.

The minority urges strongly that because the pending bill provides for the free use of the canal by vessels of war of the United States and Panama, that equally we could provide for its free use by domestic vessels in coastwise trade. As a basis for such contention is a statement "that such a construction is inconsistent with the very purpose of the canal, which was conceived primarily as a military necessity." Those who signed such a statement seem to be unfamiliar with the history and purpose of our interoceanic canal. There are here cited some expressions from our statesmen who had the responsibility of conducting the affairs of this Government with reference to the canal to show the fallacy and error of such a statement.

Senate resolution, 1835:

* * * The construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations. * * *

House resolution, 1839:

* * * For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations.

This resolution was unanimously agreed to by the House.

Treaty of 1846:

* * * Any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens. * * *

President Polk's message:

It will constitute no alliance for any political object, but for a purely commercial purpose in which all the navigating nations of the world have a common interest.

In entering into mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution (of March 3, 1835) to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus.

Secretary of State Lewis Cass:

While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world, and demanding its careful attention and, if need be, its efficient protection. In view of these interests and after having invited capital and enterprise from other countries to aid in the opening in these great highways of nations under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them an arbitrary and unlimited control, or close them or embarrass them without reference to the wants of commerce or the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

The President hopes that by the general consent of the maritime powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

Negotiations of Secretary of State Fish:

* * * A Darien Canal should not be regarded as hostile to a Suez Canal; they will be not so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * *

We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication, which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantages to one over another of those who guarantee its assured neutrality. * * *

* * * the benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags, with the cargoes on board, on equal terms in every respect as between each other. * * *

Secretary of State Blaine's instructions to Mr. Lowell:

* * * Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. * * *

Lord Granville's reply:

* * * such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use; * * *

President Cleveland's message, 1885:

* * * Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *

* * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

Secretary of State Olney's memorandum, 1896:

* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike. * * *

* * * Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor.

Message of President Roosevelt in submitting treaty:

* * * It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter. * * *

The very basis for the acquisition by our Government of the Canal Zone, and the acquiescence of the nations in such action, was that it was an act of international eminent domain for the welfare of the world and the equal benefit of the commerce of all nations, and not for our national and selfish purposes.

President Roosevelt's special message, January 4, 1904:

* * * Under the Hay-Pauncefote treaty, it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world.

Secretary of State Hay's note of January 5, 1904:

* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations, in accordance with our traditional policy. * * *

Lord Salisbury described the Suez Canal "a natural right of passage for the commerce of the world"; and his great rival, Gladstone, added:

We can not undertake to do any act inconsistent with the acknowledgment, indubitable and sacred in our eyes, that the canal has been made for the benefit of all nations at large, and that the rights connected with it are matters of common European interest.

Practically the same doctrine has been the basis of every action of our own Nation relative to the Panama Canal. From the resolution of Henry Clay, in 1837, through every administration it has been uniformly asserted that our interoceanic canal would be one of the great highways of the world, open, free, and neutral to all nations alike.

The report of Senator Davis, of Minnesota, for the Senate Committee on Foreign Relations in 1900, favorably recommending the ratification of the Hay-Pauncefote treaty concerning the Panama Canal, sets forth at length the views of a long line of American statesmen and the reason for the faith within them.

CANAL IS FOR COMMERCE.

This canal is a great commercial enterprise, primarily and properly, and is more liable to be a military liability than an asset in the case of necessity, unless very expensive and extensive military preparations be made to prevent such a contingency. But since the minority does question the right to pass war ships of the United States and Panama through the canal free of tolls, it is well to place the reason for such action of record, so there can be no error about it.

RIGHTS OF OWNERSHIP.

Article 2 of the treaty provides, "and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." The United States thus has and can enjoy all the rights incident to ownership, which are admittedly to use the canal for its own public purposes and to discharge its own public functions of sovereignty. Among such is clearly the right to use public vessels, its own war vessels, to uphold and promote its own welfare in any manner it deems proper, and be accountable to no one for any such action. That is a conceded and necessary right of ownership.

VESSELS OF WAR AND OWNERSHIP.

But the minority states that vessels of war and commerce of the United States are put on even terms by the provisions of the treaty. It is true that section 1, article 3, does put them on even terms, and if that were all of the treaty, doubtless the minority would be correct. But sections 2, 3, 4, 5, and 6, article 3, must equally be considered with section 1. These provide in substance for the neutralization and defense of the canal, its territory, works, and operations. Article 2 also confers upon the United States the exclusive right of regulation and manage-

ment. Article 4 prohibits a change of sovereignty of the Canal Zone, affecting the principle of neutralization or obligations of the parties.

CANAL NEUTRALIZED.

It is recognized that the canal, its works and operations, are to be neutralized and not internationalized; that is, it shall be neutral in the sense that it shall not be used as a basis for war by any nation, and that no act of war shall be committed against it by any nation, and that at all times it shall be open on equal terms to all nations observing its rules. These rules, this status, this operation, immunity, sovereignty of the zone, and obligations must be enforced and protected by some competent force against violation. It is agreed by the nations that this shall not be an international burden like the Suez Canal, but confided to the United States alone. It is our duty to defend and enforce it and its privileges. That is conceded.

MEMORANDUM OF SECRETARY HAY.

In his confidential memorandum to the Senate, while the second Hay-Pauncefote treaty was pending, Secretary Hay set forth the views of our Government as to these matters. This memorandum has been discussed at length in those remarks, and need not be here repeated, especially as similar views are contained in the memorandum of Lord Lansdowne, the British foreign minister, from which is quoted the following:

The new treaty, as submitted, declared the neutrality of the canal, for the use of all nations on terms of entire equality; and placed upon the United States alone the burden and responsibility of enforcing such neutrality and the rules and regulations for its management. Under the treaty, as it stands, the United States would have the clear right to close the canal against any hostile nation and to protect and defend it by any necessary means. For these reasons there has been omitted the prohibition against fortification.

In the new draft the United States intimated their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal would henceforth be assumed by the Government of the United States. The change of form is an important one, but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures that may be necessary to protect it against lawlessness and disorder, His Majesty's Government is not likely to object to it.

In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the isthmus which connects North and South America.

As to this, I understand that by the omission of all reference to the matter of defense, the United States Government desires to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that, with the above exception there is no intention to derogate from the principle of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when not only from a national standpoint of view, but on behalf of the commercial interests of the world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

CONCLUSIONS OF BOTH FOREIGN OFFICES.

These statements of both Secretary of State Hay and the British foreign office, made at the time of the framing of the Hay-Pauncefote treaty, contemplated and agreed that the United States should and would be solely responsible for the enforcement of the rules, of neutrality, of the open, free, and equal use, and of sovereignty of the Canal Zone. This naturally and necessarily would require force, and consequently Congress has adopted the policy of fortifying the Canal Zone. Naturally and necessarily such a policy need not be confined to the land forces. Equally must the sea and naval forces be used whenever necessary in the judgment of the United States. For that conclusive reason, it is provided that the ships of war of the United States shall pass through at all times free of charge.

Perhaps the clearest and most forcible statement concerning this situation was made by Secretary Knox in his San Francisco address, as follows:

FOR ALL NATIONS' USE.

Our treaties, in so far as they relate to the canal, contemplate its full and unimpeded pacific use by all nations. The United States, as the occupant and administrator of the territory traversed by the canal, assumes for itself the sole right to see that the canal shall not be misused to defeat that end. Our national policy in this respect is declared by those treaties, wherein we have announced that as a basis for carrying it out the United States adopts substantially the rules for the navigation of the Suez Canal. If any belligerent violates those precepts of the law of nations upon the territory controlled by the neutral State, as the zone is controlled by the United States, the neutral has the right to prevent such violation, just as he would have the right to prevent it on any part of his sovereign territory. That right is an inherent attribute of sovereignty.

NEUTRALITY OF TRANSIT.

The neutrality of transit, which is the particular shade of neutrality intended by the American declarations, can be practically maintained only by the responsible party in possession, and it is the inherent right of the United States to maintain it, precisely as it is to maintain the innocent freedom of transit through any part of its territory. For all purposes of sovereign administration, the canal is American territory and a part of the coast line of our country. It stands to reason that the "neutrality" imported by the generous donation which we make to the world of the impartial privilege of transit and of the use of our own property to that end could not have meant and can not mean that the United States, if at war, would have to abstain from sending warships through the canal or, on the other hand, be constrained to allow the enemy to use it on equal terms with ourselves. The mere statement of such a proposition is its self-reduction to an absurdity.

SAME RIGHTS FOR PANAMA.

Practically the same reason exists as to the war ships and public vessels of Panama, as provided in the treaty with Panama. In addition to maintaining its sovereignty as described in the treaty, Panama also agrees to suitably maintain sanitation and peaceful conditions near the canal, as well as places of refuge for vessels, to be freed from dues by Panama. These obligations are incidental to the general provisions of articles 3 and 4 and should be properly enforced and administered by Panama itself. To enable that Government to properly perform its duties provided by the treaties, and for the evident benefit of commerce of the world, and to save expense and trouble to the United States, and to carry out the provisions of the treaty with Panama, the pending bill provides for free use of the canal by the public vessels of Panama, engaged in such proper public purposes.

Yet such a necessary and concededly proper use of the canal by our public authorities is taken as an argument to violate its rules and our treaties, to reverse our national policies, offend our neighboring nations, imperil our trade, and invite the scorn of honest men because of our greed and perfidy.

XII.

OBJECTIONS OF MINORITY.

DECISIONS OF THE UNITED STATES SUPREME COURT ON THE BRITISH TREATY.

The minority report on page 6 claims that the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., 332) can be construed as a basis for their contention, that by implication the Panama Canal treaty excludes coastwise vessels from its provisions as to equality of tolls. The contrary is the case, and the decision, in fact, sustains the view of the majority as heretofore expressed. The Supreme Court has repeatedly held that in construing treaties of the United States as to political and public questions, that it is bound to follow the construction given to them by the political departments of the Government, whose duty it is to negotiate and prepare such treaties and to administer and enforce them; that is, by the legislative or executive departments. (See J. C. B. Davis's Rules for Construction of Treaties, Rule I; Butler on Treaty Making Power of United States, secs. 391 and 460. Cases cited.)

So, in construing the language in the Panama Canal treaty with reference to a public question, the court would be bound to follow the practical and uniform construction relating to public and political policies already given to similar language in other treaties by the Presidents, departments, and diplomatic officials, and by Congress itself. The policy as to treatment of our whole coastwise commerce, certainly, is such a public question. This is exactly what the court did in the Olsen *v.* Smith case, cited by the minority.

It should be noted, that since the treaty of 1815, as construed by the Olsen-Smith case, covered only the subject of vessels and required the same treatment as to them, from and to the same port; the Canadians argued and acted as though the treaty of 1871 only covered the subject of vessels, though the language there was "equality of treatment as to citizens, subjects," and so forth.

So, in the controversy above described, the Canadians did treat American vessels identically the same as they did Canadian vessels; and upon this they claimed that they fulfilled the treaty; that it did not mean more and they could discriminate as to all else. Our Government insisted vigorously that the words "equality of treatment," and so forth, was far broader than "vessels" and than the scope of the treaty of 1815; and included traffic, ports, routes, citizens, and subjects, and that all must be treated equally and alike. That contention prevailed, and is now the basis of the construction and action by our Government as to all such language, which is substantially the provision in the canal treaty.

CASE OF OLSEN V. SMITH.

Texas had a statute requiring compulsory pilotage for all vessels entering its ports, but excepting domestic steam vessels in coastwise trade, as provided by section 4444, Revised Statutes United States. The court held, that as to a British vessel coming from a foreign port, such exception did not constitute a violation of the treaty between Great Britain and the United States containing the language "no higher or other duties or charges shall be imposed in any port of the United States on

British vessels than those payable in the same ports by vessels of the United States." The reason for such holding was substantially stated in the opinion, as cited in the minority report; that it is allowable under such language to consider different classes of vessels—those from foreign ports would be one class and domestic steam vessels in coastwise trade would be another class; and that such treaty was not violated because vessels of the class in the foreign trade were included within compulsory pilotage, while domestic steam vessels in coastwise trade might be exempt from it. This is obviously true, because the reasons for the existence of the two classes under the laws as to the compulsory pilotage are entirely different. But that is not all the case presented under the canal treaty.

DIFFERENCE BETWEEN CASES.

The British treaty of 1815 was one of the very oldest entered into by our Government, and by its express terms and its unvarying construction has included only the subject of "vessels" within its scope. But the canal treaty includes not only vessels but citizens and subjects, ports and places, routes and traffic, in both coastwise and foreign trade; as such language in the canal treaty has been construed by the proper authorities of our Government, the legislative and executive departments, in the cases of the Canadian treaty of 1871 and in the Central American treaties concerning commerce and trade across the Isthmus. This construction bears upon the exact language of the treaty under discussion, and the subjects which would be at once affected by the legislation; while the language of the treaty considered in the Olsen-Smith case is entirely different from the canal treaty, and covers only the single subject of vessels.

Further, the Supreme Court in the Olsen-Smith case held substantially that the treaty applied to vessels of the same class and from the same port to the same port; and that when vessels were of another class and from a different port, a different application of the treaty under the peculiar circumstances *already indicated by Congress* might be made. And this has been the practical construction of such treaties by the executive departments of our Government, for many years past. The Canadian case showed that this obvious defect in such treaties concerning coastwise navigation by including the subject of vessels only, has been corrected in nearly all subsequent treaties. The words "no higher or other duties or charges shall be imposed in the same port on vessels of the United States" are narrow and obsolete in scope, including only the one subject of vessels; so that much broader language was later used, such as found in the Canadian treaty of 1871, "shall enjoy use on terms of equality with the inhabitants, etc." That has been construed now by agreement of both Governments to include all vessels, ports, traffic, routes, citizens, and subjects; and such construction has been officially adopted by our Government. But the later treaties go much further to insure identical treatment in all respects. The canal treaty provides that "the canal shall be open to vessels of all nations observing these rules on terms of entire equality, so there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions on charges of traffic or otherwise." This is certainly broad enough to cover by its terms all phases of commercial intercourse and action.

Practically this same language is contained in the latest British treaty of 1910 concerning the canals of the Great Lakes.

COURT FOLLOWS CONSTRUCTION.

The Supreme Court has always followed the practical construction of the political departments as to provisions dealing with political and public questions, and undoubtedly will so continue, and the exclusion of the coastwise trade of one nation from the provisions of the treaty, and discriminating against such trade of the others, is a public and political question, which must be decided by the political powers of our Government. So that the case cited has no practical bearing upon the question here being considered. Yet it sustains the contention of the majority when understood in its bearing to the other treaties and policy of the United States. The court holds that under such treaty it is allowable to separate the vessels into classes, and that as to some classes compulsory pilotage may be charged; and as to the class of domestic steam vessels in the coastwise trade, that a law of the State exempting them would be sustained.

DECISION FOLLOWS CONGRESS.

That decision practically follows the judgment of the political departments, by which Congress established and the executive departments have enforced such law as to the different classes under such treaty. Several such classes should be considered with reference to this subject.

Under the laws, the compulsory pilotage would apply to all American and foreign steam vessels in foreign trade, coming from the same foreign port to the same port in the United States. It would also apply to all sail vessels in both coastwise and foreign trade. It would also apply equally to all steam vessels of all nations, including the United States, sailing from the same port in the United States to the same port in the United States, unless, under the Federal law, the United States steam vessels should be engaged in coastwise trade and had on board a licensed pilot who must be an American citizen, and was duly licensed as competent under the laws of the United States. In such case only, the American vessel would be exempt from compulsory pilotage. If a British steam vessel should also engage an American citizen as a duly licensed and competent pilot under the laws of the United States, and should proceed in ballast from one port of the United States to another port of the United States where compulsory pilotage is exacted, and then should be compelled to pay such pilotage where an American steam vessel under similar conditions would not, in such case it might be considered whether or not the vessels were treated the same and the treaty be violated. But no such case has been presented, and neither Congress or the courts have considered such a class. And until such case is presented, there can be no basis for the contention of the minority that by implication from such decision all coastwise trade and commerce is excluded from the treaties; and consequently the same construction should obtain as to the Panama treaty. A small, local class might be excluded for a good public reason, which would not violate the purpose or effect of the treaty, while the exclusion of a broader and more general class would so violate the treaty and the purpose of its existence.

A further examination of the treaty, the decision of the court, and the general situation as to commerce and navigation under such treaties, will still further strengthen the contention of the majority.

REASONS FOR CONTENTION.

It will be noted that in the various commercial treaties which the United States has made with other nations as to coastwise navigation and commerce, there are three different classes of arrangements:

(a) Where there is an express reservation of all coastwise trade applying to all articles, and the whole treaty.

(b) Where there is an express reservation of the coastwise trade applying only to one article and one subject and not to the whole treaty.

(c) Where there is no reservation or exception contained in the treaty or in any part of it, and yet Congress has made some exception in its legislation affecting commerce and navigation, in the operation of such treaty.

(Treaties are referred to by Commissioner Chamberlain, vol. 3, Hearings, p. 878.)

It is thus important to examine the conditions, and ascertain the fair and just rule which should prevail as to the action and construction of Congress and our Government, with reference to these three classes of arrangements. It is obvious and must be conceded, that under the first class, where there is a general express exception of the whole of the coastwise trade from the whole treaty, that Congress can do anything it pleases with reference to our coastwise trade. It violates no agreement and nobody can take umbrage at its action, whatever it may be.

NEXT CLASS NOT SO BROAD.

It is also obvious and must be conceded, that when the coastwise reservation relates only to one article or subject of the treaty, that Congress can do as it pleases concerning anything within the scope of such article or subject. As to the rest of the treaty to which the express reservation does not apply, the rule would be the same as to that concerning the third class, where there is no express exception or reservation at all.

RESERVATION NARROWER.

As to the third class, where there is no express exception or reservation; it is obvious that it would not be fair or just to allow such a wide scope or breadth of action, as where there is such an express exception. The exception and reservation implied from a treaty, should by no means equal the scope of the express exceptions on the same subject contained in other treaties. Otherwise, all express exceptions and reservations would be useless and injurious, because in a way limiting the effect. So in all fairness, such exceptions and reservations, by implication from the general terms of a treaty, are necessarily confined to such subjects as do not violate or contravene the express provisions of a treaty and the reasons for its existence; and should be such as may be necessary to promote the general purposes of the treaty.

PURPOSES OF TREATY.

The general purposes of a treaty of commerce and navigation, such as the British treaty of 1815, were to promote commerce and navigation between the two nations, on a basis of justice, equality, and reciprocity. Whatever will accomplish such re-

sults and will not violate the express provisions and purposes of the treaty is allowable under it, and can be fairly implied from its terms by either nation.

One of the necessities of commerce and navigation is competent pilotage in strange ports. To insure this, many nations and States have provided for compulsory pilotage, so there should be an assured compensation, adequate to secure and maintain a needed supply of pilots. Under the broad terms of most treaties, this would apply to all vessels alike, unless express exception be made.

RECOGNIZED EXCEPTIONS.

But it is recognized and admitted by everybody, that steam vessels in coastwise trade make many voyages in a year to the various ports between which they ply; and because of the numerous and regular trips and the character of them, are obliged to have pilots on board and attached to the vessel amply competent to do the work. But if such steam vessels in regular coastwise business, with competent pilots on board, were compelled to pay the same compulsory pilotage which others must do who only seldom need them, it would be extremely burdensome, if not ruinous to the business. But the business is a public necessity and should be encouraged and not unjustly burdened or ruined. So that such an exception as to a class of coastwise steam vessels with competent pilots, is necessarily implied in such treaties, for the purpose of promoting commerce and navigation and not violating the express provisions of them. It is just and reciprocal and for the benefit of everybody, and is so recognized by the leading maritime nations. This is the public construction of such treaties, by the political departments of the Government. It is this construction which has been sustained by the Supreme Court in the Olsen-Smith case.

OTHER EXCEPTIONS.

A similar class of exceptions exists with reference to tonnage taxes on vessels. The treaties provide, in substance, that all vessels similarly situated must be treated alike. Congress has so provided substantially, but because of entirely different conditions, and for the purpose of aiding and promoting and not of burdening or stifling commerce, has divided tonnage taxes into several distinct classes, as shown by the navigation laws of the United States.

This does not discriminate against or treat any nation unequally with our own. All vessels within each class are equally treated. Moreover, the classification is just and reasonable and one founded on natural and necessary conditions, which all men recognize. Such a classification in legislation is entirely justified, and will promote the very commerce which it is the purpose of the treaty to do. All nations recognize this fact, and will do this very thing. They are compelled to so do by the exigencies of their affairs. Every little petty difference as to conditions can not and should not be specified in a general treaty. But the general purpose and object of justice, equality, and reciprocity must always be observed. The same rules which we claim and apply to our own vessels, must always be admitted and recognized to apply to other nations. There has never been any difficulty about the classes of legislation which should be excepted from such general provisions. They concerned local and municipal matters of a limited scope, which do not contravene the purpose or effect of the general provisions or purposes of the treaty.

Applying this method of construction to the Olsen-Smith case and to the tonnage statutes, it is evident they do not infringe the general purposes of the treaty, to promote commerce by justice, equality, and reciprocity.

PANAMA TREATY OTHERWISE.

But the exception to the Panama Canal treaty which the minority proposes would clearly operate to the contrary. It would constitute a gross discrimination against vessels, citizens, commerce, places and ports, routes and traffic of our neighboring nations. It would help one competitor and trade over a vast region as against another; it would develop one section of our continent as against another; it would affect, directly or indirectly, a vast number of industries and interests of several nations; it would do the very thing which treaties are framed to avoid and prevent, and which in the end might precipitate a more serious conflict. The maritime Provinces of Canada could complain against a discrimination in favor of their competitors in a similar line of business in the New England States. The Central American States and Mexico could similarly complain against discrimination favoring the competition in which they might be interested adverse to them along the southern boundary of the United States. Especially would the northwestern and western Provinces of Canada complain against a discrimination against them and in favor of their competitors in the Pacific Northwestern States.

These are large matters of international importance and of the very nature which treaties are made to regulate and protect and prevent from more serious contentions. They do not concern local privileges, but a broad national interest.

The exception to be applied by the minority is not a petty local and municipal one, as these others concerning pilotage and tonnage have been. The exception of our coastwise commerce would affect a considerable part of the commerce of many nations, and do the very thing which our statesmen for more than 70 years have solemnly promised should not be done. The implied exception from compulsory pilotage of steam vessels, with native pilots in the coastwise trade, would not affect adversely the interest of any nation, and most of them do exactly as we have done and for the same reason. Because of these facts, the Olsen-Smith case, concerning part of an extremely limited class necessary to promote the purpose of the treaty, does not help the minority; but clearly does sustain the position of the majority of your committee, since it recognizes the rule that a proper construction of any treaty for public purposes must be made by Congress, exactly as was done in the Canadian matter.

CONGRESS HAS CONSTRUED TREATY.

In the clearest and strongest manner Congress has indicated its construction of such language as "Equality of treatment," contained in the Canadian and in the other canal treaties. It has held that the Canadian practice of preferential reductions were a violation of that treaty, and it provided retaliation for such action. While this continues on the statute books, it is submitted that, first, the similar language of the canal treaty must be construed in the way Congress directed as to the Canadian treaty; second, that exclusion by implication of coastwise business can not be made when Congress has so recently and by a law now in force decided to the contrary upon similar conditions; third, that the doctrine of exclusion by implication from the general terms of inclusion can never extend to such a class as the general coastwise commerce of a nation, which would violate the very purposes of the existence of the treaty and every pledge made in its negotiation and ratification.

XIII.

OBJECTION OF MINORITY AGAINST CUSTOMARY POLICY.

The minority vigorously argues that vessels using the canal should not pay for its use with any more reason than the vessels using the Soo Canal and other waterways of the United States should pay for such use, and that the historic policy of this country of free and equal use of its waterways should be so construed as to embrace the Panama Canal. It is true that all of the waterways of the United States are free and open to all vessels and commerce of the world on equal terms, and are free from any tolls against vessels and commerce.

This is done by virtue of treaties, by which the vessels and commerce of other nations receive the same and equal treatment in our waters as our own vessels; and in return our vessels and commerce receive the same and equal treatment in the waters of other nations as their own vessels.

By the act of Congress of 1884 there are no tolls or charges in our waterways against any vessel or commerce, including foreign and domestic, coastwise and oversea.

But no one seriously proposes such a policy of free tolls to everybody in the use of the Panama Canal. Our people do not believe that it would be just to them to expend about $400,000,000 for the construction of the canal, and anywhere from $25,000,000 to $50,000,000 annually in properly caring for it throughout the long future; and then receive no revenue from the commerce so greatly benefited by such vast expenditure. Our public revenues are greatly needed for other public purposes, and no foreign nation seriously asks us to consider such an absurd and extravagant proposition as free tolls to everybody.

Yet if we do not adopt such a policy of treating all nations equally and alike in the granting of free tolls, then we shall radically change our historic policy and treat some nations differently, discriminate in favor of ourselves and against the others, contrary to our expressed pledges as declared in the treaties, and contrary to our historic policy as expressed in our statutes and through our political leaders.

MINORITY URGES RADICAL CHANGE.

The minority urges that this radical change from our historic policy be made. The reason for this is given because it has not been our policy to levy tolls on interstate commerce, and because the Panama Canal is but the extension of our domestic waterway system and of our national coast lines. This general proposition is entirely erroneous for three reasons:

First. Congress has always authorized public improvements which in terms levy a toll on interstate commerce, such as

canals, bridges, and so forth. Every session enacts such laws, and they can be found in every volume of our statutes. No one can successfully deny such statement.

Second. The Panama Canal is not an extension of our domestic waterways system, and is not on the same basis as our domestic waterways. On the contrary, nearly every one of the eminent statesmen from the beginning of the enterprise has based his support and the policy of this Nation on the theory that this interoceanic canal is a world enterprise, a highway for the world's commerce, and so forth, and so is on an entirely different basis than any other of our waterways. This has been elaborately discussed in section 6 of these remarks.

The popular use of the term that the Panama Canal is "only an extension of our national coast line" causes confusion in the understanding of the rights and obligations concerning the use of the canal by our own vessels. President Hayes first expressed it as "virtually an extension of our coast line," while Secretary of State Knox, in his address at San Francisco, referred to it as "for all purposes of sovereign administration the canal is American territory and a part of the coast line of our country."

Neither of these responsible officials attempted to place its status as to international obligations the same as that of our own continental coast line or area, as those favoring free tolls seek to do. But if such were really the case, as they contend, then, in escaping from the Scylla of the provision of "entire equality without discrimination," including our coastwise trade under the canal treaty, they would be liable to fly into the Charybdis of the condition set forth by the Commissioner of Navigation in his last report, page 15:

> A long line of treaties point us to equal tolls or no tolls on American and foreign vessels entering the improved harbors of New York, New Orleans, San Francisco, and every other harbor, river, lake, or canal within the United States.

So that if the extreme contention without qualification concerning the extension of our national coast line to Panama be adopted, it might result in infinite perplexities not now realized by those who so jauntily use the term.

Third. The solemn treaties creating international obligations concerning this enterprise require us particularly to treat all other nations equally and alike with ourselves. These treaties differentiate this from all other waterways, and no one can fairly question the application of them and the entire difference between this and the various domestic waterways. This has been fully discussed, and it is not necessary to be here repeated. In his recommendation to the Senate, a short time before the adoption of the Hay-Pauncefote treaty, Secretary of State Hay in substance stated there was a consideration on the part of Great Britain for this principle of equality, neutrality, and protection assumed by us, and that is in the yielding of important material interests through the abrogation of the Clayton-Bulwer treaty. That of itself differentiates this from all other waterways under the control of our Government.

But on page 2 of the minority report it argues that—

> Free tolls at the Panama Canal to our coastwise trade would be the same kind of a "subsidy" that was granted to 41,000,000 tons of shipping that passed through the Soo Canal in 1911. It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because American vessels are accorded the same treatment by the Canadian Government at the Welland Canal. By virtue of a reciprocal arrangement we receive our quid pro quo for passing Canadian vessels through the Soo Canal free of charge.

ERRONEOUS STATEMENTS.

This statement and assumption as to the policy as to the Soo and Canadian Canals is entirely erroneous, and it is only necessary to examine the treaties between Great Britain and the United States to perceive such misstatement and fallacy.

Article 27, treaty of 1871, between the United States and Great Britain, contains the language already quoted with reference to the use of such canals.

Article 1 of the treaty proclaimed May 13, 1910, between Great Britain and the United States contained similar terms, quoted hereafter.

It will be perceived that there is no provision or hint of conditional reciprocal use of the American and Canadian canals; that is, that the United States should furnish its described waterways for use of Canada on condition that Canada should furnish its described waterways for use of the United States. On the contrary, it is expressly agreed in the 1871 treaty that they should be used "on terms of equality," and in the 1910 treaty "navigation shall continue free and open and equally to all vessels," and so forth, "rules and regulations shall apply equally alike," and so forth, "and they shall be placed on terms of equality."

This does not provide for conditional reciprocal use of one upon the express condition of the same kind of use for the other, but for use of both on terms of equality, though Congress in its retaliatory statutes, above described, does require that Canada should observe its treaty relations equally and reciprocally with us, or if it does not so do, the United States will not respect the express terms of the treaty and enforce the provisions of reprisal. The term "reciprocal" as used generally with respect to treaties does not carry the same meaning as the term "reciprocal" used by the minority with reference to the treaty arrangements with Great Britain concerning the Canadian waterways. The minority use the word as indicating a mere conditional exchange of physical privileges by which we use Canada's waterways on condition that on the same terms Canada can use our waterways. This is not the proper definition of "reciprocal" as applied to such treaty or most other treaties. As Secretary of State Blaine indicated in his memorandum in reference to the Canadian agreement, reciprocal use as to such treaty would include interpretation and construction of such treaty, the status of the parties, and equality as to conduct. By that it is meant that all the waterways of both parties are to be used by both on exactly the same basis. Equality of use of all is to be reciprocal and not the use of one on account of equal use of the other.

The Panama treaty provides for use "on terms of entire equality, so there shall be no discrimination as to conditions and charges of traffic," and so forth. The provisions and conditions are essentially the same in all of these treaties, and they must be construed by the same rules of fairness and justice, and all require the same result. It should be noted also that the Canadians do not now use our Soo Canal to any extent, since they have a far better one of their own, which we use more than they do. There could not be much reciprocity about such a condition where the Canadians have practically no use for our canal.

The general principles of reciprocity, equality, justice, and fairness underlie all these and other treaties. They were framed to produce such results, and it is the purpose of all civilized people and governments to accomplish these beneficent purposes.

XIV.

WOULD INJURE FOREIGN TRADE.

It has been shown by the statements from the most eminent leaders of our country, who have had the responsibility for the direction of the affairs for an interoceanic canal, that it was primarily designed to promote and protect our trade and commerce. Such has been the hope and expectation of all of our people, who have been glad to expend nearly $400,000,000 in its construction, and who are equally ready to expend as much as may be necessary to operate, maintain, and defend it. But such benefits to our people and to their trade and commerce, very largely will depend upon the policy adopted by us in the management and operation of the canal.

PROMISES TO WORLD.

We have promised the world that this canal would be constructed and maintained for the benefit of the commerce of the world, without any unfair advantage or preference to anybody. We have entered into treaty obligations by which all nations, commerce, people, and ports are to be treated equally and without discrimination; and we, greatest of all of the nations, notified the world that the United States, first of all, intended to observe and be bound by these rules and obligations. Yet now, for the sake of a possible and contingent benefit to a small industry and to a small section and small interest in this country, it is proposed to violate such treaties, obligations, and pledges and discriminate against other nations and in favor of one of our own interests. The nations other than the United States having coastwise or other connections by water between the two oceans are Canada, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, and Colombia.

COMMERCE OF COASTWISE NATIONS.

These nations have an annual commerce with the United States of more than $700,000,000 annually. We greatly expect, that this will be vastly increased by the opening of the canal. But if we violate our agreements and pledges to these nations—discriminate against them, their citizens, commerce, and trade by means of such violation of the canal treaty—we must naturally expect, deserve, and will justly receive condemnation, reprisals, and retaliation from all of them. They have a direct interest in competition with us, and we promised them equal and just treatment and terms; and now it is asked that we abandon it when some local selfish interest demands it. More than that, such action would incite other rival commercial nations to stir up resentment against us, and to use our own action and our own construction of the treaty as a means indirectly to help our competitors and injure our commerce. This would inevitably follow.

OUR FOREIGN TRADE.

The latest statistical abstract shows that the foreign commerce of the year 1911 was as follows:

Exports	$2,049,320,199
Imports	1,527,226,105
Total	3,576,546,304

And all of this commerce, in some way or other, might be subjected to petty discrimination and disadvantages which foreign nations or their local governments might impose, and which would be without redress under our own construction of the words "equal treatment." Further, it has been estimated that of the exports more than $1,200,000,000 consists of manufactured goods in which our industrial interests are in severe competition with the like interests of rival nations, and that the citizens of this country have investments abroad in foreign countries of more than $2,000,000,000.

DISCRIMINATION EASY.

It is easy to conceive, that if we initiate a policy of reversal of construction of well-known words like "equality of treatment" and insist that domestic concerns can have a preference under such language, and put such a policy in effect upon the Panama Canal; that it will be the beginning of like construction by the nations affected and of a similar policy of retaliation and reprisals against this competitive commerce, and the interests of our own people. We lay ourselves open without redress by just such a contention as this. Such a policy and its legitimate consequences would injuriously affect nearly every industry and hamlet in our land, and cause a disturbance and lack of confidence which should not be underestimated. We seek an extension of our foreign trade, to employ our people and develop our resources. Nothing in the long run would tend more to produce the contrary effect, than to unsettle the confidence in our national good faith and honor among the people and nations of the world. It would be reflected back upon us at once, and our own people and industries and interests would suffer most.

Undoubtedly the Members of this House have all received a copy of the circular letter issued by Mr. Charles M. Everest, president of the Vacuum Oil Co., complaining strongly and justly against unfair discrimination against his company by the Austrian Government, which is clearly violating the terms of its treaty with the United States. The basis of the claim is unequal treatment of the American company as compared with its own citizens.

This complaint would be but a sample and a beginning of what would come from the business interests of this country on account of similar unfair discrimination by other nations.

At the present time our Government has a just basis to demand fair and equal treatment from any Government so violating its treaty agreements, and, if necessary, to make reprisals. But if we ourselves initiated a policy of unfair discrimination, notwithstanding our international pledges, we can not then complain at the same treatment of our citizens by other nations.

OTHER POLICIES AFFECTED.

It is not well for us to forget that, although our great commercial rivals among the nations have in a way assented to our national declaration of policy known as the Monroe doctrine, yet they are not very cordial in their assent. But they do resent the present application of it, that the European nations can do practically nothing in Central and South America without the permission of the authorities in Washington. This is irksome to them, and they would at once take advantage of this opening to prejudice the very nations we seek to help and protect, by calling attention to our breach of faith, our selfishness and greed, and by one means or another imperil our interests and prestige.

SUCH POLICY BASIS FOR HOSTILITY.

This unfortunate policy could be the basis for all sorts of unfortunate complications and misunderstanding; and inevitably result in the loss of sympathy and assistance from those nations with whom we should be on terms of the closest intimacy and mutual benefit, through the operation of the Panama Canal.

If any considerable part of these things should become true, the canal would become a curse to our people instead of the vast blessing which we have so fondly believed might come from it. It would be a strange commentary, that at a time when the United States Government has been sincerely seeking to establish and maintain the most cordial relations of amity and good will, not only with South and Central American Republics but with the other nations of the world; that greedy, private, and sectional interests should even seriously try to overthrow them all, and excite suspicion and ill will and reprisals, which might require years to straighten and allay. It should certainly be realized that such a course would do much to disturb our friendly international relations, and injure foreign trade and prevent the extension of our commerce on the Pacific and elsewhere. No one should minimize the evils of it. The whole country, all of our people and all of their vast and varied interests, are vitally concerned in such a proposition. Whenever the attention of the whole country is directed at such unfortunate possibilities, to assist the greed and narrowness of a few, the chance for evil is usually averted. The majority of your committee has perceived it, and has notified the nations of the world that the obligations and good faith of the United States will be maintained to the letter, so far as lies in our power. We have faith to believe that as they have ever done, our people will preserve their own integrity and self-respect, and deserve the decent respect and good will of all mankind.

XV.

REMISSION OF TOLLS WOULD NOT CORRESPONDINGLY DEVELOP THE AMERICAN MERCHANT MARINE.

There are two principal reasons given by the minority of the committee why tolls on coastwise vessels should be remitted. First, to develop and upbuild the merchant marine of the United States and cause the construction of new vessels, which would not be built except for such remission. Second, so that freight rates would be reduced to the consumer. As to the first proposition, the testimony before the Committee on Interstate and Foreign Commerce was practically unanimous that free tolls in coastwise business would cause the building of but few, if any, additional ships in the United States. See testimony of Mr. McGregor, president San Francisco Chamber of Commerce, page 997, volume 4, hearings; testimony of Mr. Raymond, manager of steamship lines, page 551, volume 1, hearings; testimony of Mr. George S. Dearborn, president American-Hawaiian Steamship Co., page 567, volume 1, hearings; Mr. D. E. Skinner, president Port Blakely Lumber Co., page 1046, volume 4, hearings. And none of the testimony anywhere has been stronger, than that it would be only one of several important factors toward the upbuilding of our merchant marine.

These were all of the practical business men who appeared before your committee. They are all actually engaged in large business enterprises, and are well acquainted with existing conditions, and nearly all of them appeared before the committee to favor the policy of remission of tolls to our coastwise trade.

REASONS FOR FAILURE.

The reasons for such improbability of development are obvious from the present situation. For nearly a century the coastwise trade of the United States has been confined to American vessels; and the coast-to-coast trade has always been considered a part of the coastwise business. In addition to such monopoly for this class of ships, section 11 of the pending bill prohibits ships owned or controlled by railroads competing in our interstate commerce between the coasts. So that the monopoly to the American vessels is still further restricted by excluding all ships owned by powerful rival interests; thus diminishing the ability of others to compete and the number of ships which can do so; and giving to those who remain in the coastwise shipping business, an advantage equaled by few industries in the world.

LONG AND SHORT HAUL CLAUSE.

Still further and yet even more important, the long and short haul section of the interstate-commmerce act, section 4, has been construed and probably must be construed as prohibiting any more blanket rates between eastern points and the Pacific coast; and the Interstate Commerce Commission in its last annual report has strongly indicated its policy of fixing a different basis of rates for these competing railroads from and to the Pacific coast. See also Opinion No. 1830, filed on the 21st day of March, 1912, in which Commissioner Prouty stated such policies, on page 165; also decisions in the Intermountain Rate cases.

INTERMEDIATE STATES WILL OBJECT.

The intermountain and interior States will very vigorously object to as low railroad rates between the coasts as formerly existed, if done at their expense and to their disadvantage; which will naturally throw much additional business upon the water carriers. This will vastly increase business for the canal beyond the expected and natural increase, which will necessarily come by reason of the opening of the canal, and the decrease of the water rates for transportation, and improvement of facilities.

RATES OF TOLL.

The rates of toll through the canal will be so low as not to be burdensome; and even if remitted would not to any extent increase business or the number of ships. The bill provides

for a maximum toll on the basis of $1.25 per net registered ton, and for a minimum toll of the proportional share of operating and maintaining the canal.

The testimony of Dr. Emory R. Johnson, Commissioner Chamberlain, and Col. Eugene T. Wilson all show the net registered ton, to include between a ton and a half to two and a half cargo tons, or, on the average, about one and two-thirds cargo tons would equal a net ton, which it is generally understood will be the basis for tolls at first. The proposed toll of $1 per net registered ton will amount to no more than 40 to 66 cents per cargo ton, or between 2 and 3 cents per hundred on the freight actually carried. It is obvious that this small reduction would not cause the construction of additional vessels for the coastwise trade, and so these practical men testified to your committee.

AMPLE TONNAGE ASSURED.

The testimony of Dr. Johnson and Mr. Dearborn shows the probability of an ample supply of tonnage for the coastwise trade, so that no subsidy or bonus is needed to secure such a supply. (Mr. Dearborn, p. 580, vol. 1, hearings; Dr. Johnson, p. 710, vol. 2, hearings.)

MONOPOLY NOT TO BE SUBSIDIZED.

It certainly would be a strange proceeding now, when the public mind is so aroused against special privileges, for Congress to continue a monopoly of a vast business to a certain class, and in addition to restrict that monopoly further, by excluding from such business all vessels operated or owned by wealthy and powerful rivals. And then yet further, by the interstate-commerce law, prevent the railroads from competing with such vessels as to a very large volume and class of carriage; and then, beyond all, grant a bonus and a subsidy to this favorite and restricted monopoly of $1 per net registered ton, every time it passed through the canal, which has and must cost the people so much of their treasure.

This is an accurate statement, and should bring the blush of shame to those who seek such special privileges for themselves, at the expense of a generous people.

REDUCTIONS TO CONSUMERS.

A similar condition exists as to the reduction of prices to the consumer on account of the remission of coastwise tolls. Mr. Skinner, Mr. McGregor, and Mr. Raymond testified on this point, and the only authentic statement to show a reduction of prices to the consumer, was on page 549, volume 1, hearings, when it was thought that lumber might be sold 25 cents per thousand cheaper in New York on account of free tolls.

The small toll of 2 or 3 cents per 100 pounds would obviously never reach the consumer, and would amount generally to 1 per cent or 2 per cent of the cost of the goods. Some exceptions might reach 5 per cent. But in general the proportion of freight to the cost would be so low as not to appreciably affect the consumer. (Testimony Col. Wilson, p. 126, hearings.) It would be completely absorbed by the transportation or distributing agencies, as stated in the testimony by several witnesses. They do not need this bonus and benefit, since they will be so greatly helped by the opening of the canal and the general reduction of rates on transportation.

BLANKET RATES CAN NOT CONTINUE.

The minority report assumes that freight rates will continue on the same basis as heretofore, after the canal shall be finished. Everyone knows, who will speak sincerely, that this will not be true. The coasts will largely benefit from the necessary reductions. The interior may benefit slightly or not at all. The railroads can not be compelled to reduce rates below the cost of carriage, and the interior points affected by a reduction of railroad rates, will certainly and vigorously object to a severe reduction on through coast rates by the railroads, to be recouped by an advance or a maintenance of local rates when otherwise there should be a reduction.

RAILROADS NOT AFFECTED.

The minority has vigorously raised the cry that imposition of tolls will help the railroads, by maintenance of the coast rates for the transcontinental lines. This is obviously done to conceal their own intentions to violate our treaties and betray the good faith and honor of our Nation; and cover any injury to commerce by reprisals, because of our own national perfidy. It is to be hoped that some benefit may be received by reason of the great reductions, which may ensue because of the opening of the canal. But it is also certain, that such effect will not be caused by the retention or remission of 2 or 3 cents per 100 pounds on freight charges through the canal. It will only be received through the vast increase of commerce, foreign and domestic; and the tremendous development of our country which will be created by means of this additional and cheap communication.

This increase can not be expected by a policy of creating hostility and reprisals among the nations, but rather by the natural and friendly understanding and intercourse which benefits all.

XVI.

COMMERCE PARTICULARLY BENEFITED—SHOULD BEAR ITS SHARE OF BURDEN.

The construction of the Panama Canal is and will ever continue to be a very costly public work to the American people. In the original bill of 1902 a limit of cost of $135,000,000 was provided for. Now the testimony shows that a limit of cost of $400,000,000 is necessary, excluding interest on the investment. It has been necessary that Congress should make annual appropriations, as set forth on page 396, Report of the Isthmian Canal Commission for 1911, as follows:

Statement of appropriations by Congress.

Purchase of canal rights, June 28, 1902		$40,000,000.00
Purchase of Canal Zone rights, Apr. 28, 1904		10,000,000.00
Construction of canal:		
June 28, 1902		10,000,000.00
Dec. 21, 1905		11,000,000.00
Feb. 27, 1906—		
Construction of canal	$5,340,786.00	
Reequipment of Panama R. R.	650,000.00	
		5,990,786.00
Construction of canal, June 30, 1906:		
Expenses in the United States	368,242.69	
Construction, engineering, and administration	21,018,537.24	
Civil administration	968,200.00	
Sanitation and hospitals	2,101,435.15	
Reequipment of Panama R. R.	1,000,000.00	
		25,456,415.08
Construction of canal, Mar. 4, 1907:		
Expenses in the United States	253,000.00	
Construction, engineering, and administration	20,366,000.00	
Civil administration	825,000.00	
Sanitation and hospitals	2,034,000.00	
Reequipment of Panama R. R.	1,385,000.00	
Purchase of Panama R. R. bonds	2,298,367.50	
		27,161,367.50
Construction of canal, Feb. 15, 1908:		
Expenses in the United States	18,600.00	
Construction, engineering, and administration	11,990,400.00	
Sanitation and hospitals	169,000.00	
		12,178,000.00
Construction of canal, May 27, 1908:		
Expenses in the United States	176,000.00	
Construction, engineering, and administration	26,085,000.00	
Sanitation and hospitals	1,575,000.00	
Civil administration	241,000.00	
Reequipment of Panama R. R.	1,100,000.00	
Payment to P. B. Banton for injuries	10,000.00	
		29,187,000.00
Construction of canal, Mar. 4, 1909, construction, engineering, and administration		5,458,000.00
Construction of canal, Mar. 4, 1909:		
Expenses in the United States	225,000.00	
Construction, engineering, and administration	29,368,000.00	
Civil administration	630,000.00	
Sanitation and hospitals	2,715,000.00	
Reequipment of Panama R. R.	700,000.00	
		33,638,000.00
Construction of canal, Feb. 25, 1910, civil administration		76,000.00
Construction of canal, June 25, 1910:		
Expenses in the United States	210,000.00	
Construction, engineering, and administration	35,300,000.00	
Civil administration	795,000.00	
Sanitation and hospitals	1,550,000.00	
		37,855,000.00
Construction of canal, Mar. 4, 1911:		
Expenses in the United States	180,000.00	
Construction, engineering, and administration	43,100,000.00	
Civil administration	680,000.00	
Sanitation and hospitals	1,600,000.00	
		45,560,000.00
Total for canal construction		293,561,468.58
Armament of fortifications, Mar. 4, 1911		1,000,000.00
Seacoast batteries, Canal Zone, Mar. 4, 1911		2,000,000.00
Private acts for relief:		
Elizabeth G. Martin, No. 97, June 17, 1910	1,200.00	
Marcellus Troxell, No. 174, Jan. 13, 1911	1,500.00	
W. L. Miles, No. 196, Feb. 13, 1911	1,704.18	
Chas. A. Caswell, No. 248, Mar. 2, 1911	1,056.00	
		5,460.18
Total appropriations by Congress		296,566,928.76

Including defenses and subsidiary works, the limit of $400,000,000 will be nearly or quite reached in the actual expenditure by future appropriations when the canal shall be opened. The annual cost of caring for the canal, including the interest and defense after it is once in actual operation, will

not differ much from the annual appropriations for constructing it, excluding the interest. On page 415, volume 1, Hearings Interstate and Foreign Commerce Committee, Col. Goethals testified concerning the future cost of operation, maintenance, sanitation, and protection of the canal, that the approximate cost, including interest, would be about $27,000,000 annually.

In his testimony before the Senate Committee on Interoceanic Canals, Dr. Emory R. Johnson testified, concerning the annual cost of caring for the canal, that it would cost for the same matters about $30,000,000 annually.

ITEMS NOT CONSIDERED.

It will be noted that none of these accounts as to expenses consider two very important and necessary items: First, the cost of naval protection to the canal and its works and the additional naval expenditures consequent upon the canal; second, the additional expense to the military establishment which must in the future be incurred to have ready for duty a fresh and suitable supply of troops, to replace those who suffer from deterioration from tropical service, and the pensions and retirements consequent upon tropical service.

ADEQUATE NAVAL PROTECTION.

Everyone realizes that naval protection is as necessary in the canal as military protection, and it must be at all times adequate or it is useless. There must be a certainty of communication between the continental United States and the Panama Zone within a reasonable time and under all circumstances, or the canal will prove to be an awful military liability instead of a military benefit to the country. No testimony has been taken, and opinions greatly differ as to what naval force will be necessary in the near future to accomplish this purpose. It will doubtless change from time to time, according to conditions. But it is entirely safe to assume that this additional naval expense to the United Stafes will be several millions of dollars each year.

TROPICAL SERVICE FOR SOLDIERS.

It is commonly known also that soldiers suffer from prolonged tropical service and incur disabilities for which they are retired or pensioned; also that they can not remain longer than two or three years in the Tropics without being replaced by new or fresh troops. In order to recuperate they must have a prolonged service in the United States to recover their strength and efficiency.

There will be needed about 8,000 men to garrison and protect the canal. The Army also must have troops in the Philippines, Hawaii, and Alaska which also must be replaced from time to time as shall be necessary.

It would not seem that the present Army is large enough to properly garrison and protect these places, and have a sufficient number of troops in the United States to replace them as may be necessary, and maintain the Army at a proper standard of efficiency. It seems inevitable that additional forces must be supplied some time in the future on account of this increased necessity for tropical service.

INCREASED COST.

No one can now foretell the amount of such increased cost. But competent officials who have devoted much thought to the subject of expense in connection with the Panama Canal, estimate that in the not far distant future, the total expense for the proper operation, maintenance, sanitation, care, and protection of the canal, including interest, naval and military increases, and consequent expenses, will be between $40,000,000 and $50,000,000 per annum. The appropriation bills in the future will not be reduced from the period of construction; and including these other items just described, in the future they will probably be considerably larger, on account of the annual expense of fully caring for the canal.

MILITARY EXPENSES PUBLIC CHARGE.

Everyone admits the propriety and desires to defray all expenses for the national defense from the general Public Treasury. But, as has been shown, this canal was not constructed as a military necessity, but as a general commercial benefaction. The necessary defense for it must be paid by the Public Treasury, the same as all other defensive expenditures are paid. But the commerce which will be so largely benefited, in all fairness, should be willing and glad to pay its share of the benefit it receives directly from this vast and constant expenditure.

Dr. Johnson, in his testimony before your committee, on page 705, volume 2, Hearings, estimated at the beginning about 10,500,000 tons of shipping might use the canal in 1915. Col. De Vol, the chief quartermaster of the canal work, in a very carefully prepared pamphlet, estimated that in 1915 the commerce would be about 7,000,000 tons. Col. Church, an English authority, in a carefully prepared article in the Journal of the Royal Geographic Society, in March, 1902, estimates a much smaller tonnage and increase of business than does Dr. Johnson; as does also the late Joseph Nimmo, former Chief of the Bureau of Statistics.

Dr. Johnson and Mr. Dearborn estimated that there might be a reduction of freight rates of about 25 to 50 per cent.

Joseph N. Teal, Esq., of Portland, Oreg., most competent to speak on the subject of transportation, in a pamphlet sent to the committee, estimated a reduction of 25 to 50 per cent.

EVIDENT REDUCTION.

It is evident, then, that there will be a considerable reduction in freight rates and a saving to the commerce which will pass through the canal and to the people who are directly benefited by such commerce. So it is a natural and a proper question, Why should not this commerce, so largely and directly benefited by such expenditure, bear its proportion of the tremendous annual burden of caring for the canal? Why should it shrink from its fair share of the obligations, evade its duties, and seek to shift them upon the rest of the people, who do not receive such direct benefits from the canal? This share would be but slight and not at all injurious to the commerce affected. Dr. Johnson, in his testimony, shows that it would only be 5 per cent or less of the total freight rate and 10 per cent of the savings effected by the use of the canal. Col. Wilson showed a small ratio of freight to the value of the goods, so the canal dues would be yet a smaller proportion to the benefit received. Surely this is a petty share and contribution, when the rest of the people are compelled to pay so much for all future time for the benefit of this very commerce.

TOLLS NOT BURDENSOME.

No one desires to levy a toll which shall in any way diminish the use of the canal or in any way impair its real benefit to the American people or prevent it aiding tremendously in the development of our western coast. But when the people realize the enormous expenditures which have been and must be made on this account, and the very great benefit which will directly flow to the commerce which will use it, it does seem, in all fairness, that such commerce should do its fair share.

XVII.

UNFAIRNESS OF FREE TOLLS IN COASTWISE TRADE.

Everyone must concede, as a fundamental proposition, that it is no part of the function of the General Government to directly and purposely discriminate in favor of one part of the country as against other parts of the country; to directly subsidize the business of one part of the country so that it can compete thereby on unequal and more advantageous terms with the other parts of the country. On the contrary, it has always been and is regarded as the business of the Government to prevent and forbid unfair discrimination and treatment between different sections of our common country.

This principle is set forth in several clauses of the Constitution, and is made effective in numerous statutes. The general purpose and function of our Government is clear, to prevent discrimination, and prevent sectional inequalities and injustices, so far as possible.

COASTWISE BUSINESS.

Dr. Johnson estimated that the coastwise business by water between the Atlantic and Pacific coasts would be about 1,150,000 tons annually; and that there would probably pass through the canal in 1915, 10,500,000 tons. The Interstate Commerce Commission, in its opinion in the intermountain rate cases, estimated the coast-to-coast commerce at about 4,000,000 tons annually. The commission further estimated that of this vast commerce at least 93 per cent was capable of water carriage, thus leaving 7 per cent which must be transported exclusively by rail. It has been further estimated that of the competitive products used in intermediate country, fully 75 per cent probably came from the territory of the Central West, between the Allegheny and the Rocky Mountain States; and about 25 per cent was produced along the Atlantic seaboard. This has resulted from substantially the following conditions: That the cost of production of the various articles is about the same in all of this vast competitive region; and that if the cost of distribution and transportation should also be practically the same, then the competition would be on substantially even basis from the different sections of the country to the intermountain and coast territory. This has been the result of years of friction and discussion, and is at present the situation as to most products.

LONG-AND-SHORT-HAUL CLAUSE.

But the amendment to the long-and-short-haul clause—section 4—of the Mann-Elkins bill of 1910, and its enforcement as to the intermountain territory and elsewhere in the cases recently decided by the Interstate Commerce Commission, will completely change this situation, long before the canal will open for real business.

The policy of that law is to prohibit higher rates for a shorter than for the longer haul, and this principle will be obliged to be enforced by the Interstate Commerce Commission in some form or other. (Report of Interstate Commerce Commission for 1911. See decisions Commissioners Prouty and Lane in the intermountain rate case and opinion of Commissioner Prouty, Mar. 21, 1912, No. 1830, p. 165, already cited.)

SUCH SITUATION RECOGNIZED.

Everyone must recognize such fact and situation. When that shall be done, the railroads will not make reductions to the coasts on the noncompetitive business. It would not be just or necessary. On the competitive business from eastern points the commission has indicated that its policy will be, first of all, to abolish the blanket system of coast rates from the eastern and central sections of the country; next, that it will permit the railroads to meet water competition between the coasts within certain limitations, by establishing zones of territory where the railroads may charge a percentage of 25 per cent, 15 per cent, or 7 per cent, respectively, less to the Pacific coast than to the intermountain country. The power of the commission to do this, in this way, is assailed, and the question as to such authority is now before the Supreme Court. But if the commission can not accomplish this result in this particular way, it certainly will by another method; and, if necessary, undoubtedly Congress would extend its present powers, because there is a substantial justice in its main conclusion.

REDUCTION BY WATER COMPETITION.

These reductions of railroad rates to the coast as compared to the intermountain territory, are solely on account of existing water competition. The commission, from the zone substantially east of the Alleghenies, authorizes a reduction of 25 per cent for the coast rates from those to the intermountain territory, of 15 per cent for the coast rates from the zone next west, mainly to Chicago, and 7 per cent from the zone next west, substantially to the Missouri River, excluding the St. Paul and Omaha territory. That is its best judgment as to the effect of existing water competition concerning the territory within such zones. The remainder of the country must have equal rates to the mountains and coast; or, in other words, such territory is not affected by water competition on the ocean. That is the best judgment of the Interstate Commerce Commission as to the policy and justice of public action under existing conditions; and in that way it is expected that a part, at least, of the present system of competition will be preserved.

EFFECT OF OPERATION OF CANAL.

But when the Panama Canal shall be finished and in operation, as we have already considered and as the commission has stated in its reports, it may be fairly expected that rates from coast to coast on the 93 per cent of competitive products which can be carried by water, will be still further reduced from 25 per cent to 50 per cent.

REDUCTION WILL CHANGE RATES.

This will greatly change the absolute rates, and still more the relative and competitive rates between the various competitive sections and interests. If the estimation of the Interstate Commerce Commission be approximately correct as to the value and effect of existing water competition upon the traffic of the different territorial zones, then the proportions of present advantage to the sections would be 25 per cent to the eastern, 15 per cent to the next, 7 per cent to the next, and nothing to the westernmost competitive zone.

EFFECT OF CANAL.

If now the Panama Canal shall increase the value and effect of water competition from 25 per cent to 50 per cent by reducing water rates by such a proportion, as is admitted, then the same proportion would increase to the eastern zone from 25 per cent now to about 31 to 38 per cent; of the next zone from 15 per cent now to about 18¾ per cent to 22½ per cent; and of the next zone from 7 per cent now to 8¾ per cent to 10½ per cent; and the next zone not at all. It is very probable that the great increase of facilities and number of competitors will much further increase these differences between the different sections of the country. This clearly gives the eastern competitors a very great and increasing advantage over those from the Central States to reach the rich and increasing trade of the Pacific coast and the intermountain country. But the minority on this point argues that the western railroads will be obliged to also reduce their competitive rates to equally care for their competitive business.

RAILROADS CAN NOT REDUCE.

A little reflection will show that this can not possibly be done as to a very large volume of competitive business. First of all, the commission would not allow such reduction, as such policy would be grossly discriminating against the intermediate territory, which would not be just or fair. The intermediate people would bitterly complain, as they have in the past, and such gross discrimination could not be permitted to exist against them. Next, the railroads could not stand such reductions in their revenues to meet the water rates to the coasts and at the same time maintain only reasonable intermediate and local rates. The expenses of operating of railroads is necessarily increasing, and that can not be avoided. The public demands safety in transportation, and that requires vast expenditures for competent labor, equipment, facilities, and so forth, merely to be safe. The public will demand adequate facilities which must be increased in the very near future, and that will also require vast expenditures, which can only be met by means of ample revenues. These can not be realized if the railroads reduce their rates proportionally to the reduction caused by the canal. The wages paid to railroad employees can not possibly be reduced, and more than likely must be from time to time increased. That is just and proper and must be expected. The public and the railroad managements are beginning to prepare for such necessary conditions.

COMPETITIVE RATES NOT MUCH REDUCED.

The railroads will not be permitted to reduce their competitive coast rates so as to be out of fair proportion to their intermediate and the intermountain rates, and recoup by raising or maintaining local or intermediate rates which would otherwise be reduced. In other words, the competitive coast rates, because of new water competition on account of the Panama Canal must and should not be reduced at the expense of the rest of the country. If the revenues warrant, reductions ought to be made. But with an increased wage to labor, increased facilities at enormous cost and increased taxes exacted by public authorities; it is not reasonable to expect such reductions. Under this situation, it is evident that a much larger proportion than at present of the 93 per cent, the competitive proportion possible to be carried either by rail or water, will then be transported through the canal; and of course the Atlantic coast territory, as the producers, will get the benefit of such reduction of rates and consequent increase of business. This will necessarily much reduce the proportion of the competitive products now forwarded by and sold to the Pacific coast from the Central West; and proportionally increase that portion now produced and sold from the Atlantic coast. That is to be expected and nobody can complain, as such will be the direct and necessary result from the opening of the Panama Canal.

CONDITIONS EXTEND COAST TRADE.

This changed condition will also extend eastward the trade territory of the Pacific coast cities, and to the same extent diminish the trade territory of the cities of the Central West. These cities in this vast and productive region can not meet the greatly lowered water rates through the canal on many products now furnished to the coast, and the railroads will not and can not place them upon the existing competitive equality. No one can foretell the extent of the loss of territory and trade of the central western cities or of the corresponding gain of the coast cities. But such a condition is to be fairly expected and no one can fairly complain.

REAL COMPLAINT.

Now comes the real and just complaint. All of this territory, east and west, north and south, pays its fair proportion of the enormous expense of construction and annual operation and maintenance of this canal. The eastern and western sections receive very large and direct benefits at once, which, we trust, will be tremendously increased. The central sections are but slightly benefited and some not at all. Is it not fair, then, that the commerce itself, which is so largely benefited and the benefits so unequally distributed should pay its fair share of the annual burden of maintenance and operation? If it does not so pay its fair share, and free tolls be allowed on the coastwise trade; the only effect would be to enable the eastern producer to lay his goods on the coast from 2 to 3 cents per hundred cheaper in consequence of such free tolls, and by that means to place his central western competitors under this additional handicap. Then it would also enable the Pacific coast competitors to push their trade territory just a little farther eastward, so far as the 2 or 3 cents per hundred of free tolls would permit them. This additional territory so gained by them, would be taken from the existing trade territory of the Central West; solely by reason of this reduction of rates on account of free tolls. It would thus directly operate to discriminate and subsidize the coast producers and merchants, as against the Central West producers and merchants. This would be the sole and main effect.

The lumber producers on the Puget Sound claim that they should have this advantage to meet the cheaper freights of the

Canadian competitive territory. The customs tariff was levied to meet that exact situation, and these gentlemen want a protective tariff and free tolls both, even though our treaties prevent. Properly their argument would lead rather to free ships than free tolls, and they then would be placed upon an equality as to expense of transportation.

NO RAILROAD QUESTION.

The railroad question and welfare has nothing to do with this matter. The railroads will live and do business anyway. They will earn their revenues anyway. If they do not in one way, they will in another. The real loss of trade will not seriously affect them, as they can recoup in other directions. But it is entirely different with the industries in the Central West. If their competitive territory be seriously reduced, if their business be permanently lost, there can be no such redress, and to that extent it will interfere with the prosperity and advancement of that vast and patriotic section of the country.

EFFECT FROM TOLLS.

This section is entirely willing to pay its fair share of all public expenses in and about the canal, and it expects to see its competitors legitimately profit and advance by them. But it is unwilling to have such competing commerce exempted from its fair share of the public burdens, and especially from the burden conferring such direct and enormous benefits upon it, especially when such exemption and favoritism will unfairly reduce their trade and diminish their territory to that extent, more than is naturally or properly necessary. Free tolls would be but taking their own money to use in strangling and injuring their own business. It is taking the public money from the Central West, to use in dwarfing its development and impairing its legitimate advancement and influence.

NOT UNDERSTOOD.

It is difficult to believe that the business interests of the coasts realize this gross unfairness and injustice. It is difficult to conceive that the business man of any section of the country will deliberately plan to extort public funds from a competing section of the country and then use such funds to subsidize and extend their own private business and proportionally injure that of their competitors. This has not been tried before in this country and should not be sought now. We want the business interests of the coasts to receive their legitimate and tremendous advantages which will accrue them by reason of the construction of the Panama Canal. But it does seem to be the grossest injustice to continue to tax the Central West for all time, to build up and advance their already greatly favored rivals of the coasts, at the expense of competing territory which has generously and patriotically done its full share for the benefit of the whole country.

XVIII.

CONSEQUENCES OF VIOLATING TREATY RELATIONS AND PLEDGES.

On the 22d day of February, 1902, through a proclamation of the President of the United States, so authorized by the Constitution to do, the United States solemnly pledged itself that "such treaty and every article and clause thereof may be observed and fulfilled with good faith by this United States and the citizens thereof." What should properly be included in such obligation and pledge has been discussed. But it is now important to realize and summarize briefly some of the unfortunate consequences which would ensue, if the United States deliberately violated such solemn agreements. First, it would change and unsettle the construction of most of the existing treaties of commerce and navigation of the United States with other nations of the world. In most of them are employed the words "terms of equality," "equal terms," "like terms," and so forth; and the construction of such language has uniformly been that the provisions to which such "equal terms," and so forth, applied, must operate identically the same upon the two contracting parties. By the plan of the minority it is proposed to change such uniform and sensible construction of the words "terms of entire equality," and so forth, "so that there shall be no discrimination," and so forth; and hereafter by such words imply an exception of our own domestic commerce. If that be conceded, then fairly must the same be also conceded to the other contracting parties, and the treaties now in force would have an entirely different effect than at present.

WATERWAYS AFFECTED.

There are important straits connecting oceans or seas used by international commerce where the United States has insisted upon the application of the general principles of neutrality and equality; among them may be noted the Strait of Canso and the Strait of Magellan. Both of these are very important to our commerce, and it has always been the policy of our Government to insist upon equality of treatment and neutrality in their use. The treaties with the various nations practically provide for such use. The Panama Canal does not stand on entirely the same basis, because constructed at the expense of this country. But our Government has solemnly pledged its use on practically the same basis of that of these straits. If such general principle be violated by us in the use of the Panama Canal, it may be fairly expected that similar occasions may arise in the future, where the nations of Great Britain, controlling the Strait of Canso, and Chile, controlling the Strait of Magellan, if they shall be denied equal treatment and find their commerce discriminated against by our Government in the use of our great international highway at Panama, may also in same way give our commerce a dose of our own treatment in the use of their international waterways.

SOO CANAL.

For example, the largest and most important part of water traffic of this country is upon the Great Lakes, where last year there passed through the Soo Canal 62,363,218 tons, valued at $654,010,844, as shown by the last report of the Chief of Engineers, page 892. There passed through the American Canal, in 1911, 12,544 vessels, carrying 23,624,553 short tons of freight and 36,021 passengers; and through the Canadian Canal 6,854 vessels, carrying 32,804,286 short tons of freight and 33,670 passengers. Freight money paid for the year was $38,710,904. Of this freight carried 94 per cent was in American vessels and 6 per cent in Canadian vessels. The average number of vessels passing through the locks per day were as follows:

Through Poe Lock (depth of water in lock, 18.5)	38
Through Weitzel Lock (depth of water in lock, 12.9)	25
Through Canadian Lock (depth of water in lock, 19)	32

These figures show conclusively that the Canadian and the foreign business through these locks is of slight consequence, but that the bulk of it is the coastwise commerce of the United States. The Canadian vessels carried only 6 per cent of the total traffic, while the Canadian Lock passed 32,804,206 short tons and 33,670 passengers, as against 23,625,553 short tons and 36,821 passengers, for both American locks.

AMERICAN VESSELS USED CANADIAN LOCK.

It is evident that the large American vessels used the Canadian Lock to a very great extent. This is unquestioned, and the reasons are that frequently conditions of navigation make it more convenient and even important to so do; and still more important, the Canadian Lock has a depth of 19 feet, while the Poe Lock has 18.5 feet. The Canadian Lock has 6 inches more water, and each inch will transport on the average about 100 additional tons of freight; and by this the earning capacity of each freighter so using such depth could be increased from $75 to $100 for each trip, or double such sum for the round trip, and for a season would amount for each vessel between $2,500 to $3,000. (S. Doc. 105, 62d Cong., 1st sess., p. 15.)

VALUE OF CANADIAN CANALS TO THE UNITED STATES.

Last season 6,854 vessels passed the Canadian lock, and it is probable that at least two-thirds of them were American. So that the value of such use in additional freightage caused by the added depth alone would amount to fully $10,000,000 for the season.

On the Welland Canal the latest Canadian statistics show that the quantity of freight annually passed in American vessels from United States ports to United States ports has varied from a minimum of about 300,000 tons to a maximum of 775,000 tons; and that last year the Welland Canal passed in Canadian vessels 921,321 tons and American vessels 774,108 tons.

These figures show the importance of both waterways to the domestic commerce of the United States, far exceeding the importance of the Panama Canal concerning domestic trade.

TREATY PROVISIONS APPLIED.

There has already been discussed the provisions of each treaty; and if the United States insists on the policy and right to discriminate in its favor through the Panama Canal, equally under similar language in the Canadian treaty, can Canada discriminate in favor of its coastwise trade and against our coastwise trade on the canals of the Great Lakes? Canada did vigorously contend for just such a construction as the minority advocates, and undoubtedly would welcome it now. But it must be realized that such a construction and discrimination would affect many millions of people and hundreds of millions of traffic annually; and in the very region where the opening of the Panama Canal will admittedly discriminate against it as compared with its competitors.

WEST NEEDS CANADIAN CANALS.

The Central West needs the free and equal use of the Canadian canals and the St. Lawrence River, and must have them for its development and welfare. The existing conditions are satisfactory and conducive to prosperity. But such a change as advocated by the minority might precipitate a conflict which

would be disastrous in the extreme, and injure still further the great section already yielding by the canal more than its share to its competitors on the coasts. The Canadian commerce upon the Great Lakes no longer has use for our Soo Canals, and need no longer fear the reprisals of our statutes providing for discrimination in case Canada refuses to agree to our construction of the treaties relative to the canals. If Canada shall see fit to adopt, in reference to its Soo and Welland Canals, the exact construction the minority contends for the use of the Panama Canal, our commerce would be nearly helpless. Canada could use its own Soo Canal and would not mind any discrimination in the use of our Soo Canals. If we discriminated in the use of the St. Clair Channels, Canada could retaliate in the use of the St. Lawrence River. This but illustrates the dangers of such a policy sought by the minority.

It is submitted that such possibilities for evils to large sections of our country should not be precipitated by selfish interests, and they are passing the limits in their greed to help some petty special benefits.

POLICIES ENCOURAGE TROUBLE.

Such a condition would be likely to extend over the whole domain of our diplomatic relations in our use of foreign and international waterways. A deliberate breach of international good faith as to this most important treaty, would subject this Nation to suspicion everywhere—at home and abroad—of unreliability and perfidy. No nation could deal with us on the assurance that our most solemn agreements would be respected in case selfish private and local interests could persuade to the contrary. No one could safely trust our national agreements, in the fear that greedy and influential interests might at any time compel a violation of them. Such an example would impair the moral character of our own people and subject our public action in domestic and international matters to the severest test of corrupt pressure. The time to stop this greed and narrowness and consequent injury to our people and our Nation, is at its inception.

REPUTATION INJURED.

Such a reputation, lack of respect, and unreliability would injure our foreign relations of all sorts, and foreign nations would discriminate against us whenever possible. No one can overestimate the benefit of the highest credit and character in the world's affairs. Throwing it away now, as sought by the minority, would cost our people beyond measure and require years to recover, after its realization.

The domestic commerce itself would suffer also. The conditions of "equality and neutrality" are the basis of international agreements. When equality is not agreed to, then must "neutrality and fair dealing" cease also. If our coastwise trade be not subject to such rules of equality and neutrality; no one could foretell the evil consequences which might ensue in case of war, which might involve the Canal Zone. No nation would sympathize with its plight; and all the world would be glad to see it suffer; since it, by its own selfishness, would not be protected by the rules of the canal treaty and by the rules of neutrality.

REQUIRE LARGER MILITARY FORCE.

Such a condition of discrimination and dissatisfaction would require an enlarged armament and still more expensive military and naval preparations; to properly protect the coastwise commerce, from which the rules of neutrality are withdrawn and against which there would be constant and just discrimination and resentment. No one can foretell the difficulties to us, but we would begin to realize the benefit of preserving inviolate our faith and honor, and maintaining in all fairness and justice this international agreement and our pledges solemnly undertaken.

TRUE POLICY.

The true policy of Congress and our Government should be to treat every nation, all trade, every vessel, and citizen with the same fairness and equality. This will insure the largest use of the canal, the most agreeable sentiment toward it in the world's commerce. The majority of the committee has endeavored to do this and that commerce shall not be burdened in any way by it. Under these conditions we are confident that with the good opinion of the world, the natural and tremendous increase of our foreign and domestic commerce and development, will compensate our people for their vast expenditures.

The triumphs of the decade of construction are a just pride of a sensitive and mighty people, but this brightness will fade and these glories resolve to ashes, unless a similar constructive genius and an unswerving integrity shall compel these labors and sacrifices to contribute to the Nation's honor and prosperity. Our people must cast aside their prejudices and local self-interest, realize to the full their broad responsibilities and obligations, and appreciate the breadth and magnitude of the tasks and problems which confront them; if they do then, as in the past, we can face the future with confidence, that the most gigantic work of the ages will add its full share to the welfare and fame of our common country.

Treaties and acts of Congress relating to the Isthmian Canal.

Convention as to ship canal connecting Atlantic and Pacific Oceans, 1850. (Clayton-Bulwer treaty.) Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850. (Treaties and Conventions, 1889, p. 440.)

ARTICLES.

I. Declarations as to control of canal, occupation of territory, and commercial advantages.
II. Neutrality of canal in case of war.
III. Protection of construction.
IV. Mutual influence to facilitate construction.
V. Guarantee of neutrality.
VI. Cooperation of other States.
VII. Mutual encouragement to speedy construction.
VIII. Protection to other communications.
IX. Ratification.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honorable Privy Council, knight commander of the Most Honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Brittanic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people for the purpose of erecting or maintaining any such fortifications or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally and may be withdrawn by both Governments or either Government if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guaranty without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking, it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE VIII.

The Governments of the United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of, as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington, within six months from this day, or sooner if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington, the 19th day of April, A. D. 1850.

JOHN M. CLAYTON. [SEAL.]
HENRY LYTTON BULWER. [SEAL.]

Treaty between the United States and Great Britain to facilitate the construction of a ship canal. Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IV.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, A. D. 1902, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY,
Secretary of State.

Mr. Chairman, I wish to be notified at the end of 30 minutes.

Mr. Chairman, in addressing this committee this afternoon as briefly as I can, I shall confine myself to the subject of the treaty rights of our own and the other nations concerning the canal; but, before discussing that subject, I wish to say just this about what has been said by the preceding and other speakers in favor of free tolls, concerning the help to the transcontinental railroads, that provision in the bill would be. I desire to say that all the testimony is before the House; every word of it. Nobody appeared before the committee against the proposition of free tolls among those interested, though our traffic expert, Dr. Johnson, and Col. Goethals, chief engineer of the canal, so testified. The only witnesses who appeared

before the committee, interested in the subject, were those in favor of free tolls. So this committee will realize that if there were any one class of men in this House who have not desired under any circumstances to help any railroad or any special interests through the operation of the Panama Canal it would be the majority members, as to this bill on both sides of the aisle, of the Committee on Interstate and Foreign Commerce.

The chairman, the gentleman from Alabama [Mr. RICHARDSON], the gentleman from Tennessee [Mr. SIMS], the gentleman from Missouri [Mr. HAMLIN], the gentleman from Colorado [Mr. MARTIN], the gentleman from Texas [Mr. SMITH], the gentleman from Illinois [Mr. SABATH], the gentleman from Maine [Mr. GOULD], the gentlman from Ohio [Mr. GOEKE], the gentleman from Wisconsin [Mr. ESCH], the gentleman from New York [Mr. MICHAEL E. DRISCOLL], the gentleman from South Dakota [Mr. MARTIN], and the gentleman from Michigan [Mr. HAMILTON], I have only to name them to the Members of this House to give this House the full assurance that those men have guarded and will guard the interests of the people to the utmost limit, and would allow nothing to be contained in the bill for the purpose of helping the interests of the transcontinental or any other lines or any other special interests. I think it only justice to them to have some statement like this placed in the RECORD. [Applause.] The majority of the committee believe that the reasons why we should not have free tolls are national and not local. With the exception of the very excellent address of the gentleman from Michigan, who takes a broad international standpoint, the other addresses have been simply local and designed to help special local interests on the Pacific coast, and that has been their standpoint in considering this matter. I wish to address this committee on the important questions from the broad national standpoint as worthy of the greatest engineering triumphs of the ages. The reason why we did not have free tolls are in substance these: First, because such a policy would clearly and plainly violate the solemn pledges of our Government and our international good faith.

Second. Such a policy would improperly and greatly injure the interests of our country among the other nations of the world, would greatly injure and impair our foreign trade, and injure our investments and interests in other countries.

Third. The policy of free tolls in the coastwise trade would not add one single vessel to the American merchant marine, as testified before our committee and which is contained in the testimony, and it would not make any appreciable difference to the consumers of the country, and so would not subserve any public purpose for our people.

Fourth. The enormous expense of operating that canal is little realized. Col. Goethals testified that the annual expense, including interest, would be between $27,000,000 and $28,000,000. Dr. Johnston testified before the Senate committee that the expense would be about $30,000,000 per annum. Other eminent authorities have testified, taking into consideration all the different phases of the expense caused by the canal, that the annual expense, including interest, would be between $40,000,000 and $50,000,000 per annum. Everyone realizes there would be a very great reduction of freight rates—anywhere from 25 to even 60 or 70 per cent. Why, in all fairness, should not this commerce, so greatly benefited by that reduction of freight rates, pay its share of the enormous burden, maintained throughout all time, of $40,000,000 or $50,000,000 per year upon the American people?

Fifth. These gentlemen, in discussing the economic features, all assume that the present system of blanket freight rates from the East to the coast will continue. The Interstate Commerce Commission in not less than three recent cases and in their last report have clearly indicated that their policy in the future would be to gradually abolish the blanket rates and establish a system of zone rates or something of that sort. If that be true, the present system by which the Central West competes with the coast would be abolished, because the coast rates, on account of water competition, would be lower than the interior rates, as they ought to be when the canal shall be finished. And when that shall be done it will benefit the coast producers and the merchants very much more than it can possibly benefit the interior merchants and producers. That benefit is just, and ought to be expected; but why, in addition, should the merchants and producers of the Pacific coast ask—in addition to these tremendous benefits which they are bound to receive from tolls, so that they can discriminate still further against the producers and merchants of the Central West—to take additional trade territory away from them? That is not natural, fair, or just. And yet that is practically the only effect of free tolls—to subsidize the coast interests at the expense of the interior.

Mr. MADDEN. Will the gentleman yield to a short question at that point? I was wondering whether this bill made any regulation for the making of rates by water by the Interstate Commerce Commission.

Mr. STEVENS of Minnesota. No; it does not.

I am about to discuss the subject of treaties, but I am just outlining in a general way why we should not have free tolls.

Now, six. The language of this treaty concerning the Panama Canal is almost identical in language with other treaties concerning not only the canals upon the Great Lakes, but other international waterways in which we are interested; and if the policy be adopted of providing by an implication—remember, by an implication—that our coastwise trade can be excluded, that same construction can be fairly allowed to other treaties concerning other national waterways. Consider the national waterways of the Great Lakes. The Canadian Soo last year passed 32,000,000 tons, three-fourths of it American tonnage. The Welland Canal last year passed 775,000 of American tonnage—all of this American trade. Now, if we discriminate against Great Britain under this treaty as to their coastwise trade, under similar language Canada and Great Britain can discriminate against us upon the coastwise trade of the Great Lakes, very much more important than the trade which can go through the Panama Canal. Now, those are in brief——

Mr. DOREMUS. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. DOREMUS. I merely wanted to ask the gentleman if he recalls the last time Canada attempted a thing of that kind.

Mr. STEVENS of Minnesota. I will show that to the gentleman very clearly after a little.

Mr. DOREMUS. I wish he would explain that.

Mr. STEVENS of Minnesota. I will before I get through. I do not think the gentleman will be exactly satisfied with the situation, but I will be glad to do it.

That is the outline of the reasons why we ought not to have free tolls. In discussing the provisions of the treaty—and that is what I shall address myself to this afternoon—it is well to understand what the treaty is. The main proposition in this controversy is the treaty between Great Britain and the United States, made in 1901, and known as the Hay-Pauncefote treaty, which covers the Panama Canal. The Panama treaty contains the same, in substance, and discussion of the English treaty will cover the whole subject. The contention is concerning the provisions of article 3, containing six different sections. The first section of such article is the main section in dispute, and I will read the substance of it, so that the committee can have it clearly in mind.

The canal shall be free and open to the vessels of commerce and of war of all nations—

No qualification or exception—

of all nations observing these rules—

Notice that—

on terms of entire equality—

Notice that—no qualification or exception—

so there shall be no discrimination against any such nation or its subjects or its citizens in respect of the conditions or charges of traffic or otherwise.

In other words, the language of that section is just as plain as can be that the charges as to all vessels, of all nations, their citizens, their subjects, shall be on terms of entire equality, without any discrimination against anybody.

Clearly that covers every nation observing these rules. It covers all kinds of trade observing these rules. The language is plain.

But these gentlemen insist that there must be something else implied from that. The gentleman from Washington [Mr. HUMPHREY] insisted that the words "other nations" do not include the United States at all; that it excludes both coastwise and foreign trade. As I gather from the minority report, they only imply that the coastwise trade shall be excluded. They deduce that by implication, so that whatever basis they rest upon must be by implication from the plain terms of the treaty. There must be an exclusion of such coastwise trade by implication. It certainly is not directly provided.

There is nothing in the treaty itself that allows free tolls. It must be an exception implied by the general conditions of the treaty, and that is the only possible way.

Now I shall discuss that phase of the subject and, first, the intrepretation of the treaty itself. Article 1 provides that the canal may be constructed in either one of three different ways: First, by the United States itself directly, at its own cost; or, second, by a gift or loan of money—that, I presume, is by a guaranty of bonds to individuals or corporations—and, third,

by subscription to or purchase of stocks or shares, such as has been done by some nations as to Suez Canal.

There are three different ways by which the canal itself can be constructed. Now, I doubt if any of these gentlemen have the hardihood to assume that if the canal were to be constructed by a private corporation, as the Suez Canal was constructed, there would be any implication in this treaty by which that private corporation would be obliged to give free tolls to private vessels. I doubt if anyone would have the hardihood to assume that. And yet the language of the treaty and the rules and regulations of the treaty are identical concerning the three different methods of construction. The United States by this treaty is created as a corporation solely for the purpose of constructing and operating that canal, with identically the same provisions, the same responsibilities, and the same rights as though that canal had been constructed by a private corporation.

Now, this treaty and all its provisions are based on the Suez conditions. The Suez Canal was constructed by a private corporation, just exactly as this might have been constructed by a private corporation. The language of the Suez treaty, I say, is almost identical with this one in many respects; and this provision is based on the Suez rules, and nobody can contend that the Suez Canal can be compelled or allowed to give a preference to any vessel of any nation. On the contrary, there is an express prohibition against it, with one exception. Section 12 of the convention concerning the Suez Canal provides that the rights of Turkey, as the territorial owner, are expressly excepted. There is an express exception for Turkey, whereas there is no express exception in this case for the United States. So that it is clear that if any express exception had been desired for our own vessels, based on the analogy of the Suez Canal, it ought to have been stated. But it was not stated, and in all fairness, under any rules of construction, no express exception should be implied.

Now, second, article 3 is the main article in this treaty. It regulates the operation of the canal, the method of tolls, and the method of neutralization, and the last five sections regulate the method of neutralization. It will be noted that the two subjects belong together—equality of tolls and treatment and neutralization.

The two things are integrally connected. They are connected necessarily, for the reason that if any nation has a preference, and if any nation is at a disadvantage on account of that preference, such a nation which is at the disadvantage necessarily would not be willing to concede that neutrality should exist to the nation that is favored. Necessarily that is so all over the world in every treaty which has been made, that equality should coexist with neutrality, and the two are always placed together. I will insert in the RECORD very many cases and the remarks of very many of our statesmen and publicists to the point that neutrality and equality are inseparable.

Now, if by implication you exclude the coastwise trade from the provision as to equality, you necessarily exclude it from the exception as to neutrality. You do that necessarily, because they belong together, and that is clearly stated in the report of the Senate Committee on Foreign Relations, which reported the original Hay-Pauncefote treaty, in which Senator Davis, probably one of the great international lawyers of his day and generation, covered that point in a short clause, which is found on page 12 of the Senate report on the Hay-Pauncefote treaty:

> In conditions that may not be entirely remote we should find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

And the same matter is discussed by Prof. John Bassett Moore, probably the most eminent of our publicists, in holding that if an exception be made as to equality, that exception must also be made as to neutrality. And yet the very essence of the existence of the treaty is that there must be both equality and neutrality.

Again, there has been discussion of the language of the preamble to this treaty and its connection. Now, everybody knows what a preamble is for. It is mainly for two purposes: First, to show the reason for the existence of the instrument and why it was made effective; and, next, to show how it should be construed, to make effective the reasons for its existence. Those are the two things that a preamble is for.

This preamble provides, in substance, that this treaty is made without impairing the general principles of neutralization established in article 8 of the Clayton-Bulwer treaty. Now, what does article 8 provide as the general principle? It provides three things: First, that there should be equality between the vessels of Great Britain and the United States—equality as to all vessels, not coastwise merely, but equality as to every kind of vessel; second, that there should be neutrality; and, third, joint protection. But gentlemen say it might be inferred that the word "equality" in this article 8 is so broad that coastwise vessels might be excepted, the same as it is desired to except them from the Hay-Pauncefote treaty. It is fortunate that that very word has been construed by the action of our own Government.

In 1895 Secretary of State Olney, of the last Cleveland administration, in his memorandum concerning the construction of these words, as to what constitutes "general principle," stated that these terms can be best understood by examining the previous seven sections of the Clayton-Bulwer treaty and ascertaining the reasons for its existence and the meaning of the terms and how they should be applied.

Now, the chairman of the committee [Mr. ADAMSON] yesterday read into the RECORD three different provisions of the Clayton-Bulwer treaty, in article 1, article 5, and article 6. I will place them in the RECORD; but they provide, in substance, that the making of this treaty and the existence of this canal shall be to secure the utmost equality—perfect equality, I think, is the term used—of the ships of all nations, and especially of Great Britain and the United States; and the language is expressly used, so that the ships of neither one, neither the United States nor Great Britain, shall be placed at a disadvantage or particular advantage on account of the existence of the canal. In other words, the making of the canal shall not operate in any possible way to place our ships at an advantage of Great Britain or the ships of Great Britain at an advantage of the United States.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. LEWIS. I want to inquire whether the Suez Canal was subject to the same treaty attachments and obligations that are spoken of now with reference to the Panama Canal?

Mr. STEVENS of Minnesota. Practically, and the Hay-Pauncefote treaty is based upon the Suez treaty, with practically the same obligation.

Mr. CANNON. Will the gentleman allow a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. CANNON. We exclude all countries from our coastwise trade?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. It is not proposed to open it to any country?

Mr. STEVENS of Minnesota. Not that I know of. I hope not.

Mr. CANNON. How is it possible that this treaty should cover the coastwise trade so far as the tolls are concerned? It is free of cost on our seashore through our possession of the Panama Canal, and how can it be claimed, even granting, for the sake of the argument, that the gentleman's construction is not a strained one as to the foreign commerce—how can it be held that, as we monopolize our coastwise trade, Great Britain would be able to complain, by any construction of the treaty, that we could not relieve that coastwise trade from tolls?

Mr. STEVENS of Minnesota. I should be glad to answer the gentleman, but I would like to do it in my own way by continuing as to the construction of the treaty itself.

Mr. CLINE. Will the gentleman yield for a question right in that line?

Mr. STEVENS of Minnesota. I will yield to the gentleman.

Mr. CLINE. According to the rule of implication, if we purpose to relieve our own coastwise trade, is it not fair to include in it the other party to this contract, and also include the coastwise trade of Canada?

Mr. STEVENS of Minnesota. Yes; and I will discuss that at some length in a few moments. Now, gentlemen, the point I am trying to make is that the Clayton-Bulwer treaty provided clearly that the vessels of Great Britain should be treated just the same as the vessels of the United States, both coastwise and foreign; that that is the general principle which is provided, and that is shown in the preamble. In other words, the words "general principle" in the preamble required that there should be entire equality of treatment of all vessels, all traffic, and all trade, and in a few minutes I will show that that has been the construction put upon it by the United States itself as to the coastwise trade as applied to these words, and that is why I asked the gentleman from Illinois to wait for an answer to his question.

The United States itself has construed these identical words in the canal treaty and that in the Clayton-Bulwer treaty as requiring that the coastwise trade should be included in its terms and can not be excepted. I think that will answer the gentleman when I show him what the Congress and our Government has done.

But one thing more as to the making of the treaty.

Mr. FORDNEY. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Yes.

Mr. FORDNEY. Is it not true that England rebates the tolls collected from her vessels?

Mr. STEVENS of Minnesota. Yes; and that is entirely valid under these treaties. We could do the same thing.

Mr. MARTIN of Colorado. I do not agree with the concession the gentleman from Minnesota has just made, that England rebates the tolls collected at the Suez Canal.

Mr. STEVENS of Minnesota. Perhaps I made my statement a little too broad. The gentleman from Michigan asked if it is not lawful under the treaty to have that done.

Mr. MARTIN of Colorado. No; I beg the gentleman's pardon; the gentleman from Michigan asked the gentleman from Minnesota if England did not rebate the tolls through the Suez Canal on her vessels.

Mr. STEVENS of Minnesota. Well, that is immaterial to this discussion.

Mr. MARTIN of Colorado. I shall undertake to show, when I get time, that England does not rebate the Suez Canal tolls.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, a few words concerning the origin of the treaty and what was intended to be accomplished by the treaty. The treaty was initiated in 1898 by Secretary Hay himself, after the war with Spain had been finished. It was initiated by letters to the American Embassy in London, asking the American Embassy there to ascertain from the British foreign office upon what basis a new treaty could be made to supplant the existing Clayton-Bulwer treaty. The British foreign office made its statements, and they are on the files of the State Department and open for inspection by anybody who wishes to see them. The British foreign office stated clearly three things: First, that the British vessels of all kinds must be treated on even terms with our vessels of all kinds. There is no qualification or exception about it. It was a fair proposition. Second, there must be perfect equality; and, third, that the charges must be fair, just, and equitable.

Secretary Hay at once replied that these conditions were fair because they were a part of the historic policy of this country for more than 50 years—that the treatment must be identical among the vessels of all kinds, coastwise and foreign. Now, Secretary Hay stated that and the British foreign office agreed to that.

Mr. MADDEN. Was the word "coastwise" used?

Mr. STEVENS of Minnesota. It was used in a memorandum to us by Secretary White in the State Department. The treaty was framed in accordance with these provisions embracing this language. After I describe the conditions on the Great Lakes the gentleman will see why this language appears.

Mr. CANNON. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. Was this pending the negotiation of the treaty, this construction of it, or after it was negotiated?

Mr. STEVENS of Minnesota. It was pending the negotiation—before it was negotiated.

Mr. CANNON. Then it was a mere part of the sparring back and forth.

Mr. STEVENS of Minnesota. No; but they agreed to it.

Mr. CANNON. Is it in the terms of the treaty that they agreed to it?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. Using the word "coastwise"?

Mr. STEVENS of Minnesota. No; that is not necessary, as the gentleman will see in a few minutes as we proceed.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. CULLOP. After that was done, when the treaty came before the Senate for ratification, it was then and there so construed, was it not?

Mr. STEVENS of Minnesota. Yes.

Mr. CULLOP. And an amendment was offered not to include the coastwise trade, and was voted down by a vote of 23 to 46.

Mr. STEVENS of Minnesota. Mr. Chairman, I am very glad that the gentleman from Indiana has recalled that to my mind. On page 16 of Senate Document No. 85 Senator Bard, of California, offered an amendment that coastwise business should be excluded. That was voted down.

The CHAIRMAN. The Chair will inform the gentleman from Minnesota that he has now consumed 30 minutes of time.

Mr. STEVENS of Minnesota. I shall take 10 minutes more, Mr. Chairman.

Mr. MANN. Mr. Chairman, may I ask the gentleman whether the memorandum to which he refers in the State Department was submitted to the Senate with the documents that were submitted?

Mr. STEVENS of Minnesota. It was submitted in a memorandum of Secretary Hay himself.

Mr. CANNON. In that same connection, will the gentleman also explain, touching the language to which he refers, if it is not true that the talk about the coastwise trade in the negotiations referred to the coastwise trade of Canada through the canal and not the coastwise trade of the United States?

Mr. STEVENS of Minnesota. Not at all. The only memorandum that exists in the State Department is a memorandum attached to the letter of Henry White, the chargé at London, and that memorandum states the view of the British foreign office, that there must be, as I think they say, perfect equality of all vessels.

Mr. MANN. Was that memorandum submitted to the Senate?

Mr. STEVENS of Minnesota. Secretary Hay submitted a lengthy memorandum of his own to the Senate, a very lengthy memorandum. The files of the State Department, of course, were not sent up there, but the memorandum contained the views I have just stated.

Mr. MANN. And that memorandum is printed?

Mr. STEVENS of Minnesota. Yes.

Mr. MANN. What I wish to inquire is whether the gentleman was calling attention to some secret information in the State Department which was not submitted to the Senate.

Mr. STEVENS of Minnesota. No; it is a matter of public record, and is noted in Moore's International Law. That is how I found it.

Mr. MANN. I think it was not submitted to the Senate. It was not before the Senate.

Mr. STEVENS of Minnesota. I do not suppose those identical papers were.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. ADAMSON. Mr. Chairman, I do not wish to contribute unnecessarily to the consumption of the gentleman's time, but before he gets away from his colloquy with the gentleman from Illinois [Mr. CANNON] I wish to call his attention right in this connection to the well-established rule, supported by unbroken precedent, and he can publicly challenge it now, forever, everywhere, that whenever a treaty is formed and no express mention is made therein of a distinction between coastwise and foreign trade there is no difference in the treatment, and every time an exception is made a reason exists and is shown for it.

Mr. STEVENS of Minnesota. The gentleman is entirely right, as I will show clearly.

To follow the suggestion of the gentleman from Indiana, Judge CULLOP, the conclusive reason under ordinary circumstances, when an amendment exempting coastwise trade is offered to a general provision which would include the coastwise trade, is that the Senate evidently did intend to retain the coastwise trade within the general provisions of the treaty. That is the natural use and construction of such language. The minority met that by a private letter from the late Senator Bard, of California, in which he stated that of course the Senate understood that the terms of the treaty might imply that coastwise trade be excepted just the same as fortifications. As to that there is only this to say: Senator Bard's amendment was offered in terms to article 3 of the treaty.

Article 3 provides, in substance, that the United States shall invite other nations to adhere to the terms of the treaty, and therefore Senator Bard offered an amendment to an article of the treaty which was not germane and of no consequence at all, and only a page before of this very pamphlet it shows that article 3 had been already stricken out on a motion of Senator Foraker, and that Senator Bard knew nothing about it. So Senator Bard's statement was known in the Senate or believed in the Senate that the implication excepted coastwise trade. It can be realized, the value of such a statement, since he did not know that there was not any such article in the treaty to which he offered the amendment. Further than that, there are 13 Senators in the Senate now who voted against it. Senator Frye from Maine and Senator LODGE offered bills as to Panama Canal tolls directly the contrary to the views expressed by Senator Bard, but in accordance with the views of the gentleman from Michigan, that the treaty does not allow inequality or discrimination; that the treaty does not allow discrimination in tolls; if we desired to help our coastwise trade it must be done by a direct appropriation from the Treasury. Now, those bills are a part of the files of this Congress and I will insert them in my remarks.

Mr. KNOWLAND. If the gentleman will permit me, I will read out of my own time from a letter of Senator Bard to me. In this letter which I have from Senator Bard he says:

I find I have omitted to say that when my amendment was under consideration it was generally conceded—

And he underscores the words "it was generally conceded"—

by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce forbidding the discrimination for charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

Mr. STEVENS of Minnesota. Mr. Chairman, I say that Senator Bard knew nothing about it, as is evidenced by a man who offers an amendment to a section that is not in existence. The fact that the most eminent Members of the Senate who voted on the subject entirely disagreed with Senator Bard, who did not believe it was proper to give them free toll, and two of them have introduced bills; and one bill is now pending in the Senate, based on the fact that the treaty did not allow a discrimination as to coastwise trade.

Mr. KNOWLAND. Does my colleague think that Senator LODGE does not believe that we can do this?

Mr. STEVENS of Minnesota. I say Senator LODGE has a bill pending in the Senate, based on the same proposition advanced by the gentleman from Michigan, that in order to help our coastwise trade we can not do it by free tolls, but it must be done by direct appropriations from the Treasury, and I will insert that bill in my remarks.

Mr. KNOWLAND. Senator LODGE authorized a gentleman in this city to telegraph to the railroad commission of California that he believed that could be done.

Mr. STEVENS of Minnesota. I will place in the RECORD the matter and the gentleman can judge just as he pleases. His official record is to the contrary, and if the gentleman's information concerning Senator Bard is about as reliable as that concerning Senator LODGE I hardly think that a great international work can be based upon that sort of information.

Mr. KNOWLAND. The gentleman does not question the reliability of this letter?

Mr. STEVENS of Minnesota. Oh, no.

Mr. ALEXANDER. If I understood the contention of the gentleman, we can not discriminate in favor of American shipping or the coastwise over foreign trade.

Mr. STEVENS of Minnesota. That is my contention.

Mr. ALEXANDER. I take it you concede this Government may, out of the Treasury, appropriate money to pay the tolls of American ships going through the canal.

Mr. STEVENS of Minnesota. Oh, yes; I think there is no doubt about it.

Mr. ALEXANDER. Would not that be a violation of the treaty to do that, but if we can do that indirectly, in other words, in the first instance, if we charge ships going through the canal a certain toll and then we reimburse them out of the National Treasury, is not that a violation of the treaty and can not we do that directly that you concede we can do indirectly?

Mr. STEVENS of Minnesota. Well, I am very glad to answer that, because the same thing is done at Suez, and the reason for it is this: The treaty provides that all nations, our own and others, must be placed on a basis of equality; that is, when we pass through the canal we are to be all treated just exactly alike. Now, each nation determines for itself when it reaches that canal as to its own policy of helping its ships through there based on an equality so far as going through the canal is concerned, but if our Nation insists on giving free tolls to its own ships on the canal, it then places itself on an inequality, and treats itself then differently from the way other nations are treated.

So that the very moment we place ourselves on a different class than the other ships of other nations, we place ourselves in a different situation from other nations. We treat them and their ships upon inequality, and the treaty requires equality, and that can only be done by allowing each nation to decide for itself what it shall do for its own shipping at the entrance of the canal. That is the doctrine of the regulation at Suez and that is the doctrine as to this canal.

Mr. MOORE of Pennsylvania. Will the gentleman then explain why subsequent to the two treaties with Great Britain a treaty was entered into with the Government of Panama by which free tolls were allowed to vessels belonging to that Government?

Mr. STEVENS of Minnesota. I will get to that. But now I want to say a word as to the fortifications.

Mr. MOORE of Pennsylvania. Will the gentleman take that up?

Mr. STEVENS of Minnesota. I will be very glad to do so and follow it next.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of Minnesota. Ten minutes more, Mr. Chairman.

There was a prohibition against fortifications in the original treaty and then a sort of contradictory amendment in the Senate allowing defenses in a sort of way. And when these provisions were stricken out both Secretary Hay and Lord Lansdowne, the British foreign minister, sent memoranda, and in both of them it was stated that the language of the treaty as it now stands allowed fortifications, and the burden was upon the United States itself to defend that canal, its neutrality, and guarantee its protection in its own way. I will place those views in the RECORD.

But if the burden is upon the United States to use its land and naval forces to protect the canal, to protect its neutrality, and to protect its rights, it can use in the management of the canal those public vessels belonging to the Government which may be necessary to be used for canal purposes, as set forth in the treaty. And for that reason the United States has a right to send its war vessels through the canal, and the same right and necessity exists for sending the vessels of the Republic of Panama through the canal, for the purpose of making effective the purposes of the treaty.

Now, article 4 of the treaty provides that the sovereignty of the zone, the change of sovereignty, shall not affect the rights under the treaty. So the burden is upon the United States to see that article 4 is enforced, that the sovereignty of the zone is protected, and the rights under the sovereignty are protected. In order to do that and carry it into effect we provide that Panama shall protect its own sovereignty, subject to the general protection of the United States. In our treaty with Panama we stated then, "You do your own policing, you provide your sanitation, provide harbors of refuge for all vessels free of expense, and the vessels and forces necessary to protect such things," and for that purpose we let the public vessels of Panama which are required by that treaty through the canal free of expense.

Mr. MOORE of Pennsylvania. It is only a question of whether we could make that exception in our own behalf.

Mr. STEVENS of Minnesota. We do. We let our own public vessels, owned and used by the Government for public purposes, not private vessels, with nothing to do with commerce and trade and nothing to do but to protect the sovereignty of the canal, go through free of toll.

Mr. HUMPHREY of Washington. Will the gentleman yield? In the treaty the vessels of commerce and of war are in the same sentence and connected together, are they not, in which it says "vessels of commerce and of war"?

Mr. STEVENS of Minnesota. Certainly.

Mr. HUMPHREY of Washington. How can you let war vessels through free and not let commercial vessels through, when exactly the same language is used in the treaty as to both?

Mr. STEVENS of Minnesota. For this reason: The words "public vessels" in the bill, including Government vessels, are for the purpose of defending the canal and its neutralization. In the treaty those words refer to those vessels not necessary to protect the canal. Lord Lansdowne and Secretary Hay agreed clearly upon this point, that under the treaty the United States clearly had the right to use its own forces, including war vessels, to protect the sovereignty of the United States and of the zone and to regulate the management of the canal, to preserve neutralization, and all those things. It is as necessary for us to use our own war vessels for protection and defense, just the same as we use our own public vessels for carrying out the purposes of the canal management under the treaty.

Mr. MOORE of Pennsylvania. Does the agreement as to the Suez Canal allow vessels of commerce belonging to Turkey to pass through on more favorable terms?

Mr. STEVENS of Minnesota. It makes an exception as to the territorial sovereign. Turkey can do as it pleases under such an express exception.

Mr. MOORE of Pennsylvania. Then, Turkey is not on all fours——

Mr. STEVENS of Minnesota. It is. If we desired an express exception, we should have said so at the time. We did not say so at the time.

Mr. MOORE of Pennsylvania. In other words, we have lost our chance?

Mr. STEVENS of Minnesota. The gentleman has stated the matter accurately. We have lost our chance. Now, one thing more——

Mr. FORDNEY. Would not it be right that you should have the privilege to rebate tolls to the American ships?

Mr. STEVENS of Minnesota. I did not say that. I say we have no right to pass them through free and pay them afterwards. We have the right to rebate them under just such a bill as has been introduced by the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Then, conceding that again, would we not have the right to have American vessels enter into an agreement with this Government that their ships shall be used as auxiliaries to our Army and Navy, and for that consideration receive a rebate of the tolls?

Mr. STEVENS of Minnesota. Well, Mr. Chairman, the language of the bill is very direct. It says "public vessels of the United States." Whatever shall be necessary for the protection of the canal, for the protection of the sovereignty of the United States and of Panama, as applied to the canal, undoubtedly could go through free. But that is for the executive departments or the canal authorities under the bill to decide.

Now, one thing further. These gentleman have very generally argued that the Clayton-Bulwer treaty was wholly superseded, and that there was no contract, no reason, no consideration for the existence of the Hay-Pauncefote treaty, and that we got the worst of the bargain, and that there is nothing in it for us to enforce, so far as coastwise trade is concerned.

Let me call the attention of the committee to this: When Secretary Hay was obliged to negotiate for this treaty he was confronted with this situation: Under the existing treaty, as all our administrations had admitted, Great Britain had certain rights, territorial rights, shadowy in a way, but she had rights of joint protection and control of any interoceanic canal. It was absolutely necessary, the United States and most of our statesmen believed, to get rid of those rights. Now, Great Britain, on the other hand, said: "We will give you the sole right to build the canal and run it in your own way, provided you take equally as good care of our commerce as you do of your own," so that when we came to make the bargain, we said: "You yield the right of joint protection over the canal, and any shadowy right you may have in Central America, and we in our turn will yield our preferential rights in behalf of our own commerce and place yours and ours on the same basis."

The words of the treaty carry out exactly that bargain. Now, let me read the final result of the action of the United States. When President Roosevelt submitted the Hay-Pauncefote treaty to the Senate he stated in his message that this treaty did not impair the general principle of neutralization which I have described. When he finally promulgated the treaty he stated in his proclamation of promulgation that this treaty did not impair the right, under general principles of neutralization of treating all nations alike under these treaties, and then he added these significant words:

> Now, therefore, be it known that I, Theodore Roosevelt, President of the United States, have caused the said convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In the exact language of the treaty itself the President of the United States bound us solemnly and morally, as a Nation and as a people, to observe every article and clause of that treaty and all the terms thereof. So that our own Government, our own officials, our own history, the very reason for the existence of the treaty itself, compel us to treat all vessels of trade, either coastwise or foreign, alike.

Mr. WILDER. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. I yield to the gentleman from Massachusetts for a question.

Mr. WILDER. Is there anything in the Clayton-Bulwer treaty or in the Hay-Pauncefote treaty that lets England in any way into our coastwise trade?

Mr. STEVENS of Minnesota. No, sir.

Mr. WILDER. Then, manifestly unequal things are not equal, and if England can not get into our coastwise trade under any circumstances, how can England be put upon a par or equality with our own coastwise trade? She is not in it at all, and if she is not in it at all, how can there be any discrimination against her where she is not involved?

Mr. STEVENS of Minnesota. I will tell the gentleman. The treaty was made to cover just this point: England desired that her commerce should not be placed at a disadvantage with our commerce; she desired that her citizens should not be placed at a disadvantage with our citizens, on account of the construction of the canal. Now, the citizens of the Maritime Provinces have in many ways competing business with the citizens of New England. The people of Mexico and Central America have competing business with the citizens of our Middle West and the southern Gulf States, and the citizens of the British Provinces on the Pacific coast have competing interests with our citizens on the Pacific coast.

Especially the people of the northwest Pacific coast of the United States have competing business interests with the Canadian Pacific coast. Now that treaty was framed for the purpose of allowing all British vessels and British business interests and British citizens to have exactly the same rights through that canal and at the canal that similar interests of our own people have had. In other words, that in the use of the canal their competing trade should not be placed at a disadvantage with our competing trade, and that was the very reason why Great Britain consented to that treaty and yielded its own rights so that that should be done, and we agreed that it should be done.

Mr. WILDER. Quite right; but the line of demarcation clearly is where we come in competition with British vessels.

Mr. STEVENS of Minnesota. The gentleman is entirely wrong, and if he will allow me and will be patient I will reach that point and show him that our Government itself has decided that exact contention directly to the contrary. I will come to that right now.

The CHAIRMAN. The gentleman has consumed 50 minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, 10 minutes more.

The CHAIRMAN. The gentleman has 10 minutes more.

Mr. STEVENS of Minnesota. In 1871 the United States concluded at Washington a treaty with Great Britain concerning the use of the canals on the Great Lakes. Article 27 of that treaty reads as follows:

> Her British Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

Now, let me read the canal treaty. Remember the Canadian treaty provides the use of the Canadian canals "on terms of equality." The canal treaty provides:

> All nations observing these rules on terms of entire equality, so there shall be no discrimination.

Under that British treaty concerning the Canadian canals a very serious dispute arose in 1888. Canada insisted that the words "terms of equality" did not include its coastwise trade, because the coastwise trade of Canada is confined to Canadian interests, just the same as the coastwise trade of the United States is confined to United States vessels. Accordingly the Canadian Government framed rules in council providing for the export of grain; that the tolls on the Welland Canal should be 20 cents a ton; that if the grain that went through that canal was exported from Montreal or east of it a rebate of 18 cents per ton should be allowed on such exports; and then provided later that if that grain was transshipped in Canada the 18 cents should be allowed, but that if it were transshipped in the United States the rebate would not be allowed, but that the whole 20 cents must be paid. At that time there was a great competition beween the Canadian ports on Lake Ontario and the American ports on Lake Ontario as to such transshipment, and the American business interests along all of the Great Lakes, at Duluth, Chicago, Detroit, Buffalo, and Cleveland, all passed resolutions, just as similar ones have passed resolutions now, only they took the opposite position then from what they take now. At that time the Chamber of Commerce of Detroit stated:

> We believe that it was the intent of the twenty-seventh article of the treaty of Washington to secure to both American and Canadian vessels and citizens equal advantages in the use of the Welland Canal, the same as is granted to all vessels passing through the St. Clair Flats and Falls of St. Mary.

In other words, these chambers of commerce then took the position that the Canadians had no right to discriminate in favor of their local business, in favor of their local vessels, in favor of their coastwise business and of their own citizens under the words of the treaty "equality of treatment."

The Lake Carriers' Association, probably then and now the largest association of vessel owners in the United States, took very strong opposition to the action of the Canadian Government, and submitted many memorials to the Cleveland administration. President Cleveland investigated the matter very carefully through Secretary Bayard, and sent a message to Congress, in which he insisted that we did not get equal rights with Canadian vessels, because our ports, our trade, our traffic, and our citizens were being discriminated against, because the action of Canada violated the words "on terms of equality." The Canadian Government did nothing, but continued its discriminations, as described.

The matter continued into the administration of President Harrison. President Harrison in due time transmitted two messages to Congress, in which he took the same position as did President Cleveland, that the words "equality of treatment" covered everything—vessels, citizens, ports, routes, traffic, everything. The Canadian Government stated that the

words "equality of treatment" only covered vessels. The negotiations went along until 1892, when President Harrison sent a final message to Congress, which I have here, setting forth all of these facts.

There were two bills introduced in Congress, one in the House and one in the Senate. In the House it was introduced by the Representative from Georgia, Mr. Blount, the chairman of the Committee on Foreign Affairs, and in the Senate by Mr. Davis, of Minnesota. In the meantime the House Committee on Rivers and Harbors had passed a resolution denouncing the discrimination and demanding the facts, and Secretary Blaine set forth these facts in a reply to the Committee on Rivers and Harbors, in which he said that Canada was guilty of obvious discrimination under the treaty. The House Committee on Foreign Affairs in a report stated, in substance, the facts that I have stated to you, and finally concluded its report with the strongest language, denouncing the unfairness and perfidy of the Canadian Government.

Remember that Canada was, as stated by a committee of this House, making identically the same contention that is now made by the minority, that the coastwise trade of Canada was not included within the words "treatment of equality."

When the bill came before the House Judge Blount, of Georgia, discussed the bill elaborately, and I will put some of his remarks in the RECORD. These will be found on page 6531, volume 126, of the RECORD of 1892. He stated in substance that the treaty forbade Canada to discriminate in favor of its coastwise trade, business vessels and citizens. He accused them of discrimination in favor of some things—that they violated the provisions of the treaty requiring "equality of treatment."

Mr. Hitt, Republican minority Member at that time, took exactly the same position, and he discussed that also elaborately and to exactly the same effect, and these can be found also in this volume.

The House then passed the bill unanimously and it went to the Senate. Senator Frye reported a bill which was passed in the Senate unanimously, and is on the statute books to-day, and that is the statute which was called to my attention by the gentleman from Michigan. That provided in substance that if Canada does not observe the reciprocal rules of equality of treatment—in other words, if Canada does not grant us equality of treatment with her own citizens in the use of her canals—we would discriminate against her in tolls through the Soo Canal.

The basis of the statute and the reasons for its existence are that the language "equality of treatment" covers coastwise and foreign trade, citizens and vessels.

Remember that was in 1893. Five years later almost the same officials of both nations undertook to frame the Hay-Pauncefote treaty. Sir Julian Pauncefote represented Great Britain during all of that time and subsequently in the Hay-Pauncefote treaty. Mr. Hay was not in public life, but Mr. Adee, who framed the major part of the report sent in by President Harrison in 1892, was in the State Department then and during the framing of the Hay-Pauncefote treaty, as he is now. Senator Davis introduced the original bill in 1893 for Canadian discrimination, and made the report on the Hay-Pauncefote treaty in 1900. Senator Frye and Senator LODGE were also in the Senate.

In this House the Member who transmitted most of the complaints was Representative PAYNE, of New York. Many Members of the House will remember that such was the contention, and no question was raised by anyone in this country that the words "equality of treatment" did not embrace Canadian coastwise trade. In fact, such was the insistence of our Government for five years through two administrations, two Presidents, three Secretaries of State, and no one ever objected to this construction in the Senate and the House that the words "equality of treatment" covered both coastwise and foreign trade, all citizens and all vessels. That is the why such language, only stronger, was placed in the Hay-Pauncefote treaty, while the words in the treaty I have spoken of—that of Washington—was equality of treatment. The Hay-Pauncefote treaty contains corresponding words, "entire equality of treatment," so that there should be no discrimination.

The CHAIRMAN. The gentleman from Minnesota has spoken one hour.

Mr. CANNON. I hope the gentleman will be given time to complete his remarks.

Mr. ADAMSON. The gentleman has control of his own time. But I think before he concludes he ought not to leave the subject of this contention without reminding the gentlemen on the other side of the old story in the spelling book that has never been reversed, that it depends on whose bull is gored on how loud they holler. [Laughter.]

Mr. STEVENS of Minnesota. Now, Mr. Chairman, I wish to show the effect of the construction of the Hay-Pauncefote treaty, as claimed by the minority. Remember there is another treaty of 1910, almost identical, the appropriate section of which I will place in the RECORD.

Remember, the construction of the words "equality of treatment" was required by us as embracing both coastwise and foreign trade and was forced by our Government against the contention of Great Britain and the contention of Canada. Such construction is on our statute books to-day by the act of Congress and the two administrations of our Government. Such is the law. Suppose we reverse ourselves by this other treaty with Great Britain at Panama. Suppose we say that although on the Great Lakes the words "equality of treatment" must cover for both Nations vessels coastwise and foreign, all trade, all ports, all citizens, yet in Panama, with the same nation, a similar treaty containing the words "entire equality of treatment, so there shall be no discrimination," excepts our own coastwise trade. What will Great Britain and Canada have to say? Canada will say, "Very well, gentlemen, we accept your construction of your own treaty, but we will put into force the old discriminations against you on the Great Lakes which we contended for before under the same construction you insist upon now, and then see what will happen."

Mr. Chairman, it should be borne in mind that there are three canals at the Soo—two owned by the United States and one owned by Canada. The Canadian canal is by far the best of the three, because it is 6 inches deeper and broader, and the currents around White Fish Point are a great deal better for its use. With the 6 inches of additional depth advantage in the Canadian canal vessels are enabled to carry about 100 tons per inch additional freight. If you will examine a Senate document of the last session, you will find that a board of engineers estimated that each inch will carry about 75 to 100 tons of iron ore or like freight, which is worth on each trip about $100 for each vessel and for the year $2,500.

There were 6,500 vessels, carrying 32,000,000 tons, passed through the Canadian Soo last year, while through our two canals there passed only 23,000,000 tons. Ninety-four per cent of all the commerce which passed through the Soo canals was American coastwise commerce, while only 6 per cent was Canadian commerce. It is obvious that more than two-thirds, probably three-fourths, of all that commerce that passed through that Canadian canal was our domestic coastwise commerce.

Mr. SLAYDEN. And originated with us.

Mr. STEVENS of Minnesota. Yes; and it ended with us, most of it being coal and grain and lumber. If we discriminate against Canada and Great Britain at Panama, Canada has an equal right for the same reason under similar treaty agreements to discriminate against us in the Soo Canal and also in the Welland Canal. Last year there passed through the Welland Canal 775,000 tons of American coastwise trade. Canada could then proceed to discriminate against us as to 24,000,000 tons or so of our coastwise trade passing through the Canadian Soo, and 775,000 tons of our coastwise trade passing through the Welland Canal. If you gentlemen force that discrimination in Panama against Canada, then Canada will have exactly the same right to force that discrimination against us in the Great Lakes, and I submit to this committee that is too important a matter to trifle with merely for the sake of helping a few merchants and shipowners engaged in the domestic trade of this country. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentleman has already shown the committee that probably the American shipping yearly passing through the Canadian Soo Canal is somewhere in the neighborhood of 25,000,000 tons.

Mr. STEVENS of Minnesota. Of our coastwise commerce.

Mr. MARTIN of South Dakota. And the estimates of our own coastwise trade through our own canal at Panama, which is involved in this proposition, are only about 1,160,000 tons.

Mr. STEVENS of Minnesota. Yes.

Mr. MARTIN of South Dakota. In other words, we are risking very much to gain very little.

Mr. STEVENS of Minnesota. That is the point.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman now yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. HUMPHREY of Washington. As I understand it, we agreed that Canadian vessels should use our canal and in turn that our vessels should use their canal.

Mr. STEVENS of Minnesota. On the contrary, just the opposite. The gentleman is incorrect about that, as he is in most of his other statements about this matter.

Mr. HUMPHREY of Washington. What I want to ask is this question. They give us something down there. We use their canal and they use ours.

Mr. STEVENS of Minnesota. They do not use ours at all. That is where the gentleman is incorrect, as I say, as usual.

Mr. HUMPHREY of Washington. Does the gentleman deny that our vessels do use the Canadian locks?

Mr. STEVENS of Minnesota. I have just tried to prove that twenty or twenty-four millions of tons use them every year.

Mr. HUMPHREY of Washington. I thought the gentleman disputed that fact.

Mr. STEVENS of Minnesota. No; I did not. As I say, the gentleman, as usual, is in error. [Laughter.] I think I know what he is striving to get at. He is trying to say that Canada does not use the American canals?

Mr. HUMPHREY of Washington. Does the gentleman deny that they use our locks?

Mr. STEVENS of Minnesota. I say they do not appreciably. I do not mean to say that some Canadian vessels do not go through our Sault Canal. Of course they do. They have got a better canal of their own and they use it generally, but once in a while a stray vessel will go through our canal. The situation is this: There is nothing in this treaty agreement with Great Britain concerning Canada that that Government shall have the right to use our Sault on the condition that they give us the right to use their Sault. There is no such provision. The provision is that each Government treats the other on terms of entire equality in the use of all canals.

Mr. HUMPHREY of Washington. The Government has never charged any toll on their own ships going through the canal?

Mr. STEVENS of Minnesota. No.

Mr. HUMPHREY of Washington. They do not have to go into a treaty to let their own ships go through there?

Mr. STEVENS of Minnesota. No.

Mr. HUMPHREY of Washington. And they have never charged toll?

Mr. STEVENS of Minnesota. No; but the gentleman knows that if we charge any tolls on that canal we shall have to charge Canada as well as ourselves and ourselves the same as Canada, and that is the point where a great many gentlemen seem to misapprehend. We admit we have the right to say that every vessel shall go through the canal without any tolls at all, but if we charge tolls on Canada we have to charge on ourselves as well as anybody else. And that is exactly the situation at Panama. We can let all vessels go through free, but if we charge any tolls all must be treated alike.

Mr. HUMPHREY of Washington. Perhaps the gentleman will answer this while he is at it. I would like for the gentleman to read the short opinion in the case of Olsen *v.* Smith.

Mr. STEVENS of Minnesota. I will discuss that very thing right now.

Mr. HUMPHREY of Washington. I hope the gentleman will do so.

Mr. STEVENS of Minnesota. The case of Olsen *v.* Smith, upon which the gentleman relies, is this: In Texas is a law requiring compulsory pilotage as to all vessels, with an exception that as to American vessels in the coastwise trade that such vessels shall be exempt from compulsory pilotage. The question was raised in the courts as to whether that Texas statute was valid, on account of violating the treaty with Great Britain. Remember, this question arose concerning a British vessel coming from a foreign port as against an American vessel coming from a home port. This is the question that was presented to the court of Texas, which then went to the United States Supreme Court.

The United States Supreme Court held in substance this: That the law of Texas, with the exception, which was the exception provided by an act of Congress, incorporated in the State statutes, especially because it was an act of Congress regulating interstate commerce, did not violate the English treaty, which provided that there should be the same charges and dues, if I remember rightly, on English vessels as on our own vessels—that is, from the same port to the same port. The Supreme Court decided in substance that Congress had established different classes of vessels under such construction; sail vessels might constitute a class; that steam vessels in foreign trade might constitute a class; that steam vessels in the coastwise trade might constitute a class; and that Congress had the right under the treaty, if such class of vessels did not violate the terms and provisions and purposes of the treaty, to except such a class from the operations of the treaty as necessary for the purpose of promoting the purposes of the treaty: That is the substance of the decision; and right here let me say there are three kinds of provisions in our treaties in reference to our coastwise trade: First, a general clause of exception of all coastwise trade from the provisions of all parts of the treaty; second, an exception to one particular article of the treaty with reference to coastwise trade; and third, where there is no exception at all. Now, everybody knows that where we expressly and in terms except the coastwise trade from the treaty we can do anything we please concerning such coastwise trade, and nobody can complain. When we except a part of the treaty, say one article, from the operation of the coastwise laws, we can do anything we please concerning that article, but as to the rest of the treaty we are subject to the general provisions, with exceptions by implication.

Now, when we come to the third class of exceptions by implication nobody will pretend an exception by implication will be as broad and as general as an express exception excepting the coastwise trade. So that the courts and diplomatic officials have construed that implied exceptions embrace such a class as carries out the purpose of the treaty and does not violate the terms of the treaty.

The CHAIRMAN. The 10 minutes of the gentleman has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I will have to take 10 minutes more to answer this question. Everybody knows that these treaties of commerce and navigation are made for the purpose of promoting commerce and navigation. That is the purpose of the treaty. Everybody knows that compulsory pilotage is needed in very many ports where there is not business enough to earn good pilots a sufficient living, unless they can charge practically all the vessels which use that port and use that harbor.

For that reason compulsory pilotage is used all over the world for the purpose of furnishing an adequate supply of pilots absolutely necessary for commerce and navigation, and that was the reason for the use of compulsory pilotage at Galveston. Everybody knows, too, that in the coastwise trade of any country steam vessels make many trips, some of them several a day and some of them several trips a week, and that many of these vessels are small with a small business. If those coastwise vessels were subject to the same law of pilotage as foreign vessels, possibly making one trip a year, they could not pay, and such business would probably be abandoned.

The result is that by the common acceptation of all the nations steam vessels in coastwise trade are excepted from pilotage laws, and in this country we have this additional provision that such vessel must itself carry a pilot duly licensed by our Government, which requires that he shall be an American citizen. So that this exception, provided by the statutes of the United States, substantially requires that where an American steam vessel in the coastwise trade has a pilot who is an American citizen, such vessel need not be under compulsory pilotage for these reasons. Now, that kind of provision carries out the purpose of the treaty of navigation. It provides business to help foreign trade. It carries on domestic trade. Instead of violating that treaty, it practically carries out the provisions of it. Now, the United States Supreme Court has held always in construing the provisions of the treaty wherever it affected the general broad question of public or political importance, that it would follow the action of the political departments of the Government; that is, of the executive department or the legislative department. Now, the legislative department has construed that provision as to compulsory pilotage by providing that steam vessels in coastwise trade having on board a licensed American citizen is but carrying out the purposes of our treaty. Under that same uniform construction of the Supreme Court, always since we have had a Government, if any occasion should arise the court would be bound to follow the construction of Congress concerning the Canadian treaty, just as it followed the construction of Congress as to compulsory pilotage.

I think it is evident that that case instead of helping the gentlemen in the minority helps us, because it shows that the courts will follow as to the political and public questions the practical construction of the political departments of our Government.

Now, just note the difference. The exception in that case of compulsory pilotage concerned only a little municipal regulation for the purpose of helping all commerce and competing with none. These gentlemen ask an exception which would cover the trade of continents, which would cover the trade of millions of people and of thousands of vessels. The very purposes of treaties, that all trade should be compelled to be on an equality, compelled to be neutral, fair, and just, are the very purposes for which treaties are created. But the exception which is discussed in this Smith-Olsen case is for the purpose merely of carrying out a municipal regulation and performing some necessary local service.

Mr. DOREMUS. Will the gentleman yield for a brief question? Is it not a fact that in the Olsen case the Supreme Court

based its decision upon the express ground that it was no concern of Great Britain what treatment we accorded our coastwise trade?

Mr. STEVENS of Minnesota. No, sir.

Mr. DOREMUS. Has the gentleman got the opinion there?

Mr. STEVENS of Minnesota. No, sir.

Mr. DOREMUS. It is an easy matter to settle that question.

Mr. STEVENS of Minnesota. The court did not discuss it. I am discussing what the Supreme Court has followed in construing these treaties.

Mr. KNOWLAND. Will the gentleman give me time to read a few lines from this decision?

Mr. STEVENS of Minnesota. Certainly; read anything you want.

Mr. KNOWLAND. I will read:

Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Mr. STEVENS of Minnesota. Is that what the gentleman wanted to read? That is exactly what I have been contending, namely, that Congress has a right concerning every treaty to establish different classes, to provide for a class of foreign trade in sailing vessels; it has a right to fix a class of steam vessels in coastwise trade, with American pilots, for the purpose of carrying out the treaty; not for the purpose of violating it. That is the essence of the whole question. The exception must not violate the language or purposes of the treaty. But it should, on the other hand, make them effective. The court said that Congress was doing right. And Congress said that such is the proper course in that kind of treaty to treat that sort of business. Congress has indicated its views in a similar way as to the language of the Canadian treaty.

Mr. DOREMUS. Is it not a fact that for a great many years no tonnage duties have been levied on the steam vessels in coastwise trade, and still they are levied on the vessels of Great Britain, and Great Britain has never complained of that treatment?

Mr. STEVENS of Minnesota. And I will venture to say there are six or eight different classes of tonnage duties. I do not know how many there are, but I know there are several. But every single one of those classes is either an act of Congress, setting forth a distinct public policy, or else is an exception which contributes to the carrying out of the purpose of the treaty for the promotion of commerce and navigation and the general purposes of peaceful trade. I thought I had covered that. There is one other class of treaties upon which I desire to address the committee for just a moment.

The United States has negotiated many treaties concerning an interoceanic canal, probably a dozen with the different nations of Central and South America, and I have set them forth specifically in my remarks. In every single one of those treaties there is a provision providing for "equal treatment" or "entire equality of treatment," or "perfect equality of treatment" between our business and their business and between our vessels and their vessels and between our people and their people. Now, the United States has construed these words also. In the treaty of 1884 between the United States and Nicaragua, known as the Frelinghuysen-Zelaya treaty, there was this provision in substance, that the commerce and navigation of the two nations should be treated on terms of equality, provided that the coastwise trade is expressly excepted. In other words, in that treaty it was declared, according to the uniform interpretation of those words, that "equality of treatment" covered both coastwise and foreign trade; and when we desired to exclude our coastwise trade from the operation of a canal treaty we had to do it with a special exception, and that was exactly what was done in the Frelinghuysen-Zelaya treaty.

It was also expressly provided in that Frelinghuysen-Zelaya treaty that the canal should not be neutralized, knowing that the nations of the world when they could not secure equality of treatment of the canal would not consent to neutralization also; so that the two must go together.

The construction of that treaty also provided that where we desired to except coastwise trade from the import of the words "equal treatment," or "entire equality," or "perfect equality," we had to expressly say so. And I will defy anybody, in the course of 100 years of the diplomatic relations of this country with all the nations of the world, to show one single exception. On the contrary, a long line of statesmen who for 50 years have written and spoken concerning the Panama treaties have taken the position that this canal was to be built for all the nations of the world and for the commerce of everybody, and that everybody should have equal treatment in passing through the canal.

Up to within the last two or three years nobody had even dreamed that coastwise trade could possibly be excepted. Nobody ever thought that coastwise trade could be excepted until the selfishness and greed of the merchants and shipowners of the coasts in the last few years have tried to imply that exception from the plain language.

Now, let me show you what it means. Remember that there are probably 30 or 40 different treaties of this country containing similar terms. Remember that if we once begin to imply that "equal treatment" leaves out our citizens, other countries will imply the same thing and insist that "equal treatment" will also leave out their citizens.

Undoubtedly Members of this House within the last week have had presented to them copies of a pamphlet from the Vacuum Oil Co., of New York, declaring that they have been discriminated against in their business by the Government of Austria, which is under obligations to treat that company equally with its own citizens. Now, if we once initiate the policy of providing that our commerce and trade and our people shall be excluded from the words "equal treatment," other nations will treat us exactly the same as we treat them. That is what Austria seems to be doing right now, only, like David Harum, it seems to be doing it first. Think, gentlemen, what it means. The foreign trade of this country amounts to more than $3,500,000,000 annually. More than a billion and a quarter of that is made up of manufactured products competing with similar products of other nations. Other nations would be glad to have an opportunity and an excuse to discriminate against us. More than $2,000,000,000 of American capital is invested abroad. These interests ramify into every hamlet and village of our land and they concern many millions of our people scattered over every State. All our people are interested in the equal treatment that our commerce shall receive everywhere all over the world, wherever our trade extends, and unless our commerce and interests are protected equally and fairly we know they will shrink and shrivel beyond measure. If we once initiate a policy of discrimination in favor of our own people and adopt that method, we will find that it will return to plague us a thousandfold, because other nations will go us many times better. If we shall benefit by the canal at all, it will be chiefly by increasing our trade on the Pacific Ocean, as has been so splendidly shown to the committee this afternoon by the gentleman from Wisconsin [Mr. ESCH]. What will every one of those nations having treaties with us containing such words do if we notify them that, although we have pledged ourselves to observe the rules and articles in our canal treaty, yet we intend to violate them, so far as we are concerned, by letting in our coastwise commerce free and discriminating against their coastwise commerce? What will they do? They will discriminate against us in return. Our competitors in Europe will expect and help them to discriminate against us. Such a policy will injure us a thousandfold.

Gentlemen, at the beginning of this great enterprise we can not afford that kind of business. There is only one thing which we can do and that is to observe the good faith that we have pledged to the nations of the world, to observe the good faith which is clearly expressed and promised in the treaty, and to observe the good faith that we owe to ourselves. And when that canal shall be opened to everybody, all nations, all trade, on terms of entire equality and justice, then the canal will be a benefaction to us and to mankind. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I do not know whether I have drawn the right inference from the remarks of my friend from Minnesota [Mr. STEVENS] regarding the neutrality of the canal. Does the gentleman hold that if we practice discrimination against other nations, those powers will not consent to the neutralization of the canal?

Mr. STEVENS of Minnesota. I think that would be the only possible inference from the doctrine laid down by the publicists and our own authorities.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FINLEY having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.; and

S. J. Res. 107. Joint resolution authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton.

OPERATION OF PANAMA CANAL.

The committee resumed its session.

Mr. STEVENS of Minnesota. I yield to the gentleman from South Dakota [Mr. MARTIN] 30 minutes, and then the other side will take charge.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentleman from California [Mr. KNOWLAND], my colleague upon the committee, and the gentleman from Washington [Mr. HUMPHREY], I think quite disingenuously, have undertaken to leave the impression with this committee that this is a controversy between the railroads and the people. The railroad bugaboo is exploded often enough on the hustings, without being made the basis of promoting a bad cause in the House of Representatives, and the unfairness and the absolute inapplicability of the insinuation to this controversy is so apparent that perhaps it ought to have a passing notice.

In my judgment the railroads of the United States are practically indifferent as to whether there shall be free passage through the Canal or a toll of $1 per net registry ton. The railroads are vitally interested in the question as to whether they may own, directly or indirectly, the ship-transportation companies and therefore practically stifle competition through the canal. This committee has taken up that subject and has put into this bill, and the majority of the committee in this report are standing for a provision which prevents and forbids railroad companies, either by common stock ownership or in any other manner, from being interested in lines of shipping engaged in this coastwise trade which might be competitive with the transcontinental railways. And I hope I will be indulged to say that a bill introduced by myself upon that subject is the basis, almost in its exact language, of the first paragraph of section 11, which settles that competitive policy as against the railroad companies. The people of the Pacific coast are vitally interested in that question, as is any citizen who desires to see absolutely free commerce on the high seas, in order that we may have absolutely competitive conditions with the railroad companies between the coasts. But this question whether 50 cents a ton, the highest that it is anticipated will be put upon the actual cargo or freight ton upon the commerce going through that canal in the coastwise trade, is an absolutely insignificant consideration, which does not in any sense go to the core of this question of competition.

I have not placed my opposition to the proposition for free tolls for the coastwise traffic upon the basis of the legal side of the argument, although it does seem to me that the legal argument so masterfully made by my colleague upon the committee, the gentleman from Minnesota [Mr. STEVENS], who has just taken his seat, is practically unanswerable. And now that it has been made a demonstration that the Government and the people of the United States are vastly more interested, not only because of the international right of this proposition, but because of our own financial interests in maintaining that doctrine, I have, from this moment forward, no concern as to what this House or this Congress will do upon the subject, because we are asked, by virtue of showing a little additional favoritism to some coastwise commerce on the seas, which is estimated by our experts will amount in the first year to about 1,160,000 tons, to risk important advantages which we now enjoy in our coastwise commerce on the Lakes of something like 25,000,000 tons in our relations with Canada. I think that if the Canadian Government were the real party to the Hay-Pauncefote treaty, which it is in effect, as well as Great Britain, the applicability of the argument of the gentleman from Minnesota [Mr. STEVENS] to the coastwise trade would be appreciated, because a moment's reflection will show how vitally the Canadian people are interested in that proposition. They have many products that enter into direct competition with the products on our Atlantic and Pacific coasts. For example, a boat starts from Seattle loaded with salmon bound for New York. A British vessel starts from Vancouver loaded with salmon from their own great fisheries upon that coast. Under the doctrine here proposed, the destination of both boats being New York, it being in strictly competitive commerce—the Canadian people with our own—the Canadian boat would have to pay toll and the American boat could pass through free. So I think a little reflection will show that the Canadian people are interested in this coastwise proposition.

But I base my argument for the brief time that I shall address the House upon other considerations altogether—on the question of policy and fairness in the adjustment of the relations growing out of this great canal enterprise. I oppose free tolls, although I may say that in the first instance, before these hearings, my inclination was toward the idea of free tolls to the American coastwise trade. I was possessed of the general idea that there was something the matter with our merchant marine, and perhaps by giving it some favoritism in connection with the coastwise trade we might promote the merchant marine. I have come through the investigation with an entirely different idea of the situation.

There is something the matter with the American merchant marine, but it is more deeply seated than the little question of 50 cents a ton upon the cargoes of the vessels. I was talking a few days ago with a prominent shipbuilder of the United States. He said that the great handicap to a vessel flying an American flag in the merchant marine grows out of the original cost of the vessel. The proposition of labor on the high seas is an element, but not nearly so important as the original investment. The coal question is a larger factor than the labor upon the ship in its operation, but back of it all is the fundamental difficulty that the American ship costs from 40 to 50 per cent more to purchase or build in the United States than it does abroad, and this gentleman gave a reasonable explanation of that. He says the ships made on the Clyde and in the foreign shipbuilding yards generally are standardized; that they are made after a general plan and pattern. You go to a certain shipbuilder on the Clyde and tell him that you want a ship of a certain size or a certain shape, and he will say, "I do not make that kind of a ship, but there is another place a little way up here where they do do that kind of work." The work is standardized and the cost of production is thereby much reduced. The shipbuilder said that the American yards have not become standardized from the fact that the types of vessels are of such great variety. But he says that that problem is being solved, and that when American yards are standardized, each yard building its own type of ships, that then the conditions at home and abroad will not be so very wide apart.

But that is a diversion. I oppose free tolls to coastwise vessels because it is unnecessary for the American merchant marine and because it is unfair to the people of the United States. We ought not to impose on the American people a tax for the benefit of that particular limited portion of our industry upon the seas.

The American coastwise trade is already a monopoly. No foreign ships can engage in it. It is not only theoretically, but practically, a monopoly. One line of ships working on the coast will stop at certain points and another line at certain other points, so that while passing up and down the same general territory there is very little competition one with another. If we were to favor any particular part of the merchant marine, we ought to favor the part that needs assistance, that part which undertakes to fly the American flag in foreign commerce. These gentlemen from the Pacific coast and the Atlantic coast urge free tolls for the American coastwise trade, but they do not go further and advocate free tolls for the vessels that fly the American flag in the foreign trade. If we were to give free tolls by discriminating in favor of the American ships, we should favor those ships that engage in the South American trade, encourage the ships, when the canal is opened, that are in foreign commerce, and not these coastwise ships that no foreign ships can compete against. The ships that start from New York and Boston to cultivate that splendid trade which we ought to build up on the western coast of South America must compete with the shipping interest of all the world. And if we were, in this legislation, at the very start to establish any policy favoring one branch of the American shipping over another, for one I would favor collecting the toll from the coastwise ships that have a monopoly of the trade and give it for the encouragement of the American merchant marine that has the courage and hardihood to enter the commerce of the high seas and open the markets of foreign countries for our vast, growing manufactures and for our surplus products of the farms.

What will be the effect of the opening of this canal upon the coastwise shipping? Most beneficial in every way. The testimony before the committee clearly shows that the moment that canal is in operation the lines of ships that carry commodities

between the two coasts—the Pacific and the Atlantic—and return will gain by going through the canal in the cost of transportation in the neighborhood of $4 per ton for actual cargo of freight carried.

Mr. Dearborn, the president of the American-Hawaiian Co., one of the most important shipping companies plying in this traffic, a company which is building now some 12 or 13 new ships to increase their ability of transportation to the extent of something like 500,000 additional tons per year, practically stated their operations by way of Tehuantepec of unloading upon the one side and taking across by the railroad and reloading on ships on the other side, as compared with passing through the canal, which they can do when the canal is open, ought to account for a saving to them of in the neighborhood of $4 per ton. What does that mean upon the rates between the two oceans. Citrous fruits from California now distributed altogether by rail cost $25.76 a ton, or $1.15 a hundred, from Los Angeles to New York. Mr. Teal, an authority upon that subject, calculates that as soon as this canal is open refrigerated boats can be started with citrous fruits at Los Angeles and landed in New York for $7 per ton. The transfer across the Tehuantepec route is impracticable. Not much fruit is shipped that way. The freight that does go by Tehuantepec perhaps cost between San Francisco and New York on an average of something like $10 per ton. Reduce that down by $4, as Mr. Dearborn says it can be done, and they can be carried at $6 per ton. The railroads, it seems to me, can not possibly compete with this water transportation for any commerce that will bear the allowance of the time necessary for the route, and this Panama route is going to shorten the time of transportation even over the Tehuantepec route by practically one-third. The same witness, Mr. Dearborn, states they now take from San Francisco to New York practically 30 days upon an average for their trips, and although the distance run to Panama will be longer, so much time is lost in loading and unloading and transferring across the Isthmus at Tehuantepec that he estimates 10 days can be cut off that trip and that boats between San Francisco and New York and New York and San Francisco can make the trip in 20 days instead of 30 days. What does that mean? It means the increasing of the earning capacity of the boats practically by one-third, by the saving of one-third of the time, which is an additional advantage to the shipping through the Panama Canal, over and above the $4 saving already referred to.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. HAMLIN. I want to also remind the gentleman that in Mr. Dearborn's testimony he said that the fact that they could go through the canal without breaking cargo was a very great item as compared to their being compelled to transfer now at Tehuantepec on account of breakage and stealing, and so forth.

Mr. MARTIN of South Dakota. There are necessarily very serious losses in that way.

Mr. KENDALL. How long does it take to go through the canal?

Mr. MARTIN of South Dakota. About 12 hours for the transfer through the canal. It takes that many days to unload at Tehuantepec and send it across the Isthmus and reload on the other side.

That ship company, I say to the credit of American enterprise, is making a success of the business now, and will make a greater success when this canal is in operation. It encountered very great losses at first in its effort to handle that trade. A very large portion of their cargo is sugar, and the natives of that southern country have a sweet tooth, and the result was that the company lost literally tons of sugar in transfer across the Isthmus at Tehuantepec. My understanding from his testimony—I do not desire to be unfair—is that this saving of $4 between the two routes in favor of Panama covers a fair estimate of their loss in the transfer at Tehuantepec.

Mr. BARTHOLDT. The difference of cost to which the gentleman from Missouri called attention is included in the $4?

Mr. MARTIN of South Dakota. I think so. I think that is a fair interpretation of the testimony. After opening up a transportation route which gives the seaboard States on both oceans practically a clean reduction of $4 per ton in the transportation of every ton of cargo that can be induced to go by way of water, the gentlemen from the Pacific coast are here insistent, as though the very life of the coast depended upon it, that in addition to that $4 per ton we must add another 50 cents per net cargo ton to repay the expense of going through the canal.

I proceed now to state that in my judgment it would be grossly unfair to the general interests of the people of the entire country to do that. This canal is being built. It is not yet being paid for.

The cost of the canal will be approximately $375,000,000. Congress has authorized the Department of the Treasury to issue bonds covering the entire cost. As a matter of fact, 2 per cent bonds to the extent of $85,000,000 have been issued, and we have issued quite an amount of 3 per cent bonds, and undoubtedly the balance of the issue will be at 3 per cent. What will be the cost per year, the necessary cost for operating this canal in the interest of the commerce of the world? Col. Goethals and his expert engineers have already calculated the necessary organization of force for operating the canal, and they estimate that the cost of operation, with a fair allowance for maintaining sanitation and civil government, will be upon the average $4,000,000 per year. Two per cent interest on our $85,000,000 and 3 per cent interest on the balance up to the cost would amount to $10,393,679 per year, making the necessary outlay that the people of the United States must pay every year upon that enterprise $14,393,679 for operating and interest, without any allowance for the military and naval force necessary to police and protect the canal. Col. Goethals estimates that the military force and the military operations necessary will cost $8,500,000 per year and that the naval expense will be $1,200,000 per year; altogether, military and naval expenses, $9,700,000 per year, making a total of a little over $24,393,679, the best estimate we can obtain thus far of what it will cost a year to maintain that canal. Now, personally, I am willing to take a very liberal view of this situation in the interest of commerce. I am willing to say that perhaps never, certainly not for several decades, should we charge anything against that enterprise for military and naval force. We maintain about a certain amount of standing Army and Navy, and I do not know but that it may just as well be engaged in maneuvers and in operations in that part of the world as anywhere else, and, so far as I am concerned, that may be eliminated. But I think that no patriotic financier would very seriously urge that as long as we have interest to pay upon those bonds we ought not properly to recoup the interest we pay out upon that investment, together with the operating expenses. What are the estimates as to what will be the traffic through the canal? We have had estimates from different sources, and, personally, I think that the figures of Dr. Johnson, the commercial expert from the Pennsylvania University, who has been in the employ of the Government for some years in connection with this canal question, are as reliable as any advance estimates can be, and he estimates that the business of the canal for the first year of its operation will be 10,000,500 tons net register. I think there is a general agreement between the members of the committee and with the departments of the Government interested in these matters that probably the first experimental toll that should be put upon ships going through the canal should be $1 per net register ton, which would be approximately 50 cents per cargo ton. In this bill the President is limited to not more than $1.25 per net register ton and not less than enough to pay operating expenses.

If those figures are right as to the tonnage that will go through the canal, we would have the first year receipts of $10,000,000, out of which we could pay $4,000,000 operating expenses and would have $6,000,000 to apply upon our $10,000,000 of interest. Now, personally, I believe that for the first 10 years' operations of the canal we ought not to be ambitious to do more than pay the operating expenses and the interest. If the world's commerce through the Panama Canal shall increase sufficiently, I believe at the end of the first decade a portion of the income can be applied upon the principal, and certainly no American citizen can object if in the course of several decades the principal itself could be wiped out. Certainly we would be derelict in our duty as Representatives if we do less than provide by these tolls for the operating expenses from the beginning.

Mr. KNOWLAND. Will the gentleman yield?

Mr. MARTIN of South Dakota. I do.

Mr. KNOWLAND. Is it not a fact we could more than double the operating expenses and still not tax every coastwise ship on the estimated tonnage?

Mr. MARTIN of South Dakota. I am inclined to think we could. The coastwise tonnage is not a large item.

Mr. MADDEN. It is only about a million and a half tons a year.

Mr. MARTIN of South Dakota. The estimates of the first year's coastwise trade is 1,600,000 tons. It is an item insignificant in amount in comparison to the importance of treating the great commercial nations of the world with absolute impartiality in the operation of the canal.

Great Britain may send large shipping through that canal in its trade with the Orient, or she may divert her oriental shipping elsewhere if offended by our giving certain preferences to our coastwise trade which we deny to the Canadian coastwise

trade, and I think this would result in a loss in revenues to the canal.

Mr. CANNON. Will the gentleman allow me? Canadian coastwise trade is foreign trade from Canada to some other nation?

Mr. MARTIN of South Dakota. It may be from Canada to some other nation, or it may be from Canada to the United States.

Mr. CANNON. That is foreign trade.

Mr. MARTIN of South Dakota. But that is merely a name, and it affects the commerce of Canada just as surely as though you give it some other name. At the beginning of my remarks I gave an illustration of the reason why Great Britain and Canada are interested in this proposition.

A shipload of salmon may start from Vancouver to New York, and a shipload of the same commodity may start from Seattle to New York, each interested in that commerce. The Canadian would have, to begin with, our tariff wall to get over, which is one handicap, and in addition it would have very good reason to complain if in its efforts to get through the canal to its legitimate port it must pay 50 cents per freight ton upon its entire cargo and a competitor from Seattle pass through free of toll.

Mr. CANNON. But if the gentleman will allow me, the same argument would let all the commerce of all the world through. Canada, a foreign government, a part of Great Britain, passes through the canal to our markets. That is just as much foreign as if Japan passed through the canal to our markets. Therefore, it seems to me, with all due respect to the gentleman, that his illustration is not an apt argument for the reduction of a tax on our coastwise trade.

Mr. MARTIN of South Dakota. I will answer the gentleman that I think it as an apt argument. When my good friend from Minnesota [Mr. STEVENS] was making his argument those who were asking for free toll on the coastwise trade admitted that we were not at liberty to give free toll to foreign trade. Of course a very specious suggestion could be made, which was made by the gentleman from Massachusetts, that foreign ships could not enter into our coastwise trade now and are not interested in it.

Mr. CANNON. The gentleman's idea is that if the United States——

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MARTIN of South Dakota. I would like 10 minutes more.

Mr. STEVENS of Minnesota. The gentleman from South Dakota wants 10 minutes more. Will the gentleman give his consent?

Mr. ADAMSON. There are some gentlemen who want to get away on the boat to-night.

Mr. MARTIN of South Dakota. I will close in five minutes if you will yield me that.

Mr. ADAMSON. I yield to the gentleman five minutes more.

Mr. STEVENS of Minnesota. And I yield five minutes additional, Mr. Chairman.

Mr. MARTIN of South Dakota. I may say, Mr. Chairman, that this question of absolute legal right under the treaties to make distinction in favor of our own coastwise trade has not seemed to me to be a matter of very vital importance, anyway. I think most of those who argue in favor of it concede that as to our foreign trade and our ships entering into foreign trade we are not in a position to make a concession of that kind. That is the position of the Commissioner of Navigation, who was an urgent advocate of free tolls to all American ships, whether in the coastwise trade or otherwise. If we want to get these subsidies or these special considerations for American ships, or have a monopoly of any particular trade, let us do it by an indirect provision, appropriating to them the amount of the tolls, although it is a type of morals in diplomacy that I concede I do not subscribe to with any enthusiasm; that when you get away from home and deal with foreign nations you can do what we never allow one American citizen to do against another—that is, to do by indirection what you promised not to do.

If the gentlemen on the Pacific coast do not think they are going to get a sufficient benefit by this canal, offer an amendment here which will donate the amount of tolls as subsidy to the ships. But when you do that give it to the ships that go into the South American trade, because they have no monopoly of transportation and our coastwise boats have.

Mr. ADAMSON. I hope the gentleman will not offer them encouragement to offer an amendment to this bill. Let them stand on their own proposition if they want it.

Mr. MARTIN of South Dakota. I think that any suggestion that I may make in reference to the matter will not be followed by the free-toll advocates. They are smart enough to make it themselves if it can be made to work.

I say this: That if we are going to give any further privileges or subsidies to the coastwise States or communities, who are in the very nature of things to be the chief beneficiaries from this canal, it is not necessary to give them everything we can scrape together right now. We do not know what is to be the effect of this canal on the commerce of the United States. It is largely experimental; it is largely conjectural.

It is in evidence that of the trade going from the Atlantic to the Pacific coast by the transcontinental railways, at least 90 per cent is a class of commerce that can be accommodated by going by boat; and while our experts think that not over 10 per cent of the transcontinental freightage, the through freight, is going to go by boat, yet I think they are too low in their estimates. If 90 per cent of the traffic between the Atlantic seaboard and the Pacific can go just as well by boat as by rail it certainly will go by boat, for water transportation does not cost over one-third of transportation by rail. I think we had better hold free tolls in reserve out of consideration for the balance of the people until we know whether the great benefits of this vast enterprise are going to be distributed over the country with anything like equality.

It is not impossible but that, if we put through free the coastwise trade by means of the Panama Canal, the through freight carried now by the transcontinental railways would be so far diverted the other way as to make it impossible for those railroads to operate, depending alone upon the interior commerce, without a large increase in freight rates for local or intermediate traffic.

And we of the intermediate States, from Indiana to Nevada, and from Canada to Mexico, may find, if we throw down the last card that we have in this game at the very outset—we may find ourselves taxed to pay the interest on this great indebtedness, which inures mostly to the benefit of the coastwise trade—that we will be further taxed by increased freight rates between the coastwise cities and intermediate States. And, in my judgment, it is an absurd policy on our part now, in addition to giving these coastwise States a reduction of $4 a ton in their transportation, to listen to their cry and to their demands for 50 cents more per ton at the opening of the canal.

If, as we hope, this great enterprise shall operate for the benefit of the people of the entire Nation, and we find that by making an additional concession of free tolls to the shipping companies—for this is a question purely of the whole people on the one side and the shipping companies on the other—if we find that we can make further compensation to them by subsidy or otherwise, we should wait until it can be shown that this can be done in justice to the people of the entire country without unduly magnifying the benefits to be derived from this great undertaking by the people of the coastwise localities. [Applause.]

Mr. ADAMSON. Mr. Chairman, by direction of the gentleman from Louisiana [Mr. BROUSSARD] I yield one minute to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, I do not desire at this time to discuss this proposition at length, but I am in favor of anything that will build up our merchant marine. My friend, Lewis Nixon, of New York, who has given great study to this proposition, addressed a letter to the New York Chamber of Commerce on the 6th day of February last, and I ask leave to incorporate in my remarks that letter to the chamber of commerce.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent to extend his remarks in the RECORD by the insertion of a letter. Is there objection?

There was no objection.

Following is the letter referred to:

LETTER TO THE PRESIDENT AND MEMBERS OF THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, IN DISCUSSION OF THE REPORT AND RESOLUTIONS OF THE COMMITTEE ON FOREIGN COMMERCE ON PANAMA CANAL TOLLS.

[By Lewis Nixon.]

NEW YORK, *February 6, 1912.*

To the President and Members of the Chamber of Commerce of the State of New York.

GENTLEMEN: The report of the committee on foreign commerce and the revenue laws on Panama Canal tolls in the Monthly Bulletin of March, 1912, is so misleading in its general tenor that a short analysis is called for in the national interest.

I must leave the city for a few days, on the 6th of March, and so can not be present at the meeting on the 7th; hence must use this means of calling attention to the statements contained therein.

The report of the commissioner of navigation has been garbled to bolster up what appears to me an unpatriotic conclusion and misleading statements made as to treaty obligations.

Your committee says:

"When the Panama Canal was first considered it was not anticipated the cost would be as great as the finished result will show."

Many prominent engineers pointed out the certainty of exceeding the first estimates. Once committed to this enterprise, it was known that

the United States could not turn back. At any rate, the fact that it will cost far in excess of the sum that our people thought they were to invest in such an enterprise is hardly a good argument in favor of our not forcing those chiefly benefited to pay at least a part of the unexpected expense.

There are extensive quotations from the Clayton-Bulwer treaty, although this treaty, born in misrepresentation and continued in breach of faith, is no longer binding and is not even published in the 1904 Compilation of Treaties in Force, issued by the Department of State.

In quoting article 1 of this supplanted treaty you will note certain * * * after the words "agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof."

What is omitted by the committee is as follows:

"or occupy, fortify, or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, or the Mosquito coast or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, or the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same."

I can not believe that the members of your committee are so unacquainted with American history as not to know that the conversion of English lumber camps on the eastern coasts of Honduras and Nicaragua into what was practically British territory, through virtue of occupation in anticipation of the building of the Nicaraguan Canal, was considered by American statesmen of that period as a virtual abandonment by us of the Monroe doctrine, as it was and is to the present day.

So, acting in good faith and believing Great Britain would keep her promise, as supplied above, though omitted by your committee, the treaty was ratified and proclaimed. In 1848 England, under the mask of Mosquito Indians, seized and occupied Greytown. After the treaty was once signed England continued in possession, even supporting the farce of a Mosquito Indian king.

Just so long as it seemed possible that the Nicaragua Canal would be built England continued in possession, getting the Austrian Emperor to bolster up her claims by indorsing Great Britain's guardianship of the coast, Great Britain then converting the lumber settlement of Belize into a Crown colony. In 1891 and 1892, when work was being vigorously carried on upon the Nicaraguan Canal under Menocal, we find an English syndicate busily engaged in railroad building and English influence reflecting upon the good faith of the United States in the capital of Nicaragua, saying that our country would not keep its promises, and holding out the hope to Nicaragua that the Republic would be given the sovereignty of the coast. Local discontent was freely used as an excuse for interference and to betray treaty promises. In 1894, after work was abandoned in Nicaragua, that part of the Mosquito coast lying abreast of Nicaragua was converted into the Department of Telaya of the Republic. But England still occupied Belize. It will be noted that no mention is made in the Clayton-Bulwer treaty of fortifications in the West Indies. We had no territory there, but England did.

It was upon the flimsy foundation of this dead treaty that many Americans based their contention that we had no right to fortify the Panama Canal. This Clayton-Bulwer treaty, while not in any sense binding now, contemplated a canal through territory alien to both the contracting parties, although, as we see, England, in spite of promises written into the treaty, kept her grip on contiguous territory.

But the Panama Canal is through our territory, under own own flag, and is paid for by us as a Nation.

Now, as to another altogether misleading and inexcusable statement. The committee says:

"This treaty (Clayton-Bulwer) was further extended in 1901 between those respective Governments."

Your committee should know that this is misleading. The Clayton-Bulwer treaty was replaced by the Hay-Pauncefote treaty and is no longer to be taken into account. The only common idea is that of neutrality.

The statement of the committee is evidently meant to give the impression that the treaty of 1901 supplemented the treay of 1850.

That there shall be no doubt as to the facts, I quote article 1 of the Hay-Pauncefote treaty, which says:

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850."

So long as the Hay-Pauncefote treaty exists we acknowledge two masters for the Canal Zone, and under any and all definitions in international law the delegation to the United States, in article 3 (Panama treaty, 1903), of the sovereignty of such canal is meaningless, as a divided sovereignty over territory under our flag should be impossible under the circumstances.

And yet we are told by the committee that the Hay-Bunau-Varilla of 1903 reaffirms the treaty of 1850, though this treaty confirms our right to use land and naval forces and fortifications to protect the canal.

So the conclusion is drawn by the committee as follows:

"It would therefore appear that unless these treaties (1850, 1901, and 1903) can be abrogated by consent of both parties, the United States could not honorably discriminate in its favor as against Great Britain."

Yet this report is to be taken as a basis for a vote by this Chamber upon the operation of one of the most important works ever undertaken by our Government.

Ignoring the fact the President of the United States finds nothing in the Hay-Pauncefote treaty to forbid favoring our own vessels, ignoring the fact that the superseded treaty of 1850 to which the committee harkens back for a frail foothold of argument was violated by Great Britain, we find the committee even ignoring the facts of the Hay-Pauncefote treaty. Let us quote direct from this treaty and drag no ill-odored bag across the scent.

Section 1 of article 3 says:

"The canal shall be free and open to the vessels of commerce and of war to all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens and subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

Section 5 of article 3 says:

"The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent."

No one could possibly construe such plain statements as in any way but that we are to open the canal "to the vessels of commerce and of war to all (other) nations on terms of entire equality."

All I think will admit that the constitutional authority for building the canal exists in the war power of the United States. Two Presidents have confirmed this view in their statements that this canal is an addition to our war power, as it admits of quick transfer of our naval forces from one ocean to the other.

Yet the committee says that under section 1 of article 3 of the Hay-Pauncefote treaty that we can not discriminate in favor of our own commercial vessels in the matter of tolls or otherwise, and therefore we can not do so in regard to our own war vessels so that if during war with a foreign power we find an enemy's ship in the canal we can not chase it out, and if it leaves such waters we must wait 24 hours before giving chase. Being given under article 2 "the exclusive right of providing for the regulation and management of the canal," if engaged in war, our warships finding themselves in the canal, must chase themselves out.

Such interpretation is a reflection upon the general intelligence of the community and we can well understand how the statesmen of other nations hold their tongues in their cheeks at our gullibility and our desire to begin charity abroad. And yet such ridiculous interpretation is a logical sequence to the committee's unqualified reading of section 1, article 3.

The report of the committee thus far is an unanswerable argument in favor of immediate abrogation of the Hay-Pauncefote treaty on the score of infringement of our sovereign rights, violation of the Monroe doctrine, and incompatibility with the constitutional operations of the canal. We wanted to get rid of the Clayton-Bulwer treaty, as its existence was a reflection on our national self-respect, but why it was necessary to ask a European nation's permission to build and control a canal through our own territory, under our own flag, and with our own money, I am at a loss to understand. Treaties are the supreme laws of the land, but no more so than our Constitution, which we may amend and our laws which we may repeal. At any rate, the treaty for our present purposes means only that we shall treat the vessels of all other countries under our rules on terms of equality, though even this interpretation limits disadvantageously our sovereignty, as I think there should be preferred treatment for the vessels of all the western Republics, even Canada, as against European or Asiatic vessels.

However, we shall now follow other arguments, or, rather, examine their premises.

The committee states:

"The Suez Canal since its opening has charged the same rate of tolls to all nations, though its stock is practically owned by Great Britain and France."

With delightful ingenuousness we are to be led to the conclusion that a canal through territory foreign to both France and England operated by a company in which they both own stock is the same as a canal built, owned, and operated by a government in its own territory, and that only the altruism of England and France prevents their operating it in their own interest. The Suez Canal has paid for itself several times and now pays about 30 per cent per annum, but we hear no movement on the part of the chief user to make it free to all vessels.

The committee says that "it is asserted and generally credited that some governments make returns to their shipping passing through the Suez Canal in the nature of subsidies that in whole or in part offset the canal tolls."

I can see no use for the phrase "generally credited" except to give the impression that such belief is unwarranted.

Following this, that we may get a fuller light upon what the committee would have us believe, we find the committee saying:

"As many of the steamships availing of these subsidies do not pass through the Suez Canal, it can hardly be asserted with fairness that the subsidies are given for canal purposes. Your committee does not feel that it is called upon in this report to discuss the question of subsidies, but to adhere strictly to the question of tolls."

But the committee implies a doubt, draws a conclusion, and then abandons the line of thought.

Why not discuss the question if such discussion be enlightening? Other nations do directly rebate Suez Canal tolls and the committee must know it and know, too, that the subsidies which it tries to make general are in most cases directly voted to equalize such tolls. So why run away from the issue, or must we only provide a free feast of commerce, to which all the world is bidden to partake, at our expense?

The Russian Government in 1909 appropriated 650,000 rubles in exact terms to pay the tolls of the merchant steamers of the Russian volunteer fleet, both for tonnage and for all men, women, and children carried.

The British P. & O. Co. receives in subsidies enough to nearly pay all its canal dues, although it operates through the canal a number of boats apart from mail steamers.

The North German Lloyd receives an annual subsidy on its vessels using the canal of $1,385,000. Japan pays a subsidy of $1,336.947 to the Nippon Yusen Kaisha for its steamers through the Suez to Europe.

The Massageries Maritimes, the largest French company using the Suez Canal, was paid for its lines to China, Japan, Australia, and Madagascar $2,145,000 in subsidies.

Austria specifically provides by law for payment of Suez tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe.

The Swedish Government calculates its subvention to the Svenska Ostasiatiska Kompaniet to represent the amount of tolls paid by the ships of the company for passing the Suez Canal. I think the above not only pertinent, but enlightening.

Let us again quote from the committee's report:

"Although the Commissioner of Navigation in his report just issued favors the payment by the United States Government of tolls upon American vessels, he makes the following statement: 'It is not questioned that the traffic of the Panama Canal should supply revenue for its maintenance and possibly in time for the partial amortization of the expense incurred in construction. Toward this revenue we must ourselves contribute in some way, for even if our treaty obligations will permit us to impose upon foreign nations the entire burden of paying for the canal, not for an instant would there be a disposition to adopt so ungracious a policy or, in fact, could it be commercially feasible.'"

Of course this is all qualified, but it is a very fine distinction in commercial ethics which forbids charging a fair price for services rendered when there is no compulsion as to usage and vessels will only pass through the canal when it is to their advantage to do so.

However, since the committee seems to draw comfort and inspiration from the utterances of the Commissioner of Navigation, I will quote him further: "A deliberate conclusion to tax directly American shipping to pay for the maintenance of that canal when no tolls are imposed on vessels, American or foreign, for the use of our other improved highways will be well-nigh inexplicable save as the definite surrender of the oceans to others by the United States except as we may use its waters from time to time for the maneuvers of our war fleets."

This has an American ring about it.

Further quotations will prove that the Commissioner of Navigation has not "the opinion that tolls should be charged and to all alike," as the committee rather too hastily concludes.

The committee again quotes from the commissioner, though with what object it is hard to judge:

"A long line of treaties binds us to equal tolls on American and foreign vessels entering the improved harbors of New York, New Orleans, San Francisco, and every other harbor, river, lake, and canal within the United States."

Of course they do. I do not deny that we give much for nothing and that we have been worsted in practically every one of our commercial conventions.

But such river and harbor improvements are for our own commerce, while the canal may be used by vessels that never reach one of our ports and in direct competition with us.

A policy deliberately adopted which aids other vessels in our trade undoing is monstrous and unpatriotic. Does the committee wish the chamber to think that there is no difference in their respective effects upon the national economy between the Panama Canal and Ambrose Channel?

While swallowing the camel of $24,550,000 tolls on the Suez Canal for 1910, the committee strains at the idea of $14,500,000 for the Panama Canal.

As the best and fullest use of the canal for several years will be by foreign vessels, why not let those vessels, which from our inadequate equipment will reap the greatest profit and develop their own countries' trade, pay charges in proportion to advantage obtained? The Suez Canal started with tolls of 10 francs per gross ton, with a surtax, but they are now about $1.30 per net ton. There is every reason why we should start with an adequate toll, which can be lowered as the volume of travel increases.

It will be found necessary in all probability to write off the cost of the canal and to be content for at least a number of years to pay operating charges of all kinds, and by a surtax to raise a sum for insurance against accidents, such as earthquakes or other troubles, renewals, and wear and tear.

On such a basis $1 per gross ton would be sufficient. The net ton is not a true measure of the bulk or volume of the vessels, and hence the gross ton should be employed as being the more equitable standard by which to gauge charges. The committee knows the difference between gross and net tonnage, but ignores it. The surtax might be levied on passengers or goods which do not come from or go to United States ports.

As regards the coasting trade, there is a vast difference between domestic and foreign transportation. It is claimed that the coasting rates will serve to regulate railroad rates. We have from the beginning preferred our coasting vessels by constitutional regulation of trade, and our coasting trade is prosperous, and with naval orders keeps alive the shipbuilding industry.

There is no question in anyone's mind as to our right to prefer our coasting vessels, such preference being within the constitutional power to regulate commerce.

The committee is here to be criticized more than at any other part of its report, for while not passing upon preference for the coasting trade it shuts out such preference in its resolution by recommending a toll of $1 per ton on all tonnage passing through the canal.

Let us see how the committee disposes of this most important problem:

"The question of American shipping doing a coastwise tonnage passing through the canal free of tolls is a most difficult one to solve. There is a great diversity of opinion, and until this matter has been definitely determined by our Government in relation to the existing treaties with Great Britain and other countries your committee does not feel qualified to pass upon it."

But does the committee give their country the benefit of the doubt and qualify their recommendation? Not at all. They ask the chamber to pass the following resolution:

"*Resolved*, That the Chamber of Commerce of the State of New York favors a rate of $1 per ton on all tonnage passing through the canal, and urges upon Congress to take early action upon this important matter."

Not a single exception. The committee interprets the treaties and settles the coasting-trade preference at one blow. How the chancelleries and the shipping rings of our European rivals will rejoice at the sounding of such attack upon American shipping by New York's great chamber of commerce.

I am not building vessels any more and can not be charged with a selfish interest in this great question, but I am at a loss to understand why I find myself so often combating un-American policies. We see our dependence upon the oceans progressively increase, and while we rail at monopoly on land we look with complacency upon the growth of an all-powerful monopoly upon the seas in the ships of our commercial and political rivals and in the arts and accessories of navigation.

This chamber should go much further in its recommendations.

The Spooner Act provided for building the canal, but not for its operation. The splendid work done by Goethals and Gorgas and the great men on the Goethal staff, such as Hodges, Devol, and Sibert, should not be lost in usefulness to the Nation. A plan of control, including the physical, such as upkeep and operation; sanitary; fiscal and civil, such as schools, courts, and police, must be studied. This chamber should have views upon such questions which would be of use; at any rate it can urge upon Congress the importance of an early determination.

But in the adjustment of tolls we shall see the greatest measure of good or ill for the American merchant marine. If you are not willing to aid in the building up of our merchant fleet through differential tolls, that is a question of conscience alone. But do not quiet that conscience by believing that any treaty stands in the way of preferring our own.

I oppose the resolutions offered because the premises upon which they are based are misleading and incompetent and the resolutions themselves carelessly drawn and harmful.

I beg to submit the following substitute resolutions:

The Chamber of Commerce of the State of New York, having considered the problem of tolls upon the Panama Canal, recommends as follows:

1. That for the next 10 years the interest on the canal bonds shall not be charged against the tolls.

2. Foreign vessels in the foreign trade to pay a toll of $1 per gross ton register if of foreign build; foreign vessels built in the United States to pay 30 cents per ton; United States vessels in the foreign trade to pay 20 cents per ton; United States vessels in the coasting trade to pay 10 cents per ton; no charge to be made for United States men-of-war; men-of-war of other nations to be charged as merchant vessels; vessels in ballast to pay half rates.

3. Any surplus over operating expenses from the sum above collected shall be placed in a special fund, to be expended for canal purposes or amortization of bonds, as decided by Congress.

This sum shall be further added to by a surtax on all vessels not carrying cargoes to or from United States ports of 10 cents per gross ton, regardless of flag; and on all passengers not coming from or going to American ports on the vessel which brings them to the canal there shall be a charge of $2 each.

4. That this chamber urge upon Congress the need of immediate legislation fixing the control of the Canal Zone and the operation of the canal.

I need not point out to the chamber the delicate ground upon which it stands in accepting a report of a committee as a basis for action, which report attempts to construe a treaty in such a way as to hamper our country in disputes which may arise under this treaty in the future.

I have not hesitated to put facts strongly before the chamber, as I have considered it my duty to do as an American citizen, glorying in my selfishness in my country's interests.

I am always ready to discuss such questions and am sending a copy of this letter to each member of the committee.

I trust that it will be found that in the rush of other duties they have not fully weighed the questions upon which they report and that they may go more fully into the subject before committing themselves to a policy the only arguments for which are un-American arguments.

Very respectfully, LEWIS NIXON.

Mr. HUMPHREY of Washington. Mr. Chairman, I make a similar request, and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, at the instance of the gentleman from Louisiana [Mr. BROUSSARD] I yield 30 minutes to the gentleman from Missouri [Mr. ALEXANDER].

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Chairman, it is impossible for me in the time allotted to me to discuss this question as I would like to. I wish to discuss it from the standpoint of the American merchant marine. I will say, in passing, that I am not undertaking to reflect the views of the committee of which I have the honor to be chairman, for I do not know the views of the committee as a whole. I do know, however, that the members of the Committee on the Merchant Marine and Fisheries are all very anxious to do something to restore our American merchant marine in the foreign trade.

It is true that our coastwise merchant marine is greater than that of any other nation, and if we include our coastwise merchant marine we have a larger merchant marine than any other nation save Great Britain; but it is a source of humiliation to American citizens that more than 90 per cent of our foreign trade is carried in foreign ships and has been for many years past. I will not undertake to go into the causes of the decline of our American merchant marine. They are many and have often been discussed on this floor. But with this bill pending I could not let the occasion pass without suggesting to the majority of the Committee on Interstate and Foreign Commerce that, if it may be done consistently, they should be willing and anxious to respond to this demand and concede something to our American merchant marine.

Mr. SABATH. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. SABATH. Will the gentleman suggest what could be yielded to our American merchant marine in this bill that would benefit it?

Mr. ALEXANDER. If the gentleman will be patient, I will try to elucidate that question.

So far as the general features of this bill are concerned, they have my approval, so far as they relate to the administration of the Canal Zone, although the bill lodges vast and almost autocratic power in the Executive; but I recognize the peculiar situation in the Canal Zone and in the administration of the canal, and I am not disposed to question the wisdom of this legislation for that reason.

I wish to say, further, that I am in entire accord with the committee in the legislation proposed by section 11 of this bill, and I shall support the substitute for section 11 that will be offered by the committee.

I do not believe that the railways of the country should own and operate ships; and while this bill is intended primarily to provide for the administration of the Canal Zone, as it has undertaken to legislate upon this other question which I regard as a large and important question, I shall support the substitute for section 11, which I understand will be offered by the chairman of the committee [Mr. ADAMSON], because it is a notorious fact that our coastwise trade, both on the Atlantic and on the Pacific, is controlled by the railroads; that there is not a line of ships between New York and Galveston or on the Pacific Ocean that is not controlled for the most part by the railroads of the country. So long as that is true, we can not have that open competition between the waterways and the railroads that all thoughtful men agree is necessary.

Mr. HAMLIN. Will my colleague yield just there?

Mr. ALEXANDER. Yes.

Mr. HAMLIN. I want to call the attention of my colleague to the testimony before the committee that the American-Hawaiian Steamship Co., of which Mr. Deering is president, is an independent company, not one dollar of the stock or interest in which is owned by any railroad.

Mr. ALEXANDER. Where does that line operate?

Mr. HAMLIN. In the coastwise trade. I want to call the attention of my colleague further to the fact that he says he does not object to tolls being levied upon the coastwise trade. He has not asked for free tolls. Not one dollar of the stock in that company is owned by any railroad company, so he says.

Mr. HUMPHREY of Washington. Will the gentleman yield on that point?

Mr. ALEXANDER. Yes.

Mr. HUMPHREY of Washington. If I recall, it appears in the hearings; but, whether it appears in the hearings or not, it is a fact that that steamship line is operated in connection with a railroad.

Mr. HAMLIN. Oh, no; that is not in the hearings at all.

Mr. HUMPHREY of Washington. That is a fact.

Mr. ALEXANDER. Their relations are so intimate with the railroads that there has never been any friction between them. There is no competition between them, and from all appearances they are in perfect accord. Yet that company has been quoted from time to time as a justification for canal tolls. Just as soon as they do come in competition, just as soon as they do make a lower rate than the railroads, then there will be friction between them; and, like most other lines that have dared to do so, it would not be long until they would be put out of business. But whatever that relationship may be, it is one of comity and friendship, and there is no fraction between them.

Mr. HAMLIN. In the interest of accuracy of record, I want to say that the testimony by Mr. Dearborn is undisputed that there is a competition between his ships and the transcontinental railroads, and that they always cut under the railroad rates. He said he kept his ear to the ground, and when the transcontinental railroad companies made a rate his company made a lower rate, and that not one dollar in his company is owned by the railroad companies; and that statement was not disputed before the committee.

Mr. ALEXANDER. I undertook to read the testimony, but I did not read it in full, and I am unable to state what the fact is in that regard, but the committee of which I am chairman is charged with an investigation of the relationship existing between these different shipping lines, and we may reveal a different state of facts.

Now, I do object to section 5 of the bill, or that part which undertakes to commit us to the doctrine that under our treaty relations with Great Britain we may not discriminate in favor of American shipping. If it was intended that this question should go over for future consideration, why undertake in this bill to make a declaration of that kind? Why try to commit Congress to the doctrine both with reference to the coastwise and our foreign trade? Hence I object to this language in section 5:

> No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

I say if it was the intention that this question should go over and be considered by future Congresses, that language has no place in this bill. The question should be left open for discussion and consideration in the future.

I must confess that the situation here is an anomalous one. I would think that an American citizen, a Member of this Congress, jealous of the rights of his own country and his own flag, would leave it for some other nation to contend that we may not discriminate in favor of American shipping in the matter of tolls on the Panama Canal. I can very well understand why the railroads do not want this discrimination. I can very well understand why the foreign shipping interests do not want this discrimination. But, so far as I am advised, the Government of Great Britain is not contending that we may not discriminate in favor of American shipping in the tolls in the use of the Panama Canal. Hence, I say, this eloquence and this zeal is misplaced.

Mr. KNOWLAND. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. KNOWLAND. Further than that, it is a fact that the leading shipping authorities of Great Britain admit that we have the right to discriminate in favor of our coastwise vessels.

Mr. ALEXANDER. I take the statement of the gentleman from California as correct; I am not advised on that question.

Mr. SABATH. Will the gentleman yield?

Mr. ALEXANDER. For a very brief question.

Mr. SABATH. How would this provision benefit the foreign steamship business?

Mr. ALEXANDER. Is it not the gentleman's opinion that if we discriminate in favor of American ships in the use of the canal we would benefit our ships in the foreign trade?

Mr. SABATH. The foreign ships are excluded from doing any business in our coastwise trade.

Mr. ALEXANDER. I am not talking about coastwise trade alone; I take the larger and broader view. I say we should discriminate in favor of American shipping, both in the coastwise and in the foreign trade. That is my view. [Applause.] The greater necessity is in the foreign trade, because in that direction is the greater need to extend our commerce. There is an absence of American ships in the foreign trade. True, our American ships have a monopoly of the coastwise trade, and to save my life, after having heard these learned arguments, I still can not understand how they can justify the claim that we are bound by treaty not to discriminate in favor of American ships in the coastwise trade when foreign ships are excluded from the coastwise trade.

The gentleman from Minnesota [Mr. STEVENS] in his very able speech has undertaken to prove that it will be a violation of the terms of the Hay-Pauncefote treaty for us to discriminate in favor of our vessels in the coastwise trade, and to support his contention refers to the Welland Canal. Yet the two cases are not paralleled in any respect.

We have never asked Canada to let us share in her coastwise trade. Her vessels have a monopoly of that trade, as do our vessels of our coastwise trade. The trade between the United States and Canada on the Great Lakes is foreign trade. The Welland Canal connects international waterways—Lakes Erie and Ontario. The canal is built on Canadian territory and is under the control of the Dominion Government. It is true that in 1888 and again in 1891 representations were made by the United States that the stipulated equality in the use of the canal was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years, by an annual order in council issued before the opening of lake navigation, a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. TOWNER. I would suggest to the gentleman that I think it would be of advantage to everybody if he would also insert in his remarks the history of the controversy with the Dominion of Canada with regard to the Welland and Soo Canals. I think the facts regarding that ought to be in the RECORD.

Mr. ALEXANDER. I shall do that.

Mr. TOWNER. I entirely agree with the gentleman that they in no wise carry out the intention of the gentleman from Minnesota [Mr. STEVENS].

Mr. ALEXANDER. I quote from Moore's Digest of International Law, volume 3, page 681, the history of that controversy:

> In 1895 the United States and Canada each appointed three commissioners to confer on the question of the feasibility of building such canals as should enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean. This action was taken on the initiative of the United States under an act of Congress approved March 2, 1895. (For. Rel. 1895, I, 705–707; report of Mr. Olney, Secretary of State, to the President, Dec. 7, 1906, For. Rel. 1896, lxxiv.)
>
> QUESTION AS TO TOLLS.
>
> In 1888 (a) and again in 1891, representations were made by the United States that the stipulated equality in the use of the canals was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years by an annual order in council issued before the opening of lake navigation a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof. The effect of this system, which violated, as the United States maintained, the stipu-

lated equality, was aggravated by the ultimate denial of any rebate on cargoes transshipped, as often as was necessary, for passage through the canal from larger to smaller vessels if the transfer was made in a United States port. On April 4, 1892, a new order in council was issued, which, while fixing the canal tolls at 20 cents a ton on freight of all kinds, allowed a rebate of 18 cents on wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat originally shipped and actually carried to Montreal, or any port east thereof, in case such products were exported, and provided that the right to the rebate should not be lost by intermediate transshipment, if it took place in Canada. (b) By another order in council, dated April 11, 1890, and mentioned by the United States as a discrimination, the toll on cargoes bound eastward was reduced from 20 cents to 10 cents a ton, while the full rate was continued on cargoes bound westward.

The Canadian Government argued (1) that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty, and (2) that, as article 30 of the treaty of Washington, granting a reciprocal participation in special coasting trade and bonded-transit privileges, expressly authorized the United States to suspend those privileges in case Canada should deny the equal use of the canals under article 27, and as article 30 had been terminated on notice given by the United States, the agreed penalty for discrimination which might exist had already been exacted. (c) The Canadian Government proposed, however, as a compromise, to abolish all rebates on condition that the free and equal use of the Sault Ste. Marie Canal should be maintained, and that article 30 of the treaty of Washington should be restored (d).

The United States replied (1) that the treaty guaranteed equality of treatment not merely to vessels of the United States, but also to their citizens; (2) that this equality was violated by the system in question, since it required grain bound to United States ports to pay 10 times as much toll as grain bound to Montreal, and discriminated against American vessels, ports, consumers, and trade routes; (3) that the termination of article 30 of the treaty of Washington by a notice in conformity with article 33 thereof, could on no theory be held to have forever exhausted the power of the United States to retaliate for any failure of Canada to observe the engagements of article 27; and (4) that clear rights conferred on citizens of the United States by treaty could not be purchased by concessions which the same treaty did not require (a).

The matter was submitted by the President to Congress, (b) and by an act approved July 26, 1892, it was made his duty, whenever he should be satisfied that the passage through the Canadian canals of vessels of the United States, or of cargoes or passengers bound to a United States port, was prohibited, made difficult, or burdened by tolls which, in view of the free passage permitted to all vessels through the St. Marys Falls Canal, he should deem unjust and unreasonable, to suspend by proclamation such free passage and impose tolls, not exceeding a certain amount on vessels of subjects of the discriminating Government or on cargoes or passengers in transit to its ports. A proclamation, dated August 18, was issued August 20, 1892 (c).

It specified as the particular ground for action the rebate allowed under the order in council of April 4, 1892, in favor of the Montreal route and Canadian transshipments, this preferential treatment constituting, as was declared in correspondence, "the concrete condition of disfavor to citizens of the United States, which the President was constrained to examine and act upon"; (d) and directed the collection after September 1, 1892, of a toll of 20 cents a ton "on all freight * * * passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations."

By a Canadian order in council of February 13, 1893, it was directed that "for the season of 1893 the canal tolls for the passage of the following food products: wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton, and for passage westward through the St. Lawrence Canals only 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence Canals."

On the strength of assurances that this order was in full substitution of the expired orders of 1891 and 1892, and involved the abandonment of all provisions as to rebates or against transshipped goods, the President, February 21, 1893, issued a proclamation suspending that of August 18, 1892 (a).

By an order in council, dated April 17, 1896, all fees previously exacted from vessels navigating inland waters, when entering or clearing above Montreal, were abolished. It was stated that the Canadian Government, while maintaining its former contention that certain charges exacted in the United States ports from Canadian vessels constituted a discrimination in favor of United States ships, took the action above stated in order that no cause for friction with the United States authorities in regard to the matter should exist (b).

It will be noted that Canada would not at first yield to the contention of the United States, but contended that its orders in council did not infringe the treaty, but proposed, however, as a compromise to abolish all rebates on condition that the free and equal use of the Sault Ste. Marie Canal should be maintained and that article 30 of the treaty of Washington should be restored.

Article 30 of the treaty of Washington, granting reciprocal participation in special coasting trades and bonded-transit privileges, and expressly authorizing the United States to suspend these privileges in case Canada should deny the equal use of the canals under article 27, had been terminated on notice given by the United States.

The President and the Canadian Government failing to come to an agreement, the matter was submitted to Congress, and the act of July 26, 1892, was passed, providing that so long as the President should be satisfied that the Canadian Government should discriminate against vessels of the United States in the passage through the Canadian canals certain tolls should be charged the vessels of Canada for passage through the St. Marys Falls Canal.

The result was that the Canadian Government, by order in council of February 13, 1893, made a new regulation satisfactory to the United States, and on the strength of assurances that this order was in full substitution for the expired orders of 1891 and 1892, the President, on February 21, 1893, issued the proclamation suspending that of August 18, 1892, which was based on the act of July 26, 1892.

Later, the Canadian Government, by order in council dated April 7, 1896, abolished all fees previously exacted from vessels navigating inland waters when entering or clearing above Montreal. Thus the controversy was happily ended.

Nevertheless it clearly appears that Canada never did concede that she had violated any of the treaty rights of the United States. The only way we forced her to make concessions to us was by the Congress passing the act of July 26, 1892, by which we gave Canada to understand that if she did not concede to us reciprocal treatment in the use of the Welland Canal we would deny to her the free passage of her vessels through the St. Marys Falls Canal.

Just what that controversy and its settlement has to do with our right to grant to American vessels free tolls in the use of the Panama Canal, I repeat, I am unable to understand.

It might be bad policy for us to do as contended by the gentleman from Minnesota [Mr. STEVENS], but it can not be seriously contended that we violate the terms of any treaty between ourselves and Canada in doing so, and it can not be seriously contended that Canada should be accorded equal treatment with American vessels engaged in the coastwise trade in passage through the Panama Canal under the Hay-Pauncefote treaty, unless such treatment may be claimed for the vessels of Great Britain and of all other nations that may apply therefor.

That we have the undeniable right to discriminate in the matter of Panama Canal tolls in favor of vessels of the United States engaged in the coastwise trade and, if we elect to do so, grant them free tolls, is settled by the decision of the Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 332). In that case the treaty with Great Britain expressly provided that—

> No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

The court held that this treaty was not violated by either the Texas statute or section 4444 of the Revised Statutes of the United States, exempting coastwise steam vessels from the payment of pilotage charges.

Mr. Justice White, now Chief Justice, speaking for the court, said:

> Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

This decision, it seems to me, should settle the question once and for all. But in the absence of any decision by this great tribunal, it should be plain that we have the right to treat our vessels engaged in the coastwise trade as we please, in view of the undisputed fact that no foreign vessel may participate in that trade, and it is no concern of theirs how we treat our vessels in the coastwise trade, whether we grant them free tolls or not.

But it was not my intention to give this phase of the subject more than a passing notice.

The gentlemen entertaining the contrary view, however, have expressed their contention with such earnestness and plausibility that I have felt it my duty to give it more extended notice.

But my contention is that we may not only discriminate in favor of vessels of the United States engaged in the coastwise trade, but that we may discriminate in favor of vessels of the United States engaged in the foreign trade in the matter of tolls in the use of the Panama Canal, and, following my thought on that subject, is it not a little remarkable that the President of the United States, having in view our treaty with Great Britain, should deliberately announce in a message to Congress that, in his opinion, we have a clear right to discriminate in favor of our shipping, not alone in the coastwise trade, but in the foreign trade as well. I quote from the message of President Taft

to the Congress in December, 1911 (62d Cong., 2d sess., H. Doc. 343), in which he says:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. CLINE. I will ask the gentleman if the President does not say the tolls would have to be paid at the canal, and they could be recouped by legislation, and that that was lawful; and does he not say it in that identical communication?

Mr. ALEXANDER. No; his language is:

I am confident that the United States Government has the power to relieve from the payment of tolls any part of our shipping that Congress may deem wise.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. MANN. I hold in my hands a letter from the Secretary of State—Secretary Knox—and also a letter from the Secretary of War, Mr. Dickinson, the latter stating that a bill which I introduced which would permit a discrimination in tolls both as to coastwise trade and to foreign trade carried in American bottoms, met the approval of the President of the United States—all approving that proposition under the treaty.

Mr. TOWNER. Will the gentleman from Illinois not put that also in the RECORD?

Mr. MANN. I may insert them in the RECORD when I make some remarks.

Mr. ALEXANDER. The Secretary of War, Hon. Henry L. Stimson, in his last annual report, page 54, is equally clear in his opinion that the United States may legally and morally relieve American vessels from payment of tolls for use of the Panama Canal without violating the provisions of the Hay-Pauncefote treaty. I quote his language:

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form—provided the tolls for other nations are kept reasonable, as we have also covenanted to do—whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place.

The Secretary of Commerce and Labor, Hon. Charles Nagel, in his annual report, pages 102 and 103, entertains the same opinion. His statement is as follows:

Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping is at stake, and the domestic commerce of both seaboards and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways.

When the gentleman from Minnesota, in answer to my question, answered "that our Government might refund to American vessels all or part of the tolls paid by them for passage through the Panama Canal, whether in the coastwise or foreign trade," he gave away his whole case, for it is absurd to say that if by the terms of the treaty we may not discriminate against foreign shipping in the matter of tolls we can secure the same result in this direct manner. I say it would not be honorable to do it in that way. It would be a subterfuge and would not be recognized by any self-respecting nation. So that when that concession is made on the part of the proponents of this bill they virtually give away their case.

As I say, I do not intend to further discuss the question whether or not this Government may grant free tolls to our vessels in the coastwise trade without reference to whether or not we may do so in the foreign trade. If the provisions of the Hay-Pauncefote treaty were without doubt, if they were clear and unequivocal that we could not discriminate in favor of our vessels in the foreign trade, I do not believe it could be seriously contended for one moment that we may not grant free toll to our vessels in the coastwise trade, and that was the view of the Supreme Court of the United States.

The gentleman from Minnesota [Mr. STEVENS] contends with equal force and eloquence that we may not discriminate in favor of our vessels in the use of the Panama Canal in the foreign trade, and on that question I wish to join issue with him.

He casts aside the opinions of the President of the United States, of the Secretary of War, of the Secretary of Commerce and Labor, all distinguished lawyers, as of little weight in the solution of the question.

He seems to overlook another important fact. Although the position of our President on this all-important question has been known for many months, and the question has been given great prominence in the press and magazines of the country, no word has come from the British Government or any other maritime nation, so far as I am advised, that we may not grant to America a less rate of the tolls than to foreign shipping, or for that matter free passage through the Panama Canal. I attach great significance to this circumstance, for if there is any plausible ground on which the position of our Government in this matter might be questioned I fancy Great Britain and other maritime nations would be quick to seize upon it.

I can readily understand why our transcontinental railroads and the foreign shipping interests might support this contention, prompted by selfish interests, and I am not finding fault with them for doing so, but I have been cudgeling my brain to find a plausible reason why my esteemed friend, the distinguished chairman of the Committee on Interstate and Foreign Commerce, and the majority of that committee should press that view with so much zeal and eloquence. I believe them sincere in their desire to help our merchant marine. I am inclined to think their error lies in misunderstanding the influence and effect the opening of the canal will have upon the future of our merchant marine, and their judgment is controlled by a wish to make the canal pay as a commercial enterprise. In both views I believe they are mistaken. As I view the situation the canal, if wisely administered, will be a valuable asset in the building up of our merchant marine and in the extension of our foreign trade in American ships, not only in South America but to the Orient and other parts of the world.

The gentleman from Minnesota in his construction of the Hay-Pauncefote treaty gives great significance to the language in the preamble to that treaty, that the contracting parties agreed that the canal should be built "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty."

Now, from that language, "without impairing the general principle of neutralization established in article 8 of that convention," he gives those words very great weight in construing the articles of that treaty. In fact, he reads them into the treaty and would make them a part of the treaty. To my mind that is indefensible. If we want to have an interpretation of those words, or if we want to interpret those words to see what effect they had or what scope they shall have given in the treaty, let us go to the treaty itself. Now, there has been much said on the question of neutralization, and yet that is a term of wide significance which does not allow a definite meaning and which can not be applied to any specific treaty and made a universal rule of action. It has been violated time and time again in our treatment of the Panama Canal, and to accept those words as a justification for the position of the committee that we may not discriminate in favor of American ships in the use of the Panama Canal, to my mind is entirely untenable. Why, if we take the Clayton-Bulwer treaty as a basis, or if we undertake to interpret article 8 of that treaty and translate the spirit of that treaty into the Hay-Pauncefote treaty, we violate it in many respects. We violated it in our treaty with Panama, because we expressly provide that ships of the Government of Panama shall pass back and forth through the canal free of toll. It is nothing to say that her shipping in tonnage is negligible. We are contending for a principle, and if the contention of the gentlemen on the other side is correct, then we have violated the spirit of that treaty in granting this concession to Panama. If we grant it to Panama we can grant it to the various Governments of South America, but my contention is that we do not violate the treaty in that regard. Then, again, in the fortification of the canal we violate the principle of neutrality in its broad definition.

We are going further. We propose to place a military force on the canal. Is that simply to police the canal and maintain order on that 10-mile strip that has been conceded us by the Government of Panama? Is it possible that we are going to an annual expense of about $10,000,000 for Army fortifications simply for the purpose of policing the canal? Will it be necessary to expend a larger sum for that purpose after the canal is completed than now with many thousands of people engaged in the construction of the canal? Certainly not. There are those on this floor who have contended we could not fortify the canal; that it would be a violation of the treaty with Great Britain. At the same time, unchallenged by Great Britain, we are fortifying the canal. We are going ahead to place an army on the Canal Zone unchallenged by Great Britain, not simply for the purpose of policing the canal alone, but to protect it from hostile attack by any foreign nation. Not content with the declaration of Great Britain that it shall be regarded as neutral, not content with treaties that may be negotiated with foreign nations by which the neutrality of the canal may be recognized, we are preparing, by force, to protect our rights in the Canal Zone and to that great canal. But it is said if we grant discriminating duties to American ships we are violating the rule of equality. Now, just one moment on that question. We are spending $400,000,000 in the construction of that canal. Four per cent interest on that amount would be $16,000,000 a year. We propose to pay, according to the estimates of these gentlemen, from forty to fifty million dollars a year for its protection, maintenance, and operation, and yet notwithstanding that vast expenditure, to which no foreign nation has contributed one penny, notwithstanding the fact that the canal is being built on land to which the Government holds the absolute title, it is solemnly contended here, under the Hay-Pauncefote treaty, that we have no right to discriminate in favor of American ships by granting them the use of that canal at a less toll than we grant to foreign ships. The proposition is wholly untenable, to my mind. Gentlemen talk of the doctrine of equality. How could any foreign nation have the courage to make such a claim in view of these facts?

And yet that is the contention of these gentlemen, and they press it with great zeal. Why they should do it, I do not know, unless prompted by the considerations to which I have already referred.

Mr. SULZER. Or anybody else.

Mr. ALEXANDER. I do not understand it. And the other doctrine—that when you levy a toll it does not affect the price of the commodity to the consumer; that it will be absorbed in the rate—is another specious contention. They would have us believe that this barrier is a blessing and that to remove it is a curse and that it is a distinct disadvantage to the American people if we open that waterway and make it free to our shipping between the Atlantic and Pacific coast.

I am quite willing, so far as I am concerned, that our shipping, both in the coastwise and foreign trade, may pay some amount of toll; that they shall contribute toward the maintenance and operation of the canal, but I do insist that when these tolls are framed they should distinctly give an advantage to our American merchant shipping. [Applause.]

But to return to the construction of the Hay-Pauncefote treaty. To learn the terms of the treaty we should refer to the treaty itself. Article 2 provides that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscriptions or purchase of stock or shares, and that subject to the provisions of the present—the Hay-Pauncefote, not the Clayton-Bulwer—treaty, the Government of the United States shall have all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Could language be more clear and free from ambiguity than this?

But it is said that article 3 of the treaty places it beyond peradventure of doubt that in the levying of tolls we must observe the rule of equality as between ourselves and other nations. To do so by giving that rule the interpretation contended for by the gentleman from Minnesota, we must require the following considerations: First, that the canal is built on American territory, purchased at an expenditure of $50,000,000; second, the annual payment to the Republic of Panama of $250,000, beginning February 26, 1904; third, the expenditure of $400,000,000 in the construction of the canal; fourth, the annual expenditure of $40,000,000 to $50,000,000 in the defense, maintenance, and operation of the canal. But how could other nations share the benefits of the canal with us on terms of entire equality unless they would come in and share with us this great burden? [Applause.]

And yet without consideration and assumption of any obligation on their part other than to observe such conditions and charges of traffic as shall be just and equitable what do we, in article 3 concede to other nations? First, that "the canal shall be free and open to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in the conditions or charges of traffic, or otherwise; that such conditions and charges of traffic shall be reasonable; second, that the canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. And yet these, with some minor provisions, are the rules adopted by the United States as the basis of neutralization of the Panama Canal, according to the very terms of the treaty, and referred to as substantially embodied in the convention of Constantinople, signed on the 28th day of October, 1888, for the free navigation of the Suez Canal.

If it was the intention of the framers of the treaty that vessels of the United States should pay the same tolls for use of the canal why did not the framers of the treaty say so in unmistakable language? Why provide, referring to foreign nations, that the United States should make the conditions and charges of traffic just and equitable? To my mind the only answer is that the right of the Government to fix the tolls for its own shipping was so apparent and fully recognized that the only concession that could be reasonably insisted on was that other nations should be treated fairly and equitably in that regard.

Then, too, the British representative no doubt had in mind the interpretation given to the convention of Constantinople and the fact that the Turkish Government, whose authority was recognized in Egypt at the time the concession was made to De Lesseps to build the Suez Canal, might pass its vessels through the canal free of tolls; that the Russian Government pays the tolls of the merchant steamers of the Russian volunteer fleet; that the British Pacific & Orient Co. receives in subsidies nearly enough to pay all its canal dues; that the North German Lloyd receives an annual subsidy on its vessels using the canal of $1,385,000; that Japan pays a subsidy of nearly equal that amount to the Nippon Yusen Kaisha for its steamers using the Suez Canal; that Austria-Hungary specifically provides by law for payment of Suez Canal tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe; that subsidies are paid by the French Government to its largest company using the canal amounting to about $2,500,000 annually.

In the light of these facts it could hardly be contended that our Government may not remit all or part of the tolls of its vessels using the canal, and it is no cause for wonder that foreign nations are not demanding that our Government should charge the same tolls for American ships as for their own.

Again it is contended by a majority of the Committee on Interstate and Foreign Commerce, led by their able chairman in his inimitable and facetious style, that if we favor our shipping in the matter of tolls for use of the Panama Canal we will be granting them subsidies; something justly obnoxious to a majority on this floor, if not to the American people. I have been as much opposed to subsidies to our merchant marine as the gentlemen who make their claims. I believe there is a better way to rehabilitate our merchant marine, and as one of the means of doing so the committee of which I have the honor to be chairman has reported to the House a bill for free ships for the foreign trade and for free material, which I hope will be passed before this session closes.

But if the contention of the gentleman is correct the policy of the Government in reference to our great harbor and inland waterways is all wrong.

The river and harbor act of 1884, section 4, provided:

> No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water crafts for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constituted.

We have uniformly followed the policy enunciated in that act through all the years since its passage. Has our policy been a mistaken one? Have we erred in not charging tolls at every lock and dam built and harbor deepened at the national expense?

The Secretary of the Treasury recently sent to the Senate a letter transmitting the information that from the foundation of the Government to the close of the fiscal year ending June 30, 1911, a total expenditure upon rivers and harbors and canals—excluding the Panama Canal—is $627,098,236.05.

Of that sum, $121,142,554.41 has been expended upon the Mississippi River, $11,425,056.90 upon the Missouri River, and $23,548,338.15 upon the Ohio River, while the State of New York has appropriated a total of $147,000,000 for the enlargement and maintenance of her canals since the State declared them to be free of all tolls.

The balance of the six hundred and twenty-seven and odd millions of dollars has been expended in the improvement of other waterways than those mentioned and in deepening the harbors of the Great Lakes and our Atlantic, Gulf, and Pacific seaboards.

The present river and harbor bill as it passed the House carries an authorization for the expenditure of $20,000,000 to secure a 6-foot channel in the Missouri River between Kansas City and its mouth. When completed shall steamboats and other water crafts be charged tolls for the privilege of navigating the Missouri River?

Locks and dams have been built across the Mississippi River at Keokuk at a great outlay of money. Shall all steamboats and other water crafts using the locks be charged tolls?

Immense sums are being spent for locks and dams on the Ohio River to improve the river for navigation. Shall a tollgate be erected at each lock and tolls be demanded of steamboats and other water crafts passing through them?

By the deepening of the harbor at Duluth and other ports on the Great Lakes and by the erection of locks and canals the cost of transporting a bushel of wheat from Duluth to Boston and New York has been reduced, we are told, in the last 50 years from 30 cents a bushel to less than 6 cents, while the movement of ores has been reduced to a very low figure.

Yet all these improvements were made out of the National Treasury. That they were wise and have contributed to the general welfare can anyone doubt?

Are we not all in favor of the freest interstate commerce, and should we make any distinction between that secured by the improvement of our inland waterways and the removal of an obstruction to waterway traffic between the Atlantic and Gulf States and those of the Pacific Ocean? And will not the Panama Canal give added value to our inland waters as carriers of our domestic and foreign commerce? To state the proposition is to give the answer. And yet, from this viewpoint, it would be quite as reasonable to charge American vessels for the use of our inland waterways and harbors as for the passage through the Panama Canal, and the failure to do so in the one instance is as much a subsidy as the other.

Mr. Chairman, I have not discussed what tolls, if any, should be charged American vessels using the canal. Experience will best solve that question. I have undertaken to combat, and I hope successfully, the contentions of the majority of the Committee on Interstate and Foreign Commerce that we have no right to permit American vessels to use the canal at a less toll than that charged foreign shipping. I would remove instead of adding to the handicap of our merchant marine.

I would give to our merchant marine every possible benefit in the competition of this, the world's greatest engineering triumph, to the end that some day—and I trust that day is not far distant, when a generous share of our commerce in the world's trade will be carried in ships carrying the American flag. [Loud and prolonged applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized.

Mr. MARTIN of Colorado. Mr. Chairman, surely in Panama has the stone that was rejected by the builder become the head of the corner. For this once pestilential sink hole of the American Continent was reserved the great project. Its successful completion will not be an incident; it will be an epoch, and its construction will be an epic. The builders of the Panama Canal, like the victors of a great war, will live in its memories; and already the men who are constructing it are organizing their veterans' association, so that in after days they, like soldiers who have served upon the field of battle, may gather about their camp fires and talk of the times when they were on the canal.

For myself, I believe I can say I would rather build the Panama Canal than be President. In the centuries to come the figures of Presidents will be like a row of telegraph poles across the plains; their names will be known only to bookmen. But the doers of such deeds as the Panama Canal will be far less numerous.

After a campaign of eight years, led by the brilliant Frenchman, De Lesseps, fresh from the triumph of the Suez Canal and inspired by the glory and the experience of that great achievement, the people of France fell exhausted amid the poisonous swamps and disease-laden jungles of Panama. And now, after another campaign of eight years, under the leadership and engineering genius of the greatest engineers in the world—and I am glad to say that after having been over that great project twice I feel that it is going successfully and satisfactorily forward under the most competent management obtainable—but even after this eight years of campaign, backed by the financial resources of this mighty Nation, backed by a Treasury such as De Lesseps and France never dreamed of, the titanic struggle still goes on, and the end is not yet.

Mr. Chairman, I am glad of the opportunity that I have enjoyed to twice personally visit this great project and go over it and inspect it closely and get its incomparably gigantic proportions photographed forever upon my mind. And I am proud and grateful of the fact that as a member, one of the rank-and-file members, so to speak, of the Interstate Commerce Committee I have been permitted to play, or think I was playing, ever so small a part in the legislation which is to provide for the permanent government, the operation, maintenance, regulation, and sanitation of this great engineering project. And I am sorry that my contribution to this debate must be largely in the nature of a contribution to the CONGRESSIONAL RECORD.

It is very obvious that that inspiring line—

The applause of listening senates to command—

was not called forth by any occasion such as the present, and for that reason I want to thank the gentlemen who have given way to me in order that I may "say my little say" and put the rest of it in the RECORD and get out of town.

But, Mr. Chairman, I do want to make some permanent contribution to this record, and it seemed, singularly enough, as I listened to the debate—and there have been some very able discussions on this question—that each member of the committee seems instinctively to have followed along a line of his own, a line entirely different from all other Members, so if this rule holds good throughout the debate we will be favored by very extensive and comprehensive literature upon the subject of the Panama Canal.

It has been my ambition to make my contribution to the literature of this debate in the way of the arrangement, in available form, of the testimony adduced before the committee in the hearings upon which the controverted features of this bill rest. Perhaps when this measure is considered in the other body, perhaps when it is considered in the country at large, perhaps when these debates shall be analyzed by future Congresses in the far years to come, when all the gentlemen here present have ceased to be Members of this body, the preservation in succinct form of the testimony and statements upon which the majority of the Committee on Interstate and Foreign Commerce based their action in framing this bill will be of far more value in sustaining that action than anything that may be said here by Members on the floor in debate.

PROBLEMS OF THE CANAL.

All the problems in this legislation group naturally about the two main questions of permanent organization and transit regulations. Permanent organization has to do with the future form of government of the Panama Canal and the Canal Zone, and transit regulations have to do with the terms and conditions under which vessels may use the Isthmian waterway. The questions are few and minor which do not fit readily into the one or the other of these principal subdivisions.

The temporary government of the Canal Zone was established and carried on by or under the orders of the President of the United States by virtue of a general grant of plenary power to the President by the Congress of the United States, which grant of power expired by limitation with the life of the Fifty-eighth Congress. For more than seven years now the military, civil, judicial, and constructing powers of the Canal Zone have gone on successfully by Executive order, without organic or statutory guidance or limitation.

Within a few specified limitations, and these, with the exceptions which I shall hereafter specifically point out, of minor importance, the Executive will be given practically the same free hand in forming the permanent as in forming the temporary government of the Panama Canal and the Canal Zone. Upon the form of government the pending bill goes into detail only in the matter of the judicial establishment, which, of course, will not be of primary importance within the bounds of a zone in which the United States will be the sole proprietor and in which only officials and employees of the United States will be permitted to reside.

OUTLINES OF THE BILL.

Section 1 of the bill fixes the boundaries of the Canal Zone and provides for land additions thereto and land eliminations therefrom, by means of exchanges with the Republic of Panama.

Section 2 ratifies and confirms all previous acts of the President in building the canal and in governing the zone.

Section 3 authorizes the President to extinguish all adverse property titles in the zone.

Section 4 authorizes the President at any time to discontinue the temporary organization by abolishing the Isthmian Canal Commission and form a permanent organization, under a civil governor, with powers and duties to be prescribed by the President.

Section 6 provides for the installation of wireless telegraphy and the establishment of dry docks, wharves, coal supplies, repairs, and facilities for maintaining and operating the canal, all of which are to be handled by the Government.

Sections 7, 8, and 9 provide for the judicial establishment, including trial by jury in all criminal cases above a misdemeanor.

Section 10 provides for the exclusion from the Canal Zone, except under permit of the governor, of all persons not in the employ of the United States.

Section 12 provides for the extradition of fugitives from justice.

Section 13 provides for military control of the canal during the imminence or existence of war in which the United States is engaged.

There were no material differences of opinion in the committee upon any of these sections, and as the committee is unanimous in its support of these sections as they now stand, any controversy over them will be minor. I am not clear as to the policy of excluding all save officials and employees of the United States from the Canal Zone, but as half of it will be under water and nearly all of the remainder is a worthless jungle, it is a matter of small moment.

Section 5 fixes the tolls through the canal, and section 11 excludes from the canal water lines owned or controlled by competing railroads, and these are the two sections which have developed marked differences of opinion and policy.

RAILROAD-OWNED WATER LINES.

Section 11 of the pending act, by amending the interstate-commerce law, forbids railroad ownership or control of competing water carriers, which provision necessarily includes the Panama Canal, since the isthmian waterway will be a competitor of the transcontinental railroads.

Having actively supported section 5 of the pending bill, providing for the levying of uniform tolls upon all vessels, foreign and domestic, which provision is vigorously combated by certain coast cities, and particularly on the Pacific, I have felt disposed to permit the advocates of free tolls to write section 11.

DEMANDS OF THE SHIPPING INTERESTS.

But while acquiescing in this demand of the representatives of the Pacific coast—and it is principally confined to the three coast States of California, Oregon, and Washington—I must observe that a survey of the demands of the friends of the water carriers in the domestic trade acquits these interests of anything in the nature of undue modesty. Indeed, a survey of these demands, coupled with the advantages already secured to domestic water carriers by law, may well raise the question whether water transportation is a business or a charity.

Under the coastwise laws domestic shipping is given an absolute monopoly of the transportation of persons and property between American ports. When the Panama Canal is completed none but an American vessel may transport passengers and freight through it from one coast of the United States to the other, in addition to which absolute and exclusive monopoly domestic shipping now asks a free shipway through the Panama Canal and the exclusion from the canal of domestic vessels owned or controlled by competing railways. I shall show later that every boat line in the coastwise trade occupies its own exclusive water route termini and traffic territory, without either competition or supervision, and that there will be substantially no competition among water carriers through the Panama Canal, but I summarize now these demands of the coast cities, and particularly of the Pacific coast, in order that you may see at a glance their sweeping scope and character and more carefully sift the justice of these demands.

Absolute protection against foreign shipping is already secured by law to the domestic water traffic. Absolute protection against railroad owned or controlled water carriers is proposed in the pending law. On the other hand, lack of law likewise guarantees domestic shipping freedom from Government supervision or control. Given these three unqualified and extraordinary advantages, one might be led to think that there would exist sufficient inducement and opportunity to establish and maintain coast to coast traffic through the Panama Canal, but it appears that the conditions precedent to such consummation will not be completely established until in addition domestic shipping may pass through the canal without paying even the expense of lifting the vessel from sea to sea.

UNIFORM FAILURE OF PROHIBITORY LEGISLATION.

I will dismiss the railroad problem for the present with these observations: There are two principles for the Government of commercial and industrial agencies, to wit, prevention and regulation. I do not hesitate to take my stand squarely upon the side of regulation. The history of preventive legislation in the United States has been a history of failure. So far as securing benefits to the people are concerned this method has been as barren of results as the sands of the Sahara. The tale of preventive legislation is told in the Northern Securities merger case, in the dissolution of the Standard Oil and Tobacco Trusts, in the whole history of the Sherman anti-trust law, which is a history of paper victories. By reading the law and the decrees you read the death of trusts and monopolies, but you will turn away from the printed page and look in vain for a single substantial benefit from any such law upon the statute books of this country or any decision under it. But the Sherman anti-trust law is not any more barren of real results than will be the proposed railroad provision in the Panama Canal act.

Both Federal and State laws in this country absolutely forbid and enforce the prohibition against joint or interlocking ownership or control of competing railways. The objects to be attained by this prohibition are competition in service and competition in rates, but, in the final analysis, competition in rates, since the saving in money is the sum of the benefits to the shipper and consumer. The utter failure of this prohibition of joint or interlocking ownership or control to secure this ultimate object led to Federal supervision and control of interstate railways. We still enforce the law against mergers and pooling, but without any results whatever in the shape of competition. There is no law to prevent one transcontinental railroad from hauling freight at a less rate than another, but you may start a car of freight from New York for San Francisco, and it makes no difference what route is taken, or linking of routes, or whether it skirts Canada or the Gulf, or goes straight across the continent, the rate upon every road will be absolutely the same to a cent to its destination on the Pacific coast; and it makes no difference whether the traffic originates in Boston or New York, or Philadelphia, or Baltimore, or Washington, or Charleston, or Atlanta, or New Orleans, or St. Louis, or Chicago, or Kansas City, or Omaha, or Denver, and terminates in Tacoma, or Seattle, or San Francisco, or Los Angeles. The rate will be the same to a cent from any of these points of origin to any of these points of destination.

These are facts which can not be gainsaid, and I shall leave them without further comment until I come to present the facts which will as conclusively demonstrate that there will be no more competition among water carriers through the canal than there is among transcontinenal railroads, and upon which I shall predicate the argument that there will be no competition between the rail and water carriers. I prove that there is no rail competition. I prove that there will be no water competition; and I shall argue from these and other facts that there will be no competition between rail and water. But if Congress, in shirking the task it must eventually undertake of regulating domestic traffic and rates, sees fit to cripple and limit transportation through the Isthmian Canal to gratify certain coast cities which hope to benefit hereby, I shall have no quarrel with the proposition. I voted in committee for the provision as it stands in the law, and I shall vote for it in the House. We want the lowest rates the traffic will bear through the Panama Canal, and in the absence of any practical system or method to secure this result I am willing to vote for a provision that is at least a declaration of intention.

I shall now proceed to the consideration of that proposition, which is the sine qua non of domestic shipping, that without which, according to their allegations, not their proof, the Panama Canal can not be a success as a factor in domestic commerce—the question of free or preferential tolls.

Section 5 of the pending bill provides that the toll shall not exceed $1.25 per ton based upon net registered tonnage, nor be less than the cost of maintenance and operation of the canal, and that no preference shall be given or discrimination shown to the vessels of any nation, its citizens or subjects, except vessels owned by the Governments of the United States and Panama. A minority of the Committee on Interstate and Foreign Commerce have submitted a report in favor of free passage to American shipping through the Panama Canal.

This question was given exhaustive hearings by the committee; indeed, the gentlemen signing the minority report, which is nonpartisan, being signed by three Democrats and two Republicans, will join the majority of the committee in saying that no interest desiring to be heard was denied the privilege or curtailed in its exercise. In discussing this question I shall not place the burden upon the proponents of free tolls,

but shall assume and undertake to show, not upon the reports filed, but upon the facts developed in the hearings, that the very right of this controversy is with the provisions of the pending bill.

MAY WE GRANT FREE TOLLS TO DOMESTIC SHIPPING WITHOUT VIOLATING TREATY RIGHTS?

At the very outset of the question of giving preferences or showing discriminations in favor of domestic shipping has been raised the point whether we may do so without violating the Hay-Pauncefote treaty, entered into between the United States and England prior and preliminary to the taking over and building of the Panama Canal by this Government. The controversy on this point arises out of the construction of section 1, article 3, of the treaty, which reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This provision is construed by some members of the committee to forbid the granting of preferences or showing of discrimination to American shipping, either domestic or foreign, either by granting free or preferential tolls or rebates.

I want to say this, Mr. Chairman: That while I am with the majority upon the proposition that the Panama Canal tolls shall be uniform and universal, that there shall be no exceptions in favor of domestic shipping, yet I do not, as some of the majority Members do, base my position upon the proposition that this Government may not, if it sees fit so to do, discriminate in favor of domestic shipping. [Applause.]

I have given this question some thought, but not much study or research, but from the thought I have given it and upon principle I am not inclined to take the position that we may not grant preferences to American domestic shipping or rebates to American foreign shipping. I distinguish between the right and the policy involved. I may not consider it necessary or sufficiently beneficial to grant a free waterway to American domestic shipping or rebate of tolls to American foreign shipping, but it does not follow that I would deny my right so to do. Further than that, I am of the opinion that we have a distinct and unquestionable right to deal with our domestic shipping through the Panama Canal as we may see fit and to rebate tolls and all other charges to our foreign shipping without any violation whatsoever of treaty rights.

I listened to the gentleman from Minnesota [Mr. STEVENS] this afternoon with great attention as he discussed the treaty. Not only is he a very able man, but a man who is peculiarly well qualified to discuss the particular question that he did discuss. I do not believe that there is any abler man or one better qualified on the committee or in either body to discuss that particular question than the gentleman from Minnesota.

And yet I propose to say this: That even if it was a question of doubt whether we could discriminate in favor of American shipping, as some claimed it to be whether we could fortify, I do not believe the American people would take kindly to the view that we could not. I fear that the view that our hands are thus tied by that treaty would not accord with the spirit and the sentiment with respect to this matter that are entertained by the people of this country. [Applause.] So I prefer, Mr. Chairman, to base my opposition to free tolls entirely upon other grounds.

I will admit that I have not made a deep research into that aspect of the question. I will admit that my views are rather the result of random thinking than of research. But it has occurred to me from the start that, so far as domestic shipping was concerned, this situation was analogous to that known in law as damnum absque injuria if, indeed, the rights and claims of foreign nations, if they have any rights and claims, rise to the dignity of that doctrine of damage without injury, of damage for which the injured party has no standing for redress. The shipping of other nations is absolutely excluded from the coastwise trade. The shipping of other nations can not participate in it, and I have been at a loss to understand substantially, laying aside all refinements of reasoning, how they could be heard to complain about a matter in which they have no rights or interests whatsoever.

OUR STATUS DUAL—SOVEREIGN AND PROPRIETARY.

But I want to make a suggestion at this point that I believe is new to this debate. There may be nothing in it. It applies to both sides of this controversy. It is is: That I believe in the minds of most, if not all, of us there is a confusion—and I will say that the idea is so new to me that it is not yet fully formulated in my own mind. There is a confusion as to our status over the canal; there is a confusion as to the status and capacity of this Government with relation to the canal.

The debates indicate that gentlemen look at that work in every aspect from the standpoint of government, from the standpoint of the exercise of sovereignty; whereas I believe, and I venture to think, it will be so determined in the future that our principal relationship to the Panama Canal is one of proprietorship and not of sovereignty.

TOLLS NOT A TAX.

One of the objections with which we were met at the very outset of this controversy was that this was the first instance in American history in which a tax was levied upon interstate commerce. Gentlemen from the Pacific coast made that claim. I have the language from the hearings of the Commissioner of Navigation, who seems to be the evangel of free tolls, that this is the first attempt to levy a tax upon interstate commerce. Mr. Speaker and gentlemen, this is not the levy of a tax on interstate commerce at all. This Government is not, in its sovereign capacity as a Government, levying any tax whatever upon commerce through the Panama Canal, and I have had one of the best attorneys, in my judgment one of the most competent men in the United States, who has investigated this subject, and who is utterly opposed to my views with reference to the payment of tolls, admit that I am right on the proposition that this is not a tax by a sovereign but a charge by a proprietor for the use of the Panama Canal.

Mr. HARDY. Will the gentleman permit a question right on that point?

Mr. MARTIN of Colorado. I will.

Mr. HARDY. Would there be any difference in principle between asking the Government to carry freight along the Isthmian Railway free of charge and asking the Government to carry it along its canal free of charge? Is not the principle just the same? In other words, it is a charge for a service performed.

Mr. MARTIN of Colorado. So far as it occurs to my mind at this time, there is no difference in principle.

Mr. LAFFERTY. Would not that same argument apply to traffic on the Mississippi River, or on the Columbia River, or any other river where money is appropriated to make the navigation easy?

Mr. MARTIN of Colorado. For reasons that I am not going into at this time in this discussion, I propose to deny that suggestion, and take the position that the Panama Canal stands absolutely without parallel in the history and experience of the world. It must be dealt with upon its merits and not by analogy with some proposition like dredging a river.

Mr. HARDY. Will the gentleman allow me just briefly to answer the statement of the gentleman from Oregon?

Mr. MARTIN of Colorado. I am very sorry, but I have only 30 minutes.

Mr. HARDY. I realize that.

Mr. MARTIN of Colorado. To resume where I left off, if I can, the levying of tolls for the passage of ships through the Panama Canal is the charge of a proprietor for the use of an instrumentality owned in a proprietary manner and not the levying of a tax by a sovereign.

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. MARTIN of Colorado. I will.

Mr. RAKER. Will the gentleman explain what is in his mind as to the difference between sovereignty over what the United States owns and its proprietorship of what it owns? The gentleman draws a distinction.

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. I should like to have the gentleman explain that.

Mr. MARTIN of Colorado. I think if our ownership and operation of the Panama Canal and the fixing of rules and regulations were sovereign instead of proprietary, then we would be bound to charge the vessels of all nations alike; but we own that canal. We are building it; we are paying the cost of building it; we are going to pay the cost of operation. We will stand all losses, if any, and all the burden of total failure, if that shall result. If we want to go into our own pockets as a proprietor and pay the charges for the passage of certain boats through that canal, that is our loss. So I base our right to charge tolls or to exempt from tolls upon our proprietary status, just the same as the private company that owns and operates the Suez Canal can permit the vessels of nations to go through upon which the tolls are rebated or as a private company could do at Panama had a private company constructed the canal, without any complaint from the nations which rebate no tolls at all. That does not furnish any ground for complaint that the Suez Canal is violating the terms of equality and neutrality agreed upon by the nations in the convention of Constantinople.

Mr. SULZER. Will the gentleman answer this question: If the Government of the United States has not sovereign rights over the Panama Canal, what Government on earth has?

Mr. MARTIN of Colorado. We have sovereign rights over it. Our capacity down there is dual. We are protecting the Panama Canal and guaranteeing its neutrality and equality as a sovereign, as a Government, but we are operating it as a proprietor, just the same as a private company would. We were authorized under the treaty to have it built by a private company. Supposing that under that treaty we had had the Panama Canal constructed by a private company, the same as the Suez Canal was constructed. Will any gentleman claim that it could not have run its own boats through there free of charge, or, which is the same thing, rebated the tolls to them? Will any gentleman claim that it could not have run the boats of nations through there which rebated all the tolls or half the tolls or none of the tolls, just as is being done in the case of the Suez Canal?

IDENTITY OF SUEZ AND PANAMA TREATY PROVISIONS.

Then again, this treaty provision embodies the substance of the convention of Constantinople, governing the terms and conditions of the operation of the Suez Canal, the signatories to which convention are as follows: Great Britain, Germany, Austria-Hungary, Spain, France, Italy, the Netherlands, Russia, and Turkey.

One of these signatories, Russia, appropriates directly for the repayment of Suez charges to Russian vessels; another, Austria, appropriates for the repayment of certain Austrian lines; and all of the signatories have subsidized lines running through the Suez Canal. Some of them, however, as in the case of England, subsidize only their mail lines, leaving the freight lines to pay tolls without reimbursement. Yet England, for instance, with her unsubsidized freight lines, does not complain that Russia or Austria are permitted to repay all tolls through the Suez Canal. Indeed, in the case of England, which is the principal stockholder in the Suez Canal and owning nearly one-half of such stock, it may be doubted whether its mail subsidies have any reference whatever to the payment of Suez Canal tolls. England subsidizes her mail lines whether they use the Suez Canal or not. The fact remains, according to the American Commissioner of Navigation, that some of the signatories to the convention of Constantinople rebate all of the tolls through the Suez Canal; others rebate in part, while in the case of still others it is not shown what is done; yet no complaint is heard that the canal company is not enforcing equality of terms in its usage. If a nation wishes to repay charges against the vessels of its citizens in whole or in part, that is the business of the nation, and every other nation may do the same thing; and that is equality of terms. If there is an American ship line between New York and the Orient and this Government wishes to rebate the Panama Canal charges and does rebate them, it is doing neither more nor less than England may do with an English boat line through the canal to the Orient or than France or Germay or any other nation may do with the boat lines of its citizens or subjects. These would be terms of entire equality, involving no discrimination in respect of the conditions or charges.

In this connection, and reasoning by analogy, it must be borne in mind that the treaty says that "the canal shall be free and open." Now, no Member will take the position that this means free of tolls or other just charges. This, like all other provisions, merely means that the canal shall be open to transit by the vessels of the nations of the world, and open to them upon terms of equality with all other nations; and the meaning for which I contend is that given by the signatories of the convention of Constantinople to the first paragraph of that agreement, which reads as follows:

ARTICLE 1. The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

My position, therefore, with reference to this preliminary provision is that we may do as we please with reference to our domestic shipping, and that we may reimburse our foreign shipping; and I do not believe that this construction of the Hay-Pauncefote treaty would ever be questioned by the other signatory, the Government of England, or by any other nation; and I prefer to stand on the proposition that the treaty was entered into by Great Britain with full knowledge and acceptance of the conditions with respect to our domestic water traffic and with respect to the practices under the Suez treaty.

TREATY RIGHTS NOT DETERMINED BY PENDING ACT.

But I can not linger on this subject, and I am not a sufficient authority, and it makes but little difference whether I am right or wrong, but I believe that I have suggested an idea, dimly formed in my mind, which will take form in abler minds interested in the subject and determine some of these questions now in controversy.

I shall dismiss this point by quoting from the report filed by Mr. ADAMSON, the chairman of the committee:

While many members of our committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign, the majority of the committee voting for uniform tolls authorize and request the statement, positive, plain, and unequivocal, that no language of this section was chosen or used for the purpose of foreclosing discussion and differing opinions on that question. They authorize the express affirmation that this provision is adopted for present use, disclaiming all intention to declare in this section any construction of the language of the treaty or to establish any precedent or permanent legislative policy or to bind any future Congress should it be deemed expedient or adjudged competent to adopt a different basis.

Thus showing that the majority have expressly disclaimed passing upon the rights of the United States on this subject under the Hay-Pauncefote treaty.

Mr. BROUSSARD. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. BROUSSARD. In at least three different acts of Congress the Mississippi River has been declared to be a highway—the act by which Louisiana drafted her constitution, the act by which she was admitted into the Union of States, and a subsequent act creating the Territory of Missouri. Now, I would like to ask the gentleman if the argument he makes in regard to the canal, in view of these acts of Congress, if the same rule could not be made applicable to the Mississippi River?

Mr. MARTIN of Colorado. The gentleman knows that the United States does not own the Mississippi River, nor a drop of water in it.

Mr. BROUSSARD. I do not know any such thing.

Mr. MARTIN of Colorado. The United States only exercises the right to preserve and protect navigation in these navigable rivers, and has no proprietary rights in them whatever.

Mr. BROUSSARD. I disagree with the gentleman.

Mr. MARTIN of Colorado. The United States owns the Panama Canal. It is making a river where God Almighty did not make any. And this river will cost so much to make and maintain it, the United States may, as a matter of business policy, when there is no substantial reason to the contrary, levy some moderate charge for the use of it and to pay a part of the enormous cost of its upkeep. In other words, the principle in this case is exactly the same as it is in the case of charging for the use of the Eads Bridge at St. Louis. Is that a tax on interstate commerce? Is there any difference in principle in getting a train from land to land and in getting a boat from water to water? There is no more exercise of sovereign power involved in these canal tolls than there is in the rules of the Eads Bridge Co. in charging railway trains for getting across the Mississippi River. The Panama Canal is not a natural waterway any more than is the Hudson tunnel a natural roadway. It is and ever will be a very costly artificial waterway. That we can mix sense with sentiment and by charging only a tithe of the vast saving it will effect to water transportation and without restricting or crippling that transportation, either domestic or foreign, I shall undertake to show.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes; make it short.

Mr. LAFFERTY. In regard to the locks built up in the navigable rivers of the United States, the United States is proprietor of the locks and charges no tolls.

Mr. MARTIN of Colorado. Perhaps at some time they may.

Mr. LAFFERTY. And yet the gentleman has introduced a bill which is entirely revolutionary in that matter.

Mr. MARTIN of Colorado. The Government has been putting millions of dollars into one of these rivers for the benefit of the Anthracite Coal Trust fleets.

Mr. LAFFERTY. Is not the gentleman's argument based upon a new and revolutionary bill which he has introduced here?

Mr. MARTIN of Colorado. No, sir; that has nothing to do in this case. I am not influenced by that in the least; and I want to say that there is no man that has given any consideration whatever to this legislation who is any more heartily in favor of the Panama Canal than I am myself. I claim to be a simon-pure Panamaniac on this subject, and I want the canal to be a grand success from every standpoint—navigation, traffic, and everything else.

Mr. Chairman, I am sorry to say that if I had stuck to my text I might have succeeded in making some more definite contribution to this discussion, and if the Chair will indulge me for 10 or 15 minutes longer time than was allotted to me I will promise to stick to the text and say something that has not been said in this debate but has a direct bearing upon these

issues and will have a bearing on the information of Members concerning it.

Mr. CLINE. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes.

Mr. CLINE. Suppose it had been constructed by an individual or a corporation, would not the treaty of 1901—the Hay-Pauncefote treaty—operate as an organic law for the operation of the canal?

Mr. MARTIN of Colorado. Yes; the same as it would by the Government. And in that case who will say that the private company would be required to pass domestic shipping free; and would domestic shipping ask such a thing?

Now, Mr. Chairman, I would like to direct attention to the Suez Canal——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to have 5 or 10 minutes more.

Mr. ADAMSON. The gentleman from Colorado is himself a party to the agreement that we have already made.

Mr. MARTIN of Colorado. I will admit that my arrangement to leave town renders it my own fault that I do not get more time, but I would like 5 minutes more.

Mr. ADAMSON. The gentleman from Indiana takes the same boat that the gentleman from Colorado is to take, and I have agreed to yield to him 30 minutes.

Mr. MARTIN of Colorado. Can I have 5 minutes?

Mr. ADAMSON. That would be 35 minutes, if I should give the gentleman from Colorado 5 minutes.

Mr. MARTIN of Colorado. Just give me five minutes more in order that I may outline what I expect to prove.

Mr. ADAMSON. Mr. Chairman, I yield the gentleman five minutes more.

Mr. MARTIN of Colorado. Mr. Chairman, I want to say this. There were a number of gentlemen representing ship interests who appeared before the Interstate Commerce Committee, some of whom advocated free tolls as a necessity, and some of whom said they would accept them as a donation, if given; but. I want to say that not one single person who appeared before the Committee on Interstate and Foreign Commerce could sustain any one of the following three propositions:

First. That free tolls were necessary to furnish the Panama Canal with shipping facilities.

Second. That free tolls were necessary to enable shipping through the Panama Canal to strongly and effectually compete with the transcontinental railways; or,

Third. That free tolls to domestic shipping through the Panama Canal would even tend to build up an American merchant marine.

If this donation to the Shipping Trust—and it was shown in the hearings that the ship owners had a trust that ought to make the Railroad Trust green with envy—will not accomplish either one of those three things, what in the name of common sense is to be accomplished by free tolls through the Panama Canal? It was testified even by the Commissioner of Navigation—and I shall set out his testimony in full in the RECORD—that there is to-day one existing company, the American-Hawaiian Co., that has shipping facilities in excess of the Panama Canal traffic, that if the Panama Canal were to be thrown open to-morrow this one company has more ships than there would be traffic for in the canal, and in addition to that they are building five more big ships.

Mr. MANN. What is the company building them for?

Mr. MARTIN of Colorado. Because there is a presumption that the traffic will enlarge by the time the Panama Canal is open, that there will then be a sufficient traffic for the new vessels, and further, of course, that the canal is going to create traffic. But in addition to that, there are about 200 more vessels in the coastwise trade, a large number of which are of sufficient capacity to use the Panama Canal, and I will say again, in answer to the gentleman from Illinois, that notwithstanding I voted for section 11 of the bill, I do not believe in it. I believe that it is utterly ineffective. I do not believe you are going to get competition in rates through the Panama Canal, by means of this section, by shutting out railroad-owned boats, because all of the preventive legislation that has ever been passed in the history of this Nation has been a failure. I believe the true remedy is regulation. It does not matter who puts the boats in there, let them put them in there just as we let people put capital into the building of railroads, and then regulate them as we do the railroads, and until that is done I make the prediction that all of the prohibitions that you can write into the statutes of the United States will absolutely fail to secure the very thing you are striving to secure, namely, competition.

And I am glad to be in such distinguished company on this proposition as Dr. Emory R. Johnson, the expert appointed by the President to study canal traffic and tolls, as shown by the following dialogue between Dr. Johnson and the gentleman from California [Mr. KNOWLAND], who says that the coast people are, consistently enough, opposed to regulation of water traffic as in the case of the railroads:

SHIPPING INTERESTS OPPOSED TO REGULATION.

Dr. JOHNSON. This raises the question of the importance of the regulation of coastwise transportation between our two seaboards, and suggests to my mind the wisdom of the policy of regulation instead of the policy of artificial restriction of the use of the canal.

Mr. KNOWLAND. What do you mean by that?

Dr. JOHNSON. I mean that I would allow all ships to go through under equal conditions, and I would have such regulations as would insure the equal and free use, under fair terms, of the canal by all ships, whatever the owners.

Mr. KNOWLAND. Do you mean by that you would put them under the interstate-commerce act?

Dr. JOHNSON. That would be the logical thing to do; yes.

Mr. KNOWLAND. The very thing our people oppose on the coast.

Dr. JOHNSON. There is opposition to that?

Mr. KNOWLAND. Yes; by the very people who complain against the control of the canal coastwise traffic by railroad-owned lines; the contention being that if placed under the interstate-commerce act, there will be less competition; that rates will be fixed which all lines will adopt, and that there will be practically no competition where there should be on such an open highway.

Dr. JOHNSON. That raises a large question, Mr. KNOWLAND. My fear is that, inasmuch as most of the traffic between our two seaboards (to limit discussion to that) will be handled by lines of vessels, with the exception of eastbound cargoes of lumber, the rates of the several steamship lines will be fixed by conferences more or less formal, and that the necessity for the Government regulation of rates to prevent unreasonably high rates will be found to be evident.

That Dr. Johnson's fear is well founded is shown by the fact that we now have no competition in either coastwise or foreign trade. Certainly when the law of the land can not enforce competition between rail carriers, but must regulate them, it would appear futile to hope that lack of law on the sea would result in better conditions between water carriers.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman why he voted for that proposition if he does not believe in it?

Mr. MARTIN of Colorado. I will say this: I voted for that proposition because these modest gentlemen representing the water lines have now an absolute and exclusive monopoly of the domestic shipping—the coast-to-coast trade—given them by law, and in addition to that they want free tolls through the Panama Canal and the exclusion of every boat that is owned and controlled, in whole or in part, by a railroad. Having beaten them on the question of free tolls, I yielded to them on the other, weakly, perhaps, to show that I was not influenced in my position on tolls out of consideration for the railroads, and I believe other gentlemen did the same.

Mr. ADAMSON. Mr. Chairman, I would like to ask the gentleman one question. On the theory that one good turn deserves another, ought not the enjoyment of one discrimination to deserve another? [Laughter.]

Mr. MARTIN of Colorado. That seems to be the theory of the minority of the committee, I will say to the distinguished gentleman from Georgia.

THE SUEZ AS A GUIDE.

While the Suez Canal has cost to date only about one-third of what will be the total initial cost of the Panama Canal, it will be extremely profitable to briefly review the experience of the Suez, which has performed the same function of severing the continents and uniting the seas in the eastern world that will be performed by the Panama Canal in the western world. From my study of this question, I believe the president of the Suez Canal has said truly that these two canals will complement rather than compete with each other, and the history of the one, which is a history of tremendous success, can not fail to shed much light upon what may be reasonably predicated of the other, whose operation is not yet begun.

THE SUEZ A GREAT BUSINESS SUCCESS.

The most thorough presentation of the case for free tolls that has been made is to be found in the annual report of the Commissioner of Navigation for the fiscal year ended June 30, 1911. This report also contains much valuable information about the Suez Canal. It shows, among other things, the annual net tonnage and annual receipts of the Suez Canal from the beginning, from which it appears there has been a steady growth in both tonnage and receipts, the tonnage having increased from 6,576 in 1869 to 16,581,898 in 1910, while the receipts in francs from ship tolls increased from 54,460 in 1869 to 130,436,547 in 1910.

I shall insert at this point the table to which I have referred. (Hearings, p. 815):

Yearly return of shipping and tonnage that passed through the Suez Canal from its opening until the year 1910, together with the transit receipts.

Year.	Number of vessels.	Gross tonnage.	Net tonnage.	Rate of transit dues (per ton).	Transit receipts.
				Fr. c.	Francs.
1869	10	10,557	6,576	10 0	54,460
1870	486	654,915	436,609	10 0	5,159,327
1871	765	1,142,200	761,467	10 0	8,993,732
1872	1,082	1,744,481	1,160,743	10 0	16,407,591
1873	1,173	2,085,072	1,367,767	10 0	22,897,319
1874	1,264	2,423,672	1,631,650	13 0	24,859,383
1875	1,494	2,940,708	2,009,984	13 0	28,886,302
1876	1,457	3,072,107	2,096,771	13 0	29,974,998
1877	1,663	3,418,949	2,355,447	12 50	32,774,344
1878	1,593	3,291,535	2,269,678	12 50	31,098,229
1879	1,477	3,236,942	2,263,332	12 0	29,686,060
1880	2,026	4,344,519	3,057,421	12 0	39,840,487
1881	2,727	5,794,491	4,136,779	11 50	51,274,352
1882	3,198	7,122,125	5,074,808	11 0	60,545,882
1883	3,307	8,051,307	5,775,861	10 50	65,847,812
1884	3,284	8,319,967	5,871,500	10 0	62,378,115
1885	3,624	8,985,411	6,335,752	9 50	62,207,439
1886	3,100	8,183,313	5,767,655	9 50	56,527,390
1887	3,137	8,430,043	5,903,024	9 50	57,862,370
1888	3,440	9,437,957	6,640,834	9 50	64,832,273
1889	3,425	9,605,745	6,783,187	9 50	66,167,579
1890	3,389	9,749,129	6,890,094	9 50	66,984,000
1891	4,207	12,217,986	8,698,777	9 50	83,422,101
1892	3,559	10,866,401	7,712,028	9 50	74,452,436
1893	3,341	10,753,798	7,659,068	9 0	70,667,361
1894	3,352	11,283,854	8,039,175	9 0	73,776,827
1895	3,434	11,833,637	8,448,383	9 0	78,103,717
1896	3,409	12,039,858	8,560,283	9 0	79,569,994
1897	2,986	11,123,403	7,899,373	9 0	72,830,545
1898	3,503	12,962,631	9,238,603	9 0	85,294,769
1899	3,607	13,815,991	9,895,630	9 0	91,318,772
1900	3,441	13,699,237	9,738,152	9 0	90,623,608
1901	3,699	15,163,233	10,823,840	9 0	100,386,397
1902	3,708	15,694,359	11,248,413	9 0	103,720,020
1903	3,761	16,615,309	11,907,288	8 50	103,620,268
1904	4,237	18,661,092	13,401,835	8 50	115,818,479
1905	4,116	18,310,442	13,134,105	8 50	113,866,796
1906	3,975	18,810,713	13,445,504	7 75	108,161,896
1907	4,267	20,551,982	14,728,434	7 75	116,000,096
1908	3,795	19,110,831	13,633,283	7 75	108,452,235
1909	4,239	21,500,847	15,407,527	7 75	120,642,677
1910	4,533	23,054,901	16,581,898	7 75	130,436,547

Beginning with 1881 as a period, it will be seen that while the traffic of the Suez Canal during the past 30 years has increased just exactly fourfold, the receipts from tolls have increased considerably less than threefold. This failure of receipts to maintain a proportionate increase with tonnage, coupled with the enormous profits of the Suez Canal, to which I will next refer, contain a valuable reason as to what may be expected of the Panama Canal with a rate of tolls so moderate as not to affect at all the volume of its traffic and will not increase to the consumer the cost of goods thus transported, except, as I shall prove, to the extent to which the shipper may voluntarily share with the consumer the sum of 2 cents or less per 100 pounds of freight, and the consumer to whom such a saving would be an object will not be an ultimate consumer, but a middleman well equipped for the absorption of such portion of the toll as the shipping interests may voluntarily pass on to him.

PROFITS OF THE SUEZ CANAL.

The foregoing table of the annual traffic and receipts of the Suez Canal does not alone tell the story of its great success. Perhaps that success can be shown in no more striking and significant manner than by calling attention to the fact, as shown on page 228 of the commissioner's report, that the receipts from ship tolls in the Suez Canal for the year 1898—hearings, page 814—were 82,657,421 francs; while on page 224 of the report it is shown that the profits available for distribution for the year 1910 were 82,427,042 francs; in other words, that the profit available for distribution in 1910 was practically the same as the total receipts in 1908.

I have found it not only a saving of labor, but in some instances instructive to quote copiously from the hearings upon the subject of tolls, and if it shall appear that a disproportionate number of the statements quoted were in answer to questions propounded by myself, I may explain by saying that I took an especial interest in this feature of the canal legislation.

A brief but very instructive colloquy bearing upon the great success and profitable character of the Suez enterprise is to be found in the hearings—pages 812–813—and I shall insert the same at this point in my remarks. It shows that up to and including the year 1910 the total cost of constructing and improving the Suez Canal was approximately $131,000,000, while the profit for distribution for the year 1910 alone exceeded $16,000,000. This was not only a dividend of 12 per cent upon the entire investment in the Suez Canal from the beginning, but it was a dividend of 31 per cent upon the capital stock of the Suez Canal; and this notwithstanding the fact that the Suez Canal tolls have been reduced just one-third since 1884.

Mr. MARTIN of Colorado. The Suez Canal has been a very profitable enterprise?

Mr. CHAMBERLAIN. Of late years; originally it was not. If you will look at that same statement to which I was referring (Table 2, upper right-hand column) you will notice that in 1867 to 1868 the company had to issue a large number of bonds; that was to complete the canal. In 1871, 1880, and 1887 they made other loans. Those loans of 1880 and 1887 were rather in the nature of improvements. The earlier ones were to make the thing go at all.

Mr. MARTIN of Colorado. Of course, I am referring to the canal since it was completed. It has been a tremendously profitable enterprise, as I indicated, for instance, by the figures in the upper left-hand column of Table 2, showing that the total investment up to the close of the year 1910 was approximately 656,178,000 francs, or approximately $131,000,000. Last year the profit for distribution, for the fiscal year ending December 31, 1910, was 88,000,000 francs, or in round numbers $16,000,000. Now, that was a dividend, as you see, of 31 per cent——

Mr. CHAMBERLAIN. It is 158 francs on a 500-franc share.

Mr. MARTIN of Colorado. A dividend of 31 per cent on the capital stock, but it would also be a dividend of about 12 per cent on the entire investment, including the construction, improvement, and so forth, of the canal. Now, another indication of great success on the part of the canal is that whereas it had for the year 1881 a net transit tonnage of about 4,000,000 net tons, in 1910 it had 16,500,000, and it shows almost without exception a constant and rapid increase of tonnage. This, I think, establishes the fact that the Suez Canal has been and is a very profitable institution, notwithstanding the fact that only beginning with January 1, 1912, the present month, it has reduced its tolls to what would be $1.30 in American money, but which under the system of ship measurement in all other parts of the world would amount to $1.50. That is a fair statement of the entire case.

Mr. CHAMBERLAIN. That is, I think, an admirable statement. I think that is one of the matters which it is very important for this committee to bear in mind, that any time the administration of the Suez Canal wishes to reduce those tolls it could cut them down. You can figure it out for yourselves. They could cut it down to a great deal less than the current rate, even to a dollar, on a ton basis, and still pay what in this country would be regarded as a very fair dividend.

The Suez Canal, it may be explained, and as shown by the above table, began with the toll rate of 10 francs per net ton, which would be equivalent to $1.95 in American money. That rate has been gradually reduced in accordance with the charter provisions of the company until on January 1 of this year, to which time the table does not reach, it was placed at 6¾ francs, the equivalent in American money of $1.30½. The committee received exhaustive instruction upon the question of the different methods of measuring ships. The net ton is the universal rule of measuring ships of commerce for the purpose of tolls, tonnage dues, and such charges. The principal variations in this system are due to the different practices in making deductions of certain spaces in the ship. I can not take the time of the committee to explain or discuss gross tonnage, net-weight tonnage, dead-weight tonnage, and displacement tonnage, but I shall insert at this point in my remarks the essential parts of a brief explanation furnished the committee by Capt. Charles A. McAllister, engineer in chief of the Revenue-Cutter Service:

TONNAGE DEFINITIONS.

There are two kinds of tons—vessel tons and cargo tons. Each of these two kinds of tons is used with several different meanings.

VESSEL TONNAGE.

Vessel tonnage is of four kinds—displacement, gross register, net register, and dead-weight capacity.

The *displacement tonnage* of a vessel is its weight in tons of 2,240 pounds and is equal to the weight of water displaced by the ship when floating. From the plans and drawings required for the construction of a vessel may be determined the number of cubic feet of water which the ship will displace at any given draft. The weight of a cubic foot of water being known, the displacement tonnage is thus readily determined. Displacement tonnage is used to designate the size of war vessels, but is not employed in merchant shipping.

A *register ton* is a purely arbitrary unit—100 cubic feet. The *gross register tonnage* of a vessel is obtained by dividing by 100 the number of cubic feet of the entire closed-in capacity of the ship. A vessel has 1 gross ton for each 100 cubic feet of its entire capacity.

To determine the *net register tonnage* of a vessel, there is deducted from the entire capacity of the hull the space occupied by the crew, master's cabin, steering and anchor gear below deck, boatswain's stores, chart house, and spaces occupied by propelling power (engines, boilers, shaft tunnel, fixed coal bunkers). These deductions having been made, the net register tonnage is ascertained by dividing the number of cubic feet in the remaining space by 100. In an up-to-date freight steamer, as measured by British, American, or German rules, the net register is somewhat less than two-thirds the gross register. In the case of a high-speed passenger vessel, so much of the capacity of the ship is taken up with propelling machinery, fixed coal bunkers, crew space, etc., that the net register tonnage may be less than half, sometimes not more than one-third, of the gross register.

The *dead-weight tonnage* of a vessel is the number of tons of 2,240 pounds that the vessel is capable of carrying when loaded to its maximum draft.

Ordinarily the dead-weight tonnage is from 2¾ to 2¾ times the net register tonnage.

CARGO TONNAGE.

The cargo ton is of two classes—weight and measurement. The *weight ton* employed in ocean commerce is either the English long ton, of 2,240 pounds, or the metric ton, of 2,204.62 pounds.

A large share of the cargo carried by ocean vessels is shipped not by weight but by *measurement tonnage*, 40 cubic feet being considered a

ton. In the statistics of ocean freight both the long ton of 2,240 pounds and the measurement ton of 40 cubic feet are indiscriminately included, and thus it is not possible to ascertain from published statistics of ocean cargo tonnage the actual weight of traffic moved upon the high seas.

The President is authorized by the bill to adopt any system of measurement he may see fit; but, excepting war vessels, which will be charged for on the basis of displacement tonnage, he will adopt the universal rule for ships of commerce, which is known interchangeably as net tonnage or net register tonnage. The Suez Canal, by making scant deductions of the ship spaces which are subtracted from the gross tonnage in order to ascertain the net tonnage, produces about 20 per cent more net tonnage than does the English or American systems. For this reason the present rate of $1.30 per net ton through the Suez would be equivalent to $1.60 through the Panama Canal. When it is borne in mind that the maximum will be $1.25, which, applied to the different methods of tonnage measurement, will govern the two canals, it will be seen to be equivalent to a rate of $1 through the Suez Canal. It will necessarily be some years before the Suez Canal reduces to the rate at which the Panama Canal will begin; and if the Panama Canal begins, as I hope it will, with a rate of $1, it is not likely that it will ever be met by the Suez.

NATURAL MONOPOLY OF THE SUEZ.

A brief, but comprehensive and admirable, table furnished by Commissioner Chamberlin indicates, however, that the Suez has a natural monopoly over the majority of the traffic it now transits, which can not be taken from it by the comparatively slight difference in rates, even though the Panama rate is fixed at $1, and it can not very well be less. This table covers a period of 20 years, and shows, in connection with the explanatory colloquy following it, that the Suez Canal has a natural and undeniable monopoly of more than one-half of its present traffic and probably two-thirds of that traffic:

Territorial transit movement 1890–1910.

[Net tonnage expressed in 1,000 tons.]

Year.	East coast of Africa and islands.	Bombay and west India.	Calcutta and east coast of India.	Sunda, Siam, Philippines, and Dutch East Indies.	China, Cochin China, and Japan.	Australia and Oceania.	Other countries.	Total tons.
1890	149	1,988	1,882	879	928	716	348	6,890
1891	219	2,610	2,297	1,113	1,167	799	494	8,699
1892	232	2,083	2,152	966	1,105	795	379	7,712
1893	172	2,239	1,833	1,028	1,234	798	355	7,659
1894	193	2,106	2,242	970	1,347	798	383	8,039
1895	357	2,015	2,417	1,003	1,400	840	416	8,448
1896	269	1,649	2,411	1,085	1,578	871	697	8,560
1897	303	1,269	2,419	1,033	1,705	845	325	7,899
1898	341	2,034	2,652	1,048	1,851	820	492	9,238
1899	378	1,846	2,892	1,265	2,175	922	418	9,896
1900	404	1,128	2,763	1,372	2,756	864	451	9,738
1901	382	1,675	3,106	1,504	2,710	972	475	10,824
1902	397	1,962	3,478	1,539	2,486	981	405	11,248
1903	477	2,405	3,481	1,435	2,665	926	518	11,907
1904	450	3,033	4,006	1,722	2,665	924	602	13,402
1905	482	2,623	3,722	1,671	2,943	995	698	13,134
1906	484	2,557	3,817	1,537	3,299	1,155	596	13,445
1907	454	3,329	3,828	1,708	3,375	1,318	716	14,728
1908	436	2,193	3,769	1,945	3,489	1,234	567	13,633
1909	454	3,114	4,214	1,655	3,874	1,544	552	15,407
1910	510	3,359	4,300	1,987	3,977	1,704	745	16,582

PANAMA ZONE.

A course of instruction in the geography of the world from the standpoint of navigation and ship commerce under the tutelage of such men as Commissioner of Navigation Chamberlain and Prof. Emory R. Johnson, of the University of Pennsylvania, who was detailed by President Taft to make a survey of all ocean traffic with relation to the Panama Canal, and who, with Mr. Chamberlain, presented this matter exhaustively to the Interstate Commerce Committee—such a course of instruction, I repeat, is disappointing to the Panama enthusiast. The Pacific Ocean is a huge body of water, and it is a great distance across it to the lands upon and beyond its western shores and even to the islands within its western waters.

According to the statements of Dr. Johnson, all of Australia, New Zealand, the Philippines, India, and China—indeed, all of the Eastern Hemisphere—are closer to all European ports by the Suez than by the Panama route. This, of course, means that traffic from all European ports to all Asiatic ports will find the Suez the shorter route. The only natural monopoly of the Panama Canal will be that which the Atlantic coast will enjoy over the western coast of the American Continent, from Alaska on the north to Chile on the south. Even the Pacific coast of the United States will derive no advantages whatever with respect to Atlantic South American ports by reason of the Panama Canal, since the ports on the northern coast of South America, the coasts of the Guianas and Venezuela, are closer to Plymouth than to San Francisco.

TOLLS UPON DOMESTIC SHIPPING.

It is not my purpose to go into the question of foreign Panama Canal traffic, whether in American or foreign bottoms. It is my purpose to devote myself principally to tolls upon domestic shipping traffic. But I have deemed it beneficial to an understanding of the smaller question to which I shall address myself, to take a glance at the canal in its larger aspects and relations to the water traffic of the world. With this observation I shall return to the question of domestic tolls, and first to the testimony of the Commissioner of Navigation with relation thereto.

The report of the Commissioner of Navigation contains a number of statements in substance and effect that not only are free tolls through the Panama Canal necessary to furnish it with domestic shipping, but the commissioner even went so far as to say that free tolls were necessary to preserve American shipbuilding and the coastwise trade. During the hearings I quoted some of these statements to the commissioner and requested him to state the facts upon which he based his conclusions. That Mr. Chamberlain did not sustain either his contentions as to the necessity or the benefits of free tolls, or that free tolls were necessary to the preservation of the coastwise trade, I may safely leave to be drawn from his answers. On page 8 of his report the commissioner said:

A deliberate conclusion to tax directly American shipping to pay for the maintenance of that canal when no tolls are imposed on vessels, American or foreign, for the use of our other improved waterways will be well-nigh inexplicable, save as the definite surrender of the ocean to others by the United States except as we may use its waters from time to time for the maneuvers of our war fleets.

On page 9 of the report the commissioner says:

The present statutory reservation of the coasting trade between Atlantic and Pacific ports to American vessels will not alone suffice to create the shipping needed for the coasting trade through the canal, for that reservation could not be regarded as longer secure in the face of a decision by Congress to select American navigation alone to bear the direct burden of supporting a canal, military in its first great purpose, and for the general welfare in its second. Only the most venturesome capital would trust itself to shipbuilding and shipowning for canal purposes.

On the same page the commissioner says:

If they (American shipping interests) are named as the sole American direct contributors to the cost of the canal, the conclusion will be inevitable that Congress has decided definitely for some years to come that shipping must shift for itself, regardless of the consideration which may be shown to other industries, for a tariff can not be framed without intentional or unintentional favors.

In connection with this particular paragraph, let it not be forgotten that the particular interest involved, to wit, American domestic shipping, is not only protected from Canadian shipping competition by the highest tariffs in the world, but is protected from competition against all the vessels of the world, Canada included, by a law that in terms prevents all foreign vessels from engaging in our domestic water traffic.

Then the commissioner, on page 22 of his report, referring to the Frye bill, which provides for the free use of the Panama Canal by American shipping, makes this statement:

Its rejection—

Meaning the Frye bill—

therefore, can be construed in no other manner than as the deliberate declaration of the purpose of the United States to abandon ocean navigation. That declaration must be followed sooner or later by opening that navigation in all its phases to foreign ships and closing American shipyards on the seaboard.

All the foregoing statements were read in conjunction to the commissioner, who was then asked to detail his reasons for making them—the facts upon which they were based. All of the colloquy going to show whether or not the commissioner sustained his position follows:

FROM THE TESTIMONY OF COMMISSIONER OF NAVIGATION IN SUPPORT OF HIS PROPOSITION THAT FREE TOLLS ARE ESSENTIAL TO DOMESTIC SHIPPING THROUGH THE PANAMA CANAL AND TO THE PRESERVATION OF AMERICAN SHIPBUILDING AND THE COASTWISE TRADE.

FIRST—TOLLS A TAX ON INTERSTATE COMMERCE.

Mr. MARTIN of Colorado. What do you mean by the statement that if we impose tolls on American shipping through the canal even the coastwise trade can be regarded as no longer secure, following upon the statement which I read into the record that it will drive American shipyards and American shipping, even in the coastwise trade, from the high seas?

Mr. CHAMBERLAIN. Those statements should all be joined together precisely as you have joined them. Those extracts fit in together very well.

Mr. MARTIN of Colorado. I want the matter stated fairly from your standpoint.

Mr. CHAMBERLAIN. It is a better way of stating those propositions than the way they were placed in my report. It is better to assemble them in that way. The reason those positions were taken is: *In the first place*, it is, so far as I can recall, the first case where Congress in time of peace has contemplated *a tax on interstate commerce*. The

traffic through the canal, of course, must be divided into three branches—laying aside warship navigation—commercial traffic through the canal comprises three branches. In the first place, there is domestic commerce—the commerce between our two coasts which is interstate commerce. *In the second place*, there is the commerce between the ports of the United States and foreign ports in either hemisphere, which is our foreign commerce. *In the third place*, there would be the traffic through the canal which is exclusively foreign, with which we will have nothing to do, which will constitute about one-third of it. To take up just now the coastwise commerce—that is, interstate commerce pure and simple—so far as I can recall, this is the first proposition in time of peace to impose a Federal tax on interstate commerce. In the Civil War, of course, there were a great many of such taxes imposed, and necessarily so. There were a few such taxes imposed in the Spanish War. I think there were some charges on passenger tickets, although I am not sure but those were confined——

Mr. MARTIN of Colorado. You speak of canal tolls as imposing a tax on interstate commerce. I suppose you are aware of the fact that railroad companies pay for the use of Eads Bridge at St. Louis, and that there are, no doubt, other situations in which the railroad companies pay a charge, not a tax, for getting their trains across rivers and across navigable waters, bays, harbors, and so forth, under conditions that can be properly and legitimately claimed, I think, to be analogous to what we are doing down there in Panama in getting them across the land. There will be no difference in principle between getting a ship from water to water and a railroad train from land to land in interstate commerce.

Mr. CHAMBERLAIN. No.

The CHAIRMAN. I want to call your attention, Mr. MARTIN, to the fact that the Government of the United States was willing for commerce to take this canal in order that they might use it, but commerce would not built it; money was too cowardly, or something was the matter. Finally, we had to build it. We were willing for them to build it and pay tolls on Government ships, but they would not do it.

Mr. MARTIN of Colorado. I do not know that the chairman was here when the foundation was laid for this line of questioning, and I want to repeat briefly: The Commissioner of Navigation, who is a very responsible and high authority on this proposition—in my judgment the highest and most responsible and best qualified in the service of the Government, far above the Secretary of War or the Secretary of Commerce and Labor, with all due respect to those gentlemen; they are not experts in this line and he is—has made a report which is an exhaustive study and presentation of this whole subject and in which he has gone on to say that if we impose a toll on the coast-to-coast trade through the Panama Canal that trade can be regarded as no longer secure, and that finally American shipyards and American coastwise trade will be destroyed. I want him to explain to us just how that result will be brought about.

Mr. CHAMBERLAIN. The first reason I have stated. I was not aware of, and I do not know exactly yet, the nature of these charges for a bridge across the Mississippi for the use of a railroad. So far as I recall, I stated that the Panama toll proposed is the first peace tax on interstate commerce of which I was aware. It seems that there is some tax for the use of a bridge.

Mr. MARTIN of Colorado. You would not regard it as a tax if it were by a private owner. You are assuming it to be a tax simply because the United States owns it.

Mr. CHAMBERLAIN. It is a Federal tax, isn't it?

Mr. MARTIN of Colorado. No, sir; it is a charge by the United States as a proprietor.

SECOND—NO OTHER IMPROVEMENT CHARGED FOR.

Mr. CHAMBERLAIN. *In the second place*, section 4 of the river and harbor act of July 5, 1884, provides, "No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed." (Hearings, pp. 875–876.)

Mr. MARTIN of Colorado. My question is, How will the Panama Canal tolls destroy the American coast-to-coast trade, which shipping has an exclusive and absolute statutory monopoly?

Mr. CHAMBERLAIN. My reply thus far, Mr. Chairman, has been, first, I understand that this proposed canal toll is the first peace tax on interstate commerce. My second suggestion was that it is the first instance where Congress undertook to impose, in form at least, a tax on American vessels—of course foreign vessels, too, but this discussion is confined to American vessels—for using improved waterways and canals.

The CHAIRMAN. I understand he wants you to answer a concrete question as to how the tolls will affect the shipping.

Mr. CHAMBERLAIN. I can not get at that, Mr. Chairman, by yes or no.

Mr. MARTIN of Colorado. I want to know how tolls are going to have that result.

Mr. KNOWLAND. I think the witness should be allowed to answer in his own way.

The CHAIRMAN. Now, as to the effect which charging tolls would have in killing American merchant marine, I would like to have the explanation how that is possible.

Mr. KNOWLAND. Let the witness answer the question in his own way.

The CHAIRMAN. That is the question now. Let us have the answer to that, please, in you own way. How will the charges of equal tolls on the canal kill American merchant marine? That is the question. I want you to answer the question in your own way.

Mr. CHAMBERLAIN. This is getting to resemble, if I may be allowed to make the remark, the wireless interference with which we are dealing in another committee. [Laughter.] In my opinion—and I know that all the members of the committee will not agree with me—every dollar in tolls collected from ships from one seaboard to the other—please understand that I am talking about American vessels in the coastwise trade and nothing else—every dollar that is imposed on that trade is, to the extent of that dollar, a reduction in the value of the canal as a competing transportation route with the railroads. (Hearings, p. 880.)

THIRD—WILL WEAKEN CANAL AS COMPETITOR OF RAILWAYS.

Mr. MARTIN of Colorado. *Your third reason* why the tolls on American coast-to-coast shipping through the Panama Canal will destroy that business is that it will lessen or weaken the ability of our coast-to-coast shipping to compete with the transcontinental railroads. That is a fair statement? * * * The authorities seem to agree that the cost of water transportation is about one-third of that of rail transportation. They also seem to agree—and I cited to the committee in questioning these witnesses Pacific coast publications which are in harmony with you on the free-toll proposition for the coast-to-coast shipping, giving specific rate statements indicating the correctness of this proportion of cost of water to rail transportation, showing that whereas now the fruit rate from the Pacific coast to the Atlantic coast is $27.56 a ton, at which rate they ship about 1,000,000 tons annually from the Pacific coast to the Atlantic coast, that fruit can be transported by means of the Panama Canal at a cost of about $7 per ton. * * *

Now, if there is no toll charged, these shipments for which these companies now charge $27.56 a ton can be transported via the canal for about $7 a ton. The proposition seems to be clearly established, and the matter has been brought out in these hearings, that traffic can be transported by way of the Panama Railroad now for about $8 or 9 a ton. Now, admitting these statements I have made to be even approximately correct, do you take the position that in order to render the Panama Canal competitive there must be donated to the water shippers a toll amounting to about $1 per net registered ton, which would be upon the actual cargo about 40 cents a ton, there being on the average two and one-half tons of actual cargo in the net registered ton space of 100 cubic feet; about 40 cents per ton, or, resolved down to the lowest unit, about 2 cents a hundred? I say, assuming the statements I have made and the figures I have given to be approximately true, are you going to take that position?

Mr. CHAMBERLAIN. I have not taken the position in my report or anywhere else, so far as I am aware. The position I took was stated as concisely as I can state it in the stenographer's notes, and I would rather have it put in just that way. A number of those statements are about matters with which I am not familiar. I think that doubtless on the whole your relative rate statement is a pretty fair statement, but that does not alter the proposition that to whatever extent the toll is imposed—whether it is 1 cent or $1—it does reduce to that extent, as any tax does, the utility of the canal as a competing factor in the commerce between the two seaboards.

The CHAIRMAN. Isn't it true, Mr. Chamberlain, that when we add the toll to the water rate it is still less than half the possible railroad rate?

Mr. CHAMBERLAIN. Absolutely true, and it will continue to be true. It may be unappreciable; a tax of 1 cent would not amount to anything at all, but you might as well have no canal at all as to have a tax of $10. Now, between those points there is a fair tax. That is an elementary proposition.

Mr. MARTIN of Colorado. Any charge might reduce the profit of the shipowners, but it would not necessarily cripple water transportation as a competitor of railroad transportation; it would not necessarily cripple it and prevent it from carrying traffic through the canal, would it, unless it was exorbitant?

Mr. CHAMBERLAIN. I did not say cripple; I said diminish—there is all the difference in the world between the two.

Mr. MARTIN of Colorado. Then you might turn the argument around and say that if you give the shipping interests free tolls, so that their competitive ability will not be crippled or diminished, then the railroad necessarily will be crippled as a competitor of water transportation?

Mr. CHAMBERLAIN. I will refer you to the Railway Age or any number of other papers, particularly papers devoted to railroad interests. It is precisely the position they would take. (Hearings, pp. 881–882.)

FOURTH—WILL DENY SHIPPING FACILITIES TO MINOR PORTS.

The fourth reason for the position which I have taken is that thus far, except by one company, so far as I am aware, there has been no substantial provision made for the use of the canal in the coastwise trade, and that unless, when the canal is ready for business in about two years from now, there is adequate provision for coastwise transportation—not only that transportation which the American Hawaiian Line will furnish between New York and San Francisco and Honolulu, with their large and their very fine ships, which will probably be very nearly adequate for that purpose.

The American Hawaiian Co. is the one company which is now substantially equipped to carry on the canal coastwise business. They have a fine fleet of ships. It is a fleet of ships that is built up to carry sugar from Hawaii. They are building five new ships now, and when those are completed, which will be early in 1913, that fleet will be capable of carrying about 1,200,000 tons of cargo in the course of a year from the Atlantic to the Pacific or from the Pacific to the Atlantic. * * * This fleet will cover the situation so far as the trade between San Francisco and Hawaii and New York and possibly New Orleans on the other side is concerned. But there will be an insistent demand from the smaller ports, and it must be met, and it ought to be met. (Hearings, pp. 882–883.)

Mr. CHAMBERLAIN. In the case of these smaller ports, having only occasional cargoes and not having regular lines of communication for transportation through the canal to the Pacific ports and vice versa, the demand will be inevitable—I won't undertake to say that it will not be justified—"If the American ships are not here we must have foreign ships." The claim will be made, "Here is this canal, built at enormous cost; we can not be barred out from the use of the canal." (Hearings, p. 890.)

Mr. MARTIN of Colorado. Your conclusion is, in addition to all the statements that have been made, that the one essential to the securing of ships that will gather up and transport the traffic from these little ports is free tolls? In the absence of free tolls, the conclusion from your argument is that that can not be done? If that is not your conclusion, what is it? We will have ships to handle the traffic from those ports, and those ships will have an absolute monopoly, to handle the traffic between these large ports. But here are these small ports; no big ships will put into them unless they can be given the right to take this traffic through the canal free. Therefore, in order to favor these small ports in this respect, having to treat them all alike, we must throw the canal open to the traffic of all the ports?

Mr. KNOWLAND. Do I understand the witness to state that for all the large ports on the Pacific and Atlantic coasts, under present conditions, there will be adequate shipping facilities for the increased commerce expected?

Mr. CHAMBERLAIN. *Absolutely;* the present commerce is what I am talking about. I think I made the statement that the tonnage of the American Hawaiian fleet is capable of transporting 1,200,000 tons avoirdupois from one coast to the other, and that is more than the present actual transportation, as I understand it. (Hearings, p. 891.)

COMMISSIONER'S TESTIMONY FOR FREE TOLLS SUMMARIZED.

I have endeavored in the foregoing quotations to assemble all of the reasons given by the commissioner before the committee to support his allegations and to assemble them as fully and fairly as the commissioner concedes I assembled the

quotations from his reports. The commissioner in his report asserted that free tolls would be necessary to furnish the canal with domestic shipping and to preserve American shipbuilding yards and the American coastwise trade. In marshaling his reasons, four in number, for these assertions, his position is boiled down to the single small proposition that free tolls will be necessary to furnish certain minor ports with shipping facilities.

At page 891 he make the distinct and final assertion that—and I quote verbatim—

The tonnage of the American-Hawaiian fleet is capable of transporting 1,200,000 tons avoirdupois from one coast to another, and that is more than the present actual transportation, as I understand it.

Commissioner Chamberlain's estimate of the capacity of the American-Hawaiian line to furnish shipping facilities for the Panama Canal in the domestic trade is fully borne out by the testimony of Mr. George S. Dearborn, the able president of that company, whose testimony, to which I shall refer later, was a distinct pleasure to the committee, sounding, as it did, the first optimistic note in these hearings and holding out the first assurance that the Panama Canal, when completed and opened for traffic, will not go begging for ships.

Commissioner Chamberlain, by his own statements, has disposed of any claim that free tolls will be necessary to furnish the Panama Canal with ships. One existing company alone, as admitted by the commissioner and as shown hereafter, will be able to do this at the outset, and there are others, as I shall show, already in existence, so that we may anticipate from the beginning not only a sufficient service but competition for traffic, a competition, however, that will not, in my judgment, extend to rates. I have had the ablest advocates of free tolls admit to me that the boat lines using the Panama Canal will not compete as to rates among themselves, but these same gentlemen contend that there will be real competition between the water and rail lines. Some charity may be felt for the makers of such an illogical contention, when it is borne in mind that to concede a lack of competition between rail and water lines would be to admit themselves out of court upon their claim for free tolls.

The commissioner's first reason that Panama tolls will be, to quote his language, "a tax on interstate commerce," I have already disposed of. I think but few advocates of a free waterway will take such ground.

His second reason, that an act of Congress forbids tolls or operating charges upon vessels using waters improved for navigation by the Federal Government, carries but little force when extended to such an extraordinary, such an unparalleled project, as the Panama Canal. This reason, I might suggest, may be more logically used by those who take the position that the canal shall be free to the vessels of the world; and, indeed, it has been advanced as an argument for a free shipway by no less a person than Mr. John Barrett.

The commissioner's third reason, that tolls will lessen or destroy the ability of the Panama Canal to compete with the transcontinental railroads, I shall pass by for the present, to be considered in connection with the testimony of persons who are especially concerned and who assume to speak by the card. It may be noted, however, that the commissioner in mentioning very low and very high tolls, made the following significant statement:

Now, between those points there is a fair tax.

The commissioner could not avoid this statement at the time and place. He had been going over this question exhaustively before the committee. His postulates had been searched by them. These postulates did not stand the full test, as, indeed, they could not, no matter by whom formulated. And with the frankness of a reasonable mind, recognizing at least a partial truth in the opposing position, he was constrained to say:

Now, between those points there is a fair tax.

Indeed, while the commissioner's report clearly gives the impression that he is unqualifiedly for free tolls and regards free tolls as absolutely essential to the success of the Panama Canal from the domestic standpoint, he still further qualifies that impression by quoting at the hearing (p. 873) the following from page 8 of his annual report:

It is not questioned that the traffic of the Panama Canal should supply revenue for its maintenance and possibly in time for the partial amortization of the expense incurred in construction. Toward this revenue we must ourselves contribute in some way, for even if our treaty obligations will permit us to impose upon foreign nations the entire burden of paying for the canal, not for an instant would there be the disposition to adopt so ungracious a policy, or, in fact, could it be commercially feasible?

The only logical deduction to be drawn from this statement is that it suggests the imposition of some charge upon domestic shipping using the canal. All of the matter following it, however, points, not toward any contribution at all upon the part of domestic shipping, but toward free tolls. When, therefore, the commissioner at the hearings quotes from his report for the express purpose of rebutting the inference that he demands an absolutely free shipway for American shipping, he simply confuses his actual position and renders it unfit as to what his exact opinion may be. In this respect, however, the commissioner does not differ from other advocates of free tolls. Not one of them was able to sustain this position. The two most enthusiastic advocates of free tolls who appeared before the committee so signally failed to sustain their position that they held out the transcript of the hearings for correction for more than a month and finally prevailed upon the committee to accept a completely rewritten version of their testimony.

The commissioner's fourth reason for free tolls, which I have already mentioned, is that this exemption will be necessary to furnish the minor ports with shipping. I submit that the commissioner's elucidation of this point is unsatisfactory and unconvincing, so much so that I am unable to present more than a meager and fragmentary record from the hearings. Indeed, these ports are almost conjectural. No list of them was given to the committee, although inquiry was made concerning them, and they are not even of sufficient importance to be touched by any of the several boat lines in the coastwise trade. In addition, it is conceded by the commissioner that sea traffic from these minor ports does not now exist, but must be conjured into existence by means of free tolls. With all due respect to the opinion of the commissioner, I do not consider his fourth and final proposition at all convincing or his position with respect thereto tenable.

SUEZ CANAL SUBSIDIES.

Too much attention and importance can not be given to the report of the Commissioner of Navigation. It is the most elaborate effort that has been made in support of free tolls and is clothed with the sanction of that bureau of the Government which was enabled to foster, promote, and develop the shipping industry of the United States. Among other arguments resorted to by the commissioner are certain subsidies granted by European Governments to certain ship lines using the Suez Canal.

On page 15 of his report appears the following statement:

About 25 per cent of the Suez Canal tolls on foreign merchant vessels are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively.

This is advanced as an argument in behalf of some such treatment by this Government of American shipping through the Panama Canal. It would appear that the percentage, to wit, 25 per cent, would rather be an argument to the contrary, but an analysis of the commissioner's figures set out on pages 16 and 17 of the report do not sustain even this small percentage, and upon such analysis it does not appear that any subsidies are paid to vessels using the Suez Canal as compensation for toll charges, except by the Governments of Russia and Austria, Russia, it is said, rebating in full and Austria rebating under certain limited conditions. For instance, on page 16 it will be noted that in the year 1910 the fleet of the British Peninsular & Oriental Steamship Co., the largest using the canal, its tonnage for that year aggregating 1,214,200 net tons of the total of 16,581,900 net tons transiting the Suez Canal, paid out in tolls £357,989 and received in subsidies £297,143. This showing, however, is followed by the following significant statement:

The subsidy is paid to its mail steamers, but it operates slower boats.

The plain meaning of this statement is that the freight vessels of the English companies using the Suez Canal receive no subsidies whatever. The subsidies are all paid to the mail steamers, and the mail steamers of the English steamship lines are subsidized whether they use the Suez Canal or not. The report, therefore, in this particular borders upon the danger of being misleading. These data are stated in such manner as to be susceptible of the construction and of conveying the impression that 25 per cent of the Suez Canal tolls are rebated in the form of subsidies by the Government whose flags these vessels fly, when an analysis of the report makes it doubtful whether in the case of England, for instance, which owns approximately one-half the stock of the Panama Canal and whose vessels furnish it with a greater proportion of its traffic than any other country, repays any toll charges per se whatever, but it is perfectly clear that no toll charges are paid freight vessels. As there will be no passenger or mail coast-to-coast traffic through the Panama Canal, it is clear that the action of the British Government furnishes an unqualified argument against subsidies or rebates to American shipping through the Panama Canal. I shall conclude this topic by inserting the following colloquy with reference to it from the hearings (p. 979):

Mr. J. A. MARTIN. I want to get back to this subsidy proposition. I think the disclosure in your report that the British company operates

slower boats through the Suez Canal, which are not subsidized and which carry the freight, removes the entire foundation upon which you base your argument for free tolls through the Panama Canal, to wit, that England is subsidizing her ships through the Suez Canal, but I want to analyze the report a little further. You say, on page 15, as follows:

"About 25 per cent of the Suez Canal tolls are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively. In some instances the appropriation is made in terms to pay the Suez tolls, as the Russian budget in 1909 carried an item of 650,000 rubles ($334,750) to pay the tolls of the merchant steamships of the Russian volunteer fleet."

I find further on that you include in that 25 per cent the £297,143 6s. 8d. of subsidies paid by the British Government to the Peninsular & Oriental Steamship Co.:

Mr. CHAMBERLAIN. Undoubtedly.

Mr. J. A. MARTIN. And that you include in that 25 per cent the subsidy paid to every ship that goes through the Suez Canal without regard to what the subsidy is paid for?

Mr. CHAMBERLAIN. Every one that is specified.

Mr. J. A. MARTIN. You mention here the British Peninsular & Oriental Steamship Co., £297,143 6s. 8d.; the North German Lloyd, $1,385,150; and you go on down and conclude with the statement that "without giving other available details enough doubtless has been presented to warrant the statement that the subsidies and bounties paid to foreign steamships through the Suez Canal were over 25 per cent of the Suez tonnage receipts of 127,203,395 francs in 1910." So, in the first place, while the mere payment of 25 per cent of the tolls through the Suez Canal by the Governments whose ships operate through that canal would be a rather slim foundation for an argument for free tolls through the Panama Canal, yet, as a matter of fact, when you come to analyze these figures, it does not appear that a single dollar of these amounts that are set out here was specifically paid for the purpose of repaying those ships for Suez tolls.

The CHAIRMAN. Except Austria.

Mr. J. A. MARTIN. None of these companies get Suez Canal toll rebates, except Austria's.

The CHAIRMAN. The witness said that it was estimated to be equivalent to it. It is not in the contract?

Mr. J. A. MARTIN. I do not think it is any disparagement of the commissioner's integrity to say that he has made in this report a statement calculated to convey the impression that over 25 per cent of the Suez Canal tolls are rebated directly or indirectly to the ships using that canal.

COMMISSIONER OF NAVIGATION V. THE SECRETARY OF WAR.

I have gone at considerable length into the report and testimony of the Commissioner of Navigation, but I have not given it greater attention than its importance warrants. His official position lends weight to his views, which have been widely published, and will be much quoted and relied upon in the future in the event tolls are levied upon domestic shipping, to show the injury thus done such shipping and the benefits that would have flowed from the contrary course. I would not for a moment seek to minimize the good work done by the commissioner. I have not met a Government official more zealously devoted to his work. There is no question but what he is heart and soul for an American merchant marine, and he is not one who proposes that the causes which have driven the American flag from the seas, to wit, prohibitive tariffs and Chinese navigation laws, shall remain in force and operation while the effect shall be relieved or overcome by Government bounties.

The commissioner recognizes the necessity of and recommends reforms in these respects. But I can not concede that he has made out any case at all for a free canal. Under analysis, his showing with reference to Suez toll subsidies dissolves. He admits frankly that when the canal opens the domestic shipping facilities will exceed the available tonnage. He also admits that American shipping must bear some share of the burden of the canal and that there is a fair rate, but he does not shed any light upon what either the share of the burden or the rate ought properly to be. I believe and I submit that the fair share and the fair rate will be found by the Executive within the limits fixed in the pending bill.

If any favors are to be shown American shipping through the canal, I would incline rather to the view of the Secretary of War, who in his address before the Commercial Club at Kansas City on November 14, 1911, said:

This question of tolls has thus far been discussed mainly with respect to our coastwise traffic. This coastwise trade presents a special problem. In one respect it has less need of a canal subsidy than our foreign trade, because it already has a Government monopoly. While our vessels engaged in foreign trade have been virtually driven off the ocean by foreign competition, our coasting trade still exists, because no other than American vessels are permitted by law to engage in it.

The Secretary's principal reason for favoring the coastwise trade is railroad competition. But even upon this proposition he qualifies by saying:

Experience may show that our coastwise lines can meet their railroad competition without this additional aid. To give it under such circumstances would not lower rates; it would simply add to the profits of the shipowner.

If there has been any one point clearly established by the testimony on this question, as I shall now proceed to show, it is that the coastwise lines can meet their railroad competition without the aid of free or preferential tolls.

WATER V. RAILROAD TRANSPORTATION COST.

A substantial part of the canal propaganda rests upon the relative cheapness of water as compared with rail transportation. All advocates of free tolls will tell you in one breath that water is vastly cheaper than rail transportation and in the next breath that the water can not meet the rail competition unless they are donated a sum, which the facts all accord in showing does not equal one-half, nor one-quarter, I might say not one-tenth of the difference in transportation cost in favor of the water carrier.

When several of the advocates of free tolls were before the committee, and particularly when the gentleman from Washington [Mr. HUMPHREY] was before it, I marshaled quotations from a number of publications and authorities going to show that the cost of water transportation, not the charge, mind you, but the cost, is on an average but one-third that of rail transportation, quoting only the figures of coast publications and representatives which are clamoring for free tolls.

I shall insert at this point in my remarks a summarization of some of these statements as they were presented to Mr. HUMPHREY and appear in the hearings with his replies; these statements having been summarized to him in this manner for the purpose of ascertaining his opinion, conceding the statements to be even approximately true, whether free tolls were necessary in order to enable the canal to compete with the transcontinental railroads. Mr. HUMPHREY is here to speak for himself. He was not able to say to the committee and he will not be able to say to the House that free tolls are necessary to enable the canal to compete with the railroads. And if it is not necessary, then what tangible, sensible purpose is to be accomplished by it? Nobody would dare propose that the railroads should be given any handicap or advantage over the canal; then, why should the reverse be asked? If, with a reasonable toll charge, the canal will have sufficient vessels, and these vessels can compete strongly and effectively with the railways, and can transport from coast to coast at one-half or less of the actual cost of railroad transportation, this would appear to be a fair solution of the problem, and this solution is so apparent that its opponents, when pinned down to facts, when smoked out of the haze of glittering generalities with which they are prone to invest the subject, can not get away from it.

I may say in passing that the quotations I am inserting not only contain figures quoted by free-toll publications showing, for instance, the rail fruit rate from the Pacific to the Atlantic coast to be more than $27 per ton, while it may be transported via the canal at a cost of $7 per ton, but statements before the Senate Commerce Committee by Mr. B. N. Baker, who organized and for 20 years successfully conducted the Atlantic Steamship Co., show the rail cost to be from three to four times the water cost:

RAIL COST THREE TIMES THAT OF WATER.

Mr. J. A. MARTIN. Fruit is transported by means of the transcontinental railroads from the Pacific coast to the Atlantic coast at $25.76 a ton. There is about 1,000,000 tons of this fruit traffic annually, which could be shipped from Los Angeles to New York via the Panama Canal at a cost of $7 a ton. I quoted from Collier's Weekly of September 30, 1911. I also quote from the testimony of Mr. B. N. Baker on Senate resolution 98, Sixty-second Congress, before the Senate Committee on Interstate Commerce, November 20, 1911, page 255. Mr. Baker is considered the leading authority on this question in the United States, the only man who has demonstrated that he could make good in the shipping business. He organized and very successfully conducted for 20 years a large steamship line on the Atlantic Ocean, which he sold to the American interests some years ago. He lives in Baltimore. [Reading:]

"This is my opinion, and I think the opinion of every steamboat man would confirm it—the suggestion I made was $7. (We always name a rate per 40 cubic feet for refrigerated space.) That cost was about $7 a ton, plus the tolls. I think it can be done for that. I would like to enter a large contract if I could do it for that much. That is such a small percentage—about 33⅓ per cent of the present rail rate—and it is business of an enormous volume.

"The present rate by rail is $1.15 and icing, which makes it, I figure, about $27.50 per ton, on the basis of a steamship ton.

"The ACTING CHAIRMAN. $1.15 a hundred?

"Mr. BAKER. Yes, sir. That would make about a third of a rate—a $7 rate."

That was his statement on the toll question generally.

The CHAIRMAN. He has tried to organize a steamship company, and the object he has is that all would get rich running steamship lines.

Mr. HUMPHREY. You notice that he did not do it. (Hearings, p. 1075.)

Mr. J. A. MARTIN. I want also to quote the statement from the Manufacturers' Record of September 7, 1911 [reading]:

"That the Panama Canal would enable the manufacturers and producers on the Atlantic and Gulf coasts to put their goods in the Pacific coast trade at about one-third of the present freight rate."

I want also to quote from the New York Evening Post of September 8, 1911, as follows:

"Many people will ask why the Government has placed such unusual restrictions upon successful bidders for mail contracts. The answer is that the Panama Canal, when completed, will bring San Francisco by water within 14 days of New York, less time than now taken by transcontinental freight trains, and with no expensive roadbed equip-

ment to maintain. Steamboats will be able to handle coast-to-coast business at a much lower rate than the railroads."

I want to quote from the Seattle Post-Intelligencer of September 16, 1911, as follows:

"The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail."

Mr. HUMPHREY. I think that is right. Nobody can dispute that.

The CHAIRMAN. If that is correct, how can the railroads compete with the canal rates?

Mr. HUMPHREY. They do it all the time.

Mr. J. A. MARTIN. I want to quote again from Mr. Baker's testimony, the same document that I referred to before, at page 264, as follows:

"Mr. BAKER. The almost universal basis is that you can haul 3 miles of water freight for the cost of hauling 1 mile by rail. All the original old prorating agreements in the Atlantic Transport Co. was on that basis, up to 3,000 miles, the distance from New York to European points generally. Longer than 3,000 miles, when we took goods, for instance, down to Durban, South Africa, via London, then they would demand of us that we would carry the longer water distance for a rate that would be much less, or 4 to 1, so that anyone can make a calculation on this basis. The distance from New York to San Francisco via the Panama Canal will be practically 5,300 miles. That would be equivalent to one-third the number of miles of rail—what it would cost to take it that distance.

"When you come to the transcontinental traffic and crossing the two ranges of mountains (even taking the longer distance in the nearly level route of the Southern Pacific), it costs rather more per ton per mile to operate over the heavier grades and mountains than it does that way.

"Senator NEWLANDS. But you only have 3,000 miles by one route and you have over 5,000 miles by water.

"Mr. BAKER. It would be equivalent to 9,000 miles by water. The difference between those two would be the general saving.

"When you come to certain classes of commodities, there is a greater difference than that. You take what are known as the commodity rates. Take lumber, for instance—a ship coming around there, about a 12-knot ship, with lumber from Seattle—I have not the exact distance—you ought to bring lumber on that 12-knot boat at about $6 a thousand; $6 a ton. You ought to be able to do it, plus any canal tollage."

The first question I want to ask the witness on that statement of facts, assuming these facts to be approximately true—he may deny the assumption as much as he pleases—but, assuming the facts that I have stated to be approximately true and assuming that the toll rate through the Panama Canal will be fixed on the net registered-ton basis, about $1 per net registered ton, which is about 40 cents per actual cargo ton, or about 2 cents per 100 pounds, and, taken in connection with the absolute monopoly given the coast-to-coast trade by our Federal laws, do you take the position that the donation of this toll to the coast-to-coast shipping is necessary in order to enable it to be honestly competitive with the transcontinental railroads?

Mr. HUMPHREY. I do not know whether it is necessary or not, but it would be that much advantage. * * * I am not familiar with railroad rates, but I do not think that you need worry about the railroads being driven out of business. I think that they can take care of themselves. (Hearings, p. 1076.)

FURTHER TESTIMONY SHOWING THAT REASONABLE TOLLS WILL NOT AFFECT CANAL.

Other testimony, and testimony going chiefly to other points, sustain the main fact in the foregoing quotations—the fact that water is so cheap as compared with rail transportation that the imposition of a moderate toll upon the former will have no bearing whatever upon the competitive ability of the waterway.

But this proposition need not rest alone for demonstration upon what men may say as to what the isthmian route can do, but it can also be demonstrated by what that route has done. It can be shown—and I shall insert the testimony from the hearings to that effect at this point—that freight has been transported right along from coast to coast as low as $8 per ton, which included the railroad rate and the cost of the two transfers involved.

Several gentlemen gave such testimony, among them Mr. William R. Wheeler, manager of the traffic bureau of the San Francisco Chamber of Commerce. Mr. Wheeler stated that in order to meet the monopoly enjoyed by the Southern Pacific Railroad Co., which controls the rail situation from California east and controls the Panama situation by its ownership of the Pacific Mail Steamship Co., there was organized the California & Atlantic Steamship Co., which only last year carried 115,000 tons of eastbound traffic via the Panama route at $8 per ton; that in order to destroy its competitor the Pacific Mail Steamship Co. cut the rate to $5 per ton, and that but for the intervention of the President, who required the Pacific Mail Steamship Co. to restore the $8 rate, the competing line would have been put out of business.

Mr. Wheeler, in showing the great advantage of the canal, stated among other things that the American-Hawaiian Steamship Line, for example—

will not have to give up one-third of its earnings to its railroad connection—

And admits—

There will be a great reduction even with a reasonable toll. There is no doubt about that.

Nevertheless and notwithstanding which Mr. Wheeler, like other coast representatives, and naturally so—I do not blame them in the least—wants free tolls; but, like his fellow workers in the cause, he wants free tolls without being able to show that he ought to have them.

Later on I shall take up separately the testimony of President Dearborn, of the American-Hawaiian Line, letting that very capable gentleman speak for himself as to the great advantage to his company of the Panama Canal over its present situation, in which it is required to pay one-third of its total receipts to the Mexican Government for its use of the Tehuantepec Railway.

GREAT RATE REDUCTIONS, EVEN WITH REASONABLE TOLLS.

Mr. WHEELER. The Pacific Mail Steamship Co., in addition to its trans-Pacific line, operates a line from San Francisco to Panama, and the capital stock of that company is controlled by the Southern Pacific Railroad Co. The Southern Pacific holds just a bare control, 50½ per cent, or $10,010,000, of the par value of the total capital stock. That line up until two years ago was the sole connection of the Panama Railroad & Steamship Line, operating between New York and Panama. The tariff of this line was based upon the transcontinental rail tariff. Any advances made in the transcontinental rail tariffs were immediately reflected in corresponding advances in the Panama route rates. Through the efforts of the organization which I have the honor to represent we were successful in first divorcing those rates from the transcontinental rates, and, second, in making it possible for a competing line to engage in the traffic between San Francisco and Paama, so that the Panama Railroad & Steamship Line has now two Pacific cocarriers operating between San Francisco and Panama.

Mr. DRISCOLL. Will you give the name of the other company?

Mr. WHEELER. The California & Atlantic Steamship Co. The result is that while in the fiscal year 1909, when the Pacific Mail Steamship Co. was the sole line upon the Pacific in connection with the Panama route to San Francisco, it carried but 8,728 tons of east-bound traffic, hardly a full shipload for one of Mr. Dearborn's largest vessels; in the fiscal year 1911 there was carried in east-bound traffic via the Panama route more than 115,000 tons.

Not long after the competing line went on—within a few months—a rate war was started. The Pacific Mail Steamship Co. put the rate upon California products, *which had been $8 per ton, down to $5 per ton.* It was obvious that the purpose was to run the line off, because the rate of $8 per ton was a satisfactory rate to our shippers.

Mr. E. W. MARTIN. Between what points was that?

Mr. WHEELER. Between San Francisco and New York. *The rate of $8 a ton was satisfactory to our shippers. No shipper, so far as my knowledge goes, had asked for a $5 a ton rate.* Had the administration not been prevailed upon to bring about a restoration of rates there is no doubt that the California & Atlantic Steamship Line would have gone to the wall. The fight lasted several months, but the rates are now restored on that line. (Hearings, p. 504.)

Mr. E. W. MARTIN. Does the Southern Pacific Railroad Co. still maintain its controlling interest in the Pacific Mail Steamship Co.?

Mr. WHEELER. According to my last advices it does. At any rate, it did up to a few weeks ago.

The CHAIRMAN. Do you know of any other railroad company that contemplates running a line of ships on the canal?

Mr. WHEELER. No; I do not know of any railroad company that contemplates putting ships there. I do not know that the Pacific Mail Steamship Co. contemplates running ships through there.

The CHAIRMAN. You apprehend, though, that the Southern Pacific might find it desirable to run ships through there?

Mr. WHEELER. I think that would be a very natural result of opening the canal, provided no inhibitory legislation is passed. The Southern Pacific Railroad Co. has a fleet of vessels on the Atlantic engaged in traffic between New York, New Orleans, and Galveston. It has the control of the Pacific Mail Steamship Co. on the Pacific operating between San Francisco and Panama. It would not be difficult, of course, to connect up those two services.

The CHAIRMAN. How large a fleet have they in each ocean?

Mr. WHEELER. I think that the fleet engaged in the Panama service consists of about nine vessels. Is that right, Mr. Dearborn? You know better than I do about that.

Mr. DEARBORN. I should think about 9 or 10.

Mr. WHEELER. It is my impression that it is about that number. As to the fleet on the Atlantic, I do not know. They have the service to New Orleans and Galveston.

The CHAIRMAN. You say that they go to New Orleans and Galveston——

Mr. DEARBORN. They have two services—one to Galveston, which takes all the transcontinental freight, and another to New Orleans handling freight for that territory—local freight. That is my understanding. (Hearings, p. 505.)

Mr. SABATH. What is the present average rate between New York and San Francisco?

Mr. WHEELER. By steamer do you mean?

Mr. SABATH. Yes.

Mr. WHEELER. I should say that west bound the average rate to-day is perhaps $12. Is that about it, Mr. Dearborn?

Mr. DEARBORN. I think it is higher than that. On *an average it* would be about $14.

Mr. SABATH. That is west-bound traffic?

Mr. DEARBORN. West bound.

Mr. SABATH. What is the average east-bound rate?

Mr. WHEELER. The average east-bound rate is about $10.

Mr. DEARBORN. I think it is less than that. I think it is about $8.50.

Mr. SABATH. After the canal is completed, with that saving taken into account by the steamship companies, what do you think the west-bound rate will be?

Mr. WHEELER. I would say that the reduction when the canal is completed, when Mr. Dearborn's line, for example, *will not have to give up one-third of its earnings to its railroad connection,* and likewise when no division has to be made at Panama with the Panama Railroad Co. or steamship line——

The CHAIRMAN. And no goods smashed up in transferring.

Mr. WHEELER. And no goods smashed up in transferring—I think that those rates will come very near being cut in two. That is my opinion.

Mr. SABATH. Then the coastwise trade between the two oceans will be benefited to the extent of about 50 per cent?

Mr. WHEELER. I should say so, provided no tolls are charged.

Mr. SABATH. That at 50 per cent would be about $7 one way and $4 the other way. Will the tolls make any difference really, or will not the coastwise trade be benefited to the extent of about 40 per cent, even if we do charge a dollar per ton? Do you see what I am trying to find out?

Mr. WHEELER. As I understand it, you mean whether there will not be an ample reduction without waiving the tolls.
Mr. SABATH. And bounties.
Mr. WHEELER. *There will be a great reduction even with a reasonable toll. There is no doubt about that.* But by the measure of the toll if it is waived——
Mr. SABATH. There will be a still greater benefit.
Mr. WHEELER. There will be a still greater benefit. (Hearings, p. 529.)

FREE TOLLS WILL NOT BENEFIT CONSUMERS.

If free tolls are not necessary to furnish the canal with vessels and enable them to do business against the railroads, the only conjectural remaining reason for the exemption would be that the removal of the rate would to that extent benefit the consumer. Appreciating this situation, the advocates of free tolls, as a matter of course, loudly protest that it is the intention to benefit only the consumer and not the shipowner, and they admit of no question but what the consumer will get the benefit of free tolls. Obviously to do otherwise would be fatal to their contention. But even on this proposition they failed before the committee, as they must fail in practical experience.

Among other witnesses who appeared before the committee was Mr. H. H. Raymond, vice president and general manager of the Clyde Steamship Co. and the Mallory Steamship Co., who said frankly that he did not believe the matter of a reasonable toll would make any difference to the consumer. The matter was put to him point blank as follows:

Mr. STEVENS. You know that it would not make any difference to the consumer, do you not?
Mr. RAYMOND. I do not believe that it would.

Mr. Raymond believed that it would benefit the shipowner, encourage shipping, and in this way benefit the public. I shall insert at this point a very interesting and instructive colloquy between the gentleman from Minnesota [Mr. STEVENS] and Mr. Raymond on this point:

Mr. STEVENS. It has been stated a great many times—the records of our committees are full of such statements. If that be true, how much difference to the ordinary consumer would a rate of 50 cents per net ton make on goods transported from the Atlantic to the Pacific, or from the Pacific to the Atlantic?
Mr. RAYMOND. I could not answer.
Mr. STEVENS. *You know that it would not make any difference to the consumer, do you not?*
Mr. RAYMOND. *I do not believe that it would.*
Mr. KNOWLAND. Then who would get the advantage?
Mr. RAYMOND. The American ship—the American public.
Mr. STEVENS. The American public—in what way would the American public get the advantage of it?
Mr. RAYMOND. They would not have to pay so much on the high commodities—on the heavy commodities. I am talking about the freight rates on your clothes.
Mr. STEVENS. If the rate was 55 cents per ton how much cheaper would it be to the American who buys lumber?
Mr. RAYMOND. I do not know. The American who buys lumber would probably buy it 25 cents a thousand cheaper.
Mr. STEVENS. How much cheaper would the American who bought lemons and oranges in California get them?
Mr. RAYMOND. I do not believe they would come through the canal.
Mr. STEVENS. The people on the coast are figuring on that. You think they are mistaken about that?
Mr. RAYMOND. I do.
Mr. STEVENS. How much cheaper would wool and stuff like that be?
Mr. RAYMOND. I do not know.
Mr. STEVENS. So that you could not give us any idea?
Mr. RAYMOND. No.
Mr. STEVENS. The most is that you can figure we will get lumber 25 cents a thousand cheaper?
Mr. RAYMOND. I do not know anything about the commodities; I am not a merchant; I am a transportation man.
Mr. STEVENS. So that you would not be willing to hazard any judgment of your own?
Mr. RAYMOND. No, sir.
Mr. STEVENS. As to how it would affect the man who finally buys the stuff and has to pay for it?
Mr. RAYMOND. No.
Mr. KNOWLAND. Except you would make the statement that whatever toll was remitted would be a benefit to the consumer?
Mr. RAYMOND. Absolutely.
Mr. STEVENS. That is just what I have been trying to find out.
Mr. RAYMOND. We have not any rates that give an unreasonable dividend. In fact, you can go into any business and make more money out of it than you can make out of the steamship business. (Hearings, p. 549.)

ATLANTIC COASTWISE BOAT LINE MONOPOLIES—NO COMPETITION.

But Mr. Raymond's testimony went to another proposition which, in my judgment, was even more illuminating and instructive and even more in the nature of fact rather than opinion, and that was his explanation to the committee that there are five different steamship lines in the Atlantic coastwise trade south from New York, no two of which have the same termini or traffic territory. As explained by Mr. Raymond, each of these lines enjoys an exclusive and undisputed monopoly of its own water route, port termini, and traffic territory. I can not take time to read this testimony, but it absolutely disposes of the idea that there is any competition whatever among the boat lines in the Atlantic coastwise trade:

TESTIMONY OF MR. RAYMOND, OF THE MALLORY AND CLYDE LINES.

Mr. MARTIN of Colorado. There are two lines that you are vice president of—the Clyde and Mallory.
Mr. RAYMOND. The Clyde does not go to Galveston, Tex.
Mr. MARTIN of Colorado. The Clyde does; does it not?
Mr. RAYMOND. No, sir.
Mr. MARTIN of Colorado. The Mallory and Morgan?
Mr. RAYMOND. The Mallory and Morgan?
Mr. MARTIN of Colorado. Do go from New York to Galveston?
Mr. RAYMOND. Yes, sir.
Mr. MARTIN of Colorado. Is there any difference in the rates between New York and Galveston on these two boat lines?
Mr. RAYMOND. Yes, sir.
Mr. MARTIN of Colorado. Is not the fare identical?
Mr. RAYMOND. There is only one line that handles passengers, and that is the Mallory; there is no competition.
Mr. MARTIN of Colorado. From New York to Galveston?
Mr. RAYMOND. The Morgan does not handle passengers; no, sir.
Mr. MARTIN of Colorado. How many lines are there between New York and Key West handling passengers?
Mr. RAYMOND. Only one.
Mr. MARTIN of Colorado. What is that?
Mr. RAYMOND. The Mallory.
Mr. MARTIN of Colorado. Are there any places on the coast where the Mallory has competition in the matter of hauling passengers?
Mr. RAYMOND. Not that I know of.
Mr. MARTIN of Colorado. It hauls them all—how does it come that the Mallory has no competition?
Mr. RAYMOND. Because nobody else has put any money into that service; that is all.
Mr. MARTIN of Colorado. The Clyde does not carry passengers?
Mr. RAYMOND. The Clyde carries passengers, but it does not go to Galveston.
Mr. MARTIN of Colorado. Does it go to any of the ports that the Mallory goes to?
The CHAIRMAN. *It pays better to divide the ports up.*
Mr. MARTIN of Colorado. Is that the way it is done?
Mr. RAYMOND. No.
Mr. MARTIN of Colorado. Let us see; we have got *three lines* out of New York—the *Clyde*, the *Mallory*, and the *Morgan*. Now, how many lines have we got in the coastwise trade going out of New York in addition to the Mallory, Morgan, and Clyde Lines?
Mr. RAYMOND. Out of New York?
Mr. MARTIN of Colorado. Yes, sir.
Mr. RAYMOND. The *Ocean Steamship Co.*
Mr. MARTIN of Colorado. That is four.
Mr. RAYMOND. The *Old Dominion;* that is, coming south.
Mr. MARTIN of Colorado. That is what I mean.
Mr. RAYMOND. Coming south from American ports?
Mr. MARTIN of Colorado. That is what I want, in order not to scatter too much.
Mr. RAYMOND. The Old Dominion.
Mr. MARTIN of Colorado. *That is five.* Are there none of those carrying passengers into the same ports from New York, down along the Atlantic coast and return?
Mr. RAYMOND. No, sir.
Mr. MARTIN of Colorado. What do they do, then—have they just divided up the territory between themselves?
Mr. RAYMOND. No.
Mr. MARTIN of Colorado. I do not understand why there is not an explanation for this. We have got the facts in a measure, but not the explanation as to why there is just one boat line in the coastwise trade of the Atlantic carrying passengers between New York and all these coast points around to Galveston and the Gulf.
Mr. RAYMOND. The explanation is that two would not pay.
The CHAIRMAN. I think that is a good one.
Mr. SIMS. How is it about the *freight?*
Mr. RAYMOND. *The same.*
The CHAIRMAN. Five or six lines and no two of them run between any two points?
Mr. RAYMOND. These lines here all originated years and years ago by private capital—merchants and other people did not see that they wanted to compete because where one could live two could not.
The CHAIRMAN. They were wisely located with a view to profit.
Mr. MARTIN of Colorado. This is rather an interesting line of testimony, I think. Your Mallory Line, then, hauls all the passenger traffic from New York south—the Atlantic coastwise passenger trade and around into the Gulf?
Mr. RAYMOND. That is your statement, not mine.
Mr. MARTIN of Colorado. I have understood it to be yours.
Mr. RAYMOND. No, sir.
Mr. MARTIN of Colorado. Hauls all of it, then, to certain ports.
Mr. RAYMOND. *Handles all the passengers to the ports to which it operates where no other passenger line does.*
Mr. MARTIN of Colorado. Tell me this, then: Are not ports divided as to carrying passengers and to which no other passenger lines operate?
Mr. RAYMOND. I testified to that in the beginning.
Mr. MARTIN of Colorado. Those that you named are the ones that it goes to—the Mallory Line?
Mr. RAYMOND. Yes, sir.
Mr. MARTIN of Colorado. Which ports does the Clyde Line go to and to which the Mallory Line does not go to?
Mr. RAYMOND. The *Mallory,* if you want it, goes to the following ports, or operates, rather, between the following ports: *New York* and *Key West,* New York and *Tampa,* New York and *Mobile,* New York and *Galveston; it handles passengers* and *cargo to all of those ports.*
The *Clyde* operates between *New York* and *Philadelphia,* and between *Boston* and *Charleston, New York* and *Jacksonville, New York* and *Wilmington*—all those other places that I named in the beginning; and they carry passengers only to two ports, Charleston and Jacksonville.
Mr. MARTIN of Colorado. What is the *Morgan* Line in the way of freight and passenger?
Mr. RAYMOND. They operate *freight* and *passenger* service between *New York* and *New Orleans?*
Mr. MARTIN of Colorado. What is this *Ocean Steamship Line* and what has this Ocean Steamship Line got?
Mr. RAYMOND. Between *New York and Savannah.*
Mr. MARTIN of Colorado. Did you name another besides the Ocean?
Mr. RAYMOND. Not coming south—the *Old Dominion* between *New York* and *Norfolk.*
Mr. MARTIN of Colorado. How did this division of territory come about between these five lines?
Mr. RAYMOND. It is perfectly natural.
Mr. MARTIN of Colorado. Natural growth?
Mr. RAYMOND. Natural growth.

AMPLE SHIPPING FACILITIES AWAIT OPENING OF CANAL.

The testimony of Mr. Raymond also goes to create a suspicion, which is strengthened by the statements of others, that there will be but little, if any, more competition, even in the matter of service, to say nothing of rates, from coast to coast than now exists in the Atlantic coastwise trade. Mr. Raymond makes it clear that neither of his lines are contemplating any conquest over canal traffic, and the impression is gathered from Mr. Raymond that none of the five Atlantic coastwise lines will put a single boat through the Panama Canal. They each have their little monopoly and are going to keep it. They are not going to invite trouble by poaching on other preserves. The American-Hawaiian Line, which is now doing the principal trans-Isthmian traffic, may continue so far as these Atlantic coast lines are concerned. If the American-Hawaiian has any competition, it must come from one or two small independent Pacific coast lines, whose boats are shown by the Commissioner of Navigation to be too small for that trade, or its competition must come from the Pacific Mail Steamship Co., which will put a fleet of big steamers through the canal if not prevented by law.

The two coastwise lines under the management of Mr. Raymond operate about 45 boats. Some of these exceed the 4,000 tonnage, which Mr. Raymond concurs with Commissioner Chamberlain and others in saying is the practical minimum for canal traffic. He estimates that there are 200 vessels, all told, in the Atlantic coastwise trade south of Boston. According to Mr. Raymond there should be nothing in law to prevent any of his boats of sufficient tonnage from transiting the canal, as he is positive in his statements that his lines are not owned or controlled by railroad companies. On the whole, therefore, it would appear that the supply of available shipping facilities for the canal will far exceed the demand, and that if the great majority of existing American boat lines do not engage in that traffic it will be because they prefer to follow the rule of the sea, upon which discovery and occupancy gives the better right. I attach hereto the list of vessels of the American-Hawaiian fleet, 18 in number and ranging in gross tonnage from 4,408 to 8,671 tons, a sufficient tonnage for canal traffic (hearings, p. 884):

American-Hawaiian fleet.

Name of vessel.	Speed, in knots.	Gross tonnage.	Net tonnage.
Californian	12	5,707	3,716
American	12	5,591	3,643
Hawaiian	12	5,597	3,651
Oregonian	12	5,597	3,651
Nevadan	13	4,408	2,824
Alaskan	12	8,671	5,621
Nebraskan	13	4,408	2,824
Texan	13	8,615	5,636
Kansan	12	7,913	5,131
Arizonan	12	8,671	5,621
Virginian	13	7,914	5,077
Missourian	13	7,914	5,077
Mexican	13	8,579	5,578
Columbian	13	8,579	5,598
Isthmian	13	5,404	3,468
Kentuckian	13	6,606	4,016
Georgian	13	6,606	4,016
Honolulan	14	7,059	4,421
Total		123,839	79,548

Besides, the above company contracted, since August, for five more ships, *Pennsylvanian, Panamanian, Minnesotan, Montanan,* and *Dakotan,* two of which are to be 6,600 gross tons, 4,000 net tons, 11 knots (all approximate), and the remaining three doubtless of similar types to the above, all to be delivered in 1912 and 1913.

I also append the list of the Pacific Mail Steamship Co., which is owned by the Southern Pacific Railway Co., nine in number, ranging in gross tonnage from 2,076 to 3,532:

Pacific Mail Steamship Co.

Name of steamship.	Year built.	Gross tonnage.	Net tonnage.	Date of sailing.
Peru	1892	3,528	2,539	
Pennsylvania	1873	3,343	2,567	January 3.
Aztec	1894	3,508	2,298	January 15.
City of Para	1878	3,532	2,504	January 31.
San Jose	1882	2,080	1,538	January 3.
City of Sydney	1875	3,016	1,965	January 13.
Acapulco	1873	2,592	1,759	January 23.
Kansas City	1889	3,679	2,183	
San Juan	1882	2,076	1,496	

And also the list of the California-Atlantic Steamship Co., an independent line, seven in number, ranging from 1,838 to 3,753 gross tons:

California-Atlantic Steamship Co.

Name of vessel (chartered).	Year built.	Gross tonnage.	Net tonnage.	Date of sailing.
Navajo	1911	2,755	1,711	January 8.
Mackinaw	1890	2,578	2,005	January 20.
Pleiades	1900	3,753	2,982	January 28.
Stanley Dollar	1908	1,838	955	
Riverside	1908	1,838	955	
Leelanaw	1886	1,923	1,377	
George W. Fenwick	1907	2,009	1,198	

SUMMARY OF VESSELS AVAILABLE FOR THE PANAMA CANAL.

The testimony as to vessels available for the domestic Panama service is considerably scattered, and it may prove of some service to investigators to collect and present it in succinct form.

Easily at the head of the list will stand the American-Hawaiian Line with its 23 vessels of about 10,000 gross tonnage each.

The Luckenback Line consists of approximately 10 vessels of 4,000 to 6,000 tons. Some of these vessels have been plying via the Strait of Magellan. Like the American-Hawaiian Line, the Luckenback is capable of enlarging.

The Pacific Mail Steamship Co. has a fleet of approximately 10 steamers on the Pacific and is said to be awaiting the action of Congress as to whether it will permit railroad-controlled vessels to use the canal before undertaking the construction of some very large vessels for this trade. Notwithstanding the "if" now in the way of the use of the canal by the Pacific Mail Steamship Co., to wit, the proposed prohibition of the use of the canal by railroad-controlled boats, I venture the prediction that the Pacific Mail Steamship Co. will find a way to enter the Panama route. It will enter the Panama route or cease to exist, and it is not in the logic of things that the steamship line which has for more than 20 years past been supplying practically all of the Pacific coast traffic to the Panama Railroad should go out of business when the canal opens and turn this traffic over to others. This, I think, will hardly occur.

The same prediction may be hazarded of the California-Atlantic Steamship Co., with its present Panama-Pacific fleet of seven boats, which was organized to fight the Southern Pacific-Pacific Mail in the Panama trade, and which Mr. Wheeler testifies it is doing successfully.

It is claimed that the tonnage of the Pacific Mail and the California-Pacific Lines is somewhat light for the coast-to-coast service, which calls for vessels of about 4,000 gross tons, but there is little doubt the heavier of them would traverse the canal with the cargoes they are now delivering to the Panama Railroad at Balboa, and that they will build larger vessels.

The Mallory and Clyde Lines, it has also been pointed out, now have a number of vessels in the Atlantic coastwise trade of sufficient tonnage to enter the canal route if they elect to do so. And there are doubtless others.

THE AMERICAN-HAWAIIAN STEAMSHIP CO.

That the Panama Canal, while exacting a reasonable toll from domestic shipping, will be fully able to compete with the transcontinental railroads, to cause substantial reductions in transcontinental rail rates, and to wrest a part of their present traffic from the transcontinental roads, is clearly established by the testimony of Mr. George S. Dearborn, president of the American-Hawaiian Steamship Co.

In 12 years this company has built up a fleet of 18 steamers of about 10,000 gross tons each, and which now handles an annual traffic of 750,000 tons from the Hawaiian Islands and the Pacific coast, but principally from the Hawaiians, and the company is now constructing 5 more of these large steamers, so that, against the opening of the Panama Canal, the American-Hawaiian Steamship Co. will be ready to supply it with a fleet of 23 large steamers, with a carrying capacity of 1,500,000 tons annually, which is larger than the existing coast-to-coast water tonnage.

CAN PAY TOLLS AND COMPETE WITH RAILROADS.

Upon the question of the present and future capacity of his steamship company and to what source it will look for additional traffic, Mr. Dearborn said:

We are prepared to-day to almost double our tonnage through the canal with the ships we are building, and if we did not believe we could make such rates as would divert to us 750,000 tons more from the railroads we would not build the ships. With the ships we are building and the shorter time we could make through the canal, if our

plans are carried out, we will acquire double the quantity of freight we are getting to-day. We are getting all we can handle to-day. When it comes to the canal, if we are building these ships to take 750,000 tons more from the railroads, we have got to lower the rate.

I challenge the production from all the mass of testimony in either House of Congress touching the traffic and competitive possibilities of the Panama Canal that will equal in significance, that will compare in the number and importance of the facts embraced, with the statement I have just read.

GREAT ADVANTAGES OF THE CANAL.

Mr. Dearborn had just stated that his company would not require free tolls in order to do business through the canal. In answer to a question as to whether he could pay a dollar per net registered ton through the Panama Canal and do even better than he is now doing across the Tehuantepec route, Mr. Dearborn said:

Sure; there is no argument about that. The no-toll business is a matter of principle. We would not spend $1 in any propaganda for no tolls, because the shipper is going to pay for it. It is an operating expense.

With the paying of tolls, therefore, as a factor in his calculations, and implied in the paragraph which I have read, that single paragraph may be resolved into the following highly important facts:

First. The American-Hawaiian Steamship Co. can pay canal tolls at $1 per ton.

Second. It can double its present traffic of 750,000 tons.

Third. It proposes to take this tonnage from the transcontinental railroads.

Fourth. It will lower its rates to get this tonnage from the railroads.

Fifth. Even at its existing high rates the steamship company is getting all the business it can handle.

Sixth. The railroads must lower their rates, notwithstanding which some of their existing traffic will be divided with the canal.

This important testimony, which serves concretely to put the Panama Canal before us as a vital factor in domestic commerce, followed a question as to the cost to the American-Hawaiian Co. of its Tehuantepec railway connection, and I shall insert here the brief colloquy leading up to the statement that I have read in full and analyzed.

SHIPPER WILL PAY TOLLS—AN OPERATING EXPENSE.

Mr. MARTIN of Colorado. Would you mind telling us this—about what your Tehuantepec transshipment costs you per net registered ton?

Mr. DEARBORN. That would take some figuring.

Mr. MARTIN of Colorado. You are able to do business now, and you are building your business up, I think, fairly satisfactorily, at the rate you are acquiring ships, from Hawaii to New York, and from the Pacific to the Atlantic coast, notwithstanding the cost of the Tehuantepec transshipment?

Mr. DEARBORN. Yes.

Mr. MARTIN of Colorado. And it simply occurred to me that if you could do that, you could pay, say, a dollar per net registered ton through the Panama Canal and do even better than you are doing now.

Mr. DEARBORN. *Surely; there is no argument about that.*

Mr. MARTIN of Colorado. *You do not have to get free tolls through the Panama Canal?*

Mr. DEARBORN. *The no-toll business is a matter of principle. We would not spend one dollar in any propaganda for no tolls, because the shipper is going to pay for it. It is an operating expense.*

Mr. MARTIN of Colorado. Just like "Jones pay the freight," the shipper pays railroad taxes?

Mr. KNOWLAND. Your contention is that any toll would come out of the shipper?

Mr. DEARBORN. That is it.

Mr. MARTIN of Colorado. Would your Tehuantepec transshipment cost be considerably more than a dollar per net registered ton?

Mr. DEARBORN. Certainly.

I will tell you what answers that question. We are prepared to-day to almost double our tonnage through the canal with the ships we are building, and if we did not believe we could make such rates as would divert to us 750,000 tons more from the railroads we would not build the ships. With the ships we are building, and the shorter time we could make through the canal, if our plans are carried out we will acquire double the quantity of freight we are getting to-day. We are getting all we can handle to-day. When it comes to the canal, if we are building these ships to take 750,000 tons more from the railroads, we have got to lower the rate.

NOW PAYING ONE-THIRD TO MEXICAN RAILWAY.

The question, however, did not bring the information sought at that point, but later this most material and instructive information was fully developed by the gentleman from South Dakota [Mr. MARTIN], and I shall insert it in my remarks at this point:

Mr. MARTIN of South Dakota. Approximately, can you indicate to the committee about what is the cost to your company for the transportation of dead-weight tonnage over the Tehuantepec route, including the cost of loading and unloading, the cost of transportation, and such habitual damages that you must pay by reason of the transfer?

Mr. DEARBORN. I would not want to make an offhand statement.

Mr. MARTIN of South Dakota. Just an approximation.

Mr. DEARBORN. You would have to take averages.

Mr. MARTIN of South Dakota. I mean averages, considering the entire business as a mass proposition.

Mr. DEARBORN. We were making estimates the other day; on 750,000 tons of freight our net profit was a few cents a ton. On the total freight we have it is about 20 cents a ton.

Mr. MARTIN of South Dakota. On your whole business?

Mr. DEARBORN. On the whole business.

Mr. MARTIN of South Dakota. I am trying to ascertain how much of your expense is represented by the transfer at Tehuantepec. In other words, how much would you pay, in the course of your business, per ton, if you did not have the charges for the transfer at Tehuantepec?

Mr. DEARBORN. Now, you take sugar and other merchandise. Of course, sugar being dead-weight cargo and easier to handle, you get much lower rates. I should say, on an average, it must be something like $4 a ton. I should say——

Mr. MARTIN of South Dakota. I wanted it translated into cost.

Mr. DEARBORN. About $4 a ton.

Mr. MARTIN of South Dakota. That is your estimate on sugar cargo.

Mr. DEARBORN. That is on the whole. (Hearings, pp. 576–577.)

IMMENSE SAVING AND PROFIT TO SHIPPERS OF CANAL ROUTE.

Mr. MARTIN of South Dakota. I am pleased to say that it struck me all through the witness's testimony that we are arriving at some very impartial statements of facts. It has been claimed here by numerous witnesses, if not by their statements, at least by inference, that the question of applying a dollar net tonnage for the toll, which would be 40 or 50 cents dead-weight tonnage, might be the difference between attracting or driving away the American shipping industry as an element in coastwise trade, and, of course, your statement is quite different.

Mr. DEARBORN. Yes, sir.

Mr. CULLOP. What was the answer? Is the answer in the record?

Mr. DEARBORN. Yes, sir.

Mr. MARTIN of Colorado. I will ask you again, along the line of my colleague's questioning with reference to the $4 per ton approximated to be the cost of transshipment over the Tehuantepec route. I understood that to be $4 per dead-weight ton of 2,000 pounds?

Mr. DEARBORN. That is right.

Mr. MARTIN of Colorado. Now, the Panama charge will be a net-registered ton, we will assume, and this net-registered ton will hold about 2½ dead-weight tons, ordinarily, so that he would pay only 40 cents per dead-weight ton.

Mr. MARTIN of South Dakota. In the question I asked, the answer to which Judge Cullop has thought, perhaps, was not given in the record, I asked, whether, supposing that the toll through the canal, for an estimate, might be considered as $1 per net ton, which I suggested, would be something like 40 or 50 cents in dead-weight tonnage.

Mr. DEARBORN. That applies to dead-weight cargoes. Take a cargo of sugar, which would load a ship to a dead-weight capacity. I say then that proportion would be right. Take our west-bound cargo, where our ship has only little dead-weight cargo, the toll applied to a ton of dead weight carried in the ship would be settled.

West bound we have about 50 per cent of her dead-weight capacity.

Mr. MARTIN of South Dakota. And east bound you are practically carrying your capacity?

Mr. DEARBORN. Yes. So that there is less tax per ton on sugar than there is on the other freight?

Mr. MARTIN of South Dakota. And the solution of that part of the problem would be that east bound your net-weight tonnage would vary much less than your west bound; you might be carrying more measurement of tonnage, and be carrying less in actual tonnage?

Mr. DEARBORN. Yes.

Mr. MARTIN of South Dakota. The question that I was asking and about which there might be some doubt in the record was in substance this: It being understood that the committee might consider the subject of putting a toll to the amount of $1 per registered ton for transportation through the Panama Canal, which would, on a ship carrying its full cargo, mean 40 or 50 cents per ton, whether in your judgment that would be a controlling consideration as between the encouragement or discouragement of coastwise trade through the canal to determine whether it would be a profitable business or not?

Mr. DEARBORN. The lower the toll, the less the resistance of the movement of trade.

Mr. MARTIN of South Dakota. Naturally.

Mr. DEARBORN. Naturally it would result in a greater volume of business, to the extent that the business would be enlarged or contracted by the rate of toll.

Mr. MARTIN of South Dakota. Of course. That follows. If you are now carrying on your business by the Tehauntepec route, with a practical cost of transfer something like $4 per dead-weight ton——

Mr. DEARBORN. Yes.

Mr. MARTIN of South Dakota. And you can, by the opening of the canal, even if we put a dollar toll upon the net tonnage, you can carry the business through there at 50 cents to $1 cargo tonnage, according to how you happen to be loaded, it would seem to be self-evident that the putting of the toll on there would not be a controlling factor in determining whether you would go through the canal?

Mr. DEARBORN. No. That is why I wish to deal with that on business lines. *It would be ridiculous to treat the canal toll, as applied to domestic trade, on these lines. If you are going on the lines of what the traffic would bear, it would stand very much more.* (Hearings, pp. 577–578.)

RÉSUMÉ OF CANAL ADVANTAGES.

This testimony shows that the American-Hawaiian Co. is paying the Mexican Government for transferring its cargo by rail across the Isthmus of Tehuantepec at the rate of $4 per cargo ton of 2,000 pounds. The same ton, say for instance of sugar, at a toll rate of $1 per net registered ton, would go through the Panama Canal for just 40 cents. That is the difference in cost between the canal and the railway, but it is only one of the canal advantages. To unload the ships at one side of the Isthmus, put the cargo in railway cars, transfer these cars across the Isthmus, unload them and reload the cargo in another ship takes time. According to the testimony it takes one-third of the entire time, or about 10 days out of a 30-day trip, and the boats must lie idle and return without cargoes, and the cargoes in the railway transshipment are more or less wasted and damaged, so that it is no exaggeration to say that if the Panama toll rate were to be made $4 per

cargo ton instead of 40 cents, or were to be made $5 or even $6 per cargo ton, it would still be preferable in every way to the present Tehuantepec route. It is no wonder that shipowners may smile at the question as to whether the moderate toll rate proposed for the Panama Canal will injuriously affect its traffic.

Mr. Dearborn, however, while admitting that he does not need the tolls to enable him to do business or compete with the railroads, and while further concurring with Mr. Raymond, the manager of the Clyde and Mallory Steamship Lines, that the consumer would not be affected one way or another by the presence or absence of a reasonable toll, nevertheless furnished the committee prior to his examination with a printed statement in which he expressed the opinion that free tolls should be provided as an inducement to investment in the coastwise shipping business. In the same statement it is remarked that while the Pacific Coast States would derive the great benefit for which all of the country would be taxed, still the country would be benefited in obtaining Pacific coast products at lower prices. I refer to this printed statement principally as a basis of comment that these ex parte statements, when put to the test, always fail to produce any sustaining facts. Indeed, there is nothing in the exhaustive testimony of Mr. Dearborn to support a conclusion or even a probability that free tolls will result in the construction of a single ship for the canal route. Mr. Dearborn's company is constructing five ships in anticipation of the opening of the canal, and this without any reference whatever to the question of tolls. Mr. Dearborn is only human, and if the Federal Government proposes to make his company a present of the service which is now directly costing it $4 per cargo ton and indirectly perhaps half as much more, it is hardly to be expected that Mr. Dearborn will protest.

I do not wish, however, to have preserved in the record of this legislation a single remark which could be construed as even dealing lightly with any statement made by Mr. Dearborn, either in print or to the committee. I believe the entire committee, regardless of their attitude upon the question of tolls, experienced in listening to him a thrill of assurance that upon the completion and opening of the Panama Canal there would be a magnificent fleet of ships flying the American flag, waiting for its great lock gates to swing open and receive them. A spirit of optimism pervaded the committee on listening to this gentleman, who impressed everybody with a feeling of confidence and respect for his capability. Mr. Dearborn himself is the explanation of the great success of his company; his optimism, his quickness of mind, his grasp of the situation, his personality, all combined not only to explain the American-Hawaiian Steamship Line, but to assure the committee that when the great engineer who is constructing the canal had completed his work, a great shipper would be ready with a splendid line of boats to furnish it with traffic.

DISINTERESTED TESTIMONY ON THE TOLL QUESTION.

All the testimony thus far considered was adduced by interested persons, by those engaged in domestic shipping or the representatives of coast ports. I do not believe it is necessary to look beyond this testimony to justify the levying of a reasonable toll, such as is contemplated upon domestic shipping. Indeed, this testimony shows affirmatively, it affirmatively establishes from the lips of the shipowners themselves, that free tolls is not a vital factor in any problem concerning the Panama Canal. If the Government wishes to establish a free shipway for vessels in the domestic trade, it may do so, but it must do so with the knowledge and understanding that the sums involved—two or three or four or five million dollars per annum, as the case may be and as the traffic develops—will be net to the shipowners and to nobody else.

The Panama Canal will be too great a benefit to vessels which are now required either to round the Horn or transship by rail and too great a burden of expense to the Government to permit of any such purely sentimental policy as free tolls.

This proposition, already satisfactorily established, is more clearly shown when we consider the very valuable treatment of this problem by Dr. Johnson, the investigator assigned to this specific task by the President of the United States. Dr. Johnson is responsible to no one but the President and has no incentive but the development of the truth; and when such an authority treats the Panama Canal as a proposition of sense and not of sentiment, and as the result of his long, patient, and scientific study of the question, recommends the payment of tolls upon domestic equally with foreign commerce, the laity may well give pause and consideration to his views.

TRAFFIC AVAILABLE ON OPENING OF CANAL.

Dr. Johnson estimates that upon the opening of the Panama Canal there will be an available annual traffic of 10,500,000 tons; that approximately only one-tenth of this volume will consist of coast-to-coast traffic, or a little more than 1,000,000 tons, although there will be in movement at that time more than 4,000,000 tons of coast-to-coast traffic, from which it follows that the railroads will continue to handle approximately three-fourths of the coast-to-coast traffic, although it is estimated by Interstate Commerce Commissioners that more than 90 per cent of the coast-to-coast traffic will be competitive in character; that is to say, traffic which may move either by land or water. I shall insert at this point a partial but interesting and instructive analysis of Dr. Johnson's estimates as made by members of the committee during his testimony:

Mr. KNOWLAND. I would like to ask regarding that 10,500,000 tons, how much of that do you figure would be coast-to-coast commerce?

Dr. JOHNSON. The Panama traffic of 1910 is put down at 418,000 tons net register. The American-Hawaiian Steamship Co.'s traffic is credited with 363,000 tons, and there are 172,000 tons of traffic through the Strait of Magellan. The total would be 950,000 tons net register.

Mr. KNOWLAND. About 11 per cent?

Dr. JOHNSON. Yes, sir; a little over 11 per cent.

Mr. KNOWLAND. A very small proportion?

Dr. JOHNSON. Very small. One reason for thinking that these figures may prove conservative in future years is that very soon after the opening of the canal there should be a very large increase in the coast-to-coast movement of American traffic.

The CHAIRMAN. Have you figured what portion of it would be foreign commerce of American ports?

Dr. JOHNSON. Over half of this total here consists of foreign commerce that would not touch the shores of the United States.

The CHAIRMAN. I asked you what per cent of it represents the foreign commerce of the ports of the United States, ships that touch at the ports of the United States and foreign countries, is not that the large bulk of the commerce we may expect?

Dr. JOHNSON. I find that 33.8 per cent of the total trade available for the canal in 1909–10 consisted of the foreign commerce of the United States.

Mr. KNOWLAND. These figures for 1915—950,000 tons—are exclusively coast to coast from American port to American port?

Dr. JOHNSON. Yes, sir; 1909 and 1910.

Mr. KNOWLAND. Of the 950,000 tons, 418,000 is via Panama?

Dr. JOHNSON. That is Panama traffic. The American-Hawaiian Steamship Co. had 363,426 tons net register of Tehuantepec traffic, and there were 172,655 tons net via the Strait of Magellan, making in all some over 950,000 tons net, or 11 per cent.

Mr. STEVENS. You have made no estimate here of the traffic that may be taken away from the transcontinental railroads by the canal.

Dr. JOHNSON. I have not referred to that. The statistical tables do not make any conjectures as to what will be taken away from the railroads or as to what the growth of the coastwise business will be after the opening of the canal. We have preferred to keep on the basis of solid facts and simply refer to the limitations of the data presented.

Mr. STEVENS. What was the estimate of coast-to-coast business over the transcontinental lines and other lines, as shown by the testimony before the Interstate Commerce Commission in the Long-and-short-haul cases?

Dr. JOHNSON. About 3,000,000 tons.

Mr. STEVENS. What would that amount to in 1915 if the same ratio of increase were taken which you estimate—about 6 per cent a year?

OVER 90 PER CENT OF TRAFFIC COMPETITIVE.

Dr. JOHNSON. I assume those figures for 3,000,000 cargo tons by rail must have been for a period as early as 1908, and that would mean a period of seven years. I should say the increase would be over 40 per cent, which would thus be 4,200,000, or four and a half million tons, possibly. Of course, the committee will understand we are now talking about tons of 2,000 pounds, not vessel tons.

Mr. STEVENS. I am speaking of cargo tons shown by testimony that existed, say in 1908, and by the same estimate will exist for transportation in 1915, which should be an amount probably in excess of 4,000,000 tons. Now it is estimated by quite a number who have testified here, Mr. Dearborn and Mr. Skinner and others, that there will be a substantial reduction of rates on the coast-to-coast business due to water transportation. If that be true, have you any judgment as to what proportion of that could be taken by water rather than by rail? Now, this is just a matter of conjecture entirely, outside of your——

Dr. JOHNSON. The traffic men say there is comparatively little traffic that may not theoretically move by water, as well as by rail, west bound.

Mr. STEVENS. What did Commissioner Lane say?

Dr. JOHNSON. I think all but about 7½ per cent consisted of traffic which might not move by water.

Mr. STEVENS. So over 90 per cent of the traffic is competitive in character?

Dr. JOHNSON. Yes, sir.

Mr. STEVENS. So if it can be made competitive in rates and facilities, have you any estimate as to the amount which might be carried by water?

Dr. JOHNSON. I do not think any traffic expert will venture to make an estimate, because it is not the rate which controls the route taken so much as it is the character of the service performed. It often happens that a shipper may prefer a higher rate by a rail line which takes his goods from his shop or warehouse and delivers them to the factory, store, or warehouse of the consignee without cartage and without transfer; I think only experience can demonstrate the actual division of this competitive traffic between the water and rail routes.

Mr. HAMLIN. I understand that 950,000 tons, in round numbers, is the estimate for 1909 and 1910?

Dr. JOHNSON. Yes; and of course that is effected by the 26 per cent increase to 1914–15.

Mr. HAMLIN. For instance, in making your 10,500,000 tons estimate, how much of it is the coast-to-coast business?

Dr. JOHNSON. Of that ten and a half million tons, 1,160,000.

Mr. HAMLIN. Then, in other words, of the 10,500,000 tons estimated for 1915 but 1,160,000 tons is coast to coast?

Dr. JOHNSON. Less than one and a quarter millions.

Mr. HAMLIN. So that in the total revenue it is very small?

Dr. JOHNSON. Your statement is correct. But the traffic moving from coast to coast in 1914, at the time of the opening of the canal, may and probably will be larger than that. The American-Hawaiian Steamship Co. will have a fleet whose passage through the canal will add 500,000 tons to the net register tonnage of canal traffic.

BUSINESS METHODS IN FIXING PANAMA TOLLS, AND WHY.

While acknowledging the Panama Canal to be a great military and naval asset, we are reminded by Dr. Johnson that—

It will not be that without a large addition to our already heavy military expenses—

And that its protection—

will involve an annual outlay little, if any, less than the cost of operating the canal and paying interest on the investment.

And these two items, by the way, total the snug sum of not less than $16,000,000 annually, to meet which will require just the present traffic of the Suez Canal, which it has been 40 years in developing, at $1 per net ton.

So Dr. Johnson would treat the canal as a business proposition, quoting from the message of the President to Congress on December 21, 1911, as follows:

I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

Continuing, Dr. Johnson says:

Considered as a commercial highway, the canal may logically be managed so as to yield a revenue that will cover operating expenses, interest on the investment, and eventually the amortization of the principal of the canal debt—

And that—

The evidence, both as to the volume of probable traffic and as to the ability of the Panama Canal to compete with alternative routes, indicates that tolls can be imposed which will neither burden nor unwisely restrict commerce and which will yield revenues large enough to meet the running expenses of the canal and, to quote the President's words, "ultimately to meet the debt which we have assumed."

The tolls at Panama need not be heavy. They need not exceed 5 or 6 per cent of the average freight charge paid by shippers on traffic using the canal. I suppose it will be agreed by everyone that a Panama toll equivalent to 50 or 60 cents per ton of cargo in the ship, cargo upon which the freight rate will average $10 per ton, will not be a high charge.

The canal will cost the United States $375,000,000, much of which sum has been, or will be, secured by borrowing money. The interest and principal of this debt must be paid either from funds secured by general taxes or from the revenues derived from canal tolls. Being a nation of practical people, it is probable that we shall adhere to sound business principles in the operation of the canal and in levying tolls.

FREE TOLLS NOT NEEDED.

That the payment of the moderate charge suggested by Dr. Johnson will not impair the canal as a competitor of the transcontinental railroads and that relieving shipowners of its payment would inure but little to the consumer is made clear in the following discussion:

Mr. COVINGTON. This morning in your testimony you said that toll charges on the canal will have no effect on commerce moving from the Atlantic to the Pacific ports of the United States, or the reverse, except in so far as the toll will be such as to secure freight which would otherwise move from one coast to the other by rail. What effect will that condition have upon the necessity for preferential rates to be given to the coastwise trade of the United States?

Dr. JOHNSON. The advantage to the commerce of the United States by relieving the coastwise carriers of Panama Canal tolls would, in my judgment, be slight. First, I think the toll will be a comparatively light burden to be borne, and, second, I think the burden, such as it is, will be borne by the steamship companies, whose rates may be expected to be adjusted with reference to the railroad rates and thus will not be upon a ruinously low basis. From the point of view of American commerce there is little, if anything, to be gained by relieving the coastwise carriers of the payment of reasonable tolls. Do I answer your question?

Mr. COVINGTON. That answers it to an extent. I believe I understood you to say this morning, in answer to some one, that there would be practically no necessity for preferential rates in favor of American vessels to induce American commerce to use the Panama Canal route as a means of transportation of freight from the one coast to the other.

Dr. JOHNSON. I believe that to be true. I was not aware that I said it, but I think it is a fact.

Mr. COVINGTON. I may have gathered that impression from——

Dr. JOHNSON. In other words, the opening of the Panama Canal will largely increase the possible commerce between our two seaboards, and the law in the trade world is that the demand for facilities is met by the creation of a supply of facilities. I see no reason to doubt that, if there is an active demand for more shipping between our two seaboards, the demand will be met. If we maintain our present navigation laws, that demand will be met by American capital building ships in American yards. If we open our coast-to-coast business to foreign shipping, of course the demand will be met almost entirely by the use of ships built abroad, as far as new ships are needed to meet the demand.

ONLY EXTREMELY HIGH TOLLS WOULD AFFECT THE CANAL.

Perhaps no more effective statement, considered in the light of the surrounding circumstances, could be made upon the question of the effect of tolls upon domestic shipping than that made by Dr. Johnson at the outset of his discussion of the effect of tolls upon traffic. In his usual scientific and systematic way he had divided the world's water traffic, leaving out the domestic traffic, into six sections. In his exhaustive discussion Dr. Johnson at no time suggested as high a rate as the present Suez rate of $1.30 per net ton and usually no higher than $1. Bearing in mind, then, that Dr. Johnson had in view the Suez rate and his own repeated illustrative figure of $1 per ton, he said:

It is not necessary to consider the effect of tolls upon the traffic through the Panama Canal between the north Atlantic and the west coast of North America, because that is commerce over which the Panama Canal has an absolute monopoly, and tolls much higher than could be borne elsewhere would have no effect in diverting traffic from the canal. The only effect of extremely high tolls would be to keep traffic to the rails, instead of allowing it to go by water.

The CHAIRMAN. That is the only way tolls can materially affect the coastwise trade in so far as they may be affected by competition with the transcontinental railways?

Dr. JOHNSON. Yes; that is so.

This is only another way of stating the same fact had in mind by the Secretary of War, when he said that "In one respect the coastwise trade has less need of a canal subsidy than our foreign trade."

It is secured by a Government monopoly from water competition and could be affected only by such high tolls as would prevent it from competing with land transportation, and Dr. Johnson had no such rates in mind when speaking as above. And he not only had in mind, but had mentioned, rates the sum total of which upon the vessel cargo will be small indeed in comparison either with the present cost of rounding the Horn or of hauling to the Panama or Tehuantepec railways in one vessel, transferring to the rail, then to another vessel. The toll will be but a minor part of the saving to the ship's owner, as clearly shown by the testimony, and it would be pandering to sentiment, not adhering to sense, to make this moiety also a bonus to an unregulated shipping combine. I do not believe it will be done.

OBJECTS OF THE CANAL.

There are those who, seizing upon everything as a peg upon which to hang an argument for free tolls, point to the increased efficiency of the Navy as a justification for charging the canal up entirely to the national defense. It is an inadequate view of the canal, not sustained by history, to even connect it until very recent times with the military defense of the United States.

There are those who regard the canal as primarily an instrument of commerce between the Atlantic and Pacific coasts of the United States. But this view is no older than the discovery of gold in California, and Tracy Robinson, in his history of Panama, quotes another authority to the effect that at and prior to the time of the construction of the first transcontinental railway across the United States the Pacific coast of the United States was furnishing the Panama railroad one-sixteenth of its traffic. So this position is also inadequate.

My views upon the question of tolls are not determined primarily by either of these considerations. It has been the dream of navigation since the circumnavigation of the American Continent to pierce the Isthmus with a shipway. When this dream first troubled the mind of man neither coast of the United States was known even to exist. The dream was to pierce the narrow neck that stood as a barrier against ships which would sail to the unknown lands beyond the sunset and the seas. The dream was to make a gateway to the East.

Then, as civilization spread from the very spot where the canal is now building, up and down the shores of the two oceans, the Isthmus became increasingly a barrier to intercourse between the coasts, until to-day it is a universal obstruction; and the dream, now about to be realized, is the severing of two continents and the opening of a new highway on the seas, for the benefit not merely of the two coasts of one country or for a handful of shipowners, but of all the world.

There is a noble basis in sentiment for the contention of John Barrett that it should be treated as a natural waterway, free in every sense of the word to the vessels of the world. But it is going to be the most expensive waterway in the world to maintain as well as to construct; and since it can not be universally free, the next best and most unselfish thing to do is to equally distribute, among all the vessels of the world, the cost of maintaining it.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I have always understood that the Panama Canal was constructed for a purpose other than the one to which some of the gentlemen on this floor have attempted to dedicate it. I understood at the inception of the agitation for the Panama Canal that it was not a mere local affair, as these coastwise-trade gentlemen seem to have in mind, but that it was a great international affair; that it was to be constructed not for the purpose of carrying the products and commodities of

the United States from coast to coast alone, but that it was to give an outlet for the surplus of the products of the United States to other countries throughout the world, open their markets and make them accessible to our people, and thereby dispose of our surplus and accelerate our production; that after we had supplied the wants of our people at home and had a surplus to put upon the markets of the world, by the construction of the Panama Canal we could send them to other countries cheaper and in less time and compete with other countries successfully. This was the primary purpose for the construction of the Panama Canal. This great object made the construction of it possible. And yet the gentlemen to-day who are advocating here free ships through the canal for the coast-to-coast trade are diverting this great commercial artery of commerce to a mere local purpose from its original international object. It was never intended, when the treaty was made, that any discrimination should be made in favor of vessels passing through the Panama Canal carrying articles from one coast to the other. That is a mere afterthought which has been injected into this proposition by selfish interests and by gentlemen who believe in subsidizing the ships of this country. It is another form of subvention or ship subsidy, and the argument made here for it to-day is merely a subterfuge to divert the attention of the people of the country from the real object of the measure they propose. It is a ship subsidy in a new costume.

I desire to call the attention of the committee, to sustain the proposition that it was never intended to make any discrimination between the coastwise trade and other trade, to an amendment which was offered in the Senate at the time of the ratification of the treaty, and the construction that was put upon it then by the United States Senate and the construction that went out to the entire world it should have; and I want to know now, after that construction has remained upon that treaty for 11 years, has been so published to the world, has been acquiesced in by this Nation, whether we are acting in good faith if we now place a different construction upon it at the behest of selfish interests and to serve only certain localities of the United States. Shall it be diverted from its world-wide purpose and localized? Can a great Nation, the most powerful in the world, now change the construction from the one that was placed on this instrument 10 years ago, when the treaty was confirmed in the United States Senate? If it is done, what will be our position in the estimation of the great powers of the earth? On this very question I desire to call attention that at the time when the United States Senate was construing the treaty in question to mean the same as Secretary Hay had construed it when it was made—that no discrimination could be made—Senator Bard, of California, in the Senate contended that the discrimination ought to be made and offered an amendment for that purpose as follows:

ART. III. The United States reserves the right in the regulation and management of the canal to discriminate in respect to the charges on traffic in favor of vessels of its own citizens in the coastwise trade.

This amendment was voted down by a vote of 27 to 43. Thus it placed its construction upon it.

Mr. HARDY. Will the gentleman yield?

Mr. CULLOP. I have but a limited time, and I must decline to yield for that reason only. Certainly when this identical question was under discussion and if then it was the construction put upon this provision of the treaty, language which was entirely free from ambiguity, that construction should not be changed now, but should be observed. If that was not the proper construction, what must have been the position of the Senator who offered that kind of an amendment to the treaty? It would be a reflection on him to hold otherwise. When the vote was taken there were 27 in favor of incorporating that provision in the treaty and 43 against it. This ought to convince every man of the true construction given it by that body at the time it was made. The sentiment was almost two to one that no discrimination should be made, and that sentiment ought to prevail here and now. Yet, as I said before, when the Panama Canal is about to be completed, when the people of this country, not only on the coasts, but in the interior of the country, have poured $400,000,000 of their hard-earned money into the construction of this canal, selfish interest to-day comes in and wants to repudiate the treaty under which it was built and say to the world, we are changing this treaty and now construe it differently.

Mr. DOREMUS. Will my colleague yield?

Mr. CULLOP. I have not the time; if I had I would be very glad to do so, and I would like to debate it with any man who takes the other position. Now, the question is, Shall we be guilty of repudiating the position that was taken when the treaty was written by the authorized representative of the United States delegated to make it and by the United States Senate when it confirmed it? Shall we repudiate that provision after it has stood unquestioned for 11 years and every nation of the world has been notified that such was the construction that this country placed upon it? I ask gentlemen when they come to vote upon this question, Are they willing to repudiate the position that their country has taken from the time this treaty was made down to the present hour? If that provision was open to the construction that is sought to be put upon it here to-day by selfish interests, who want to gain an advantage in the use of this great artery of commerce, what would be the position of the United States before the great powers of the earth hereafter when other great international questions are to be settled and set forth to the world? Can this House, can the Senate, or could the Executive indorse a measure that would turn down the position of this country for 11 years upon that proposition? But some gentlemen have said that the Suez Canal is operated in this or that way. Let me say to those gentlemen that the operation of the Suez Canal is not a parallel to this proposition at all. It is a private corporation; it is not owned by any Government on the face of the earth. The Suez Canal has its principal office at Paris; it was built by purchase of stock as a private enterprise and has always been so operated. I will read the part of the hearings bearing on that matter, which will clear up that question and remove all doubt on that subject:

Up to December 31, 1910, the Suez Canal, with its accessories, improvements, and extensions, represented a total investment from the beginning of 656,178,271 francs, or $126,642,406.35, almost exactly one-third of the estimated cost of the Panama Canal on the day when it shall be opened to commerce. The Suez Canal is almost exactly twice the length of the Panama Canal, but the flat, sandy soil of Egypt presents none of the obstacles which engineering at Panama by deep cuts and massive locks has mastered. The stock of the corporation consists of 379,421 shares of a par value of 500 francs ($96.50).

Where was the ownership? It was asserted here yesterday that the English Government was in the control of the Suez Canal. That is a mistake. There is no Government on the face of the earth which manages or has the power to manage the operations of the Suez Canal or control it. The policy of its management has always been to avoid this or to permit any country to hold a controlling interest.

Mr. RAKER. Will the gentleman yield to just one question right there?

Mr. CULLOP. I have not the time. If I had, I would.

Now, let us see what interest the English Government has in it. Before I pass to that, however, I want to show why the stock of the Suez Canal is so valuable. Last year it paid a dividend on its $126,000,000 and more of investment of 31 per cent, a very alluring investment to capital. This is the reason why the English people paid more than par for the stock. I read again from the hearings concerning their ownership of stock:

In 1875 the Khedive of Egypt, owner of 176,602 shares, was embarrassed and sold his holdings for £4,000,000, or $110 a share, to the British Government, which is by far the largest shareholder.

That stock, bought by the minister representing the British Government, is not held as Government stock, but it is divided among the investors as private individuals and is so owned by them.

Mr. RAKER. Just one question right there.

Mr. CULLOP. I have said to the gentleman from California that on account of my limited time I can not yield.

Mr. RAKER. Very well.

Mr. CULLOP. I would be glad to yield if it were otherwise.

Mr. RAKER. I thank the gentleman from Indiana. I appreciate it.

Mr. CULLOP. Now, then, they have another provision concerning its management to the effect that whenever it will earn a dividend of more than 25 per cent a year they reduce the tolls. That is one of the provisions which the management has incorporated into the government of the corporation itself. And the tolls have been reduced from time to time on account of the enormous dividends that the company, or the canal, was earning.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Will you not let me have a little more time?

Mr. ADAMSON. I will let you have three minutes in order to compensate for the interruptions you have had.

Mr. CULLOP. I thank the gentleman. Now, then, what does the giving of free tolls to the ships in the coast-to-coast trade mean? The ships engaged in that business already have a monopoly of that trade under the navigation laws of the United States. It is simply a bonus, a subvention or gratuity, given to them, which the people of the country have to pay. My Democratic friends, our party from time immemorial, let me say, has pledged itself against any form of a ship-subsidy scheme.

The proposition of free tolls has been adroitly made here, in order to both confuse and prejudice the public mind, that to charge tolls on vessels engaged in coast-to-coast trade would be to the advantage of the transcontinental railroads, alleging such roads were favorable to such a policy. This is a most unreasonable proposition, and one artfully foisted into this debate. But it has no foundation in fact. Sir, the converse of the proposition is true, and there is sound reason in support of this contention. The great trunk lines control to-day water navigation both on the rivers and oceans. The great common carriers of both are one great community of interest organized and operated to stifle competition in transportation both on land and sea, and their efforts in this respect have been wonderfully successful as everybody knows and which all regret to admit. But it is true, ah, too true, for the good of a great majority of the people, who are compelled to pay their unjust and unreasonable charges. These roads now own the controlling interest in the ocean liners plying in our coast-to-coast trade; they control the dockage; they are masters of the situation; give free tolls, or, better stated perhaps, exempt them from tolls in the use of the Panama Canal, and what a magnificent sum is contributed to their earnings; what a princely gratuity is donated them, all at the expense of the American taxpayers, without giving any assistance to the ultimate consumers. It is an additional profit unearned, which by legislation they secure.

But suppose the great railroad lines do not own or operate, either by direction or indirection, the vessels engaged in this trade, and by adopting the free-toll proposition the cost of transportation is reduced that amount. The railroads will then reduce their charges for freight from coast to coast the same amount in order to get traffic, but they will then increase their charges on freight carried in the interior of the country an equal amount to make up for their loss in coast-to-coast business, and while it would help the people on both coasts it would be done at the expense of the people living in the interior of the country and the railroads would lose nothing. Would this be just and fair to the people of the entire country? Is not the proposition indefensible? Why should the people of the interior of the country be so unjustly imposed upon for the benefit of the people living on the coasts? This would be the result; and against the adoption of a policy which would produce such unjust conditions I protest. The railroads doubtless are more than anxious for the adoption of the free-toll proposition, because through it splendid opportunities are afforded them to reap golden rewards.

I want to say a word or two before closing about section 11. I held a different view about the use of the canal until it was developed at the hearings that certain financial interests were attempting to manipulate the control of the use of the canal. Mr. Schwerin, of California, the manager of the Pacific Mail Co., came before the committee insisting that in order to build four additional ships to the fleet of their company for operation through the Panama Canal it would have to borrow $12,000,000. The majority of the stock of his company is owned by the Southern Pacific Railroad Co. He testified that for more than 60 days they had tramped the streets of New York trying to get this loan by the floating of their bonds upon their entire property—good security, as everyone knows. He said he was notified that if the word "railroad" occurred in this bill not a dollar could ever be raised to build ships for the Panama Canal. This was the ultimatum issued by powerful interests, which covet the control of this great project.

Gentlemen of the committee, that is the proposition which confronts us and is the great influence against which we have to contend. Its power no one denies and none will attempt to minimize. The question, then, is, Shall we sit here in the capacity of legislators and let any man or set of men, I care not where they come from, dictate the policy of legislation on this great subject in their own interest or prevent its success if we do not frame a bill or enact a law as they demand? Upon what meat does such a Cæsar feed? Why has he grown so fat? By what right has he or his company to say to 93,000,000 people composing the American Republic, "If you do not legislate as we direct, we will see that the business project which you are about to launch shall be a failure"? The financial interests defy us by such a threat, and for one I believe it time to notify them such a stand on their part is unwise and dangerous. It was then, and not until then, that I was thoroughly convinced that there was a money trust in this country, and that the legislation in this bill could not be too drastic to meet the requirements of the hour upon that subject. [Applause.]

The right to use it should be limited and restricted, that its great purpose may be realized to our people and that they may enjoy the benefits which were promised them in return for the great expenditure they have made in its construction. I can conceive of no greater wrong that could be done the people now than by failing by proper legislation to protect their interests and prevent them from being forfeited. This section is directed at the preservation of competition in the use of the canal in order that great transportation interests may not gain control and stifle it. Its adoption is essential, in my judgment, to insure this great object and to restrain the greed and avarice of these great interests from dominating its use. Its adoption will assure the people, the world, that this great project is to be operated for the benefit of the country, the purpose to which it was dedicated; to promote industry and maintain the prosperity of our people; and that persons with selfish designs shall not thwart the great purpose for which it was constructed, to promote the general welfare of all. In view of the attempts by special interests to dictate the legislation on this subject this provision is made necessary, and I hope it will be adopted, in order that the people may be assured that this, the greatest of all projects ever undertaken by man or nation, is to be maintained for the common benefit of a liberal and progressive people. [Applause.]

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. ADAMSON. Mr. Chairman, I intended to ask that privilege for all who speak to-day. I will ask it now, Mr. Chairman, that all who addressed the committee to-day be allowed that privilege.

The CHAIRMAN. It is not in order in the committee.

Mr. ADAMSON. I intended to do that in the House when we got back into the House. I will do it when we go into the House. I understand, Mr. Chairman, that gentlemen on the other side want to use some time. I do not see the gentleman from Louisiana [Mr. BROUSSARD] or the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, I would like to use an hour now.

Mr. STEVENS of Minnesota. I will yield an hour to the gentleman from California at any time.

Mr. KNOWLAND. I will yield that hour to the gentleman from Iowa [Mr. TOWNER]. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for one hour.

Mr. TOWNER. Mr. Chairman, I am pleased to agree with the committee as to most of the provisions of this bill. I agree with the committee that the future government of the Canal Zone should be in effect a continuation, a development, and an adaptation of the present system; that the zone should be occupied, as far as possible, only for military, naval, and canal purposes; that the Government shall supply coal, provisions, repairs, dry-dock facilities, and so forth, and do so on business principles, to earn a profit by attracting traffic; that power should be given to acquire additional necessary territory; that the existing judicial system should be confirmed and extended. I approve the provisions for the protection of the canal, and I especially approve the action of the committee in investing a large discretionary power in the President.

I especially approve of the principle sought to be established by the eleventh section, that railroad companies shall not be allowed to destroy competition in our coastwise trade or to neutralize the benefits that will come to the people because of reduced rates on transcontinental and interior transportation through the unrestricted use of the canal. Such legislation is in line with the message sent to Congress December 6, 1910, by President Taft, who then said:

> I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railways from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.

I congratulate the committee on the wisdom and far-sighted statesmanship shown in most of the provisions of the bill submitted. It is because I so greatly appreciate and admire the act as a whole that I regret that I can not assent to all its terms. I am compelled to differ from the committee as to some of the provisions of the bill, but such changes being adopted as I believe the House must after consideration deem wise, I hope the bill will pass and become a law. I am confident that if it does it will be considered as not only one of the most important measures adopted by the present Congress, but one of the great acts of constructive statesmanship of the century, worthy as a piece of statecraft to rank with the completion of the canal as a physical and engineering accomplishment, to the lasting credit and honor of American enterprise and statesmanship. [Applause.]

TOLL CHARGES.

The fifth section of the bill relates to toll charges for vessels using the canal, and from some of the provisions of that section I am compelled to dissent.

The section provides that—

No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

The effect of this provision is to give free passage only to the Government-owned vessels of the United States and Panama. It subjects all American-built and American-owned vessels, whether engaged in foreign or domestic trade, to the same rates and charges as foreign ships. It gives no encouragement to American shipping, and it subjects the American coastwise trade to burdens and conditions never before imposed upon it through all the years of our Nation's history. It appears that the committee must have adopted this most unwise and unpatriotic view under the belief that we are forbidden by our treaty stipulations to give any preference either to American vessels engaged in the foreign trade or to American vessels engaged in our domestic commerce.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. TOWNER. Certainly.

Mr. RAKER. Having discussed the question of tolls and exceptions, now, as a matter of fact, as to this pretended exception of American war vessels and vessels belonging to the Panama Railroad Co., that is not an exception in fact, because the Panama Railroad Co. stock belongs to the United States except as to one share. Is not that a fact?

Mr. TOWNER. I believe that is true.

Mr. RAKER. And the exception really amounts to nothing?

Mr. TOWNER. From the gentleman's standpoint, yes; but it is important, because of other considerations.

Mr. RAKER. I just wanted to call the attention of the gentleman to the matter at that point.

Mr. TOWNER. It is true the committee disclaims an intention to thus interpret the treaty adversely to American interests. But the fact remains that if this provision of the committee bill is adopted we will thus interpret it by this first expression of governmental authority, and there is no doubt but all the nations of the world, whose interests in such matters would be adverse to our own, will be quick to take advantage of such fact. No disclaimer by members of the committee of such intention, and no declaration they make that their action is not to be considered a precedent or the declaration of a policy will or could prevail as against a deliberate surrender of a privilege, which in spite of the committee's statements, I assert exists in favor of American shipping and American commerce, if we but exercise our rights under our treaties as interpreted by well-established principles of international law. [Applause.]

TREATY OBLIGATIONS.

If an interpretation of the Hay-Pauncefote treaty is not intended by the bill, its language is most unfortunate. The language of the treaty is:

There shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

The language of the bill is:

No preference shall be given nor discrimination shown, directly or indirectly, to the vesels of any nation, its citizens or subjects.

It will be readily seen that the terms of the bill are but a recasting of the language of the treaty, using many of the same words and phrases, and intended on its face to carry exactly the same meaning. If it is adopted in its present form we shall be guilty of the incredible folly of giving away a right that was not claimed, and of forcing the relinquishment of a privilege that was not demanded. We shall, by the adoption of such act, place an interpretation upon the treaty which no other nation has presumed to insist upon, and which so interpreted would bind us to our own disadvantage.

It has been said this afternoon by gentlemen on the floor of this House that this matter is of no considerable importance, that only about 1,600,000 tons of our coastwise trade would be affected by it. But gentlemen should remember that if we by this act thus interpret this treaty, we shall bind ourselves throughout all future years by that interpretation, and no matter what may be the conditions that exist, we shall be without power to grant to our coastwise trade any discrimination in its favor if we now accept this interpretation of the treaty. Therefore it is of supreme importance to the United States that we should not thus interpret it.

And if it is not of considerable importance to these gentlemen, why do they argue so strenuously against it? If it will not make very much difference anyway, why is this effort made to impose upon our coastwise trade in this particular instance a burden that was never placed there before? And if we shall by this interpretation of the treaty by our own official act stop our hands from further action regarding this matter, we will be doing not only a foolish thing, but one that we have no right to do with regard to the future interests of our country.

Mr. POWERS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kentucky?

Mr. TOWNER. Certainly.

Mr. POWERS. Under our present laws, covering our coastwise traffic, is it not true that the carrying of freight from one American port to another must be done by Americans and not by foreign vessels? That is true, is it not?

Mr. TOWNER. That is true.

Mr. POWERS. Now, if that is true, the carrying of our stuff by coastwise trade from one American port to another, since it is not in competition with foreign countries, can not be considered as a discrimination?

Mr. TOWNER. Yes; that is true, and I will discuss that feature shortly.

In the committee report it is stated that—

Many members of the committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign.

This must certainly be true, for it would appear that nothing less than such belief could have induced the committee to have thus sacrificed American to foreign interests. But, fortunately, it is an unfounded belief, and there is nothing in our treaty obligations that will prevent allowing preferential or free tolls to ships of American registry, either coastwise or foreign.

AN AMERICAN CANAL.

No elaborate argument is required to prove this. We are, of course, permitted to use the canal, which is our property, purchased and built with our money and located on our territory, as we think best in the interest of our people, except as we may be restrained by our treaty obligations.

Article 2 of the Hay-Pauncefote treaty with Great Britain provides that the United States shall construct the canal, and that it shall—

have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

It will be noticed by gentlemen that the language quoted is the particular portion of the treaty that relates to the privileges and obligations of the United States. It also declares what powers she may exercise with regard to it, and the power is given to her exclusively to control and regulate and govern the canal.

Now I come to article 3, which provides:

The United States adopts, as to the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I would like just here to call attention to this distinction, which seems in the minds of some gentlemen not very plain or clear. We were not only negotiating a treaty with Great Britain, but we were entering upon an obligation through her with all the other nations of the world that might come under the terms of this treaty, and any nation that desires to use this canal must come under the terms of this treaty in order to do so; and so in effect this treaty that we thus made was a treaty between the United States, building the canal, and the other nations of the world who were to use it.

Now, having stated the things that the United States might do with regard to the canal, it states the things that the United States promises to do, and how the United States will treat other nations.

The United States can not give a privilege to England that it would not grant to Germany. It can not treat the South American countries in a more favorable way than it does the European countries, although many of us would like to do so. It must treat them all upon terms of equality.

I appeal to gentlemen recognizing the situation as it was, is it not a strained construction to put upon this treaty to say that after having said the United States will build it, pay for it, put it in operation, place it upon her own purchased terri-

tory, fortify it, govern it, control it, regulate it through all the years to come, that it should have all these powers, and then, when it says with regard to the other nations of the world that they shall not be discriminated against, that they shall be treated upon terms of equality, that such language means that the United States shall not use it for her own people and her own purposes as she may choose? [Applause.]

Such conditions and charges of traffic shall be just and equitable. The United States can not demand unreasonable tolls from England or from Germany or from any other nation. The tolls that she fixes must be reasonable and they must be equitable. Under this provision what does the United States undertake to do? It must keep the canal open to all nations. It can not allow the vessels of commerce or of war of one nation to use it and refuse its use to another. It can not give special privileges to France and refuse them to Russia. It is apparent the language of the provision has reference to the manner in which we shall treat foreign nations and does not apply to our domestic concerns. It refers to ships of other nations and not to our own.

Secretary Hay, in his memorandum to the Senate following the negotiation of the treaty and contrasting its terms with those of former treaties, said:

> The whole theory of the treaty is that the canal is to be an American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and to be managed, controlled, and defended by it.

We never had any such treaty as that before. The previous treaty was not such a treaty. We never entered before into an agreement by which we agreed to build the canal and pay for it, by which we agreed that we should be responsible for it, and maintain and govern and keep it free to the nations of the world forever; and therefore the restrictions of former treaties can not bind us now.

RIGHT TO REFUND.

It should be noted that while the matter of the fixing of toll rates has been a subject of international consideration for months, although it has been discussed in foreign journals on the assumption that America would give her own shipping preferential or free tolls, no nation has filed a protest against such action on our part.

It should be further noted that the treaty refers to the provisions of the convention of Constantinople regarding the use of the Suez Canal as a basis for the present treaty. Under the Suez Canal provisions nearly all European nations refund the tolls paid either directly or indirectly. Russia, Austria-Hungary, and Sweden directly refund such tolls, and Germany, France, Holland, Japan, Italy, and Spain do so indirectly, through their subsidies to their national mail lines using the canal. Spain has already taken steps to provide for the payment out of her national treasury of whatever tolls her ships shall be required to pay for the use of the Panama Canal.

Spain is now building vessels to engage in this trade. She thinks that with her associations with the Spanish-American countries in South America she ought to control a large part of this trade, and as an encouragement to her shipping, in order that her trade may be developed, already she has passed a law giving to her ships that may engage in such trade and use the Panama Canal a refund of whatever tolls may be required to be paid by them for such use.

Mr. LAFFERTY. Then, to all intents and purposes, this will be a free canal to Spanish ships?

Mr. TOWNER. Certainly, and probably to every other nation in the world, because that is the policy of nearly all of them.

Mr. BOWMAN. I should like to get clearly in my mind the gentleman's idea with relation to the situation regarding the canal. Is it not this: Just as a railroad might have the right when building its line to carry material in connection with the construction or might transport its own employees and officers without charging them anything, and yet be obliged to give rates which would not discriminate against anyone outside.

Mr. TOWNER. The gentleman's illustration is exceedingly happy. It would be a singular condition that would exist if the United States should persist in this attempted policy—the other nations of the world paying the tolls of their ships using the canal and the United States, which built and owns it, demanding tolls from its own vessels.

It would probably be better in form, and save any possible protest, that tolls from American vessels engaged in foreign commerce should be collected in the first instance; but these may be and should be refunded. To so refund the tolls paid would be purely a question of domestic policy and would not be in contravention to our treaty obligations.

Mr. POWERS. In the gentleman's judgment could American ships engaged in foreign commerce go through the canal without paying the same toll as the others without violating the treaty?

Mr. TOWNER. I am not sure about that, and there is a contention regarding it. It seems to me that if the United States has the power to refund the tolls it would have a right to remit them absolutely; but other gentlemen think otherwise, and as it is a matter of comparatively no consequence, I think perhaps it would be better that we do it in the usual form, as is done in case of the Suez Canal, in order to save any protest that might be made. I am very confident that the United States has the power to relieve all American ships from tolls, enther directly or indirectly.

President Taft said in his message of December 21, 1911:

> I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It is our money that built it. We have the right to charge tolls for it. These tolls must be the same to everyone; but when we are dealing with our own ships the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls or an equivalent remission of tolls can not be held a discrimination in the use of the canal.

In his report for 1911 the Secretary of War said:

> An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its own vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal.

Mr. SABATH. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. SABATH. The gentleman agrees with the President that we could not do it directly, but it might be done indirectly.

Mr. TOWNER. I agree with the President as far as foreign commerce is concerned, and I am not sure but that was probably in the mind of the President when he had reference to it.

Mr. SABATH. That it should not be done directly.

Mr. TOWNER. In regard to foreign commerce.

Mr. SABATH. If it should not be done directly, does the gentleman think it would be fair on the part of the Government to do it indirectly?

Mr. TOWNER. I know it would be fair to do it under the terms of the treaty stipulation. I know there could be no question about that, because the treaty stipulates that it shall be done under the terms of the Suez Canal, and under the terms of the Suez Canal almost every nation using it refunds the toll.

Mr. SABATH. Is there any evidence that the canal management of the Suez Canal refunds any tolls to the English ships?

Mr. TOWNER. Oh, no, sir; I think not; the English Government owns a majority of the stock, and the English Government pays subsidies to its ships in one form or another.

EXEMPTING OUR COASTWISE TRADE.

The right of the United States to exempt from tolls American ships engaged in domestic commerce is stronger than with regard to American ships engaged in foreign trade.

Mr. CONNELL. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. CONNELL. According to the gentleman's argument, as I understand it, with Spain and other nations paying the tolls for their vessels, if America should impose tolls on American ships, we would be the only ones that paid tolls through the canal.

Mr. TOWNER. That is exactly what our condition would be. Besides that, we would be interpreting the treaty with Great Britain to our disadvantage in that regard, and she would probably insist that having once so interpreted it that we could not afterwards change our interpretation of it.

Mr. SABATH. There is nothing in this bill to preclude our Government from subsidizing our ships if we so desired, is there?

Mr. TOWNER. I think not, but the argument that is urged here is that we can not, in view of our stipulations, either directly or indirectly, refund these tolls. But I desire now to speak of our domestic and coastwise commerce.

Indeed, there is little doubt but we have a right to exempt them in the first place from the payment of tolls. The coastwise trade of a nation is subject exclusively to local control. It is not a subject about which any foreign nation has a right to interfere. Indeed, our law prohibits any foreign vessel engaging in such trade. Revised Statutes, 4347; Navigation Laws, section 270, provides:

> No merchandise shall be transported by water, under penalty of forfeiture thereof, from any port of the United States to another port of the United States * * * in any other vessel than a vessel of the United States.

It is manifest that there could be no discrimination against vessels that were already by law excluded from entering such commerce on any terms. It is apparent also that the treaty could have no possible effect on such commerce, and was not so expected or intended.

President Taft has well said: "We built the canal as part of our coast line."

Our laws now provides (R. S., 4220; Navigation Laws, sec. 158) that—

> No vessel belonging to any citizen of the United States trading from one port within the United States shall be subject to tonnage, tax, or duty, if such vessel be licensed, registered, or enrolled.

That has been the settled policy of the country for years, and the proposition contained in this bill to reverse this policy and to charge American ships engaged in interstate trade tolls for the use of an American canal built by the American people on American soil is un-American and abhorrent. Fortunately, the question as a question of law has been settled by the Supreme Court of the United States.

In Olsen *v.* Smith (195 U. S., 332) our Supreme Court passed upon this treaty provision—

> That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

I submit to the committee that this language is much stronger than the provisions of the Hay-Pauncefote treaty that we have now under consideration.

The State of Texas passed a law providing lower pilotage charges on American vessels engaged in domestic commerce than on vessels engaged in foreign commerce. A British vessel protested on the ground that this discrimination was in violation of the treaty rights, and particularly in violation of the provision cited. The Supreme Court in deciding the point said:

> Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States, nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that, because by the law of the United States steam vessels engaged in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

I was somewhat amused by the ingenious argument of the gentleman from Minnesota [Mr. STEVENS] this afternoon. He said it is true the Supreme Court in that case had decided against the treaty regulating our coastwise commerce, but did so upon the grounds that such action was only a determination of different classifications. An examination of the case will show that the question of classification had nothing to do with the pivotal point determined, which was that it was not a matter of concern to Great Britain what charges were made or conditions imposed in regard to our coastwise trade. We could do as we pleased with it, since they were prevented from entering upon it; and the decision in that case is an absolute determination by our own Supreme Court that no matter what may be the provisions of a treaty with relation to our foreign trade it could not be applied to our coastwise and domestic trade, because the regulation of such trade could not be within the contemplation of the parties, since one of them could not under any circumstances enter it.

In that case it was accordingly held that the State law exempting coastwise vessels from pilotage charges was not in violation of the treaty. For the reason that foreign vessels can not on any terms enter our coastwise trade, the question as to tolls as to our vessels using the canal is purely a local one. The question of discrimination or inequality of treatment can not arise. The terms of a treaty can not be held to apply to a subject about which one of the parties has no interest whatever and could not be injured, whatever action is taken.

The localization of the coastwise trade and the exclusion of it from foreign influence or interest is shown in the now well-established principle of international law that if a nation opens its coastwise trade to foreign ships, such foreign ships entering into such coastwise trade will be regarded as ships belonging to the nation under whose coast trade it operates and may be captured by the enemy of that country in time of war as if it were a hostile ship.

SUMMARY OF LEGAL STATUS.

Viewed with regard to its legal aspects, the question of our right to charge tolls may be summed up as follows:

Foreign ships engaged in foreign commerce must be treated alike; there must be no discrimination in favor of any nation. The same rule applies to foreign ships engaged in commerce between American and foreign ports. American ships engaged in foreign commerce or in commerce between American and foreign ports, may be charged the same rates as foreign ships in the first instance, but the amounts thus paid may be refunded in part or in whole by the Government.

American ships engaged in our coastwise or domestic trade between American ports may be exempted in whole or in part from payment of tolls.

The whole question as to the legal objections to free tolls may be summed up in two propositions: First. The question is hardly a debatable one, since everyone admits that we may refund the tolls if we impose them. There is no serious difference between an exemption in the first instance and a collection first and a refunding afterwards. The final result is the same. Second. If the question is debatable, we ought not to give away a right before it is claimed. We ought not to yield a principle that is not demanded. It will be time enough to yield when we are required to do so, either through diplomatic negotiations or upon the determination of an arbitral court.

Every patriotic American must rejoice that we are thus free to consider the question of tolls for American ships on its merits and as a clear question of national policy. Everyone should be glad that we are not restrained by our treaty stipulations, either technically or in spirit, to give to American shipping the favorable consideration which it deserves. Everyone should welcome the opportunity to develop our policy in harmony with our past history and take such action as must be for the best interests of the American people. [Applause.]

THE REVENUE ARGUMENT.

I will now ask your consideration of the merits of the question as a matter of policy. In doing so we can not follow a better course than to consider the objections as urged in the committee's report. In that report the chairman has anticipated every argument presented yesterday and to-day on the floor of the House. All that has been said here is but an amplification of the arguments which he has so earnestly and so ably presented.

First, it is urged we shall need the money which we will derive from the tolls. Building the canal is a tremendously costly undertaking; its continued maintenance will be a constant drain on our resources, and we will need every dollar we can get to reimburse the Government. It is sufficient answer to this argument to call attention to the fact that we did not build the canal as a commercial enterprise, as a profitable investment. We did not expect to make it pay as a business proposition. The distinguished chairman of the committee has said that we never would have undertaken to build the canal if the *Oregon* had not been compelled to make her memorable voyage around the southern cape. I do not agree that we would never have undertaken it, for if we had not done so European nations would, and this we could not have permitted. But I do agree that the demonstration thus made, that our Atlantic and Pacific seaboards were 10,000 miles apart, gave the needed impulse to our act and hastened its undertaking. But we thought then principally of the fact that by digging the canal we should double the efficiency of our Navy and strengthen our military power; commercial considerations were only secondary and incidental.

The financial outlook is not by any means discouraging. It is estimated by the experts that approximately 10,500,000 tons of commerce annually will pass through the canal following its opening. At the proposed dollar rate this will yield an annual revenue of $10,500,000. Deduct the 1,600,000 tons of coastwise commerce, which we desire to exempt, and there is $8,900,000 remaining. The estimated cost of maintenance is $4,000,000. Thus the revenue will more than twice pay the expense of running the canal. It is true that no account is here made of interest on the bonds nor of the expense of maintaining our naval and military establishment there.

There will be nearly $5,000,000 surplus to apply to these at the beginning, the revenues will rapidly increase, and the expenditures will remain approximately stationary.

SPECIAL INTERESTS.

It is urged that as the shipping interests are in a "combine," to thus aid them is to legislate in favor of "special interests."

It is sufficient answer to say that if trusts exist in American shipping it is our duty to dissolve the trusts and free the shipping. What we want is free competition in the American coastwise trade, and we can not do more to secure this than to make and keep our commerce free to American ships. It may be suggested that every dollar of tolls imposed at Panama is a contribution to the transcontinental railways. Are gentlemen urging such action in the interests of these trusts and combines? In fact, the danger that American shipping will be controlled by trusts comes principally from the railroads who desire, by controlling the coastwise trade, to thus prevent water compe-

tition in order that they may thus maintain rates. It is for this reason that the section in the bill was inserted which will enable the Interstate Commerce Commission to prevent such control.

To allow the railroads to operate ships would destroy competition in rates by driving out all independent ships. The independent competitor would be dependent entirely on the revenues received from his vessels. The railroad vessels would be operated only as a part of their systems. They could put the price down even below the cost of carriage until they had driven their independent competitors from the field and then make rates high enough to protect the transcontinental lines in their desired schedules of rates. The railroad-owned vessels would thus become commerce destroyers.

It should be remembered that railroads do not embark in ocean commerce for its own sake, but only for such purpose as will enable them to limit or destroy competition, to increase rates and consequent dividends.

I am glad the bill affords a remedy for this. Under its terms we will prevent either railroad or trust control of our coastwise trade and thus secure not only reasonable rates on water transportation but also the benefits that will come from reductions on railway transportation compelled by water competition.

BENEFITS.

It is argued that it will be of no benefit either to the ships or to the people to remit the tolls.

It is contended that a toll of $1 per net ton will not be large enough to appreciably affect the traffic. But it is shown that vessels, in order to profitably use the canal, will be of from 4,000 to 10,000 net registered tonnage. A charge of $4,000 to $10,000 on a single voyage is not an inconsiderable item. It is almost self-evident that to thus reduce the expense of a contemplated expedition will directly and to that extent encourage it and thus stimulate the enterprise. This will be of direct benefit both to the shipowner and to the shipper.

The observation is hardly necessary that every increased item in the cost of transportation while paid in the first instance by the shipper is added to the cost of the product and is paid eventually by the ultimate consumer. Thus the burden of the toll charged is borne by the people and not by the shipowners. It is a tax on them and not on the ships.

Experts agree that as a general proposition heavy freight can be transported by water at one-third the cost of railway carriage. If that be true, the inauguration of water as a competitor of railway transportation must necessarily bring reductions in railway transportation rates.

It is admitted by transportation experts that the establishment of water transportation will bring about a readjustment, a classification of traffic by which the heavier and cheaper commodities will go to the water carriers. For instance, lumber, a great necessity of the interior, is now transported by rail from the Columbia and Puget Sound regions to Iowa and Illinois. The principal cost to the consumer is the cost of transportation. If lumber can be shipped through the canal to New Orleans and thence barged to Iowa and Illinois points on the Mississippi, the transportation cost can be reduced more than two-thirds.

An experimental shipment of barley from San Francisco was recently made. It was carried by ship to Panama, thence by rail across the Isthmus to Colon, thence by ship to New Orleans, and thence by barge up the Mississippi to St. Louis. The cost of carriage was $4,200 less by this method than was charged by the railways. It is manifest that if the shipment could be made without breaking bulk from San Francisco through the canal to New Orleans, and thence by barge to its destination, the transportation cost could be still further reduced.

No other example is necessary as to the effect of water competition on railway rates than the reduction of rates on the railways east of Chicago by the competition of water transportation on the Great Lakes and the Erie Canal. They have been forced down by such competition to reasonable figures.

No reduction of transcontinental rates can be made that will not be reflected by the rates to and from interior points, and the great Mississippi Valley will not only profit directly by her opportunity for river rates, connecting at New Orleans with ocean shipping, but also by the reflected reductions compelled by transcontinental competition.

IS IT A SUBSIDY?

It is asserted over and over again that to exempt our coastwise shipping is to subsidize it. The contention that free tolls is a subsidy is strenuously urged. Indeed it may be said that the strength of the opposition to free tolls lies in that cry. Subsidy is an unpopular word, and to label anything a subsidy is to discredit it.

But free tolls is not in any sense a subsidy. If to make free a Government improvement for the use of American citizens is a subsidy, then all public improvements are subsidies. Hundreds of millions have been spent on all kinds of public improvements all over the land. Harbors have been improved, rivers dredged and canalized, canals have been constructed—all have been made free to American citizens because paid for by their money, and yet these have not been regarded as subsidies. It is impossible to equalize the benefits of any public improvement. In the view of gentlemen here if a discrimination is shown a subsidy is established. On that line of reasoning a discrimination is made against the people of Indiana whenever a post office is built in Ohio. If that is logical, a discrimination is made against California whenever an Atlantic port is improved.

What do gentlemen propose? Is it suggested that we shall charge our people for the use of every improved waterway? Then support should be given the bill of the gentleman from Colorado [Mr. MARTIN], who proposes to exact tolls from every American ship for the use of every harbor, river, and canal on which the United States has put any improvement of any kind. That is at least logical. It would tax interstate commerce; it would impose a burden on trade between the States; but it would do no more than is proposed by this bill.

The Soo Canal connects Lakes Superior and Huron. Through it passes an almost incredible commerce. Thirty-six million tons passed through it last year. Why not tax that commerce? That canal was built by the Government. It is maintained at large expense by the Government. But no one proposes tolls there. Is the exemption from tolls there a subsidy? And if not there, why at Panama?

A TAX ON INTERSTATE COMMERCE.

But the question is not one of subsidy. To impose tolls on American ships at Panama is to tax commerce. In spirit, if not in letter, the Constitution prohibits any restraint or tax or imposition on commerce between the States. Under certain circumstances the Government has allowed private companies to build a bridge or improve a waterway and allowed the imposition of a toll for its use. But that is upon the theory that the private interests, having made the investment and thus relieved the Government of that cost, were entitled to charge a toll to reimburse them. Never before has it been proposed that the Government, having made an improvement, should charge its citizens for its use. Our internal commerce has been our greatest national achievement. It is not only greater than that of any other nation, but it is nearly equal to that of all Europe. Whatever our tariff policy may have been with regard to foreign trade, here we have free trade on a scale of almost inconceivable magnitude. Now, for the first time, we are asked to abandon that policy and impose a duty on our internal commerce. And, strange to say, that proposition comes from that side of the House where hitherto the advocates of the greatest obtainable measure of free trade were found. It is a strange position to advocate restrictions and burdens on domestic commerce but to favor freedom in foreign commerce; to advocate the desirability of relieving the people as far as possible from burdens on our foreign commerce, but to impose it on our domestic.

AMERICAN INTERESTS.

It is particularly noticeable that in this debate all appeals to American interests are deprecated and condemned. It has been said as applicable to those who think that American interests are entitled to consideration by an American Congress that "patriotism is the last refuge of a scoundrel." It has been said that we never hear of the American flag in this House but there is some sinister motive behind it. Singular sentiments these coming from Representatives of the American people! And remarkable certainly must be conditions that would warrant condemning as demagogic all arguments for the protection and preservation of American interests!

It may be thought by some gentlemen that the only persons professing patriotism in America to-day are scoundrels, and that no expression of love for the American flag is now made unless to cover graft. But there are some of us who refuse to accept such a belief. There are some of us who even confess to a belief that there is still some patriotism in the land; that there are still to be found among our people those who love the flag and what it represents. There are some of us who believe that the day has not yet come when it is necessary to apologize for an honest endeavor to protect and preserve the interests of the American people. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21969) to

provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and had come to no resolution thereon.

Mr. ADAMSON. Mr. Speaker, it is my purpose to make a suggestion about a recess and further procedure under the pending bill.

Mr. LAMB. Will my colleague yield?

Mr. ADAMSON. I will.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and ask for a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of South Dakota, indefinitely, on account of illness.

To Mr. TAGGART, indefinitely, on account of illness.

To Mr. DAUGHERTY, for 10 days, on account of sickness.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; to the Committee on the Public Lands.

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.; to the Committee on Claims.

S. J. Res. 107. Joint resolution authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus memorial statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ANTIOPTION BILL.

Mr. LAMB, from the Committee on Agriculture, by unanimous consent, was granted leave to file the views of the minority on the bill (H. R. 18323) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations. (H. Rept. 681, p. 2.)

PANAMA CANAL—RECESS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the House take a recess until 8 o'clock p. m. for the purpose of debate on this bill, to continue not later than 11 o'clock to-night, and that on to-morrow, when the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, the general debate shall not continue for longer than two hours, after which the bill shall be read under the five-minute rule, and that when sections 5 and 11 are reached they be passed to the end of the bill for consideration.

Mr. MONDELL. Is not the gentleman proposing to close general debate before those desiring to discuss the bill have been given an opportunity to do so?

Mr. ADAMSON. We are providing for three hours to-night and two hours to-morrow. That makes five more hours, and I think that will be sufficient to meet all the requests I have had as to time.

Mr. MONDELL. Evening debate to empty benches is not very profitable and satisfactory to anybody. It is no more effort than to print in the RECORD, except that a man has an opportunity to talk to the galleries, which do not vote on the subject.

Mr. MANN. I apprehend there will be more people here to-night than there were here during the latter part of the afternoon.

Mr. ADAMSON. I have known some mighty good speeches to be made here at night sessions. I have made them myself. My motion will provide five hours' debate.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess until 8 o'clock to-night, and that the general debate on this canal bill shall run not longer than 11 o'clock p. m. and shall be entirely confined to the bill; that when the House resolves itself into the Committee of the Whole House on the state of the Union to-morrow for considering this bill there will be only two hours of general debate on it; then, when under the five-minute rule section 5 and section 11 are reached, they shall be passed informally and without prejudice to the end of the bill.

Mr. ADAMSON. That is right.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, will the gentleman answer a question?

Mr. ADAMSON. You are cutting off the time for supper under this recess proposition.

Mr. RAKER. I know; but what I want to know is, will there be any disposition to urge an early vote on the bill under the five-minute rule, so there will be no opportunity to present the matter fully as to sections 5 and 11?

Mr. ADAMSON. Our expectation is that most of the time will be devoted to those two sections. We do not anticipate much difference as to the other sections.

Mr. RAKER. As to those two sections, there will be no disposition to rush it through and limit it, will there?

Mr. ADAMSON. Not in my mind or heart.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair will appoint Mr. HAMILTON of West Virginia to preside to-night as Speaker pro tempore.

Accordingly (at 6 o'clock and 15 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock the House was called to order by Mr. HAMILTON of West Virginia, the Speaker pro tempore.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Panama Canal bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House bill 21969.

Mr. ADAMSON. Mr. Chairman, by direction of the gentleman from Louisiana [Mr. BROUSSARD], I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND]. [Applause.]

Mr. BORLAND. Mr. Chairman, as the time approaches for the completion of the Panama Canal it becomes important to turn our attention to the problem of the permanent government of the little stretch of territory which is destined to play an important part in the future military and commercial history of the world.

The acquisition of the zone and the construction of the canal have proceeded so rapidly that we have scarcely had time to consider the questions bearing upon permanent control and occupation. Thus far we have regarded the zone as an immense

construction camp under military discipline. The people on the zone are mainly those whom we have brought or sent there for the purpose of constructing the canal, the work being done under the supervision of officers of the United States Army, and the purpose to be accomplished the digging of the canal with the greatest possible expedition, efficiency, and economy. When the construction days are over, however, a form of government adapted to such temporary conditions must give way to something of a permanent nature. The views of public men on the question of a permanent government will differ, according to their ideas of the paramount purpose of the canal. One view will be dominated by the idea that the canal is primarily a military necessity, the other view by the thought that its highest purpose is the promotion of peace and commerce.

We have had in the brief discussion on this bill the most brilliant argument, the most learned debate that it has been my fortune to listen to in this House; some of the most masterly speeches, replete with information and erudition. The speech to-day of the gentleman from Wisconsin [Mr. ESCH] was a remarkable presentation of facts governing the movement of the great commerce in the civilized world. Scarcely a factor that enters into the movement of that commerce and the channels which it will seek, or ought to seek, seems to have been omitted by him in his wonderful grasp of the subject. But in all of that remarkable address, which showed how the Panama Canal could be made of permanent usefulness to the commerce of the world, I listened in vain for one word that showed how a single, solitary vessel carrying the American flag would go through the canal. He told us how Liverpool could use the canal to reach the markets of South America. He told us how Europe could reach the Orient. He told us how England would be brought in close touch with her colonies. But nowhere was a single flag bearing the Stars and Stripes going through the canal.

As the canal approaches its completion the American people will look upon it as either a pure military necessity, the cost for which must be charged off as other items of military expense are charged off, or they will look upon it as they have been taught to look upon it—as a great agency for the promotion of American commerce. If the present bill, unamended and unmodified, becomes a law in relation to the Panama Canal, the net result is that we have spent $400,000,000 for no purpose on earth except to bring a battleship once in 40 years from the Pacific Ocean to the Atlantic Ocean in time of war. [Applause.] Every nation on the globe, with its ships, can use the canal to the same advantage as ourselves, and, in addition, we have even excluded ourselves from the ordinary advantage that every nation claims for its purely coastwise commerce.

If our treaties will not bear the construction that the coastwise commerce, at least of the United States, is entitled to preferential rates in the canal, then we are worse off than we would be if we had not built the canal, for we have put forever the carrying trade and monopoly of the commerce of South America into the hands of the English and the Germans.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BORLAND. I am glad to yield to the gentleman.

Mr. MICHAEL E. DRISCOLL. Does any gentleman here who opposes section 5 make any argument in favor of free tolls for our ships going to the western coast of South America?

Mr. BORLAND. Yes.

Mr. MICHAEL E. DRISCOLL. Who is the man.

Mr. BORLAND. I am.

Mr. MICHAEL E. DRISCOLL. The gentleman is the first one, and I believe he would not have said so if I had not suggested it.

Mr. BORLAND. I will make what argument I can in regard to it. The cost of the canal is $400,000,000. The interest on that at 3 per cent is $12,000,000. The majority report of the committee says it is necessary that somebody pay for this canal, and gives this as a reason for charging tolls to American ships. The report further says that by the highest estimate placed on the tonnage that will go through the canal by no possibility can it pay the interest on the cost of the investment; therefore it is only possible for us to get any return from our investment by encouraging American commerce from the east coast to the west coast of America. We are told that we are bound by the Hay-Pauncefote treaty not to discriminate in favor of American ships as to the coastwise trade of the west coast of South and Central America. We are told that we have no such control over the commerce going to the Orient as will place us in any advantageous position in comparison with the subsidized ships of England or of Germany, and that the sole dividend the American people can draw on that $400,000,000 investment is the possible encouragement of shipping going through the canal between the east and west coasts of America.

If there be not that dividend, then there is no dividend from the $400,000,000 invested except the possible saving of the expense, once in 40 years, in taking a battleship around Cape Horn. We all hope that the need of such expenses of taking battleships from one coast to the other will be on rare occasions and very few and far between.

Mr. MICHAEL E. DRISCOLL. Will the gentleman allow an interruption?

Mr. BORLAND. Yes.

Mr. MICHAEL E. DRISCOLL. The gentleman does not claim that even if the tolls have to be paid there will be any failure of the commerce between the eastern and western coasts of America to go through the canal, does he?

Mr. BORLAND. No.

Mr. MICHAEL E. DRISCOLL. It will go through anyway, so that the tolls proposed are really of no account. The canal will be patronized just the same for all the commerce there is between one coast and the other.

Mr. BORLAND. I am not sure that I understand the gentleman's question. If I understand him, he says that even if the tolls have to be paid, the canal will be patronized as to all the commerce there is.

Mr. MICHAEL E. DRISCOLL. Certainly.

Mr. BORLAND. And that therefore it is useless to remit the tolls?

Mr. MICHAEL E. DRISCOLL. Except to the people who will ultimately have to pay them. We take the position that somebody must pay a certain amount of money, and that the people who get the most direct benefit are the ones who ought to pay, rather than the people who do not get the direct benefit. Whatever has to be paid will be taxed back upon the people. That is our position.

Mr. BORLAND. Has not the gentleman refuted his own argument? I understand the gentleman to say that if the ships going through from the Atlantic to the Pacific pay the tolls, the amount will be so negligible in quantity that they would not be of any consequence in supporting the canal.

Mr. MICHAEL E. DRISCOLL. I did not say that.

Mr. BORLAND. I understood the gentleman to say that the amount would be negligible.

Mr. MICHAEL E. DRISCOLL. I say that the tolls on the commerce coming through the canal after it is in operation will be negligible compared with the benefits that will be conferred upon commerce.

Mr. BORLAND. What commerce? That is what we are trying to get at.

Mr. MICHAEL E. DRISCOLL. Ships coming from one coast to the other. In other words, any man who owns a ship and can now compete with the railroads will get at least $4 a ton benefit by going through the canal. He can pay one-half dollar a ton to the Government for going through the canal and save $3.50 on every ton of cargo. He will get $3.50 benefit on every ton and will give the Treasury 50 cents benefit on a ton of actual cargo, so that the amount charged per cargo ton—50 cents—is negligible. That is what they say. That is what Mr. Deering says.

Mr. BORLAND. As I still understand the gentleman, he says that the amount of the tolls will be negligible either to the ship or to the Government. If they are negligible to the ships, they are of course negligible to the Government, and the amount of tolls we collect could very well be dispensed with, because they would be relatively unimportant in comparison with the enormous amount of the investment. But I want to take the gentleman's words at their face value. Suppose that a 4,000-ton ship only saves $4,000 or a 10,000-ton ship only saves $10,000, that it only amounts to $1 a ton on the load of that ship, I ask the gentleman how far inland will that carry each ton of that freight brought by the ship? How much farther will it carry it into the interior of the country to compete with the transcontinental railroads? Every 50 cents a ton that is taken off is of that much advantage in reaching farther and farther into the interior and productive regions of the country. [Applause.] For the great problem that has always confronted the people of the Mississippi Valley, I want to tell gentlemen of this committee, has not been the question of producing, but the question of transporting. We want to get our stuff to the seaboard at the cheapest price possible, and then get it into the markets of the world.

If we have to produce it in competition with the markets of the world, if we must sell our goods in Europe under conditions with the highest competition, we must figure that every penny it costs us to get our goods to the seaboard and to Liverpool is so much out of the pockets of the producer, and so much out of the pockets of everyone from the small merchant up, whose prosperity depends on that of the producer.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BORLAND. Mr. Chairman, I prefer not to yield further at this time, because my time is so limited. I desire to refer in that connection to some of the other features of this bill very briefly, because I do not expect to occupy the attention of Members very long. I have read the report of the committee that the tolls that can be collected from the coastwise vessels are negligible. If they are negligible, and if we have an investment of $400,000,000, the interest on which is accumulating at the rate of $12,000,000 a year, and there is any possibility that by remitting those tolls as to coastwise vessels, we can increase the number of coastwise vessels; then, that is one dividend, at least, that we ought to draw from the construction of the canal.

I believe further that if we do not have this method of encouraging the coastwise ships of this country, the carrying trade will remain as it has been—under foreign flags. I believe that gentlemen will be back here demanding some sort of a subsidy, not only for coastwise vessels, but to all vessels, in order to encourage again the American flag upon the ocean.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. Certainly.

Mr. MICHAEL E. DRISCOLL. I desire to state to the gentleman that I have always been in favor of a subsidy for our ships engaged in foreign commerce, and I would be for it again, even more than you are asking for it for this interstate commerce.

Mr. BORLAND. I will say that I am not in favor of a subsidy.

Mr. MICHAEL E. DRISCOLL. So far as commerce needs it, but interstate commerce does not.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CLINE. How does the gentleman demonstrate that the remission of the proposed toll of 50 cents a ton will have any influence in developing coastwise shipping?

Mr. BORLAND. Frankly I do not think that that thing can be demonstrated in advance. I think any gentleman can take a piece of paper and formulate theories and figures on that subject to his heart's content, and those who favor charging the tolls can sit down and figure out that the toll is absorbed somewhere and does not reach the consumer. I have seen gentlemen figure that out in regard to a protective tariff. Gentlemen have figured out that all kinds of charges placed on commerce are absorbed somewhere, but my belief is that ultimately the consumer in domestic commerce pays the entire cost of transportation added to the article produced, and that in foreign commerce, where we come in competition with foreign people, the American producer pays the entire cost of transportation, and that there is no absorption of it at all.

Mr. RAKER. Suppose in the freight from New York to San Francisco we could deliver at San Francisco at a dollar a ton cheaper, or vice versa, is it not possible that we will get the benefit, the intermountain States, by getting an opportunity to get our produce cheaper, and thereby get more and cheaper products?

Mr. BORLAND. I think so. I think the Pacific coast will be able to go back farther into the interior and take more products from the Pacific coast there and around to New York in that way.

Mr. RAKER. And the same way with the eastern coast.

Mr. BORLAND. With the eastern coast the same.

Mr. KNOWLAND. And with the southern coast also.

Mr. HAMLIN. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Certainly.

Mr. HAMLIN. Of course, the gentleman understands that our coastwise trade is protected now by coastwise laws.

Mr. BORLAND. Yes.

Mr. HAMLIN. And that no foreign ships can enter into the coastwise trade. Our coastwise trade has a monopoly. Does not my colleague believe that, whether we charge them a dollar per net registered ton or let them go through free, there will be just as many ships engaged in the coastwise trade as there is cargo to transport?

Mr. BORLAND. No; I do not. I live on great transcontinental railroads, and I realize that the carrying facilities of the railroad in competition with the water haul are such that, even at the higher rates on account of the regularity of service and the promptness of delivery, the railroads have an advantage.

I know that you have got to put the water carriage at the lowest possible point in order to compete with the transcontinental railroads. Every expense you put upon the water carriers is so much advantage to the transcontinental railroads, added to their natural advantage.

Mr. HAMLIN. We are taking off that water carriage $4 a ton by giving the canal.

Mr. BORLAND. The fact we are now taking off the $4 a ton by saving the land haul across the Isthmus, to that extent encouraging shippping through the Panama Canal for coastwise vessels, the remission of tolls ought to be another encouragement to increase the carrier trade for the entire western country.

Mr. HAMLIN. In regard to the objection the gentleman made awhile ago as to the competition between the water and railroad carriers, I will call attention to the testimony taken before the committee, when his associate upon this proposition, the apostle of free tolls—I refer to the gentleman from Washington [Mr. HUMPHREY]—was asked this question. I quote:

> The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail.
>
> Mr. HUMPHREY. I think that is right; nobody can dispute that.

Now, if that be true, is there any other competition from the transcontinental railroads?

Mr. BORLAND. The transcontinental railroads, the rail carriers, can get business at a higher rate than the water carriers. There are natural reasons why that is true, too numerous to enter into here. Every advantage that the water carrier can have to secure more trade is to that extent a more active competition with transcontinental railroads. Then another well-demonstrated fact: Every advantage the water carrier is deprived of is that much added weight in favor of the transcontinental railroads.

Mr. HAMLIN. If they can carry and pay these tolls for less money than it actually costs the railroads to haul, will not this traffic go by water?

Mr. BORLAND. No. I think I have answered that correctly. I said the railroads can get the business at a higher rate, because they carry winter as well as summer; they have regular deliveries, they have a way of soliciting trade, they take a carload and deliver it at a man's back door or deliver it at a man's warehouse, or deliver it at a grain elevator, and there are a thousand reasons I have not the time to go into why the rail carrier gets the business. You have to put the water carrier on a level of rates much below the railroad before they can compete with the railroad. Now, I do not wish to spend any more time on that question.

Mr. KNOWLAND. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman.

Mr. KNOWLAND. I think the gentleman referred to freight between coast to coast. Now, naturally the lower the toll the more advantage the interior will get because the shipments will be made by rail to the interior and the advantage of the water route will be reflected; it always has been for the last 30 years.

Mr. BORLAND. I want to call the attention of the committee again to the fact that unless some advantage is derived by coastwise shipping there is absolutely no dividend from the construction of the Panama Canal at the cost of $400,000,000. I hope that not only will we be able to encourage shipping by giving free tolls to the American ships, but I hope we will find a way of actually reaching and controlling the markets of Central and South America, and do that without the necessity of a ship subsidy such as has been hinted at here. The only way in which that can be done in my judgment is by the good old democratic principle of a preferential low tariff for goods coming in in American bottoms. Every American ship should have this advantage, and every ship that wants to ought to be able to fly the American flag and be placed under the American navigation laws, no matter where the ship is built. [Applause.] We believe in free ships to sail under the American flag wherever American trade can be carried. I believe every Central and South American country ought to be told that "the door of trade is no longer closed against you in America; you are no longer driven to seek your markets in Europe; you are no longer driven to seek your banking in Europe; you are no longer driven to buy your goods for a return cargo from Europe, but now you shall have an offer to an open door into this country. We will take a part of your goods here. We will buy something from you in America. We will take a little of your hardwood or your oils or your gum, your natural-forest products and tropical fruits, and such other things that can be shipped here and can be used by the application of American capital and labor." Then, when they get a shipload coming in this direction, and their bank account is here and their credit here, then they will begin to deal with the American merchants. If we subsidize every ship on the ocean to carry the mail to South America and did not allow goods to come back in that ship, it would be a useless and extravagant proceeding. I am opposed to this proposition to subsidize somebody to carry the American flag.

If we would take this $400,000,000 of investment and allow the American business man to get a preferential rate out of it, to get a preferential use, so far as our treaties will justify; if we would seek the friendly commerce of the Central and South American States; if we would invite their trade to come here and would not close our doors to them by a prohibitive tariff; if we would not drive them to Europe to sell their goods and keep their bank accounts; if we would not build a canal for the free use of England and of Germany; if we would turn some American capital and effort through the Panama Canal by means of preferential rates on goods coming in American bottoms this whole question of subsidy would be solved. [Applause.] Here we are not only asked to spend millions of dollars for the canal and to maintain it and protect it and then allow 98 per cent of it to be turned over to England and Germany, our shipping rivals, but we are not to allow the coastwise vessels to go through with a less toll than the English vessel pays in going from San Francisco to Liverpool. That is the principal point I want to make on that particular clause.

I want to discuss now, in some detail, the history and government of the Canal Zone to show why I oppose the military reservation theory.

The plan to construct an interoceanic canal at or near the Isthmus of Panama first assumed importance during the gold rush to California in 1849. The result was the Clayton-Bulwer treaty of 1850 between Great Britain and the United States. This treaty contemplated that such a canal would be constructed, probably in Nicaragua or Costa Rica, and that the work would be undertaken by a private company organized under the authority of one or the other of the signatory powers. The controlling motive of this treaty was clearly commercial; it expressly restrained each nation from fortifying the canal or from occupying, colonizing, or exercising sovereignty over any country through which the canal might be constructed, and it was contemplated that other civilized States should be invited to join in the treaty for the protection and neutralization of the canal.

No canal was begun under this treaty. Meanwhile American capitalists had constructed the Panama Railroad, which proved a very valuable property. Later a French company, headed by the celebrated engineer Compt de Lesseps, secured a concession from the Government of Colombia for the construction of a commercial canal across the Isthmus. This canal was actually begun and nearly 80,000,000 cubic yards of excavation made. The failure and subsequent bankruptcy of this company was due to causes partly natural and partly administrative. The thousands of French stockholders lost their money, and after a legal receivership the concessions and property, including the Panama Railroad, passed into the hands of a small band of speculators who acquired the property for a song, with the design of selling it to the United States Government.

In 1901, after the War with Spain, the United States sought and obtained from Great Britain a new convention known as the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer agreement. This treaty provides that an interoceanic canal shall be constructed entirely by the Government of the United States, or by private corporations with its aid; that the basis of the neutralization of the canal shall be the rules adopted for the free navigation of the Suez Canal; and that no change of territorial sovereignty or of the international relations of the country or countries traversed by the canal shall affect the general principle of neutralization. This treaty omits all mention of fortifications. From this omission it is assumed that our Government regained the right to fortify the canal at the expense of agreeing with Great Britain to waive the terms of the Clayton-Bulwer treaty. In other words, Great Britain has conceded to us the right to construct a canal entirely at our own expense and to fortify it as we please, provided that we never charge her ships more than we charge our own, and that we allow her at all times free use of the canal facilities on the same terms as ourselves. As Great Britain has the largest merchant marine in the world, equal to the combined merchant marine of several other countries, it is manifest that as a commercial proposition she will make $10 profit out of the construction of the canal to our $1, and this without any expense to her in either constructing, policing, or protecting the canal. She is quite satisfied that we should restrict our use of the canal to military purposes, so long as we are bound by treaty to accord her every commercial advantage.

The next step in the construction of the canal was the passage of the so-called Spooner Act of January 28, 1902. By this act the President was given power to acquire the property of the new Panama Canal Co., or the alternative of constructing a canal through Costa Rica or Nicaragua. He was empowered to appoint a commission to be charged with the duty of constructing the canal. It is a matter of common history that the negotiations following this act led to a revolution by which the State of Panama seceded from the Republic of Colombia and entered into a treaty with the United States which cleared the way for the acquisition by the United States of the property of the new Panama Canal Co. This treaty between the United States and Panama was proclaimed February 26, 1904, and is the basis of all of the present rights of the United States in the Canal Zone.

The powers of this Government as a sovereign are defined by article 3 of the treaty, as follows:

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It may be noticed that this article does not confer actual sovereignty upon the United States, but provides that this Government shall possess all the rights, power, and authority within the zone as if it were sovereign of the territory, to the entire exclusion of the exercise by the Republic of Panama of any such power or authority. This wording is as obscure as the wording of article 2, by which the grant of land is made to this Government. In article 2 the Republic of Panama grants to the United States "in perpetuity the use, occupation, and control of a zone of land." Justice Brewer properly decided that such a grant necessarily carried the fee title, as it entirely excluded the rights, present or reversionary, of any other proprietor. He well stated that the absence of technical words of conveyance could not alter the nature of the title. The same reasoning should apply to the right of sovereignty in section 3 of the treaty. If the United States has all the rights, power, and authority within the zone which it could possess and exercise if it were sovereign of the territory, and it is to exercise these powers to the entire exclusion of the enjoyment by the Republic of Panama of any such rights, power, or authority, it is manifest that there is but one sovereign over the zone and that is the United States. It occupies, therefore, with relation to the Canal Zone the same position that it occupies with relation to the Louisiana Purchase, Alaska, or any other added territory. By the treaty its powers of sovereignty are expressly extended beyond the limits of the Canal Zone for certain purposes. In section 7:

> The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce same.
>
> The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

Following the ratification of the treaty with Panama an act was passed, approved April 28, 1904, to provide for the temporary government of the Canal Zone. Section 2 of this act follows:

> That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, and all the rights, powers and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

This act, which remains substantially unchanged, contains the whole law for the civil government of the zone. It seems to have been assumed that the powers of civil government were vested in the Canal Commission. In fact, the President, on May 9, 1904, issued a letter of instructions to the Secretary of War outlining a plan for such civil government. The Canal Commission has been created and had formulated a complete civil government for the Canal Zone, including courts, police, fire and sanitary regulations, fees and licenses, schools, public works, and other necessary branches. The commission originally acted as the legislative body of the zone. Between August 16, 1904, and March 1, 1905, the commission enacted a number of laws, which are published in book form and numbered from 1 to 24, inclusive. After that time this method of legislation was abandoned and no other acts—or ordinances, as they are called—of the commission have been passed. General legislation has been enacted from time to time under the form of Executive orders signed and promulgated by the President. These Executive orders relate to every possible phase of civil life and cover every known branch of legislation from the qualifications to practice a profession to the procedure for the administration of an estate. In the aggregate they form a large

and undigested mass of legislation, in the main fragmentary acts torn from the statute books of various States, which govern in the points expressly covered the conduct and rights of the persons within the zone. As to matters not covered by any specific Executive order the law applicable to rights of individuals is extremely hazy. It seems to be assumed, in accordance with the settled principles of private international law, that where one country acquires sovereignty over a territory which has enjoyed a system of local laws established by a civilized government the local laws shall continue to prevail until they are supplanted by express legislation of the new sovereign. According to this principle there is a vague and ill-defined body of laws, supposed to have been in force under the Colombian Government and to have remained in force after the revolution establishing the independence of Panama. This body of laws, as is the case in all Latin-American countries, is an evolution from the civil or Roman law. Unfortunately this body of laws is a sealed book to the judge sitting in the American courts of the Canal Zone. So far as I am aware few of the judges on that bench have been able to read the Spanish language or have had any knowledge through experience or study of the Colombian law. In but one instance, so far as I know, has it been appealed to as the basis of a decision in the American courts. In a recent case it was decided that a person injured on the Panama Railroad by the negligence of its employees had no right of action against the railroad company, because under the principles of the Colombian law the employer is not legally responsible for the negligence of his employee.

This chaotic condition of the law and of private rights is emphasized by two decisions of the Supreme Court of the United States. In the case of Coulson *v.* The Government of the Canal Zone (212 U. S., p. 553) it was decided that a writ of error to review a judgment of the Supreme Court of the Canal Zone must be dismissed for want of jurisdiction. No written opinion was filed, but the effect of this decision is that the judgment of the Supreme Court of the Canal Zone is final in all cases, and there is no power of review in the Supreme Court of the United States or any other tribunal. Another phase of the same question was presented in the case of Kaufman *v.* Smith (206 U. S., 610), in which the Supreme Court of the United States held:

> The questions involved in this case as to the right of the Government to collect duties on merchandise coming into the United States from the Canal Zone, under the act of March 2, 1905, have already been settled by the case of Downes *v.* Bidwell (182 U. S., 244), and the writ of error is dismissed for want of jurisdiction.

Downes *v.* Bidwell is the celebrated case in which the Supreme Court of the United States decided that the Constitution did not extend to the island of Porto Rico. The Supreme Court therefore holds, in accordance with that case, that the Constitution of the United States does not extend to the Canal Zone.

By a gradual but very natural encroachment, all of the power, legislative, executive, and even judicial, within the Canal Zone has been transferred to and absorbed by the chairman and chief engineer of the Canal Commission. I say judicial, not only because there have been no cases in the zone courts against either the commission or the railroad company but that have been promptly reversed by the Supreme Court of the Canal Zone, but because I have seen a copy of a letter from the chairman and chief engineer of the Canal Commission to one of the judges of the circuit court refusing to recognize the authority of a receiver of private property appointed by a decree of said court. In other words, we have in the zone a complete and perfect type of a benevolent despotism. A benevolent despotism may work very satisfactorily for a short time amid the enthusiasm of a great scientific work which calls out all that is best in the patriotism and professional ambition of men, and especially where the benevolent despot is drawn from and centers upon himself the public sentiment of 93,000,000 people, who have been trained by a century and a half of self-government. After the enthusiasm of the construction work is over, however, and public attention is diverted to other matters, it is perfectly manifest that such a system of government would be the worst possible, not only for the governed, but also for the governors, and especially for the public.

It may be said that it will be difficult to frame and enforce a suitable government for such a territory with such a population. Conceding the difficulty, are we to assume that the only solution is to drive the population off at the point of a bayonet? Every foot of land in the Canal Zone not actually needed for the operation of the canal should be sold, not leased, but sold in fee to American citizens. Preference should be given to the employees of the canal. As to government, the form should first be that of a Territory, with a governor appointed by the President, but without a legislative assembly. One United States court should be established, with the usual provision for review by a circuit court of appeals and by the Supreme Court of the United States. Legislation should be enacted for the zone by Congress in the same manner that legislation is now enacted for the District of Columbia. It has long been the desire of American lawyers to secure, under national authority, a complete codification of the laws of this country, especially upon commercial subjects. Commendable efforts have been made by the American Bar Association to secure uniform State laws upon commercial papers, bills of lading, and so forth. Here is an opportunity for both practical and experimental legislation that may well challenge the attention of the American Bar Association. When England acquired India, a vast country of petty sovereignties, with a decayed civilization, she found it necessary to enact codes of laws on commercial subjects for the use of the British subjects who were developing India commercially; hence the English contract act, the English evidence act, and so forth. No such opportunity has been before presented to our country to codify and enact, under the authority of Congress, an advanced and complete commercial code for the use of American citizens. It is a subject worthy of the thought of the entire bar. Such a code applicable to Panama could be made a model for the commercial codes of each of the 48 States and would have its influence upon the commercial life of the entire world. It would establish a uniform system of commercial rights which would bring us into touch with all of our neighboring countries and form the basis of an international code of commerce. Such an international code is the great need of the present day and the biggest contribution that the legal profession can at this time make to the advancement of civilization. [Applause.]

So much for the powers of the United States as sovereign. Its rights as a private proprietor are founded on other sections of the treaty.

The second article of the treaty provides:

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

By this article a grant is made by the Republic of Panama of all right, title, and interest it has in the land embraced in the strip, containing approximately 400 square miles, extending from the Caribbean Sea to the Pacific Ocean. It seems to be intended, and has been construed, to be a grant of the full title to all public land claimed by the Republic of Panama within the zone. This question was squarely decided in Wilson *v.* Shaw (204 U. S., p. 33), in which case suit was brought to restrain the officers of the United States from expending money in the construction of the canal on the ground, among others, that the United States did not own the land upon which the canal was being constructed. On this point Justice Brewer, in delivering the opinion of the court, said:

> It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this Nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate.

By the sixth article of the treaty the Republic of Panama grants to the United States the right to acquire by purchase or eminent domain any lands or other property within the cities of Colon and Panama, which may be considered necessary for canal purposes. By the eighth article of the treaty the Republic of Panama grants to the United States all reversionary interest which it may have as successor to the Republic of Colombia in the property and franchises of the new Panama Canal Co. This treaty having resulted, as was contemplated by both parties, in the purchase by the United States of the property of the new Panama Canal Co., has made the United States the proprietor not only of all the public land within the Canal Zone, but of all the private property of the new Panama Canal Co. in the zone and in the cities of Panama and Colon, and the reversionary interest of the Republic of Panama in all the land and other property of the new Panama Canal Co. The Federal Government claims, therefore, that it now owns the fee title to the public land in the Canal Zone, together with several valuable pieces of real estate in the city of Panama and nearly all the real estate in the city of Colon. The city of Colon is built almost entirely upon land, the ownership of which was in the new Panama Canal Co., and which is leased to the persons constructing and occupying the buildings. The United States, since the acquisition of this property, has still further improved it by the construction of new docks, warehouses, terminals, and other facilities.

The United States has further enlarged its holdings of real estate within the Canal Zone by extinguishing, through the

power of eminent domain, the private titles in such portions of the land as are taken or damaged by the construction of the canal and the filling of the lake. None of the real estate acquired by the United States has been sold. A system of leasing has been adopted under the authority of an act of Congress approved February 11, 1909. By this act the President is authorized to grant leases of public lands in the Canal Zone not needed for actual use by the canal, for a period not exceeding 25 years, and in tracts not exceeding 50 hectares. The terms and conditions of the lease were left to the discretion of the President, but the lessee must be the head of a family, over 21 years of age, and the lease must be made in good faith, for the purpose of actual settlement and cultivation.

At this time, as we approach the completion of the project and its practical operation, we must choose between the only two systems of administration that will be possible. If the canal is regarded as primarily a military enterprise, with only such commercial advantages as are incidental, then the Government might be purely military and placed under the arbitrary control of a military governor, accountable only to the President. This seems to be the view of the present chairman and chief engineer of the Isthmian Canal Commission. As a logical result, he advises that the entire zone should be cleared of inhabitants when the canal is completed, except the employees engaged in its operation and soldiers quartered there for defense. Of course he believes that a large number of soldiers should be maintained there, together with fortifications and land batteries sufficient not only to repel an attack by sea, but to withstand any possible invading force that might approach by land. The entire zone is to be made a military reservation, which would necessitate the acquisition by the United States of the title to all the private land which it does not now own. The United States now owns, according to the highest claim, about 60 per cent of the land in the zone, so that to turn the zone into a military reservation it would be necessary to acquire the remaining 40 per cent.

I say the United States "claim to own," because that claim is not admitted. We admit a private ownership of about 40 per cent, represented by the land marked there in green on the map. We claim all of that marked in yellow as railroad concession and all marked pink as public land, but, in fact, a large amount of that is in possession of people who claim it themselves, and if we undertook to acquire it we would find a large number of claimants with whom we would have to settle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I would like to have about 15 minutes more.

Mr. ADAMSON. That rests in the discretion of the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, I yield 15 minutes more to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Thank you.

Under the treaty with Panama the value of private land acquired by the United States in the zone must be fixed by a joint commission appointed by the Government of the United States and the Government of Panama, composed equally of Americans and citizens of Panama. Only one such commission, known as the Denby Commission, has been appointed during the life of the treaty. This commission awarded to private owners prices below what they claimed, but greatly in excess of what the United States officers contended were reasonable. The result is that the chairman and chief enginer of the commission is strongly opposed to any further joint commission under the treaty, and has followed the good old soldierly way of seizing the lands necessary to be used and leaving the private owner to litigate as long as he chooses. Under any plan, however, it is apparent that the acquisition of the remaining 40 per cent of the land within the zone would be made at enormous expense. To further emphasize his views, the chairman contends that the presence of a producing and trading population on the zone would greatly impair its military strength, and even hints that it might introduce an element of danger; further, that the land itself is worthless for the purpose of cultivation. It may be said that these views are not shared by other military members of the commission.

Again, it is inevitable that warehouses and other business establishments of great shipping centers will spring up at each end of the canal. By the peculiar terms of the treaty with Panama the cities of Colon and Panama, while geographically within the zone, are excluded from American jurisdiction. From this it results that the limits of these cities are carefully defined and are completely surrounded by American territory. Hence, the growth of these cities, resulting from an overflow of their commercial population, must be upon American territory. To one who is used to commercial affairs and who has made an actual personal observation of conditions at both ends of the canal, it is almost inconceivable that the military occupation theory can be carried out in practice. It would leave absolutely no room for the cities to expand except by sufferance, which, in plain English, means by favoritism toward those who could secure locations upon the military reservation.

I am frank to say that after three visits to the zone and a fairly careful study of its commercial and physical characteristics, I am entirely opposed to the military reservation theory. The land is not remarkably good, but it will produce in paying quantities all of the tropical products, including bananas, oranges, lemons, limes, grapefruit, mango, casaba, guava, coconut, chocolate bean, coffee, pineapples, and rubber. The principal drawback of the Tropics is not the unproductiveness of the soil, but the difficulties of transportation and the unhealthfulness of the climate. The land within the zone enjoys a very fortunate situation both as regards transportation and sanitation. It will have the most remarkable transportation facilities of any tropical district in the world, and I believe that every foot of available land would be eagerly taken up by our American employees as fast as the construction force is disbanded. In fact, our employees are now going just beyond the edge of the zone into the Republic of Panama and investing their money in tracts of land there with the intention of remaining. If a force of white Americans can be induced to live in the zone along the route of the canal, even though they employed largely Jamaica negro labor in operating their plantations, it would not be a menace, but might be an aid to the protection, repair, and operation of the canal.

After we have acquired the lands of the zone, then the bill provides that no person shall go on or be upon the zone without the permission of the military government.

Now, if there must be a military reservation, and nobody can be on the zone without the permission of the governor, that means that every location on the zone is a matter of permission or of sufferance or of favoritism, if you choose to call it so. That condition, it seems to me, is absolutely incompatible with any considerable growth of South and Central American trade.

When the canal is completed, a vessel entering from the Caribbean Sea will proceed about 8 miles on a sea level to the foot of the Gatun Dam. At this point it will be raised by a flight of three locks to the level of the lake. The lake will be 165 square miles in extent, dotted with beautiful islands and surrounded by the luxuriant verdure of the Tropics. A sail of 23 miles across the lake will bring the vessel to the entrance of the cut at Bas Obispo. From thence there will be more than 9 miles of narrow canal through the Culebra Cut to Pedro Miguel, whereby means of one lock the vessel is lowered to the little lake of Miraflores. At this point two more locks permit the vessel to reach ocean level on the Pacific, from whence a journey of 7 miles brings it out to the Bay of Panama at Balboa. The time consumed in this trip would enable the passengers to cross the Isthmus by railroad and reach Panama several hours ahead of the ship to transact business or to entertain and amuse themselves. The trip will be a very beautiful one, especially in the dry season of early winter, and the zone may easily become one of the most delightful winter resorts in the world. It may be dotted from end to end with beautiful hotels, equipped with American conveniences, surrounded by spreading verandas, and shaded by stately groves of palms. Every amusement would be within the reach of the winter guest—horseback riding, canoeing, golf, tennis, sailing, surf bathing, deep-sea fishing, and numerous exploring trips to neighboring islands.

But above and beyond all this in the minds of most Americans, that great mass of our citizens whose money has paid for the construction of this great work, is the thought that the supreme importance of the canal consists in the fact that it will open up new channels of trade to American commerce. If we can count on the friendship and trade of our South American neighbors and turn to our own shores some of the wealth that is flowing year by year to Europe, we shall perhaps regain many fold the enormous cost of the canal. This means that the canal ports will soon be busy with American commerce, crowded with American merchants, and rapidly building up with American warehouses and branches of American commercial establishments. It is hardly to be conceived that we should handcuff ourselves through the medium of a military reservation and turn the best commercial advantages of the canal over to England, Germany, and our other commercial rivals.

I want to read to the House briefly the reply of a high official of the canal on that point. He said:

For defensive purposes of the locks and dams we will require everything from Paraiso to the sea and from the locks to the Canal Zone lines. We ought not to allow settling of any kind to come between the earthworks that we contemplate constructing for the defense of the

locks and the locks themselves, nor ought we to allow the occupation of any of the land over which an enemy must pass in order to reach these earthworks. That, then, practically limits the Canal Zone from Paraiso to the Gatun Lake, so far as the south side of the Isthmus is concerned, and from Gatun Lake to the Atlantic on the other side. If it were not necessary to protect the canal, the terminal cities which Judge Feuille spoke of this morning would be advisable, and it is possible that necessity may force us to it later on. The proper military protection of this canal is against any such establishment of cities at the terminals.

Now, I submit, gentlemen, that we have gone plenty far enough under the Hay-Pauncefote treaty, in turning this canal over to the English and German merchants, after we have dug the canal at our own expense. We have gone plenty far enough in encouraging shipping to come in that direction and take away the commerce of Central and South America. We can not afford to go as far as to cut off our coastwise trade with the western coast of North America, and we can not afford to go so far as to exclude commerce from the Canal Zone under the guise of military protection. This military protection, of course, is the professional idea of the gentlemen who have been constructing the canal. It may be that the training of their profession is responsible for such views. No man can go on the canal with enough dynamite in his pocket to blow up the locks, and, if he did, the ordinary policing of the locks for the distance of a couple of miles would be amply sufficient for all purposes. It is sufficient for the Treasury of the United States, and it will certainly be sufficient for the locks at Gatun. If any hostile nation or hostile individual undertook to blow up the locks, he would probably swoop down there in three or four minutes in an airship and drop enough explosives into the locks to blow them up anyway. It is not the man on foot who is a source of danger; it is the man in the air, and that is no stage joke either, because similar things have actually been done. So that we can not protect the locks by earthworks.

England does not try to police the Suez Canal. Nobody has ever undertaken to police or protect a work of that magnitude. After we have constructed it and dedicated it to the commerce of the world there is absolutely no reason why we should be compelled to police it. I believe there ought to be great commercial cities at both ends of that canal, containing great American warehouses, filled with American manufactured goods, with American banking facilities, American mercantile facilities, American transportation facilities, American insurance facilities, and every facility that this country can furnish to encourage all of the Central and South American trade to seek American aid and an American market. Unless the American people get that kind of a dividend out of the Panama Canal, or if they get nothing out of it except once in 40 years the transportation of a battleship from one coast to the other, they will feel that the $400,000,000 expended has been spent in vain.

I am very glad that these gentlemen on the west coast States have maintained this fight for free tolls, at least for American commerce; but we ought to go much further than that. We ought to provide for preferential duties on all goods coming in American bottoms. We ought to encourage by every possible means a financial and mercantile connection with every Central and South American country, and then the American people—not the Pacific coast alone, but every American producer and every American business man—will begin to realize a dividend upon that $400,000,000, which will vastly increase the prosperity, wealth, and power of our beloved country. [Applause.]

Mr. ADAMSON. Mr. Chairman, at the suggestion of the gentleman from Louisiana [Mr. BROUSSARD], I yield 15 minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, the Panama Canal when completed will be one of the great wonders of the world. It will be another monument to American genius and American industry. It was built under the auspices of the American Government, it has been paid for by American citizens, and while it is intended to be of benefit to the whole world, I submit that the country which built it and under whose control it will stay, and the people whose money has paid for its construction, are entitled to more than an equal share in its benefits. [Applause.] And yet, what you are proposing here to-day will give a vast percentage of its benefits to foreign countries; and foreign countries realize this fact so well that in every maritime nation in the world ships are being built and money is being invested in shipping companies for the Panama Canal trade.

It is bad enough to realize the fact that has saddened so many American travelers, who have gone all around the world without seeing an American flag or an American ship, and now you propose to limit still further the possibilities of an American merchant marine by placing restrictions upon the shipping that is to go through the canal, restrictions which under no possibilities can be enforced against the ships of any foreign nation. Do you realize that the Canadian Pacific Railway Co. controls $20,000,000 of investments in steamships? Its great steamships on the Atlantic and Pacific will all be able to ply through the Panama Canal, and not one of these ships can be subjected to these restrictions under the Hay-Pauncefote treaty between this country and Great Britain.

Mr. RAKER. Will the gentleman yield?

Mr. LEVY. Yes.

Mr. RAKER. Is it not a fact that the very moment they land their cargoes on American soil they have to pay an import duty?

Mr. LEVY. Yes; as between foreign countries; but they have the whole of Canada from the Atlantic to the Pacific coast.

Mr. RAKER. But if they pay the tolls through the canal and then when they undertake to land their products from Canada on either side when they come into the United States they have to pay a toll and revenue tax.

Mr. LEVY. A revenue tax for going through the canal?

Mr. RAKER. Oh, no; when they land their products in the United States.

Mr. LEVY. I am not talking about landing cargoes in the United States. I am discussing the matter of carrying goods from one point in Canada through the canal to another point in Canada. But these steamships could carry goods into the United States on payment of tolls and duties.

Mr. KNOWLAND. Does not the gentleman know that section 11 prevents the Canadian ships from going through the canal?

Mr. LEVY. How can that be? You may make restrictions, but you can not enforce them because of the plain terms of the treaty we have made.

Mr. KNOWLAND. The act covers any railroad company that comes under the Interstate Commerce Commission, and every Canadian road comes under the Interstate Commerce Commission.

Mr. LEVY. But that provision of this act is clearly inconsistent with the terms of the treaty.

Mr. KNOWLAND. Railroads entirely in Canada would not come under the Interstate Commerce Commission.

Mr. LEVY. That is what the Canadian Pacific does.

Mr. KNOWLAND. This provides what they shall not do in the United States.

Mr. LEVY. I do not agree with the gentleman; I do not believe that you can control such a foreign railroad.

Is it possible that we are going to be so blind as to allow another nation to get the cream of the wonderful commercial possibilities which will be opened up by the inauguration of the Panama Canal? The moment you forbid an American ship owned or partly owned by an American railroad company to use the canal you strike one more blow at the American merchant marine and eliminate practically all ships that are flying our flag to-day. [Applause.]

Why should there be objection to an American railroad company building and owning steamships? No private enterprise can attempt, nor will attempt, to build steamships under our present navigation laws; but the great railroad companies build them for the purpose of relieving congestion and taking care of freight at their terminal points. They are to-day the only means of keeping the American flag on ships and sustaining, at least to some degree, the American merchant marine. Are they not regulated sufficiently now by the Interstate Commerce Commission, and is it possible that the misguided hatred of railroads can go so far as to forbid them doing what will be of the utmost benefit to trade and American interests? Is it not enough that the pernicious hindrances to American railroads have already stopped the building of thousands of miles of railroads in this country; and shall we now pass a law that surely will prevent the building and operating of American ships, while other countries are getting ready to take advantage of the new opportunities of trade which the Panama Canal will create?

Mr. CLINE. Mr. Chairman, I think the gentleman is not opposed to the railroads owning shipping going through the canal.

Mr. LEVY. No; I am not.

Mr. MURRAY. I understand, however, that the gentleman from New York believes in adequate and complete regulation by some governmental commission of railroad-holding companies.

Mr. LEVY. Yes.

Mr. KNOWLAND. Will the gentleman yield?

Mr. LEVY. Yes.

Mr. KNOWLAND. I will say in that connection that the Interstate Commerce Commission recommend this provision and say it is the most effective method of regulation.

Mr. ADAMSON. Mr. Chairman, I do not think the gentlemen ought to quarrel among themselves. Whether a railroad should rob the people by freight rates or the steamship company shall rob the people by taking the money out of the Treasury is equally pernicious. They had better make common cause in their raid on the Treasury and their assault on the treaties.

Mr. LEVY. The Canadian Pacific Railway, with its 16,000 miles of railroad from the Atlantic to the Pacific coast, has diverted an enormous amount of trade from American railway interests on account of the large opportunities and splendid advantages it enjoys under the Canadian Government, and now you propose to allow it the same benefit on the sea and through our own canal that it has on land. Only a short time ago this company placed an order with the Fairfield Shipbuilding Co., of Glasgow, for two steamships 570 feet long and 68 feet beam, with a speed of 18 knots per hour, to supplement the fleet now engaged in the Pacific trade. The approximate cost of these steamers will be over $2,000,000 each. They already have 16 magnificent steamers in the Atlantic service, 4 in the Pacific service, and 21 on the Pacific coast service—all available for the Panama trade and ready to grasp the opportunity that you are seeking to make us throw away.

Mr. CLINE. Mr. Chairman, I do not want to charge up against the gentleman my inability to understand him. What remedy does the gentleman propose? Is he sorry that we built the canal?

Mr. LEVY. No; but I do not believe in putting in all these restrictions. [Applause.]

The CHAIRMAN. The Chair takes it that the gentleman from New York does not care to be interrupted.

Mr. ADAMSON. If I take any of his time, I will return it to him fourfold. I did want to suggest that the gentleman from Indiana probably never heard of the man who dug a well and had to buy water to fill it. [Laughter.] Now, when the Government has built a canal, the Ship Trust demands that we hire them to furnish commerce and patronage and that they be allowed to loot the Treasury in addition to being paid otherwise therefor.

Mr. LEVY. Europe and Asia are also interested, and it is conservatively estimated that at least 1,500 ships are in process of building throughout the world for the Panama trade. We have lost magnificent opportunities in South America by neglecting our merchant marine and allowing Germany, England, and other countries to attract trade which should have properly come to us; and now it is proposed to carry out the same policy with regard to the great Pacific trade, which the Panama Canal will open up to us and turn that carrying trade over to foreign bottoms. I can not see either patriotism or sound business sense in the proposition at all, and it is incomprehensible to me that there can be any doubt or question on this matter.

The further proposal to place these shipping interests under the control of the Interstate Commerce Commission is most vicious and ridiculous. It takes from six to nine months for the Interstate Commerce Commission to render a decision in domestic railway matters. How long do you suppose it will take them to reach a decision in questions affecting shipping? Is any man blind enough to think that any shipper will wait for the Interstate Commerce Commission rulings when he can obtain a quicker ruling and an immediate service from the competing foreign lines?

The story of our maritime decline is a sad enough one as it is. Eighty-six years ago the percentage of American carriage in foreign trade was 92.5; when the Civil War began, 65.2; when it ended, 27.5; in 1892, 13.3; and it has been steadily declining until now it is only about 8 per cent. If you will allow the Interstate Commerce Commission to get a fair chance at it, I have no hesitancy in predicting that it will take a still further tumble if it is not entirely swept off the surface of the seas.

And, Mr. Chairman, it should not be forgotten that opportunities once lost are extremely hard to regain; and even if some future Congress should show more wisdom and more patriotism than we are showing to-day, the steamship companies of other nations, which, as stated above, are bending every energy and are keenly alive to the vast changes the canal will make in sea carrying trade, will have so intrenched themselves in the firm control of this trade that it will be next to impossible to dislodge them. And it can not be repeated too often that if you carry out the policy outlined here to-day you are making foreign nations the chief beneficiaries of this canal, which is about as wise a proceeding as it would be for a man to build a large and expensive garage fully equipped with every device for the care and maintenance of automobiles, and then going out and hiring the motor cars he needed for his transportation. And the Panama Canal stands in this further position that it is the last, almost desperate, chance we have of retrieving our position as a deep-sea trading nation. Our coast trade has been one of our proudest possessions and one of the most valuable assets of the people of the United States for so many years that to allow this incomprehensible and unjustifiable hatred of railroads to eliminate the last vestige of our mechant marine will most certainly be emphatically and severely rebuked by the American people when they once become cognizant of what this legislation really means.

Even now before the canal is open thousands of our citizens are visiting it on ships that fly a foreign flag and paying tribute to a foreign country. When they see the wonderful work that is being done on the canal they are thrilled with pride at the showing of American skill and American energy, but the great majority of them on their return, along with the patriotic pride that they felt in American achievement in the Panama Zone, bring back also a feeling of shame and deep humiliation when they remember that on the trip going and coming from start to finish they did not see the American flag on an American built and owned steamship.

Do you suppose for one moment that foreign nations will not do the same with the ships of theirs that will pass through the Panama Canal as they now are doing with the ships of theirs that pass through the Suez Canal? Just let us for a moment examine. The Russian Government in 1909 appropriated 650,000 rubles in exact terms to pay the tolls of the Russian volunteer fleet both for tonnage and for men, women, and children carried. The British Pacific & Orient Co. receives in subsidies enough to nearly pay all its canal dues, although it operates through the canal a number of boats apart from the mail steamers. The North German Lloyd receives an annual appropriation on its vessels using the canal of $1,385,000. Japan pays a subsidy of $1,336,947 to the Nippon Yusen Kaisha for its steamers through the Suez Canal to Europe.

The Massageries Maritimes, the largest French company using the Suez Canal, was paid for its lines to China, Japan, Australia, and Madagascar $2,145,000 in subsidies. Austria specifically provides by law for payment of Suez tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe. The Swedish Government calculates its subvention to the Svenska Ostasiastika Kompaniet to represent the amount of tolls paid by the ships of the company for passing through the Suez Canal.

In the meantime, while every foreign government is helping and will continue to help its steamship companies, knowing well that every dollar expended will be returned in tenfold, you not only are against helping, but you are in favor, apparently, of absolutely hindering American ships from competing on any kind of basis with these foreign subsidized lines. I will not say, nor is the question involved, that we should subsidize our steamship lines, but I do object, always have objected, and always will object to allow our Interstate Commerce Commission to penalize them.

Let us see for a moment how well the steamship lines pay in England. The advance in the combined net profit in 1911 over 1910 was over 26 per cent, and with two exceptions every concern in the big group of English ships participated. And even the two exceptions did much better in 1910. I append two tables, the first one showing a dozen representative companies for the last two years, net profit being struck after deducting debenture service, depreciation, and insurance allowances and other changes written off revenue:

Company.	Net profit.		Ordinary dividend.		Carry forward.	
	1911	1910	1911	1910	1911	1910
			Per ct.	*Per ct.*		
Cairn Line	£35,900	£2,100	6	Nil.	£12,800	£5,200
Cunard Steamship	222,900	203,300	7½	5	87,300	60,300
Elder Dempster & Co	103,000	134,700	10	8	34,900	23,200
India General Navigation	59,300	54,000	6	5	10,700	7,200
Isle of Man Steam Packet	21,900	11,500	6½	6	6,900	4,100
King Line	8,700	400	5	Nil.	1,500	2,300
Mercantile Steamship	48,600	38,500	10	5	1,200	1,000
Moor Line	33,200	18,800	10	5	2,700	1,400
Neptune Steam Navigation	15,900	23,800	10	5	2,200	2,100
Pacific Steam Navigation	131,300	78,100	6	5	8,700	6,000
Royal Mail Steam Packet	122,100	96,100	5	4	11,100	4,000
Sutherland Steamship	15,400	3,000	7½	5	10,800	1,100

The second table compares the gross receipts of the various companies in 1911 with those of 1910:

	1911	1910	Increase.
Cairn Line	£129,400	£27,600	£101,800
Cunard	3,103,600	3,097,400	6,200
Elder Dempster	236,900	228,600	8,300
India General	153,200	148,100	5,100
Isle of Man	213,800	193,000	20,800
King Line	41,700	24,500	17,200
Mercantile	62,100	42,500	19,600
Moor Line	113,900	66,100	47,800
Neptune	43,700	37,300	6,400
Pacific	135,700	108,800	26,900
Royal Mail	293,100	181,600	111,500
Sutherland	52,400	9,900	42,500

Among the most successful of the companies is the Pacific Steam Navigation. The latter's report has just appeared, and part of the greatly increased earnings is reflected in the former's accounts through its predominant holding of share capital. Gross profit is up £26,900, and net profit £53,200. So that this company will be in a most favorable condition for the Panama Canal trade.

The liner tonnage of England is actively employed all the year, and especially with the emigration movement to Canada, and that emigration movement to Canada will continue and increase very largely in the next few years, and inevitably increase the earnings of the Canadian Pacific Railroad both in freight and passenger traffic enormously, giving them a still further power to use its great resources in extending their steamship lines to use the Panama Canal, while our railroad companies come under the restrictions of the Interstate Commerce Commission, and the further restrictions, which you are placing upon them by this legislation, will be eliminated as a factor in competing on the sea with our British competitors.

One of the excuses made for this legislation is that it is to discourage monopoly of domestic traffic by placing these restrictions on the railroads, yet a careful study of its real effect will readily show that instead of discouraging monopoly it can easily have the effect of fostering and promoting steamship monopoly, since it would forbid a railroad from establishing a steamship line in competition with an existing independent line, and it certainly would not restrict and might even promote industrial monopoly through the control by large corporations of steamship lines. But the main object and the most serious fault in the entire matter is the advantage that it gives to foreign steamship companies and the tribute it will make Americans pay to foreign Governments.

It means less business for American shipping lines, with the natural result of less business for American industrial enterprises; it means more wages not only to foreign seamen, but to foreign workmen in every field of industrial endeavor; it means taxing the American people for the benefit of people who contribute nothing to the wealth or prosperity of our country; it means a still further decline in the training and development of American sailors, and it will make it still more difficult to man the ships of the United States Navy with American bluejackets. It is not only unnecessary from a commercial and industrial standpoint, but it is—and I regret that I must say so in all candor—unquestionably and undeniably unpatriotic.

While we stand, and hope to stand in all the years to come, on friendly terms with every great nation in the world, yielding to all fair opportunity to compete with us in the markets of the world, it is not selfishness, but the natural and patriotic desire of a nation to take care of its own; to see that we, who bear the burden, who made possible, by our energy and by the wealth which our citizens contributed, this great engineering feat of modern times; it is not selfish for us, I say, to claim our just and fair share of the fruits that will accrue from this enterprise.

Americans have long had the deserved reputation of being good business men. Our factories turn out the finest products in the world; commercial methods are of the very best; and I submit to you gentlemen that there is no reason why we should not apply the same sound American common sense to this question and desist from these constant disturbing attacks on business which are menacing the very industrial life of this Nation. We should spend a little less time in this sort of destructive legislation, for it can be called nothing less, and do a little more constructive work along lines that will make business better, that will increase both our output and its distribution; and while helping our merchant marine and giving our railroads a living chance to expand and to progress, at the same time increase the demand for labor and bring the natural prosperity which belongs to our country and should to-day be ours. [Applause.]

Mr. ADAMSON. Mr. Chairman, I will ask the gentleman from Louisiana or the gentleman from California if he has another speaker this evening.

Mr. BROUSSARD. We have no other one to-night, and we will ask the gentleman from Georgia to proceed if he has any other one here.

Mr. ADAMSON. That being the case, Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE] 30 minutes.

Mr. CLINE. Mr. Chairman and gentlemen of the committee, I feel that I ought to make an apology to the members of this committee, for the reason that all the gentlemen who address the committee must necessarily traverse the ground with which you are already familiar.

The only justification I have for attempting to use a short space of time is the justifiable pride that any citizen may have in taking a little part in the discussion of legislation that indicates the approach of the completion of the greatest exhibition of genius and skill that the American people have ever exhibited. The completion of the canal that opens up a new pathway for the commerce of the world that has been the dream of all nations for the last 50 or 75 years is about to see its realization through the efforts of the American people, and is one of the greatest achievements since the organization of the Government.

Mr. Chairman, in order that I may occupy as little time as possible, I am going to confine myself to the notes that I have made, and I desire to discuss simply the questions involved in section 5 of this bill, the question of tolls.

I desire at the outset to express my approval of this bill and my purpose to support the same. The completion of this monument to the genius, skill, and ability of the American people in bringing into use this new pathway for the world's commerce is of such immense importance as to require by this body the most careful consideration of those measures intended to secure its most comprehensive and widespread usefulness.

A government for the zone should first be established with responsibility definitely fixed for the exercise of the functions with wisdom and experience.

One of the absorbing questions involved in this legislation is the problem of tolls for use of the canal and the manner of laying them. Gentlemen, in the report on this bill, disclaim any attempt to construe the language of the treaty of the United States with Great Britain lying at the very bottom of the building of the canal and establish by "such construction any precedent or permanent legislative policy or to bind any future Congress, should it be deemed expedient or adjudged competent, to adopt a different basis." There can be no abandonment of the proposition to construe the language of the treaty, and if the national honor is regarded of any consequence the terms of the treaty must be consulted in fixing the rates. Why should we lay uniform rates of tolls or no tolls at all? Because we promised as a condition precedent to any authority to build the canal in the most solemn compact the Government could enter into, a compact that the Government declares to be the supreme law of the land, to administer no "discrimination against any such nation or citizen or subjects in respect to conditions of charges or traffic or otherwise." That promise was made by properly constituted authority and confirmed by the Senate of the United States. I propose to inject into this discussion as a part of my remarks a little history of that transaction. Before what is known as the Hay-Pauncefote treaty was adopted, no authority existed for the United States to enter any part of Panama to construct a canal. For the very purpose of laying the authority to do so, our Government negotiated a modification of the Clayton-Bulwer treaty that provided against either Great Britain or the United States engaging to construct or own any canal or interest in any canal across the Isthmus. This modification in the form of a new treaty was negotiated and confirmed by the Senate on February 22, 1902, and before the British Government would assent to the proposition it made us consent to these provisions, viz:

> The canal shall be free and open to the vessels of commerce and of war, observing these rules (those of neutrality) on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable. (Art. 3, clause 1, of the treaty.)

That was the result of the modification of the treaty. Now, what is the next thing we did? We entered into a treaty stipulation with the Republic of Panama in which we agreed to do these things for the privilege of constructing the canal across their territory. I quote from the treaty of 1902:

> The United States of America and the Republic of Panama, being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act, approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention, etc.
>
> ART. 1. The United States guarantees and will maintain the independence of the Republic of Panama.
>
> ART. 18. The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of Great Britain and the United States on November 18, 1901. (The Hay-Pauncefote treaty.)

These are the preliminaries, briefly stated, that this Government had to arrange before she had any authority to enter upon this undertaking. Panama was indirectly a party to the construction of the canal because she was in a position to dictate the terms of the enterprise, and because we assented to them

we are bound by them. I want you to notice that Panama, as well as the United States, reaffirmed their purpose in the treaty with each other to respect the terms of section 1, article 3, of the Hay-Pauncefote treaty and made such terms and their observance a part of the condition for the right to build that was conferred by the Republic of Panama on the United States.

Gentlemen say that the original purpose of the construction of the canal was for strategic purposes in time of war and that commerce was a secondary matter. That can not be true, for many reasons not necessary to state. These treaties to which I have called your attention show conclusively that the canal was a commercial project of the widest possible scope, and the very provision in the Hay-Pauncefote treaty declaring that the canal should be "free and open to vessels on terms of entire equality" reflects the very purpose in the minds of the high contracting parties that the strategic value was incidental to its construction, and the terms were made definite as to every element of contract necessary for the successful administration of the great commercial highway.

That opinion is confirmed by the fact that President McKinley, in the message he sent to Congress, made no suggestion to have the Panama Canal constructed for the purpose of creating a strategic point in time of war, but the tenor of all the presidential messages for the last 70 years was to create a highway for trade across the Isthmus of Panama, and in all the conventions that had been held, and in all the declarations that have been made by interested parties, the paramount question arising was to benefit the trade of the nations of the world and to cut off the long detour around Cape Horn, so that there might be a better market for us and for other nations to the East for that purpose.

For more than 60 years the purpose of establishing an interoceanic canal has been the subject of presidential messages. I quote from the former Clayton-Bulwer treaty to show that we did not originally construct the Panama Canal for the sole and only purpose of a strategic point in time of war, and that the idea of creating the Panama Canal for military purposes only, did not arise out of the fact that we were unable to get the *Oregon* around the Horn for early active service in the Spanish-American War. The Clayton-Bulwer treaty of 1850 contained these provisions:

ART. 6. And the contracting parties likewise agree that each shall enter into a treaty stipulation with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this great convention, namely, that of constructing and maintaining the said canal and ship communication between the two oceans for the benefit of mankind on equal terms to all and of protecting the same.

ART. 8. It is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions thereupon than the said Governments shall approve of as just and equitable; and that the same canal or waterways being open to the citizens and subjects of the United States and Great Britain, on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Treaties are construed like any other contract, and I invite the attention of the committee to the rule laid down in this country and recognized by all authority on international law:

It is a general principle of construction of treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties, to secure equality and uniformity between them, as they are contracts between individual nations. In their construction words are to be taken in their ordinary meaning, as understood in the public laws of nations, and not with any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. (Hauenstine *v.* Lynham, 100 U. S., pp. 483–7; Godfrey *v.* Riggs, 133 U. S., pp. 258–71.)

There is no ambiguity in the terms of the Hay-Pauncefote treaty, and consequently no room for any construction by intendment. The language is clear, direct, unequivocal, and the meaning is not to be clouded by "any artificial or special sense" imposed upon the terms.

Did England so understand the Hay-Pauncefote treaty? Certainly she did, and had faith in our observance of its conditions. On its ratification she dismantled her fortifications in Jamaica and moved away her stores and munitions of war and practically abandoned her holdings as a strategic point. Would she have done that if she had understood that the solemn compact she entered into with her great rival for trade and supremacy contained an ambiguous provision through which we could work a discrimination against her in freight rates, and that we stood ready to repudiate and trample under foot our obligations? Would she have voluntarily added an additional handicap of free tolls against her coastwise trade on this continent and in favor of our coastwise trade when we already had the advantage against her of 3,000 miles in travel to the markets of the South American Republics and the Orient? She believed in the unstained honor of this Republic, for she had dealt with us for a century in another compact on our northern border between Canada and ourselves, and she had a right to rely upon our integrity as a Nation, and that integrity will not now be compromised.

I want to pause here long enough to state that I do not concur in the opinion of the gentleman from Colorado [Mr. MARTIN] with reference to the construction of the canal being of a proprietary character. The negotiations for the construction were made with the sovereignty of the United States, and the United States acted in that sovereign capacity, and the only provision that was made in the treaty was that it might determine that the canal should be constructed by the United States, an individual, or by a corporation. The United States chose to build it herself. Admitting that it had that right under the treaty to turn the work over to a private person or a corporation, it would still be controlled by the organic act which constituted the agreement between the United States and Great Britain as to the manner under which it should be constructed, and the responsibilities of the Government entering into that contract and that agreement rested solely in the sovereignty of both nations. It could not enlarge its province and take to itself any of those incidents that attach to a proprietary nature or character from the simple fact that it determined to commit the building to a person or corporation, because back of that would rest the right of the Government of the United States in its sovereign capacity to control the manner in which the canal should be constructed and the manner in which the toll should be collected, and all of the agreements in this contract between the United States and Great Britain rested for their performance in the sovereignty of the United States and not in its contractual relationship.

Contrary to the assumption by the gentlemen opposing the fifth section of this bill, the United States does not own the canal absolutely, in the sense of having an absolute title, a perfect, indefeasible title. She obtained her interest in the territory through which the canal runs by treaty, not by purchase, and the terms under which she got it are set out in the grant and constitute a limitation defining what we got the grant for. Suppose the United States should conclude to abandon the canal for lack of commerce, or because of the expense of maintaining it, or for any other reason, would any man assert that the United States, which has acted solely in her sovereign capacity, could claim any further interest in the zone that is now under her sovereignty and conditional ownership? Would not Panama on such abandonment succeed to our present rights? The United States could not confer upon herself or her assigns any greater or different power than what she derived under the treaty, nor could she under the claim of proprietorship in the construction of the canal in the slightest degree affect or limit her liability as a sovereign power under the treaty.

But to return from the digression to the proposition of free tolls, demanded by the east and west coasts for their especial benefit: This proposition is confronted with another phase of the subject. Our navigation laws are now in force as they were when this treaty was entered into. That they were included in the understanding that there was to be no discrimination in favor of our coastwise shipping is clear to presume, for no power entering into such a compact could doubt that the vast fields for trade in South America would invite our coastwise shipping.

Is it to be supposed for an instant that Great Britain would have consented to free tolls for our ships engaged in that coastwise trade and shut the market doors of the South American Republics in her own face through such discrimination against herself at her own election? This statement will not be rejoined in that the coastwise shippers would not engage in the South American trade. Those vessels now doing business on the Atlantic coast have an absolute monopoly of the traffic, both passenger and freight, and have already investigated the subject, with a view of engaging in that trade. So also has the American-Hawaiian Line, that now owns eighteen 10,000-ton vessels and has five more in process of construction. Nor will it be objected that a different rule would prevail in case the coastwise trade shifted to the South American trade, for the difficulties of administering the law in that event would be too complex to be practicable to charge for southern trade and not for coastwise trade in the same vessel. The claim that the canal was inspired for commercial reasons, instead of to establish a strategic ground in case of war, is supported for another reason. Our individual trade would not support such an enterprise or justify the expenditure of $400,000,000. We are in no position to donate this mighty highway to the world's trade, and no nation expects us to do it—to control and defend it without pay. Governments expect and are anxious to remunerate us for the use of the canal and pay the charges without discrimination against them. The Government ought to lay a rate sufficiently

low to attract not only our own trade but the trade from foreign countries to that gateway.

The greatest element of wealth in any nation is its trade. The nation that has no great foreign commerce has no great enduring history. The trade of the South American Republics and the Latin Republics last year amounted to $4,000,000,000. We took about 20 per cent of that trade. They are lying right at our doors. Why should not we have 90 per cent of it? If we cut through the Isthmus of Panama, we bring ourselves 3,000 miles nearer to those markets than any of the nations of western Europe. We handicap the nations of western Europe by 3,000 miles of travel in our favor, and the vast amount of trade that is yet in its infancy will be our trade, and this country never did a wiser stroke of policy, despite the statement of my friend LEVY to the contrary, than when we created the Panama Canal and opened up that vast territory of South America to the trade of this country. Let me say another thing, and that is this: That the rates of the Suez Canal will determine the rate we put upon the Panama Canal. Why? It was developed in the hearings that the railroads got as high as four times as much for transportation from coast to coast of merchandise as we could carry it for by water. If that is true, then there would be no real competition between water and rail routes. If we increase our foreign trade, we must do it by handing over to those parties who would prefer coming through the Panama Canal a lower rate of duty, a lower rate of toll, so that it will be profitable to travel that distance instead of going through the Suez Canal. There is between us and the Suez Canal a zone of trade that both the Suez and ourselves will bid for. How shall we get it? Only by offering such a preferential rate as will induce them to leave the Suez Canal and come our way, and that preferential rate must be so low that the difference between the Suez and our rate will not be eaten up by time and distance. That proposition being true, then we can make the rates so low for toll that it will not affect our coastwise shipping and at the same time give us absolute control of the South American trade as far south as Chile, so far as any of the nations of western Europe are concerned. Four billions of trade and we got only 20 per cent last year!

Mr. ESCH. The gentleman means 400,000,000.

Mr. CLINE. Four billions I said, all the export and import trade of the Latin Republics, and we got 20 per cent of it.

Mr. HAMLIN. But in that is included trade on the eastern as well as the western coast.

Mr. CLINE. Yes, sir; all the trade.

Mr. HAMLIN. To open the canal would help us in getting the trade on the eastern coast?

Mr. CLINE. No, sir; but the principal trade of South American Republics for us is on the western and northern coasts—that is the valuable trade.

Mr. HAMLIN. I was thinking it was on the other side. I may be in error on that.

Mr. CLINE. I presume I might refer that question to the gentleman from Wisconsin [Mr. ESCH], who is certainly an authority on that proposition. Now, as to the question as to whether this was built as a strategic point. I think the American people will come to understand this proposition in reference to this canal and that is it will serve not only as a strategic point in time of war, but it will be a highway for increasing our commerce. Personally I am for peace instead of war. I want to say that the proudest page in the record of the present administration, that has been cursed by scandals which were entailed from a previous administration, is that the historian may write over the name of William H. Taft, as President of the United States, that he gave his sincerest efforts to the cause of universal peace. [Applause.]

Mr. SABATH. They have not very much of it just now, have they? [Laughter.]

Mr. CLINE. I want to know whether England understood this proposition. Did she understand that this great American Republic was going to be bound by its obligation to her? Had she the right to believe that we were bound when we agreed to maintain the neutrality of Panama and her independence and to maintain equal trade relations with the world and with her? She has coastwise shipping in Canada right north of us; she has coastwise shipping in Canada on the north and west of us. She closed the gate of the canal to herself and opened it to us under the contention of the gentlemen who oppose the first section of article 3, and that has given us the advantage of free tolls when we also had an advantage against her of 3,000 miles in distance. It is not to be presumed at all. Now, I have not heard any of the gentlemen who have argued this proposition tell the committee just how the remission of tolls was going to advance the local merchant marine. The evidence disclosed this fact: That the entire coastwise trade, both on the Atlantic and on the western coast, was absolutely supplied at the present time; that there was no use for any more ships for the amount of trade we now have. And the hearings developed another fact, and that is this: That the men who operate the local merchant marine and coastwise trade had a monopoly of the business. Those steamship lines running out of New York—the Clyde, the Mallory, the Morgan, the Ocean Steamship Line, and the Old Dominion—divide up the passenger traffic and the freight traffic, and no two of those lines run to the same point on the Atlantic coast.

Mr. KNOWLAND. I think the gentleman is mistaken about that.

Mr. CLINE. I will just read a little from the hearings and find out.

Mr. SABATH. That was the evidence before our committee.

Mr. KNOWLAND. In some instances they do and in other instances they do not.

Mr. CLINE. The vice president of the Clyde Co. gave the information that they have a perfect working agreement. I think the other members of the committee will bear me out.

Mr. ADAMSON. Where they went to the same point they have an entirely different service.

Mr. CLINE. I am not going to be bound by anybody's recollection. I am going to read the record.

I am going to call your attention to a little evidence in this matter. I quote from the hearings, pages 543–544, from the statement made by Mr. Raymond, vice president and general manager of the Clyde Steamship Co. and the Mallory Steamship Co., of New York:

Mr. MARTIN of Colorado. Let us bring Mr. Sabath's questions home now.
The CHAIRMAN. Yes; we want to know what the fact is.
Mr. MARTIN of Colorado. There are two lines that you are vice president of—the Clyde and Mallory.
Mr. RAYMOND. The Clyde does not go to Galveston, T
Mr. MARTIN of Colorado. The Clyde does, does it no'
Mr. RAYMOND. No, sir.
Mr. MARTIN of Colorado. The Mallory and Morgan?
Mr. RAYMOND. The Mallory and Morgan?
Mr. MARTIN of Colorado. Do go from New York to Galveston?
Mr. RAYMOND. Yes, sir.
Mr. MARTIN of Colorado. Is there any difference in the rates between New York and Galveston on these two boat lines?
Mr. RAYMOND. Yes, sir.
Mr. MARTIN of Colorado. Is not the fare identical?
Mr. RAYMOND. There is only one line that handles passengers, and that is the Mallory; there is no competition.
Mr. MARTIN of Colorado. From New York to Galveston?
Mr. RAYMOND. The Morgan does not handle passengers; no, sir.
Mr. MARTIN of Colorado. How many lines are there between New York and Key West handling passengers?
Mr. RAYMOND. Only one.
Mr. MARTIN of Colorado. What is that?
Mr. RAYMOND. The Mallory.
Mr. MARTIN of Colorado. Are there any places on the coast where the Mallory has competition in the matter of hauling passengers?
Mr. RAYMOND. Not that I know of.
Mr. MARTIN of Colorado. It hauls them all—how does it come that the Mallory has no competition?
Mr. RAYMOND. Because nobody else has put any money into that service; that is all.

Those six lines are in a position to freeze out any other lines. That is what they are for.

Mr. MARTIN of Colorado. The Clyde does not carry passengers?
Mr. RAYMOND. The Clyde carries passengers, but it does not go to Galveston.
Mr. MARTIN of Colorado. Does it go to any of the ports that the Mallory goes to?
The CHAIRMAN. It pays better to divide the ports up.
Mr. MARTIN of Colorado. Is that the way it is done?
Mr. RAYMOND. No.

Of course you would not expect a man to admit that.

Now, I want to take the following examination from the record:

Mr. MARTIN of Colorado. Let us see; we have got three lines out of New York—the Clyde, the Mallory, and the Morgan. Now, how many lines have we got in the coastwise trade going out of New York in addition to the Mallory, Morgan, and Clyde lines?
Mr. RAYMOND. Out of New York?
Mr. MARTIN of Colorado. Yes, sir.
Mr. RAYMOND. The Ocean Steamship Co.
Mr. MARTIN of Colorado. That is four.
Mr. RAYMOND. The Old Dominion; that is, coming south.
Mr. MARTIN of Colorado. That is what I mean.
Mr. RAYMOND. Coming south from American ports?
Mr. MARTIN of Colorado. That is what I want in order not to scatter too much.
Mr. RAYMOND. The Old Dominion.
Mr. MARTIN of Colorado. That is five. Are there none of those carrying passengers into the same ports from New York, down along the Atlantic coast and return?
Mr. RAYMOND. No, sir.
Mr. MARTIN of Colorado. What do they do then—have they just divided up the territory between themselves?
Mr. RAYMOND. No.
Mr. MARTIN of Colorado. I do not understand why there is not an explanation for this. We have got the facts, in a measure, but not the explanation as to why there is just one boat line in the coastwise trade of the Atlantic carrying passengers between New York and all these coast points around to Galveston and the Gulf.

Mr. RAYMOND. The explanation is that two would not pay.
The CHAIRMAN. I think that is a good one.
Mr. SIMS. How is it about the freight?
Mr. RAYMOND. The same

Mr. RAKER. Will the gentleman permit a question right there? Was it drawn out in the hearings that there was an understanding between these five companies that they were not going to the same ports?

Mr. CLINE. Has my friend an idea that they are going to take the stand and admit anything of the kind?

Mr. ADAMSON. They said they had sense enough to do it without any understanding.

Mr. RAKER. This is serious. Did the committee seek to find out, or were they able to find out, whether there was a written agreement between them?

Mr. CLINE. It was a gentlemen's agreement, an agreement which does not go into writing, so that the Interstate Commerce Commission or anybody else can get hold of it.

Mr. NYE. It never does go into writing.

Mr. ADAMSON. I remind the gentleman right there that he said it was probable he would not run through the canal in competition with the American-Hawaiian Line, because it would not be prudent or advisable to compete with them, as they could handle the business.

Mr. CLINE. And I recall that some gentleman in the committee inquired whether it was possible for foreign traders to compete with local coastwise trade if they had an opportunity, and this same Mr. Raymond said: "We never have seen a time when we were not able to take care of ourselves in the business." I say it comes with poor grace for any man to stand up before an intelligent committee as the advocate and sponsor of a class of men that have been able to get together and control all the coastwise shipping of this country; and when we open up 8,000 miles of new coast lines, with the market of the whole continent for them, so that they can control them in preference to all the other nations of the world, it is not becoming for them to ask that we give them a preference in toll in the canal that cost this Government $400,000,000, when they are able, without relief from toll, to control the market.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. CLINE. Yes, sir.

Mr. RAKER. I understand, now, from the gentleman's statement, he being one of the committee——

Mr. CLINE. I am not one of the committee. Oh, no. I beg the gentleman's pardon.

Mr. RAKER. I will change my question. From your statement and study and examination of the matter, there was no evidence to show that there was an agreement, in writing, or a favorable agreement, or a verbal agreement, between these companies as to the coastwise trade. That is a fact, is it not?

Mr. CLINE. Oh, it was not developed in the hearing, so far as I have been able to read, that there was a formal agreement. There was no evidence developed that the gentlemen running these six lines had gotten together in some office in New York and entered into a written contract that they would divide up the passenger and freight traffic among themselves, and that each of them took a copy of it and advertised their meeting in the papers. There was no evidence of that, but the fact developed that they had done so, whether in pursuance of a contract or not.

Mr. RAKER. Was there any evidence to show that anyone, or any individual or assosciation, had been seeking or trying to do this coastwise trade, and that these particular companies now in existence were working together so as to drive them off the coast?

Mr. CLINE. Well, my friend, do you know what the Gould system of railroads in the Southwest did to some men who were undertaking to start a new, independent railroad there?

Mr. RAKER. Yes.

Mr. CLINE. That is what these gentleman are able to do. Nobody would undertake to put money into a concern when there were five or six companies that already occupied the field, with power and inclination to crush any competition.

Mr. SABATH. The evidence showed that they had bought out all the smaller companies from time to time and thereby killed any possible competition that might have existed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Let me have five minutes more.

Mr. ADAMSON. I think the interruptions that the gentleman has been subjected to entitle him to five minutes more. I think his speech itself entitles him to five minutes.

Mr. CLINE. Thank you. Now, Mr. Chairman, I wish I had time to examine the brief that I hold here, otherwise denominated the "Report of the Commissioner of Navigation."

Mr. ADAMSON. An obiter dictum.

Mr. CLINE. Yes; a brief that was filed by the Commissioner of Navigation for the local shippers of this country; a brief that no lawyer could prepare in less than two months; and the commissioner went absolutely outside the province of his official duties, that of Commissioner of Navigation, and every conclusion drawn from the gentleman's argument by himself was shot full of holes on his cross-examination before the committee.

Among other deductions he made was that if the tolls were put on American shipping it would not develop, and no shipmasters were making preparations for the Panama trade. As a complete refutation of that proposition I propose to quote from the hearings again:

The CHAIRMAN. Are you building any new ships?
Mr. RAYMOND. We built three last year; we are building two now.
The CHAIRMAN. How large are they?
Mr. RAYMOND. The ones we built last year were 5,000-ton boats; the one that is building now depends on the measurement afterwards; she will be somewhere between six and seven thousand tons.
The CHAIRMAN. Most of your ships would be large enough to do business through the canal, if you could find inviting opportunities in the Pacific Ocean, I presume, would they not?
Mr. RAYMOND. Some of them.
The CHAIRMAN I believe it has been stated 4,000 tonnage is as small as could be economically operated through the canal. I do not know how true that is.
Mr. RAYMOND. As a practical man, I should say not less than that, and it would be better to be more.
The CHAIRMAN. With those preliminary statements, if there are any words of comfort or any assistance that you can give this committee affecting this legislation, I would like to have it.
Mr. MARTIN of Colorado. You have studied the west coast of South America?
Mr. RAYMOND. I say that we have made some investigation of it.
Mr. MARTIN of Colorado. Was that based on the theory that there would be a greater development from the opening of the canal to the west coast of South America than to the west coast of North America?
Mr. RAYMOND No. We are in the steamship business for transportation, and it is the duty of those that manage the property, as I view it, to keep informed, and it is only as a matter of information that we are looking into this question at all, not with any definite view of engaging in it at once.
Mr. MARTIN of Colorado. But, agreeing entirely with what you say, what caused your investigation of the west coast of South America rather than the same coast of North America?
Mr. RAYMOND. That is a matter I would prefer to answer to the directors of my company and not to a public committee.

I now quote from the testimony of Mr. Dearborn, representing the American Hawaiian Steamship Co. I refer to pages 558–559, and ask the attention of the House to this convincing statement by Mr. Dearborn, the president of the company:

This steamship company has within 11 years created a fleet of eighteen 10,000-ton high-class freighters, all from American shipyards, and is building five additional steamers, and, in the belief that any canal tolls which may be levied will permit of its use, has announced that it will abandon the Tehuantepec route and divert its ships through the canal.

Why, he said, "We are going to go through the Panama Canal, and the toll question is not going to cut any figure with us, because we have done business across the Isthmus of Tehuantepec and made money, and we know we can do better, regardless of what the tolls are, through the Panama Canal.

Mr. KNOWLAND. It is true that he said the tolls did not make any difference, because they would come out of the consumer.

Mr. CLINE. Well, the tolls always come out of the consumer, do they not?

Mr. KNOWLAND. I am glad to have the gentleman admit that. The gentleman's Democratic colleagues have not admitted it.

Mr. CLINE. The freighter takes what he has to pay out of the consumer.

Now, Mr. Chamberlain proceeded to say that if you reduced the tolls you would destroy the coastwise shipping. He said that in the face of the fact that he knew that the water rate was only one-third of what the rail rate was now; and some of the members of the committee were inquisitive enough to try to find out what system of logic led him to arrive at that conclusion. I want to read three or four questions from the hearing. The first it this:

Mr. MARTIN of Colorado. My question is, How will the Panama Canal tolls destroy the American coast-to-coast trade, which shipping has an exclusive and absolute statutory monopoly?
Mr. CHAMBERLAIN. My reply thus far, Mr. Chairman, has been, first, I understand that this proposed canal toll is the first peace tax on interstate commerce. My second suggestion was that it is the first instance where Congress undertook to impose, in form at least, a tax on American vessels—of course, foreign vessels too, but this discussion is confined to American vessels—for using improved waterways and canals.
The CHAIRMAN. I understand he wants you to answer a concrete question as to how the tolls will affect the shipping.

The question that was put up was how the tolls would affect the shipping. The answer was:

Mr. CHAMBERLAIN. I can not get at that, Mr. Chairman, by yes or no.
Mr. MARTIN of Colorado. I want to know how tolls are going to have that result.

Of course our good friend the gentleman from California [Mr. KNOWLAND], who championed the commissioner, was beginning to get restless in his seat by that time, and he said:

I think the witness should be allowed to answer in his own way.

Of course, the witness had not been attempting to make any answer yet.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ADAMSON. I yield two minutes more to the gentleman, as he has been interrupted.

Mr. CLINE. Then the chairman of the committee put this question:

The CHAIRMAN. Now, as to the effect which charging tolls would have in killing American merchant marine, I would like to have the explanation how that is possible.

Observe the mental agitation that the gentleman from California was going through at that time.

Mr. KNOWLAND. The commissioner was able to take care of himself all right.

Mr. CLINE. Every point that he undertook to sustain in his brief was abandoned by his own testimony.

Mr. KNOWLAND. That is the gentleman's opinion.

Mr. CLINE. It was the opinion of every man around the table, and it was the opinion of the gentleman from California, or he would not have interjected those interruptions.

Mr. KNOWLAND. I did not want answers put into his mouth. That was all I objected to.

Mr. CLINE. He ought to have had some answers put into his mouth. Now, listen to the embarrassment of a man at the head of the Bureau of Navigation of this country, who had spent months in preparing this brief. Hear what he says:

Mr. CHAMBERLAIN. This is getting to resemble, if I may be allowed to make the remark, the wireless interference with which we are dealing in another committee, etc.

Mr. KNOWLAND. You do not finish reading his answer.

Mr. CLINE. The rest of it is just like what I did read. There is no ground for the proposition. Now, just one word more, to say that the man who did more to construct the Panama Canal and had more to do with it than any other living man, Mr. Roosevelt, said in the February number of the Outlook that the tolls must be paid at the canal and there must be no discrimination.

Mr. RAKER. Is that going to settle the question?

Mr. CLINE. I hope not, but in reply to the suggestion that because other countries may appropriate tolls and therefore we ought to abandon the treaty, I have to say that we can not interfere with the local legislation of another country; we do not go to the German Reichstag, or the British House of Commons, or the French Chamber of Deputies, to see what they wish to do with reference to the toll question on this canal, but when their vessels approach the canal they must surrender to the conditions laid down in the Hay-Pauncefote treaty, which I believe this Government will enforce to the full letter. [Applause.]

Mr. KNOWLAND. Was the article in the Outlook signed by Mr. Roosevelt?

Mr. CLINE. It was on the editorial page, and I suppose he was responsible for it.

Mr. KNOWLAND. He denies any such statement.

Mr. CLINE. Where does he deny it?

Mr. KNOWLAND. He denied it through a California friend.

Mr. CLINE. Is his denial in print?

Mr. KNOWLAND. No; it is not in print, but it is over his signature.

Mr. CLINE. Put the canal on a business basis instead of upon a gratuity plan. Shipping corporations that can not pay a reasonable toll and do business can not do business if the toll is remitted. It is conceded that if the tolls are assessed it will not be detrimental to the shipping interests because the consignor will be assessed the additional amount; it is also agreed that if the tolls are remitted that the shipping concerns will get the gratuity and not the shipper or the consumer, because in the distribution it would be inconsequential and for the further reason that the rates will be kept to the limit that the business will carry.

This great Government has been good to the coastwise trade. It has shut out the foreign shipper from our local business, and properly so, and given the coastwise shipper a monopoly of the business. We have taxed this great people four hundred millions to open up 8,000 miles of additional coast line for them, and given them a position so that they could control vast fields of new business, amounting into the hundreds of millions annually. Not satisfied with that exhibition of generosity by a great Government, they "abuse our patience" by dividing up all the business on the Atlantic seaboard among themselves so as to eliminate all fair and honest competition to which the people who made this contribution in their interest are entitled. With these concessions handed over to them without money and without price, with the command to go forward and do the trade well-nigh of this Western Hemisphere, they have the unspeakable nerve to ask us not only to go down into our pockets and pay the interest on the immense debt, to pay the running expenses and the cost of constantly protecting and providing this great pathway for their business, but they demand that we pay for them the price of passing through this canal.

I wish, in closing, to refer briefly to the statement of the minority. One of the most remarkable statements in this controversy is contained in the opening page of its report. This is the language:

This great canal, built for the American people by American money, genius, and enterprise should be forever a free and untrammeled competing route with transportation by land.

Mr. Chairman, that is the kind of a half truth stated as the basis of an argument that carries in its form the virus of a willful misstatement. The Panama Canal is not fully an American canal, though built with American money. Let us be candid in this discussion. It belongs to the commerce of the world. To its use and its protection are applied the principles of international law. It is not a waterway within our own States and territory wholly under our jurisdiction without any limitation whatever. Before we built the Panama Canal we went into a foreign country and invoked the highest constitutional power under this and another Government in a formal negotiation with a distant sovereignty for the mere right to enter upon such an enterprise. We were compelled to go from that sovereignty, which imposed limiting restrictions upon us, to another Government separated from us also by a foreign State to obtain further consent and engage in additional reciprocal obligations before we could begin. Those conditions absolutely distinguish the Panama Canal from a mere domestic improvement. A companion statement to the one above is the further observation that—

It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because the American vessels are accorded the same treatment in the use of the Welland Canal.

That is not a correct statement of the fact. We use the Welland Canal without toll and the Canadians use the Soo Canal without toll, not because of any reciprocal arrangement, but because the right is fixed by treaty stipulations and on no other grounds. If the Canadian Government attempted to charge American vessels a toll for passing through the Welland Canal, our vigorous protest which we would immediately make would be based upon our stipulations in our treaty with them and upon no other grounds and not upon the fact that they were using, free of toll, the Soo Canal.

When we arranged with the Panama Republic for the right to build the canal they had it in their power to prescribe the terms upon which we might enter upon such an undertaking; they did it and we acceded to those terms and now we should obey them. Every declaration made not only by the President, but by Mr. Roosevelt when he was President, declared the enterprise to be international in its intended use.

But gentlemen themselves do not agree as to the method in getting the money out of the Treasury. Some of them who want this subsidy, like Mr. Lewis Nixon, of New York, and his associates, have no regard for treaty stipulations. They would create a stampede for the tolls, regardless of our treaties. They would break down all barriers, if they are correctly reported in the press, wipe out all agreements, and appropriate the necessary money. I do not believe in that sentiment, Mr. Chairman, even if there is some popularity for it in the country. I do not believe in a doctrine if a legislature gets in the way, brush it aside; if the courts get in the way, brush them aside; and if you get a decision on a constitutional question that does not suit you, go down to the corner grocery and reverse it. I believe in the integrity of this Government in all of its undertakings. As I said, there are men in high authority who wish to make a feint at a compliance with the terms of the compact. Secretary of War Stimson, this year, at Kansas City, before the Commercial Club, discussing the toll question, said:

I think the United States has a clear right to appropriate to the vessels, paying the same sum paid into its Treasury by these vessels in the form of canal tolls.

That statement is very wide of the real question. What is the real proposition involved, anyway? Stripped of all its subterfuge, its sophistry, its buncombe, it is the unmasked stalking horse for ship subsidy that has so frequently been driven out of this Capitol, only to return again at the next session under a different guise. The time has passed when this Government proposes to grant a gratuity to private inter-

ests—to cooperating capital—that already skulks in the shadow of a prosecution for violating the Sherman antitrust law. It will refuse to be a party to such combinations to fasten a tighter grip on the business of the country by way of the Public Treasury. Such indirect appropriations to these masterful institutions are wrong in principle, and the injustice can not be cured by taking the circuitous route suggested by the Secretary of War. I submit that the language of the President in his late message on this subject is open to the same objection, both in its tone and in its conclusion. This is his language:

> We own the canal. It was our money that built it. We have a right to charge tolls for its use.

It does not follow, simply because we have the sheer power to do these things, that we are not hedged about by certain limitations. We have a right to charge tolls, but not to discriminate in making the charges; and the President admits our contention, in the further discussion of the matter, in the use of this language:

> These tolls must be the same to everyone; and when we are dealing with our own ships the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls and equivalent remission of the tolls can not be held to be a discrimination in the use of the canal.

This is an unworthy subterfuge to milk the Public Treasury, and the statement is not in harmony with the facts. No great commercial nation, either Germany or England, our greatest competitors, votes a subsidy to their commercial and merchant vessels except in the nature of mail subsidies or as subvention to certain naval lines, both of these services being a public service and not a private enterprise.

Mr. ADAMSON. I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I have prepared with some care a discussion of a very important, and in my opinion the most important, question in connection with the Panama Canal, a question that perhaps is not entirely pertinent to the legislation before us, to wit, the question of fortification of the canal. I do not intend to inflict that discussion on this small, but select audience. At some future time I hope to have the opportunity to show what monumental folly it is and will continue to be to attempt to fortify and protect this great waterway with 16-inch guns and bayonets. Of all the errors that the American people have fallen into, or that they are liable to fall into, I think none can be more profound than that of attempting to create of the Isthmus of Panama a heel of Achilles, a point which every foreign enemy which we shall ever have in all our history will strike when it is entirely practicable to protect the canal without a gun and without expense.

I hope, when the appropriation bill is before the House, to have an opportunity to discuss that question at length.

It has been suggested that we have already entered upon the plan of fortification of the canal, and therefore it is useless to discuss that question. We have already wasted a million or two down there, and we have in all a $3,000,000 appropriation to draw on. But no question is ever settled until it is settled right. I do not hope that anything I shall say will prevent this Congress from making another appropriation, but I do believe that before that appropriation is used the American people will wake up to a realization of the folly of attempting to protect the canal with guns.

Gentlemen have noted that all those who have discussed the canal have talked about its neutralization, and yet we propose to plant 16-inch guns at each end of it, and talk about a fortified canal being a neutralized canal.

Failing in the opportunity of discussing at such length as I should like to the question of fortification, I did not intend to enter into this discussion at all, and I would not have done so except for the astounding fact that gentlemen who represent the localities of the organizations to be directly affected seriously urge the proposition that the American people, who have spent $400,000,000 in the construction of this great waterway, shall give to the chief beneficiaries of it for all time the opportunity of going through it without even paying for the grease used in turning the gates of the locks. [Laughter and applause.]

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is not it provided in the subdivision 7, article 2, of the Hay-Pauncefote treaty that no fortifications shall be erected commanding the canal or adjacent territory?

Mr. MONDELL. I regret I have not time to discuss the treaty at length. I base my argument not at all upon our treaty rights, because I have discovered with regard to fortications, as we have discovered within the last two days in regard to the question of tolls, that there are a considerable number of gentlemen who in this matter are in the attitude of the gentleman from Texas who inquired, when the suggestion was made to him that the Constitution stood in the way of a certain measure he favored, "What is the Constitution between friends?"

Mr. ADAMSON. He was from New York.

Mr. MONDELL. Well, wherever he was from, he represented very clearly the attitude of the gentlemen from the Pacific coast, and to some extent from the Atlantic coast, who, in the face of opportunity to do something for a few of their constituents, are willing to say, "What is a solemn treaty obligation in the presence of an opportunity to grab something?"

And so I shall not, in the brief time that I have to discuss the question of tolls, talk about our treaty obligations, though they are writ so plain that a wayfaring man, though he be a fool, can not fail to understand them if he wants to have these obligations carried out. [Applause.]

Every line, every syllable, every word, of all that has been done from the beginning with regard to this canal pledges this great Nation to equal opportunities and equal treatment to the ships of all flags and citizens of all nations.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. RAKER. The gentleman has given the subject a good deal of thought——

Mr. MONDELL. I have not, as a matter of fact, for I did not intend to discuss it.

Mr. RAKER. There are just two questions that I have been intending to ask the gentleman. First, under the Clayton-Bulwer treaty of April 19, 1850, if a private individual had built the canal, under the provisions of that treaty all foreign powers would have had an equal right to go through the canal. That is conceded, is it not?

Mr. MONDELL. I did not catch the gentleman's question; I was otherwise engaged.

Mr. RAKER. Under the Clayton-Bulwer treaty of April 19, 1850, if a private individual or a corporation had built the canal, and built it under its provisions, they would have been entitled to equal and exact treatment—every nation—would they not?

Mr. MONDELL. I have not the treaty before me, but we are not building the canal under the Clayton-Bulwer treaty; and, in any event, I am not discussing treaty relations, because the gentlemen from the Pacific coast do not seem inclined to regard the treaties anyway.

Mr. RAKER. Will the gentleman give me three questions, and I will quit? If that is conceded, if this private individual or corporation had built the canal, will the gentleman from Wyoming say they could not have run a line of ships through this canal?

Mr. MONDELL. I have not conceded anything. I have not the time in the very brief time I have to discuss the treaty relations.

Mr. STEVENS of Minnesota. Does the gentleman from California think that under the treaty and his statement that a line of ships having a flag of some nation would not be treated the same as every other ship?

Mr. RAKER. No; but if this private individual or corporation had built the canal would not he or it have been entitled to run a line of ships through it?

Mr. STEVENS of Minnesota. They would have to fly the flag of some nation or they would be considered pirates. If they had the flag of any nation, then they must be treated just exactly as ships under the flags of any other nation. The gentleman seems to assume that a man can be a pirate, just as all of these people do.

Mr. RAKER. Suppose they were flying the flag of America, then they would have gone through the canal without paying any tolls.

Mr. STEVENS of Minnesota. No; the gentleman is wrong, as most of his class are in that respect.

Mr. MONDELL. Mr. Chairman, I am very good-natured, but, really, my time is very brief.

The CHAIRMAN. The gentleman from Wyoming declines to yield further.

Mr. RAKER. No, Mr. Chairman, he has not declined to yield. Just one more question and I am through.

Mr. MONDELL. I will say to the gentleman again that I do not propose to spend a lot of time going into a detailed discussion of what the Clayton-Bulwer treaty proposes; nor do I intend to discuss at any length what the treaty under which we are working provides, although I do say that in my opinion that treaty prohibits us from preferential tolls; but realizing that treaties and treaty obligations seem to have no weight whatever with the gentlemen on either coast, I am going to discuss the question of tolls from an entirely different standpoint, and the

gentleman from California [Mr. RAKER] can have his own opinion as to what we may or may not do under the treaty. My opinion is that there is not a word nor a line in any treaty—Bulwer-Clayton, Hay-Pauncefote, or Panama—that gives us the right to do what the gentleman desires we shall do with regard to American shipping.

Now, Mr. Chairman, furthermore——

Mr. RAKER. Mr. Chairman, I do not want to interrupt, but I have been seeking from the gentleman on this question at least an answer to this matter, and I think that this House ought to be able to get it and somebody ought to be able to give it to us, even if it does take a little time.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Mr. Chairman, my time is limited——

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. Mr. Chairman, I am not entering upon a discussion of treaties. The gentleman and those who agree with him have had an infinite amount of time in which to discuss our treaty obligations, and they have ended their argument in this way: The gentleman from California [Mr. KNOWLAND], who sits near me, closed his argument with a statement that whatever our treaty obligations were or might be, they should be construed in favor of the proposition for which he stood, and the gentleman from Washington [Mr. HUMPHREY] wanted to know by what right the Secretary of State and the Senate of the United States had made a treaty under which we could not give preferential rates to American shipping. That is the way the gentleman's side has treated this question; and as they propose to flaunt treaties and are ready to trample upon them, I shall place my argument entirely upon the question of the propriety of doing the thing. If they insist upon it, I will admit, for the sake of argument, that all of the treaties, every one of them, have written across them in letters a yard high a statement that you can grant preferential tolls, and still I say it should not be done. [Applause.]

Mr. KNOWLAND rose.

Mr. MONDELL. Mr. Chairman, I am sorry that I can not yield.

Mr. KNOWLAND. But the gentleman does not want to misquote me.

Mr. MONDELL. I did not misquote the gentleman, because almost the gentleman's closing words were that whatever we might think about the treaty we should resolve any doubt with regard to it in favor of the policy that he proposes.

Mr. KNOWLAND. I said if any doubt existed——

Mr. MONDELL. Then I will let it stand at that.

Mr. KNOWLAND. I want to say in that connection that every department of the United States Government that has written or passed upon this question maintains that we have that right under the treaty.

Mr. MONDELL. Oh, Mr. Chairman, the gentleman does not expect me to accept that statement as being true.

Mr. STEVENS of Minnesota. Mr. Chairman, I can not let that statement of the gentleman from California go unchallenged. I think the contrary is true, that every department of our Government that has construed these words has construed them exactly in the opposite way from the contention of the gentleman from California.

Mr. KNOWLAND. What department is there that has done that?

Mr. STEVENS of Minnesota. The Department of State, the records of this House, the records of the Senate——

The CHAIRMAN. The gentleman from Wyoming declines to yield. The gentleman from Wyoming has the floor.

Mr. ADAMSON. Let me make a suggestion; I will yield the gentleman another minute; the members of the committee who have studied this question and taken precedence in place for debate have opened themselves to the questions of their colleagues and have invited the most scrutinizing interrogations. When we yield time to gentlemen who are not on the committee and who do not profess to be able at all times to answer any of these questions and have only a limited time, I do insist that they ought to be allowed to utilize the time given them.

The CHAIRMAN. The Chair thinks there can be no question of the fact that a gentleman can refuse to yield if he desires to do so, and the gentleman from Wyoming refuses to yield.

Mr. MONDELL. Mr. Chairman, I want to be courteous, and I would be glad to answer these questions if I had the time. I started out with the proposition I did not propose to discuss our treaty rights, and immediately the gentlemen from California, who are in favor of trampling our treaty rights under foot, want that question discussed. That is the question they want discussed now, though they have had hours to discuss it. I propose to show how outrageous it is without regard to treaty rights to give the coasts this advantage over all the other people of the United States of America.

As far as treaty rights are concerned, I say again that the first paragraph of section 3 of the Hay-Pauncefote treaty makes it so plain that any man who wants to interpret it fairly can not fail to interpret it as against the proposition laid down and advocated by the gentlemen from California, but whether that be true or not this is the proposition: We have spent $400,000,000 of the money of the American people. To do what? To reduce by 8,000 miles the distance from San Francisco to New York, and approximately that distance between the Atlantic and the Pacific seacoasts generally. To reduce by 25 to 35 days the sailing distance between the Atlantic and Pacific coasts; to reduce by one-third to three-quarters the cost of shipping from the Atlantic to the Pacific coast, and yet gentlemen from the Pacific coast stand here, the Pacific coast that has been voted in this House an opportunity to celebrate the completion of that magnificent work, as the gentleman from Washington did to-day, and talk about our doing nothing for American shipping by this great outlay and suggesting that nothing will be done unless we give coastwise shipping the right to pass through the canal free, taxing all the American people for all time to come for its care and its maintenance. To-day you can not ship oranges from Los Angeles to New York for less than $26 to $28 a ton——

Mr. RAKER. Do you want to know why?

Mr. MONDELL. They can not be shipped around the Horn at all under ordinary conditions. They can be shipped through the Panama Canal for $8 or $9 a ton without any regard to what the rate of toll may be, and yet the gentlemen from the Pacific coast are here saying to us that after having given them the opportunity to reduce freight rates $20 a ton the people of the United States generally shall pay for putting those ships through the canal. Every case that has no foundation has to have a bogie man, and this case has its bogie man, and they attempt to stampede gentlemen by saying, at the beginning of their argument, this is a question of the people as against the transcontinental railroads. No argument to prove in what way the transcontinental railroads are interested, no argument in support of the assertion but that bare statement reiterated and wrung in in all its changes in the hope that somebody will be stampeded by it. It is a question between a few favored shippers and the people of the United States. To all intents and purposes, so far as 95 per cent of all the shipping that will go through the canal is concerned, there is absolutely no such thing as competition between the steamships through the canal and the railways across the continent. There can not be any competition. How can there be a competition between the railway traffic at $12 to $25 a ton and traffic through the canal at $8 or $9 at the most? The only competition there will be and can be for the bulk of the business is the competition between the steamships themselves.

The building of this canal, the expenditure of our millions, has given the Pacific coast an opportunity such as never came to a community in all the tides of time; but, not satisfied with this, they want to load upon the people of the United States generally the cost of taking their ships through the canal. The Panama Canal is a glorious monument to American genius, to American industry, and it will be beneficial to all the country in a way. It is our pride and our glory, both those of us who dwell in the interior as well as those who dwell on the seacoasts, but the benefits in the main will come to those who dwell upon the two coasts and in the vicinity of them, and heaven knows they are getting quite enough out of this canal, without calling upon the people of the country generally to pay the cost of its operation. Carried to its logical conclusion, the argument of the gentleman from California [Mr. KNOWLAND] would amount to this, that if the Government were to condemn and secure ownership of a piece of railway somewhere the shipper who might use that piece of railway for his particular traffic should have the right to run over it without cost. Built with public money, why should not the public have the benefit of it, or the particular part of the public that he represents?

The argument is made that this is part of our coast line. It is in no sense a part of our coast line. The argument is made that, being a part of our coast line, in the sense that traffic from one coast to the other passes through it, therefore it ought to be free, as all our waterways are free. Our waterways are free, and the country generally receives a benefit of the remission of all charges.

But here is a great work far from our coast line, the great benefit of which, however, will accrue to those who have the monopoly of coastwise trade. As a matter of fact, it would be perfectly just to charge shipping from the Atlantic to the Pacific and from the Pacific to the Atlantic coast of the United States

a higher rate of duty than any other shipping. And if we did, it would not cost any American citizen, except the man who owns the ships, a dollar.

Gentlemen have argued in favor of these lower rates on the theory that the American people were going to get the benefit of the remission of tolls, but they have not given us a single argument to prove that contention—not one—and any man who has given the matter any study at all knows perfectly well that the shipper never will know the difference between a toll of $1.25 a ton and no toll at all.

Mr. CLINE. Or the consumer, either?

Mr. MONDELL. I thank the gentleman. The shipper at the one end and the consumer at the other will never know the difference. I know there are a few large shippers in addition to the owners of steamships who desire to enjoy this graft—a few large shippers of automobiles, and such things—who think they will get some sort of benefit from free tolls. They never were more mistaken in their lives. Does anybody imagine that an automobile shipped from Detroit will be landed in San Francisco any cheaper because of the remission of $1.25 a ton toll through the canal? And if that were true, does anybody imagine that the man who bought the automobile would ever know from the price he pays whether it went through the canal or went across by the railway?

Mr. NYE. If, strictly speaking, the cost is paid either by the consumer or shipper, or both, naturally and logically should not the commerce itself pay the cost of the improvement for the benefit of commerce?

Mr. MONDELL. That is very largely true. Or, putting it another way, have not the American people done quite enough for the commerce between the Atlantic and the Pacific seaports when they have shortened the distance 8,000 miles, shortened the time 26 days, and shortened the rate by one-half or two-thirds? And should not the people interested at both ends—both the shippers and the consumers and the steamship people—be satisfied with that splendid gift from the American people and not ask them for all time to come to furnish them a free passage through the canal? [Applause.]

There has been a great deal of declamation in regard to this. Why, one gentleman said, "Why do we spend four hundred millions of our money and get no benefit?" I blush for an American citizen who feels that way. Have we not done a good deal for the commerce of the country when we have shortened the distance as we have, shortened the time as we have, and reduced the cost as we have? And how much more do these gentlemen want the people of the United States to do to benefit their particular section and to benefit particularly a few steamship owners in their locality? For, in the long run, they are the only men who will be benefited.

The gentleman says few, if any, steamship men came before the committee and demanded a remission of tolls. Why, certainly not. No intelligent steamship man would have the nerve to come before that committee and stand the cross-examination he would have to stand there in the attempt to make his case. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ADAMSON. Mr. Chairman, if the gentleman from Louisiana [Mr. BROUSSARD] has no other speaker yet, or the gentleman from California [Mr. KNOWLAND] has no speaker, I will yield the balance of the time this evening to the gentleman from Missouri [Mr. HAMLIN], a member of the committee. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is recognized for 58 minutes.

Mr. HAMLIN. Mr. Chairman, I will assure the committee that I do not think I will tire it by taking too much time to-night. This is a great question, and I would like to be able to discuss it at some length, but the ground has been covered so thoroughly that it would seem there is not much left for me to say.

I have been here for several years, and I do not hesitate to say that I never heard any debate that has displayed as much real ability as has this debate yesterday and to-day. I feel that it is due the chairman of the committee which reported this bill [Mr. ADAMSON] to say that he started this discussion off by making one of the few great speeches that I have heard on this floor. [Applause.] And certainly the ranking Republican Member on the committee [Mr. STEVENS of Minnesota] did not fall one whit behind him. [Applause.] Neither does the gentleman from Wisconsin [Mr. ESCH], another member of the committee, who spoke to us this morning, suffer any by comparison. [Applause.] And I might go on down the line and say the same thing of the other gentlemen who have spoken on this question and not be accused of throwing bouquets at anybody. I believe that everyone will agree with me that this has indeed been a great debate.

The ground has been thoroughly covered, and I confess my inability to measure up to the standard that has been set, but I do not want this occasion to pass without saying a few things in relation to this great question.

We are about completing what ought to be and doubtless will be regarded as the eighth wonder of the world. I had read a great deal about the Panama Canal, and I had seen pictures of it and talked with parties who had visited the Isthmus. I thought I had a very good conception of that wonderful undertaking. But last winter I went with the committee down to the Isthmus and very carefully inspected that wonderful piece of work, and it was so much greater than I had anticipated or thought that it almost staggered my comprehension. Rivers and mountains have been defied. A great ridge has been thrown from hill to hill across the Chagres River—they call it the great Gatun Dam. Locks have been provided whereby great ships may be hoisted 85 feet in the air and sent 35 miles on an artificial lake and then dropped to the ocean level and sent on their way across the Pacific Ocean—an accomplishment which is a monument to American engineering. France failed in the undertaking. Eminent foreign engineers said it was impossible to construct a lock canal. It remained for American genius, for a man born on American soil, to go down there and overcome those difficulties and give mankind the greatest piece of work the world has ever seen. [Applause.]

And your committee in attempting to bring about legislation for the control and management of this canal has been prompted by no other purpose than to introduce and present to this House legislation such as we think ought to be adopted in order to properly operate, control, and protect this great canal.

It is not necessary for me to attempt to discuss any portions of this bill except section 5. All the other sections seem to be practically agreed upon. It is true that my colleague from Missouri [Mr. BORLAND], who spoke to the committee to-night, did raise some questions about giving preferential tolls to ships other than those engaged in the coastwise trade, but he was outside of the contention made by the Members who have filed a minority report, and I presume that the committee is not giving any serious thought to his contention. The opposition, or rather the nucleus for the opposition, is made up of those Members who signed the minority report. That report is signed by my friend from California [Mr. KNOWLAND], and by the gentleman from Michigan [Mr. DOREMUS], the gentlemen from New York [Mr. CALDER and Mr. GOLDFOGLE], and the gentleman from Louisiana [Mr. BROUSSARD].

Of course these gentlemen are in favor of free tolls for our coastwise vessels from principle, but it is an interesting coincident that they each reside in the section of country near where the coastwise vessels are active.

My friend from Michigan [Mr. DOREMUS] can, without leaving the soil of his native State, paddle his feet in the limpid waters of either Lake Michigan, Lake Huron, or Lake Erie. My friends from New York City [Messrs. CALDER and GOLDFOGLE] can, without leaving their dooryards, look out on "Liberty enlightening the world." My friend from Louisiana [Mr. BROUSSARD] hails from a State the southern boundary of which ebbs and flows with the tide on the Gulf of Mexico. And my friend from California [Mr. KNOWLAND] knows the alligators and crocodiles in the Pacific Ocean by name.

The gentleman from Michigan [Mr. DOREMUS] opened up the debate for those representing the minority report, being put forward as their spokesman, and I am willing to state that they made no mistake in selecting him as their advocate, for he did himself proud.

But I think he unconsciously—because I do not believe he meant consciously to do it—was hardly fair in his statement, for he sought to put the majority members of the committee in a position which they are not entitled to occupy. You will read between the lines an intimation, at least, that the majority of the committee had a little too much consideration, perhaps, in reaching their conclusions for the transcontinental railroads in this country, and I am quite sure that the gentleman knows, and every gentleman on the committee knows, that there was nobody that stood more firmly against railroads owning steamships that would prevent competition through the canal than the men who are standing for the majority report at this time in this House. [Applause.]

I want to call attention just in connection with that to one statement that he made, and in doing that I will jump a little bit ahead of what I intended to say in the regular order. I quote from the gentleman from Michigan [Mr. DOREMUS]. He said:

I am opposed to allowing the Wall Street parasites to dictate the policy of Congress.

I believe that is true, but why are you standing here pleading for free tolls for coastwise ships? Wall Street wants free tolls for the coastwise trade. They finance these coastwise ships, and it is Wall Street that wants free tolls as much as the owners of these ships. Are you not playing right into the hands of Wall Street?

I am not in favor of permitting Wall Street to dictate to Congress how it shall shape its legislation. I do not charge for one moment that the gentlemen signing the minority report were influenced by Wall Street, but I only call attention to the fact that the evidence was adduced before the committee that Wall Street did finance the building of these ships, and the contention of the gentlemen who are in favor of free tolls, if it amounts to anything, is that they want free tolls in order to encourage the building of more ships, and in that contention they are in entire accord with Wall Street.

Mr. KNOWLAND. Will the gentleman yield right there?

Mr. HAMLIN. I will.

Mr. KNOWLAND. It is the intention of the minority, at least of "the gentleman from California," to keep out the Wall Street ships controlled by railroad interests.

Mr. HAMLIN. And in that the gentleman from California and myself entirely agree; but I say these ships are financed by Wall Street, and Wall Street wants free tolls, and so do you. I am not charging that gentlemen were prompted by any wishes of Wall Street, but in this instance they find themselves in accord with Wall Street. In the last analysis you want more ships, do you not, in the coastwise trade? The evidence before the committee is that they are financed in Wall Street, and you can get them financed more easily by enacting the legislation that they want; and, in addition to other things, they especially want free tolls.

Mr. KNOWLAND. That is only as far as the Pacific Mail was concerned.

Mr. HAMLIN. Oh, it applies to all ships built in this country.

Now, Mr. Chairman, I want to call attention to one thing that seems to have been overlooked in this debate, and that is this fact: We have been proceeding in this argument apparently upon the theory that the Government owns the Panama Canal. In one sense that is true. In another sense it is not at all true. Do not mistake my meaning. It has been said upon this floor publicly and privately that because the Government of the United States owns this canal it has a right to discriminate in favor of American ships and ought not to charge tolls to its coastwise vessels. That is not absolutely true. I concede that if we were to build a canal from Chicago down to the Mississippi River, which we are contemplating, and I hope we shall build some day, that being wholly within United States territory, wholly within our control, the concern of no other nation upon the face of the earth, we would have a right to discriminate in favor of our own ships or the ships of any other nation, and I have no doubt we would not charge any tolls to American ships throught that canal.

But by what right are we on the Isthmus of Panama? We are outside of the territory of the United States. We have gone into a project at a place that we would have had no right to go if the other nations had objected; and knowing that fact, we first obtained the consent of certain nations by solemn treaty permitting us to go and build there a canal. And while we speak of owning it, and in a general way we do own it as far as controlling it is concerned, it is my judgment that if we should to-morrow conclude that this canal proposition was an absolute failure, and should pull up stakes and leave it, and go away and abandon it, we would then have no more right there than if we had never gone upon the Isthmus. If we owned it in the sense that you own your farm or your house and lot, it would be ours whether we abandoned it or whether we did not. But we do not so own the Canal Zone.

Mr. RAKER. On what theory does the gentleman reason in that way?

Mr. HAMLIN. On the theory that we have no rights there except such as we have acquired by treaty. The gentleman must understand that if we were to abandon that project and go away from there we would lose all our rights down there. It would certainly revert to the Republic of Panama. We could not sell and transfer our sovereignty to that Canal Zone now without the consent of the Republic of Panama.

Mr. STEVENS of Minnesota. Are there not provisions in both treaties that substantially carry out the contention of the gentleman from Missouri? I refer to section 4 of the Hay-Pauncefote treaty and section 1 of the Panama treaty.

Mr. HAMLIN. There is no question about it, and I want this committee not to fail to get that idea into their heads. Then I think we can see why it is that we are not able to discriminate in favor of American ships in Panama, as we could do if that canal was built within the limits of the United States.

Let us see what our rights down there are. Some gentlemen say, as my friend from California in substance said the other day, that even if we have this kind of a treaty, it is a foolish treaty, and in substance that we ought not to observe it, that we ought to ignore it. I say that all the reasons in the world, moral and otherwise, bind us to that treaty, because the only right under heaven that we have down there is by virtue of that treaty. In that sense we own the canal, and in no other sense in the world do we own it.

Another thing: I believe that the treaties in this case are binding upon us. I am not going to tire you by going all over that again.

I just want to call your attention to one or two things in this treaty. Here is the proclamation following one of the treaties:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive rights of providing for the regulation and management of the canal.

Now, if we had bought that land, and had a fee-simple title to it, we would not need to get a treaty from any other nation in order to build that canal. We could do with it just as we pleased. But we never got that, and we do not have it to-day. You must not get it into your minds that we absolutely own that zone 10 miles in width across the Isthmus.

Now, listen to the conditions:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say—

And it points out specifically that—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

Now, do you tell me that under the conditions I have mentioned we did not agree that we would not show any discriminatory rates in favor of our own ships? But a gentleman said to me to-night, "Suppose we owned a railroad, do you tell me that we would not have a perfect right to transport property on that railroad free and not charge for freight, and yet charge other shippers freight rates for shipping their stuff?" That is just exactly where the mistake is made in this proposition. We can put Government ships through the canal without the payment of tolls, but we have no right to put John Smith's or Bill Jones's ship through there simply because he happens to be an American citizen. [Applause.]

Mr. RAKER. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. RAKER. The lines found on page 2, commencing at line 21, are as follows:

The President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and may, in like manner, exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

If the Government, under the provisions of this bill, should abandon the title to all of the lands within the Canal Zone not now owned or claimed in private ownership, does the gentleman contend that we would not be in a position to dispose of the land and property as we saw fit, even if the canal was not built or was not used?

Mr. HAMLIN. These gentlemen have this mistaken idea, that we may acquire additional lands by treaty or exchange by treaty, but when we acquired the zone 10 miles wide across the Isthmus by treaty there were private individuals who had some claims against the Panama Government. Of course, these people could not be robbed of their rights; somebody must pay them or they would be robbed of their property.

Now, in making provisions for depopulating the zone, we believe it is necessary for the Government of the United States to own all the land, and then if my friend from Indiana has a home down there the Government can not dispossess him without paying him something for his improvements and his rights, whatever they may be there; but that does not give us any greater rights than we got out of the treaty.

Mr. SABATH. If a man owned a title to the land, it would not give us any greater right than we got by treaty.

Mr. HAMLIN. No; we hold the strip of land in perpetuity by virtue of the treaty, and if we acquired every foot of land,

so far as private ownership is concerned, and then abandoned the project, or moved away, it would go back to the Panama Government.

Mr. CLINE. We got the land under the treaty for a certain purpose and the limitation was set out in the grant.

Mr. HAMLIN. Certainly; and I am glad the gentleman called my attention to it. We got the land for a certain purpose, and that was a public purpose. We did not build the canal for the United States alone; we built it for the world, and the world has got an interest in it, in a way. There is no question about it, and we could not handle it as we could a canal wholly within the jurisdiction of the territory of the United States.

Here is the proposition in a nutshell, on our right to collect tolls or not collect tolls on coastwise trade: It seems to me that your representative who opened up the debate for you on this proposition, who fired the big gun—and I make no invidious comparison—gave your whole case away in answer to a question by the gentleman from Minnesota the other day. I refer to the gentleman from Michigan [Mr. DOREMUS]. On the right to collect tolls, Mr. STEVENS of Minnesota asked him this question:

> Mr. STEVENS of Minnesota. Section 3 of the general bridge act provides that any company desiring to use a railroad bridge, built under the railroad-bridge act, shall pay for it, the same as is provided by the law under which the Panama Canal was built; that is, we authorize a railroad that builds a bridge to charge for the use of it in interstate commerce.
>
> Mr. DOREMUS. Yes.
>
> Mr. STEVENS of Minnesota. So that this Congress does authorize charges, levies tolls, and imposes taxes in interstate commerce, does it not?
>
> Mr. DOREMUS. Yes. The gentleman is entirely right. The mistake he makes is in confusing a proposition of that kind with the Panama Canal, which is a Government-owned proposition, and the tax proposed to be imposed is a Government-imposed tax. If they had proceeded under the old Clayton-Bulwer treaty and permitted an American company or private individuals to build the canal, of course everybody would have had to pay tolls for the use of the canal. But this is an entirely different proposition. The canal is not being built by a private corporation. The Government simply permits a private corporation to charge a reasonable toll for the use of the improvement.

Is that the proposition you stand for—that if we had permitted, as we could have done, the building of this canal by a private corporation that then you would not be here asking the Government to compel that private company to give to your ship-owned companies these tolls, but because it was the people of the United States who built the canal you are ready to make a raid upon the Treasury and say that we must give up these tolls, that it is an outrage, an infamous outrage, to impose upon the traffic a toll charge of a dollar or a dollar and a quarter a ton? If it were some private corporation and you were dead sure that it would go into the pockets of some private concern, you concede the right of that concern to charge toll through that canal. You forget the interest of the poor consumer, for whom you have shed crocodile tears here the last two days for fear that the Government will charge toll there that may ultimately be paid to the consumer; but if it shall be paid to the private corporation, you do not contend it ought not to be charged.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. KNOWLAND. I presume the gentleman is very much in favor of the project of a deep waterway from the Lakes to the Gulf?

Mr. HAMLIN. I think I should be glad to see that built.

Mr. KNOWLAND. If that is constructed, we will have the right there to impose a toll, which a private corporation probably would do. Is the gentleman in favor, if that waterway is completed, of imposing a toll? It does not benefit the people on the coast.

Mr. HAMLIN. Mr. Chairman, when we get to that proposition, if the gentleman from Missouri [Mr. HAMLIN] is then in Congress, he will try to deal with it as it seemeth best to him. At present I am dealing with the Panama Canal, a project 2,000 miles from our shores. If it is right to impose this burden on transportation, as you characterize it, if a private corporation had built the canal, why is it not right to charge it when the people of the United States built it?

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit the interruption, I think it will fit mighty pretty right there to suggest that section 8 of the Clayton-Bulwer treaty, under which the private company would have been authorized to construct the canal, is preserved and eternalized in the preamble to the Hay-Pauncefote treaty under which the canal has been constructed.

Mr. HAMLIN. Yes; that is true; but I was arguing the ethics of the thing, or trying to. We can not concede the right to charge tolls provided those tolls go to a private corporation, but claim if they go into the Federal Treasury then they ought not to be paid. The people of this country have contributed $400,000,000 toward the building of that canal drawn from every section of the country. Have they not a right to compel the ship companies who get the benefit of the canal to contribute toward the cost of operation and maintenance of the canal? Who is it going to benefit when you come right down to the question of dollars and cents? It will not benefit the people living in the interior sections of the country. It is ridiculous for gentlemen to talk about the steamship companies, if they can save $1 a ton toll through the canal, giving the benefit of that dollar to the people throughout the interior of the country on their freight from the seaboard to their homes. Once it has gotten into the pockets of the ship company they are not going to part with it and contribute that toward the freight rates into the interior of the country. The railroads, the moment the goods get to shore, will charge all that the traffic will bear and all that the Interstate Commerce Commission will permit them to charge for hauling this freight into the interior. So that there is no reason to tell me that we people living in the interior of the country are to be benefited in dollars and cents by giving the coastwise trade free tolls.

Mr. KNOWLAND. Mr. Chairman, I presume the gentleman voted for free sugar?

Mr. HAMLIN. I did.

Mr. KNOWLAND. Does the gentleman believe that the difference between the present tariff on sugar and free sugar will go into the pockets of the consumer or into the pockets of the Sugar Trust?

Mr. HAMLIN. I hope and expect that it will go into the pockets of the consumer.

Mr. KNOWLAND. What is the difference between the two propositions?

Mr. HAMLIN. There is all the difference in the world. You put this $1 a ton toll in the pocket of the Shipping Trust. There is nothing to make them turn it loose. Importers of sugar will compel the Sugar Trust to reduce the price.

Mr. LOBECK. Mr. Chairman, if the rate on wheat is lowered 5 cents a hundred from Missouri River points to New York, it means 3 cents a bushel to the producer, does it not?

Mr. HAMLIN. I have not figured it out. Your figures may be correct.

Mr. LOBECK. When you lower the freight somebody gets the benefit.

Mr. HAMLIN. There is no question about that.

Mr. LOBECK. When I can sell something as a merchant at my door for 5 per cent less than ordinarily, and I sell it for 5 per cent less, I make just as much money on a smaller investment in the business.

Mr. HAMLIN. There is no question about that.

Mr. LOBECK. Whenever you reduce the freight rate somebody is going to benefit, and indirectly the consumer gets it.

Mr. HAMLIN. Does the gentleman think that the remission of the toll of $1 a ton through the Panama Canal will enable him to get goods in Omaha by the railroads from New York any cheaper than he gets them now?

Mr. LOBECK. If I can buy for $1 a ton less in the port of New York on account of reduction in the freight, I can lay that down at $1 a ton less in the city of Omaha. [Applause.]

Mr. HAMLIN. The gentleman can not do that; that is the trouble. The railroads will charge you all they are allowed to charge without regard to the water rate.

Mr. LOBECK. I want to submit it will not increase the freight rate from New York to Omaha, and if my New York importer can sell me at $1 less I will lay it down at Omaha at $1 less.

Mr. HAMLIN. The gentleman is not foolish enough to believe he would make $1 difference in the goods he is buying?

Mr. LOBECK. If the man in San Francisco sells delivered in New York City for $1 a ton less by reason of $1 less charge he will sell for $1 less in New York, and I buy his merchandise to the Missouri River for $1 less. My freight rate will not be decreased to the Missouri River.

Mr. HAMLIN. But the San Francisco merchant does not get the benefit of this $1 toll. It is the Shipping Trust.

Mr. SABATH. What reason has the gentleman to believe the rate will be lowered $1 a ton to the Omaha merchant?

Mr. LOBECK. I said if they reduce the freight rate $1 a ton I would buy it for $1 a ton less.

Mr. SABATH. You have had experience with railroad lines and steamship lines——

Mr. LOBECK. Not steamship lines.

Mr. SABATH. With railroads, and whenever the conditions are so whereby it is possible for them to reduce a rate 15 per cent or 20 per cent, do they do it? I say, do they do it?

The CHAIRMAN. Does the gentleman from Missouri yield further?

Mr. HAMLIN. Yes; I will yield.

Mr. LOBECK. If they do not reduce I do not get any reduction, but if the reduction is made my customer or I get the benefit.

Mr. HAMLIN. The gentleman, it seems to me, is laboring under a misapprehension.

Mr. LOBECK. Possibly.

Mr. HAMLIN. The gentleman tries to make a personal application to himself. The gentleman would not likely buy any goods, living in Omaha, as he does, that came from the Panama Canal; therefore personally he or his section of the country would get no benefit. But let me call the gentleman's attention to this fact: Now, we are told in the hearings that the average freight rate across the continent by the railroads is $25.76 per ton. Now, the evidence is that by water it would be about $6 per ton. Does the gentleman believe——

Mr. KNOWLAND. More than that.

Mr. HAMLIN. Well, say $8 per ton.

Mr. KNOWLAND. Ten dollars.

Mr. HAMLIN. Well, say $10 per ton. Does the gentleman believe that if there were no tolls charged that that rate would be any less than $10?

Mr. KNOWLAND. Just that much lower.

Mr. HAMLIN. We might as well get down to common sense. If the railroads are charging $25.76 a ton now, they can not meet the rate of $8 or $10 per ton, can they?

Mr. LOBECK. The railroads of this country have met it.

Mr. HAMLIN. No. Here is your chief apostle on free tolls, Mr. Humphrey, who answered this question:

> Question. The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail.
> Mr. HUMPHREY. I think that is right; nobody can dispute that.

If that is true, does the gentleman think the railroads can meet that rate?

Mr. LOBECK. The railroads across the continent have met the rate——

Mr. HAMLIN. But your own expert says they can not meet it. Does the gentleman believe the steamship companies are going to be generous enough simply because they get free tolls to reduce their tolls another dollar a ton?

Mr. LOBECK. The man on the Pacific coast is going to sell New York delivery so the New York man can deliver.

Mr. HAMLIN. Oh, no.

Mr. LOBECK. He has done it heretofore. They all buy merchandise from Europe and sell me delivery at New York.

Mr. HAMLIN. We are not buying from Europe. Let us approach this question in a little broader way.

Mr. LOBECK. You have argued here by lowering tariff rates we would have more importations.

Mr. HAMLIN. Let us discuss this subject from a little broader standpoint.

Mr. LOBECK. All right.

Mr. HAMLIN. Now, say we do not charge any toll; who gets the benefit?

Mr. LOBECK. That lowers the freight rate, will it not?

Mr. HAMLIN. Who gets the benefit, taking your view of it?

Mr. LOBECK. Finally, the consumer.

Mr. HAMLIN. The consumer of those particular goods; the goods which go through the canal?

Mr. LOBECK. Whatever it is.

Mr. HAMLIN. Certainly. That would be only a very small percentage of the 90,000,000 of the people of this country getting any benefit, would it not?

Mr. LOBECK. Oh, I do not know about that.

Mr. HAMLIN. But there would not be enough traffic coming through that canal to supply the one-hundredth part of the people of this country.

Then take your own argument that those particular consumers did receive some infinitesimally small benefit, what are you going to do with the other eighty-and-odd millions of people of this country who are taxed every year to contribute money to pay the running expenses and the interest on the money we have expended in building the canal who get no benefits by reason of free tolls?

Mr. LOBECK. Now, I want to answer that. Kansas City has asked that the Missouri River be improved so that you can have water transportation from the Mississippi River up to Kansas City, at the cost of $20,000,000. Why? Because they will have competition with the railroad by water, so that the producer west of the Missouri River, and you people in Missouri, and all along, north and south, will get a lower rate, which will mean 3 cents a bushel on all the grain produced, and for every shipment from the East and West the rate will be lower. That is why you have asked Congress to improve the Missouri River. Yes, and the people along the Missouri River expect to get some benefits from it.

Mr. HAMLIN. And that is exactly what we are giving the people of the United States in the building of this canal, namely, lower freight rates across the entire country. And yet you are not satisfied with that. As the chairman suggested to-night, after you have built the well you want to charge us for the water you put into it.

Mr. LOBECK. You are asking to spend——

Mr. HAMLIN. We did not build the Missouri River. God Almighty built that.

Mr. LOBECK. You are asking to spend twenty millions of the people's money——

Mr. HAMLIN. And we spend money on harbors and docks, for the use of which we do not charge anything. These rivers are free as the air.

Mr. LOBECK. But you do it for the general good.

Mr. HAMLIN. Yes; but I can not let the gentleman take all of my time. I want to be generous, but I can not let him take all the time allotted to me.

Mr. LOBECK. Excuse me. I just wanted to get some information.

Mr. HAMLIN. I do not believe that the little sum of $1 per ton, which means only about 50 cents an actual ton, because it is to be a net registered ton—and the fact is that most of these ships will carry about twice as many tons as the net registered ton that the ship shows, and so the actual rate will be about 50 cents a ton for coming through the canal—I do not believe that this small charge will make any appreciable difference in the price to the consumer.

Mr. LOBECK. Whatever it is, it is a reduction.

Mr. HAMLIN. It is so infinitesimally small that the consumer could put in his eye all he could save out of that. He would never notice it; but in the aggregate it would mean something to the people of the United States to help them pay the expenses of the running of this canal.

Now, another proposition advanced by the free-toll people is that we want to encourage the building of more ships. Of course some of our people own ships, and whether we charge them toll or do not they will provide to carry whatever traffic is to be carried; but no man is going to be foolish enough, I apprehend, to contend that a dollar or 50 cents a ton that they might save in the tollage in the canal will induce them to build any more ships to ply between the Atlantic and Pacific coasts. He must have other reasons and motives for building it, and not the saving of 50 cents or a dollar a ton.

I will put it on broader ground. This canal is being built by the American people to-day at large expense, and they have a right to make a charge for shipment through that canal to recoup some of the expense that they are put to in maintaining that canal and operating it. We have protected the coastwise shipping by law. They have an absolute monopoly of the coastwise traffic, and, as Mr. Dearborn, the president of the American-Hawaiian Line, who impressed me as being a man very fair and frank, said:

> If you will only keep your coastwise laws and do not repeal those, we do not care anything about the toll. We can pay the tolls. It is a small matter, and we are willing to pay it, and we can do it and then compete with any rates the transcontinental railroads can make in this country.

That is true. I have not a particle of doubt about it.

Mr. RAKER. Will the gentleman yield on that question?

Mr. HAMLIN. Yes.

Mr. RAKER. You mean by "monopoly of the coastwise trade" that the American vessels, floating the American flag, have the monopoly?

Mr. HAMLIN. I mean vessels engaged in the coastwise trade.

Mr. SABATH. No other vessels are permitted.

Mr. RAKER. I understand. I appreciate that. He says that there is a monopoly of the coastwise trade.

Mr. HAMLIN. By the coastwise vessels.

Mr. RAKER. That means that as many as may desire may go into that business?

Mr. HAMLIN. I mean that vessels of other nations can not enter into the coastwise trade. Now, then, we have given them that monopoly, and if we treat each one of those fellows fairly and equally, where is the complaint? Let us be perfectly frank about that. To illustrate, you three gentlemen are engaged in the coastwise trade. None of these other gentlemen over here can compete with you, because they are excluded by law.

Mr. RAKER. Yes, sir.

Mr. HAMLIN. And you have got an absolute monopoly. Of course, others could come in and engage in the coastwise trade, but an outsider can not do so, hence they have the absolute monopoly. You all agree to that.

Now, then, where is the calamity to you if we charged a dollar a ton on every ship? There is no discrimination; there is no harm done; it is entirely equal; no favoritism shown. Then the only excuse under heaven for giving your people, the owners of these coastwise ships, the advantage of a dollar a ton tollage is to encourage you to build more ships, and that is ridiculous. Of course, that would not be an incentive to you, because it is not big enough, but it is simply a stepping-stone toward a ship subsidy, in fact it is a ship subsidy in the worse form—a thing I am absolutely opposed to, and that is all there is to it.

Mr. LOBECK. Mr. Chairman, I do not find any fault with the idea that all vessels should be treated alike, but I am astounded by the argument that the lowering of freights does not benefit either the producer or the consumer.

Mr. HAMLIN. Oh, the gentleman has listened absolutely in vain to me if he thinks that I have stated any such thing.

Mr. LOBECK. It has been the argument heard here to that effect.

Mr. HAMLIN. I do not argue that at all, but I say that if the consumer gets the benefit of this dollar toll, or if he has got to pay that dollar toll—and concede that he does—it is so infinitesimally small that he could not realize it one way or the other, and then, on the other hand, it would be only a very small fraction of the American people who——

Mr. LOBECK. It is 5 cents a hundred.

Mr. HAMLIN. Well, it is only those who happen to consume the goods that are hauled through the canal who would be affected by it. But if you do not charge any tolls, the expenses of operating and maintaining the canal go on down there just the same. You have got to pay the interest on the bonds. How, then, are you going to get your money? Are you going to take it from every man, woman, and child in the United States, or are you going to make the shipowners pay it? You are willing to stand here and advocate the placing of a burden on every man, woman, and child in the United States, but you say please do not put 5 cents extra on somebody living along the Pacific coast that happens to consume the goods that are hauled through that canal.

I do not stand for that doctrine. I believe that my people deserve some consideration. My people, who will not be benefited a particle by reason of the coastwise trade, should not be taxed to pay the operating expenses of the canal. I am glad we have got the canal. We are proud of it. It will reflect glory on this Government for all time to come. But when you come down to this measly question of tolls, after we have given you a monopoly and shortened the distance 8,000 miles from coast to coast, then you come here begging and whining and asking us to give you free tolls through the canal.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. SABATH. It seems to me that there is a gentleman here who is under the impression that the freight rates, due to the Panama Canal, will be increased. Now, for the information of the gentleman from Nebraska [Mr. LOBECK], will the gentleman kindly inform us again what the saving on freight will be between, we will say, San Francisco and New York on each ton?

Mr. LOBECK. You could illustrate by the saving accomplished over the method of hauling by ox teams in the West and by the railroads to-day.

Mr. SABATH. No; what the rate will be when the Panama Canal will be completed?

Mr. LOBECK. That is why you are building the canal, to lower the rates to St. Louis and the neighborhood where the gentleman lives.

Mr. HAMLIN. That is exactly what they are going to do. Here is testimony that the rate through the canal, for instance, on lumber, will not exceed $6 a ton, and yet it is $25.76 by rail; and it is now conceded——

Mr. LOBECK. It used to cost just as much to haul corn from central Illinois up to Chicago as it now does from there to the seacoast.

Mr. HAMLIN. But as we give you benefit and as we give you comfort and as we give you conveniences, you want us to give you more; and after a while you will be like the old man to whom they offered to give some corn. He said, "Is it shelled?" They said, "No." Then he said, "Drive on." [Laughter.]

Mr. LOBECK. I mean that the producer shall get every cent that he can for what he is going to sell.

Mr. ADAMSON. I am glad to hear the gentleman from Nebraska announce a sound sentiment when he says one object in digging the canal is to reduce freight rates. I had inferred from the argument of those who were assaulting the Treasury that it was to fill up the pockets of the Ship Trust. I want to ask the gentleman in that connection if it is right, because we have built this canal to shorten distance and reduce freight rates, that we be compelled to pay a bounty of $4,000 or $5,000 a ship out of the Treasury of the United States and give it to the Ship Trust, would it not be right to give to the passengers who go through the canal the price of their passage instead of making them pay?

Mr. HAMLIN. Certainly it would, on the same principle; and I have no doubt if my friend from Nebraska [Mr. LOBECK] should go through there he would want us to pay his passage.

Mr. ADAMSON. Suppose we should give American citizens their passage free and should charge foreign passengers, what would you say to that? Would that be equal conditions and charges?

Mr. LOBECK. I have not said I was either for or against free tolls; but I have been listening to the argument made here that when freights are reduced, whether in the shape of a reduction of tolls or anything else, it does not benefit some one. The gentleman from Wyoming [Mr. MONDELL] made that statement this evening, and he knows better, because he has shipped goods out into his country by ox team when there was no railroad.

Mr. HAMLIN. If it will reduce freight rates $6, $7, $8, or $9 a ton, will it not benefit transcontinental freight rates all over the country?

Mr. LOBECK. That is what I have been trying to get into the gentleman's head.

Mr. HAMLIN. I have always conceded that, and I tell you we are giving you that. How much more do you want?

Mr. LOBECK. Everything the Lord will give us.

Mr. ADAMSON. That is true.

Mr. HAMLIN. I believe that is so; but we on the committee have some regard for the Federal Treasury and for the balance of the people of this country.

Mr. LOBECK. I believe that.

Mr. HAMLIN. Now, let us get back to a little common sense.

Mr. LOBECK. All right.

Mr. HAMLIN. This bill provides that the tolls shall not be more than $1.25 a ton and shall not be less than the actual cost of the operation and maintenance of the canal, in the option of the President. That is based on the idea that it will cost somewhere in the neighborhood of a dollar a ton to put a ship through that canal. If the shipping company does not pay that cost, the people must pay it. A ship can not be put through that canal without cost. Who pays it? If you do not charge a toll, who will pay the cost of putting that ship through?

Mr. KNOWLAND. The same person who pays for the improvement of rivers and harbors.

Mr. HAMLIN. It is taking it out of the pockets of the American people, and on whom you have no mercy at all. As long as you can make the American people pay you will stand up here and ask to have money put into the pockets of some private ship company and taken out of the pockets of your fellow citizens. I could not go home and look my people in the face without blushing if I admitted that I stood up here and said, "Let us take a dollar a ton out of the pockets of the American people for putting privately owned ships through the canal in order to give the money to some privately owned ship company."

Mr. LOBECK. But the gentleman could go home with a smile on his face when he got a good appropriation for the Missouri River.

Mr. HAMLIN. Of course, I am always glad to get appropriations for the Missouri River, for it benefits all the people along that great river, and not some private monopoly. I am willing to get an appropriation to improve your rivers and harbors, too; but I could not go home with a smile on my face if I stood up here and said I wanted to charge to the American people what it cost to put a ship through the Panama Canal and put that money in the pocket of the Shipping Trust. I say let the company owning the ship pay the tolls. I am willing that this canal should be built at the expense of the American people; but when you have expended $400,000,000 to marry the Pacific and Atlantic Oceans and shorten the distance 8,000 miles from coast to coast, in God's name what more do you want? Do you want us to buy the coal to run your ships?

Mr. KNOWLAND. Your southern markets get the benefit of it.

Mr. RAKER. You say we built the canal to marry the Atlantic to the Pacific. Was it not stated by the chairman of the committee [Mr. ADAMSON], and has it not been one of the main contentions in the arguments for this bill, that the prime, principal, and important consideration was for the Army and the Navy?

Mr. HAMLIN. Oh, no.

Mr. RAKER. And that the question of commerce was not considered of primary importance?

Mr. HAMLIN. I do not think he made a statement of that kind. I did not so understand him at all.

Mr. RAKER. Is it your contention that one of the prime objects of building this canal is for the benefit of commerce?

Mr. HAMLIN. That was the prime object, undoubtedly.

Mr. ADAMSON. I did not hear all of that colloquy. I understand the gentleman from California [Mr. RAKER] accuses me of something in this connection.

Mr. HAMLIN. Yes.

Mr. RAKER. No; I did not accuse the gentleman of anything, but as I understood his statement when he started out, it was that one of the principal things, or one of the main things, rather, that the canal was conceived and built for the purposes of the Army and the Navy.

Mr. ADAMSON. I took 4 hours and 15 minutes to run a kindergarten here and reiterated my position about a dozen times. I will refer the gentleman to the RECORD and he will find that I made no such statement as that.

Mr. HAMLIN. The gentleman from Georgia did not make any such statement; the gentleman from California must have misunderstood him.

Mr. SABATH. There are some gentlemen who do not want to understand.

Mr. HAMLIN. Now, Mr. Chairman, I have occupied more time than I intended. I am thoroughly convinced, looking at the question from every standpoint, and at every phase of it, that every interest will be taken care of; that it is equitable and just to let whatever traffic goes through the canal pay equal toll, and that will not, we are afraid, in the next few years any more than pay the cost of operation, if it does that.

We have built a wonderful canal and if you have not seen it you ought to. We are proud of it, and we are going to maintain it, but I do not believe that the American people ought to continue to be taxed every year for the benefit of the few people who happen to operate ships through the canal. [Applause.]

In conclusion I will say: How any gentleman who claims to be opposed to ship subsidy, and especially my Democratic brethren, can be in favor of giving this advantage to our coastwise vessels, I can not understand.

In our last national platform, on this subject we said:

> We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

It will actually cost about $1 a net registered ton to put the vessels through the canal. If you do not make these shipowners pay it, you will have to take the money out of the Public Treasury to pay it. It is safe to say that the average vessel going through the canal will be about 7,000 net registered tons. This will mean, if you give the vessels free tolls, that it will cost the people $7,000 every time we put one of these vessels through the canal. Will that not be "an additional burden upon the people"?

You can not get away from this proposition that somebody must pay for putting these ships through the canal. Will you make the Shipping Trust, who will get the benefit of the canal, pay it, or will you put their vessels through at the expense of all the people?

I am opposed to ship subsidy in any form and shall vote to make the owners of these ships pay the tolls through the canal. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAMILTON of West Virginia having taken the chair as Speaker pro tempore, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, to provide for operation of the Panama Canal and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken up to this time on the bill be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that all Members who have spoken on the bill may extend remarks in the RECORD—for five days?

Mr. ADAMSON. No, Mr. Speaker; I do not ask for leave to print, but simply for those who have spoken to extend remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Saturday, May 18, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry, reported the same without amendment, accompanied by a report (No. 730), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMMOND, from the Committee on Ways and Means, to which was referred the bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports, reported the same without amendment, accompanied by a report (No. 735), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG of Texas, from the Committee on Naval Affairs, to which was referred the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, reported the same with amendment, accompanied by a report (No. 732), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, reported the same with amendment, accompanied by a report (No. 734), which said bill and report were referred to the House Calendar.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 731), which said bill and report were referred to the Private Calendar.

Mr. HAMMOND, from the Committee on Ways and Means, to which was referred the bill (H. R. 2359) to refund certain tonnage taxes and light dues, reported the same without amendment, accompanied by a report (No. 733), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOBSON: A bill (H. R. 24623) providing that certain civilian professors at the United States Naval Academy shall be commissioned as professors of mathematics with the rank of lieutenant commander; to the Committee on Naval Affairs.

By Mr. GARRETT: A bill (H. R. 24624) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 24625) authorizing the Secretary of the Interior to lease and amend existing leases of coal and asphalt deposits on the segregated mineral-land area in the

Choctaw and Chickasaw Nations, State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. RUSSELL: A bill (H. R. 24627) appropriating money for the protection of levees and improvement of the channel of the Mississippi River between Cape Girardeau, Mo., and Donaldsonville, La., by revetment of caving banks; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 24663) to reimburse taxes of which the State of Oklahoma was deprived by the recent Supreme Court decision entitled "G. W. Choate et al. *v.* M. E. Trapp"; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANTHONY: A bill (H. R. 24628) granting an increase of pension to William R. Gladman; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 24629) granting a pension to James Spear; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24630) granting a pension to William H. Simmons; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 24631) granting a pension to Joseph L. Titman; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24632) granting a pension to Charles S. Allen; to the Committee on Pensions.

Also, a bill (H. R. 24633) granting a pension to John P. Murphy; to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 24634) to remove the charge of desertion from the military record of Samuel J. Maund; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 24635) granting an increase of pension to William Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24636) granting a pension to Sarah Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24637) granting an increase of pension to Lewis Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24638) granting an increase of pension to Levi D. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24639) granting an increase of pension to Alfred Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24640) granting an increase of pension to James Kees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24641) granting an increase of pension to Robert Lock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24642) granting an increase of pension to Caroline Miller; to the Committee on Pensions.

By Mr. COX of Indiana: A bill (H. R. 24643) granting an increase of pension to Thomas J. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24644) granting an increase of pension to Jacob Schmidt; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24645) for the relief of James E. Speake; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 24646) granting a pension to John W. Smith; to the Committee on Pensions.

Also, a bill (H. R. 24647) granting an increase of pension to John W. Baldwin; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 24648) for the relief of the estate of St. Clair Ogg; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 24649) granting an increase of pension to John Steiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24650) granting an increase of pension to Daniel C. Derby; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24651) granting a pension to James Hanna; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 24652) granting an increase of pension to Axel E. Anderson; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 24653) granting an increase of pension to William H. Kremer; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24654) for the relief of Charles E. Brown, alias Winthrop Hersey; to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 24655) for the relief of Henry Stewart, surgeon, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 24656) for the relief of John M. Bryant; to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 24657) for the relief of William E. Horton, major, United States Army; to the Committee on War Claims.

Also, a bill (H. R. 24658) for the relief of the estate of R. G. Potter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24659) granting a pension to Harry W. Stehle; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24660) granting an increase of pension to Matthias M. Canning; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 24661) for the relief of James Parsons; to the Committee on Military Affairs.

Also, a bill (H. R. 24662) granting a pension to Francisca Ortega; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 24664) granting an increase of pension to Jonathan Davis; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24665) granting an increase of pension to John S. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24666) granting a pension to Stephen M. Wood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of the National Jewelers' Board of Trade of New York City, N. Y., against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

Also, memorials of the Junior Order of American Mechanics of the State of New York, favoring passage of the Dillingham bill, and of Harlem Lodge, B'rith Abraham, of New York, against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of Local No. 30 of the United Brotherhood of Leather Workers on Horse Goods, of St. Louis, Mo., protesting against the use of stop-watch system on Government employees; to the Committee on Labor.

Also, petitions of the United Hebrew Trade of New York, Jewish Charitable and Educational Union, St. Louis, Mo., and United Jewish Charitable and Educational Association of St. Louis, Mo., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Col. Menman Post, No. 496, Grand Army of the Republic, State of Missouri, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Missouri, favoring passage of House bill 22339 and Senate bill 6172, against workmen being timed with a stop-watch while at work; to the Committee on the Judiciary.

By Mr. BARTLETT: Resolutions of Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of citizens of Erie County, Pa., and vicinity, favoring passage of the Berger old-age pension bill for deserving men and women over 65 years of age; to the Committee on Pensions.

Also, petition of E. H. Utley, Pittsburgh, Pa., favoring passage of the Page agricultural bill; to the Committee on Agriculture.

Also, petition of F. C. Southworth, Meadville Theological School, Meadville, Pa., favoring passage of the Hughes-Borah bill for creation of commission on industrial relations; to the Committee on Rules.

Also, petition of the Humane Society of North Warren, Pa., favoring passage of the Hamilton bill (H. R. 17222); to the Committee in Interstate and Foreign Commerce.

Also, petition of Paul Leewitz, Erie, Pa., favoring House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of W. J. Sell, Erie, Pa., and Isaac Mondereau, of Meadville, Pa., against passage of the Oldfield bill, proposing to change patent laws; to the Committee on Patents.

Also, petition of editors of the Watchmen of the World, Erie, Pa., praying for better post-office rates on publications of fraternal orders; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of Tenth Biennial Convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa.; Daughters of Liberty, West Hazleton, Pa.; and American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect maintenance of prices; to the Committee on Patents.

Also, petition of Chinese Consolidated Benevolent Association, of San Francisco, Cal., and Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Tenth Biennial Convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa.; and Junior Order United American Mechanics, New York, both favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the New York Board of Trade and Transportation, of New York City, N. Y., against passage of House bill 16844, requiring manufacturers to place their own name upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Resolutions of the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Statement and affidavit of William Holmes, a resident of the National Soldiers' Home of Tennessee, a private in Company A, Eleventh Indiana Battery, Light Artillery Volunteers, in the Civil War; to the Committee on Invalid Pensions.

Also, general affidavit of Sarah Rogers, of Dekalb County, State of Indiana, widow of Charles L. Rogers, late of Company A, One hundredth Regiment Indiana Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14204, for increase in pension of William Watson, of Garrett, Ind., a private in the Fifth Ohio Cavalry during the Civil War; to the Committee on Invalid Pensions.

Also, resolutions of the Polish-American Society of South Bend, Ind., against passage of Senate bill 3175 and House bill 22527, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: Resolutions of the Polish-American societies of South Bend, Ind., against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Resolutions of the Farmers' Union and Brotherhood of Railroad Trainmen of Harrisburg, Pa., and Junior Order United American Mechanics of New York City, N. Y., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolutions of Young Men's Hebrew Association of Syracuse, N. Y., against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of tenth biennial convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. EVANS: Resolution of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill, and of the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Municipal Council of Chicago, Department of Illinois, United Spanish War Veterans, Chicago, Ill., favoring passage of House bill 17470, known as the Crago bill, providing for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. FULLER: Petition of the Chinese Consolidated Benevolent Association of San Francisco, Cal., against passage of the Dillingham bill, providing for literacy test for immigrants, etc., and Brotherhood of Railroad Trainmen, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the First Baptist Church of Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Charles T. Coleman, of Canton, Ill., and W. J. Knaggs, of Bay City, Mich., favoring passage of House bill 1339, to grant increase of pensions to certain soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Jewelers' Board of Trade, New York City, N. Y., against any change in present patent laws that may affect price maintenance; to the Committee on Patents.

By Mr. GALLAGHER: Resolutions of Roumania of Chicago Lodge No. 170, Independent Order B'rith Abraham, and First Russian Branch of the Socialist Party and others, of Chicago, Ill., against passage of the Dillingham bill, providing literacy test, etc., for immigrants, and the Root amendment for deportation of aliens, etc., and Junior Order United American Mechanics of New York City, N. Y., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Cook County Cabinet, of Chicago, Ill., favoring investigation of conditions on excursion steamers on the inland seas; to the Committee on the Merchant Marine and Fisheries.

By Mr. GLASS: Petition of the Farmers' Union of America, Shawnee, Okla., and the tenth biennial convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GREGG of Pennsylvania: Resolutions of the Brotherhood of Railroad Trainmen, in convention at Harrisburg, Pa., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution by the House of Representatives of the United States, relative to information in possession of the Secretary of Commerce and Labor concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa., in 1910 and 1911; to the Committee on Labor.

By Mr. GRIEST: Resolution of American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Cigar Leaf Tobacco Association, favoring House bill 21958, to exempt from internal-revenue taxation certain cigars allowed workmen in cigar factories; to the Committee on Ways and Means.

By Mr. HANNA: Petition of R. C. A. Taylor, Hillsboro, N. Dak., and C. H. Hofstrand, Brinsmade, N. Dak., favoring passage of House bill 16843 for increasing the efficiency of the Army veterinary service; to the Committee on Military Affairs.

Also, petitions of citizens of Napoleon, N. Dak., favoring enactment of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Portland Farmers' Elevator Co., Portland, N. Dak., and citizens of Munich, N. Dak., protesting against the passage of the Lever antifuture trading bill; to the Committee on Agriculture.

Also, petition of manufacturers of and dealers in ginger ale, soda waters, and sweetened beverages of Bismarck, Grand Forks, Fargo, Minot, Wahpeton, and Jamestown, N. Dak., favoring total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of the Daughters of Liberty, of Southington, Conn., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of citizens and voters of Philadelphia, Pa., and American Purity Federation, favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Resolution of Star of Israel Lodge, No. 101, Independent Order B'rith Abraham, New York City, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KONOP: Petition of Frank Wendrick and others, protesting against the anti-Taylor system bill (H. R. 22339); to the Committee on the Judiciary.

Also, petition of George Walter Brewing Co. and others, protesting against passage of bills for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a practical and efficient parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of the Long Island Game Protective Association, of New York City, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), for protection of migratory birds; to the Committee on Agriculture.

Also, petition of Abraham Lincoln Council, No. 14, of the Junior Order United American Mechanics, Brooklyn, N. Y., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of John Durar & Sons (Ltd.), New York, N. Y., protesting against the passage of the Works bill; to the Committee on the District of Columbia.

Also, petitions of the Italo-American Alliance of the United States of America, Philadelphia, Pa., and Nash Cohen Lodge, No. 19, Independent Order Ahawas Israel, Brooklyn, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of Francis A. Gaskill, Vale, N. J., and D. A. Falconer, Lexington, Ky., both favoring passage of House bill 1339, for increasing pension of veterans who lost an arm or a leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petitions of American Purity Federation and Patriotic Order Sons of America, favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Resolutions of Junior Order United American Mechanics of Maryland and Junior Order United American Mechanics of New York State, favoring passage of the Dillingham bill, and Palestina Lodge, No. 237, Independent Order B'rith Abraham, of Philadelphia, Pa., and the Italo-American Alliance of the United States of America, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of National Jewelers' Board of Trade, of New York City, against certain proposed patent legislation; to the Committee on Patents.

By Mr. MOTT: Resolutions of American Purity Federation and Farmers' Union, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of National Jewelers' Board of Trade, of New York City, against passage of any bills changing patent law which will deny the right to parties to control retail price of their product; to the Committee on Patents.

Also, petition of Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, resolution of Young Men's Hebrew Association of Providence, R. I., against passage of the Dillingham bill and Burnett bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Max Ferder Lodge, No. 171, Independent Order B'rith Sholom, Pawtucket, R. I.; New England Lodge, No. 292, Independent Order B'rith Abraham, Woonsocket, R. I.; and Providence City Lodge, No. 143, United States Grand Lodge Independent Order B'rith Abraham, Providence, R. I., all protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Solomon Podworsky, of Auburn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. REILLY: Resolution of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of A. Goldfaden Lodge, No. 505, Independent Order B'rith Abraham, New York City, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Petition of citizens of Chicago, relative to the sectarian-garb case; to the Committee on Indian Affairs.

Also, petition of the National Union, Chicago, Ill., relative to conditions on passenger boats at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Square Deal Lodge, No. 752, Brotherhood of Railroad Trainmen, asking postponement of action on the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of M. Breitlant Lodge, No. 99, Independent Order B'rith Abraham, New York, N. Y.; Charles Feigenbaum Lodge, No. 72, Independent Order Ahawas Israel, New York, N. Y.; and Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22725, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, New York, favoring passage of McLean-Weeks bill (S. 6497), for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of Mutual Benefit Association, New York, favoring passage of House bill 23241, relative to conditions in the United States customs; to the Committee on Ways and Means.

Also, resolution of the retail merchants of Boonville, Oneida County, N. Y., against fixing of prices by manufacturers; to the Committee on the Judiciary.

Also, resolution of the Farmers' Union, favoring passage of Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Farmers' Union, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of practical and efficient parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Pride of Brooklyn Lodge, No. 40, United States Grand Lodge, Order B'rith Abraham, of Brooklyn, N. Y., against passage of the Dillingham bill and Burnett bill, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, of New York City, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), providing for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Italo-American Alliance of the United States of America at Philadelphia, Pa., against passage of the Dillingham and other bills, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 18, 1912.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God and our Father, fit us for the new duties of the new day by bringing us in rapport with Thee, that forgetting self in an earnest and patriotic desire to do great things for a great people, these Thy servants may demonstrate the wisdom of popular government through its chosen Representatives in the Congress now assembled. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

REGULATING THE LOANING OF MONEY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 8768, and ask for a conference.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia.

The SPEAKER. The gentleman from Kentucky ask unanimous consent that the House nonconcur in the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of Kentucky, Mr. ADAIR, and Mr. DYER.

LEAVE OF ABSENCE.

Mr. LINTHICUM, by unanimous consent, was given leave of absence, for three days, on account of important business.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. Gen. BINGHAM was the father of the House. When he died the gentleman from Pennsylvania [Mr. DALZELL] succeeded to that title. It is an extraordinary situation, and therefore the Chair assigns the gentleman from Pennsylvania [Mr. DALZELL] to preside to-morrow in the House as Speaker pro tempore at the eulogies on the life, character, and services of Gen. BINGHAM.

TO AMEND AND REENACT SECTION 5241, REVISED STATUTES.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 541 (H. Rept. 737).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H. R. 24153.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

Mr. HAMLIN. Mr. Speaker, what is the bill?

The SPEAKER. To amend the national banking law.

Mr. HENRY of Texas. It is the Pujo bill.

The SPEAKER. The gentleman from Texas moves the previous question.

The question was taken, and the previous question was ordered.

The resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill, H. R. 24153, to amend and reenact section 5241 of the Revised Statutes of the United States.

Be it enacted, etc., That section 5241 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5241. No association shall be subject to any visitatorial powers other than such as are authorized by this title, or are vested in the courts of justice, or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

Mr. PUJO. Mr. Speaker, for the information of the House, I would like to have the report upon this bill read, to be included as a part of my remarks.

Mr. CANNON. Mr. Speaker, will the gentleman yield? Do I understand the bill is now up for consideration?

Mr. PUJO. For one hour. Mr. Speaker, I desire to say that I will yield one-half of the time to anyone who is opposed to the amendment, and that at the end of one hour I shall move the previous question.

Mr. CANNON. I do not know that I shall want any time, but it may be a very important matter, and I would like to understand thoroughly what is being done. This is an amendment to the law?

Mr. PUJO. An amendment to section 5241 of the Revised Statutes of the United States.

Mr. CANNON. And unanimous consent has been given to consider it?

Mr. PUJO. Oh, no; we have a rule from the Committee on Rules.

Mr. CANNON. And the rule has been adopted?

Mr. PUJO. Yes.

Mr. CANNON. And the bill is to be considered for an hour, and then under the five-minute rule?

Mr. PUJO. I take it that under the rule the question will come to a final vote at the end of one hour without any intervening motion or amendment.

Mr. CANNON. I have been very busy about other matters, and I did not even know that a rule had been adopted. I apprehend I shall have no objection to the bill, but I would like to understand what it does. It amends a national-bank law?

Mr. PUJO. Yes; section 5421 of the Revised Statutes of the United States, adopted in 1864.

The SPEAKER. The parliamentary situation is this: The gentleman from Louisiana has one hour, and if he consumes it all and any gentleman gets the floor, then that gentleman will have an hour, and that may be kept up until Members become tired.

Mr. GARNER. But if the gentleman from Louisiana moves the previous question and the previous question is adopted that will end it.

The SPEAKER. But the previous question has not yet been ordered.

Mr. PUJO. Mr. Speaker, I announced in obtaining recognition that at the end of an hour I would move the previous question. I shall be very glad to divide one-half of that time with anyone who desires to discuss the bill.

Mr. CANNON. It might develop that perhaps more time ought to be had. I have great confidence in the judgment of the gentleman in amending the act, but still it affects so many banks and is so important to the business interests of the country that I would like to know what it is about.

Mr. PUJO. Mr. Speaker, I repeat my request for unanimous consent that the report upon the bill be read in my time.

The SPEAKER. Without objection, the Clerk will read the report. (H. Rept. 665.)

The Clerk read as follows:

The Committee on Banking and Currency, to which was referred H. R. 24153, to amend and reenact section 5241 of the Revised Statutes of the United States, having had the same under consideration, beg to report the bill with the recommendation that it do pass.

The purpose of this bill is to amend and reenact section 5241 of the Revised Statutes of the United States. This section now reads as follows:

"No association shall be subject to any visitorial powers other than such as are authorized by this title or are vested in the courts of justice."

The Committee on Banking and Currency, under the provisions of House resolution No. 429, as amended by No. 504, has been directed to investigate the financial and monetary conditions in this country, particularly with a view to ascertaining whether or not there is an undue and improper concentration of money, the uses to which and the manner in which its influence has been exercised, and the result of such exercise.

In view of the wording of the section referred to, a doubt has arisen as to whether any national banking association would deny the right of a committee of Congress to investigate its affairs or its relations to other financial institutions. No information has come to the committee officially that any national bank would take that position, but in order to remove the doubt and to prevent the investigation from becoming abortive by being tied up in litigation, the committee deems it advisable that the amendment offered in the bill be adopted, to wit:

"Or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

The section, if the amendment is carried, will then read as follows:

"No association shall be subject to any visitorial powers other than such as are authorized by this title or are vested in the courts of justice, or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

The committee does not believe that it was the intention of Congress, when this section was originally enacted in 1864, to strip itself of its power to investigate national banking associations, authorized by Federal law, and to merge and concentrate such power into the hands of the comptroller and such examiners as he might appoint for that purpose.

The scope of the present amendment will be to reinstate in the Congress—the House of Representatives and the Senate—the right to investigate national banking associations.

The committee does not concede, as a legal proposition, that this right can not be exercised under the iniquisitorial power of Congress, yet because of the doubt expressed by eminent attorneys in that behalf and of the affirmative argument that the statute, as it now reads, operates as a bar to an investigation except through the comptroller's office and examiners, it is considered best to submit the matter to the judgment of the Congress, so that there will be no legal interference with the work of the committee, acting within constitutional and legal authority.

Mr. PUJO. Mr. Speaker, in addition to the report I have but little to add. I prepared that report under the direction of the committee, and I want to say further that this is a unanimous report. It is believed by the committee, and it has been, as stated in the report, suggested to the committee that the doubt of power in the committee is just as fatal as if that power did not vest in the committee to make the investigation.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. PUJO. Certainly.

Mr. AUSTIN. Is it the purpose of the committee to publish the hearings and to expose to the public all of the information that it received in reference to the conduct of national banks?

Mr. PUJO. In answer to the question of the gentleman from Tennessee, I desire to say that the committee has not taken formal action; but expressing my individual views, the reports from the financial institutions will be official documents, and it is not intended that they shall be published ad libitum so that rival institutions may take advantage of one another in the way of information which may be thereby obtained.

Mr. AUSTIN. Will not the hearings of this committee be published, similar to the hearings of the other investigating committees, and is not that practically giving the information to the press of the country?

Mr. PUJO. The hearings will be published, but the information obtained from financial institutions, unless it is of a public character, ought not to be made public.

Mr. AUSTIN. Will not the committee have the right, if this law is amended as the gentleman proposes to amend it in this bill, to publish and expose to the public all of the private or confidential business transactions of every national bank in the United States?

Mr. PUJO. I do not so understand it. Under the Constitution our power is limited. We can not invade personal or private rights, but it would be a very extreme statement to say that a national banking association, a creature of the Congress, could not be investigated by a committee of either branch of the Congress. Under the law as it now reads it is a question,

and eminent counsel have expressed doubt whether, under the provisions of section 5241 of the Revised Statutes adopted in 1864, the entire power of Congress was not converged and concentrated in the Comptroller of the Currency, with power to administer oaths, to appoint examiners, and order visitations of national banking associations.

Now, this is a serious question. The Congress of the United States has ordered this committee, under two resolutions, by almost unanimous action, to investigate the financial and monetary system of this country, with a view of determining whether there is an undue and improper concentration of money or credits, so that proper laws may be enacted to correct the evils, if any exist. A few years ago, in New York, an investigation of the insurance companies was had, and many good laws have been enacted since that time protecting the policy holders; and, in my judgment, it was now the intention of Congress, in vesting the power to make this investigation, that the committee should have full power. Now, if the Congress is in earnest, if it desires the information, and wants a fair and full investigation, it should add strength to the arm of the committee and take back the power that should never have been parted with when the national banking act was adopted.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Texas?

Mr. PUJO. Yes.

Mr. GARNER. I most heartily agree with the gentleman from Louisiana that this committee ought to have all the power it desires. This is the third effort the committee has made to secure that power. Does the gentleman from Louisiana think this will be the last time he will have to ask Congress to assist him to get power?

Mr. PUJO. I do not know; but I will answer the gentleman from Texas by saying this: I do not know from whence the influence has come, but there is powerful influence being exercised and pressure brought to bear to prevent the investigation of this question.

Mr. AUSTIN. Will the gentleman, in that connection, tell us where the demand and the pressure comes from demanding this investigation or asking this investigation?

Mr. HENRY of Texas. The House of Representatives.

Mr. PUJO. The House of Representatives, and by virtue of the provisions of resolution 429, as amended by 504 and originally inaugurated by a colleague of yours, a fellow-Republican, Mr. LINDBERGH.

Mr. GARNER. Will the gentleman be kind enough to tell us where this wonderful pressure is coming from against this investigation?

Mr. PUJO. Oh, those things are intangible; you can not place them. I will say this, Mr. Speaker, that unless we have this power this inquiry should not be continued. We have no right to spend the money of this Government in a futile and useless inquiry, as has sometimes been done in the past.

Mr. CANNON. Will the gentleman yield?

Mr. PUJO. With pleasure.

Mr. CANNON. I have great confidence in the gentleman from Louisiana. This is an investigation touching important business institutions of the country and it might become very mischievous unless conducted in good faith, with an eye to enacting legislation for the benefit of the country and for the benefit of our banking system, which dovetails into all business relations. I could conceive, if the investigation is conducted merely for the purpose of headlines in the newspapers, a "suppressio veri" or "suggestio falsi," if that is the quotation of the maxim, that it might do harm. I do not recall the personality of the committee. The House of Representatives has undertaken an investigation. I am not intimately acquainted with the gentleman from Louisiana, but I have been his colleague, and I would be perfectly willing to concede, so far as he is concerned, that any investigation he would control would be conducted in the best of faith; not for political advantage, to be used in a presidential campaign, but in good faith to ascertain the facts. In the ascertainment of those facts, however, concerning many, many thousands of banks having relation to many other thousands of banks carrying on the business of the country you might put such a bank or banks, touching their private business, at a disadvantage by furnishing information that might be used by their competitors.

I apprehend that a majority of this House will agree to the legislation, but in agreeing to it as one Member of the House, after hastily examining the bill, I do so with the expectation that this will be an investigation in good faith, for the purpose of using the information so as not to harm improperly men engaged in a business dovetailing with all other businesses and embarrass them at the hands of some competitor or competitors who would seek to use the information to overthrow legitimate competition.

Mr. GARNER. Will the gentleman from Illinois yield right there?

Mr. CANNON. One moment, if the gentleman will allow me?

Mr. PUJO. Certainly.

Mr. CANNON. Therefore, having the confidence which I have in the gentleman who is the chairman of this committee, it seems to me that I am prepared to support the bill.

Mr. PUJO. I will yield to the gentleman from Texas [Mr. GARNER] to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. GARNER. Does the gentleman from Illinois believe that any Member of this House could assume for a moment that a committee of this House was going into an investigation of this character for any other purpose than for the good of the General Government and for the purpose of ascertaining facts upon which to base legislation?

Mr. CANNON. Is the gentleman on the committee?

Mr. GARNER. No, sir.

Mr. CANNON. I will say to the gentleman that I would be slow to so believe, and yet I will say to the gentleman that in almost 40 years' service in this House I have seen, time and again, investigations conducted to suppress the truth or to defeat half of it, and seen it dwelt upon in headlines of sensational papers, and I trust that this investigation will not be so conducted.

Mr. GARNER. Have not most of those investigations been made by the Republicans of this House?

Mr. CANNON. This is a Government of the people through organizations called parties, and in hot blood and in campaigns sometimes—and I do not claim that either side could be convicted of a monopoly under the antitrust act—the investigation sometimes becomes a farce, and sometimes is conducted in good faith.

Mr. BARTLETT. May I suggest to the gentleman that sometimes when started in good faith they are stopped by very high authority? [Applause.]

Mr. CANNON. Oh, yes; by forces that operate; but neither great party organization can claim a monopoly. The great mass of the people in both parties want to be fair.

I thank the gentleman from Louisiana [Mr. PUJO] for his courtesy.

Mr. PUJO. Resuming my remarks, I will say to the distinguished gentleman from Illinois [Mr. CANNON], who has just concluded, and who made inquiries touching the nature, character, scope, and purpose of this investigation, and entertaining for him that great respect which every Member of Congress feels for him personally as an able legislator, that I reflect the views of the subcommittee having in charge this investigation—that it will be conducted in good faith, with an eye single to the discovery of abuses, so that we may have legislation in the future to protect the interests of the people.

Mr. CANNON. That is, if legislation is needed.

Mr. PUJO. If legislation should be needed. I desire to say further, Mr. Speaker, and in answer to the inquiry of the gentleman from Illinois [Mr CANNON], that I have been on this committee for nearly 10 years, having had the honor of being appointed by the gentleman from Illinois, when he was Speaker of the House, a member of that committee. I have always taken the position that the question of financial and monetary conditions is not political but scientific. However, I realize that all matters that have to be passed upon and thrashed out by the Houses of Congress are apt to be tinged sometimes with politics.

But it is the purpose of this investigation, as I understand it, to find if additional legislation be necessary. It might be suggested, for instance, that a law should be passed that would prevent trust companies from owning a majority of the stock in a national banking association, to prevent the control of deposits, so that ventures might not be underwritten with the money of depositors. There may be many instances of that character developed by such an investigation. It is a question of doubt whether we have the power, and I want to be frank and free with this House, that unless this power be granted the inquiry ought not to be continued We may be stopped at any time—that is, a witness can decline to testify. He may be brought before the bar of the House, and then may take advantage, if held for contempt, of habeas corpus, and take the case to the Supreme Court of the United States, and thus retard the investigation.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. ELLERBE). Does the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. PUJO. Yes.

Mr. EDWARDS. I notice in the report here that from the language, in view of the wording of the section referred to, a doubt has arisen as to whether any national banking association would deny the right of a committee of Congress to investigate its affairs or its relations to other financial institutions.

Mr. PUJO. Yes.

Mr. EDWARDS. And no information has come to the committee officially that any national bank would take that position, and so forth. Now, I would like to ask the chairman of the committee whether or not any attempt has been made yet by the committee to investigate the affairs of any national bank?

Mr. PUJO. I will say, in answer to the gentleman from Georgia [Mr. EDWARDS], that we have sent out, with the assistance of experts, to every financial institution in the United States, 30,000 of them, inquiries far beyond the form used by the Comptroller of the Currency. These returns are coming in daily. They are being analyzed and classified in order that the committee might have some data with which to start the investigation. They are not all in yet. It is a large undertaking, but we expect to have them all tabulated in a little while, as soon as all the returns are in.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. PUJO. I yield to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, referring to the resolution under which the gentleman's committee is proceeding, and for which I voted in the caucus, and for which I voted in this House—a proper resolution—the gentleman understands that by this bill, which has been reported, he is simply authorized to pursue, as a matter of course, further inquiries of the business of the national banks than the present law gives you power to investigate? Under the present law there is no right of inquiry or visitation allowed, so far as national banks are concerned, except that stated in the act to be exercised by the Secretary of the Treasury, through the Comptroller of the Currency, by certain designated and appointed agents known as bank examiners.

The purpose of this act is to permit Congress, or either House, in an investigation to inquire into the business of the national banks, a thing which it would not have authority to do by reason of the existing statute, referring solely to the national banks.

Now, the resolution under which the gentleman's committee is proceeding, leaving out the long string of high-sounding "whereases" contained in it, authorizes the committee to inquire into other businesses than the national banks, as, for example, the business of trust companies and insurance companies. The gentleman, of course, does not think that this gives him or his committee any additional powers over those State-organized institutions than that he has without this bill.

Mr. PUJO. Not at all, sir. It applies only to the national banking associations.

Mr. BARTLETT. Yes; and I apprehend—that is, if we stand by what we know to be the law at the present time—Congress could not empower you to investigate a State-organized institution, such as a trust company or banking company, unless it came in some way within the jurisdiction of matters concerning which the Congress had the right to legislate. So that as to this bill—for which I will vote, because I have the utmost confidence in the gentleman and his committee—the gentleman will not get any additional authority over any financial institutions except over the national banks, and it is known in the business world that large business undertakings and enterprises, such as the building of railroads and various other things, steam and electric railroads, and the issuance of bonds, and all those things, are financed not by the national banks, but by the trust companies that are organized under State laws. That is true as a general thing, is it not?

Mr. PUJO. That is generally true.

Mr. BARTLETT. And the resolution gives you no power over them, and the resolution authorizing the investigation can give you no power over them?

Mr. PUJO. That is true; and in further reply to the gentleman from Georgia I will say that the purpose and intention is that there will be no legal interference with the work of the committee when acting within constitutional and legal authority.

Mr. BARTLETT. I am perfectly willing to leave that to the gentleman from Louisiana and his subcommittee.

Mr. NORRIS and Mr. JACKSON rose.

The SPEAKER pro tempore. Does the gentleman from Louisiana yield?

Mr. PUJO. I yield to the gentleman from Nebraska [Mr. NORRIS] for a question.

Mr. NORRIS. I have no objection to the gentleman yielding to the gentleman from Kansas first.

Mr. PUJO. I leave it to you gentlemen to determine.

Mr. JACKSON. I want to call the attention of the gentleman to a matter in connection with what the gentleman from Georgia [Mr. BARTLETT] has said. This bill would confer upon the committee inquisitorial power as to a national bank—that is, as to the corporate entity—but it would not give the gentleman's committee any additional authority to compel witnesses to testify.

Might it not be true that, having the power to investigate into the business affairs of the corporate entity, you would still lack the power to compel individual witnesses to testify? It seems to me that is a matter to which the gentleman's committee should give special attention, for the reason that, as I understand the law at the present time, there is no power in the hands of this committee to compel any individual person in the country to testify, if he claims immunity, because he would make himself liable to criminal prosecution. I understand that this House is without power to confer that authority upon a committee, except by a law passed through both House of Congress. Ought not the committee now, as a part of this bill, or by a separate bill if it be found necessary, to prepare for the time when some individual will refuse to testify on the ground that he will make himself liable to prosecution for a criminal offense?

Mr. PUJO. In reply to the gentleman, I will state that the resolutions referring this matter to the committee for investigation have given us all the power that can be given under the Constitution of the United States—the right to summon witnesses, administer oaths, and examine them. Now, it is hornbook law that you can not make a man criminate himself, and we would have to amend the Constitution of the United States in order to bring a witness before a committee and make him criminate himself.

Mr. BUTLER. You would have to change the Bill of Rights.

Mr. PUJO. I say, we would have to amend the Constitution of the United States.

Mr. JACKSON. Oh, no; not at all.

Mr. PUJO. In my judgment as a lawyer we have all the power in this committee that can be vested by the Congress of the United States.

Mr. JACKSON. Oh, no.

Mr. PUJO. I want to say further, in answer to the gentleman, and somewhat in reply to the gentleman from Illinois [Mr. CANNON], that I am not a financier. I am a banker only in a very relative sense. I have been able to gain a subsistence by the practice of the law, and it is my belief that we have all the power in this resolution that can be given to us under the Constitution of the United States.

Mr. JACKSON. If the gentleman will permit me, I think he is somewhat in error in his statement of the law, that it would be unconstitutional to compel a witness to testify.

Mr. PUJO. You must give him an equivalent.

Mr. JACKSON. You must give him immunity.

Mr. PUJO. Judge Humphreys decided in the packers' case that you can not get something for nothing. You must give a man an equivalent. If he comes and gives you information that would punish him in the courts, you must give him freedom for that as an equivalent.

Mr. JACKSON. Certainly.

Mr. PUJO. That is horn-book law.

Mr. JACKSON. That is the point to which I am trying to call the gentleman's attention, that the general statute which attempted to give that immunity to witnesses before congressional committees has been set aside by the Supreme Court of the United States as being insufficient.

Mr. PUJO. Yes.

Mr. JACKSON. Believing that the gentleman's committee wants to get at the bottom of this entire subject, ought not the committee to bring in a bill at this time conferring upon all congressional committees of the House full authority to examine witnesses under complete immunity from prosecution? I notice in the press that the Steel Trust investigation committee is already up against this question. It is subpœnaing witnesses now who refuse to testify on the ground that they would become liable for criminal offenses.

Mr. PUJO. I will state in answer to the gentleman that that matter was fully considered when resolution 504 was reported to the House. We had an immunity clause in it; but in order to get through with this investigation we realized that there was no possible chance of passing it, because it had to be the joint action of both Houses of the Congress of the United States and approved by the President.

Mr. JACKSON. So will this bill have to be signed by the President.

Mr. PUJO. Yes; but we take it that if the House of Representatives passes a bill which seems so obviously fair, giving the power to the creator to examine what its creatures are doing, no one will raise any objection to it.

Mr. JACKSON. The gentleman will understand me as not complaining about this bill.

Mr. PUJO. I understand that.

Mr. JACKSON. I am only suggesting to the gentleman why it would be the best thing to have a similar bill put through both Houses at the same time upon a matter which may be so important before this investigation is concluded.

Mr. PUJO. It might be well, but we have no steering committee to whom we can refer matters of this kind. It was hard enough to get the simple proposition through.

Mr. JACKSON. Is not the gentleman himself a steering committee on this proposition?

Mr. PUJO. Only in so far as it relates to our power. I think, as a legal proposition, that we have the right to bring a witness here. I believe we have all the power that can be vested in a committee by resolution of the House in one of its agencies under the Constitution of the United States. We can not get more power without going through the procedure that the gentleman suggests.

Mr. JACKSON. The only thing I sought to call the gentleman's attention to was that if this bill is important why not make a clean sweep of it and put through both bills?

Mr. PUJO. We can not take up but one matter at a time; the other matter is one that affects many committees.

Mr. JACKSON. I think the gentleman will find that it affects his committee and his witnesses before he gets through.

Mr. PUJO. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has 27 minutes.

Mr. PUJO. I desire to give time to anyone opposed to the bill. I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. If it is not improper, I would like to ask a question about the pending bill. Is the primary object of this bill to obtain information from the comptroller?

Mr. PUJO. No; we have that power now.

Mr. MANN. The comptroller is entitled to obtain information from national banks.

Mr. PUJO. Yes.

Mr. MANN. Have you a right to acquire that information to lay before the committee?

Mr. PUJO. We have; but investigations by bank examiners are published in the newspapers, and we do not need that, but we feel that there are many other things that we do need.

Mr. MANN. I take it that the comptroller has the power to obtain a great deal of information which he has no power to make public.

Mr. PUJO. That is a mooted question.

Mr. MANN. Is it the intention of the gentleman's committee to have these investigations carried on in the shape of public hearings?

Mr. PUJO. Yes.

Mr. MANN. And give this information out to the world?

Mr. PUJO. I can only speak for myself. I would think it very improper to give private information, information relating to private affairs, to the public.

Mr. MANN. How can the gentleman's committee avoid giving it to the public? It is secured through public hearings.

Mr. PUJO. There is no desire to avoid giving it to the public.

Mr. MANN. But the gentleman says that he considers that it may be improper to give certain private information to the public, and yet how can he avoid giving it to the public? That is the very essence of the proposition.

Mr. LLOYD. If the gentleman will pardon me, is it not a fact at the present time that you are seeking valuable information—not in public hearings—and that the information you will gather under this law, if enacted into law, will be information which will not appear in public hearings and will not be published in the proceedings of the committee?

Mr. PUJO. The committee can make that an executive document.

Mr. LLOYD. Is not the information already obtained information which is not in the form of hearings?

Mr. PUJO. Certainly; we have only had one witness examined.

Mr. MANN. That is true; but you have not got the inquisitorial powers in reference to banks; and when you secure information it belongs to the House; it does not belong to the committee. I have no objection to the gentleman's committee having full power, but have gentlemen on the committee worked out a scheme by which they can obtain information with reference to national banks, which can be made public in such a way as not to identify a particular bank? Is it not the purpose of the gentleman's committee to go into the financial negotiations with particular banks and make that public?

Mr. PUJO. The committee has expressed no purpose as a committee. As a legislative proposition, as an agency of the House, in anything the committee does, the House can control.

Mr. MANN. Will the gentleman allow me to make a formal suggestion to him about the bill?

Mr. PUJO. Yes; if the gentleman pleases.

Mr. MANN. The bill refers to Congress, "or either branch thereof." I suggest that he make it read "either House."

Mr. PUJO. The Constitution, I know, says either House, but it is my opinion that it is wrong.

Mr. MANN. The Constitution refers in a dozen places to the "two Houses of Congress." There is a question as to what a branch of Congress is.

Mr. PUJO. I would not think so, but I have no objection. I saw it after it was framed, and I objected to the word "House" being used, because I thought it was a misnomer, and I so consider it. The "Senate" is not a House.

Mr. MANN. The House of Representatives is one House of Congress and the Senate is the other House of Congress. The distinguished gentleman who wrote the Constitution continually refers to "both Houses of Congress," "each House of Congress," and to "the other House of Congress," referring to the Senate.

Mr. PUJO. I think he knew more about it than I do, and as the gentleman from Illinois is his particular representative here to-day, I will ask unanimous consent to make the change. [Laughter.]

Mr. MANN. Besides, I do not want to see the gentleman have the comeback again.

Mr. PUJO. I thank the gentleman. Does the gentleman from Nebraska wish me to yield to him?

Mr. NORRIS. I shall not now go back to what I had in mind. The gentleman has entered upon another subject.

Mr. PUJO. If there is no one else who desires to speak upon the bill, I shall ask unanimous consent to move the amendment suggested by the gentleman from Illinois. Mr. Speaker, I ask unanimous consent to amend the bill as it now stands, in line 10, by striking out the word "branch" and inserting in lieu thereof the word "house."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, strike out the word "branch" and insert the word "house."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PUJO. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I did not support either one of the previous propositions looking to this investigation, and on the passage of this bill I expect to be counted in a hopeless minority; but I believe in a man having the courage of his convictions on all public questions, and while practically a new Member, I have never dodged a responsibility in this House. I have never failed to go on record on every vote or roll call. There is no demand for this investigation as far as the district I represent is concerned; and while the statement has been made here this morning that the House of Representatives ordered this investigation by practically a unanimous vote, where is the Member who can state that he had an appeal from his constituents to enter upon this investigation? It is no answer to me to say that an insurgent Member of Congress favored or introduced this bill. Is there a demand for it? And if so, where does the demand emanate? Where does it come from?

Mr. EDWARDS. Is the gentleman in favor of the initiative?

Mr. AUSTIN. Not in national affairs. I am a stand-pat Republican and believe in the old-time Republican principles. [Applause.]

The gentleman having this investigation in charge confesses to this House that he is not a banker. Is there a banker on this committee that is going to engage in the most far-reaching and important of the many investigations ordered by this House? Is there a trained and experienced banker on this committee which is intrusted with this important work?

Mr. BYRNES of South Carolina. I will state to the gentleman that there are 2 of the 11.

Mr. AUSTIN. Two out of twenty-one! There are 21 members on the Committee on Banking and Currency.

Mr. PUJO. The gentleman from New York, Mr. VREELAND, is the president of one of the big banks, but I will state that he is not on the subcommittee.

Mr. BYRNES of South Carolina. There is the gentleman from Missouri, Mr. DAUGHERTY, and the gentleman from West Virginia, Mr. BROWN.

Mr. PUJO. And the gentleman from Delaware, Mr. HEALD, is an old banker.

Mr. AUSTIN. Then we have 4 bankers out of 21 members on the committee.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. HENRY of Texas. Mr. Speaker, in the first place I will say to the gentleman from Tennessee that your Secretary of the Treasury has demanded an investigation of the Money Trust.

Mr. AUSTIN. Oh, yes; and our Secretary of the Treasury is reported in a public speech in New York as favoring ultimate free trade in this country, and yet that does not commit me or the balance of us to that political heresy. [Laughter and applause.]

Mr. HENRY of Texas. I did not mean to make the gentleman attack one of the officials of his administration.

Mr. AUSTIN. And I do not want the Secretary of the Treasury held up to me as an example of what I shall do here as a sworn representative of the people.

Mr. HENRY of Texas. Then I shall hold somebody else up to the gentleman as an example.

Mr. AUSTIN. And, besides, the Secretary is too fresh from the Democratic Party to be quoted to me as to what I should do on this proposition. [Laughter and applause.]

Mr. HENRY of Texas. If the gentleman will yield further, I shall give him some more information, because it is evident that he needs information.

Mr. AUSTIN. I want information touching the qualification of this committee as to bankers upon it.

Mr. HENRY of Texas. I will tell the gentleman about that later, but first want to say that if he will come to my committee room I will show him numbers of letters from bankers throughout this country who want to get from under the domination of the Money Trust in New York City; and in the next place I will show the gentleman numerous telegrams and letters and petitions from people all over the United States who want to get from under the domination of the Money Trust.

Mr. AUSTIN. Will the gentleman tell me how many letters and telegrams he has received from his own constituents upon this subject?

Mr. HENRY of Texas. Oh, I do not know. Many hundreds of them. Again, I assume that the representatives of the people are qualified to investigate the affairs of the national banks of the country, the mere creatures of the Government under the law.

Mr. AUSTIN. Mr. Speaker, we are going into an investigation affecting the credit, the public confidence in the financial system of this country, and involving the weal and happiness of every class and condition of our people. We are touching a subject that may involve us at any time in a disastrous business panic, and we are asked to go headlong into it without limit or restriction.

We are being urged to do it, not from our districts, not from the bankers or business men of any district in the United States, and I challenge any Member of this Congress to state here that this demand comes from any business element of this country. You are not only touching the vital business interests of this country in this investigation, but you are fooling——

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. PUJO. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on this subject——

Mr. AUSTIN. Mr. Speaker, I thought, under the rule, I had an opportunity, being in oppositon to this bill, to speak just as long as the gentleman having the bill in charge.

The SPEAKER. No; the rule is when the gentleman from Louisiana exhausted his hour, if he does not move the previous question, then the gentleman from Tennessee, or any other gentleman who can catch the Speaker's eye, will be recognized for an hour.

Mr. PUJO. I have never yielded the floor, but I yielded to the gentleman from Tennessee five minutes.

Mr. AUSTIN. Mr. Speaker, I want to submit I was interrupted by the gentleman from Texas and other gentlemen——

Mr. PUJO. Mr. Speaker, how much time have I left of the hour?

The SPEAKER. The gentleman has 15 minutes left.

Mr. PUJO. I will yield five minutes more to the gentleman from Tennessee, and then move the previous question——

Mr. NORRIS. I would like for the gentleman to yield me five minutes if he can do so.

Mr. PUJO. I will yield five minutes, then, to the gentleman from Nebraska, but I do not surrender the floor. I yield five minutes to the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I do not wish in my statement about the personality of this committee to reflect upon the patriotism or the ability or the good faith of any member of that committee, but I do claim that in dealing with an interest affecting every national bank in this country, an interest affecting every stockholder in every national bank in this country, an interest affecting countless thousands of American citizens who are depositors in every national bank in this country, we ought to stop, we ought to hesitate, pause, and consider where we are going in this investigation.

Why, we have had investigations by the Monetary Commission for years, costing thousands of dollars, yet we are asked for another investigation, with the expenditure of additional thousands of dollars, when we have already piled up here in numerous volumes the findings and the hearings of the Monetary Commission. Every particle of information this committee ought to have in this investigation can be found in the office of the Comptroller of the Currency, and if not found there can be obtained there through the comptroller. I have no interest in any bank, never owned a share of stock in one, but I want here and now to enter a protest against this investigation that does not mean anything good or valuable to the business interests of this country. I hope this House will not intrust any committee with the power carried in this bill, especially when that committee has employed two lawyers who have, I understand, stated their position in the public press and who, in my opinion, are not seeking and will not seek as the representatives of that committee to guard and protect the vast interests involved in the daily hearings that will come before this committee and the public hearings that are open to the public press of the country.

Mr. PUJO. Mr. Speaker, I desire to say for myself and on behalf of the committee that the policy of this investigation has been directed by Congress. I have never seen any statement of counsel associated along the line suggested by the gentleman from Tennessee, and I think if such publications have appeared that they are absolutely erroneous.

Mr. AUSTIN. Well, I am glad to hear the gentleman say for the attorneys employed by the committee that the public reports do not correctly state their position or their opinions in reference to this investigation.

Mr. PUJO. I do not know what the public reports are, and I could state better if they were before me. Now I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. AUSTIN. I yield back whatever time I may have remaining.

The SPEAKER. The gentleman from Tennessee yields back one minute.

Mr. NORRIS. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN], in my judgment, has given some good reasons why this bill ought to be passed and this investigation ought to take place, but he has departed from his usual course. He has forgotten that this investigation will cost some money, and it is the first time I recall the gentleman from Tennessee opposing any resolution that will take money out of the Public Treasury. [Laughter and applause.]

Mr. AUSTIN. Mr. Speaker, if the gentleman will permit me, I want to use this money in another direction.

Mr. NORRIS. Well, the gentleman has evidently lost sight of the fact that this investigation is going to cost some money. Now, Mr. Speaker, the gentleman says that it is not the first time the suggestion has been made. It has been made here and in the public press that an investigation of this kind will have a tendency to bring on a panic; that the control of the business of the country and the money of the country are now in the hands of men who, if you undertake to investigate them, will bring on a panic. If that be true, then surely we ought to have the investigation. [Applause.]

If that be true——

Mr. CONNELL. Will the gentleman yield?

Mr. NORRIS. I prefer not to yield, inasmuch as I have only five minutes. If that be true, then we certainly ought to know who it is that controls the finances of the country and how they control them. There has been a demand for this investigation. I have seen letters by the hundreds, not only from ordinary individuals and business men, but from bankers themselves, who are under the control of financial influences that they know are not right, and who want to get from under that control.

Mr. HENRY of Texas. Will the gentleman yield to a question?

Mr. NORRIS. The gentleman from Minnesota [Mr. LINDBERGH] can supply the gentleman from Tennessee with demands for this investigation from almost every post office in the United States that will take him months to read.

Mr. HENRY of Texas. In connection with what has been said by the gentleman from Tennessee [Mr. AUSTIN] and what is being said by the gentleman from Nebraska [Mr. NORRIS], what might afford an additional reason for this investigation is that the Republican Party is not controlled by a trust. Is there anything in that?

Mr. NORRIS. The gentleman brings in a question that I would like to discuss for an hour. He has brought into this a partisan proposition that his own colleague, Mr. PUJO, wisely and patriotically said he wanted to keep out. There are trusts controlled by men who are Republicans, and there are trusts controlled by Democrats. Does the gentleman think for a moment that the Republican Party has a monopoly of all the trust men?

Mr. HENRY of Texas. I do not want to cause any trouble in the Republican Party.

Mr. NORRIS. I am not afraid of trouble in the Republican Party, either. I have seen a good deal of it and made some of it [laughter and applause], and it has resulted in good, in my judgment, both to the Republican Party and to the country. I want to say to the gentleman that when it comes to the proposition of a man being in favor of a monopoly or being a criminal, or anything of that kind, you can not consider partisan politics, and the man who undertakes to make this investigation along partisan lines is not doing his patriotic duty; I do not care whether he is a Democrat or a Republican. If there is something wrong, let us find it out and let us go to the bottom of it, whether it hurts a Democrat or whether it hurts a Republican. [Applause.] If there is nothing wrong, it will hurt nobody; and if there is, this committee ought to make such an investigation to develop what the facts are. [Applause.]

Mr. PUJO. Mr. Speaker, I now move the previous question on the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States.

Mr. JACKSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. JACKSON. To inquire how much the gentleman has left of the hour.

The SPEAKER. Six minutes.

Mr. JACKSON. Will the gentleman from Louisiana [Mr. PUJO] yield me a minute?

Mr. PUJO. I was going to make a further request—that anyone who desires to print on this question have that privilege.

Mr. JACKSON. I do not desire to print. I want to make an observation.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] moves the previous question on the bill as amended.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PUJO, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, and, pending that, I wish to make a further request. Under the agreement we made when we reached sections 5 and 11, in considering the bill under the five-minute rule, they will pass to the end of the bill.

The SPEAKER. That is all understood.

Mr. ADAMSON. I want to make one request, in accordance with the agreement, that when we reach those sections the gentlemen who want to offer amendments may file those amendments.

Mr. MANN. That will be done in committee.

The SPEAKER. That will be done in the committee.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent that all amendments to be offered to sections 5 and 11 be printed, so that the gentlemen may inform themselves concerning them.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent that amendments to sections 5 and 11 be printed.

Mr. BROUSSARD. My request is to have those amendments printed separately, so that a Member might understand the different amendments.

The SPEAKER. That is exactly the question the Chair was going to put.

Mr. MANN. Reserving the right to object, I take it that the two requests made indicate that it is not the purpose to make a final disposition to-day of sections 5 and 11; and if it is the purpose to let them go over, I would suggest that the gentlemen be authorized to propose amendments to be printed in bill form as proposed amendments—if that is the purpose.

Mr. UNDERWOOD. Mr. Speaker, I would like to say to the gentleman from Illinois [Mr. MANN] and the gentleman from Louisiana [Mr. BROUSSARD] that I hope this bill will be completed to-day. [Applause.] I have no objection to the request of the gentleman from Louisiana, but if his request contemplates that the bill shall not be considered to-day I shall certainly oppose it—that is, if the bill can be concluded in the regular order. As I understand the proposition, there are only two paragraphs to this bill about which there is any real contention, and it seems to me that it is possible for the House, by sitting a little late to-night, to dispose of the bill in Committee of the Whole and give the right of way to an appropriation bill on Tuesday, and I hope very much that that will be carried out.

Mr. ADAMSON. Mr. Speaker, I can not tell—and no living man can tell—just exactly what this day or any other day may bring forth. The gentleman from Louisiana [Mr. BROUSSARD] and I agreed, inasmuch as we had secured unanimous consent about passing over the two contested sections—5 and 11—to the end of the bill, that when those two sections were reached in their order gentlemen could offer amendments to these two sections and have them pending to inform the House what they were; and I asked unanimous consent for that purpose. I did not intend and do not intend to intimate a foreclosure of the question to-day as to when we can finish the consideration of the bill. So far as I am concerned, I have done my duty and am ready to vote now, but do not wish to take advantage of anybody. I want everybody to have a full chance and opportunity and to vote just as I do—just as he pleases—when we get through. The object of my request for unanimous consent is equally applicable, no matter how far we may travel to-day. I agree with the wish expressed by the gentleman from Alabama [Mr. UNDERWOOD]. I would like to get through as soon as we can.

Mr. MANN. But, Mr. Speaker, if the amendments are disposed of to-day, there is no object in asking unanimous consent that they be printed in the RECORD, because they will be printed in the RECORD when offered. I can see no object in making the request at this time. Now, I suggest to the gentleman, if the amendments are undisposed of when the House adjourns to-night, that after the committee rises this afternoon is time enough to make the request that any proposed amendments may be printed in the RECORD or in bill form.

Mr. ADAMSON. Mr. Speaker, I did not mention the printing in the RECORD, because I thought of this possible contingency: Inasmuch as all the speakers have indicated that there is little matter of contest on the other sections, we may reach No. 5 in a few minutes, and even if it is reached again at the heel of the bill and considered to-day before we adjourn, we would like to have information when it is reached so that we would know, when we are considering them, what the amendments are.

The SPEAKER. The day's RECORD will not be printed until night.

Mr. ADAMSON. I did not say printed to-night. I said that when the sections are reached Members may offer them, and we will have them pending.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that, when sections 5 and 11 are reached, anybody having an amendment to them can have the privilege of offering it then and there, and have it pending.

Mr. MANN. But that would not require the offering of the amendment at that time.

Mr. ADAMSON. No; not at all. It would not shut out anybody.

The SPEAKER. Of course, those two things have no connection with each other. Is there objection to the request of the gentleman from Georgia [Mr. ADAMSON]? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BROUSSARD. Mr. Speaker——

The SPEAKER. Will the gentleman from Louisiana [Mr. BROUSSARD] please make his request over again?

Mr. BROUSSARD. My request, Mr. Speaker, is for unanimous consent to have these amendments printed in the RECORD, and separately, so that Members may have the use of them, provided, of course, we do not conclude the consideration of the bill to-day.

The SPEAKER. The request of the gentleman from Louisiana [Mr. BROUSSARD] for unanimous consent is this: That in the event this bill is not disposed of to-day, including sections 5 and 11, all pending amendments be printed in the RECORD——

Mr. ADAMSON. They will be printed, anyhow——

The SPEAKER. And separately as a document. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, in the form in which the request comes, if the bill is not disposed of, I see no objection to printing the amendments; but I hope the bill will be disposed of to-night.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Panama Canal bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 21969, and the Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ADAMSON. Mr. Chairman, the gentleman from Louisiana [Mr. BROUSSARD] and I have arranged to yield to the gentleman from Illinois [Mr. MANN] and I now yield to him 45 minutes.

Mr. MANN. Mr. Chairman, I do not desire at present to consume so much time, and I ask the Chairman to notify me at the end of 20 minutes.

Mr. Chairman, it is a source of gratification to me personally that I was in at the beginning, and am in practically at the end, of the legislation for the construction and the operation of the Panama Canal. I entered the House in the Fifty-fifth Congress, went on the Committee on Interstate and Foreign Commerce, and found on that committee that one of the questions which was of greatest importance was providing some method for the construction of an Isthmian Canal.

The Maritime Canal Co., which had proposed to construct the canal at Nicaragua, was then asking for assistance from the Government. There had been prior to that time no proposition that the Government should construct the canal, and the Clayton-Bulwer treaty of 1850 specifically prohibited the Government from constructing the canal or from operating it.

The gentleman from Georgia [Mr. ADAMSON] stated the other day that, in his opinion, the canal would not have been constructed in the course of a century, possibly, if it had not been for the celebrated trip of the battleship *Oregon*. I do not agree with him in regard to that, but I have no doubt that that trip made the country realize more closely than ever before the advantage it might be to our country from a military standpoint to have the canal constructed.

With the Clayton-Bulwer treaty still pending, prohibiting the construction of the canal by the Government, in December, 1898, Col. Hepburn, of Iowa, the chairman of the Committee on Interstate and Foreign Commerce, introduced a bill providing that the Government of the United States should construct and defend a canal, he taking the position that the Clayton-Bulwer treaty had been abrogated by the action of Great Britain shortly after the treaty went into force.

The committee had a good many hearings and discussions on the subject, and finally decided that a canal should be constructed and protected by the Government. At the next Congress Col. Hepburn again introduced his bill. It was reported favorably and was passed by the House, and the State Department of the United States had brought home to it directly the proposition that Congress was likely to pass a bill in flat violation of the terms of the Clayton-Bulwer treaty unless that treaty were abrogated or modified by a new treaty.

Mr. Hay, the then Secretary of State, proceeded to negotiate the first Hay-Pauncefote treaty, which expressly provided that no fortification should be constructed on the canal. That treaty was rejected or withdrawn, and the Hay-Pauncefote treaty now in force was agreed upon and confirmed and published to the world.

That treaty did not specifically provide that no fortification should be erected. When it was before the House for determination as to whether we would fortify the canal I happened to be the Chairman of the Committee of the Whole House on the state of the Union, and I was required to pass on the point of order whether we were authorized to make an appropriation for the fortification of the canal.

Mr. Chairman, as I hope I shall not speak very long and as I do not propose to go very extensively into the papers which could be produced, and many of which have been produced, I desire to say, both in connection with the toll question and in connection with the fortification question, that I think I have read and studied every document which has ever been put in print on the subject and some which have not. I reached the conclusion that the Government of the United States under the Hay-Pauncefote treaty had the right to fortify the canal, and I reached the conclusion that under the Hay-Pauncefote treaty the Government of the United States had the right to prefer in toll charges the American merchant marine, whether it be in coastwise or foreign trade. [Applause.]

The treaty provides:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality."

Gentlemen will notice that there is no exception from the language used that the vessels of all nations, both of commerce and of war, shall be treated on entire equality. And the question involved is whether the term "all nations" means all other nations except the United States and the country in which the canal is constructed or whether it includes the United States and the now Republic of Panama or the then Republic of Colombia.

It must be perfectly patent to anyone that the language used in the treaty was not intended to cover all war vessels of all nations alike. It must be perfectly patent to anyone that the term in the treaty was not intended to cover vessels owned by the Government of the United States or under its lease for the carrying of coal through the canal for future use. It must be perfectly patent to anyone that the terms of the treaty did not intend to cover all vessels owned by the Government for the operation of the canal itself.

Immediately following this treaty we negotiated a treaty with the Republic of Colombia. That treaty never went into effect, but we negotiated it, and afterwards we negotiated a treaty with the Republic of Panama, providing as to the treaty with Panama—

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind.

That was our construction of the Hay-Pauncefote treaty when we immediately thereafter made the treaty with the Republic of Colombia and afterwards with the Republic of Panama; in other words, that the Hay-Pauncefote treaty, which said that vessels of all nations should be treated alike, did not refer to vessels owned by the Republic of Panama or which were engaged in transporting its troops or munitions of war.

Mr. NORRIS. Will the gentleman yield there?

Mr. MANN. I should prefer to go ahead, if I may.

Mr. NORRIS. All right.

Mr. MANN. That was one exception to the general provision of the treaty which it was perfectly patent to everybody ought to be made; and no nation, much less Great Britain, has ever filed any suggestion that under the original Hay-Pauncefote treaty we did not have the right to give a preference, or no charges at all, to the vessels of the Republic of Panama.

Then, as to war vessels, the treaty provides that the vessels of all nations in commerce or war shall be treated alike. There is no distinction between the two. And yet no one has the hardihood to-day to claim that the war vessels of the United States passing through the Panama Canal must pay the tolls the same as the war vessels of other nations. My distinguished friend from Minnesota [Mr. STEVENS] attempted to relieve that situation by saying that we were authorized to protect the canal by policing it. It is perfectly patent that there is an exception as to war vessels of the United States going through the canal, differentiating the war vessels of the United States from the war vessels of other countries. And yet the language of the treaty is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

There is no distinction between war vessels and merchant marine; and if we have the right to except the war vessels of the United States from the terms of that provision of the treaty, by a parity of reasoning we would have the right to except the merchant marine of the United States or of its citizens.

The question arose early in this matter as to whether, even if we were bound by the terms of the treaty to collect the same rate of tolls upon our own merchant marine that we required

of the merchant marine of other nations, we might not rebate that and pay it back.

Some of the European Governments pay the tolls of their merchant marine passing through the Suez Canal, and no nation has ever suggested that under the terms of the international agreement a nation could not pay the tolls directly to a vessel of its own merchant marine passing through the canal, thereby practically relieving that vessel from the payment of tolls. It was suggested that the United States might adopt that course, and I think it was generally concluded that we had the power, if we desired, to grant a subsidy directly in money to repay to a merchant vessel the amount of tolls it had paid to go through the canal.

But we own the canal. The money that comes in tolls comes to our Treasury. The money which would be paid out in that way would come out of our Treasury. What object is there in requiring one of our war vessels to pay tolls going through the canal into the treasury down there, to be turned into the Treasury of the United States with one hand and taking the money out with the other hand and placing it on the warship with which it may pay the tolls? And yet with a strict construction of the treaty that would be necessary. It is so absurd on its face that no one pretends that we need to go through the rigmarole of taking money out of the Treasury, placing it in the hands of the paymaster on board a naval vessel, letting him turn it into the hands of the collecting officer on the canal, and letting the collecting officer turn it into the Treasury of the United States, to keep going round and round in the same manner, accomplishing nothing. The same would be true of the merchant marine if we have the power to pay back to the merchant vessel which has paid the toll. It is different from the situation that would be presented if a corporation owned the canal. We are the owners of the canal. That which we have the right to do in one manner indirectly we have the right to do in another manner directly. [Applause.]

I took the position, after as careful an investigation as it was possible to make, that we had the right to give the preference to the American marine. [Applause.] I was present at a conference at the White House, where was President Taft; the Secretary of War, Mr. Dickinson; the Secretary of State, Mr. Knox; and some other Members of the House and Senate. At the end of that conference I undertook the preparation of a proposition to be enacted into law.

The Secretary of War, Mr. Dickinson, undertook the preparation of a similar proposition. At that time the House had passed a bill providing for the government of the Canal Zone and other purposes. That bill was pending in the Senate, last winter a year ago, and the proposition was to amend the House bill pending in the Senate so that the operation of the canal might be included in that bill. Mr. Dickinson prepared his draft of the bill and I prepared my draft.

The CHAIRMAN. The Chair will state to the gentleman that he has consumed 20 minutes.

Mr. MANN. I shall take 10 minutes more. Mr. Dickinson submitted his draft to me and I submitted my draft to him and the President, and I am frank to say, with some degree of modesty, I hope, that I approved the judgment of the Secretary of War—Mr. Dickinson—and of the President—Mr. Taft—when they both said they thought that my draft of the bill was the one to be agreed upon. [Applause and laughter.]

I hold in my hand a letter from the Secretary of War—Mr. Dickinson—which I shall insert in the RECORD, which referred to a letter that he had transmitted to me with his original draft of a bill:

> Referring to my letter to you of January 3, 1911, suggesting certain amendments to the bill to provide for the government of the Canal Zone and for the construction of the Panama Canal, I have to advise that I had a further conference to-day with the President and that it will be satisfactory to him if the bill is amended as follows.

And what follows is the draft of the bill which I had drawn. On January 14 I received this letter from the Secretary of State concerning the same draft of bill:

> In accordance with your suggestion, I have conferred with the Ssecretary of War with reference to the amendments to the canal bill to which you referred, and agree with the judgment already expressed to you by the President and the Secretary of War, that they improve the bill.

Upon that, on the same day, I introduced a bill in reference to the tolls on the canal and for the furnishing of supplies. My proposition was, as expressed in the bill, that the Government of the United States, by legislation through Congress, assume that it had the right to give preferential rates or no charges at all to the American merchant marine, or any vessels owned by the Government, its citizens, or subjects. [Applause.] My bill proposed to limit the rate of tolls to $1.50 at the highest and 50 cents at the lowest, other than for vessels of the United States and its citizens and vessels of the Republic of Panama, with the further right to make lower rates for vessels of the United States engaged in the coastwise trade, subject to the provision that no rate should be made lower than the estimated cost of operation of the canal. [Applause.] In other words, that any coastwise vessel should pay the cost of locking it through the canal. The bill also reserved the power to fix rates on the same basis for our foreign merchant marine. My bill further provided that in fixing the coastwise rates at the estimated cost of locking through the canal, that that lower rate should not apply to any vessel owned or controlled directly or indirectly by any railroad or any combination to control rates.

Mr. Chairman, if I am called upon to vote in the House as between the proposition in the bill which in my judgment practically declares that we construe the Hay-Pauncefote treaty to forbid us making preferential rates, I shall vote against the proposition in favor of the proposition of no tolls for coastwise trade. [Applause.] However, this matter, being a matter involving treaty rights made between the United States and Great Britain, in the end may have to go to some tribunal like The Hague tribunal for final determination. We would not, and neither would Great Britain, desire to have a war—the suggestion is impossible—over a matter of this kind. We would not desire on our side to violate any faith involved in a treaty with Great Britain or any other power [applause], but the bill which I introduced assumes that we had that power. We construed it that we had the power. We did not assume that we did not have the power. We left it with the President to determine the rates, thereby leaving it, if necessary, for diplomatic negotiations before the rates were determined. If we declare that we will give preferential rates to our coastwise trade and Great Britain objects to that construction of the treaty with any force it may become necessary to let some international tribunal determine that construction. I do not believe, myself, that Great Britain would make any objection. We have expended and will have expended before the canal is completed $400,000,000 out of the National Treasury. It is our money. For 400 years the people of the world had desired the construction of the Isthmian Canal. Private enterprise was wrecked in attempting to provide the canal. We undertook it. Who will say that it was not practically making a Christmas present to the world? I always looked at the construction of the canal, not as a matter of military necessity, not as a matter of commercial necessity, but as a tribute which this young, powerful, and rich Nation had made to the civilization of other nations which have contributed so much to our civilization and our happiness. [Applause.] And yet when we have constructed the canal at our expense I think no nation in the world would say for a moment that we did not have the right to grant a preference to our own vessels and the vessels of our own citizens. What other nation in the world would have constructed the canal and expected that its own citizens could get no preference? For what reason should we charge the same rate of toll for vessels passing from New Orleans to Los Angeles that we charge for vessels passing from Liverpool to Australia? It is a part now practically of our internal waterways. We have a right, and I do not believe that Great Britain would make any protest so long as we treat all foreign nations and their vessels upon equal terms and with equal rights. [Applause.] I yield back the balance of my time.

Mr. ADAMSON. Mr. Chairman, how much time has the gentleman from Illinois used?

The CHAIRMAN. Thirty minutes.

Mr. ADAMSON. I will say to gentlemen on the other side it is understood we will reserve 40 minutes for concluding general debate, and I understand the gentleman from Illinois [Mr. CANNON] is now to be recognized.

Mr. STEVENS of Minnesota. It is understood that the gentleman from Illinois [Mr. CANNON] should have some time.

Mr. MANN. Mr. Chairman, I ask unanimous consent to extend my remarks by making some insertions.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by making some insertions. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Under leave to extend my remarks, I herewith insert letters from Secretary of War Dickinson and Secretary of State Knox:

WAR DEPARTMENT,
Washington, January 6, 1911.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to my letter to you of January 3, 1911, suggesting certain amendments to the bill to provide for the government of the Canal Zone and the construction of the Panama Canal (H. R. 12316), I have to advise that I had a further conference to-day with the President and that it will be satisfactory to him if the bill is amended as follows:

First. In the caption, after the word "construction," add the words "and operation."

Second. On page 3, line 19, strike out the word "and" before the word "completed" and insert after the word "completed" the words "and operated."

Third. On page 3, lines 22 and 23, strike out the words "who shall be learned and skilled in the science of engineering."

Fourth. Insert after section 4, as new sections, the following:

"SEC. 5. The President is hereby authorized to prescribe and, from time to time, change charges for the use of the canal. Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however,* That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company, the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, or the rates of which for freight or passenger traffic are under the direct or indirect control of any railroad company or the directors or stockholders of any railroad company who are acting in the interest thereof, or who are seeking to avoid or reduce the effect of competition of ocean traffic between the Atlantic and Pacific coasts of the United States upon railway rates, or which is owned or controlled by any company or person who has entered into any agreement with any railroad company, either directly or indirectly, as to the rates to be charged, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further,* That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama) observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

"SEC. 6. The President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies to passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the operation of the said canal, and moneys received in the ordinary course of business from the conduct of such business may be expended and reinvested for such purposes without being covered into the Treasury of the United States, and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress."

Fifth. Renumber sections 5 to 9, inclusive, making them numbers 7 to 11, inclusive, respectively.

This supersedes my letter to you of January 3, 1911.

I have written a similar letter to Senator Flint.

Very respectfully,

J. M. DICKINSON,
Secretary of War.

—

DEPARTMENT OF STATE,
Washington, January 14, 1911.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: In accordance with your suggestion, I have conferred with the Secretary of War with respect to the amendments to the canal bill to which you referred, and agree with the judgment already expressed to you by the President and the Secretary of War that they improve the bill.

Very sincerely yours, P. C. KNOX.

I also insert H. R. 31436, introduced by me January 14, 1911, which bill was introduced for the purpose of putting in print the propositions prepared by me and referred to in the letters from Mr. Dickinson and Mr. Knox as amendments to the Mann bill for the government of the Canal Zone and the construction of the Panama Canal (H. R. 12316), which had passed the House and was then pending in the Senate:

A bill (H. R. 31436) to provide for the operation of the Panama Canal, and for other purposes.

Be it enacted, etc., That the President, through one of the executive departments of the Government to be designated by him, or otherwise, in his discretion, shall provide for the operation of the Panama Canal, now being constructed by the United States to connect the waters of the Atlantic and the Pacific Oceans.

SEC. 2. That the President is hereby authorized to prescribe and from time to time change charges for the use of the canal. Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however,* That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, or the rates of which for freight or passenger traffic are under the direct or indirect control of any railroad company, or the directors or stockholders of any railroad company who are acting in the interest thereof, or who are seeking to avoid or reduce the effect of competition of ocean traffic between the Atlantic and Pacific coasts of the United States upon railway rates, or which is owned or controlled by any company or person who has entered into any agreement with any railroad company, either directly or indirectly, as to the rates to be charged, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further,* That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama), observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

SEC. 3. That the President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies to passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the operation of the said canal; and moneys received in the ordinary course of business from the conduct of such business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress.

I also insert, as a matter of historic interest, copy of the bill introduced by Hon. William P. Hepburn, then chairman of the Committee on Interstate and Foreign Commerce of the House, on December 12, 1898, providing for the construction by the Government of the United States of an isthmian canal:

A bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership, right, title, and jurisdiction to such portion of territory now belonging to said States of Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean, and such sum as may be necessary to make such purchase is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full and complete title to and jurisdiction and sovereignty over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown by way of Lake Nicaragua to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto, and the Secretary of War shall construct such safe and commodious harbors at the termini of said canal and such fortifications for defense as will be required for the convenience and safety of all vessels desiring the use of said canal.

SEC. 3. That in making surveys for said canal and harbors the Secretary of War shall detail such number of engineer officers of the Army as may be necessary and may require of them the performance of such professional duties as he may desire.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have the President is authorized to guarantee to said States the use of said canal and harbors upon such terms as may be agreed upon for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time as the same shall be needed upon the warrants of the President, based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

I also insert extracts from minutes of meetings of the Committee on Interstate and Foreign Commerce of the House of the Fifty-fifth Congress relating to the construction of an isthmian canal:

MINUTES OF MEETINGS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, FIFTY-FIFTH CONGRESS, THIRD SESSION.

FRIDAY, DECEMBER 9, 1898.

Committee met in regular session, Mr. Hepburn in the chair. Informal discussion of the Nicaragua Canal was had, but no official action was taken, as a quorum of the committee was not present. Adjourned.

—

TUESDAY, DECEMBER 20, 1898.

The committee met in regular session, Mr. Hepburn in the chair. Called to order at 11 a. m.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Barham, Hawley, MANN, McAleer, Hinrichsen, ADAMSON, and Mr. Chairman—11. Absent, Wanger, Joy, Stewart, Lovering, Davey, and DAVIS—6.

Mr. Corliss moved that the committee proceed to the consideration of the subject of a Nicaragua Canal.

Mr. Hawley offered as an amendment, that the second Tuesday of January, 1899, being the 10th of January, be set apart for the consideration of a bill to be prepared by the Subcommittee on Canals, providing for the construction of a canal connecting the Atlantic and Pacific Oceans, and that said bill shall have the right of way until disposed of.

Mr. Bennett moved as a substitute for the original motion and amendment, that the general subject of the Nicaragua Canal be taken and considered.

After extended discussion, the original motion and amendment, together with the substitute therefor, having been withdrawn, on motion of Mr. Corliss it was agreed that the committee take up for considera-

tion the entire subject of the Nicaragua Canal, including all bills relating thereto, before the committee, and that it be made a special order for Tuesday, January 10, 1899, and it was so ordered.

—

TUESDAY, JANUARY 10, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Joy, Corliss, Bennett, Barham, Hawley, MANN, Lovering, Davey, Hinrichsen, ADAMSON, and Mr. Chairman—13.

Tuesday, January 10, being named as the time for considering the construction of the Nicaragua Canal, the chairman announced that this being a special order, it would be the first business taken up.

The following resolution was offered by Mr. Hepburn:

Resolved, That in the opinion of this committee:

First. A canal and waterway from the Atlantic to the Pacific should at once be secured.

Second. That said waterway should be constructed by the United States.

Third. That it should be constructed upon territory over which the United States has ownership and sovereignty.

Fourth. That it should be constructed as works of rivers and harbors are, by a commission such as is charged with the improvement of the Mississippi River.

The above resolutions were taken up and considered by sections. Part 1 was unanimously agreed to. Part 2, after discussion, on motion of Mr. SHERMAN, proposition 2 was amended by adding thereto the words: "Or under its supervision and control."

The yeas and nays being demanded on the adoption of the amendment: The yeas were, Messrs. SHERMAN, Joy, Bennett, Lovering, Barham, Hawley, and Davey—7. The nays were, Messrs. FLETCHER, Corliss, Hinrichsen, ADAMSON, DAVIS, and Mr. Chairman—6, and so the amendment was adopted.

Pending the discussion of part three, Mr. Corliss moved that the committee adjourn until 10.30 a. m., Wednesday, the 11th. Motion lost.

Mr. Bennett moved that when the committee adjourn it be until 10.30 a. m., Friday, January 13, and that the further consideration of the construction of the Nicaragua Canal be continued as a special order. Motion agreed to.

On motion of Mr. FLETCHER, the committee adjourned.

—

FRIDAY, JANUARY 13, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Joy, Corliss, Bennett, Stewart, Barham, Hawley, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and Mr. Chairman—16.

* * * * * * *

A letter from Britton & Gray, of counsel for the "New Panama Canal Co.," asking that a hearing be granted the representatives of said company, was laid before the committee by the chairman.

On motion of Mr. Corliss, Tuesday, January 17, was agreed upon for hearing of representatives of above-named company.

On motion of Mr. Bennett, Wednesday, January 18, was fixed for hearing of the Grace Syndicate for building the Nicaragua Canal and Thursday for a hearing by the Maritime Canal Co.; thereafter the hearings on the Nicaragua Canal project were to close, and the committee proceed to formulate a bill for the construction of the Nicaragua Canal.

* * * * * * *

—

TUESDAY, JANUARY 17, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Stewart, Barham, Hawley, MANN, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and Mr. Chairman—14.

The chairman announced that the committee were ready to hear the representatives of the New Panama Canal Co. who desired to be heard.

William Nelson Cromwell, general counsel of the New Panama Canal Co., being introduced, addressed the committee. At the conclusion of his address, Col. Henry L. Abbott, United States Army, retired, being sworn, gave the committee information concerning the engineering department and construction of the canal.

The hour of 12 o'clock, the committee took a recess until 2 o'clock, when Col. Abbott resumed his statement. He was followed by Mr. Curtis, counsel for the company. Pending the discussion, the committee adjourned until Wednesday, January 18, at 10.30 a. m.

Wednesday, January 18, committee met pursuant to adjournment. Mr. Bennett stated this meeting was especially called for a hearing on the part of Messrs. Edward and Edward F. Cragin, representing the construction of the Interoceanic Canal.

Mr. David McClure, counsel for the so-called Grace Syndicate, was introduced and made a statement in behalf of the concessionaires. Pending the hearing the committee adjourned until Thursday, January 19, at 10.30 a. m.

—

THURSDAY, JANUARY 19.

This being the day set apart for hearing of representatives of the Maritime Canal Co., of Nicaragua, Mr. Hiram Hitchcock, president of the company, was introduced and proceeded to make his statement concerning the affairs of his company. He was followed by Prof. Lewis M. Haupt, and at the conclusion of his statement the committee adjourned until Friday, January 20, at 10.30 a. m.

—

FRIDAY, JANUARY 20.

Mr. Cragin, representing the so-called Grace Syndicate, resumed his statement before the committee and introduced Mr. Frank H. Washburn, who proceeded to give a detailed account of the operations of the company, their relation to Nicaragua and the United States. He was followed by Mr. Cragin, who submitted printed extracts showing the position of Nicaragua. Also message of the President of Nicaragua, together with a translation (typewritten) of the contract between the Government of Nicaragua and the Atlas Steamship Co. (Ltd.), dated at the city of Managua, September 30, 1897, all to be attached to and become a part of the hearings had before the committee.

Hon. Warner Miller, being present, was invited to give the committee any information he deemed proper touching the operations of the Maritime Canal Co. He was followed by J. W. Miller, of New York, whose statement closed the hearings on the subject of the Panama and Nicaragua Canal, and, at 3.30 p. m., the committee adjourned.

TUESDAY, JANUARY 24, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Stewart, Barham, HAWLEY, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and the Chairman—15.

Committee proceeded to consider the bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Pending the discussion, Senate act 4792 was read for the information of the committee.

Part 4 of the resolutions previously submitted by the chairman, Mr. Barham moved to strike out the words "by purchase," in line 4 in bill. No vote having been taken, Mr. Davis asked leave to have the bill H. R. 11599 considered; and after a brief statement from him in explanation thereof, the matter was submitted to the whole committee.

On motion of Mr. Bennett, the committee adjourned.

—

FRIDAY, JANUARY 27, 1899.

Committee met in regular session at 11 a. m., Mr. Hepburn in the chair.

Members present: Messrs. Joy, Bennett, Stewart, Barham, HAWLEY, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and the Chairman—14.

Hon. Joseph H. Walker, Representative in Congress from the State of Massachusetts, being present, was invited to address the committee on the general subject of the construction of the Nicaragua Canal. He opposed the construction of the canal by the Government and strongly urged that the work could be done quicker, cheaper, and better by individuals working through a corporation.

* * * * * * *

The motion pending to strike out the words "by purchase," in line 4, section 1, of the bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans—motion by Mr. Barham to amend the motion by also striking out the words "full ownership, jurisdiction, and sovereignty," in lines 5 and 6 in same section. No vote having been reached on Mr. Barham's motion, and pending a general discussion of the different measures before the committee on the subject of constructing Isthmian Canal, a motion to adjourn was agreed to.

—

FRIDAY, JANUARY 31, 1899.

Committee met in regular meeting, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Stewart, Barham, HAWLEY, MANN, Lovering, Hinrichsen, ADAMSON, Davis, and the Chairman—12.

* * * * * * *

The bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, being the regular business pending, the committee proceeded to the consideration of the same.

Mr. ADAMSON offered the following amendment to section 1 of the bill as a substitute for the amendment offered by Mr. Barham on January 27, in line 5, after the word "Nicaragua": "For and in behalf of the United States, such portion of territory now belonging to Nicaragua and Costa Rica, or either of them, as may be desirable and necessary on which to excavate, construct, control, and defend." Agreed to and adopted. To which Mr. SHERMAN gave notice that he would offer the following amendment:

"Fifth. That authority is hereby given the President to negotiate, by commission or otherwise, with Nicaragua and Costa Rica, or with any individual company or association, for the purchase or use of lands, water rights, privileges, contracts, concessions, or other property deemed necessary or expedient to facilitate the immediate construction of an interoceanic canal from the Atlantic to the Pacific."

The hour of 12 o'clock m. having arrived, the committee adjourned, under the rules, the pending business being the further consideration of the bill H. R. 11095.

—

FRIDAY, FEBRUARY 3, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. Fletcher, Sherman, Wanger, Joy, Corliss, Bennett, Stewart, Barham, Hawley, MANN, Lovering, McAleer, Hinrichsen, ADAMSON, and Mr. Chairman.

* * * * * * *

The bill (H. R. 11095) providing for the construction of a canal connecting the Atlantic and Pacific Oceans was called up, and Mr. Barham offered the following amendment: "Amend by striking out on page 2, in lines 1 and 2, the words 'full and complete title to and jurisdiction and sovereignty over.'" The amendment was agreed to.

According to notice given at the regular meeting of the committee, Mr. Sherman called up the amendment proposed by him:

"Fifth. That authority is hereby given the President to negotiate by commission or otherwise with any individual company or association for the purchase or use of any lands, waters, rights, privileges, contracts, concessions, or other property deemed necessary or expedient to facilitate the immediate construction of an interoceanic canal from the Atlantic to the Pacific."

On the question being put on this amendment, it was rejected by viva voce vote.

Mr. Hawley offered the following amendment:

"And the President is further authorized and empowered to acquire such interests in the property, rights, and franchises as are now held by the Maritime Canal Association, under a concession from the Republics of Nicaragua and Costa Rica, or any subsequent concessionaires, if in his judgment they are necessary to the construction of the canal under said concessions."

The question being put on this amendment, it was rejected by a viva voce vote. Mr. ADAMSON offered the following amendment:

"That the President of the United States be, and is hereby, authorized to acquire by purchase from the States of Nicaragua and Costa Rica for and in behalf of the United States such portion of territory now belonging to Nicaragua and Costa Rica, or other of them, as may be necessary or desirable on which to excavate, construct, control, and defend."

On the question being put on the adoption of the amendment, it was agreed to.

I also insert a copy of the bill H. R. 2538, introduced December 7, 1899, at the beginning of the Fifty-sixth Congress, by Col.

Hepburn, then chairman of the Committee on Interstate and Foreign Commerce of the House:

A bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War also shall construct such safe and commodious harbors at the termini of said canal, and such fortifications for defense, as will be required for the convenience of all vessels desiring the use of said canal.

SEC. 3. That in making surveys for said canal and harbors, and in constructing the same, the President shall detail such number of engineer officers of the Army and Navy and shall employ such civil engineers as may be necessary, and may require of them the performance of such professional duties as he may desire.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time, as the same shall be needed, upon the warrants of the President, based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

I also insert copy of the bill H. R. 2538, providing for the construction by the United States of an isthmian canal by the Nicaraguan route as it passed the House on May 2, 1900:

An act (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary, on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest depth now in use and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such provisions for defense, as may be necessary for the safety and protection of said canal and harbors.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors and in the constructing of the same and employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, defense, and completion of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate $140,000,000.

I also insert my ruling as Chairman of the Committee of the Whole House on the state of the Union of the House of Representatives on February 25, 1911, on the subject of the right of the United States, under the Hay-Pauncefote treaty, to fortify the canal.

The CHAIRMAN (Mr. MANN). The Chair is prepared to rule. The Clayton-Bulwer treaty of April 19, 1850, contains this provision in article 1:

"The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," etc.

For many years there were bills pending, some of which were reported, in reference to the construction of an isthmian canal, a number of them relating in recent years to the Nicaraguan Canal in aid of the Maritime Canal Co. On December 12, 1898, the Hon. William P. Hepburn, who was then the chairman of the Committee on Interstate and Foreign Commerce, the committee of this House which had jurisdiction of legislation relating to the Isthmian Canal, introduced a bill which for the first time proposed that the Government itself should construct the canal. That bill provided, among other things, that the President of the United States "be, and he is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership * * * of certain territory on which to excavate, construct, and defend a canal of such depth and capacity," etc.

That was at the third session of the Fifty-fifth Congress. At the first session of the Fifty-sixth Congress, on December 7, 1899, Mr. Hepburn introduced another bill to the same effect, that the President, etc., be authorized to acquire territory on which to excavate, construct, and defend a canal of such depth and capacity. Following the introduction of that bill on the 5th of February, 1900, a treaty was signed by Mr. Hay and Sir Julian Pauncefote, commonly known as the Hay-Pauncefote treaty, which referred to the Clayton-Bulwer treaty, as follows:

"The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objections that may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in article 8 of that convention," etc.

Among other provisions in the Hay-Pauncefote treaty was this in article 2:

"The high contracting parties, desiring to preserve and maintain the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules."

It will be noticed that this article places the responsibility for maintaining the principle of neutralization not upon the United States alone, but upon the United States and Great Britain. Paragraph 7 of article 2 of that treaty contains this provision:

"No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

When that treaty was submitted to the Senate of the United States various amendments were suggested in the Senate, but in the end the treaty was not ratified by either party. Following the sending of that message to the Senate of the United States and its consideration in the Senate on May 3, 1900, Col. Hepburn introduced this bill:

"A bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

"That the President of the United States be, and he is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity," etc.

Here were bills pending in Congress, one of which was reported before the treaty had been agreed upon and ratified between the United States and Great Britain abrogating the Clayton-Bulwer treaty, providing that the United States should construct and defend or protect a canal. The first Hay-Pauncefote treaty did not contain a provision directly abrogating the Clayton-Bulwer treaty. There was then before the two countries a proposition presented by a legislative committee of this House having control of the subject, a proposition that the United States should construct and defend or protect an Isthmian canal and a provision that the Clayton-Bulwer treaty could be, if not abrogated, changed to allow that.

The Hay-Pauncefote treaty, which was finally ratified, contained a provision that the high contracting parties agree that the present treaty—that is, the last Hay-Pauncefote treaty—shall supersede the aforementioned convention of the 19th of April, 1850, the Clayton-Bulwer treaty.

The Clayton-Bulwer treaty, therefore, is entirely abrogated. Article 3 of the Hay-Pauncefote treaty provides that the United States, not the United States and Great Britain, but the United States adopts as a basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople of October 28, 1888, for the free navigation of the Suez Canal. That is to say, the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions, of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

And there are various other rules. Article II of that treaty provides that—

"The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money by individuals," etc.

And that—

"subject to the provisions of the present treaty, the United States shall have and enjoy the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

Paragraph 2 of article 3 provides:

"The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

And the provision which was in the first Hay-Pauncefote treaty, "that no fortification shall be erected commanding the canal or the waters adjacent," was deliberately left out of the treaty which was ratified.

The present occupant of the chair has endeavored to read all of the correspondence which has been published in any form upon this subject, and has no hesitation in saying that, in his opinion, it was the design in the treaty to leave to the Government of the United States the right to determine how it should police the canal and what regulations it should make.

Following the ratification of the Hay-Pauncefote treaty, which was ratified in November, 1901, came an act of Congress based upon the Hepburn bill, which had passed the House and for which a substitute was made in the Senate. That act, commonly known as the Spooner Act, is the act of June 28, 1902. It provided:

"That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, and extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon, a canal of such depth and capacity," etc.

Another provision of that act is section 5, reading:

"That the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act."

The route finally determined upon was the Panama Canal route, and it is said that the convention or treaty entered into between the United States and Panama would permit the United States to fortify the canal.

Article 18 of the treaty between the United States and Panama provides:

"The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened under the terms provided for in section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by Great Britain and the Government of the United States October 18, 1901."

But the neutralization under the treaty (the Hay-Pauncefote treaty) to be maintained by the United States, not by the United States and Great Britain.

It is said that the limit of cost has been exceeded. The original limit of cost for the canal was based upon the estimate of the engineers, but when Congress adopted the lock-type of canal at the time it did, it was well known that the original limit of cost would be exceeded.

The chairman is not now certain what provision was made at that time in reference to the limit of cost, but in the Payne tariff bill it was provided, among other things, in reference to the issuance of bonds, that there might be issued the additional sum of $290,569,000 of bonds, which sum, together with the $84,631,900 already borrowed by the issuance of 2 per cent bonds under section 8 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission of the amount required to cover the entire cost of the canal from its inception to its completion; and if there be no other change of authorization it is quite certain that the adoption of this estimate by the authority to issue bonds to cover the estimate of cost would be, of itself, an adoption of the estimate.

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. [Applause.] The Chair therefore overrules the point of order. [Applause.]

Mr. STEVENS of Minnesota. How much time does the gentleman from Illinois want?

Mr. CANNON. Twenty minutes; and I may want a little more.

Mr. STEVENS of Minnesota. The gentleman from Georgia has made arrangement as to time——

Mr. ADAMSON. Let the gentleman from Illinois begin with 20 minutes.

Mr. STEVENS of Minnesota. I yield the gentleman from Illinois 20 minutes.

Mr. CANNON. Mr. Chairman, I shall not undertake to discuss how far we may go under the treaty in saying that in the coastwise trade all ships flying the American flag may pass through the canal without the payment of toll. I quite agree with the gentleman, my colleague [Mr. MANN], touching the construction of that treaty, and I am gratified that I had the pleasure of listening to his remarks and that the House also had an opportunity of hearing his views. The United States is a great big country, and domestic affairs, during my service in the House, have kept me so busy that I have not had much time to devote to our foreign relations, so that I do not profess to be fully competent to discuss our foreign relations and I am not an expert regarding the treaties we have made with other countries of the world. But I want to inquire, in the first place, as to toll on our ships in the coastwise trade when they pass through the Panama Canal. I want also to inquire regarding the amendment in section 11 amending section 5 of the commerce act and prohibiting any railway or other common carrier from having any interest in any other common carrier by water when the railway or other carrier is a competitor with any other carrier by water. Now, there is a cleavage between the gentleman from California, Representative KNOWLAND, and the gentleman from Minnesota, Representative STEVENS. They agree in some respects and in others they disagree. I listened with great pleasure yesterday to the gentleman from Minnesota [Mr. STEVENS] make one of the most admirable speeches that I have ever heard in the House, but after all it seemed to me that the speech rested upon a shadow for a foundation. And what a magnificent building he did build considering the foundation. [Laughter and applause.] Ours is a representative Government. We all respond to public sentiment and the interests primarily of our constituency. Therefore I can see how the gentleman who represents St. Paul, Minn.—and it is ably and patriotically represented—would hold a different view as to the real or supposed interest of the gentleman who represents the Golden Gate than is held by that gentleman himself. The gentleman who represents the Golden Gate ably and interestingly insists that the coastwise trade of the United States is barred to all the flags of all the world; that we own the Panama Canal and that the people on the Pacific coast are interested in having coastwise trade pass through that canal without the payment of tolls.

I was greatly interested and I applauded when he said that the waterways of the great Republic were without toll for American ships in the coastwise trade and interstate-commerce trade. I was aware that that was the case, and I am glad it is. They will always be free so far as my vote is concerned. I followed him when he spoke about the dollar a ton that this bill would levy on our ships passing through the canal, and the burden that would impose on that part of our interstate trade which will go by water from Cairo, from the upper Mississippi River, and from the Ohio down to the Gulf, and in fullness of time pass through the canal and to the Pacific coast, and how that additional burden, if imposed, would protect the transcontinental railways which run through the district represented so ably by the gentleman from Minnesota [Mr. STEVENS]. That is to say, that in the competition with the transcontinental railways that dollar a ton on water-borne commerce would cut some figure that would affect all the interstate commerce of this great country.

Do gentlemen stop to think that this great country—I have frequently made this statement, but it is apt to make it again—has an annual production of thirty thousand millions of dollars, more than 90 per cent of which is consumed and goes to market by water and by railway in the United States? Out of that thirty thousand million dollars' worth of products only two thousand million dollars' worth goes to foreign markets. We produce in the United States more than one-third of all the products of all the civilized world; and when you put an exceptional burden of a dollar a ton on the coastwise trade it affects every ton substantially that goes into our internal commerce, whether it goes by rail or by water. [Applause.]

I will drop that part of it right there and come to one other thing. The first amendment in section 11 prohibits any competing railway or common carrier from having any interest in a common carrier by water; that may be wise and it may not.

I never owned a share of stock in a railway in my life, so that I think I may be permitted to discuss very briefly that matter without somebody saying that I stand for the interests; that I stand for the railroads, and so forth, and so forth. I do not stand for them except as they are necessary to our civilization and development. I want to utilize them.

Now, a ship in the coastwise trade, flying the American flag, is a ship without regard to who owns it. Here are several transcontinental railways running from one ocean to the other, great corporations engaged in a great commerce. If, perchance, they are competitors with carriers by water, it is, under the provisions of the proposed amendment, a misdemeanor, with a severe penalty, for them to own any interest, directly or indirectly, in any such water carrier. Suppose that provision goes on the statute books—carriers by rail do not have all the money in the world—and there enters into the coastwise trade some one who by superior ships and superior service should succeed in monopolizing the great bulk of freight passing from one coast to the other. Where is your remedy? You could not prosecute under the Sherman Antitrust Act unless you could show there was a combination in restraint of trade. If the interstate-commerce law does not do so now, it ought to be amended so as to cover our coastwise trade. I do not believe it covers that trade now. The railways in the United States, one-half of those in all the world, conducting our great transportation business must charge reasonable rates. Why? The law says so. We have the power to require them to do so. Well, what are reasonable rates? We have created a commission to determine what are reasonable rates; otherwise, we would not get along very well. There is no reason, in my judgment, why that legislation should not cover the coastwise trade as well. The Constitution is broad enough. It gives Congress the power to regulate commerce among the States and with foreign nations.

Now, what does this amendment do? Let us come down now to brass tacks, as we used to say when we were schoolboys,

Canada has ports on the Pacific—Vancouver and Prince Rupert, farther north, and others yet to come, no doubt—and she will soon have three or four transcontinental lines connecting the Pacific and the Atlantic. Under existing treaties you can not shut Canada out from passing through the Panama Canal.

True, she would have to pay the tolls; but, mind you, our own transcontinental railway people—who are just as wicked and no more wicked than similar people in Canada—will not be permitted, without a daily penalty, to own any vessel that passes through the canal or have any interest in any vessel which would constitute a competing line. Does the same prohibition apply in the case of the Canadian railways?

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. CANNON. I will yield for just a question.

Mr. KNOWLAND. I want to call the gentleman's attention to this fact—that the act provides that any railroad subject to the act to regulate commerce——

Mr. CANNON. Precisely——

Mr. KNOWLAND. Every Canadian railroad comes under the interstate-commerce act of the United States, and consequently they would be barred.

Mr. CANNON. Is it possible——

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. I want to answer the question of the gentleman from California first.

Mr. ADAMSON. I will give the gentleman three minutes more.

Mr. CANNON. By virtue of what treaty, by virtue of what sovereign power can we subject the railways of Canada to our legislation?

Mr. KNOWLAND. They have already submitted themselves by coming under the interstate-commerce act of the United States.

Mr. CANNON. How long would it take them to get out?

Mr. KNOWLAND. Then they would have to cease doing business in the United States.

Mr. CANNON. Let me give you a case. The Canadian Pacific Railway owns a fleet of steamers. So do other railways. Here is Seattle and here is Vancouver and a little farther down is San Francisco. Our transcontinental railways can not own or operate ships on water routes that compete with railroad routes. Canada is a foreign country and under existing treaties can engage in commerce from Vancouver, say, or any other Canadian port, with all ports in the United States. The Canadian railways own great fleets of steamers which could take on cargoes in Canada, pass through the Panama Canal, and distribute them in every harbor of the United States. That would be foreign commerce, and I apprehend would result in building up Vancouver, the terminus of the Canadian Pacific Railway, and other railway terminal points on the Canadian coast, as the Canadian railway-owned ships could carry not only Canadian products but American products which seek Canadian ports for shipment, while under the provisions of this bill our railroads are prohibited from owning or operating vessels that could engage in such trade. So if this provision is retained in amendment 11 Canada and Canadian railways can do something in our coastwise trade which our railways can not do.

I merely suggest whether it is wise, after all, to enact that clause. I tell you now that, in my judgment, all the common carriers engaged in interstate commerce upon land or water must be placed under the administration of the Interstate Commerce Commission or some other power created by Congress. [Applause.] That is the only remedy, in my judgment. Therefore I am willing to see this provision amended to that effect.

Now, I want to discuss just for a minute before I sit down one other matter in section 11. There are quite a number of valuable provisions in this section. It amends section 6 of the commerce act. Now, a, b, and c, in section 11, are very desirable amendments, because they provide for the connection between the railways and the waterways. The language is well drawn, as it seems to me, and I can support them very cheerfully.

Now, let us come to a in the amendment. I shall support that very cheerfully. It is a regulation of foreign commerce, and is as follows:

> If any rail carrier subject to the act to regulate commerce enters into an arrangement with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise—

And I am glad the words "or otherwise" are inserted there—

> for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.

We could go further in regulating commerce with foreign nations and declare that the rate should be reasonable and put in a condition that that commerce should not be entered upon unless the rate charged conforms with what is found to be a reasonable rate by our Interstate Commerce Commission.

Now, I think that I have said about all I desire to say touching this matter.

I have been amused at the majority report. It is an able report, ably defended by the distinguished chairman of that great committee [Mr. ADAMSON], Smiling Jim, whose ability is greater than he knows. [Applause.] I listened to his speech with great pleasure; but, bless my soul, he says that under the treaty you can not let our coastwise trade go through our canal without payment of toll. Oh, no, gentlemen say, that would be a violation of the equality provision of the treaty. Then in the next breath they say, "Yes, you must make our ships pay tolls, and then you can legislate the money back to them by way of a rebate." But when you come to that legislation, here comes old Subsidy. [Laughter.] It reminds me of the old chestnut about the doctor throwing his patient into fits and then curing the fits. The gentleman from Georgia throws the House into a subsidy fit. He knows how one shall put 10,000 to flight, and that if you cry "subsidy" many will run.

But that argument has been substantially answered. If it is a subsidy in this case, it is a subsidy in the case of that great commerce which passes through the Soo Canal, which some one has said is of greater tonnage than all the foreign commerce of the world. I do not know whether that is true or not.

Mr. ADAMSON. That is true.

Mr. CANNON. The gentleman says it is true.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like about three minutes more.

Mr. ADAMSON. I understand the gentleman from Ohio [Mr. WILLIS], to whom I promised 5 minutes, does not desire the time, and I will yield to the gentleman from Illinois 3 minutes more, which makes 26 minutes in all. I did not want the gentleman to stop at 23.

Mr. CANNON. I am just 26, so the 26 minutes agrees exactly with the number of years old that I am. [Applause and laughter.]

I am not afraid of subsidy. I would subsidize our foreign tonnage if I thought we could do it successfully. The practical difficulty is this: If without a cent of expense to us for their construction ships were given to us to sail under the American flag, how long could we run them, when it costs twice as much to run an American vessel as it costs our foreign competitors for similar service on the great highway of the ocean? Still I am willing to venture along the coast of South America, as that is near by, and the Panama Canal is to be opened. I would even, aliunde this legislation, give a subsidy to ships engaged in that trade; but we monopolize, of course, our coastwise trade, in which a great and growing tonnage is employed and will continue to be employed. It is pretty important that we have somewhere ships upon the sea that will train the seamen who in the event of trouble can man our battleships. Therefore, as we are supreme concerning our own coastwise trade, it is important that it should be maintained as it is, and not burdened, because it gives enough employment in large part to beget the construction of ships at our shipyards. It is necessary for us to have shipyards, and, thank God, we have them. I am a friend of the coastwise trade, and from the standpoint of a great public policy, touching the building of ships, touching the commerce in our coastwise trade, I will not vote to burden it as has been suggested by my friend [Mr. STEVENS of Minnesota], whose outlook, as it seems to me, is a little narrower than the one I happen to have now. I think very likely if I lived at St. Paul I might have the same sentiment, even if I could not build so magnificent a foundation upon a shadow as my friend did. I do not believe this House of Representatives will do otherwise than let ships engaged in our coastwise trade go through the Panama Canal as they go into the harbors of New York and San Francisco and upon the Sound and into New Orleans and into all our seacoast harbors, free—without tax. That is only simple justice and sound public policy. [Applause.]

Mr. ADAMSON. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. One hour.

Mr. ADAMSON. I yield to the gentleman from New York [Mr. MALBY] 20 minutes, and that is all there is for him and he need not ask for more.

Mr. MALBY. Mr. Chairman, while I know at this day and age that a public official courts suspicion of his motives even if he suggests a fair deal for railroad companies, yet in the general interest of the public itself I desire to point out why section 11 of H. R. 21969 should not be adopted. This bill is entitled:

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

The constitutions of many States in the Union, upon the ground of public policy and justice, would absolutely prohibit any other subject from being considered in this bill than that stated in the title, and it could not embrace more than one subject.

The fact that the Constitution of the United States does not contain this prohibition does not, in my opinion, in any degree lessen the impropriety of loading down various bills with several different subjects not in any manner related to the main proposition. Such legislation is absolutely indefensible upon any ground and should never be tolerated except as a last expedient.

I have been led to believe from the boastful expressions frequently reiterated by our friends on the other side that when they got into power there would be such liberty of legislation under the rules that everyone would have an opportunity, as a matter of personal right, to secure a hearing upon any subject at all worthy of consideration.

I have therefore been pained to observe that almost every important bill is now brought before us under a special rule reported by the Rules Committee. These rules have prohibited any amendments and limit consideration to a point where adequate consideration is impossible and legislation almost a farce. In addition to that, the real subject embraced in a bill is disfigured with boils and carbuncles, so that it is difficult to determine which is the major premise in the bill under consideration.

Certainly the subject embraced in the title of this bill alone is large enough, and important and difficult enough of solution, to call for our very best efforts without still further complicating the questions therein contained by the introduction of another subject entirely foreign to the one embraced in this bill, and in particular when the new matter relates to one of the most complicated and difficult subjects which this Congress can be called upon to deal with. I refer to section 11, which proposes to amend the interstate commerce law, which has not relation whatsoever to the subject matter dealt with in any other portion of the bill and which from its very great importance nevertheless affects every portion of this country and directly and indirectly all of the people and many their personal interests.

This provision of the bill is still further complicated by an amendment proposed yesterday, the effect of which it is difficult to determine, and upon which, as I am advised, no representatives of the railroad companies have had an opportunity to be heard. From a brief examination of its provisions, it would seem to provide, and it does state—

That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

The bill also provides that no railroad company shall charge a domestic common carrier by water any greater sum for the carrying and forwarding of their freight than that charged to the carriers of any foreign country, which is entirely a new departure and contrary to present practices. The amendment offered yesterday also provides that all railroads shall, under the direction of the Interstate Commerce Commission, establish physical connections between the lines of the rail carriers and the dock of the water carriers by making suitable connections, and that this provision shall extend to cases where the dock is owned by those who are not common carriers, either by rail or water; and establish through routes over rail and water lines; and provides further that if any rail carrier now subject to the act to regulate commerce enters into arrangements with any water carrier, operating from a port in the United States to a foreign country, that the Interstate Commerce Commission may require such railroads to enter into similar arrangements with any and all other lines of steamships operating from said port to the same foreign country.

That is to say, part of section 11 provides that any and all railroads which now own or have any stock or other interest in a company or corporation which is engaged in water transportation, or who lease, operate or control, or have any other interest whatsoever, either directly or indirectly, in any such water transportation company, shall be guilty of a violation of law for each day such relations may exist after July 1, 1913; in other words, such railroad companies must at any cost and sacrifice, however great, separate themselves from the ownership and control of any and all interests in any water transportation company whatsoever.

Neither does it matter whether the railroad company proposes to use the Panama Canal or not; in fact, most of the railroad companies of the country to which the bill applies will never make use of the Panama Canal.

The other portions of the bill to which I have called attention are likewise of the greatest and most far-reaching importance, the extent and effect of which it is difficult and impossible, without further information, to determine, or even approximate.

When it is attempted to inject a subject of such importance as this is into a bill which has absolutely nothing to do with this matter, it becomes necessary to inquire why it is attempted to force this provision into the Panama bill, where it has no proper place.

If the matter embraced in this amendment is a proper subject for legislation, why is it not treated as it should be, in a separate bill, where it could be given that careful consideration which its importance to the various interests affected thereby demands?

We are told by the gentleman from California, and the proponent of this amendment, that he fears that the great continental railroad lines will destroy independent competition in the use of the Panama Canal, and if he is correct in this, and I by no means concede that he is, why has he not confined his amendment to those railroad companies who may use the Panama Canal, and not have it apply to all the railroads of the country, who will never use it, and who are not interested in its operation in any way? I think, however, that he scarcely appreciates how far-reaching his amendment is, or how injurious to commerce it might prove to be if enacted into law.

All the great trunk lines of the East which have connections north, south, and west throughout the land would be affected by it, for I believe it to be true that all of the great trunk lines of the country, east and west, would be affected by the provisions contained in his amendment.

I know that the New York Central, the Erie, the Delaware, Lackawanna & Western, the Lehigh Valley, and the Pennsylvania are each interested in water transportation in such a way as to be affected by this proposed measure. Each of these lines has extensive and costly terminals upon the Atlantic seaboard and at Buffalo, N. Y., as well as at most of the other important ports on the Great Lakes, consisting of extensive docks, warehouses, elevators, and lines of steamboats and canal boats, which act as feeders and greatly assist the railroad companies in the handling of their immense traffic, both east and west, and without which it would be impossible for them to handle it at all, and the portion which they could handle without the assistance of their water transportation would be at an increased expense to the general public, and result in a great and unnecessary delay in the transaction of their transportation business.

These eastern railroad lines are now wholly unable to handle all traffic which now comes to them without the aid of their steamship lines and other connections. Most of the wheat, corn, oats, barley, and rye, as well as large quantities of iron ore and coal, is now of necessity handled very largely and more cheaply by their water transportation than it could be possibly done by the railroad companies.

All will appreciate the necessity of the railroad companies, in a measure at least, having such control and ownership over water transportation which is operated in connection with its own lines, and where it must and does assume responsibility to insure to the general public the safe, immediate, and economical transportation and handling of its passengers and freight.

It must be able to say what freight it shall carry and be able to direct its operations so that it will be in harmony with the general business conducted by the railroad in order to produce satisfactory, as well as the best, results. To separate the railroad companies from their water lines with which their general transportation business has been intimately connected and conducted from the beginning would seriously interfere with their business affairs and result in great inconvenience and loss to the general public, as well as financial loss to their stockholders; and all of this to no good purpose. Besides, there is no demand for this legislation from anyone, East or West, who is interested in transportation. Those who are interested in transportation, as most every one is sooner or later and in

one way or another, desire all the facilities which they now enjoy for that purpose.

So far as competition is concerned between the railroads and the various steamboat lines plying upon the Great Lakes and the River St. Lawrence and the Atlantic Seaboard, the competition is at all times very keen and sharp, which results in the carrying of freight as cheaply as, if not cheaper than, anywhere else in the world, and to the general satisfaction of those who do not want their freight carried at less than cost.

There is a limit to the capacity of our trunk lines running east and west in the carrying of freight, and it would be utterly impossible for them to handle the great mass of freight moving eastward were it not for the assistance of the water transportation on the Great Lakes.

The ownership of the railroads and their connection with water transportation has not in the slightest degree, so far as I have ever heard or been advised, interfered with competition among independent shippers in these waters, and besides all this, there is not a single Canadian railroad which does not have connections with inland water transportation companies, as well as the high seas, for the Canadian Pacific Railroad Co. and its steamship lines nearly encircles the earth, and it would be manifestly unfair and place our railroad companies under great disadvantage if they were denied by law this same privilege.

Just to illustrate how the provisions of this bill might act in an unjust and foolish as well as most harmful manner, I will call your attention to the fact that the Ogdensburg & Lake Champlain Railroad is a small line of railroad constructed from Rouses Point, at the head of Lake Champlain, to Ogdensburg, on the river St. Lawrence, having a length of 120 miles. It to-day owns and operates a line of steamships between Ogdensburg and Chicago and intermediate points, from which it derives substantially all its freight traffic. It has large elevators and warehouses constructed at Ogdensburg, which are filled up with corn and other produce during the wintertime, which is distributed throughout New England by its railroad connections during both the summer and the winter. It is a great convenience to the general public in northern New York and throughout all New England; but if it were obliged to abandon its steamboat lines it would undoubtedly pass into the hands of a receiver, and a great and necessary public service be completely destroyed, and besides all this an active competitor of the other great trunk lines would have been eliminated.

Another case which I have in mind is that of the Delaware & Hudson River Railroad, running from Pennsylvania through New York to Montreal, which some years ago constructed a line of railroad from Albany to Rouses Point, N. Y., a distance of about 200 miles, for the most part along the foothills of the Adirondack Mountains. There is little or no freight or passenger traffic over a large portion of this route. The income received would not and did not pay the running expenses of this portion of their line, and nothing whatsoever was earned for dividends, or interest, either to the stockholders or the bondholders. It sought to remedy these conditions, and so purchased a small steamboat line, doing business between Whitehall and Plattsburg, N. Y., and Burlington, Vt., which was then doing an interstate-commerce business. The steamboat business did not pay, neither did the railroad business, until after their combination. The railroad company not only rebuilt its steamboat line, but materially added to it, so that it became an effective means of transportation in connection with the railroad, as well as a paying one. Still further to help develop the enterprise into a paying one, the railroad built a hotel on the banks of Lake Champlain at a cost of more than $300,000, with the result that to-day these joint enterprises are paying a moderate interest on the investment; but as separate-going concerns neither of them would pay. Just why these relations should be thoughtlessly and ruthlessly destroyed I can not imagine. Certainly no public interest is to be served; but, on the contrary, great damage would result to the general public and much property deprived of its present productiveness and finally destroyed.

I understand that it is claimed that section 11 attempts to remedy such evils as I have specified, in that it confers jurisdiction on the Interstate Commerce Commission to determine questions of fact as to whether competition between railroads and steamboat lines is beneficial or detrimental to the public interest; and if found beneficial and not harmful, that they may continue to exist and be jointly operated as heretofore.

An examination, however, of the bill will clearly demonstrate that this is not so, for the only power conferred upon the Interstate Commerce Commission is to determine the question of fact as to competition or the possibility of competition between railroad companies and water carriers; and if it appears that there was or could be competition between such lines, then their existing relations, whether detrimental to the public interest or not, must be dissolved, and hence no discretion is vested in the Interstate Commerce Commission whatsoever.

Neither, in my judgment, should the Panama Canal be made free to American ships doing a coasting trade or a transportation business wholly within the United States. I know that it tickles the fancy and arouses thoughtless enthusiasm to proclaim that the American flag must be restored to the seas, and that hence no tax should be levied upon its use of the Panama Canal; but might I modestly inquire upon what theory those who use the Panama Canal for the transportation of their trade demand a free use of the canal, when it is estimated that it will cost the people of this country $25,000,000 a year to maintain it? Why should the people pay the shipper's transportation instead of his paying for it himself, for is it not apparent that for every dollar which the Government fails to collect from those who ship through the Panama Canal it must of necessity take a dollar out of the Treasury of the United States to defray that expense; in other words, why should the people pay for private use and private transportation?

Is there any more reason why the Government should construct a canal which has cost $400,000,000, and will cost $25,000,000 a year to maintain, to be free to shippers, than it would be for the Government to construct, own, and operate at its own proper cost and expense a railroad from San Francisco to New York, which would cost no more to either construct or operate than it has and will the Panama Canal? My judgment is that neither proposition can be justified upon any principle, and in particular to favor water transportation as against railroad transportation, for it is known to all that no railroad company can carry freight as cheaply by rail as it can be carried by water. It would simply and necessarily result in the railroad companies being obliged to make good their losses by overcharging some one else who now pays much more than those who now enjoy water transportation. [Applause.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to thank the chairman of our committee for yielding to me so much time, and to say that if you will give me your attention I will try and close my remarks in less time than has been granted me.

In this debate a very large proportion of the time has been consumed in the discussion of section 5, mostly in the consideration of the legal or international question. I do not propose to spend any time on that or on the Clayton-Bulwer treaty or the Hay-Pauncefote treaty or anything that pertains to them. When the matter was up before the committee and the form of the bill was being considered, I was one of those who, while I favored the tolls on coastwise commerce as provided in the bill, was strongly opposed to any reference to the treaties. I did not want to foreclose our Government in the future [applause] from regulating the tolls in case it wants to do so.

Mr. KNOWLAND. Will the gentleman yield there?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. KNOWLAND. Does the gentleman think we do it in the bill?

Mr. MICHAEL E. DRISCOLL. I do not think so. At least the gentleman knows that direct reference to those treaties was stricken out of the bill.

Mr. KNOWLAND. No; I did not.

Mr. STEVENS of Minnesota. If the gentleman will permit, did not the committee offer to strike out that very portion and it was objected to by the gentleman from California?

Mr. MICHAEL E. DRISCOLL. Yes; that is as I recollect it.

Mr. KNOWLAND. That is not a fair statement.

Mr. MICHAEL E. DRISCOLL. The majority—I mean the 16 out of the 21 members who were in favor of tolls—were disposed to strike out of the bill any reference to the treaties and any part of the bill which might indicate that this Government is bound by treaty to give the same rights through the canal to foreign ships as to our ships. I am one of those who was in favor of leaving that out of the bill, and therefore do not propose to discuss it here. I will confine myself to this question of tolls on the merits, just as if we have as much power, as a Government, to regulate the tolls, to discriminate between nations, as we have power over this Capitol Building. I will confine my remarks to the fairness and equity of this bill on the question of tolls between the shipowners and shippers, on the one side, and the people, on the other, who have paid for the construction of the canal and who will have to pay for its protection.

Gentlemen who oppose the tolls say that it is a departure from the policy of this country to levy tolls or any other

charges against our commerce. My answer is that it is a new proposition. It is the first time the Government has been called upon to face a question like this; and since it is new and different from any other question which the Government has been called upon to consider, we must meet it with judgment and fairness to all and in the interests of the whole people, as against the demands of a few who are especially interested.

Let me now refer to the remarks of the gentleman from Washington [Mr. HUMPHREY] and the gentleman from California [Mr. KNOWLAND], my colleague on the committee. They both said and repeated over and over again that this is a question of the railroads versus the people. The gentleman from Washington [Mr. HUMPHREY] yesterday opened his speech with an emphatic declaration that it is a question of the railroads against the people, and that the 5 men who signed the minority views are with the people, and the 16 who approved the majority report are in favor of the railroads and against the people.

Mr. KNOWLAND. I do not think the gentleman is hardly fair as far as any statement I made is concerned.

Mr. MICHAEL E. DRISCOLL. The gentleman was not as bold about it as was the gentleman from Washington, but both tried to give that impression.

Mr. KNOWLAND. I do not think it was necessary to put it in at all.

Mr. MICHAEL E. DRISCOLL. There are degrees of gall and cheek in this Pacific coast crowd and a few others who are not willing to pay even $1 a net registered ton, which is the necessary expense of passing their ships through the canal when they once reach the locks, but insist on putting that burden on the people in addition to the $400,000,000 for the construction of the canal, and $20,000,000 a year in addition for its protection. I say there are different degrees of greed and selfishness, and my friend from California [Mr. KNOWLAND] is not quite as nervy as my other friend from the Pacific coast [Mr. HUMPHREY].

Let me refer in a few words to the personnel of the Committee on Interstate and Foreign Commerce that the Members may judge for themselves whether the 16 who favor tolls or the 5 who oppose them are really the friends of the people. I will not individually consider the 16 members for the gentleman from Minnesota [Mr. STEVENS] did that yesterday in a very able manner; and I leave it to the membership of this House to say whether, by reason of their records in the House and in the districts they represent, they would be inclined to favor the railroads or any other special interests as against the interests of the country at large.

Now, let us consider the five gentlemen who signed the minority report. Mr. BROUSSARD is from Louisiana, the most overwhelmingly Democratic State in the Union. Only yesterday I noticed in the papers that the Republicans had not cast enough votes to entitle the party's name or emblem to be placed on the ticket; that there is not even a skeleton of the Republican organization now in existence in that State. The gentleman is a Senator now, or is soon to be, and, although from this very strong Democratic State, according to my recollection, has generally voted for Republican tariff bills simply because the sugar business is a very large interest in his State and he wants to protect sugar. Steamship people and shippers of New Orleans are against tolls, and Mr. BROUSSARD is for a free canal. I find no fault with him for this. It is human nature. Syracuse was built around the salt wells of Onondaga and the manufacture of salt was its largest industry in its early days. Every Member of Congress who ever represented that district favored as high tariff duties as he could get on salt for the benefit of his district.

My colleague Mr. GOLDFOGLE resides in Manhattan and my colleague Mr. CALDER in Brooklyn. One is a Democrat and the other a Republican. Both are Representatives from Greater New York, the largest commercial center in the world. Its chambers of commerce, boards of trade, and transportation companies adopted resolutions for a free canal, and these gentlemen signed the minority views. The gentleman from Michigan [Mr. DOREMUS] comes from Detroit, a great and prosperous city, whose commercial bodies very likely are opposed to any tolls on the canal. In his remarks he said that it would be political suicide for any party to favor such tolls. It is fair to assume, therefore, that it is not policy for him to favor the tolls provided for in this bill.

The gentleman from California [Mr. KNOWLAND] represents the aggressive shipowners and shippers of his State who were strong advocates of an Isthmian Canal and demanded that San Francisco be selected as the city in which to celebrate the completion of that great project, and had their way. They now are very much interested in shifting all of the burden and expense of maintaining and operating the canal on the Government, while they will be special beneficiaries of this waterway.

Would it not be a fair statement to say that the question before us is one of a coastwise shipping monopoly versus the people, and that those five gentlemen are the friends and advocates of this shipping monopoly and that the sixteen are trying to protect the rights and interests of all the people?

Our opponents repeatedly inquire why we insist on tolls on coastwise traffic through the canal when nobody appeared before our committee and asked for it. It is true that nobody representing the ninety-odd millions of people in this country who pay for the construction of the canal did come before the committee, but representatives of the steamship companies and the shippers did appear before the committee and demand that no tolls be imposed. The toiling millions of the country are busy trying to earn a living to support their families and pay their taxes and have no time to appear before committees of Congress. They send their representatives to this body to look after their interests and expect them to do it; and it seemed to us that it was our duty to protect their rights against the representatives of aggressive and greedy special interests who came before the committee and demanded that they get a gratuity at the expense of the whole people.

I will now explain to you how we arrived at the rates to be charged for the use of the canal as recommended in this bill. The committee went to the Canal Zone during the Christmas holidays, viewed the great work in progress, held many hearings, acquired much information from Col. Goethals and other able men who are engaged in the construction of the canal, and listened to advice from many people. After that we gave hearings from day to day to shipowners, shippers, and representatives of commercial organizations and several Government officials and experts. The gentleman from Wisconsin [Mr. ESCH] yesterday delivered a very instructive and interesting address, embodying the substance of the evidence taken before the committee on the comparative advantages of the Suez and Panama Canals and the sources of the traffic which may be reasonably expected to patronize our canal in case of low rates and convenient supplies of coal and other ship necessaries. As a result of that thorough and comprehensive investigation, and on advice of experts, the committee recommended this maximum rate of $1.25 per net ton. That is about 6 cents per ton less than the rates now charged on the Suez Canal, but it is expected that the rates on the Suez Canal will be lowered in the near future.

Our rate was made low in order that we may get as large a proportion as possible of the traffic from what is known as competitive territory between the Suez and Panama Canals. As explained by the gentleman from Wisconsin [Mr. ESCH], that embraces the coast of Asia from Hongkong easterly and northerly, Japan, a part of Australia, and New Zealand and the islands of the Pacific east of the Philippines, and as far south on the west coast of South America as ships can afford to go by way of the Panama Canal and pay the tolls. Our canal would be sure of the traffic between the eastern part of North America and the western coast of South America to a considerable distance to the southward at much higher rates than proposed in this bill. It would also be sure of all the traffic between the western coast of North America, including the British possessions, United States, Mexico, and Central America, and the eastern coast of North America and Europe if the tolls were several times those proposed.

To explain a little more fully with reference to our coastwise trade. Ship companies are now competing with the transcontinental railroads between our eastern and western coasts and are doing a considerable part of the traffic, especially in heavy materials. But at present they are at very great disadvantage because when a ship sails from San Francisco to the Isthmus her cargo must be unloaded, transported across the Isthmus by rail, and reloaded onto a ship on the Atlantic coast, and thence to New York. According to the evidence of Mr. Dearborn, representative of the American-Hawaiian Steamship Co., it costs $4 a ton to transfer the freight from one coast to the other by rail. In addition to this expense, which is deducted from the ship's total freight receipts, she is tied up 10 days during the unloading of one cargo and the loading of another. When she will pass through the canal she will save that 10 days and do from one-fourth to one-third more business in a year. My own judgment is that a ship company will be able, when the canal is completed, to transport freight from San Francisco to New York for one-half the rates per ton she receives now. But I will not base my argument on any doubtful statement of facts. She will save the $4 per ton cargo now paid for unloading, transporting across the Isthmus by rail, and reloading. The rates we propose amount to just about half a

dollar per cargo ton, which is necessary to pay the expense of putting the ship through the locks and canal from ocean to ocean. Therefore after paying those rates she will save $3.50 per cargo ton. That ship competes now quite successfully with the transcontinental railroads under her present disadvantages. When the canal is completed and in operation she will, after paying the tolls proposed, save $3.50 on every ton of cargo from coast to coast, and will be able to transport freight from our western to our eastern coast for less than the actual cost of transportation by the railroad companies.

The gentleman from Washington [Mr. HUMPHREY], in his statement before our committee, distinctly admitted that. If this ship and all others will not absorb this benefit of $3.50 per ton, but will allow it to pass on and the merchants will allow it to pass through to the ultimate consumers, they will be well satisfied. I myself am not quite optimistic enough to believe that will be done. The ship companies will absorb all they can, and the shippers and merchants, wholesale and retail, will absorb a large part of the remainder; and it is doubtful if a very large proportion of this $3.50 profit on each ton will go to the benefit of the people generally.

If the canal were owned by a corporation which owed no obligations to anyone or to any country, and could fix such rates as the traffic would bear, and was bent on making all the money it could, it would charge at least $4 a ton on cargo freight on all traffic from the western coast of North America to the eastern coast of North America and to Europe and vice versa; and the ship companies would pay it because they would have to. They could pay it and transport this freight very much cheaper than they do now. But since the rates provided in the bill are the same to all and very low, in the hope of getting traffic in competition with the Suez, the trade from coast to coast in our country is in great luck, because the rates are only a trifle compared with what it costs now to transfer the cargoes across the Isthmus by rail.

Aside from the cost of construction of the canal and its protection, it will cost at least $5,000,000 a year to maintain and operate it, sanitate the zone, and maintain a civil government on it. It is estimated that the rates proposed in this bill will be about enough to pay the necessary expense of passing the ships through the canal, leaving no surplus for the protection of the zone or for the interest on our bonded indebtedness for its construction. Our opponents urge that since the Government improves rivers and harbors and charges no tolls for the benefits received by our coastwise vessels, therefore it should not charge tolls on the canal, which they claim will be a part of our coast line. To that we answer that after the rivers and harbors are improved no further expense of maintenance and operation on the part of the Government is required, whereas with respect to the canal the Government will have incurred the expense of its construction and fortification, and will continually incur the expense of its protection by detachments of our Army and Navy for which it expects no return at all events for many years to come. But it will be required to bear the running expenses of the canal and of passing ships through it. That process may not be generally understood. When a ship enters the canal, say, from the Atlantic side, and moves up to the Gatun locks, three in number, she is then taken in charge by the canal officials and put through the locks by electrical machinery and appliances and out into Gatun Lake. She then sails under her own steam to the first lock on the Pacific side, of which there are three. The canal officials again take her in charge and pass her through the locks until she is in the canal on the Pacific side, when she puts on her own steam and passes out into the ocean. It is estimated that this service of passing the ship through the canal and all attendant expenses will amount to about $1 per net registered ton, the rate which will probably be fixed by the administrative officers under this bill if enacted into law. It is proposed to charge this rate on all ships, foreign and domestic.

We submit that it is only fair that the ship, which gets this special benefit in putting her through the canal, should pay the expense of that service. That expense must be paid in one way or another, either out of the Treasury of the United States or by the ship that gets the benefit of the service; and we contend that the ship should pay this trifling expense for that service and the great benefit and advantage she gets from the canal over present conditions, rather than that all the people should pay it in taxes.

Our adversaries admit that this will be a great benefit to coastwise ships. They admit that with the canal they will be able to transport freight from coast to coast cheaper than the actual cost to the railroad companies, but they say if this toll is collected it will be added to the cost of the freight and will come out of the people who consume the commodities. The toll of half a dollar a ton of cargo freight is 2½ cents on the 100 pounds, and we believe that all of that will be absorbed before it gets to the ultimate consumer.

But suppose the shipowners and merchants will be as honest and fair as their advocates here promise and will allow all of this 2½ cents per hundred pounds of freight to go to the ultimate consumers, we contend that those who get that benefit should pay for it. Since it must be paid either by all the people in the way of tax through the Federal Treasury or by the particular people who live along the coast line and get the benefit of that little reduction of freight, those who get the direct benefit should pay for it and not the people throughout the balance of the country who do not get such benefit.

I am in favor of a parcel post and have been for years; but I believe that, if established, it should be made to pay expenses; that if the expense must be paid by all the people in the form of tax to make up the deficit caused by a parcel post in the Post Office Department or by the people who patronize it and get the direct benefit from it, every man should be required to pay the actual expense of the service which he gets, thus saving the department from a deficit and the masses of the people from additional taxation.

Again and again our opponents have spoken emphatically against what they are pleased to call a tollgate on this great national waterway. They refer to it as a tollgate, because ordinary tollgates on country roads, maintained by private corporations, are not popular with the masses. But let me remind gentlemen that they should not speak with derision just now of the tollgate, because only a few days ago this House, by a substantial majority, established a tollgate on every rural free-delivery route in the whole country, and placed at every such tollgate a local collector who will exact from the Government from $15 to $25 a mile a year for the use of the road for one horse and wagon. Verily our old Uncle Samuel is in hard luck. Last week the grangers picked one pocket by establishing tollgates against his rural free-delivery carriers, and now it is proposed to pick another of his pockets by refusing to permit a tollgate on the Panama Canal.

Mr. KNOWLAND and Mr. GOLDFOGLE rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will yield first to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. I am one of those who joined in the minority report, as my colleague will remember.

Mr. MICHAEL E. DRISCOLL. You were very quiet about it, though. I think it is a half-hearted support that my friend gives it.

Mr. GOLDFOGLE. I give it my support fully, because I believe the coastwise trade ought to be exempted from the payment of tolls. I want to ask my colleague if he does not believe that if we provide for free toll to the coastwise vessels flying the American flag and plying only between American ports, the consumer will get the benefit of that exemption?

Mr. MICHAEL E. DRISCOLL. I will answer that now.

Mr. GOLDFOGLE. It is not the coastwise vessel but the ultimate consumer that will get the benefit.

Mr. MICHAEL E. DRISCOLL. That is the stock argument of the shipowners and great merchants who do the shipping. They all say that the benefit they will get by not paying any tolls will all percolate down through the shipowners, shippers, and merchants to the ultimate consumers. As I have explained heretofore, I do not believe that will happen. If the shippers and merchants pass on to the ultimate consumers the $3.50 per cargo ton which they will receive in addition to other advantages, I think the public will be satisfied. I do not believe they will do that, and if they get this additional gratuity of 50 cents a ton, they will absorb the most of that.

Mr. NYE and Mr. KNOWLAND rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will first yield to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. I want to correct the gentleman in one statement.

Mr. MICHAEL E. DRISCOLL. Now, excuse me. If the gentleman wishes to ask me a question I will yield, otherwise not.

Mr. KNOWLAND. This is in regard to a statement the gentleman made. He spoke of the gentlemen from the Pacific coast as if they were the only ones. Every leading commercial organization in New York have passed resolutions to that effect.

Mr. MICHAEL E. DRISCOLL. The Pacific coast people are the nerviest ones, the greediest ones, and the most selfish.

The coastwise ships now have a complete monopoly of coastwise trade. Foreign ships are not allowed to compete with them and they do not compete among themselves. There are

many coastwise ship companies between which the coast and the business are divided. I do not say that they are organized into a trust, or that they have an express agreement to let each other alone and not interfere in each others' territory; but that is what happens. Each line has a monopoly of the trade of the ports between which its ships ply. What is true of the ship companies on the Atlantic and Gulf coasts is equally true of the Pacific coast. There is no competition between them. They do not interfere with or compete with each other. Each has its own territory and its own business, and I here make the prediction that when the canal is open, and whether absolutely free to them or not, they will not compete. They will divide the territory and business between them, as they are doing now, and make tremendous profits by reason of the great benefit and advantage which the canal will give them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. MICHAEL E. DRISCOLL. I want to yield to the gentleman from Minnesota [Mr. NYE] first.

Mr. NYE. I was going to ask the gentleman if he would allow me to suggest what his colleague from New York [Mr. GOLDFOGLE] said about the consumer. I might suggest that there is no reason why the consumer of goods should want something for nothing. I must expect to pay the legitimate cost of the transportation of what I buy, just as much as I pay for the article itself, and all men ought to be willing to do that. If the cost of the canal is a legitimate tax upon commerce, every man who enjoys the benefit of that commerce ought to be willing to pay.

Mr. MICHAEL E. DRISCOLL. That is exactly the gist of our side of this contention.

Mr. MADDEN. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Now I will yield to the gentleman from Illinois.

Mr. MADDEN. The question I wanted to ask the gentleman from New York was this: Was there ever anything in the hearings developed before the committee to show that the coastwise ship companies always have a representative at any meeting held by the railroad companies at which rates are fixed?

Mr. MICHAEL E. DRISCOLL. I would not want to say as to that.

Mr. MADDEN. Is it not a fact that they always do have a representative at such meetings, and that they always fix their rates about 20 per cent below the railroad rates?

Mr. MICHAEL E. DRISCOLL. Somebody said that all the steamship lines now are connected with railroads in business. The statement was made here. I do not know whether it is correct or not.

Mr. HUMPHREY of Washington. If the gentleman will permit an interruption, I will say I made that statement, and it is true. I think, however, so far as the Pacific coast is concerned, after looking up the matter, I did overstate it there.

Mr. MICHAEL E. DRISCOLL. Then, that is another reason why you should not favor giving them any more advantage by way of subsidy than they now have.

I will restate some of the facts I have been over before, and try to make the argument so clear that gentlemen who have not read the evidence will see the absolute fairness of our contention. It now costs $4 per ton of freight to transfer it from ship to ship across the Isthmus. This expense will be saved when the ship floats through the canal, and the goods will not be damaged by breaking bulk twice; and the ship will do nearly one-third more business in the year by reason of not being tied up at the Isthmus during the process of loading and unloading. There are two tons of cargo freight in one net registered ton. This bill provides for tolls not to exceed $1.25 per net registered ton. That is the maximum. The chances are that the administrative officers will, on the start, fix a rate not exceeding $1 per net registered ton, which is equivalent to not more than half a dollar per ton cargo on the average.

All of the people built the canal and will fortify and protect it. We might as well charge off the $400,000,000 to profit and loss or to national defense, also the interest on the money, and the $20,000,000 a year that it will cost to protect it by detachments of our Army and Navy. It will cost, at a fair estimate, not less than $5,000,000 a year to maintain the canal, operate it, and sanitate and maintain a civil government on the zone. It will require 5,000,000 net registered tons at $1 a ton to pay this $5,000,000 expense. Since the Government will give the shipowners and shippers the benefit of $400,000,000 for the construction of the canal and $20,000,000 a year for its protection, we submit that the shipowners should pay the actual cost of passing their ships through the canal. That is all we ask, and we believe our contention is fair and just. While the canal will be as free as the rivers and harbors improved by the Government, we believe that the ship companies, the shippers, and people who get the greatest and most direct benefit of this cheap transportation at the expense of all the people should pay this trifling expense toward the maintenance and operation of the canal.

Mr. KNOWLAND. The gentleman's State of New York has built the Erie Canal at a cost of $130,000,000. Do they charge any dues for the use of that canal?

Mr. MICHAEL E. DRISCOLL. I will answer that question, and I will differentiate the Erie Canal on principle from this proposition.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I do not object to yielding to the gentleman, but I can not run along on several lines at the same time.

Mr. HUMPHREY of Washington. I knew the gentleman would not object, because I yielded to him yesterday.

Mr. MICHAEL E. DRISCOLL. I will yield to the gentleman now, since he insists.

Mr. HUMPHREY of Washington. I have been trying to follow the gentleman's line of argument, and if I understand it correctly it is that the ships will pay the tolls; that is, that they will bear the burden. As the gentleman knows, the coastwise trade of the United States is a monopoly.

Mr. MICHAEL E. DRISCOLL. The gentleman admits that, does he not?

Mr. HUMPHREY of Washington. I do. No foreign ships can engage in our coastwise trade, and all the ships in the coastwise trade are kept upon a level, regardless of whether the tolls are charged or not. Under those circumstances, the coastwise trade being a monopoly, does the gentleman think the shipowner is going to bear that burden himself? Will he be that much of a philanthropist or will he pass it on?

Mr. MICHAEL E. DRISCOLL. I will get to that. That is substantially the same argument that the gentleman from New York [Mr. GOLDFOGLE] made.

Mr. ADAMSON. I want to remind the gentleman from New York [Mr. MICHAEL E. DRISCOLL] that his time is very limited. I do not object to his losing time to gentlemen who want information, but I am well acquainted with the two gentlemen who are interrupting him, and I wish to say that they can not learn anything from him, and do not intend to, but they want to confuse his argument.

Mr. HUMPHREY of Washington. I think that is a very unkind statement on the part of the gentleman from Georgia, considering the way in which I yielded to the gentleman from New York.

Mr. MICHAEL E. DRISCOLL. I will answer the gentleman's question by and by. I have already answered it once in reply to my colleague [Mr. GOLDFOGLE].

Mr. HUMPHREY of Washington. Then I withdraw the question. I have not been here all the time.

Mr. MICHAEL E. DRISCOLL. And now I will refer to the question submitted by the gentleman from California [Mr. KNOWLAND], who says that the State of New York, where I was born and raised, and which I, in part, represent here, took off the tolls on the Erie Canal.

Mr. KNOWLAND. Expended $130,000,000 and took off the toll.

Mr. MICHAEL E. DRISCOLL. We have expended a much larger sum on canals in the State of New York, and at present we are charging no tolls. But why? The Erie Canal was opened up to navigation in the year 1826. At that time the railroads were not very far developed. What is now the New York Central consisted of several short railroads operated by several different companies. After awhile Cornelius Vanderbilt, who was a genius in railroading, connected these various parts of track between Albany and Buffalo, and made them into the New York Central. After a few years a double track was laid, then four tracks. Later on the West Shore Road was built parallel with the New York Central and parallel with the canal. Those two roads and the canal run from Buffalo to Albany in a strip not anywhere I think over a mile wide, and in most cases not more than half a mile apart. The two railroads and the canal are right close together.

Mr. AKIN of New York. And within a few feet of each other in some places.

Mr. MICHAEL E. DRISCOLL. What was the result? At first the boatmen on the canal made money and business was very lively, but as the New York Central developed its road and reduced the cost of carrying freight it cut into the canal business and by degrees drove the boatmen out of business, and as their old boats rotted down they could not afford to buy new ones, and so the canal was practically abandoned. Then it was up to the State of New York to do one of two things—to entirely

abandon the canal and not take care of the feeders that pour the water into it—let it become an open, miasmatic, disease-breeding ditch, an eyesore to the whole State—or take off the tolls in the hope that the boatmen would still continue to use it.

Mr. HUMPHREY of Washington. The tolls were not an obstruction to commerce, were they?

Mr. MICHAEL E. DRISCOLL. They could not compete with the New York Central and pay tolls.

Mr. KNOWLAND. The tolls amounted to a very small sum, did they not?

Mr. MICHAEL E. DRISCOLL. They were not heavy. What did they do next? They took off the tolls in 1883 in order to help the boatmen and keep the canal in existence. Then, along in the nineties, we appropriated $9,000,000 to improve the canal, to deepen it where it needed deepening, in order that the boatmen might haul larger loads and compete in business with the New York Central.

And yet they got the worst of it. They were not the kind of competitors to the New York Central lines which Buffalo and New York wanted; and a few years ago our State bonded itself for $101,000,000 to build what is known as the barge canal, which will float steam barges and carry larger cargoes and compete with the New York Central lines.

You people in the West, let me say right here, owe to New York a great obligation, greater than you are willing to recognize, because we paid for the canals, paid for keeping them up, and they have tended to reduce the freight rates not only on the New York Central, but on all the trunk lines running to the Atlantic seaboard, and the western people have gotten the benefit of these reduced rates for business in the Mississippi Valley and even farther on.

Now, why did we take off the tolls? Because the canal could not run without this help, and the boatmen needed it. I would not be in favor of putting any tolls on the commerce going through the Panama Canal if it were really a burden on the shippers—if they needed it to compete with the railroads. But they are now competing without the canal. In one lump they will get $4 a ton benefit. Out of that, all we ask them is to pay one-half dollar a ton on their freight for putting them through the canal.

Mr. POWERS. If the gentleman will pardon me, they not only compete with the $4 they have, but they are delivering the goods at cheaper rates.

Mr. MICHAEL E. DRISCOLL. Yes; so they can reduce the cost of transportation of freight from coast to coast $4 a ton and make a much bigger profit than they make now, because every ship will do from a quarter to a third more business than she is now doing, for the reason that she is tied up now nearly one-third of the time at the Isthmus.

Now, is that a parallel case with our Erie Canal? We took off the tolls on the Erie because the boats needed the help. We help in the Panama Canal the shippers and the shipowners to the extent of $4 a ton, which they meet now, and only ask them to pay the half dollar for the expense of running their ships through the canal, and this they refuse.

Mr. WARBURTON. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. WARBURTON. The State of New York has spent very large sums to build the canals which they now give over to the use of the shippers. If the State of New York can afford to do that, can not the Government of the United States afford to spend $4,000,000 and give the shipping free tolls?

Mr. MICHAEL E. DRISCOLL. The State of New York has built the canals and sustained them in order to keep them in existence.

Mr. WARBURTON. The gentleman says the State makes them free.

Mr. MICHAEL E. DRISCOLL. I can not say about what it will do with the barge canal; that will be for the wisdom and judgment of the State. But if the barge owners can make a big profit and pay tolls and compete with the railroads I have no doubt the people will require them to pay tolls. We do not want to drive the railroads out of business any more than we want to drive the canals out of business. What we want is healthy, genuine competition. We did not give the canal boatmen the benefits of no tolls in the first instance for the simple reason that they did not need it. They tried to live and compete with the railroads, but could not do it, and then we took off the tolls, for it was necessary to do so to keep them in existence.

Mr. HILL. And that will not bring it back. The largest part of the business has everlastingly gone from the gentleman's canal—that is, the lumber trade—which has been entirely diverted to the extreme west and to the south, and the taking off of the tolls or the putting of them on will never in this world bring back that trade, which was more than half of the entire trade of the Erie Canal.

Mr. MICHAEL E. DRISCOLL. That may be true. Mr. Chairman, to refer to what I started to say at the outset, when I was sidetracked by many questions, because the gentleman from Washington [Mr. HUMPHREY] is here, I recall that he made the statement that this is a question of the railroads against the people, and that he is for the people and we are for the railroads. My friends at home would smile if they heard anybody say that I am for the railroads as against the people. I have never in my life ridden a mile on a pass. I have never received a penny worth of favor, directly or indirectly, from any railroad. I have never received a dollar in fee from any railroad, nor do I own a share of stock in any one of them. I have tried many cases against the railroads, and when I get out of Congress I expect to try more if I get them. That is my relation with the railroads, and yet I am told that I am for them. I am not their friend in the sense that I would give them any undue advantage over shipowners, shippers, or anyone else. Neither am I their enemy in the sense that I would favor legislation that would tend to destroy or cripple them. I have never joined the anvil chorus against them for temporary popularity and votes. They have done much to extend our civilization and develop the magnificent resources of all our country. Were it not for the transcontinental railroads the most of your Pacific coast would yet be an unexplored wilderness and a sunburned and useless desert.

You are making this cry and appealing to the prejudice of the Congress and the country against the railroads in order to graft for your steamships and your shippers and your Pacific coast. [Applause.] This graft would inure to the benefit of only a small proportion of our coastwise ships. The gentleman from Georgia [Mr. ADAMSON] stated that only about 10 per cent of the ships engaged in our coastwise trade will pass through the canal, and that statement has not been challenged. You assert that this bill is in the interest of Wall Street parasites, and yet Mr. GOLDFOGLE and Mr. CALDER, the two gentlemen from New York City on the Interstate and Foreign Commerce Committee, are persistently against it. You are masquerading under the American flag in order to get this extra gratuity for your little crowd of selfish shipowners and shippers. [Applause.]

During this debate we have been entertained by a stream of patriotic declamations, largely from Pacific coast orators, about the American people, the American canal, the American flag, and American ships. You are trying to snuggle up to the American people that you may the more easily deceive and take advantage of them. You are trying to conceal your little coterie of shipowners and shippers in the ample folds of Old Glory that their bristles may not be discovered. You ring the changes on the canal, the crowning glory of engineering and scientific skill. You iterate and reiterate that it was built by American money, American genius, and American enterprise and that the American people should get the benefit of it. We quite agree with you, with the qualification that the ninety-odd millions of the American people who will have to pay for this grand canal should get a little of that benefit and that a small fraction of 1 per cent of the American people should not get it all. You are indeed generous as well as patriotic. You would concede to the American people all the glory of this great project if you could get all the gold.

If you are really patriotic and would like to have our flag survive on the ocean, why have you not said a word for our ships that are trying to continue in foreign commerce in competition with the ships of other nations? Why have you not urged the remission of tolls for them? They are sadly in need of help and our coastwise vessels are not. They will do all the business there is to be done. When the canal is open they will take nearly all the coast-to-coast traffic from the railroads if they care to do so.

The gentleman from California [Mr. KNOWLAND] stated, with tears in his voice, that only 9 per cent of our foreign commerce is carried in American ships, and yet with equal earnestness he demands that the Pacific Mail steamships, which have been carrying most of this 9 per cent of our foreign commerce and struggling with fierce foreign competition to keep our flag on the high seas, be denied the use of the canal on any terms, for the owners of those vessels do not object to the rates of tolls proposed in this bill, and only ask that they be permitted to use the canal on equal terms with all other ship companies, foreign and domestic. Is this your brand of patriotism, and does this illustrate your anxiety to keep the American flag on our merchant marine on the high seas?

The issue between those who are supporting this bill and those who are opposing it is simply this: Its advocates insist that since the people at large pay for the construction, fortifica-

tion, and protection of the canal those who use it should pay the necessary expenses to the Government of passing their ships through it; that this expense is properly a part of the freight charges and should be paid by those who buy and consume the goods, and should not be shifted onto the Government and ultimately on all the people in an additional tax.

We repeat that the shipowners who propose to use the canal now have a monopoly of coastwise trade and will have it after the canal is in operation; that they can afford to pay this trifling charge of about half a dollar on a ton of freight and make enormous profits; that if these tolls are remitted they will be absorbed before they get to the ultimate consumers; that the expense of putting ships through the canal must be paid either out of the Federal Treasury or by the ship companies. If paid from the Treasury, all the people will have to pay it in the form of tax. If paid by the ship companies, it will fall on those who get the immediate and direct benefit. We say that the ship companies should pay this moderate expense in the form of tolls. Our opponents say that all the people should pay it in the form of taxes. The vote will indicate who are the friends of the people and who are the friends of the selfish coastwise shipping monopoly.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. MICHAEL E. DRISCOLL. Not all of my time?

The CHAIRMAN. All time has expired, and the Clerk will read.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excepting and excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Falmenco, and any lands and waters outside of said limits above described which are necessary or convenient, or from time to time may become necessary or convenient, for the construction, maintenance, operation, sanitation or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and may, in like manner, exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

Mr. HILL. Mr. Chairman, I move to strike out the last word for the purpose——

Mr. WEEKS. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman of the committee to ask a question. Whether in his judgment it is wise to give the President of the United States authority to dispose of in any way land belonging to the United States without any restriction by Congress or some other power?

Mr. ADAMSON. Well, it is not our intention by this section to provide he can do that. There are two reasons for that last sentence of the section, which is, I suppose, what the gentleman alludes to.

Mr. WEEKS. I do.

Mr. ADAMSON. One is, the northern terminus of the canal at Colon is mighty closely mixed up with our town of Cristobal there. The harbors up to this time have been so near that we have never finally adjusted just exactly the harbor lines and boundaries. We do not know but we might need a little treaty work or purchase or exchange of a little land. The other reason is that the present arrangement for paying for this land we condemn is not satisfactory, and we hope the President will fix a treaty to provide better means as to that.

Mr. WEEKS. One more question. Is it proposed to exchange the land fronting on the Pacific south of the city of Panama in the Canal Zone for the frontage which it is desired to obtain in Colon?

Mr. ADAMSON. Well, there has been rumored such a tale to that effect, but I do not know there is any contemplation of it myself. That was not the purpose of putting this in the bill. It may be, I will say to the gentleman from Massachusetts, desirable to the Republic of Panama we should aid them to secure another port in the territorial limits of their Republic, and we may want to help them do that.

Mr. WEEKS. One other question. Would the chairman of the committee object to striking out the words "in like manner," line 1, page 3, and insert "except with the consent of Congress"?

Mr. MANN. That would be impracticable.

Mr. ADAMSON. I do not see how that is practicable. We want him to do whatever is necessary without any unnecessary specifying. Sometimes he can do better without making too much publicity and noise and discussion. I do not think there is any danger in authorizing him to do this. It is rather a small matter, but it may be large in consequences. We discussed this pretty thoroughly in the committee and fixed it in this way.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. Certainly.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] is recognized.

Mr. HILL. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD? Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. May I submit, just a moment? Night before last I asked the chairman of the committee a question, whether a railroad owning a steamship line starting from Halifax and going through the canal to Victoria, owned by the Grand Trunk Railroad, could not go under the terms of this bill where a steamship line owned by a railroad in the United States—could not start from Boston and go to Seattle. He gave me no reply then, but since then he has told me both roads are under the control of the Interstate Commerce Commission. Now, I ask him as supplemental to that question if that is true of that traffic—in other words, has the Interstate Commerce Commission any control whatever over a steamship line starting from Halifax and going to Victoria, purely a Canadian trunk line in direct competition with an American trunk line, or if they only have control over such traffic as comes on their lines through the United States?

Mr. ADAMSON. My understanding was that the railroad section has not yet been reached, and it will be postponed when it is reached, and I do not understand that it will be in order to discuss this subject under this section of the bill.

Mr. HILL. I understand that; but I wanted to get the information before I extended my remarks. I will postpone it, however.

Mr. ADAMSON. I want to say to the gentleman, though, by unanimous consent, that the highly esteemed Associated Press said that I snapped the gentleman off. I did not snap anybody off.

Mr. HILL. I wanted certain information. I do not understand that there was any discourtesy. I will say, furthermore, that on that evening after the House adjourned the gentleman kindly indicated the information to me.

Mr. ADAMSON. I then told the gentleman privately that the transactions of those railroads were subject to the act to regulate commerce, which they are. They have filed schedules and prices and rates, just like our railroads, and if they have any American connections they are all subject to the Interstate Commerce Commission.

Mr. WEEKS. May I ask the gentleman from Georgia [Mr. ADAMSON] a question? I direct his attention to line 21, page 2, and inquire if that would necessitate that any treaty which the President made relating to this subject be submitted to the Senate for ratification?

Mr. ADAMSON. Yes. I think he could go ahead and make the treaty without our telling him to do so and submit it to the Senate.

Mr. WEEKS. Could he make a treaty without it being ratified by the Senate?

Mr. ADAMSON. No, sir; not without the consent of the Senate.

Mr. MANN. You answered the other way a moment ago.

Mr. ADAMSON. I said he could proceed to negotiate a treaty without our expressing it in a statute. But he would have to submit it to the Senate in either event.

Mr. MANN. Mr. Chairman, as I understand this last provision of section 1, not about the treaty, but about the exchange of land, it is for the purpose of permitting the President to acquire practically all the land in the Canal Zone which would be affected in any way whatever by the operation of the canal.

Mr. ADAMSON. There is another section that more fully provides for it than that. The object of this section, I will say to the gentleman from Illinois, was twofold. One to authorize the President to change the harbor limits around the city of Colon and the other was we would like for him to modify that treaty under which we have been condemning the land.

Mr. MANN. Of course, the condition as to the treaty is one thing. That has to be ratified by the Senate in any event, and I am not sure but it would have to be ratified by the House. But the provision as to the exchange of land or land under water is by itself and must be for some purpose.

Mr. ADAMSON. That is it. That is a prudential provision.

Mr. MANN. It would authorize the President to exchange land which we own in Colon, as the owner of the Panama Railroad, for land on the Canal Zone which we need in operation of the canal but do not now own.

Mr. ADAMSON. That is right. It is to perfect the use of our property.

Mr. MANN. The language of this bill is not to exchange land or land under water in Panama, but I suppose it is not intended to permit the President to exchange any land in the United States, such as the Capitol Building, for instance, for land in the Canal Zone?

Mr. ADAMSON. Hardly.

Mr. FITZGERALD. Does this cover the situation on the Pacific end, where under a so-called modus vivendi the President and Secretary of War made some suggestion by which, if I recall correctly, Panama has now possession of certain lands which the United States needs and must pay for?

Mr. MANN. This, of course, will permit an exchange of titles.

Mr. FITZGERALD. Will it ratify the action of the administration in that respect? There was a situation, if I recall correctly, although I have not looked the matter up, on the Pacific side. There were some lands under adjustment, and Panama got the best of the trade, and now we wish them back and will have to pay for something we originally had.

Mr. ADAMSON. We were endeavoring to draw language to authorize the adjustment of such things as that. If we did not do it accurately, it was our misfortune to draw it in that way.

Mr. STEPHENS of California. Mr. Chairman, I move to strike out the last word of the section. Under a misunderstanding the time in which I was to address the committee this afternoon was given elsewhere, and therefore I ask unanimous consent that I be allowed to address the committee at this time for 10 minutes on the general bill.

Mr. ADAMSON. I will ask the gentleman if he desires to discuss the bill generally or any particular section?

Mr. STEPHENS of California. In general.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] asks unanimous consent that he may address the House for 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for 10 minutes.

Mr. STEPHENS of California. Mr. Chairman, no citizen of the United States asks that the Hay-Pauncefote treaty be violated or abrogated. No patriotic citizen would sanction its violation. Hence the absorbing question to-day is, Will the Hay-Pauncefote treaty be violated if we give free passage through the Panama Canal to our own coastwise ships?

It was claimed yesterday by the distinguished gentleman from Minnesota that Article X of the Constantinople convention gave to Turkey the right of free tolls through the Suez Canal for her Government and commercial vessels, and that if the convention had not so stated such free passage would have been in direct violation of the agreement.

If nothing could be done unless stipulated in the articles of agreement, in the clauses of the identical instrument itself, did not the United States violate the Hay-Pauncefote treaty within a short time after its proclamation by agreeing to give free passage through the canal to Panaman Government vessels when no mention of such possibility had been made in our treaty with Great Britain?

Did we again violate the Hay-Pauncefote treaty when Congress passed the necessary legislation and appropriations for fortifying the canal, no mention of our right to do so having been made in the treaty? These were matters in which England and the balance of the world were vitally interested, yet no real objection was made by any power on earth, for all recognized the territorial rights and responsibilities of the United States. If England and the world could find no valid objection to the free passage through our canal of the Government vessels of the United States and Panama, laden with soldiers, munitions of war, and supplies; if they could not and did not enter complaint when we made ready to fortify the canal, then indeed have we every right to assume that neither England nor any other nation will every seriously question our right to pass free our own coastwise merchantmen through our own canal, dug in our own soil, paid for with our own money, owned in detail and in toto by the United States, and to be operated and maintained for all time to come by the United States alone.

If England raised no objection to our doing certain things not mentioned in the treaty in which she is vitally interested, she can never object to granting free tolls to that part of our own commerce of which she never can under any circumstances have a part.

If we have any moral or legal right to fortify the canal, or to give free passage to vessels belonging to the United States or to Panama, then have we equal or even greater right to give free tolls to at least that part of our own commerce in which no ship of any other nation can ever participate? We have the right and it is our duty to exercise it.

Gentlemen on the floor have said that the question of free tolls was purely local and was interesting and beneficial to Pacific coast people only.

The transportation of the products of this country should and does benefit the grower, the transportation company, the consumer, and all those connected directly and indirectly with the labor and the marketing thereof. The Atlantic coast, the Pacific coast, the Gulf coast, the Lake shores, the Middle East, and the Middle West will all benefit by a reduction in transportation rates.

Low water rates can not long obtain without causing some similar reduction in rail rates, and whether a blanket scheme or zone plan of railroad rates is in existence, the effect of low water rates from coast to coast will be felt throughout the length and breadth of the land.

I believe that free tolls will not only add greatly to the prosperity of those who live and do business beside or near our seashores and great rivers, but that it will be of even greater benefit, individually and collectively, to those who live in interior communities, far removed from either ocean or great river.

The West and the Middle West will not only gain through reduced blanket or zone rates following low water rates, but will be an extraordinary gainer through the quick development of every square mile of territory adjacent or tributary to the overland railroads.

When the volume of through overland business is lessened, because of coast-to-coast water competition, then the great transcontinental railways will hasten into intense cultivation and promotion of their own territorial resources. Farmers and factories and new communities will be encouraged, new railroad lines—feeders to the main lines—will be built, and a prosperity greater than any yet seen will come to those who now are mistakenly fearful.

The building of the second transcontinental railway did not lessen or stop the growth along the first one, nor did the third one injure either the second or the first, nor the fourth one decrease the prosperity in territories adjacent to either of the others; indeed, the coming of each new road really and truly added to the business and the general welfare and prosperity of all communities near the previously built overland lines.

Low-rate interoceanic communication will develop the interior as well as the coast sections of our country.

AS TO OWNERSHIP OF STEAMSHIP LINES.

We of the Pacific coast know what railroad-owned steamships mean. We have lived for more than 30 years under railroad domination. We long to be free, and we will be free. The Southern Pacific Railroad Co. owns a little more than half of the stock of the Pacific Mail Steamship Co. and has controlled it absolutely.

For many years the Pacific Mail steamships were the only ones carrying freight or pasesngers between Panama and the United States. Whenever another line was organized the Pacific Mail would at once reduce its rates one-half or two-thirds and starve out its competitor. For 20 years the Pacific Mail steamers stopped at only one port in the United States—San Francisco. It did not and would not stop at Port Harford, Hueneme, Santa Barbara, San Pedro, Los Angeles, Redondo, or San Diego—all United States Pacific ports between San Francisco and our southern boundary.

"Not enough business to warrant" was the excuse it made; yet Los Angeles territory in 1911 produced: Citrus fruits, 46,400 carloads; vegetables (carloads), celery, 2,000; cabbage, 600; tomatoes, 250; potatoes, 1,200; onions, 400; cauliflower, 700; lettuce, 150; sweet potatoes, 50; assorted, 1,000. Nuts, 9,000 tons; cantaloupes, 1,625 carloads; raisins and dried fruits,

6,000 tons; canned goods, 760,000 cases; olives, pickled, 1,000,000 gallons; olive oil, 500,000 gallons; beet sugar, 200,000,000 pounds; wine and brandy, 3,500,000 gallons; petroleum, 74,000,000 barrels; beans, 65,000 tons; cotton, 8,000 bales; barley, 45,000 tons; and received from the East thousands of carloads of building and general supplies of every kind.

"Not enough business" at Los Angeles, a city having 102,000 people in 1900, 201,000 in 1905, 319,000 in April, 1910, and 400,000 in December, 1911!

"Not enough business" at Los Angeles, a city whose building permits amounted in value to more than $1,000,000 monthly for 10 years past, and totaled more than $23,000,000 in 1911!

"Not enough business" at Los Angeles, a city whose postoffice receipts grew from $260,000 in 1900 to $1,646,000 in 1911, and whose bank clearings advanced from $114,993,000 in 1900 to $946,000,000 in 1911!

"Not enough business" at the American ports above mentioned! Yet from 15 to 25 stops were made at places and ports having from a few hundred to a very few thousand people along the west coast of Mexico, between the United States and Panama, that had no Southern Pacific rail lines.

"Not enough business" was only an excuse; the reason for not stopping was that the Southern Pacific Railway owned and controlled the Pacific Mail steamships, and it was far more profitable to the Southern Pacific Railroad to decrease the tonnage by water and increase it by rail from United States ports, so long as other steamship lines could be kept off the ocean.

I will place in the RECORD a telegram dated March 12 from and resolutions adopted March 14, 1912, by the Los Angeles Chamber of Commerce, an organization with a membership of 3,300 of the best business men in southern California:

LOS ANGELES, CAL., *March 12, 1912.*

Hon. WM. D. STEPHENS,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government's expense, in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. Z. OSBORNE, *President.*

RESOLUTION IN RE PANAMA CANAL TOLLS.

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., March 14, 1912.

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards, which this canal was constructed to secure.'

"*Resolved*, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

And now I beg to read to you the following letter and recommendations of the Railroad Commission of California:

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
San Francisco, March 16, 1912.

Hon. WILLIAM D. STEPHENS,
House of Representatives, Washington, D. C.

MY DEAR MR. STEPHENS: Inclosed herewith you will find a copy of a resolution which was passed by the railroad commission at a meeting this morning with reference to the Panama Canal bill which is now pending before Congress. Before taking action the commission held a public hearing and made a careful investigation, on its own initiative, into the law and the facts. We believe that all three recommendations are sound in law and policy alike and would urge you strongly to do whatever you can to secure their incorporation into the Panama Canal bill.

Thanking you very much for your assistance in this matter, we remain,

Respectfully,

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
By MAX THELEN, *Commissioner.*

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
San Francisco, March 16, 1912.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States.

Under the decision of the United States Supreme Court on the so-called commodities clause in the interstate-commerce act, in the case of United States *v.* Delaware & Hudson Co. (213 U. S., 366), we believe there can be no doubt as to the legal right of the Government to compel a railroad to sell its holdings in a steamship line. We can find no valid reason in governmental policy against this recommendation. The inevitable result of permitting railroads to own, operate, or control competing steamship lines through the Panama Canal, as shown by the history of the coastwise traffic of this country, will be to crush out every independent line, to give to the railroads the control of the Panama Canal, and consequently to keep freight rates higher than they normally would be. We would refer in this connection to the decision of the Interstate Commerce Commission in the case of Railroad Commission of Nevada *v.* Southern Pacific Co. (21 I. C. C. R., 329), decided on June 22, 1911, in which case the history of steamship competition in this country is fully explained.

(2) We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

Under the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., 332), it is clear that the United States may carry out this recommendation. The provision in section 1 of article 3 of the Hay-Pauncefote treaty to the effect that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions of charges of traffic or otherwise," whatever the full effect thereof may be, certainly does not apply to coastwise traffic, for the reason that as American vessels may alone engage in such traffic there can be no question of discrimination as against the vessels of other nations. The Olsen case squarely sustains this position.

The remission of tolls on vessels engaged in the coastwise trade will make it possible for them to lower to that extent the freight rates which they would otherwise have to charge, and in this way the American people will secure a reduction in freight rates to which they are clearly entitled as the result of the tremendous sums which they have expended in the construction of the canal.

We use the words "American people" advisedly. We do not concede that the lower freight rates between coast points, brought about by water competition through the canal, can in any wise injure interior localities. On the one hand, the free movement of traffic between coast points not only will operate for the benefit of these localities, but such benefit will be reflected far inland and the general prosperity of the country will necessarily result. On the other hand, lower freight rates to coast points will not operate disadvantageously to the interior by increasing rates to and from interior points. It is well established that railroads may not lower their rates to meet competition to such an extent as to burden other traffic. If rightly regulated the railroads of the United States must give reasonable rates to all points, and reasonable rates are all that they can be forced to give. The fact that a less than reasonable rate is put in by railroad companies voluntarily to meet water competition does not justify such railroad in putting any different rate in effect elsewhere than it could legally put in if it did not meet such competition. The result, then, of free competition through the canal will be a lower rate to coast points than would otherwise prevail, which lower rate to the coast points will have its effect to that point in the interior where the local freight rate from the coast to such point plus the steamship rates equals the transcontinental rate from the opposite coast point. Much of the interior, therefore, will be better off than it now is and none of it can be worse off because, as we have stated, the railroads must accord the same reasonable rate when they meet competition as they are allowed under the law to give when they do not meet such competition.

(3) We recommend that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls, or that subsidies equivalent in amount at least to those paid by other Governments to their ships using the canal be provided by the United States.

Otherwise the United States, which built the canal at a tremendous outlay, will be the only Nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Suez Canal. The vessels of Great Britain and other nations using the Suez Canal receive subsidies from their governments and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

We respectfully direct the attention of California's Representatives in Congress to these recommendations, and urge that they do all in their power to secure their adoption in the Panama Canal bill.

JOHN M. ESHLEMAN,
H. D. LOVELAND,
ALEX GORDON,
MAX THELEN,
E. O. EDGERTON,
Railroad Commission of California.

Mr. Chairman and gentlemen, free tolls and free oceans for coastwise shipping is the wish of the people. You and I know the American people well enough to believe that nothing short of free tolls and free oceans will ever satisfy them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of California. I ask permission, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I have listened to the remarks of the gentleman from California [Mr. STEPHENS] and other remarks from time to time from gentlemen from all over the country, and I have read a great many editorials and press dispatches on this subject of the railroads and the Panama Canal. I think we are making pretty good progress in this country. I am in harmony with the gentleman on the question of tolls, but sometimes I wonder, as I have lived somewhat beyond the generation in which I grew up, whether gentlemen forget what has been done in this country.

I recollect when in the construction of the Northern Pacific Railroad they halted when the work was half finished, and it was a burning question in this House whether there was not some way to compel them to finish. There had come a touch of hard times, but they did finish, and I recollect very well when the golden spike was driven that gave us the first transcontinental railroad. I recollect that away back in 1850 that man was said to be a dreamer who expected to see the two oceans united by rail. I have seen land grants made, although I was not in Congress when they were first made, to the transcontinental railroads. I have seen land grants given to the Illinois Central Railroad when those magnificent black acres were not even located with 70-cent military land warrants. The value came to those lands with the construction of the railroad.

Then, in my recollection, I have seen the United States grow in population from 20,000,000 to nearly 100,000,000 people. How anxious we were to get the railroads! How we agonized! Now we see them cross the deserts and tunnel the mountains.

I have great respect for the men who had the courage and for the country that had the good sense and the courage to support them in the days of their infancy. They would not do everything that we all wanted them to do, but, after all, they did dead work for a long time. It is one thing to sell a cent or a half-cent commutation ticket and make a trip every 15 minutes and quite another thing to have the work of the tracks and the trains three-quarters dead work.

With all the magnificent progress we have made, looking backward as well as forward, and imagining what the future of the country may be, I am not inclined to criticize much what this railroad may have done or what that railroad may have done when struggling for existence. I am glad that they have done well, but they could only have done well through the development of the country.

I am glad that the Golden Gate and Los Angeles are now connected by the great bands of iron with 90,000,000 other people in the United States. I am glad the citrus fruits come to us. I am glad that they come cheaply. We might get them a little cheaper if we were not broad enough in our citizenship and legislation to protect them from competition by a very round rate of duty. It is all right, I presume, but once in a while I grow weary when some people, who are younger than I am, think they can obtain political advantage in abusing the "wicked railroads." When the time came to regulate the freight charges and the passenger charges, as the population increased, when they did things we thought they ought not to have done and charged too much, we passed an interstate-commerce law, and our respective States are now legislating on that subject.

I just wondered whether my California friend, whom I have heard once or twice criticize pretty severely the existing conditions, would be willing or glad to tear up the railroad tracks that reach from the Atlantic to the Pacific. I am with him as to the canal, and I am with him as to tolls, but let us give a little credit to that generation that has crossed over, which led in making all these things possible. [Applause.]

Mr. WILLIS. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized.

Mr. WILLIS. Mr. Chairman, in view of the discussion that has been heard here, relative to the power of this Government to grant free tolls to American shipping, or as to whether by the Hay-Pauncefote treaty it has deprived itself of all power in the premises, even to grant free tolls or reduced rates of toll——

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Georgia?

Mr. WILLIS. Yes.

Mr. ADAMSON. I want the distinguished gentleman from Ohio to have opportunity to debate this subject, but under the agreement we had we thought we would try to get along with the uncontested sections, and then when we have finished them, have some debate on the others.

Mr. WILLIS. I was temporarily absent from the Chamber, and did not know that such an arrangement had been made. If the gentleman desires I can postpone my remarks.

Mr. ADAMSON. We thought we would get along with the uncontested portions of the bill, and have more liberal debate when we reach these sections.

Mr. GARNER. Do I understand the gentleman from Georgia to mean that when we reach section 5 and section 11, he intends to tail them at the end of the docket, and take them up after the so-called uncontested sections have been disposed of?

Mr. ADAMSON. It has already been ordered that when these two sections are reached they be passed without prejudice and come up last in the consideration of the bill. I think it is right that there should be a little more liberality of debate on those two sections.

Mr. WILLIS. I do not object, and if it is desirable I will withhold my remarks until we reach that page in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until Congress shall otherwise provide.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This section confirms and ratifies the laws, orders, regulations, and ordinances heretofore adopted and promulgated in the Canal Zone and makes them binding until Congress shall otherwise provide.

It seems to me that if we ratify the laws which have been already promulgated in the Canal Zone by order of the President, and propose practically to give the President the responsibility of managing the canal and the Canal Zone, he ought to have authority to change these laws, orders, regulations, and ordinances from time to time. It is practically impossible for Congress to do it.

Now, I understand the objection to letting the President run the zone as he pleases, and yet it is not a mere personal matter. There will be, from time to time, the necessity of making minor changes in the ordinances, orders, regulations, and perhaps the laws upon the Canal Zone. It is not proposed here to give the parties responsible for the government there even the power that the District Commissioners have now in the District of Columbia while Congress itself is in session. You could not make a change of a police order. You could not make a change of an order in reference to licensing saloons or anything of the sort. You can not make any change of any kind. The laws, ordinances, regulations, and orders now in force will become in practice what the laws of the Medes and Persians were in theory. Theoretically they changed not. They have been changed, but practically these Canal Zone laws and regulations can not be changed unless you confer power upon somebody to make the changes, because it is not practically possible for Congress to make police regulations or to change police regulations from time to time on the Canal Zone.

Mr. WEEKS. Before the gentleman from Illinois takes his seat I should like to ask him why it is not as practicable for Congress to make laws for the Canal Zone as it is to make laws for Alaska?

Mr. MANN. Well, because it is not practicable for Congress to make laws for Alaska we have just provided a Territorial legislature for Alaska, and everyone knows that the management of the government of Alaska has never been satisfactory, certainly not since people were there.

Mr. HAMILTON of Michigan. And even then they had an extension of the Oregon Code in relation to Alaska.

Mr. ADAMSON. Exactly what you have here. You have a confirmation and extension of every law that is now in existence there.

Mr. HARRISON of New York. Mr. Chairman, I desire to be recognized in opposition to the amendment. The gentleman from Illinois contends that it is not practicable for Congress to make laws for the Canal Zone. The impracticability in the past has consisted of a jealousy on the part of the friends of the Panama Canal Commission, both in the Senate and in the House. There is no difficulty in the way of our making the laws for the Panama Canal Zone, and I welcome section 2 in this bill as a resumption by Congress of its constitutional duty of making the laws. Ever since the expiration of the Fifty-eighth Congress there has been no legal government on the Panama Canal Zone. The President has been legislating by Executive order. There is serious doubt whether Congress has the right to direct the President expressly to perform its functions of enacting laws. There is no doubt in my mind that we have been to blame for leaving the situation as it is. The President has been less to blame than Congress. He could perhaps do no more and no less than he has done, but Congress has been to blame in failing to enact laws for the Panama Canal Zone. I doubt whether in the history of international law there has been any other de facto government, such as has existed for six or seven years on the Canal Zone, except perhaps one which was called into existence by some military necessity.

That this extralegal government has existed on the Canal Zone is the fault of Congress. We have permitted the government down there to be a government of man and not a government by law, and section 2 of the bill proposes to cure that defect. I welcome, as I say, a resumption by Congress of its constitutional duty of passing the laws.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words. I want to concur with the gentleman from New York in regard to section 2, confirming these Executive orders and existing courts. The first idea seems to have been on the Canal Zone that the Canal Commission would act as a sort of legislative body, and would pass necessary ordinances to govern the population that was there. The commission actually did for about six months enact what they called ordinances, that are now published in book form, running from No. 1 to No. 24, ordinances of the commission. Thereafter, for some reason or other, the enactment of these ordinances by the commission ceased—whether because they could not go on as a legislative body, or because of some disagreement between the administrative officers, or for some other reason—but thereafter they began to have Executive orders, issued by the President, presumably at the suggestion of the chief engineer of the canal as he saw, from time to time, some necessity for a legal abyss that must be filled.

These Executive orders, if gentlemen have taken the time to examine them, will be found to be fragmentary statutes, torn out of the statute books of every State in the Union that happened to seem to fit the case, upon all questions of civil rights, from the right to practice a profession to the administration of estates of deceased persons. They are the most chaotic, ill-digested mass of legislation that any section of the world is laboring under to-day. We are undertaking to confirm those, because the people are now living under them. Where there is a gap and a question comes up in one of the local courts, and there is a gap in that particular in the chain of Executive orders, the principle of international law is supposed to apply, that where one nation acquires territory that is under a code of laws established by a civilized government, that code of law is supposed to continue until it is superseded by the express legislation of the new sovereign State. So these gaps are supposed to be filled up by the Colombian law. But it does not fill the gaps at all, because it is a diverse system of jurisprudence, as we all know.

So the American judge down there can not administer the Colombian law. I do not know but one case where he ever tried to do it, and that was a recent case where a passenger was injured on the Panama Railroad and he undertook to sue the railroad company, and they held that he could not, because he had proved the express negligence of the engineer, and under the Colombian law there was no doctrine of respondeat superior and the negligence of an employee was not chargeable to the employer.

Mr. RUCKER of Colorado. Did that case go to the supreme court?

Mr. BORLAND. It is in the supreme court of the zone now. The duty of Congress will be, under this section, to provide a form of legislation down there. If we are going to have a military zone, with everybody excluded except by the express permission of the military governor, we will not need any code of laws; but if we are not to have a military zone, as I hope we are not, if we are going to have commercial towns there and independent American trades, as I hope we will, we will have to have a commercial code. We will have to have some such code as England made for the Empire of India; we will have to provide a codification of laws, with perhaps the aid of the American Bar Association, or some other body, and have a codification of American laws and pass them as England made the evidence act applicable to the commercial cities of India. There is no reason why Congress could not and should not legislate for the Canal Zone as it does legislate for the District of Columbia.

Therefore for the time being there seems to be nothing else for the committee at present in presenting the bill to do but to ratify the fragmentary legislation, the Executive orders that have been issued, applicable to the zone.

Mr. MANN. Mr. Chairman, for the purpose of making a slight contribution to history I rise to oppose the gentleman's motion. When we acquired the Canal Zone we passed a law which was practically the duplicate of the law for the first government of the Louisiana Purchase, authorizing the President to exercise the civil, military, and judicial functions on the zone until the end of the then Congress. That Congress expired; but before its expiration I had introduced a bill for the government of the Panama Canal Zone. That bill went through the House, passed the Senate with an amendment, and was in conference. The conferees on the part of the House and the conferees on the part of the Senate were deadlocked. There did not seem to be very much chance for an agreement. In the closing hours of that Congress President Roosevelt sent for the conferees on the part of the House and the conferees on the part of the Senate, or a portion of them, and a consultation was had with reference to the conference. Neither side seemed willing to concede. I asked the President, "Suppose there is no agreement and no law passed providing for government on the Panama Canal Zone, and the existing law which ends with this Congress expires, what will be done upon the Canal Zone? Will you have nerve to have order preserved there under your directions or will you let chaos reign there because the two Houses of Congress do not agree on the methods to be prescribed?" The President said that if Congress did not provide any law for the continuation of the government on the Canal Zone he would take the responsibility as President of the United States and supreme over the Isthmian Canal Commission and in charge of the construction of the canal and preserve order and government on the Canal Zone. a position which it was entirely proper for him to take and which showed that he was willing to meet a responsibility when it came before him.

On several occasions since then the House has passed a bill providing for the government of the Canal Zone, and on every occasion, when my distinguished friend from New York [Mr. HARRISON] was a Member of the House, he opposed the bill, not because he did not believe in having a government on the Canal Zone, but because he believed in a different method of providing for the government. We now have a government there, and they have had it ever since. Some people call it—as the gentleman from Georgia [Mr. ADAMSON] did on yesterday—absolutism.

Mr. ADAMSON. I said it had been so denominated. I justify the conduct of the President myself in continuing the government.

Mr. MANN. The gentleman and I have always agreed in reference to it, that the President could do nothing else. At first, under the original authority, the Isthmian Canal Commission made ordinances and laws, but when the authority of Congress had expired and the President assumed jurisdiction, whenever they made orders after that it was by order of the President, because that was the only responsibility they have. The criticism that I made a moment ago was that while we ratify all those orders we make no provision whatever for any change, slight or otherwise, in those laws or orders on the Canal Zone until Congress shall hereafter provide.

The Clerk read as follows:

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

Mr. BORLAND. Mr. Chairman, I move to strike out the section. That section is not very long and its purpose is very clear. It is to permit the President, without any further legislation, to acquire all of the land we do not now own in the Canal Zone. I call attention to the map which is here before us, showing in colors the Canal Zone. As I understand it, that map shows in pink the land that was formerly Government land of the Republic of Colombia which became the public land of the Government of Panama after the revolution. The land which is marked in yellow is claimed to be concessions belonging to the New Panama Canal Co., which passed by its sale to the United States Government; and the land shown in red, as I understand it, is land expressly acquired since by treaty, by condemnation, or purchase from private owners for various purposes, for the cuts and fills, and so on, of the canal. So that the United States Government claims now to be the owner, either as assignee of the New Panama Canal Co. or by the treaty with the Panama Republic, of all of the land which is not colored green. In other words, it claims to be the owner of about 60 per cent of the land now in the zone. About 40 per cent of the land in the zone the United States admits is in the ownership of private individuals, but a great deal of that in pink and yellow is under private occupation. The treaty provides for a commission to be appointed, composed one-half of citizens of Panama and one-half of citizens of the United States.

There has been only one of those commissions held so far as I know—I think that is correct—which is known as the Denby Commission, which passed upon a number of claims and paid out a large amount of money in awards, much larger than American officials thought was right and much smaller than the claimants were asking. The results of that commission were so unsatisfactory to the Canal Commission and the chief engineer that he bitterly opposed any more commissions under treaty, and I understand that he has followed the good old soldierly way of taking the land needed and leaving the parties to litigate. A great many of the claims on litigation will probably have to be paid. How much they will involve nobody knows. It is certain there is one place where we paid $90,000 for the claim of a mere occupier after the Supreme Court of the Canal Zone said the party in possession had no title to the land whatever. How much those other claims are I am not able from memory or from data in my possession at present to say, but I do know that the 40 per cent to be acquired will cost an immense amount of money for which no possible justification can be urged at this time. We have acquired all the land necessary for the construction of the canal, for cuts and fills, and borrow pits and overflows, and all necessary results of construction. Now, of whatever land we did own, none has been sold. We passed an act of Congress in 1909 providing that 25-year leases might be made on Government land down there under certain conditions. It is provided that the man desiring a farming lease must be a householder, a head of a family, and it must be for agricultural purposes, and there are other conditions, but there is no provision for the sale. There has been an insistent demand there among discharged employees or employees about to leave the canal for the right to buy this Government land, and not having that right they have been going outside the line of the Canal Zone in every direction and buying it there; that is, the white American employees. It never seemed to me incompatible with the purposes of the safety of the canal that they should be permitted to buy land on the zone in preference to any other American citizen, and it certainly seems to me that reasonable quantities of such land——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that I may have five minutes additional.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I do not want to be unkind and cut off gentlemen, and do not want to begin an oppressive system. However, I want to give notice that, while I will not object this time, I will after this commence to object. I did not want to object to Uncle JOE, because he is an old patriarch; but I am going to begin to object.

Mr. BORLAND. I will say to the gentleman from Georgia that I appreciate his courtesy in the matter, and yet I think that this is quite an important matter in this bill that, in the overshadowing importance of the question of rates and some of these other matters in the bill, has been entirely overlooked, and it has not consumed any of the time of the House in debate. It is a matter that is going to involve a tremendous liability upon the people of this country, and will add to the cost of that canal considerably. I think that section 3 is one of the important sections in the bill, and I think that the House can justly give 10 minutes to it, or possibly even more time than that. Now, the Committee on Appropriations of the House will be asked, if this bill is passed in its present form, to begin to provide annual appropriations for the purpose of purchasing chunks of land. How much that is going to figure up, how many years in the future it will continue, not a man in this House can tell. The more the facilities down there increase and the more the canal is used, the higher the price of land will be, because it is just exactly like here in the city of Washington, that every time the United States Government undertakes to buy more land it finds out that the Government has improved the land up to a higher value, and we must pay more money for it. There is not any reason, so far as I have been able to see from observation from three trips down there, why any more land should be acquired by the Federal Government. There is no reason given for it except the report of the Chief of Engineers to the effect that he wants to erect earthworks around each available point of the canal. Now, earthworks are a form, I suppose, of military protection.

I do not personally believe that earthworks are going to protect that canal, even if there are 8,000 soldiers behind them. I do not believe, if we could clear off every foot of that land and put it entirely under military supervision that that would have the certainty of protecting the canal, because it is only 5 miles at the farthest point to any one of those locks from foreign territory. If anyone is going to destroy them at all, it is not going to be a man who walks down there with a handful of dynamite in his pocket, but it is going to be some fellow who will sneak down there in the night with an airship and drop enough dynamite on it to drive it to kingdom come. So it is doubtful whether the surrounding of the canal with earthworks is going to protect the locks or the clearing off of the 5-mile zone is going to protect the locks. The greatest protection to the locks may be the presence of a commercial and agricultural population, if we can induce such a population to go there. The greatest protection to the locks will be a commercial city there, in which every citizen is interested.

Mr. SABATH. The gentleman has visited the zone and he has seen the land. Is he under the impression that he can secure American settlers to settle upon this land?

Mr. BORLAND. The very gentleman who stated that the land was of little value stated a little further along in his hearing that he was having constant applications to let them for that purpose.

Mr. SABATH. Who was the gentleman who made that reply?

Mr. BORLAND. Col. Goethals. And I will say that here is a road built by the United States Government, half at its own expense and half by English capitalists, that leads to a plantation that is owned by English capitalists, who grow large quantities of chocolate beans and rubber trees.

Mr. SABATH. It is really the only foreign corporation there?

Mr. BORLAND. I understand there is one down at Frijoles. I have not been at all of them.

Mr. SABATH. You have not been present at all the hearings.

Mr. ADAMSON. Mr. Chairman, I move that the debate on this amendment shall close in 10 minutes.

Mr. BORLAND. I would like to have five minutes more.

Mr. ADAMSON. I can not do that.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that all debate close in 10 minutes. Is there objection?

There was no objection.

Mr. ADAMSON. I yield to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, in my opinion my colleague from Missouri [Mr. BORLAND] has an entirely erroneous idea as to why we are on the Isthmus of Panama. We did not acquire this 10-mile strip across the Isthmus for agricultural purposes. We acquired it there for the purpose of building a great Isthmian Canal and to enable vessels to pass from one ocean to the other in the interests of commerce and as a military necessity whenever that occasion should arise. But I do not believe that we ought to give any considerable consideration to the idea of agricultural pursuits on that zone. The evidence before the committee was very clear that it would be a failure for that purpose.

Mr. ADAMSON. If we did, it would only be our people.

Mr. HAMLIN. I recall that the evidence showed that the Agricultural Department expended a considerable sum of money in experimenting down there in the growing of Temperate Zone products, such as Americans would have to have if

they lived there, and that was an absolute failure. We might grow a little rubber or might grow some of the tropical plants, but that is not what Americans would want; and I do not believe that any American wants that Canal Zone populated by anybody but Americans, if it is to be populated at all.

But I want to call the committee's attention to this fact: When you get right down to the absolute facts in the matter it is only about 6 or 7 miles from Colon up to Gatun Dam, and then for over 30 miles that whole zone is practically inundated by the lake. Something like 150 square miles will be covered by water in order to make a lake where the vessels will float from the Gatun Dam over to the locks on the other side, and there is only a small portion of that zone that could be used for agricultural purposes. I do not want to be understood as claiming that this canal was constructed for military purposes only. I do not believe that. But I believe we had two purposes, and one was a military purpose and the other a commercial purpose—commercial in this, that we were providing a way for sending the ships from one ocean over to the other. We had no idea of agricultural pursuits, and none can be conducted there with any profit, it seems to me. I am sure not by Americans. And it is my judgment that as to this little narrow strip of land across that zone it is absolutely necessary and perfectly essential to the Government to control every foot of it. Then, if we want to use it for this purpose or for that other purpose we may do so. But I believe that we ought to extinguish the title of those private parties who claim to own some title to this land.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. HAMLIN. Yes.

Mr. BORLAND. Has the gentleman any estimate of what it will cost to extinguish those titles?

Mr. HAMLIN. I have not.

Mr. ADAMSON. It can be safely said that it will be less than the $400,000,000 that is to be expended on the canal. [Laughter.]

Mr. HAMLIN. We had no real estimate as to what the construction of the canal would cost when we commenced, but this acquisition of land is in connection with that general project on the Isthmus.

Mr. BORLAND. The gentleman has been down there and has seen this land?

Mr. HAMLIN. Yes. But the gentleman ought not to "strain at a gnat and swallow a camel." His argument last night was that we ought to put all American ships through the canal free, at the expense of the American people; and yet when we are talking about acquiring title to the military reservation down there he raises his hands in holy horror and assures us that it will cost too much.

Mr. BORLAND. That is not a parallel case, to buy land that we do not need.

Mr. HAMLIN. We may need it.

Mr. BORLAND. Can the gentleman show on the map a single piece of land that we need that we have not already acquired?

Mr. HAMLIN. I would say that the gentleman might with equal reason get up and argue that we have too much land surrounding this Capitol; that we can not use it and do not need it and ought to dispose of it.

Mr. ADAMSON. Mr. Chairman, I want to make peace in Missouri by offering the suggestion to the warring colleagues that the ship companies, if given their tolls, will make enough money to pay for all this land. [Laughter.]

Mr. HAMLIN. I am satisfied that the Government would lose enough tollage, if we would put private ships through the canal free of charge, as my colleague wants us to do, to pay for all the land we may acquire on the zone.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. HAMLIN. I do.

Mr. GARNER. I have heard a great deal about the Shipping Trust and the shipping monopoly. If that exists, have we not laws to destroy it? And if it does exist, why is it that the Department of Justice has not taken action to destroy it?

Mr. ADAMSON. It is not under the jurisdiction of our committee.

Mr. HAMLIN. I was going to suggest to the gentleman from Texas that he direct his inquiry to the Department of Justice.

Mr. GARNER. Can not the gentleman give a reason why, if this Shipping Trust is an unlawful monopoly, the Department of Justice has not taken steps to stop it?

Mr. HAMLIN. I will ask the gentleman if he is ready to vote to this Shipping Trust a greater monopoly still by giving them free tolls through the canal?

Mr. GARNER. As to that, I will say that I am in favor of giving to American ships free tolls. When a ship carries the Stars and Stripes it ought to go through the American-built canal free.

Mr. ADAMSON. And the beneficiaries will put their money in ships carrying any flag that guarantees a financial inducement. They care nothing for a flag, they want graft.

Mr. HAMLIN. Mr. Chairman, the proposition I am arguing now is this, that I believe that this House and this committee ought to see to it that all the land that is embraced within this Canal Zone shall be under the control of the United States Government, and then we can do what we wish with it.

Mr. BORLAND. Of course it is all under the control of the United States Government now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. HAMLIN] may proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the gentleman from Missouri [Mr. HAMLIN] may proceed 10 minutes more. Is there objection?

Mr. HAMLIN. I am much obliged to my colleague from Georgia, but I do not desire any extension, Mr. Chairman.

Mr. MANN. I shall be constrained to object.

Mr. ADAMSON. The gentleman from Missouri does not desire to continue.

Mr. BORLAND. Mr. Chairman, I move to strike out the last five words. This debate, it seems, can not get away from the discussion of the control of the Shipping Trust and get down to the proposition that this Government ought not to spend money to buy land that it does not need. My colleague from Missouri [Mr. HAMLIN] says the Government ought to control every foot of land that the Canal Zone is on. I say the Government does control every foot of land that the Canal Zone is on, and owns every foot of land that is needed for the operation of the canal.

Mr. HAMLIN. Will the gentleman permit me to ask him one question?

Mr. BORLAND. Yes.

Mr. HAMLIN. Does the gentleman, as a lawyer, assert that we own anything down there except by virtue of the treaty?

Mr. BORLAND. Oh, yes; we own everything.

Mr. HAMLIN. Oh, no; I say not, except by virtue of the treaty.

Mr. BORLAND. I will answer the gentleman very briefly. When the building of the canal was first proposed some gentlemen in Chicago—I do not know who—brought a suit against some officer of the United States Government to enjoin the payment of money for the construction of the Panama Canal, on the ground that the United States did not own the land upon which the canal was to be built, and cited the words of the treaty, which the gentleman from Missouri seems to have in mind, that we acquired that zone for the purpose of the occupation, use, operation, and sanitation of the canal. Justice Brewer, in handing down the decision of the Supreme Court of the United States, said that the absence of technical words of conveyance had no effect upon the title, but that the title to the zone was in fee in the United States. [Applause.] Now, if the gentleman, who is a member of that committee, has not read that case, he ought not to endeavor to call me to account, if he does not know whether the Government owns any land in the Canal Zone.

Mr. STEVENS of Minnesota. Then what was the necessity for article 4 of the Hay-Pauncefote treaty, which provided that no change of territorial sovereignty in Panama should interfere with the use of the canal?

Mr. BORLAND. The gentleman might have asked the Supreme Court of the United States that question.

Mr. STEVENS of Minnesota. There is the plain provision in the treaty that the gentleman seems to disregard.

Mr. BORLAND. I understand that the language of the treaty in regard to sovereignty is just as ambiguous as the language in regard to ownership of the land. It says we shall have the use, occupation, and control of the land, and Justice Brewer said that meant the fee title of the land. And the treaty says that we shall have the sovereignty of the zone as though we were sovereign of the territory within which said

lands are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority, and that means the complete sovereignty of the zone, because no other sovereignty is possible.

Mr. HAMLIN. Will the gentleman yield for one other question?

Mr. BORLAND. It will have to be a brief one.

Mr. HAMLIN. I will make it a brief one. Does not the gentleman concede that if we were to pull up stakes there to-morrow and abandon that canal, all of that land would immediately revert to the Republic of Panama?

Mr. BORLAND. No, sir; I do not, because the treaty itself says that no act we can do in failing to build the canal shall forfeit our rights under that treaty.

Mr. MANN. And we have purchased a large amount of land there and become the absolute owner of it.

Mr. BORLAND. Certainly. We have acquired land there by condemnation. We own every foot of land on which the canal is built, and we have sovereignty over every foot of land in the 10-mile Canal Zone.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. BORLAND. I prefer not to, but I will yield to the gentleman.

Mr. TOWNER. Does not the gentleman believe that when we flood any land there we will have to pay for it in any event?

Mr. BORLAND. Yes; I will say to the gentleman that if there is a foot of land that is going to be flooded, they will come here and ask Congress to pay for it, and we will pay for it, of course; but we are asked by this bill to authorize the President to go and buy all the land, whether it is needed for any purpose on earth or not, and no man in this House who is asking that can tell how much it will cost or how much land it will take. Any man who has been down there knows that all the land necessary for the building of the canal and the flooding of the lakes has already been bought and paid for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I withdraw the pro forma amendment, but I have a substantive amendment pending, to strike out section 3, and I ask for a vote on that amendment.

The CHAIRMAN. The question is in favor of the motion of the gentleman from Missouri to strike out section 3.

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 24, noes 40.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk began the reading of section 4.

Mr. BORLAND. Mr. Chairman, I want to propose an amendment to section 3, to limit it to land actually necessary.

Mr. ADAMSON. The treaties and the act of Congress already limit it to that by giving us authority to secure a strip of land for canal purposes, and there is not a word of authority for any other purpose.

Mr. BORLAND. Mr. Chairman, I ask leave to submit my amendment.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The Chair is of the opinion that the gentleman rose too late.

Mr. DYER. I submit that the gentleman was trying to get recognition.

Mr. FOSTER. But not until after the Clerk had begun to read.

Mr. KENDALL. He had read two or three sentences.

The CHAIRMAN. The Chair thinks there is no question but that the Clerk had begun to read.

Mr. SIMS. Mr. Chairman, recently we returned to a section by unanimous consent when gentlemen wanted to offer amendments. It seems to me the gentleman ought to be allowed to offer his amendment. If we do not like it, we can vote it down.

Mr. KENDALL. But the gentleman rose too late.

The CHAIRMAN. The Chair thinks it should be done by unanimous consent, and that the proper course for the gentleman to pursue is to ask unanimous consent.

Mr. MANN. Mr. Chairman, I submit that the Chair ought not to take advantage, and does not desire to take advantage, of any gentleman seeking to offer an amendment. Members on the floor have no control over the Clerk. The Clerk starts to read. He does not see the Member who rises. He keeps on reading, but it is not the fault of the Member on the floor. The gentleman from Missouri rose promptly——

Mr. ADAMSON. I do not want to be illiberal. Gentlemen on the floor have told me within an hour that I was not strict enough about this. I feel kindly toward my friend and want everybody to have a fair chance. I will not object at this time if the gentleman says he was trying to offer an amendment.

Mr. BORLAND. I was, and I desire to submit an amendment to section 3, to strike out the words in line 15 and 16:

To declare by Executive order that—

And to insert in lieu thereof the words:

To acquire.

And in line 17 to strike out the word "is," so that the language will read:

That the President is authorized to acquire all land and land under water within the limits of the Canal Zone necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants.

That will permit the President to acquire such lands as is necessary for the operation and maintenance and sanitation of the canal.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in lines 15 and 16, the words "to declare by Executive order that" and insert in lieu thereof the words "to acquire," and in line 17 strike out the word "is."

Mr. BORLAND. Now, Mr. Chairman, by the first section of the bill the President is authorized, in line 21, to acquire by treaty with the Republic of Panama any additional land or land under water not already granted.

Mr. ADAMSON. Mr. Chairman, I wish the gentleman would allow me to interrupt him long enough to ask that all debate on the amendment close in 10 minutes.

Mr. BORLAND. I think I can make my statement in five.

Mr. MONDELL. I will say to the gentleman from Georgia that I would like to have an opportunity to offer a substitute for the gentleman's amendment.

Mr. ADAMSON. My request does not cut that out.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, several Members around me say that the amendment has not been fully reported. I ask that the amendment be again reported.

The Clerk again reported the amendment.

Mr. BORLAND. Now, Mr. Chairman, by paragraph 1 of this bill the President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted or which was excepted from the grant that he may deem necessary, and so on.

That gives him a right to acquire by treaty such land of the sovereignty as is necessary for the proper maintenance of this canal. If section 3 is limited, as it ought to be, to the President to acquire by private purchase land necessary for the operation of the canal, or to extinguish the title to land, that ought to be entirely sufficient, and then if there appears to be any land in the future that we need the President has authority to get it by treaty, or by agreement to purchase, or by condemnation of private owners.

There is no reason why section 3, standing alone and having no effect on the general purpose of the bill, should not be limited to the purchase of land actually needed for the operation of the canal. There is no reason why we should embark or commit the Federal Government to embark on a general purpose of obtaining land not needed for the maintenance, operation, or sanitation of the canal. If my amendment is adopted, then when the time comes for the Appropriation Committee to appropriate for a particular purpose Congress will have some opportunity to determine upon the propriety and necessity for the purchase.

Mr. TOWNER. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. TOWNER. Under the amendment as the gentleman proposes who will have the authority to determine what is necessary?

Mr. BORLAND. Unquestionably the Executive authority.

Mr. TOWNER. The President?

Mr. BORLAND. Yes.

Mr. TOWNER. I call the gentleman's attention, then, that his amendment is unnecessary, because that is the case under the present status. The language is:

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants.

Mr. BORLAND. The gentleman has mistaken the idea of my amendment. I do not want the President to declare that all land is necessary whether it is or not, but I want him to say that such a particular part of land is necessary, and then

he will exercise the judgment of an administrative officer in selecting the land that is necessary. Under the original language of the section the President will feel himself empowered to declare that all the land is necessary. We might as well have said not that the President is authorized to do so, but to declare it necessary ourselves, because that is the effect of the language that I am trying to strike out.

I want to limit it so that it will be the duty of the executive officer, as he ought to do when he is spending the public money, to exercise his judgment. Let him say, "Here is a piece of land that we need, that we can not get by treaty, and we will buy it from the private owner." Congress has never refused to appropriate for necessary expenses of the canal. Under this language as it now stands, we are embarking upon a general purchasing scheme, the outcome of which nobody can understand. We do not claim we need the land now, and we do not know that we will ever need it, and yet we are embarking on the purchase of land at a time when we are not embarking on other public expenditures on account of the condition of the public funds.

Mr. MONDELL. Mr. Chairman, I desire to offer as a substitute for the amendment offered by the gentleman from Missouri the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 17, strike out the word "is" and insert the words "may be."

Mr. ADAMSON. Does the gentleman offer that as a substitue or as an amendment to the amendment of the gentleman from Missouri?

Mr. MONDELL. I offer it as a substitute for the amendment, and when I have the opportunity I shall be very glad to explain why.

Mr. ADAMSON. Mr. Chairman, we are not entering upon any new enterprise in this at all. We are proposing to do what ought to have been done long ago, and what probably would have been done but for obstacles which have grown greater all of the time, and will continue to grow greater the more we neglect the matter. If the people authorized to secure that zone purchased any land that was unnecessary for the construction, maintenance, sanitation, and operation of that canal; if the act was not ultra vires, then it was a very wrong thing for them to do or a very great mistake on their part. Our only authority by treaty under the Spooner Act was to acquire the land necessary for this purpose. It may not be necessary to put a warehouse on every acre of it, but the officers in charge of the canal construction, and almost everybody who has been down there, with whom I have conferred, except the gentleman from Missouri [Mr. BORLAND], agree that for the protection and sanitation of that canal it was necessary to acquire this zone, and in order to perfect that protection it is necessary to own the land itself. Why? Because we do not want any undesirable citizens there. We have the right to acquire all that over which we have secured jurisdiction until the canal opens, and determine just what use we shall make of it in connection with the sanitation, operation, and protection of the canal.

We can not afford, after having made our expenditures, after having staked so much, to have any undesirable or dangerous citizens or neighbors there. We have the right to go ahead and acquire the title to that land for the purpose of using it as an incident or annex to the canal purpose, as contemplated in the original enterprise. As to what it costs, that is a bagatelle as compared with what the canal costs and what it is worth, and while the canal costs $400,000,000, we hope in its benefits to us and to mankind it will be worth billions of dollars. Compared with its cost and value, the cost of acquiring this land for our safety and protection there, to have absolute ownership and control of the contiguous property within the Canal Zone, which we acquired for the express purpose, will be very little. We have the right to purchase it and we ought to do it as rapidly as possible, because, as the gentleman suggests, it is getting higher in price all of the time, and more difficult to acquire; but whatever it costs it is small in comparison to the magnitude of the enterprise, and we ought to acquire it as fast as we can. The officials there assured us that with this legislation much of it could be acquired, and the more of it we acquired cheaply and by private contract the better it is and the less there will be for us to secure through the operation of these commissions. We think we have done the wise thing, and I hope that neither the amendment nor the substitute will prevail.

Mr. MONDELL. Mr. Chairman, I am a good deal in sympathy with the position taken by the gentleman from Missouri [Mr. BORLAND]. I would not, however, go as far as he does. I do not think it will ever be likely that we shall want to acquire any considerable portion of the lands within the Canal Zone that are now in private ownership. It seems to me it would be a very great mistake to do so, and my amendment was offered for the purpose of modifying the notice that shall be given to all the world as to our intention in that regard. But since I offered the amendment the gentleman from Illinois [Mr. MANN], who is almost always right, although he is very wrong in regard to some matters connected with this legislation, has suggested to me that under the treaty we can only acquire lands required and necessary for the construction, maintenance, operation, and protection of the canal, and therefore, not knowing in advance what lands we may need, it is necessary to make the declaration as to all the lands. In that view of the matter, in which I concur, after further consideration I shall be compelled to withdraw my substitute. At the same time, while I shall vote against the amendment of the gentleman from Missouri, I express the hope that this declaration, which under the treaty seems to be necessary, will not be interpreted by the Executive as warranting him or as a direction to him to acquire any considerable amount of land on the Canal Zone other than that we now control. I do not believe it will be wise to expend a large amount of money for the acquisition of land for which we have no use. I think it would be a very great mistake to attempt to control by ownership a major portion of the lands on the zone, for I can not understand how we would ever have any use for them, but inasmuch as it is necessary to make the declaration that the lands are necessary in order that we may acquire such lands as we may need, I shall support the item as it stands in the bill.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to withdrawn the substitute. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Missouri.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BORLAND), there were—ayes 14, noes 38.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. Vacancies shall be filled in the same manner, except that in the recess of the Senate the President may make an ad interim appointment. All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, removable at his pleasure, with salaries to be fixed by him. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. ADAMSON. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the sentence ending with the word "Canal," in line 15, page 4, the following:

"Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act."

The CHAIRMAN. Does that follow the first word "Canal" or the second word "Canal"?

Mr. ADAMSON. After the sentence ending with the word "Canal."

Mr. MANN. Should not the amendment come in after the word "him," first line, page 5?

Mr. ADAMSON. I do not think it makes much difference; it is a pretty good place where I put it. I think the gentleman from Illinois will see it fits in there very well.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I desire to offer another committee amendment to page 5, line 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 1, after the word "him," insert the following:

"But salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salaries or compensation paid for the same or similar services to persons employed by the Government in continental United States."

Mr. ADAMSON. Mr. Chairman, I think it is generally understood by gentlemen that we have been having to pay a differential of more than 25 per cent—I think from 30 to 75 per cent in some cases—down on the canal, and gentlemen have thought it was wise to put some limitation upon the amount of salaries to be fixed for these minor offices. The law fixes the office of the governor, but the President, under the terms of this section, is to fix the salaries of the minor employees of the canal, and it is thought that the maximum of 25 per cent differential will be sufficient to enable the President to secure competent services on the Isthmus.

The question was taken, and the amendment was agreed to.

Mr. WEEKS. Mr. Chairman, I offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, section 4, strike out from the beginning of the section down to and including the word "authorized," in lines 9 and 10, and substitute therefor the following "the President is authorized to discontinue the Isthmian Canal Commission July 1, 1913, and."

Mr. WEEKS. Mr. Chairman, my purpose in offering that amendment is to have a distinct termination of the canal commission. The greatest work that the members of this commission ever were engaged in, or ever will engage in, is the construction of this canal, and now they desire that they may remain there until the work is practically completed. I do not think that the President would be likely to abolish the commission before that time, but I recognize the fact that the committee undoubtedly wishes to cut off expenses as rapidly as possible. I do think the wish of this commission, who have done a work there which redounds to the credit of the whole country, should be thus gratified in that they might remain there until that work is completed, which, in their opinion, will be about the 1st of July, 1913. For that reason I have offered the amendment.

Mr. ADAMSON. That question was thoroughly discussed pro and con in the committee, and we consulted with the chief engineer on the subject, and came to a full understanding, after full assurances from the powers that be, that there would be no violence done to any such gentleman who won such glory with Col. Goethals on the Isthmus. Although I have been always opposed to the Isthmian Canal Commission, I would not be willing at this late date, after they have gone through toil and trial, to deny them a chance to enjoy any of the rewards and glory. The gentleman from Illinois was thoroughly satisfied on the subject, and so is the gentleman from Minnesota, and I think there is a general understanding as to that, and I think we can rely on it as it is.

Mr. SIMS. Mr. Chairman, I was very much interested in the amendment proposed by the gentleman from Massachusetts [Mr. WEEKS]. That is, I wanted to put that provision in the bill when in committee, and for the very same reason that the gentleman from Massachusetts has mentioned, except I gave other and additional reasons before the committee. Now, there is always a possibility of a little jealousy existing even between great men, and I think I saw some evidence of it while on the Isthmus. This bill, as originally drawn, provided that the commission should not be abolished until the canal was completed, but after the chief engineer visited Washington and had some discussion with some of the members of the committee, of which I was not one——

Mr. ADAMSON. You were informed of it, though?

Mr. SIMS. I was informed of it after they had it. He impressed upon them the necessity of authorizing him to form his organization for permanent operation out of the material there now, and assured them there was no purpose to do anything that would be an injustice to any of those great engineers and other members of the commission who are there now and have been with the work from the time the Army officers took charge. I was so determined in the matter to do justice to these gentlemen that I held out until the gentleman from Minnesota [Mr. STEVENS], a member of the committee, had a conversation with the President of the United States, Mr. Taft, and in pursuance of that conversation received a letter from the President. This letter was written by the President at the time the bill was being considered by the committee, when I was making the same contention that the gentleman from Massachusetts [Mr. WEEKS] is now making for his amendment:

THE WHITE HOUSE,
Washington, February 26, 1912.

MY DEAR MR. STEVENS: You have spoken to me with reference to the effect of vesting the President with power to create and maintain a government on the Isthmus, dispensing with the commission. My own impression is, without desiring to grasp more power than I have, that it is unnecessary to continue the form of the commission, but I beg to assure you that whether you continue it or not, it would be my purpose to maintain the present organization and the present efficient management with Col. Goethals at the head and including the heads of departments, without permitting any radical change of any kind.

I do not object to the present condition at all, but I think it is wise to have legislation looking to the completion of the canal and its maintenance under such elastic conditions as gives the President the power contemplated in the law which you are considering. This is not for the purpose of changing what is now going on, but merely for the purpose of preparing for the future under a new condition that will come to exist when the canal is completed.

Sincerely, yours,

WM. H. TAFT.

Hon. F. C. STEVENS,
House of Representatives.

Mr. ADAMSON. Col. Goethals explained to me afterwards that the word "departments" there was an inadvertence, and that the "heads of divisions" were meant and would be protected.

Mr. SIMS. Upon the assurance of the gentleman from Minnesota [Mr. STEVENS] that the President had no idea of permitting anything of this sort, should such an intention exist, then I desisted from pressing my amendment. But I want to say, as emphatically as I know how to say it, that I never would have agreed to put it in his power to destroy this commission before this canal was completed if there was a little mean purpose behind it upon the part of anyone to humiliate any of those great engineers or other officers. And if the President or any man who succeeds him does not live up to what that letter implies, I shall be sorry the longest day I live that I did not insist that the commission should be retained, with no other motive than to prevent anybody who might have some little jealous streak in his nature to wreak vengeance on some great man of whom he was jealous.

But I can not believe that the President of the United States now, or any other who may succeed him, in view of this letter and the knowledge that this bill would not have passed in this form if it would permit the chief engineer or any governor to do what I was afraid might be done without such an understanding.

Mr. LA FOLLETTE. I would like to say to the gentleman that it is possible if there is a new President inaugurated next March for him to change the entire personnel.

Mr. SIMS. It is possible if we should elect a man mean enough to do it.

Mr. ADAMSON. He can do it under the law now if he wants to. Any President can wipe out every member of the commission at any time.

Mr. SIMS. I would gracefully yield to the power of the President to do what the gentleman from Georgia says if he did it of his own motion and at his own suggestion in the interest of the public service; but I never want to see it done at the suggestion of some officer or some member of the commission, in order that he may by doing so humiliate some other member of the commission.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] rose to his feet a little while ago, and the Chair will recognize him if he wishes to be recognized.

Mr. MANN. Mr. Chairman, the President has power to remove any of the commissioners at any time, and make any change that he may desire.

Personally I have always been opposed to the form of the Isthmian Canal Commission. The House did not favor it when it was created, and has repeatedly voted to abolish it. And in saying that I want to say that I think I am on terms of very close friendship with Col. Goethals, with Maj. Sibert and other members of the commission.

Mr. SIMS. Col. Sibert?

Mr. MANN. Yes; Col. Sibert now. He used to be Maj. Sibert. There has been, possibly, at times friction between members of the commission, and I have heard it stated privately on the floor of the House in years gone by that if the commission were abolished, Maj. (now Col.) Sibert might lose his position. I should not have favored that, because while I consider Col. Goethals the greatest engineer that this country has ever produced, yet I am quite willing to concede to Col. Sibert the greatness which he possesses, especially as to the work upon the locks for the canal.

Several years ago, when this matter was before the House—two years ago—I went to the President and asked him squarely whether it would be his intention, if the Canal Commission were to be abolished, to dispense with the services of the gentlemen then performing their respective functions upon the canal, and especially whether he would be willing to dismiss for any reasons Maj. Sibert. He, entertaining the same views, apparently, concerning these gentlemen that I have now expressed, stated that so far as he had control of the matter—and of course he would have absolute control of the matter—if the commission were abolished he intended to maintain Col. Goethals in his position and Maj. Sibert in his position.

Mr. SIMS. Include Col. Gorgas in it, too.

Mr. MANN. Well, Col. Gorgas was also mentioned, and he is in the same position. Now we have gone ahead with the Isthmian Canal Commission. It has been a success, although there have been times when trouble was almost on the point of breaking it up. I believe that the gentlemen who have directed the canal down there are entitled to remain in their positions, whether they are called canal commissioners or engineers in charge, and share the glory which comes with the opening of the canal. [Applause.]

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last word.

Mr. BORLAND. The amendment of the gentleman from Massachusetts [Mr. WEEKS] is to preserve the present commission in existence until 1913. It does not make any specific mention, as I understood it, of the rest of the force, but aims simply to preserve the present commission in existence.

Now, the committee have provided that the President, at such time as his judgment approves, may dispense with the commission and thereafter complete the canal by the employment of such persons as are necessary. It does seem, under that, that the President can have the authority, and will exercise it, probably, to continue the members of the commission in their respective offices of responsibility and honor, so far as is necessary to the completion of the canal. There is absolutely no question about that, and Maj. Sibert, and Dr. Gorgas, and Maj. Gaillard, or any others of those gentlemen down there who have been acting on the commission may remain. It is somewhat of a rigid body, composed of a number of men who are receiving a salary of $14,000 a year. One of these men—and I do not mean to be invidious in making a comparison—is not an active engineer but is appointed to the position of civil governor of the zone. Now, the civil governor of the zone looks after the police and schools, and the roads, and the saloon licenses, and things like that; that is, he is supposed to do so, and he is supposed to pardon a few offenders out of the workhouse. But as a matter of fact we are paying him $14,000 down there for the performance of duties that do not compare with the duties of a mayor of a town in the States up here of 2,500 or 3,000 inhabitants. Down there they have no difficulties, or revenue, or taxation, or elections, or special improvements, or any other problems that confront a mayor in the States—a mayor of a town of 2,500 inhabitants—who receives for his services $1,500 or $2,000 a year. Such a mayor is doing practically all the work that is being done down there on the zone by a commissioner who receives $14,000 a year. And I want to say that during the last few years, to my certain knowledge, there has been a gradual accumulation of civil power in the hands of the chairman of the commission, so that now the governor of the Canal Zone has not even authority to pardon a prisoner out of the workhouse. I do not know of a single, solitary administrative act that he has the authority to perform without the previous permission of the chairman of the Isthmian Canal Commission.

Now, those are all matters that the committee probably had in mind in providing that the President should go ahead and complete this canal by the commission as far as necessary, and then provide for its completion by the officers actually necessary. I concede that it would be desirable to abolish the commission technically. The commission never was designed practically for the construction of that canal. When it was appointed, it was found that it would not work, but we filled the places with active engineer officers, who would do some of the constructive work, and call themselves commissioners. Now that we have done away with all except the shell of the commission, and simply have left some $14,000 salaries, the sooner we do away with the name of the commission and put it into the actual hands of those men who are building it the better it will be. There is no danger that this President or—I was going to say any other President—will do any injustice to the men who have actually attained any of the glory in the construction of that great work.

Mr. ADAMSON. I hoped that the gentleman before he sat down would mention the reorganization which is effected by section 4, in which the salary of the governor is reduced to $10,000 a year. Col. Goethals anticipates economies to the extent of $40,000 a year in the reduction of salaries.

Mr. BORLAND. Yes; there is no reason for the $14,000 salaries of the commissioners.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. WEEKS].

The question being taken, the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, on page 4, line 25, after the word "President," by inserting the words "or by his authority."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 25, by inserting, after the word "President," the words "or by his authority."

Mr. ADAMSON. I thought that was understood.

Mr. MANN. The provision in the bill is that all of the appointments shall be made by the President. That would require commissions from the President. Of course, I take it that is not necessary.

Mr. ADAMSON. I took it that that was understood. Of course, if it is not understood it is all right to insert those words.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was agreed to.

Mr. MANN. Now, Mr. Chairman, I offer another amendment. To strike out, in line 25, page 4, the words "with salaries to be fixed by him" and insert:

And the compensation of such persons shall be fixed by the President or by his authority until such time as Congress may by appropriation act or other law regulate the same.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 25, strike out the words "with salaries to be fixed by him" and insert: "And the compensation of such persons shall be fixed by the President or by his authority until such time as Congress may by appropriation act or other law regulate the same."

Mr. ADAMSON. That is acceptable to the committee.

The question being taken, the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 4, line 19, after the word "of," I move to strike out the word "ten" and insert in lieu thereof the word "five."

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 19, strike out the word "ten" and insert in lieu thereof the word "five."

Mr. FOWLER. Mr. Chairman, the governors of the different States of the Union get a salary on an average perhaps of less than $5,000 annually. These governors under modern politics are required to make two strenuous campaigns, one for the nomination and the other for election.

There are but few States in this Union which pay salaries to their governors of $10,000, yet these officers are elective in character and entail upon the candidates in two strenuous campaigns an outlay of exceedingly large sums of money. Now, it is proposed in this bill to give to a man who stands in the same place as the governor of a State, to wit, governor of the Canal Zone, $10,000 a year, a princely salary, which does not cost him one penny to get. I have repeatedly in this House seen amendments offered for the purpose of equalizing salaries to public servants, and I have just as often seen these amendments voted down. I want to say that the time is coming when the people are going to force a better equality between the wage earner, or the employee who earns his living by the sweat of his brow, and those who stand at heads of departments. We had just as well get our ears to the ground, for the people are determined to make a change. A big officer with a big salary is like a big trust with a big income, both want to be our masters and reduce the many to a condition of servitude.

I want to commend the committee for fixing the salary at $4,000 a year less than we pay to each of the canal commissioners, but a further reduction can be made, without doing violence to the salary of this new appointive office.

Mr. Chairman, a salary of $5,000 is a princely salary to pay to the governor general of that little zone down there. What are the arduous duties, what are the things that call for anything except ordinary intellect and ordinary ability? What is there connected with the government of this zone that is greater in its character, that requires more force, more intelligence, more ability than that of a governor of one of the States of this Union? [Applause.] And yet, Mr. Chairman, there are few governors that get a salary of $10,000 a year, even in the big, populous States with a complex government.

Now, Mr. Chairman, I do not know what the House will do with my amendment, but I do say that I believe it ought to be adopted. The idea of giving such excessive salaries to men because they may be at the head of some affair ought, in my opinion, to be changed to a salary commensurate with the duties. Mr. Chairman, this is a salary greater than was paid to members of the Supreme Court of this country until recently.

[Applause.] It is greater than that paid to the Members of Congress to-day, and, in my opinion, the salary ought to be cut from $10,000 to $5,000. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer another amendment. On page 4, line 19, strike out the word "ten" and insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 19, strike out the word "ten" and insert the word "eight."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 5, noes 37.

Mr. FOWLER. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. One gentleman has arisen in the affirmative, not a sufficient number, and tellers are refused.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I want to call attention to one matter. In lines 20, 21, and 22, several gentlemen who are good lawyers have called attention to the fact that that language is unnecessary, because the general law makes adequate provision for such cases. The language is:

Vacancies shall be filled in the same manner, except that in the recess of the Senate the President may make ad interim appointment.

I am inclined to think, without recently reading the general statute, that that is covered by the general law; and by making this additional enactment, if it is covered by the general law, we might get up some confusion. It was our idea to make assurance doubly sure, but if the law already provides for the case, there is no good reason for putting it in here.

Mr. GARNER. Nobody seems to have the law here. Why not wait until we see what the general law is?

The CHAIRMAN. Does the gentleman from Georgia offer an amendment?

Mr. ADAMSON. I would like to strike it out now or else pass it and return to it; but I think it is right to strike it out now, and if we should find that there was any mistake about it we could have it corrected at the other end of the Capitol before it becomes a law.

Mr. MANN. It is quite certain that such a provision as this should be changed. This would obviate the necessity of a Senate confirmation of an ad interim appointment.

Mr. ADAMSON. I will move to strike that out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out all of lines 20, 21, and a part of line 22, to and including the word "appointment."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, this brings us to section 5, which is to be passed, and if any Member has an amendment to offer, now is the time for him to do so.

Mr. DOREMUS. Mr. Chairman, I offer a substitute for section 5.

The Clerk read as follows:

Strike out section 5 and insert in lieu as follows:

"That the President is hereby authorized to prescribe, and from time to time change, the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903: *Provided, however*, That under regulations prescribed by the President, a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton, as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The toll for each passenger shall not be more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels through the same, or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

"Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the District Court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation."

Mr. MANN. Mr. Chairman, do I understand that the amendment offered by the gentleman from Michigan [Mr. DOREMUS] is an amendment to the text or a substitute for the text?

The CHAIRMAN. It is a substitute for the text.

Mr. DOREMUS. As I understand, Mr. Chairman, the amendment which I have offered in the nature of a substitute will be pending.

The CHAIRMAN. As the Chair understands it, all we can do is to have the various amendments read and have them published in the RECORD and they will be considered as pending.

Mr. GOLDFOGLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, section 5, on page 5, by inserting, between the word "Panama" and the word "which," on line 9, the words:

"And also coastwise vessels registered under the American flag plying only and exclusively between ports in the United States."

Mr. SIMS. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Michigan [Mr. DOREMUS], which I send to the desk and ask to have read.

The Clerk read as follows:

Amend substitute as follows:

"That section 4347 of the Revised Statutes as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

Mr. SULZER. Mr. Chairman, I offer the following amendment to section 5, which I send to the desk and ask to have read.

The Clerk read as follows:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those flying the flag of the United States and the flag of the Republic of Panama, which excepted vessels shall be charged no tolls. Charges may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce, but the tolls shall not exceed $1.25 per ton, based upon net registered tonnage for ships of commerce, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal. The toll for each passenger shall be not more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels passing through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting lighting, pilots, and pilotage in the canal or the approaches thereto through the adjacent waters.

Such rules and regulations shall expressly deny and forbid the use of the Panama Canal to all the classes of vessels the passage of which through the Panama Canal, or any part thereof, is made and declared unlawful by section 11 of this act.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. SULZER. Mr. Chairman, I desire to have that amendment pending, and at the proper time I desire recognition to speak upon it.

Mr. MANN. Mr. Chairman, I offer the following amendment to perfect the text, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the word "Canal," page 5, line 6, down to the word "Canal," page 6, line 5, and insert:

"Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of Article XIX of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies, without the payment of any charge: *Provided, however*, That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further*, That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama), observing the rules set forth in Article III of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by Article XVIII of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects."

The CHAIRMAN. Are there any other amendments?

Mr. BARTHOLDT. Before we pass section 5, I would like to ask the gentleman from Georgia a question.

Mr. ADAMSON. We are not considering that section now.

Mr. BARTHOLDT. I understand that; but I ask the question now because——

Mr. ADAMSON. The agreement was that the section should be passed, but that amendments should be filed.

Mr. BARTHOLDT. I ask for information because I may have to offer an amendment if the gentleman's answer is not satisfactory.

Mr. ADAMSON. It was agreed not to consider this section at this time.

Mr. BARTHOLDT. It will take but a moment. I merely want to know whether the President, in the gentleman's judgment, would be authorized to grant commodity rates under this language. My question is based on this situation: Certain Americans own large deposits of iron ore in Mexico. At the rate of $1.25 per registered ton it will be impossible to bring that ore into the market. In other words, it will not be possible for these people to compete with the Atlantic seacoast with the producers of iron ore from other places, but if the President could discriminate between the value of the different kinds of commodities, why in that case their ore would probably be charged less than heavy Japanese silks or diamonds or watches, or things of that kind.

Mr. ADAMSON. Mr. Chairman, I do not understand what is before the House.

The CHAIRMAN. This debate is proceeding by unanimous consent.

Mr. ADAMSON. This is not debate. My friend, the Doctor, is making some remarks about some men in Mexico bringing iron ore into the United States.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. I understood, under the agreement entered into by unanimous consent in the House that while amendments are offered now and they are being read that after we pass and return to section 5 that amendments at that time will still be in order?

The CHAIRMAN. Yes; amendments will still be in order.

The Clerk read as follows:

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized to establish, maintain, and operate dry docks, repairs shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for its own vessels, and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received in the ordinary course of business from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

Mr. ESCH. Mr. Chairman, there is a typographical mistake there which I wish to correct by amendment. In line 24, page 7, the word "repairs" should be "repair."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 24, strike out the letter "s" in the word "repairs."

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. There is another one at the top of page 8, in line 2, the words "its own" ought to be "our official," and I move to correct that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 2, strike out the words "its own" and insert in lieu thereof the words "our official."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases of every character in which the principal sum claimed does not exceed $300, and all criminal cases wherein the fine that can be imposed could not exceed $25, imprisonment could not exceed 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate, and all other matters and proceedings which are now within the jurisdiction of the municipal judge or the municipal courts. Such magistrates shall also hold preliminary investigations in charges of felony and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, with salaries to be fixed by the President. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, appeals therefrom to the district court, and the disposition, treatment, and pardon of misdemeanor convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

Mr. ADAMSON. Mr. Chairman, in line 6, page 9, I move to amend by inserting after the word "subdivide" the words "and from time to time resubdivide." That insert ought to be in parentheses, I think. The idea is that this being a new thing, in the nature of an experiment, our hope is it will grow instead of decreasing, and if necessary we want him to change the boundaries.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the word "subdivide," insert, in parentheses, the words "and from time to time resubdivide."

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to amend the section by striking out all after the word "defined," line 10, page 9.

Mr. ADAMSON. There is one other amendment I would like to offer to perfect this before parting company with it forever.

Mr. BORLAND. Let this be read.

The CHAIRMAN. Will the gentleman from Missouri kindly state his amendment again?

Mr. BORLAND. Mr. Chairman, I do not wish to displace the chairman of the committee with his committee amendment.

Mr. ADAMSON. Mr. Chairman, I had overlooked in reporting the other amendment; this is a mere verbal amendment.

The Clerk read as follows:

Page 9, beginning with line 10, strike out all after the word "defined," in line 10.

Mr. MANN. Do not you want to strike out the last three words of the section about notaries public?

Mr. BORLAND. I think that is in the existing law. I yield to the gentleman from Georgia without losing my time for debate.

Mr. ADAMSON. Mr. Chairman, if this is to go out, we want it to go out in good shape, and I find in the text the word "municipal" occurs twice in line 21, a clerical or typographical error. It should be "district," and I move to strike out the word "municipal" in the two places where it occurs, in line 21, page 9, and insert in lieu thereof in both places the two words "present district," so it will read "the present district judge or the present district courts."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 21, strike out the word "municipal" and insert in lieu thereof the words "present district."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Would the gentleman from Missouri like to be heard on his amendment?

Mr. BORLAND. Yes. My amendment strikes out the portion of this section which creates magistrate courts in each of the towns. The section goes on with a good deal of particularity in providing for their constables and rules governing their duties and governing the court, and so on, to be defined by the President.

Now, as I understand, most of those details that are in there are already the existing law, either by Executive order or otherwise, relating to the district courts now in operation, and by section 2 of this bill, already adopted by the House, we provide that the existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until Congress shall otherwise provide. It provides that all Executive orders in existence shall be recognized. Now, if Congress is going to provide a plan of courts down there and a scheme of government, this is only a very small fragment of it, and does not seem to be at all necessary in this bill at this time. It has either too great particularity or not particularity enough. There is no reason on earth in this bill, the main purpose and object of which seems to be to open the canal, and provide means of fixing tools, and provide for the accommodation of passing ships, and so on, to provide how much the fine shall be in a municipal court or what their limit of civil jurisdiction shall be. There is absolutely no reason for it, and no reason was given for it except we are following the terms of Executive orders applying to courts that we are continuing in operation. Now, the only purpose of this section will be that, whatever orders the President may make in the future, he can not avoid appointing a municipal judge and constable in each one of these towns. There are a certain number of jobs and salaries that will be fixed in this organic law. Whatever other orders are made, those orders seem to be preserved in this law. It seems to me if we have reserved by section 2 the right and power to preside over the Canal Zone and provide a system of government, as we will of necessity have to do, we at that time can provide how much the fines will be, how many constables we will have to appoint, and so on. There is no reason for providing for it in advance in this particular bill. All of that section after the word "defined," on lines 9 and 10 of page 9, relates to these particular provisions in regard to magistrate courts. Now, there is only one provision of that that the gentleman from Illinois [Mr. MANN] suggested might be covered by existing law, and that is the three lines of the section on page 10 to the effect that the governor may appoint all notaries public.

But I am positive those are covered by continuing Executive orders which will continue in existence until Congress shall change them, so there is no reason for that. When Congress does legislate on the Canal Zone it should legislate on each of these particular provisions.

Mr. ADAMSON. Mr. Chairman, it is impossible to cripple liberties and powers by anything we have put in this bill. Gentlemen, I think, appreciate the fact that these courts have all been abolished by previous sections already passed—that is, when the reorganization occurs the existing courts expire, and the whole organization of that court can go out of existence. Therefore it was necessary for us to authorize something in their place.

Mr. BORLAND. Where does the gentleman find these courts are abolished? It says expressly that they shall continue in existence until Congress shall otherwise provide.

Mr. ADAMSON. In section 4 it is expressly provided that when the President gets ready he will dismiss the commission, and the whole institution down there goes out of business.

Mr. BORLAND. Then, what is the meaning of the language in section 2, that these courts shall continue in operation until Congress shall otherwise provide?

Mr. ADAMSON. If the gentleman will withhold his questioning, I can make it plain to him. In order to bring everything to a decent close after the period of construction, we provided that he dismiss all the existing organizations when the time approached for it. That having been done, we had to provide for the governor and for the officers acting with the governor. And we have done that. And then we had to decide what we would do about the courts.

We attempted to economize a little by reducing the court machinery. In place of three systems of courts—the district, the circuit, and the supreme—we make one inferior court and one district court. We do not fix the pains and penalties for all crimes, nor the rules of recovery, or anything of that sort. We simply tried to use language that will put the business of three courts in two courts; that is all; and we had to use some of this particularity because we had to change a little the jurisdiction of one or two of these courts in order to make the business of three courts fit into two. And we followed that up a little later on by transferring the present business of the existing three courts into the two new courts, whichever one has jurisdiction of like cases, so that I think if the gentleman from Missouri [Mr. BORLAND] will read the sections together he will find there is no trouble in the world about it. The new magistrate's court does a little more than the present district court. It has a little more jurisdiction than the present district court, and the new district court has part of the jurisdiction of the present circuit court and some of the present supreme court jurisdiction, so that the two new courts that we provide take in all the jurisdiction of the existing three courts and a subsequent section provides for the transfer of all pending cases. That is the explanation of it.

Mr. BORLAND. Before the gentleman takes his seat I would like to ask another question. If the President exercises his power under section 4 of discontinuing the Canal Commission and discontinuing the present organization, does the gentleman say that that will have the effect of abolishing the court?

Mr. ADAMSON. Section 2 says that all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the canal are ratified and confirmed as valid and binding until Congress shall provide otherwise; and then the existing courts established in the Canal Zone by Executive order are recognized and confirmed, to continue in operation until Congress shall otherwise provide. The President shall organize the new system as the canal approaches completion, including the system of governing the canal, and governing the zone, and running the courts, and we have tried to make them more simple and economical. I think we have improved the judicial system.

Mr. BORLAND. I think the gentleman's view as to that is approved of by everybody. There are too many courts down there, but if the existing courts are recognized by Executive order until Congress provides otherwise, the President or the commission, under the authority of section 4, would be authorized by the same provision, of course, to abolish the courts?

Mr. ADAMSON. We first ratify everything that is there, and authorize the President, as the canal approaches completion, to abolish the present régime and introduce a new régime, and in trying to put three courts into two we had to use a good deal of language. It is as clear and simple as we could make it. I have no doubt that in time it can be improved. We will have all the future to do it in. It may be three years before it can be done. At any rate, I am willing to cooperate with the gentleman from Missouri in making all the improvements we can.

Mr. BORLAND. It would do no harm to strike out the magistrates' courts.

Mr. ADAMSON. If you do that you will have to readjust the whole arrangement by which we are putting three courts into two.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I move to strike out the following words in line 5, page 10, namely, "with salaries to be fixed by the President," and insert in lieu thereof the amendment that was adopted at the end of line 25 on page 4. Will the Clerk report it? The same reason applies to this.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Page 10, line 5, strike out the words "with salaries to be fixed by the President" and insert the following:

"And the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same."

Mr. ADAMSON. We accept that amendment.

The question being taken, the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 9, line 22, after word "courts," by inserting the following:

"*Provided*, That either party in civil actions and the defendant in criminal actions shall be entitled to a trial by jury, on request, of not less than six lawful men, to be drawn from the town in which the trial is held."

Mr. FOWLER. Mr. Chairman, as I understand, when this bill goes into effect it will do away with the existing courts as they now are carried on in the Canal Zone. This bill seeks to establish, as the chairman of the committee has said, two different kinds of courts. One is the magistrate's court and the other is the district court. In no place in this section is it provided that the litigants may have the right to trial by jury. It will be seen in line 11 that the magistrate's court has exclusive original jurisdiction——

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. FOWLER. Yes.

Mr. RAKER. If you should provide here—

Provided, That each party shall be entitled to a trial by jury—

Would not that settle the whole question, and then the rules and regulations governing the court would apply?

Mr. FOWLER. I do not know just what the rules and regulations of the court are. It is very difficult, from the reading of this bill, to tell whether there are any other provisions except those contained in this bill, after the present régime of the court is superseded. For that reason I have sought to get the right of trial by jury inserted in this bill. [Applause.]

The bill provides, in line 11, as I was saying, that the magistrate's court has exclusive original jurisdiction of all civil cases wherein the amount does not exceed $300. It also has exclusive original jurisdiction in all criminal cases where the fine does not exceed $25 and where the additional punishment does not exceed 30 days' imprisonment.

Mr. GOLDFOGLE. May I ask the gentleman a question?

Mr. FOWLER. Yes.

Mr. GOLDFOGLE. I listened to the reading of the gentleman's amendment, and it seemed to me that it provided that the trial by jury should be on the request of six men. Did the gentleman mean that?

Mr. FOWLER. Oh, no.

Mr. GOLDFOGLE. The amendment reads that way.

Mr. FOWLER. The reading of the amendment can be construed as any gentleman sees fit, but the legal construction is that either party in civil cases or the defendant in criminal cases may secure a trial by jury on request. No such construction as the gentleman suggests can be placed on the amendment without doing violence to it.

Mr. ADAMSON. Will the gentleman allow me to ask him a question?

Mr. FOWLER. Certainly.

Mr. ADAMSON. When we limit the original jurisdiction in the criminal cases to a fine of $25 or 30 days, and in civil cases to $300 with the right of appeal to the district court, which is held within a few miles of the place where any man resides on the zone, does not the gentleman think we have adequately safeguarded the rights of any man?

Mr. FOWLER. Mr. Chairman, this bill does not even provide for an appeal with the right of trial by jury.

Mr. ADAMSON. The gentleman is mistaken.

Mr. BUTLER. It does in the next section.

Mr. GOLDFOGLE. There is a provision for an appeal to the district court on page 10, in line 9; and then on page 11, lines 14 and 15, it provides for a jury in every civil and criminal case, on the demand of either party.

Mr. FOWLER. I took the language on page 10 to mean an appeal to another court—the district court. Mr. Chairman, I ask unanimous consent for five minutes longer on this question.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, in reply to the distinguished gentleman from Georgia, the chairman of the committee, I do not think any man ought to be subjected to a criminal prosecution without having a trial by jury. [Applause.] In this case you provide that a man may be tried for a criminal offense, that he may be convicted and a fine of at least $25 imposed, and a jail sentence not to exceed 30 days imposed also.

Now, that may all take place by a star-chamber court of one man; we have seen in America here the trouble with courts that are appointed by Executive power in this country, and we have seen the laboring man brought into court and fined without a trial by jury, because the presiding judge has said that a blanket injunction has been violated.

Now, Mr. Chairman, I say I do not think any legislative body ought ever to provide for a court or trial of a man without giving the right of trial by jury. This amendment provides for trial by jury on the request of the litigants of the suit, and if they are in favor of a trial of the case by the court, it gives them the right of a trial by the court. If they desire a trial by jury, that right ought never to be taken away from any man, I care not who he is. It cost the shedding of blood to wrench from the hand of old King John in 1215 the right of trial by jury. [Applause.]

Now, Mr. Chairman, while Congress is preparing for a system of courts I do not think it ought ever to deny to any citizen the right of a trial by jury.

Now, I desire to ask the distinguished gentleman, the chairman of this committee, wherein he has provided for a trial by jury in any court in the Canal Zone for such cases?

Mr. ADAMSON. The next section commands the judge to provide for jury trial in certain cases.

Mr. FOWLER. In which section?

Mr. HAMLIN. Page 11, commencing with line 10:

Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party.

Mr. FOWLER. Yes; but that is in the higher court. The justice court is the poor man's court, and was intended to be instituted for the purpose of reaching the poor man at his own door, and not to transport him across the sea for trial. Now, while it is intended by that provision to provide for a trial by jury, it is in the higher court, the district courts, and deals with cases originating in that court. It affords no relief to the litigant in the magistrate's court.

Mr. Chairman, I desire to extend my remarks on jury trial in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD; is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I offer a substitute for the amendment, as follows:

That the right of trial by jury in both civil and criminal cases shall be preserved.

Mr. Chairman, this might seem at first blush to be a somewhat unimportant matter, but I want to call the attention of the committee to the provision that the gentleman from Missouri has just read, and I want to read it to this committee. It begins with line 10, on page 11:

Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party.

Now, you are not only depriving the man of the right of a trial by jury in the magistrate's—justice's—court in a criminal case, you not only deprive him of the right of trial by jury in the magistrate's—justice's, for here the magistrate's court stands for what we generally call a justice's court—court where the amount involved does not exceed $300, but you tell him that he can appeal to the district court, and then in plain language you say to him, "You are deprived of the right of trial by jury upon the case which you have brought to the district court by appeal, because the language in this act specifies that no jury trial shall be had in either civil or criminal case unless that case has 'originated' in the district court."

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BORLAND. I would like to ask the gentleman if we passed this bill providing that nobody shall be or go upon the Canal Zone without the permission of the military governor, what on earth good would it be to give any man a right of trial by jury on the Canal Zone?

Mr. RAKER. Then why are you legislating here and putting this into the bill?

Mr. BORLAND. Oh, I am not.

Mr. RAKER. But we are assuming that there is going to be a court, and we are assuming that there is going to be criminal trials and also civil trials involving property to the extent of $300.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BARTLETT. Of course it is well known in the matter of a trial by jury in criminal cases that it involves, first, an

indictment by a grand jury as well as a trial by a traverse jury.

Mr. RAKER. Not necessarily.

Mr. BARTLETT. Not in California, the gentleman means. In California you can try a man on an accusation for murder. You do not require an indictment by a grand jury. That is the fact.

Mr. RAKER. No; that is not the fact.

Mr. BARTLETT. When did you change the law?

Mr. RAKER. We provide for a trial on information in California; that before a defendant can be placed upon trial in a superior court on a criminal charge, a magistrate, who may be a judge of the supreme court of the State, a justice of the court of appeals, a judge of the superior court, or a justice of the peace shall first hold a preliminary examination, and——

Mr. BARTLETT. I will ask the gentleman this question: Do you not try people in California for the highest offenses without an indictment of the grand jury?

Mr. RAKER. I will answer that question——

Mr. BARTLETT. Oh, an answer yes or no will do.

Mr. RAKER. Oh, I can answer it as a fact. In California, under our new constitution adopted in 1879, we adopted a provision saying that a man could be tried by indictment and on information, and information may be filed by the district attorney after examination had in a magistrate's court, and the magistrate may be a justice of the peace or he may be a judge of the superior court and he may be a judge of the district court of appeals or a judge of the supreme court. After he has heard the case and the evidence and has gone into the case fully, the magistrate may then say that he believes there is sufficient cause by which this man should be placed upon trial. All the evidence must be taken down in writing when it is a murder trial. Then the case goes before the district attorney and he must investigate it, and it is then in his judgment to say, in addition to that of the magistrate, whether or not he will file an information. If he believes from the evidence that a crime has been committed and the party charged is guilty thereof, he then files an information and the defendant is placed on trial. The Supreme Court of the United States, in the case of Hurtado against The United States, held that that was the equivalent of an indictment. Now, getting back to the facts in this case——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Is it not true in the case referred to—the Hurtado case in the Supereme Court of the United States—that that court decided that under the constitution of the State of California a man could be placed on trial for murder without an indictment of the grand jury?

Mr. RAKER. By indictment or by information after examination by a magistrate.

Mr. BARTLETT. And did not Judge Harlan dissent in that case from the opinion of the court, because he said that in criminal trials the guaranty of right of trial by jury under the Constitution of the United States meant by indictment by a grand jury as well as trial by a traverse jury?

Mr. RAKER. Mr. Chairman, I do not want to be diverted from the facts involved here. That case has been decided and reaffirmed. I want to drive home this point: You are asked here to pass a law that a man in a civil case which involves his property to the extent of $300 is not entitled to a trial by jury; and if he is charged with a criminal offense he may be put on trial, and is not entitled to a trial by jury; and in addition to that I believe you will be unable to find in any State of the Union where a man, having appealed from a judgment of an inferior court to the higher court, is denied the right of trial by jury in that court, as you give to him in any other nisi prius court, or court of first instance, or, in other words, the trial court of record.

It does seem to me if we are going to establish a principle of law or a legislative declaration that will say that you are going to wipe out the rights of a man to a trial by jury and then prevent him from a retrial in a superior or district court, it is not right; is not fair. And let me call your attention to this fact further. Every man who has practiced law knows, or whether he has practiced law or not if he has been around a court he knows, when a man in a lower court is defeated he loses his standing, he loses his friends, and they all go and say, "You had better compromise this; the judgment is against you." If he is convicted in a magistrate's court, they say, "Oh, well, you had better lie down and quit." But in this case you have had another condition. You have said to him if he appeals that he is not entitled to a trial by jury or, in other words, trial by his peers, the same as a man who has been charged with an offense only greater in degree, because you fix the penalty, say, at $25 or $50 more than the man who has been charged in the lower court. It seems to me that this guaranteeing the right of a trial by jury in the magistrate's court, both civil and criminal cases, ought to be granted. Then, when you get to section 8, on page 11, line 14, the word "originating" should be stricken out so that a man who has appealed may have the same right as a man who has commenced a case in the district court originally. I believe the committee intended that, but the language is imperfect. They have been going over the question of coastwise trade, they have been going over the subject of whether the railroads should have anything to do with the running of this canal, and they have overlooked the rights of the men who are there doing the work and who might seek a remedy in the courts or, on the other hand, who might be compelled or driven into court to ask for their rights.

The CHAIRMAN. The substitute has not been read by the Clerk. Will the gentleman please send up his substitute that it may be read?

Mr. RAKER. I will read it. I did not have time to write it, I was in such a hurry. "The right of trial by jury in both criminal and civil cases shall be preserved."

Mr. SAUNDERS. Mr. Chairman, I would like, with his permission, to ask the gentleman from Georgia a question. It was the intent of this bill to permit the litigant in the inferior court the right of appeal to the district court?

Mr. ADAMSON. Yes, sir.

Mr. SAUNDERS. It also was the intent of the bill to permit the litigant or defendant appealing to the district court to have a trial by jury.

Mr. ADAMSON. No, sir; it was not so intended by the committee.

Mr. SAUNDERS. On that point——

Mr. ADAMSON. If the gentleman will pardon me, I just rose to state to the committee the position of the Committee on Interstate and Foreign Commerce on that question, and then I am perfectly willing for the gentleman to make any remarks he wishes.

Mr. TAYLOR of Colorado. Will the gentleman yield to me there? Suppose there is a change of venue ordered?

Mr. ADAMSON. I do not think we devoted much attention to that.

Mr. TAYLOR of Colorado. If they took a change of venue from one court in the zone to another, when they get to the other court can they get a trial by jury?

Mr. ADAMSON. I do not think I even studied that when I was in a justice court in Georgia—a change of venue from one justice court to another.

Mr. TAYLOR of Colorado. Well——

Mr. ADAMSON. There is this court, what I reckon Blackstone would call a court of dirty feet——

Mr. BUTLER. Dusty feet.

Mr. ADAMSON. No; dirty feet.

Mr. FOWLER. I would like to ask the gentleman a question.

Mr. ADAMSON. I have not got to say anything yet.

Mr. FOWLER. Before the gentleman proceeds I want to get——

Mr. ADAMSON. That is what I got up for, to state the situation, otherwise I would not have gotten up.

Mr. FOWLER. I want to know if the cases which are provided for in the magistrate's court can ever be tried in an appellate court or a court of appeals except upon an appeal? In other words, can it originally be instituted in a court of appeals?

Mr. ADAMSON. Mr. Chairman, as I stated some time ago on the floor we have tried to economize by reducing the number of courts and the number of officers on the zone. Now, when we finish the canal and begin operating it we expect to reduce the population there by about 90 per cent.

We do not expect to have a large class of criminals there. We are going to have a high class of population of American citizens with their families, such a population as we have at home. And we are not going to operate a canal there with a view of encouraging litigation in any of the courts, high or low, and we calculated that with the changed conditions most of the business would be the higher business in the new district court, and that the jurisdiction of this magistrate's court, a newly created one, would not entail very much business on that court. And we calculated it was in the nature criminally of the police-court jurisdiction. Almost every city in this country sends men to the rock pile and fines them more than this every day. They do it here in Washington, and every

city you can name, and in smaller towns than Panama and Colon.

Mr. FOWLER. They do not do it in Illinois. They try them by jury there.

Mr. ADAMSON. We try to guard the interests of such people as they are, but if even an American citizen visits that country and gets drunk or commits any other indiscretion and is arrested, I take it he will pay $25 and leave rather than stand a jury trial. If the people who are there want a trial, they can appeal to the judge of the district court, who will be a fine lawyer, and will be as fully competent and adequate to take care of the interests of the party as a jury in the magistrate's court would be.

It is simply a matter that this committee worked on, exercised its judgment on, expressed its opinion on, and, taking the matter as a whole, decided that the wisest thing we could do was not to give them the magistrate's jurisdiction under the present law, and we raised his civil jurisdiction to $300, and instead of encumbering that court with jury trials, allow the people to appeal to the district judge and let the district judge correct any errors that may have occurred.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will report the substitute offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

And the right of trial by jury in both civil and criminal cases shall be preserved.

Mr. SAUNDERS. Mr. Chairman, I would like to call the attention of the House to the situation that is presented by this bill. I do not agree with the gentleman from Illinois [Mr. FOWLER] that jury trial ought to be given in the magistrates' courts. We know that in the States small cases, both civil and criminal, are tried by magistrates without a jury, but I believe that in all these States a right of appeal is allowed from the trial court to some court of record, in which a jury trial will be afforded. The gentleman from Georgia [Mr. ADAMSON] has given no reason why the class of citizens whom he says will reside upon the Isthmus hereafter should be denied the right of trial by jury which they enjoy at home.

Under this bill, the "nice citizen" to whom the gentleman from Georgia [Mr. ADAMSON] refers, might be fined $25, and sent to jail for as much as 30 days. Should they appeal from this finding they would be denied the right of jury trial in the district court. Is there a parallel to this in any State of the Union? Why should American citizens, because, forsooth, they may happen to be upon the Isthmus of Panama, be denied the right of jury trial, under an act by which we are undertaking to establish American jurisprudence in that territory?

I perfectly agree as if I have stated that there is no need for juries in the magistrates courts, but in case of appeal to the court of record jury trial should be afforded. The maximum amount for which suit may be brought before a magistrate is $300. A litigant who has a claim for $301 can bring his action in the district court, and in that event has a right to a trial by jury. A suitor who has a claim for $300 or less is compelled to resort to the petty court. Should he lose in that court and take his appeal, he sees his neighbor with a claim of $301, demanding and securing a jury, while his appeal must be submitted to a single judge. What reason has been offered on this floor for this distinction? Such a distinction is not made at home. So far as I am aware, there is no State in this Union in which a man who has been sent to jail for 30 days, is denied the right of jury trial, on an appeal taken to a court of record.

Mr. RAKER. In addition to the condition of not over $300, we should not forget that interest can be added, and it excludes the jurisdiction and the costs.

Mr. SAUNDERS. I see the point the gentleman makes. The real amount in controversy might be as much as $500, and still the right of jury trial would be denied on the appeal.

Mr. RAKER. In one case in California, about seven years ago, the amount recovered in a case that went on appeal was over $30,000. It originated in a justice's court on a note under $300.

Mr. ADAMSON. Will the gentleman from Virginia [Mr. SAUNDERS] permit a question? If the gentleman from Virginia desires to put a check on this magistrate's court——

Mr. SAUNDERS. I have spoken to little purpose if——

Mr. ADAMSON (continuing). I would suggest to the gentleman that he could serve his purpose better by striking from lines 14 and 15 the words "originating in said court."

Mr. SAUNDERS. That is the point to which I am addressing myself. It is that section of the bill that should be amended.

Mr. ADAMSON. But we do not think it wise or necessary to go to that expense, because we believe they can secure substantial justice without it.

Mr. SAUNDERS. I do not agree with my friend. I am a firm believer, both as a practitioner, and as a judge, in jury trials. [Applause.]

Mr. MANN. Has the gentleman ever heard any complaint in reference to trying cases in Panama?

Mr. SAUNDERS. I have not.

Mr. MANN. The gentleman is familiar with the fact that in the city of Colon and in the city of Panama all cases are tried without a jury, is he not?

Mr. SAUNDERS. I am not speaking of Spanish jurisprudence. It has been distinctly pointed out that we hope to secure a high standard of American citizenship on the zone. The gentleman from Georgia [Mr. ADAMSON] said we would have a high type of American citizens there.

Mr. MANN. The object of this bill is to provide for the government of Americans on the zone. The theory of this bill is to eliminate all other people on the zone. There are a number of Spanish communities still on the zone, but they will be eliminated after awhile. They have been used to the Spanish jurisprudence.

Mr. SAUNDERS. I understand. But we are not concerned with the Spanish courts, or the methods of Spanish jurisprudence on the Isthmus. They are bad enough. Should I be on the Isthmus, or any other Member on this floor, or any American citizen, who has been used to a jury trial, and while there become involved in litigation, we would want a trial by jury. We would not regard the argument as sufficient that we should be deprived of jury trial, because the Spanish citizens of the Republic of Panama, were not familiar with the use of the jury in misdemeanor trials, or civil litigation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. I ask unanimous consent to proceed for three minutes further.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. I am perfectly familiar with the courts on the Isthmus. I have been to the Isthmus of Panama several times, and from what I have heard of the local courts, they often furnish a travesty on justice. But we are not establishing Spanish courts, but courts that will try American citizens, and controversies between such citizens. The Americans who will find themselves on the Isthmus, are entitled to have that system of courts, and those forms of trials with which they are familiar at home. The American jury is good enough for American citizens anywhere, and everywhere that the flag flies. As I have said, I do not contend that juries should sit in the petty trial courts. We are not accustomed to afford jury trials in such courts in the United States.

Mr. FOWLER. We do.

Mr. SAUNDERS. But when an appeal is taken in those cases in which it is conceived that an injustice has been done, will anyone tell me why this appeal should not be tried by jury in the court of record? Yet this bill expressly provides that only the suitors who bring their suits in a court or record shall have a right of trial by jury. The suits must originate in that court. In other words, it is clearly intended to deny a trial by jury in those civil and criminal cases which reach the district court by appeal.

I submit that no suggestion of economy should operate to forbid a trial by jury under such circumstances. The expenditure of a small amount would afford a jury trial to all the appellants from the petty courts. It would be poor economy to deny trial by jury in such cases, in order to save a few dollars. It is not sound policy, or good government to deny to our people in a remote land those rights which we regard so highly when at home, in the States. [Applause.]

Mr. FOWLER. Mr. Chairman, there is no chance——

Mr. ADAMSON. Mr. Chairman, what is pending before the House?

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. FOWLER], and the substitute to that amendment offered by the gentleman from California [Mr. RAKER]; and debate on them both is pending.

Mr. ADAMSON. Do I understand that we are going to yield to the gentleman from Virginia [Mr. SAUNDERS] to strike out those words relating to the district court?

Mr. FOWLER. Mr. Chairman, I want to strike out the words originating on page 11, line 14. But I first wanted to get passed the amendment which I offered.

Mr. ADAMSON. If the gentleman is going to do the other, he does not need the present one.

Mr. FOWLER. Mr. Chairman, I do not agree with any of the gentlemen here that the right of trial by jury ought to be taken away from a man in the justice's court. Now, Mr. Chairman——

The CHAIRMAN. The question is first on the substitute offered by the gentleman from California [Mr. RAKER].

Mr. FOWLER. Mr. Chairman, as I understand the rules, I have the right to close the debate on this amendment.

The CHAIRMAN. The Chair thought the gentleman wanted to offer an additional amendment.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMLIN. How far have we read?

The CHAIRMAN. We have read section 7.

Mr. HAMLIN. We have not read section 8?

The CHAIRMAN. No.

Mr. HAMLIN. Then the gentleman's motion is premature.

Mr. ADAMSON. I suggest to the gentleman that he wait until we reach section 8 and conform to the suggestion of the gentleman from Virginia [Mr. SAUNDERS].

The CHAIRMAN. If the gentleman will allow the Chair, under the rule the Member offering the amendment is entitled to five minutes, and then there may be five minutes in opposition, but unless unanimous consent is given, that closes the debate on that amendment.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to speak upon this question for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that he may speak for five minutes. Is there objection?

Mr. ADAMSON. Mr. Chairman, I think the committee understands the gentleman's position, so far as his argument is concerned. If we can just find out what he wants, I should like to know what his amendment is.

Mr. GOLDFOGLE. I ask that the amendment be again reported.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend page 9, line 22, after the word "courts," by adding the following:

"*Provided*, That either party in civil actions and the defendant in criminal actions shall be entitled to a trial by jury, on request, of not less than six lawful men, to be drawn from the town in which the trial is held.

Mr. ADAMSON. Mr. Chairman, if the gentleman will not withdraw that amendment, let us vote it down and go on, and the gentleman can offer it at the other place.

Mr. SABATH. The jury trial is provided on the next page, in the next section.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] has asked unanimous consent to speak for five minutes. Is there objection?

Mr. ADAMSON. I think we all understand his amendment.

The CHAIRMAN. The Chair hears no objection.

Mr. FOWLER. Mr. Chairman, it has been said on the floor of this House that the right of trial by jury is not given in magistrates' courts in the States of this Union. Gentlemen who have made these statements are certainly not familiar with the practice in the different States of the Union.

Mr. SAUNDERS. I say in most of the States.

Mr. FOWLER. In my own State of Illinois, where freedom flourishes, there is not a trial court but gives a man the right to a trial by jury, and I am in favor of extending that right to all people over whom the flag of freedom floats. It would be a disgrace to that national flag to say that it floats over any citizen of the United States who is deprived of the right of trial by jury. [Applause.] Now, gentlemen, I do not want you to trifle with this question. If you are going to deliberately vote down my amendment, do it like gentlemen, and do not come here and try to destroy the effect of our efforts to secure trial by jury in a jurisdiction over which you are establishing a court. The people of Panama are just as much entitled to trial by jury as the people in any other State or Territory of this Union

Mr. LAFFERTY. Will the gentleman yield for an observation?

Mr. FOWLER. Not now. Mr. Chairman, the right of trial by jury can never be had in the justice's court in this jurisdiction, because that court has original, exclusive jurisdiction over a certain class of cases. That class of cases can never be instituted in the higher court—the district court, as it is called. If that class of cases can not be instituted in the district court, then they never can be tried by a jury, according to the provisions of this bill. You say you have provided for a jury in section 8, but in that section you only provide for a jury for cases that originate in the district court, and the cases that originate in the justices' court will never be tried by a jury anywhere. [Applause.]

I desire to call the attention of the House to the sixth amendment to the Constitution, styled, Article VI, which preserves inviolate the right of trial by jury in the district wherein the crime is charged to have been committed, compulsory process to compel witnesses to attend and testify in defendant's behalf, and counsel for his defense are equally provided for in this article. All three of these constitutional rights are ignored in this bill. Article VII reads as follows:

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Not only are defendants charged with crime deprived of the benefits of this provision of the Constitution, but litigants in civil suits are also deprived of the rights and benefits of Article VII, which provides for the trial by jury in all cases where the amount exceeds $20. Here are the provisions of that article:

ART. VII. In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I should like to be recognized for just an observation.

Mr. ADAMSON. I move that debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman can not take another gentleman off the floor to make that motion.

Mr. LAFFERTY. I yield to the gentleman to make that motion.

The CHAIRMAN. The gentleman from Georgia moves that debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RAKER. Mr. Chairman, there are several other amendments. Let it be simply on this amendment.

Mr. ADAMSON. My proposition does not shut out amendments, but only debate.

Mr. GARRETT. The question ought to be put on the motion of the gentleman from Georgia.

The CHAIRMAN. The question was put and it was agreed to.

Mr. LAFFERTY. Mr. Chairman, in regard to the practice as to a jury trial in magistrates' courts I desire to say that in the majority of the States of the Union juries are allowed in the justice of the peace courts. There are certain courts known as police courts, or municipal or magistrates' courts, where juries are not allowed, and possibly a few cases where in courts of justices of the peace, which is a species of State court, the jury is not provided for. But here we are creating a justice court for the Panama Canal Zone, and I for one favor the allowing of trial by jury on the demand of the defendant, or either of the parties in a civil suit, the same as we have in the States.

The CHAIRMAN. The question is on the substitute offered by the gentleman from California [Mr. RAKER] to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 8, noes 39.

So the amendment was lost.

Mr. RAKER. Mr. Chairman, I move to amend by adding after the word "courts," page 9, line 22, the following:

That the right of trial by jury in civil cases shall be preserved.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 22, after the word "courts," insert the following:
"That the right of trial by jury in civil cases shall be preserved."

Mr. ADAMSON. That is merely an academic declaration, and we might as well vote it down.

The question was taken, and the amendment was rejected.

Mr. RAKER. Now, Mr. Chairman, I desire to offer the following:

Add, after the word "courts," page 9, line 22, the following:
"The right of trial by jury in criminal cases shall be preserved."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 22, after the word "courts," insert the following: "The right of trial by jury in criminal cases shall be preserved."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois raises the point that no quorum is present. The Chair will count.

Mr. FOWLER. Mr. Chairman, in view of the necessity of haste in this bill I will withdraw the point of order. [Applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases and of all causes in equity and admiralty and all cases at law involving principal sums exceeding $300 and of all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district judge shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, or the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said court. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, or until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, who shall receive a salary to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of $5,000 per annum.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. Early in the afternoon I sought to address the committee relative to the question of tolls, but I learned that by unanimous consent that subject was to go over until the last thing in the discussion. I hope that I may be indulged at this time very briefly notwithstanding that agreement, because I find that it will be impossible for me to be here when that portion of the bill is reached, and I wish to make a few remarks upon that subject.

Mr. MANN. Is the gentleman going to leave the city?

Mr. WILLIS. Yes; I am going to leave the city. I am going to Ohio. Mr. Chairman, I desire to make some brief remarks about the toll question and insert in the RECORD a portion of the message of the President of the United States on that subject; also a portion of the statement made by the Secretary of War on the question of tolls.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD.

Mr. WILLIS. In his annual report for 1911, and in his address before the Commercial Club of Kansas City on November 14, 1911, the Secretary of War made the following statements on the subject of canal tolls:

RIGHT OF UNITED STATES TO PAY TOLLS ON AMERICAN VESSELS.

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal, Spain, has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place. In either case the money in question belongs to the United States.

Closely involved in this question of fixing the tolls is the question whether the United States has the right to pay the tolls on American vessels using the canal. There has been criticism against even the suggestion of this possibility. There was similar criticism a few years ago against the proposition to fortify the canal, until the publication of Secretary Hay's correspondence with Lord Lansdowne revealed the frankness of our negotiations on that subject with Great Britain and showed how clearly Great Britain had recognized our right to fortify the canal. The United States will deal with its sister nations in perfect frankness and in absolute fulfillment of its treaty pledges. There will be no violation of our treaties; neither will there be any evasion of them. When the facts as to this question are examined, they are, in my opinion, so clear as to leave no doubt or question as to the right of the United States, both legal and moral, in this respect. The clause of the Hay-Pauncefote treaty which governs the question is a declaration by the United States which expressly adopts the rules governing the Suez Canal. It provides:

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

Now, in the case of the Suez Canal, it has never been considered a violation of this rule of neutralization for a nation to pay the tolls upon the vessels flying its flag. This is done directly by the Governments of Russia and Austria-Hungary, which have made appropriations for the express purpose of paying the tolls of vessels of their merchant marine. Furthermore, substantially every other European Government appropriates from its treasury and pays to vessels using the Suez Canal, in the form of subsidies, sums of money fully or partly equivalent to the tolls of the canal. In the case of Germany, France, Japan, Italy, and Spain, the amount thus appropriated is regularly more than sufficient to pay the tolls. In the case of Great Britain the subsidies paid to the Peninsula & Oriental Co.—the principal line which uses the canal—amount to nearly six-sevenths of the tolls. These subsidies were not all limited to mail steamers; many of them were paid likewise on freight steamers.

It is perfectly clear, therefore, that when the Panama Canal is opened, the English vessels which use it, the German vessels which use it, the vessels of practically all of our competitors which use it, will be in receipt from their respective Governments of sums of money, either given them directly for the purpose of paying their tolls or perfectly applicable in their discretion to such use. It will be impossible for the United States to prevent this; for, under the Suez rules which we have thus adopted for Panama, such payment does not amount to a discrimination or a violation of the terms of entire equality for which those rules provide. Is, then, the United States, which built the canal, to be the one nation whose vessels can not have such assistance? Will any rule of construction of the Hay-Pauncefote treaty or any rule of honor prevent the United States from adopting a similar course?

Will anyone contend that the almost universal system of governmental assistance to a merchant marine has been limited, in our case, by the Hay-Pauncefote treaty—limited, not by plain and express covenant, but by indirection and implication? Would Great Britain dream of making such a contention against the United States when she herself is paying annual subsidies to her merchant marine of between six and seven million dollars a year? Has the United States, in her covenant to "insure the neutrality of the canal on terms of entire equality" so shackeled her own powers that she can not resort to the universally established methods which her competitors will use in respect to their vessels passing through the canal? Does equality to all other nations mean inequality to the United States? The answer is self-evident.

The clause was never intended to forbid a nation to assist her own marine with her own funds. By it the United States barred herself from using her power over the canal to injure the trade of another. She could not isolate or discriminate in any way against another in that other's use of the canal. But it was never dreamed that she could not use the resources of her own Treasury in favor of her own vessels.

I think, therefore, that the United States has a clear right to appropriate to the vessels, paying the same the sums paid into its Treasury by those vessels in the form of canal tolls. This being so, there is no difference, save in form, whether she makes this appropriation out of her Treasury to such vessels by receiving the money from them first and repaying it to them, or by simply relieving them from the payment of those tolls. In either case the money in question belongs to the United States. In either case it amounts to a gift by the United States of her own funds to the vessels in question.

The existence of the right is clear; the need or wisdom of its assertion presents a broad question of policy. The exercise of this power must depend upon the conclusion, based upon full understanding of the facts, that the national interests will be furthered by securing this advantage to American vessels engaged in trans-Isthmian trade.

Mr. ADAMSON. Mr. Chairman, I will state that when we get back into the House I am going to ask unanimous consent for all gentlemen who addressed the committee to extend their remarks in the RECORD.

Mr. WILLIS. Mr. Chairman, I wish to be indulged briefly, and I thank the committee for the courtesy of their attention. If I had had the opportunity I should have liked to make some extended observations on this question of tolls, which seems to me to be of tremendous importance. But I wish to take the time of the committee only to say, without going into the advisability of free tolls or preferential tolls for American ships, without going into the question as to whether we ought to grant free tolls or not, without going into the question as to whether we ought to grant preference to American ships, that in my judgment it is purely and simply and solely a question that concerns this country alone. I do not admit, Mr.

Chairman, that by any treaty that this Government has entered into with any foreign power, there is any nation on this earth that has anything whatever to say about what we shall do with reference to our own domestic questions. [Applause.] If we want to give our American ships preferential rights we have the right to do that. If we want to remit the tolls absolutely we have the right to do that. If we wish to remit the tolls as to the coastwise ships and not as to the others, or if we desire to remit tolls wholly or in part as to the ships engaged in the foreign trade and not as to the coastwise ships, that is purely a question of domestic policy that concerns us here in the United States of America, and no other nation has anything to say about it. [Applause.]

A significant thing, Mr. Chairman, is the fact that there is not any other nation that is objecting, there is no other nation that is proposing to say anything about it. Everybody admits the justice and the truth of what the President says here. The President says in his message:

We own the canal. It was our money that built it. We have the right to charge tolls for its use.

He then goes on, and in a portion of his message, which I shall insert in the RECORD, states that it is purely a question of policy for us to determine. In his message to Congress on December 21, 1911, the President said:

POWER EXISTS TO RELIEVE AMERICAN SHIPPING.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coast could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually, but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

Away back in 1852 certain foreign nations sought to induce this country to enter the famous tripartite agreement, by which we would bind ourselves that we would never under any circumstances seek to get control of Cuba; but Edward Everett, then Secretary of State, wisely answered France and England that while we did not propose to annex Cuba, while we did not propose to conquer Cuba or buy Cuba, he gave notice to those great powers of Europe—to France and England—that if we did want to buy Cuba or annex it or conquer it, it was none of their business; that it was an American problem, which we would settle without reference to the wishes of those European powers. And so I say in conclusion regarding tolls on the Panama Canal that it seems to me this is a question that is purely an American problem; whether we shall remit a part of the tolls is a question for our country alone. It is an American problem, an American canal, planned by American engineers and American brains and dug by the American people with American money. It is a part of the United States, and we have a right to do with it as we please. [Applause.]

Mr. HAMILTON of West Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, strike out all after the word "district," in line 13, down to and including the word "party," in line 15, and insert the following:

"And upon the demand of either party in a civil case where the amount in controversy exceeds $20, and in all criminal cases upon the demand of the defendant, a trial by jury shall be had."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 11, line 13, strike out the words "and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party" and insert in lieu thereof the following:

"And in any civil or criminal case in said court a jury shall be afforded on the demand of any party."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 18, noes 39.

Mr. FOWLER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Illinois demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Eight gentleman have risen, not a sufficient number, and tellers are refused.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-nine Members are present, not a quorum.

Mr. ADAMSON. Mr. Chairman, it is manifest that some gentlemen are impatient and do not wish to remain here longer, and I am very anxious to finish the uncontested portions of the bill. I have yielded to the gentleman from Illinois [Mr. FOWLER] more than to anybody else to-day, and I think it ungracious in him to force us to quit at this time. We can finish in 15 minutes if he will withdraw his demand and let us go on and read the uncontested portions of the bill.

Mr. MANN. Mr. Chairman, it is too late to withdraw the point of no quorum. There is only one of two things that can be done.

Mr. ADAMSON. Then, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, for the government of the Panama Canal, and had come to no resolution thereon.

The SPEAKER. It turns out that the gentleman from Pennsylvania [Mr. DALZELL], whom the Chair designated to preside to-morrow, is out of the city, or will be, and therefore the Chair appoints Mr. GREGG of Pennsylvania to act as Speaker pro tempore to-morrow at the memorial exercises to the late Representative HENRY H. BINGHAM.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all members who have spoken on the bill have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that all gentlemen who have spoken on the bill have the privilege of extending their remarks.

Mr. MANN. For how long?

Mr. ADAMSON. Just to revise and extend what they have said.

The SPEAKER. On the subject of the bill.

Mr. ADAMSON. Yes; on the bill; simply to extend the speeches they have made. Now, Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. If the House adjourns to-night under the present parliamentary situation, would it be in order, under the Speaker's recognition, or would I be recognized, to move to go into the Committee of the Whole House on the state of the Union on Monday, or would that be suspension day, and considered as sacred?

The SPEAKER. Monday is Unanimous Consent Calendar day and suspension of the rules.

Mr. ADAMSON. Then I will explain to the Speaker, we have been deprived of some time this evening on account of it being Saturday evening and Members being scattered, and I would like to ask if it would be agreeable to everybody to recoup a lost hour by meeting at 10 o'clock on Tuesday.

The SPEAKER. If the gentleman asks unanimous consent, the Chair will put the question.

Mr. ADAMSON. I do.

Mr. MANN. I think we had better meet that situation on Monday. It might be possible that we can go ahead with this bill on Monday.

Mr. ADAMSON. All right; I will withdraw the request.

Mr. GARRETT. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Under the unanimous-consent order which was made a few days ago it was provided that the House should meet at 11 o'clock, except on Wednesdays——

Mr. MANN. And Sundays.

Mr. GARRETT. Does that mean the House will meet at 11 o'clock to-morrow?

The SPEAKER. No; the request was to except Wednesday, and, on the suggestion of the Chair, Sunday was included to save that very point.

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. I want to know if under the unanimous consent secured this morning to print these amendments it includes the printing of them in a separate document?

The SPEAKER. Yes. The gentleman from Kentucky [Mr. THOMAS] requested the Chair, as he is going to leave town, to ask unanimous consent that he might have 20 days in which to extend his remarks on a subject on which he had already gotten leave for five days to extend them, and he did not have time to do it. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, what becomes of the request of the gentleman from Louisiana?

The SPEAKER. He did not make any request, he asked a question.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendments and substitutes which have been offered or been proposed to section 5 be printed as proposed amendments in bill form.

Mr. BROUSSARD. That, I understand, was already granted this morning.

Mr. MANN. No. Was that granted as to bill form? I think it was document form this morning.

The SPEAKER. The Chair's recollection is that the grant this morning included printing both in the RECORD and as a document.

Mr. MANN. Neither one is of any value. To print in bill form is of value to the House.

The SPEAKER. Well, does the gentleman prefer that request now?

Mr. MANN. I made that request.

The SPEAKER. As to sections 5 and 11?

Mr. MANN. To print the different amendments separately in bill form.

The SPEAKER. On which amendment?

Mr. MANN. All of the amendments to section 5, or substitutes for section 5.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all the amendments to section 5 or substitutes therefor, which have been offered, shall be printed in bill form as proposed amendments.

Mr. SULZER. And also in the RECORD.

Mr. MANN. That has already been ordered.

The SPEAKER. Is there objection?

Mr. DOREMUS. Does that include the substitutes?

The SPEAKER. Yes. Is there objection?

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If the gentleman desires to have read an amendment, could not he under this same provision introduce that bill and have it printed for Tuesday just the same?

The SPEAKER. The Chair supposes he could. He has the right to introduce any sort of a bill, and it would be printed if you had it now. The Chair does not know how long it takes for the office to print it.

Mr. ADAMSON. Has anybody any objection to my moving to adjourn?

The SPEAKER. The gentleman will suspend until we get this point cleared. Is there objection to the request made by the gentleman from Illinois [Mr. MANN] to print the amendments on section 5 and the substitutes therefor in bill form as proposed amendments? [After a pause.] The Chair hears none.

PRINTING OF NEWSPAPER ARTICLES IN RECORD.

Mr. RAKER. Mr. Speaker, the Post Office bill is over in the Senate, and there is in that bill the question of parcel post, good roads, and requiring of the owners of newspapers to publish their names. I have an article published on the 11th of this month in the Sacramento Bee, of California, one of the leading papers of that State, upholding the action of the House and appealing to the Republican Senate to put it on, and I ask that this may be printed in the RECORD, at the end thereof, to show the position of California upon the amendment of the House to that bill.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from Indiana [Mr. BOEHNE] gave notice the other day that he would object to any such request as this, as I understood him. As this is a late hour, I will object until he is present.

WOMAN SUFFRAGE (H. DOC. NO. 762).

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from South Carolina offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 532.

Resolved, That 16,000 copies of the hearings before the Committee on the Judiciary, Sixty-second Congress, second session, March 13, 1912, entitled "Woman Suffrage," serial No. 2, be printed for the use of the House document room.

The report (No. 740) on House resolution No. 532 was read, as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report to accompany House resolution 532:

The Committee on Printing, having had under consideration the House resolution (H. Res. 532) providing that 16,000 copies of the hearings before the Committee on the Judiciary, Sixty-second Congress, second session, March 13, 1912, entitled "Woman Suffrage," serial No. 2, be printed for the use of the House document room, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $466.04.

Mr. MANN. Well, I suppose it is worth it.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PRINTING OF NEWSPAPER ARTICLES IN RECORD.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry. I want to know if it appears in the RECORD whether it is the statement of the gentleman from Illinois [Mr. MANN] that hereafter there is to be no unanimous consent for printing of articles in the RECORD by Members on this side of the House.

The SPEAKER. While that is not a parliamentary inquiry, the Chair will answer it. That was not the statement of the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois stated that the gentleman from Indiana [Mr. BOEHNE] stated a day or two ago he had gotten tired of this kind of thing and was hereafter going to object, and that because Mr. BOEHNE was not here and it was late in the evening, for the present the gentleman from Illinois [Mr. MANN] would object.

Mr. RAKER. I misunderstood the gentleman.

Mr. SABATH. I am confident that the gentleman from Indiana [Mr. BOEHNE] would not object.

Mr. KENDALL. Do you speak for him?

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until Sunday, May 19, 1912, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, reported the same with amendment, accompanied by a report (No. 739), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, reported the same without amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 24667) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. ROBINSON: A bill (H. R. 24668) providing an appropriation to check the inroads of the Arkansas River at Pine Bluff, in Jefferson County, Ark.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24669) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing

the storm drainage system, as well as the sanitary sewer system, of the city of Hot Springs abutting the Hot Springs Reservation, Ark.; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 24670) to establish a mining experiment station at Moscow, Idaho, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. DAVENPORT: A bill (H. R. 24671) to provide for the expenditure of a portion of the reclamation fund in the States in which such fund originates; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 24672) providing for the payment of interest to certain States on the amount contributed to the reclamation fund by such States; to the Committee on Irrigation of Arid Lands.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24673) directing the sale and disposition of the surplus lands of the Chilocco Indian Reservation in Oklahoma; to the Committee on Indian Affairs.

By Mr. CANNON: A bill (H. R. 24674) providing for the purchase of a site and the erection of a public building thereon at Hoopeston, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. AINEY: A bill (H. R. 24675) granting pensions to certain widows of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: Resolution (H. Res. 542) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 24676) for the relief of Capt. Edward T. Hartmann, United States Army; to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 24677) granting an increase of pension to Louise Taylor; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 24678) granting a pension to John Brecker; to the Committee on Pensions.

Also, a bill (H. R. 24679) granting an increase of pension to Frederick Charles Sammons; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24680) granting a pension to Thomas A. Williams; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 24681) granting an increase of pension to James Linnedy; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 24682) granting an increase of pension to James F. Beath; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24683) granting an increase of pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24684) granting an increase of pension to Granville H. Hutchinson; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 24685) to indemnify the Academy of the Holy Cross, city of Washington, D. C., for damages sustained by reason of the lowering of the grade of Upton Street near Connecticut Avenue; to the Committee on the District of Columbia.

By Mr. LEVY (by request): A bill (H. R. 24686) for the relief of Alice C. Sawyer; to the Committee on War Claims.

By Mr. MATTHEWS: A bill (H. R. 24687) granting a pension to Grace E. Benford; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 24688) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 24689) granting an increase of pension to Elizabeth T. Hardeman; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24690) granting a pension to Charles Beattie; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 24691) granting a pension to Mary J. Marvin; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 24692) for the relief of John J. Troxell; to the Committee on Military Affairs.

By Mr. DANFORTH: A bill (H. R. 24693) granting an increase of pension to John W. Manning; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Lodge No. 2, I. O. B. B., favoring passage of the Dillingham and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Resolutions of the Brotherhood of Railroad Trainmen, the American Purity Federation, and the State council, Junior Order of United American Mechanics, of the State of New York, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Jewelers' Board of Trade of New York City, N. Y., favoring the maintenance of prices on patent products in the retail market; to the Committee on Patents.

Also, resolution of Lodge No. 498, Independent Order B'rith Abraham, of Gloversville, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the North Side Board of Trade, of New York City, N. Y., favoring Senate bill 4774, to provide for the acquisition of sites for Federal court and post-office buildings in State of New York; to the Committee on Public Buildings and Grounds.

By Mr. BARTLETT: Petition of the Farmers' Union, favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOEHNE: Petition of Polish citizens of South Bend, Ind., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petitions of the Tenth Biennial Convention of the Brotherhood of Railroad Trainmen; the Junior Order United American Mechanics, Albany, N. Y.; the American Purity Federation; and the Farmers' Union of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin (by request): Petition of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER (by request): Petition of the Daughters of Liberty of West Chester, Pa., favoring passage of the Gardner and Burnett bills, providing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Farmers' Union of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CANNON: Resolutions of the American Purity Federation, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Edward M. Methe and other citizens of Danville, Ill., favoring passage of House bill 22339, the anti-Taylor-system bill; to the Committee on the Judiciary.

By Mr. CATLIN: Resolution of the Brotherhood of Railroad Trainmen of Harrisburg, Pa., and the Junior Order of United American Mechanics of the State of New York, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Randof Sholom Lodge, No. 53, and Israel Lodge, No. 228, of St. Louis, Mo., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLAYTON: Petition of the Farmers' Union of America, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANFORTH: Resolutions of Flower City Lodge, No. 281, and Sons of Israel Lodge, No. 311, Independent Order of B'rith Abraham, of Rochester, N. Y., against passage of the

Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Monroe County committee on mental hygiene, of Rochester, N. Y.; the Farmers' Educational and Cooperative Union of America; and the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petitions of citizens of Boston, Mass., and Buffalo branches of the Polish Roman Catholic Union, Buffalo, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to the improvement of the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturing Association, relative to the preventing of importation of injurious insects; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to control of floods of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to an amendment to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturing Association, of Cincinnati, Ohio, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAEL E. DRISCOLL: Petitions of Samuel Lodge, No. 241; citizens' mass meeting; and Council of Jewish Men, of Syracuse, N. Y., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railroad Trainmen of Harrisburg, Pa., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Mutual Benefit Association, New York, relative to bettering conditions in the United States customs service; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FARR: Petition of Henry Longman and 22 others, of Jermyn, Pa., favoring the building of one battleship a year; to the Committee on Naval Affairs.

Also, petition of citizens of Fleetville, Pa., favoring a system of postal express; to the Committee on the Post Office and Post Roads.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Carbondale, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: Petition of New Mexico Retailers' Association, against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Grace Methodist Episcopal Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Heath & Milligan Manufacturing Co., of Chicago, Ill., against proposed abolishment of Commerce Court, etc.; to the Committee on Appropriations.

Also, petition of P. L. Strong, of Lansing, Mich., favoring passage of House bill 1339, to grant increase of pensions of certain soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of John J. Smith, of Sunbury, Pa., and Jesse Burkett, of Troy, Ohio, favoring passage of House bill 1339, granting increase of pensions of certain survivors of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolution of the Brotherhood of Railway Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petitions of American Israelite Lodge, No. 187; Winberg Lodge, No. 44; Galizia Friedman Lodge, No. 71; Erste Dombrower Lodge, No. 72; Lazar I. Brodsky Lodge, No. 581; H. Karlstadt Lodge, No. 581; and Markowitz Lodge, No. 472, Independent Order B'rith Abraham, New York City, N. Y.; and of the Markower Young Men's Aid Society, of New York, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GOULD: Petition of International Association of Machinists, of Waterville, Me., and citizens of Sedgwick, Me., favoring passage of House bill 19133, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of members of the Socialist Party of Portland, Me., against the Root amendment to immigration bill, relative to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also (by request of Mr. HINDS), petition of citizens of Brunswick and Portland, Me., favoring passage of bill to establish postal-express system; to the Committee on Interstate and Foreign Commerce.

Also (by request of Mr. HINDS), petition of members of Termess Tribe, No. 28, Red Men, of Freeport, Me., favoring passage of House bill 16313, to erect a memorial to the American Indians, in the District of Columbia; to the Committee on Public Buildings and Grounds.

Also (by request of Mr. HINDS), petition of members of Order B'rith Abraham of Portland, Me., against passage of House bill 22527 (Burnett bill), restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request of Mr. HINDS), petition of M. A. Gordon, of South Berwick, Me., against passage of House bills 23192 and 23193, proposing changes in the patent law; to the Committee on Patents.

By Mr. HAMILTON of West Virginia (by request): Petition of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Daughters of Liberty of Danbury and Bridgeport, Conn., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Resolution of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Resolutions of the Patriotic Order Sons of America of Reading, Pa.; the American Purity Federation of Washington, D. C.; and the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of New Jersey Lodge No. 50, I. O. A. I., of Jersey City, N. J., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Moses Mendelsohn Lodge, No. 91, Independent Order B'rith Abraham, Brooklyn, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' Union, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of H. H. Holley, Brooklyn, N. Y., favoring passage of Senate bill 6497, relative to protecting migratory game birds; to the Committee on Agriculture.

Also, petition of Asa Parshall, of Howell, Mich., and Edward T. Clark, of Chicago, Ill., favoring passage of House bill 1339, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of Polish-American citizens of South Chicago, Ill., and allied Polish national societies of Pullman, Kinsington, and Roseland, Ill., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the executive committees of the Illinois and Chicago Civil Service Reform Association, relative to sections 4 and 5 of House bill 24023, legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

Also, petition of citizens of Chicago, Ill., protesting against Stephens resolution, relative to the sectarian-garb case; to the Committee on Indian Affairs.

Also, petition of the National Jewelers' Board of Trade of New York, protesting against any change in the patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of Cook County cabinate, of Chicago, Ill., favoring investigation of conditions on excursion steamers on the inland seas; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Stockton, Cal., favoring provision being made for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Chicago Association of Jewish Women, Chicago, Ill., and of Roumania Lodge, No. 170, Independent Order B'rith Abraham, Chicago, Ill., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Anshe Russia Congregation, Newark, N. J.; Italo-American Alliance of United States, Philadelphia, Pa.; Eggert Lodge, No. 61, Independent Order B'rith Sholom, Newark, N. J.; Success Lodge, No. 233, Independent Order B'rith Sholom, Newark, N. J.; Moses Montefiore Lodge, No. 14, Independent Order of King Solomon, Newark, N. J.; Newark Progressive Lodge, No. 528, Independent Order B'rith Abraham, Newark, N. J.; United States Grand Lodge, Essex Lodge, No. 82, Independent Order B'rith Abraham, Newark, N. J., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Newark Master Plumbers' Association, Newark, N. J., favoring passage of Hamill bill, relative to a pension for Government employees who have served 30 years and are 60 years or age or over; to the Committee on Pensions.

Also, petition of the Board of Trade of Paterson, N. J., favoring the passage of the 1-cent letter rate bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Patriotic Order Sons of America and Anthony Wayne Council, No. 159, Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Loomfixers' Union, No. 566, of Lewiston, Me., favoring passage of House bill 19133 and Senate bill 5474, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: Resolutions of the several Independent Order B'rith Abraham lodges of Boston, Mass.; Lithuanian societies of Boston, Mass.; Lithuanian Socialist Federation of America; Chinese Benevolent and Protective Association of San Francisco, Cal.; Italc-American Society, of Philadelphia, Pa.; and Polish societies of New York, against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Farmers' Union, of Shawnee, Okla., and the American Purity Federation and Junior Order United American Mechanics of New York, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Labor League of Massachusetts; various citizens of Boston, Mass.; Knights of Unity Lodge, Independent Order B'rith Abraham, Boston, Mass.; Samuel Salant Lodge, Independent Order B'rith Abraham, Boston, Mass.; and Boston Socialist Club, Boston, Mass., protesting against passage of House bill 22725, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of the American Purity Federation; Junior Order American Mechanics, of New York; Farmers' Union of America; Patriotic Sons of America, and citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Chamber of Commerce, relative to improvement of levees on the Mississippi River devastated by floods; to the Committee on Rivers and Harbors.

Also, petition of the Sierra Club, protesting against passage of House bill 21954, providing for a change in the western boundary of the Yosemite National Park; to the Committee on the Public Lands.

Also, petition of citizens of California, favoring provision for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of California, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Woman's Home Missionary Society, Stockton, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of United States Grand Lodge, Kol Jacob, No. 381, and Jewish Charities, of Minneapolis, Minn., against passage of Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Preston Woman's Christian Temperance Union, of Preston, Minn., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Providence Progress Lodge, No. 591, Independent Order B'rith Abraham, Providence, R. I., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local No. 132, Leather Workers on Horse Goods, Providence, R. I., protesting against use of stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Farmers' Union of America and citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, New York, favoring passage of McLean-Weeks bill (S. 6497), for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Wireless Association of Pennsylvania, of Philadelphia, Pa., protesting against passage of House bill 15357, for regulating radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Petition of the Humbolts Chamber of Commerce, Eureka, Cal., favoring passage of House joint resolution 284, relative to establishing the Redwood national park; to the Committee on Agriculture.

By Mr. SCULLY: Petition of Lakewood Lodge, No. 540, Independent Order B'rith Abraham, of Lakewood, N. J., against passage of the Dillingham and Burnett bills restricting immigration; and of Daughters of Liberty, of Belford, and Atlantic Council, No. 154, Junior Order United American Mechanics, of Point Pleasant, N. J., favoring passage of the Dillingham bill and other bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Eatontown, N. J., favoring order of discontinuance of the wearing of religious garb in Indian schools and disapproving action of President Taft in revoking the same; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: Petition of the Farmers' Union, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of cattlemen and Boards of Trade of Fort Worth and Canyon City, Tex., protesting against House bill 512, relating to meat inspection; to the Committee on Expenditures in the Department of Agriculture.

By Mr. SULZER: Petition of Mutual Benefit Association, Fifth Division, Surveyor's Office, United States Customs, Port of New York, favoring passage of House bill 23241 and for bill to increase the pay of customs watchmen; to the Committee on Ways and Means.

Also, petition of the committee of wholesale grocers, of New York City, N. Y., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WEBB: Resolution of the Junior Order United American Mechanics, of New York, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petition of Local No. 124, Bartenders' League, of Trenton, N. J.; Cigar Makers' Union, No. 428, of Trenton, N. J., urging passage of the anti-Taylor-system bill (H. R. 22339) prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of bill appropriating $240,000 for investigation of the white-slave trade; to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of the District excise bill; to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of injunction and abatement bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 19, 1912.*

The House met at 12 o'clock noon and was called to order by Mr. GREGG of Pennsylvania, Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the life and light of men, the dispenser of every good gift, author of the immortality of the soul, which links the now with the then, soothes the dying, comforts the living, makes heroes of men in times of peril, and promises that perfection which we all long for; there is something finer in every man than anything he says or does. Make us conscious of Thy presence as we thus gather to pay our tribute of love and respect to the gallant soldier, the faithful servant, who in war and in peace served his State and Nation with fidelity, efficiency, and thus proved himself worthy of the confidence reposed in him, and has been summoned to the larger fields of endeavor. Help us to look forward with confidence to his friendly greeting where partings never come, "and when the tongue is eloquent no more the soul shall speak in tears of gratitude." In the spirit of the Lord Jesus Christ, who taught us to pray: Our father who art in heaven, hallowed by Thy name. Thy kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors; and lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was being read by the Clerk, when, at the request of Mr. MOORE of Pennsylvania and by unanimous consent, the further reading was dispensed with.

The Journal was approved.

THE LATE REPRESENTATIVE HENRY H. BINGHAM.

Mr. VARE. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 543.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. HENRY H. BINGHAM, late a Member of the House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were considered and agreed to.

LEAVE TO EXTEND REMARKS IN THE RECORD.

Mr. MOORE of Pennsylvania. Mr. Speaker, a number of the Members of the House who desired to speak to-day are necessarily absent, and I ask unanimous consent that those who wish to do so may have the privilege of extending remarks in the RECORD upon the life, character, and services of the late Gen. BINGHAM.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that those who desire may extend remarks in the RECORD on the life, character, and services of Gen. BINGHAM. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, among the rich treasures of the Capitol is Rothermel's celebrated painting of the Battle of Gettysburg. Riding beside the gallant Hancock is the form on horseback of a 22-year-old boy, weighing not more than 110 pounds, enveloped in the smoke of the fire of the greatest battle of American history. That boy was Gen. HENRY H. BINGHAM, in whose honor we are met to-day.

Those who went forward in 1861 in the war of the Union—those from the South to defend the cause in which they believed, those from the northern tier of States who felt it incumbent upon them to preserve the Union—were the flower of the youth of the Nation. Their average age did not exceed the age of manhood, and this boy of 22, brevetted from time to time for gallant service on the field of battle until he had become a brigadier general, was one of those who braved the dangers of war that the Union might be spared.

Those of us who live in peace and in plenty in these times of progress, prosperity, and great national development have but to picture in the mind's eye the boys leaving the farm, the boys leaving the factory, the boys leaving the mother's side, the boys separating themselves from wives and sisters, to fully understand the debt we still owe to the brave young men who went forth into unknown fields, to survive, perhaps to perish, that we might now enjoy the blessings of their victory.

HENRY H. BINGHAM was one of these boys. They who fought upon the side of the Union fought foemen who were valiant and "worthy of their steel." One of the few survivors of those against whom they contended at Gettysburg was our distinguished colleague from Virginia, Capt. JOHN LAMB. I had hoped Capt. LAMB would speak at these services this morning. He fully intended to do so, but the message now lying on my desk indicates that a sudden affliction has prevented his appearance here to pay his tribute to the gallantry, and the heroism, and the bravery of the "boy" upon the other side, upon whom the laurels of victory ultimately fell. They were brave men, and chivalry is in order now.

I have in my hand the statement of one of those who participated in the Battle of Gettysburg, as BINGHAM did, and as LAMB did, one since passed to his reward, as all of the great soldiers are now rapidly passing to their reward, who depicted in a brief paragraph the scene which Rothermel portrayed in his famous painting. In his work upon the "Medal of honor men," Gen. St. Clair A. Mulholland recites this thrilling narrative:

> The writer remembers Companion BINGHAM while in the Army and on the staff of that great soldier and son of Pennsylvania, Winfield Scott Hancock, called the "Superb," and one scene of the war he vividly recalls. It was on July 3, 1863, at Gettysburg, when, preceding the charge of Pickett's division of 18,000 men, on the line held by Hancock and the Second Corps, 127 Confederate cannon played on that line from 1 until 3 o'clock. Men and horses were torn to atoms, cannon dismounted, and ammunition chests one after the other blown up. The smoke of the artillery shrouded the battle field, the roar of the batteries shaking the earth and reechoing through the mountains of the Blue Ridge. It was a scene of wild tumultuous war, such as our country or the world seldom sees. In the midst of the storm, coming through the battle smoke, riding through our batteries that covered the ridge on which the Second Corps was formed, the flag of the Second Corps was seen and around was grouped half a dozen of the bravest and best of the Army—Hancock, the "Superb," commander of the corps and of the whole left of the Union line, Capt. William Mitchell, his adjutant general, Capt. E. P. Bronson, Capt. Isaac Parker, and Capt. HENRY H. BINGHAM—the corps flag flying and borne aloft by James Wells, of the Sixth New York Cavalry. The little group with Hancock at their head rode the entire length of the Second Corps line, from Zeigler's woods on the right to the extreme left, near Little Round Top. Slowly the little party rode along the terrible crest, while shot and shell roared and crashed around them. Every once in a while, as they passed along, winding through the masked batteries, Hancock would pause, say a word of encouragement to the men who were waiting to receive the attack of Pickett's thousands, and win the victory that marked the end of the war. And so from the extreme right to the extreme left of his command, nearly a mile, and back again, under the fire of 127 guns, rode the little group. The sight of the flag and of Hancock and his staff, calm, fearless, and confident, did much to nerve the stout hearts of the men of the Second Corps and aid them in winning, an hour later, the most important victory of the century.

Mr. Speaker, here is a story for the boys of the present generation. The thrilling scenes described by Gen. Mulholland are about to be recounted, after 50 years, upon the battle field of Gettysburg. The anniversary of the great battle is soon to be celebrated, and deeds of heroism and self-sacrifice on the part of brave and gallant boys of sixty-one and sixty-five—boys with aspirations equal to any of the present time—will be told and retold to inspire confidence in the Nation they fought to preserve.

The HENRY H. BINGHAM, captain upon the staff of Hancock, the "Superb," at Gettysburg, riding through the smoke and peril of a constant fire along the ridge, about to be attacked by the boldest chargers who ever faced a foe, a mark for the sharpshooters of the enemy, was the same HENRY H. BINGHAM who served in this House with us and our seniors for 33 long years. He was the same BINGHAM who performed here acts of service and devotion to his country, which stamped him a citizen in peace equal to the intrepid hero we knew him to have been in war.

There were some of you who came in contact with the courtly "Father of the House" who, unfamiliar with his earlier history, may not have observed in this quiet, modest gentleman the soldier who rode by Hancock's side in the most terrible conflict of the century. Gen. BINGHAM was wounded at Gettysburg, and that wound was a constant reminder to him throughout his civil life of this great conflict in which he took so honorable and conspicuous a part. At Spotsylvania he was again wounded, and also at Farmville. On another occasion he was captured by the enemy, although he escaped through the night. In him we had the soldier, the hero, and the citizen.

There are others, Mr. Speaker, who will dwell, I hope, upon the military phase of the career of Gen. BINGHAM. He had more to do than to fight the battles of his country. He had a great civic service to perform. Continuing his service in the Army until 1866, he was chosen to be the postmaster of the city of Philadelphia. He had been carefully educated and was a man of the finest instincts and of the strongest family ties. A college graduate, who donned the shoulder straps to do battle for his country, he was well equipped for civil life when the war was over. As postmaster of Philadelphia he endeared himself to the people, as he did also in other public offices to which he was elected. So well, indeed, did he fulfill his duties that when it came time to fill a vacancy in these Halls there was but one name upon the lips of the people of the old first district. That was the name of the gallant young soldier who had wrought so well in war and performed so well in peace.

He came to Congress more than 33 years ago. The story of those 33 years is the story of the Nation's greatest progress. We have grown from 50,000,000 people to be a Nation of 91,000,000; grown until the influence of the Stars and Stripes has made itself felt in every clime and until the possessions of the United States are a part of every hemisphere. Gen. BINGHAM participated in this growth and in this development.

Men grow old and we are prone to forget. The sere and yellow leaf comes only too quickly. Do we treasure well the memory of those who served us well? What was the part of our colleague in the development of the Nation? He was chairman of the Committee on the Post Office and Post Roads when the people were demanding better conditions in the postal service. It was under his administration as chairman of that committee that the letter postage of to-day was reduced from 3 cents to 2 cents. It was during his conduct of the affairs of that committee that the present postal rate for newspaper matter was established. He aided in the reduction of that rate, and thus in the dissemination of knowledge throughout the land. Have the newspapers remembered the service of the gallant hero and the quiet statesman who helped to inaugurate these reforms? Has the public, now exceeding 91,00,000 people, a full conception of the service of this man whom we have just laid to rest? And these were but few of the public benefactions which he inspired.

Mr. Speaker, I hold in my hand an article upon the life of Gen. BINGHAM, by one of the talented writers of the city of Philadelphia, which he loved so well, an extract from which would seem appropriate.

Says Mr. William Perrine, in the Evening Bulletin, of Philadelphia:

> It has been very seldom that Members of the American Congress have held their seats longer in a continuous service than the late Gen. BINGHAM held his as a Member for the first district of Pennsylvania in the course of 33 years. The district which he represented was largely the same, regarding the locale of his constituency, as it was when he was first elected. He entered the House when Hayes was President of the United States; he was there when the passions of the Civil War and the reconstruction period were still bitter in both parties, and he made his advent at a time when Simon Cameron, who was about to pass the scepter of Republican authority to his favorite son, was still as a master spirit to the Pennsylvania delegation. Samuel J. Randall, William D. Kelley, Charles O'Neill, and Alfred C. Harmer were then the other Members from the Philadelphia districts; all of them passed long ago into the great beyond, and BINGHAM, who was the youngest among them when he became their colleague, now sinks into his grave at more than threescore and ten. Every man who was an active and powerful leader of either the Republican or the Democratic Party when he went into Congress no longer exists or has disappeared from public view. He had become one of the very few Members who could look back to the time when Blaine, Conkling, Morton, Sherman, Logan, Allison, and their comrades in leadership shaped the policy of the Republican Party, and Thurman, Hendricks, Tilden, Bayard, Voorhees, Cox, and their comrades exerted a like control over the Democratic Party. It was thus, toward the last, that there was a general disposition to contemplate him, in his political personality, if not also in his habits of thought, as a survivor or relic of a somewhat remote past.

Mr. Speaker, a wealth of memories crowd upon us as we peruse this summary of the passing years. How much was done by these men in the intervening span that is not forgotten in the confusion of modern ambitions and asperities?

When he departed this life Gen. BINGHAM was the "Father of the House," as we denominate those longest in consecutive service. His position in that regard was peculiar in that he succeeded several other distinguished men, all of whom had come from the city of Philadelphia—Kelley, Randall, O'Neill, and Harmer. The city of Philadelphia elected men whom it could keep in this House. It sent them here, telling them that if they performed their duties well they might remain. Apparently they performed their duties well. No other State presents a record like this.

And if we deal with the services of our lamented colleague in a purely local sense we may say that he endeared himself to the great industrial and commercial interests of the people whom he represented. Many of us have wrought here earnestly and long for improvements which the Nation should provide in our home environment. Each of us has striven to do the best he can that his State may be honorably or even profitably represented in this House. The noble River Delaware, concerning which much has been said in recent years—the greatest commercial inland river of this country—was for many years the pet project of Gen. BINGHAM. The Philadelphia Navy Yard, which has been the subject of more or less discussion because of its favored position along the coast and its availability in the event of war, was one of those projects to which he devoted his time and his attention. The Delaware River, with but 20 feet of depth or thereabouts when William Penn settled the city of Philadelphia, was advanced in depth to 26 feet largely through the activity of Gen. BINGHAM in his earlier years of service. Smiths and Windmill Islands, which impeded progress between the city of Philadelphia and the city of Camden, N. J., were removed in his time.

As one who has taken up the work which he laid down, I desire to pay this tribute to Gen. BINGHAM: He has not sometimes received that full measure of appreciation which his great services to the port of Philadelphia warranted.

Mr. Speaker, Gen. BINGHAM was not only the "Father of the House"; he was popular with the House and had the friendship of his colleagues. A man may have courage and ability to commend him to popularity, but Gen. BINGHAM had more than that. He was able, he was strong, he was forceful; he was chosen for party councils, and he advised well; he was a Nestor among his fellows; a safe guide; he was a great writer of platforms and principles. His advice was always sought. Honors were offered him, many of which he declined. But it requires more than ability, more than strength, more than wisdom, to commend a man to popularity and to enable him to hold it as Gen. BINGHAM did. He had personal friendships, and they clung to him devotedly. What was there in his character, then, stronger and better than the attributes I have mentioned? Perhaps the word "courtesy" describes it best. Shall we call it gallantry? Shall we call it chivalry? No; let us call it courtesy, kindness, thoughtfulness of others. Gen. BINGHAM had had his afflictions. Bereavement came upon him in his early life as a husband and father and made its impress upon his whole life. They intensified the love he bore for an only sister.

As soldier, statesman, or party councilor, Gen. BINGHAM was always the gentleman. Was he called away on official journeys from the House, then every other night he wrote to that dearly beloved sister, that she might know he was well; that she might know his love still abounded. Was he busily engaged in the work of the House, then every other night that letter of endearment was written to cheer her who loved him, who watched his course, who trusted in his future, and who devoted herself to his welfare. In every act he was kindly and generous, and the friends who knew him well knew best his true and steadfast qualities of heart and mind.

It is said of Gen. Grant that on one occasion, when stories were being told to while away the time in camp, the spinner of a yarn began with the admonition "You know, there are no ladies present." Quick as a flash, it is said of Grant, he replied, "But you should remember that ladies are always present." It was so with Gen. HENRY H. BINGHAM, soldier, statesman, civilian, friend. His thoughts were free from guile. To him it was understood that ladies were always present. He was always the courteous gentleman—obliging, helpful, sincere—indeed, we may speak of him as a manly man of the truest type.

Mr. CRAGO. Mr. Speaker, several centuries before the Christian Era, Pericles, the soldier, statesman, and philosopher, said:

> This whole earth is the sepulcher of famous men; not only are they commemorated by columns and inscriptions in their own land, but in foreign lands dwells an unwritten memorial of them, graven not on stone, but in the hearts of the people. Make these your example, and esteeming courage to be freedom, and freedom to be happiness, weigh not too nicely the perils of war.

Mr. Speaker, Gen. HENRY HARRISON BINGHAM, a Representative of Pennsylvania for a period of 33 years, died at his home in Philadelphia March 23, 1912. To-day we meet in this sacred, solemn service in honor of his memory in order that we may here record our estimate of the many virtues his life exemplified. By reason of his official connection with the One hundred and fortieth Regiment Pennsylvania Volunteers, a regiment recruited in Greene, Washington, and Beaver Counties, Pa., an organization which took a prominent part in the great Civil War, I am proud of this opportunity, on behalf of that section of the great Commonwealth of Pennsylvania and on behalf of the veteran members of that regiment who yet survive and are to-day honored citizens of the district I represent, to add my humble tribute of veneration and respect to the memory of Gen. BINGHAM as citizen, soldier, and statesman.

In the year 1862, while a student at old Jefferson College, Canonsburg, Washington County, Pa., he, with other students and citizens, assisted in recruiting Company G of the regiment afterwards designated as the One hundred and fortieth Pennsylvania. At the organization, August 22, 1862, he was mustered into service and commissioned first lieutenant of his company. September 9, 1862, he was promoted to captain.

He was wounded at Gettysburg during the first day's fight, July 2, 1863, and was again wounded at Spotsylvania Court House, May 12, 1864, and at Farmsville, April 7, 1865. He was promoted to major September 20, 1864, and brevetted lieutenant colonel, colonel, and brigadier general April 9, 1865.

Time does not permit me to give here any extended account of the heroic work of this regiment. During the long, dark years from 1862 to 1865 these men did their part in the great conflict, and Chancellorsville, Gettysburg, Spotsylvania, and Cold Harbor tell more eloquently than words can describe of their sacrifice laid so gladly on the altar of this Republic.

The death of Gen. BINGHAM is but another reminder of how rapidly the men whose lives connect us with that memorable period of half a century ago are passing to the spirit world, leaving a new generation, who know not the cost of that great contest, to administer the affairs of state.

With the death of William McKinley it is quite probable that there passed away the last one who took an active part in the Civil War who will ever occupy the presidential chair.

In the death of Gen. BINGHAM Pennsylvania has lost her last Member of this body who served in that grand army.

In the councils of state such men as these, tried as they had been in the crucible of fire, will be missed. They knew the price of liberty and of free government; they legislated and planned for a Nation and for principles for which they had offered life itself. Let us hope that succeeding generations of men who shall mold public opinion, make and execute our laws, may be characterized by the same lofty purpose and the same patriotic motives which inspired these men in all their public duties.

It was the good fortune of Gen. BINGHAM to live to see the cause for which he fought justified by the men with whom he contended; to see all sections of our country united under one flag; to see that flag floating triumphantly over the ruins of a former despotic government, placed there by the loyal hands of men from the North, South, East, and West, a symbol of a reunited Nation, a notice to the world that we stand as one people in defense of liberty and against oppression.

Gen. BINGHAM in his life work was a citizen who loved his country and her institutions; a soldier brave, and true to the cause for which he fought; a patriotic statesman, striving ever for the highest ideals in government. He, like the immortal Lincoln, respected the law as he found it, and saw in our Constitution and laws a great bulwark of human rights instead of a mere bundle of naked legal truths.

Within these historic walls on this peaceful Sabbath morning, surrounded as we are by the evidences of the resurrected life of nature, while the blossoms and flowers proclaim the glad tidings of spring, beauty, and life, it is most fitting and proper that we should speak and think of one who has gone from this life to that other higher and better, where death shall be no more. Here finite knowledge ends, but faith breathes the prayer that in that great beyond, that spirit world of sunshine and life eternal, he rests in peace, happy in the knowledge that his work was not in vain, and that his life, so woven into more than half a century of the history of our country, has added luster to the Nation he loved and served so well.

[Mr. FITZGERALD addressed the House. See Appendix.]

Mr. BATES. Mr. Speaker, HENRY H. BINGHAM was one of the most distinguished men who have sat in this House during the present generation. He was a patriot, a soldier, a statesman, a scholar, and a gentleman. He was a graduate of an American college. He had received the highest degrees for scholarship, having been pronounced a doctor of laws by one of the oldest colleges in this country. He was a member of the bar of Pennsylvania. He was a lieutenant in the Union Army, serving in the One hundred and fortieth Pennsylvania Volunteers. He was seriously wounded at the Gettysburg fight in sixty-three, again at Spotsylvania in sixty-four, and again at Farmville, Va., in sixty-five. He was a major, a lieutenant colonel, a colonel, and a brigadier general, having received these promotions for distinguished gallantry. He was given the medal of honor for special gallantry on the field of battle. He was appointed by the President postmaster of Philadelphia. He was twice elected by the people clerk of the courts at Philadelphia. He was a delegate to almost every Republican national convention for the past 40 years. He was elected from the first congressional district of Pennsylvania to 17 consecutive Congresses, serving longer consecutively, we believe, than any other man in the history of the country.

In all these varied positions, both civil and military, in which he served the people of Pennsylvania and the Nation at large he brought to each duty an earnest purpose, born of a desire to fulfill and accomplish the highest measure of usefulness for those whom he represented and so faithfully served.

One who has filled and successfully filled the offices of trust and responsibility which I have recounted must be denominated truly great. Especially is this true when the scenes of his activity and achievement are among people of the highest patriotism and most conspicuous private and public virtue.

I have called him a patriot. He was one of those who, when he believed that the integrity of his country had been assailed, marched to the front without hesitation. At the age of 22 years he was a major for gallantry in battle. At the age of 25 he was a brigadier general. He had three times received terrible injuries in battle, once narrowly escaping with his life. He had offered all that he was, all that he could be, for the life of his country, for the honor of its flag.

Members of Congress who served with him will never forget his ability, his tact and never failing urbanity when in charge of an appropriation bill on the floor of this House. His memory of details was of such a nature that he was able not only to explain and elucidate the item of the appropriation under discussion but could go back one, two, three, or five years and state with minuteness the provisions of the former bills on the topic under consideration. He was a student of detail. The information he possessed, together with his sound, normal conception of what was needed in legislation, and added to this his uniformly courteous demeanor, made him one of the most useful and efficient legislators on the floor of this House. Gen. BINGHAM can be called a tribune of the people. Many distinguished men pass from the House of Representatives to the Senate or even to higher positions beyond. Pennsylvania has contributed many exceptions to this rule. To the triumvirate, Thaddeus Stevens, William D. Kelley, and Samuel J. Randall, can now be added the name of HENRY H. BINGHAM, as members of a select company of the great commoners whose pulses beat in unison with the pulse of the people and to whom hereafter she will always point with pride.

Gen. BINGHAM's public career was long, faithful, honest, and useful. Philadelphia more than any part of Pennsylvania has been conspicuous for her steadfastness in retaining tried and trained Representatives, and he was an example of the carrying out of this policy. No district in the State received more careful or efficient service. I believe the characteristics I have mentioned were natural to the man. He who was for so many years the "Father of the House" falls. But all earthly work must end. Humanity is a procession. Our words of farewell to a fellow workman should not alone be those of grief that man's common lot has come to him, but of pride and joy for all the good he has accomplished. Men so weave themselves into their hour that for the moment it seems as though much will be interrupted if they depart. "One generation passeth away and another generation cometh; but the earth abideth forever." The progress of the race goes on, and we realize in every step more and more its upward tendency. We are all agents, great or small, in a mighty purpose. If we and all things are not working together for good, if our life is but a breath exhaled and then forever lost, our work means little.

Gen. BINGHAM was a man of broadest sympathies; his attitude was that of a true American. Always kindly, courteous, and a man of refined tastes, with a high character and integrity which was never questioned, he was an example of unselfishness and a devoted public servant. The boyish patriotism which led him to the Army in the Civil War remained with him throughout his life and inspired all his public service.

Mr. VARE. Mr. Speaker, political friendship and personal intimacy of many years and a solemn sense of duty as the suc-

cessor of the late Hon. HENRY H. BINGHAM impel me to address the House at this time. On the day set apart as a memorial to him, and when so many former associates are paying deserved and eloquent tribute, I crave your indulgence for a few moments, that I may express on behalf of the great constituency of the first congressional district of Pennsylvania the regret we have at the passing of one whom we so long honored ourselves in electing to Congress.

Few men have the capacity, the ability, and the inclination to live such useful careers as Gen. BINGHAM. Born in a sphere where he might have indulged his whims and fancies and led a life of ease, he chose rather to fit himself by close application and rigorous denial for a life of service to society and further appreciation of a family name that had been long highly esteemed in a community where the finer attributes are recognized and valued.

He was graduated with high honors from college when he had scarce attained his majority, and was about to assume the practice of the law when the call to arms changed the life course he had planned, as it did the career of so many of the choicest flowers of our now happily reunited country. For four years, as I have heard him recount, he was almost constantly in the saddle when he was not in the hospital. Small of stature, he was possessed of a vitality and a constitution that enabled him to recover quickly and to endure hardships under which greater frames might have succumbed.

Successively brevetted for distinguished gallantry as major, lieutenant colonel, colonel, and brigadier general, and three times wounded, he finally won what was even more highly prized than official preferment—the medal for special gallantry. As in private life, so in the field, Gen. BINGHAM was the brave, courteous, chivalrous gentlemen you always found him. Mentally and physically exceptionally endowed, he knew not fatigue nor cared to lag, no matter what the burden or the length of the race.

Small wonder that, when he was finally retired from military service—and that was not until the summer of 1866—that an appreciative people should demand recognition of such gallant service. And then he entered upon that civic career which ceased only with his death.

His first civil appointment of moment was that of postmaster of Philadelphia. Five years he administered this responsibility so ably that there are those to-day who recall it with admiration. Then he was elected clerk of the courts, and in 1878 was chosen to represent his district in the Forty-sixth Congress and was reelected with unfailing regularity and with such majorities as indicated the esteem and affection in which he was held.

In the great, broad field of national politics Gen. BINGHAM was a prominent figure; he represented a district that has elected a Republican Congressman by large majorities continuously for more than half a century, Gen. BINGHAM having served for the last 34 years, the longest period of continuous service of any Member who ever held a seat in this American Congress. In practically all the national conventions of the Republican Party since 1876 he served as delegate. His wisdom in shaping the party's policy was always conceded, and to him was due the stirring appeals which appeared in many State and National platforms. His memory was remarkable and his diction as trenchant as it was perfect.

Of his labors, worth, and accomplishment as a Member of Congress it is unnecessary for me to recall, for most of you know of them even far better than I do. As a man, I speak as I found him; he was the soul of honor, loyal to the uttermost, a gentleman under all circumstances. He was impartial in his service to his fellows, giving special consideration to the most humble of his constituents.

To me a trait, of which few of you may be aware and which appealed powerfully to me, was his touching devotion to an invalid sister, much older than he. He was ever solicitous, ever mindful of her, and his first thought when he came to Philadelphia was to see to her comfort and happiness.

I can recall Gen. BINGHAM going to and fro throughout his district, meeting old and young. To the young he was always Gen. BINGHAM, and to the old, who shook him by the hand, he was "HARRY" BINGHAM. He was a kindly man and an affectionate man. He was always anxious to make his fellows happy. On several occasions I visited his home, as he did mine, and I can assure the Members of this House that the most humble citizen of his district, regardless of color, race, creed, or nationality, was just as welcome as the more successful, and received the same courtly attention at the fireside of my distinguished predecessor.

In the galaxy of virtues there is to me none higher than love of family and home. Without gratitude and affection the attainment of mountain heights of success would be barren of compensation.

A soldier brave as the bravest; a statesman honored and able; a friend ever courteous and thoughtful; a Congressman whose long and uninterrupted service was in itself sufficient recommendation and incentive—we do well to pause a moment and pay a tribute to the memory of my distinguished predecessor, the late Gen. HENRY HARRISON BINGHAM.

Mr. BARTLETT. Mr. Speaker, there have departed forever from these Halls in the years that I have been a Member of the House many Members, but none has left it with sweeter recollection of gentleness and chivalry, of kindliness and manliness, than the late Gen. HENRY H. BINGHAM, of Pennsylvania. I did not intend to say anything upon this occasion, and what I say must necessarily come spontaneously from the heart. In the many years that I have been a Member of this House there have been frequent occasions of bitter partisan debate and strife. There were times when sectional lines were drawn tight. There were times when bitter words were said on one side and answered upon the other. Brave and true and chivalrous soldier as he was, I never once had occasion to feel the slightest offense at any word Gen. BINGHAM uttered. He knew no sections. Brave and chivalrous soldier as he was, courtly gentleman as he was, he maintained his own opinions firmly, courteously, but never with intent to give offense to others. He but illustrated the characteristics of those valiant soldiers upon either side of our recent internecine struggle. He was brave as the bravest upon the battle field, gentle as the gentlest, and kind as the kindest when it was over. Not only that, but I would speak also of his intercourse with the younger Members of this House. I was a young Member of the House when I came here. I met him frequently, and finally, in the last session and in this, served upon the same committee of which he had so long been an honored member. I can say to his friends, and to those who mourn him to-day, and to his constituents, that no man from any part of this great country of ours acted more the great man than did he, the courtly knight, the gentleman that he always showed himself, whose memory will linger, like the essence of sweet flowers, long, long years to come.

Mr. Speaker, he was one of the great Army of the Union that withstood with bravery the furious assault of the Confederates upon the famous field of Gettysburg; that battle which settled the destinies of this country; that battle which was the high tide of Confederate success and the turning point in the history of this Republic.

A week ago there assembled in the city where I live the remnant of the magnificent armies that followed Lee and Jackson and Johnston and the other illustrious Confederate leaders and generals. Mingled with them there from all over this country were Union soldiers who went there to enjoy the hospitality of the people of my home, and as the 16,000 Confederate soldiers marched through the streets of my city, under the flag of the Confederacy, it is true, there never was a murmur or suggestion that they were not as true now to the flag of this Union of ours and as loyal to it as they were to the flag for which they fought so valiantly. They unanimously passed a resolution that on the fiftieth anniversary of that great battle of Gettysburg they would meet the remaining survivors upon this historic field and again together celebrate in peace and not in war the recollections of exhibitions of valor and chivalry on the part of American soldiery, as great as ever seen on any field of battle in the history of time.

And there are many who will meet there that will look in vain for the genial face, the pleasant smile, and the clasp of the fraternal hand of HARRY H. BINGHAM.

Mr. Speaker, the earth that holds him dead bears not upon it living a truer, lovelier gentleman.

Mr. AINEY. Mr. Speaker, it is with faltering speech that I attempt to follow the eloquent and merited tributes which have been paid to the memory of the distinguished son of Pennsylvania, former Member of this House, the late Gen. HENRY H. BINGHAM.

I can not speak of him, as have the gentlemen who preceded me, out of a wealth of personal association, but I may add at least a word to record the remembrance of his kindly greetings upon my entrance as a Member of this body, a few short months ago, as he met me one day near this door to my right.

The heart of man grows more tender, more hopeful, yea, more optimistic, as it gives thoughtful consideration, upon occasions like this, to the fact that the qualities which bind together the men of our great country, qualities which, after all, go to make up our ideal in man, are those attributes of the heart which speak in tones of broadest sympathy and kindliest interest.

How distinctively American was he! A true type, hardly to be produced elsewhere than on American soil. Other nations

have brought forth warriors and other countries have had their statesmen, but rarely in any other environment may there be found that marvelous combination—a great man of war and a great man of peace.

It has been recounted to-day how he, with a loyalty and patriotism that weighed not fear, held not back the tender of his life when his country needed his assistance. In the darkest hour, when it seemed as if the night would never pass, it will not soon be forgotten that he was in the forefront, uniting his efforts with those other brave men who turned the tide at the Battle of Gettysburg, where hope for a reunited country lifted her grief-stained face and the sun arose again upon another day.

So this man of war became the man of peace. For over 30 years his words of wise counsel have helped in the affairs of state. With him the war was over, he had no room in his heart for bitterness, and he set himself to the greater tasks of peace. No narrow sectional or political lines could bind his heart or narrow the scope of his patriotic desires. His conceptions of his duty were greater than any limitations imposed by territorial subdivision. His was a mind that refused to recognize a demarcation between North and South; and by his broad and patriotic nationalism he won a recognition which found expression to-day in the eloquent words of the gentleman from Georgia [Mr. BARTLETT].

The harmony of man's life can not be seriously marred where the dominant note is kindness. To be great in small things is to my mind the supreme test of real greatness. Here, too, he excelled. With an unruffled brow, a genial smile, a kind word, and an extended hand he made his journey through life and won from all the high encomium—a chivalrous, courtly, kindly gentleman.

It should not be forgotten that during the period of his public services the pent-up miracles of a thousand years have broken forth, until now the elements have yielded a ready obedience to man's comfort and pleasure. The population has increased by leaps and bounds. Our national and political life had to be adjusted to these changed conditions, and in this transformation his voice and counsel were heard in this Hall of Congress.

The memory of our great men constitutes a part of our national treasure. By recounting their noble deeds we keep alive the patriotic spirit without which our country would soon pass away. Their unselfish, faithful, and loyal services will bring to generations yet unborn a deeper sense of their responsibility toward and love for the institution symbolized by the old Stars and Stripes, whereby will be insured its perpetuity; an unfaltering belief that though dark clouds may sometimes hang heavy and obscure her sky the morrow's sun will drive away the darkness and she will pursue her path of destiny.

Of our country it has been said:

> We have journeyed in safety through the wilderness and crossed in triumph the Red Sea of civil strife, but the foot of Him that led us hath not faltered nor the light of His countenance been turned away.

Gen. HENRY H. BINGHAM was a great man, a gallant soldier, a man of peace, a splendid statesman, a loyal citizen. Not least of all, he was a kindly hearted, sympathetic gentleman.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a further mark of respect to the memory of the deceased, the House will now stand adjourned.

Thereupon (at 1 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 20, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *May 20, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

THE NAVAL ACADEMY (S. DOC. NO. 672).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 10th instant, certain information relative to the maximum capacity of the United States Naval Academy for the accommodation of midshipmen and also the number of midshipmen in attendance during each of the last five years, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

DRY LAND HOMESTEADS (S. DOC. NO. 673).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 8th instant, certain information relative to the number of homestead entries made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910, which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. JOHNSON of Kentucky, Mr. ADAIR, and Mr. DYER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the General Conference of the Methodist Episcopal Church, held at Minneapolis, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Maritime Association of the Port of New York, favoring an appropriation for the installation and maintenance of wireless telegraph stations on all light vessels along the coasts, which was ordered to lie on the table.

He also presented petitions of the congregations of the Mount Washington Methodist Protestant Church and the Presbyterian Church of Pittsburgh, Pa.; of the Presbyterian and Methodist Episcopal Churches of Oxford, Ala.; and of the Woman's Christian Temperance Union of Montgomery Center, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of Branch 7, Socialist Party of New York City, N. Y.; of Manhattan Lodge, No. 7, Brotherhood of Machinists, of New York City, N. Y.; and of the District Grand Lodge, Independent Order of B'nai B'rith, of Cincinnati, Ohio, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, favoring the enactment of legislation providing for a civil-service basis for certain branches of the Diplomatic and Consular Service; for the adoption of certain amendments to the Sherman antitrust law; against the importation of nursery stock except through the Department of Agriculture; for adequate Government relief for the sufferers

from floods in the Mississippi River districts; and for the opening of the Panama Canal free to American shipping engaged in coastwise domestic trade, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the congregation of the First Baptist Church of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Cook County Cabinet, of Chicago, Ill., praying that an immediate investigation be made as to conditions existing on excursion steamers on the Great Lakes with reference to the safety of passengers, which was referred to the Committee on Commerce.

He also presented a memorial of the Rock Island County Retail Druggists' Association, of Illinois, remonstrating against the enactment of legislation to prohibit a resale price on patented articles, which was referred to the Committee on Patents.

He also presented a memorial of the Mutual Building and Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of Woodlawn Auxiliary, No. 238, Ladies of the Maccabees of the World, of Chicago, Ill., and a petition of the Illinois State legislative board, Brotherhood of Locomotive Engineers, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Christian County Medical Society, the Gallatin County Medical Society, and of sundry physicians of Quincy, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE. I present resolutions in support of the immigration bill. They are very brief, and I ask that, with the few names appended, they may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

While we are aware that there is a world-wide rise in the cost of living and that there are local causes of disturbance and distress which need correcting, we none the less believe that distressing conditions in the United States are greatly aggravated by the fact that the less skilled classes of labor are subjected to an artificial and unnecessary competition. This competition is due to the unlimited importation from numerous parts of the world of laborers often induced to come here by persons interested financially in their coming whose controlling interest is not in the personal welfare of the immigrant or in the general welfare of the country.

We believe the evidence to be conclusive that under these conditions the maintenance of a proper American standard of living among the laboring classes of our country is impossible in this State or in any other State subject to these same conditions. We therefore most respectfully urge that this overshadowing menace be not ignored by you and that you relieve this situation by limiting the importation of labor to a point where the American standard of living among great bodies of laborers shall no longer be broken down.

A. Lawrence Lowell, LL. D., president Harvard University; Richard M. Maclaurin, president Massachusetts Institute of Technology; Henry A. Garfield, president Williams College; T. N. Carver, professor of political economy of Harvard University; C. J. Bullock, professor of economics, Harvard University; O. M. W. Sprague, assistant professor of banking and finance, Harvard University; Wm. Z. Ripley, professor of political economy, Harvard University; John F. Tobin, general president of the Boot and Shoe Workers' Union; John Golden, president United Textile Workers of America; James Duncan, first vice president American Federation of Labor and president Granite Cutters' Union; Arthur M. Huddell, business agent Building Trades Council; Henry Abrahams, secretary Central Labor Union of Boston and secretary International Cigar Makers' Union; Robert A. Woods, settlement worker, author, etc., South End House, Boston; Henry Lee Higginson, senior partner of Lee, Higginson & Co.; Alfred D. Foster, president New England Mutual Life Insurance Co.; Philip Stockton, president Old Colony Trust Co.; Richards M. Bradley, of Bradley & Tyson; Francis R. Hart, vice president Old Colony Trust Co.; John F. Moors, of Moors & Cabot; Henry B. Cabot, of Moors & Cabot; and many others.

Mr. LODGE. I present resolutions adopted by the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., which were agreed to with only two opposing votes, 806 delegates being present. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

Mr. TOWNSEND. I present 16 memorials adopted by as many municipal and commercial bodies of Michigan, and various memorials signed by over 4,000 farmers and others, remonstrating against the passage of the House bill in reference to the sugar schedule. I ask that one each may be read.

The VICE PRESIDENT. Without objection, the Secretary will read one each of the memorials.

The Secretary read as follows:

To the honorable Senate and House of Representatives of the United States:

Whereas the House of Representatives has recently passed a bill removing all customs duty from sugar entering the United States; and

Whereas this bill is now being considered by the Senate; and

Whereas such a bill if enacted into law would destroy the domestic beet and cane sugar industries of the United States; would reverse our governmental policy toward Hawaii, Porto Rico, and the Philippines, thereby endangering the prosperity of those islands; would virtually abrogate our treaty with Cuba, thereby injuriously affecting our export trade to that island, now amounting to over $60,000,000 a year, and endanger the peace and prosperity of the Republic of Cuba; and

Whereas such legislation would deliver to the sugar-refining industry of the United States—80 per cent of which is officially declared to be controlled by one company—the monopoly of the sugar business in this country: Therefore be it

Resolved by Cass City Improvement Association, That we protest against the passage of a law placing sugar on the free list, and urgently request our Senators and Representatives in Congress to use all legitimate methods to defeat any tariff legislation which shall injuriously affect the development of the domestic sugar industry of the United States.

We believe that the official reports of the Department of Agriculture conclusively demonstrate that this country, with proper fiscal legislation, is able to produce all the sugar its people can use, and that it is better economic policy to produce our sugar at home than to buy it abroad.

Adopted at a regular meeting of Cass City Improvement Association April 2, 1912. There were 130 members present at this meeting.

JAS. H. HAYS, *President.*
P. A. SCHENCK, *Secretary.*

To the honorable Senate and House of Representatives of the United States:

The undersigned, citizens of Michigan, respectfully protest against the removal of the duty on sugar as provided for in the bill which recently passed the House of Representatives. We petition Congress not to pass any legislation which shall interfere with the development of the beet-sugar industry of the United States. We believe there is enough land in this country adapted to the culture of beets to provide all the sugar which our citizens can use, and that under favorable laws the beet-sugar industry of this country will develop with great rapidity. Our citizens are more interested in this industry than ever before, and have learned from actual experience that the culture of beets improves other agricultural conditions. In view of these facts we ask that no legislation be passed which shall in any way check the development of this important industry.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SUTHERLAND. The Brotherhood of Locomotive Engineers, in session at Harrisburg, Pa., representing the locomotive engineers of every State in the Union, adopted, on the 17th

instant, a resolution approving the workmen's compensation bill which recently passed this body. The resolution is embodied in a letter which I send to the desk. It is very brief, and I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

There being no objection, the letter was read and ordered to lie on the table, as follows:

WASHINGTON, D. C., *May 18, 1912.*

Hon. GEORGE SUTHERLAND,
United States Senate.

MY DEAR SENATOR: It affords me pleasure to furnish to you herewith a quotation from a resolution that was yesterday adopted by the Grand National Brotherhood of Locomotive Engineers, now in session at Harrisburg, Pa. This resolution will speak for itself and needs no comment from me.

"Therefore be it resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill."

I am, with sincere respect,

Yours, very truly,

H. E. WILLS,
Assistant Grand Chief Engineer and
Acting Joint National Legislative Representative.

Mr. SUTHERLAND presented a telegram in the nature of a petition from sundry citizens of Ogden, Utah, members of the medical profession, praying for the passage of the Owen health bill, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of legislation to prohibit the transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented resolutions adopted by the Board of Trade of Elizabeth, N. J., favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of local granges of North Yarmouth, Hiram, Woolwich, Bethel, Levant, Portside, and New Portland, all of the Patrons of Husbandry; of the Journeymen Barbers' Union, of Augusta; of the Boot and Shoe Workers' Local Union, of Belfast; of Cigar Makers' Local Union, of Bangor; of Loom Fixers' Local Union, of Lewiston; of the International Quarry Workers, of Hallowell; of Cigar Makers' Local Union, of Rockland; of the International Brotherhood of Locomotive Engineers, of Bangor; of the International Association of Machinists, of Waterville; of Medway Local Union, No. 152, International Brotherhood of Paper Makers, of East Millinocket; and of sundry citizens of Paris, Sedgwick, and Caribou, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Laymen's League of the Universalist Church of Rockland, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of William H. Taft Lodge, No. 541, Independent Order B'rith Abraham, of Lewiston, Me., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Thomaston, Rockland, and Knox County, all in the State of Maine, praying that an appropriation be made for the continuance of the office of shipping commissioner at Rockland, Me., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Bath, Me., praying that an appropriation be made for the continuance of the office of shipping commissioner at that city, which was referred to the Committee on Appropriations.

Mr. HITCHCOCK presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented resolutions adopted by the Business and Professional Men's Association of North Platte, Nebr., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of the Owen Roe Club, of New York City, N. Y., remonstrating against the appointment of a commission and against the proposed appropriation of $7,500,000 for the purpose of celebrating the 100 years of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of Stratham, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert B. Wolf, of Berlin, N. H., and the petition of Rev. Arthur W. Shaw, of Goffstown, N. H., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which were referred to the Committee on Territories.

He also presented a petition of Union Pomona Grange, Patrons of Husbandry, of Manchester, N. H., and the petition of George T. Gerry, of Claremont, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Federated Improvement Association of Los Angeles, Cal., favoring the enactment of legislation authorizing a change in the course of trans-Atlantic ships far to the south of the Newfoundland Banks during certain seasons of the year, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of Sierra Madre, Cal., favoring an appropriation for the destruction of the Mediterranean fly, which were ordered to lie on the table.

Mr. RAYNER presented petitions of 50 citizens of Baltimore, Md., remonstrating against the passage of the Owen medical bill, which were ordered to lie on the table.

Mr. BRIGGS. I present a petition signed by Jesse Lawson, president of the National Emancipation Commemorative Society, and by sundry citizens of the District of Columbia and Virginia, praying that a charter be granted to that society. I ask that the petition be referred to the Committee on the Judiciary and that the heading thereof be printed in the RECORD.

There being no objection, the petition was referred to the Committee on the Judiciary and the heading thereof was ordered to be printed in the RECORD, as follows:

A petition praying the passage of bill (S. 5113) introduced by Senator BRIGGS, of New Jersey, granting a charter to the National Emancipation Commemorative Society of the United States of America.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled.

GENTLEMEN: We, the undersigned citizens of the United States, do by these presents humbly petition you to pass at the earliest practicable moment bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, organized for the purpose of holding a national jubilee at Washington, D. C., in celebration of the fiftieth anniversary of the issuing of the emancipation proclamation by Abraham Lincoln on September 22, 1862, and for the cultivation of patriotism and mutual improvement in the promotion of industry, art, literature, and education.

Mr. BRIGGS presented petitions of the Royal Neighbors of America, Kansas City, Kans., and of the Ladies of the Maccabees of Port Huron, Mich., praying for the enactment of legislation granting the privileges of second-class mail matter to publications of fraternal societies, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Orange and Woodbury, in the State of New Jersey, praying for the appointment of a commission on industrial relations, which were referred to the Committee on Education and Labor.

He also presented petitions of the Hudson County Veterinary Practitioners' Club and sundry citizens of Ridgewood, Glassboro, Jersey City, Newark, Freehold, and South Orange, all in the State of New Jersey, and of sundry citizens of New York City, N. Y., praying for the enactment of legislation to consolidate and increase the efficiency of the veterinary service, United States Army, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Bridgeton and Rutherford, in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of East Orange and Murray Hill, in the State of New Jersey, praying for the

establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Camden, Garfield, Paterson, and Keansburg, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented memorials of sundry officers of building and loan associations of Belmar, N. J., and of the New Jersey League of Building and Loan Associations, remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Newark, Vineland, Flemington, Dover, Trenton, New Brunswick, Point Pleasant, Palisade, Madison, Montclair, Asbury Park, Bound Brook, Hampton, Salem, Jersey City, Elizabeth, Lakewood, East Orange, and Rockaway, all in the State of New Jersey; of the National Board of Trade, Washington, D. C.; and of sundry citizens of New York City, N. Y., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented a petition of the Board of Trade of Paterson, N. J., and a petition of the Chamber of Commerce of Trenton, N. J., praying for the adoption of a 1-cent letter postage, which were referred to Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented resolutions adopted by the National Jewelers' Board of Trade, remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, relative to the importation of nursery stock, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the improvement of the Diplomatic and Consular Service, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the adoption of an amendment to the Sherman antitrust law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, praying that an appropriation be made for the control of floods in the Mississippi River and its tributaries, which were ordered to lie on the table.

Mr. CURTIS presented sundry telegrams in the nature of petitions from citizens of Kansas City and Emporia, in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BROWN presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of health, which was ordered to lie on the table.

Mr. SHIVELY presented a petition of members of the Woman's Home Mission Society of Bristol, Ind., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Merchants' Association of Laporte, Ind., and a memorial of the Retail Merchants' Bureau of the Chamber of Commerce of South Bend, Ind., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

Mr. BURNHAM presented a petition of White Mountain Camp, No. 6, United Spanish War Veterans, of Berlin, N. H., praying for the enactment of certain pension legislation, which was referred to the Committee on Pensions.

He also presented petitions of Local Grange No. 204, Patrons of Husbandry, of Charlestown; of Union Pomona Grange, Patrons of Husbandry, of Manchester; and of the Chamber of Commerce of Manchester, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 204, Patrons of Husbandry, of Charlestown, N. H., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. I am directed by the committee appointed by the Senate to investigate whether in the election of WILLIAM LORIMER as a Senator from the State of Illinois there were employed corrupt methods and practices to submit the following report (No. 769).

In doing this I desire to call the attention of the Senate to the fact that at the end of almost every paragraph in the report there has been included in brackets a reference to the body of the testimony where the evidence upon which the finding is based may be found.

With the report I am also sending to the desk the testimony and records of the public hearings, comprised in eight volumes, with a digest index to the same, which the Senate will find very convenient in referring to any particular part of the evidence or the record.

The VICE PRESIDENT. Does the Senator from Vermont desire to have the evidence printed, or simply the report?

Mr. DILLINGHAM. The report.

The VICE PRESIDENT. The report will be printed and lie on the table.

Mr. DILLINGHAM. I think there are a sufficient number of copies of the evidence to supply the demand of the Senate.

Mr. SMOOT subsequently said: Was the minority report in the Lorimer case offered?

The VICE PRESIDENT. The views of the minority have not yet been submitted.

Mr. LEA subsequently said: Mr. President, I present and ask to have printed the views of the minority members of the Lorimer investigating committee. (Rept. No. 769, pt. 2.) The minority views are signed by the Senator from Indiana [Mr. KERN], the Senator from Iowa [Mr. KENYON], and myself.

Mr. GALLINGER. I ask that they be printed in connection with the report of the majority, so that it will make one document, if agreeable to the Senator.

Mr. LEA. I will be very glad to have that done.

The PRESIDING OFFICER (Mr. PAGE in the chair). Without objection, that order will be made.

Mr. LEA submitted the following resolution (S. Res. 315), which was ordered to lie on the table and be printed:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I am directed by the Committee on Claims, to which was referred the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, to report it with amendments, and I submit a report (No. 770) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I desire to submit the views of the minority of the Finance Committee upon the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which is the chemical-schedule bill. The report was prepared by the Senator from Maine [Mr. JOHNSON].

The VICE PRESIDENT. The views of the minority will lie on the table and be printed. (Rept. No. 636, pt. 2.)

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6612. A bill for the establishment of a fish-cultural station in the State of Tennessee (Rept. No. 772); and

S. 6590. A bill to establish a fish-cultural station in the State of New Mexico (Rept. No. 773).

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6203. A bill to establish a fish-cultural station at Monte Ne, in the State of Arkansas (Rept. No. 774); and

S. 6414. A bill to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia (Rept. No. 775).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6744. A bill to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex. (Rept. No. 776); and

S. 6745. A bill to provide for the erection of a Federal building in Las Cruces, N. Mex. (Rept. No. 777).

GOOSE CREEK BRIDGE, SOUTH CAROLINA.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C., to report it without amendment, and I submit a report (No. 768) thereon. I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the bill.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT WILMINGTON, N. C.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, and I submit a report (No. 771) thereon.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The Committee on Public Buildings and Grounds reported an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34⅞ acres of land, more or less, covering six whole and three one-half city blocks, lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GARDNER:

A bill (S. 6865) granting an increase of pension to Lyman C. Putman (with accompanying paper); to the Committee on Pensions.

By Mr. GARDNER (for Mr. JOHNSON of Maine):

A bill (S. 6866) granting an increase of pension to James A. Dunton (with accompanying paper);

A bill (S. 6867) granting an increase of pension to Elias H. Davis (with accompanying papers); and

A bill (S. 6868) granting an increase of pension to Frank H. Oliver; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6869) for the relief of heirs or estate of Michael Emonet, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 6870) to correct the military record of Calvin O. Tyler, alias John Wood; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 6871) granting an increase of pension to George W. Jones (with accompanying paper);

A bill (S. 6872) granting a pension to Martha R. Brown (with accompanying papers); and

A bill (S. 6873) granting an increase of pension to Willis Dobson; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6874) for the relief of Alfred H. Weaver; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6875) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents;

A bill (S. 6876) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; to the Committee on the Judiciary; and

A bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 6878) granting an increase of pension to Zachariah T. Fortner (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6879) to correct the military record of David H. Smith; to the Committee on Military Affairs;

A bill (S. 6880) granting a pension to Sarah L. Orr; and

A bill (S. 6881) granting an increase of pension to Hiram F. Stover; to the Committee on Pensions.

RAILROAD IN ALASKA.

Mr. JONES introduced a bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. JONES. I ask that the bill be referred to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the reference will be to the Committee on Public Lands.

Mr. BRISTOW subsequently said: I notice that the bill which was introduced by the Senator from Washington [Mr. JONES], providing for the construction of a railroad in Alaska was referred to the Committee on Public Lands. The chairman of the Committee on Territories is not here, but being a member of that committee, it seems to me it should go to the Committee on Territories.

The VICE PRESIDENT. That was the Chair's original idea, but the Senator from Washington asked that it be referred to the Committee on Public Lands.

Mr. JONES. I desire to suggest to the Senator from Kansas that the bill also provides for a reservation of public lands. Such bills have heretofore been referred to the Committee on Public Lands. I remember that at the last session of Congress the matter went to a vote in the Senate, and the Senate decided to refer the bill to the Committee on Public Lands rather than the Committee on Territories.

Mr. BRISTOW. I should like to have the reference withheld until the chairman of the Committee on Territories can be present. I know he feels that that committee has jurisdiction of this question, because he has himself introduced a number of matters relating to it. He is detained from the Senate on business of the Senate. I should like to have the reference withheld until he can be here.

Mr. JONES. I will state that prior to the bill introduced by the chairman of the Committee on Territories a similar bill had been introduced by me and referred to the Committee on Public Lands. I would suggest that if the chairman of the Committee on Territories desires to take up the matter when he comes in, of course that can be done, but I should like to have the reference go on, because the Committee on Public Lands is having hearings in regard to this matter and is considering the matter very carefully.

Mr. BRISTOW. I ask that the bill be not referred until the chairman of the Committee on Territories can be present.

The VICE PRESIDENT. Is there objection to the bill lying on the table for the present?

Mr. JONES. I object.

The VICE PRESIDENT. Objection is made.

Mr. JONES. I think the reference has been made to the Committee on Public Lands.

The VICE PRESIDENT. The reference has been made. It can be changed by motion.

Mr. BRISTOW. I move that the Senate reconsider the vote by which the bill was referred to the Committee on Public Lands.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas. [Putting the question.] The noes appear to have it.

Mr. BRISTOW. I ask for a division.

Mr. BACON. I should be pleased—my attention was diverted for a moment—to be informed what the question is, Mr. President.

The VICE PRESIDENT. The question is on reconsidering the vote by which the bill, the title of which will be stated, was referred to the Committee on Public Lands.

The SECRETARY. A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion was not agreed to; there being, on a division—ayes 16, noes 16.

Mr. GRONNA. Mr. President, my attention was diverted. I did not understand the question.

The VICE PRESIDENT. The vote has been announced, and it is now too late to except to the vote.

Mr. GRONNA. I call for a division.

The VICE PRESIDENT. A division has been had. The question was put upon a division.

Mr. HEYBURN and Mr. BRISTOW called for the yeas and nays.

The yeas and nays were ordered.

Mr. HEYBURN. Now, Mr. President, the matter is open for discussion.

The VICE PRESIDENT. It is.

Mr. HEYBURN. Briefly, this proposed legislation does not deal with Territorial government, and the Territory under no conditions at any time has any jurisdiction over the lands within its boundaries. Those lands have always been subject to the jurisdiction of the Committee on Public Lands. All the legislation that has been had in the past has come from the Committee on Public Lands, whether it be a railroad-land grant or the building of a railroad or whatsoever, because those are things that pertain to Federal jurisdiction over the subject matter of common interest; that is, the lands. No Territory has ever had any jurisdiction over its lands; and why should a bill go to the Committee on Territories that affects the question of the disposition of the public lands?

Mr. BRISTOW. Mr. President, I desire to state to the Senate that this is not primarily a question of the disposition of public lands; that is an incident probably that is put into the bill; but it is a bill providing for the construction of a railroad in the Territory of Alaska. The Committee on Territories have had hearings on that very question; there have been a number of parties who have appeared before the committee which has under its consideration the subject, and the chairman of the committee has presented to the Senate petitions in favor of such proceedings. The chairman is absent this morning. I am merely a member of the committee, and take the matter up because I know that the committee has under consideration this subject. I do not think the bill should be introduced and referred to another committee when the Committee on Territories is considering the subject at this time.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Yes.

Mr. HEYBURN. Just a moment, to make the suggestion that whatever appropriations are made, they will come out of the general funds of the Government and not out of any Territorial funds or funds available for expenditure within the Territory.

Mr. SMOOT. Mr. President, a similar bill was introduced by the Senator from Washington long before the bill was introduced by the Senator from Michigan, and referred to the Committee on Territories. The Committee on Public Lands have had this matter under consideration; they have had hearings upon it, and another hearing is set for next Wednesday, at which the Secretary of the Interior is asked to be present. There are men here not only from Alaska, but from other parts of the United States, who will appear at that meeting next Wednesday. The bill involves a question of public lands and not the administration of affairs in Alaska. Therefore, the bill, I think, properly belongs to the Committee on Public Lands.

Mr. LODGE. Mr. President, I am not a member of either of these committees, but the matter of an Alaskan railroad seems to me to be strictly Territorial business, even if public lands are attached to it. To put aside the merits of the case, the chairman of the Committee on Territories, who has introduced bills relating to this subject, and whose committee has had hearings upon it and taken an interest in it, is absent. In his absence, to push this reference through, when the request has been made here by a member of the committee that the bill be allowed to lie upon the table until the chairman of the committee at least can be heard—I think it is rather unusual to refuse such a request as that and force the reference at this time, in the absence of the chairman of one of the committees.

Mr. CULBERSON. Mr. President——

Mr. HEYBURN. Mr. President, I rise to make an explanation.

The VICE PRESIDENT. The Senator from Texas first addressed the Chair.

Mr. CULBERSON. In order that we may know exactly what is before us, I ask that the bill be read.

Mr. HEYBURN. Would the Senator from Texas permit me to make an explanation. I only spoke on this matter because the chairman of the committee was not at that time present. Had he been present or had I known of his presence I would not have interfered.

The VICE PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

Be it enacted, etc., That the President is hereby authorized and directed, through the Alaska Railway Commission hereinafter provided for, or otherwise, to cause to be surveyed and located the most practicable, feasible, and desirable line or location for a railroad from some point on tidewater, or, if deemed preferable, from some point on and connecting with an existing railway line, to the Bering River coal fields in Alaska, and when such line is located to cause to be constructed, completed, and operated thereon a standard-gauge railroad, with the necessary equipment, docks, wharves, and terminal facilities. That the President is authorized for the purpose aforesaid to employ such persons as he may deem necessary and to fix their duties, powers, and compensations.

SEC. 2. That to enable the President to construct the railroad and works appurtenant and necessary thereto, as provided in this act, there is hereby created the Alaska Railway Commission, to be composed of five members, who shall be nominated and appointed by the President, with the advice and consent of the Senate, and who shall serve during the pleasure of the President, and one of them shall be named by the President as chairman of said commission. Of the five members of said commission at least three shall be learned and skilled in the science of engineering, and of the three at least one shall be an officer of the United States Army and at least one other shall be an officer of the United States Navy, the said officers being either upon the active or retired lists of the Army or of the Navy. Said commissioners shall each receive such compensation as the President may prescribe until the same shall have been otherwise fixed by Congress. In addition to the members of said commission the President is hereby authorized, through the said commission, to employ, in the ascertainment of the location of said railroad, and in the construction, completion, and operation of the same, any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation for such engineers and other persons employed under this act shall be fixed by said commission, subject to the approval of the President. The official salary of any official appointed or employed under this act shall be deducted from the amount of salary or compensation provided for or which shall be fixed under the terms of this act. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually, and at other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all money received and expended in the construction of said work and in the performance of their duties in connection therewith, which said report shall be by the President transmitted to Congress; and the said commission shall furthermore give to Congress, or to either House of Congress, such information as may at any time be required, either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of the duties thereof. The commission shall acquire by purchase or condemnation all property it may deem necessary for the purpose of carrying out the provisions of this act, including any existing lines of railway, with the equipment, wharves, docks, bridges, and other facilities that it may deem desirable to secure in order to carry out the purposes of this act, and the power of eminent domain in Alaska is hereby conferred upon such commission, which may sue and be sued in the name of the Alaska Railway Commission. The President, through the commission, shall obtain an exclusive right of way over the public lands in Alaska for such railway upon filing its map of location in the General Land Office, and the President may in this manner or otherwise make reservation of such public lands for stations, terminals, and other purposes in connection with the construction and operation of such railroad as he may deem necessary and desirable; and he may utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used, purchased, or acquired by or under the direction of the Isthmian Canal Commission, so far and as rapidly as the same is, in the judgment of the Isthmian Canal Commission, no longer needed in its work; and the said Isthmian Canal Commission is hereby authorized to deliver said property to said Alaska Railway Commission, and no charge shall be made therefor.

SEC. 3. That the President, through the said commission or otherwise, shall proceed as promptly as possible to segregate as a coal reserve for the Government and its various departments 10,000 acres of coal land in the Bering River coal fields, and shall designate and reserve the same in such tracts as to include therein the largest quantity of the best quality of coal, having due regard to economical mining and transportation, and the lands contained in such reserve shall not be subject to

sale or lease or any other disposition according to the laws of the United States. That the President, through said commission or otherwise, as he may deem best, shall, in connection with the construction and operation of said railroad, develop and operate a coal mine or mines within the area so reserved in the Bering River coal fields and deliver the coal mined at such point or points as may be necessary for the purposes of the Government, and he is authorized, through said commission or otherwise, to provide all the necessary facilities of all kinds and character to accomplish this purpose: *Provided*, That any coal mined and not needed for Government purposes may be sold to the public at not less than 6 per cent more than the cost at the place of delivery, such cost to be ascertained and determined by the commission.

SEC. 4. That any line of railroad designated and constructed under the provisions of this act may connect with the line of any existing railroad in Alaska, and, in such case, the existing line shall be operated in connection with the new line as a through route with through rates upon a fair and reasonable apportionment of revenue and expenses.

SEC. 5. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditure), the sum of $4,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor; but no commissions shall be allowed or paid thereon, and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 6. That it is the intent of this act to authorize and empower the President to do any and all things necessary to carry out and accomplish the purposes herein provided for.

SEC. 7. That the President, through said commission or otherwise, is also authorized and directed to cause such surveys for additional railroad lines, extensions, or branches to be made in order that he may recommend to Congress such action as he may deem advisable with reference to the extension of the railroad herein provided or the construction and operation of new lines or branch lines.

Mr. BACON. Mr. President, as I understand, the question before the Senate is whether the bill shall be referred to the Committee on Public Lands or to the Committee on Territories. Before I vote I should like very much to know which committee is least apt to report this bill favorably, because that is the committee to which I should like to have it referred.

Mr. BRISTOW. I desire to state that the question now is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. The chairman of the Committee on Territories is not present; I know that committee has been considering this matter, and I ask that the action be reconsidered and that the bill lie on the table pending action until he can be present.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. CULBERSON. Mr. President I only wish to say that evidently the primary object of this bill is to construct a railroad in Alaska. Whatever there may be in it with respect to public lands is merely incidental to the main purpose of building a railroad and in my judgment the bill ought obviously to go to the Committee on Territories.

The VICE PRESIDENT. The question is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Chamber. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand that the Senator is necessarily absent from the city on account of severe illness in his family, and I therefore withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] is detained from the Senate on account of serious illness in his family. He is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. GALLINGER (when Mr. NEWLAND'S name was called). I am requested to announce that the senior Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Ohio [Mr. BURTON].

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. As he is not present, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. As he does not seem to be present, I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when Mr. WATSON'S name was called). My colleague [Mr. WATSON] has a pair with the senior Senator from New Jersey [Mr. BRIGGS]. My colleague is unavoidably detained from the Chamber.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, I withhold my vote. I ask that this announcement stand for the day.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withdraw my vote.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS].

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

Mr. HEYBURN (after having voted in the negative). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present, and I inquire if he has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I am satisfied that if my colleague, the Senator from Alabama [Mr. BANKHEAD], were present he would vote "nay."

Mr. HEYBURN. Then, upon that statement, I will allow my vote to stand.

The result was announced—yeas 31, nays 23, as follows:

YEAS—31.

Ashurst	Crawford	Hitchcock	Rayner
Bacon	Cummins	Kern	Reed
Borah	Curtis	Lea	Stone
Bourne	Foster	Lippitt	Shively
Bristow	Gallinger	Lodge	Swanson
Bryan	Gardner	Martine, N. J.	Tillman
Chilton	Gore	Myers	Warren
Clarke, Ark.	Gronna	Overman	

NAYS—23.

Bradley	Fall	Nixon	Smoot
Catron	Fletcher	Oliver	Sutherland
Chamberlain	Heyburn	Page	Thornton
Clark, Wyo.	Johnston, Ala.	Perkins	Townsend
Cullom	Jones	Sanders	Works
Dillingham	McLean	Smith, Ariz.	

NOT VOTING—41.

Bailey	Dixon	Newlands	Smith, Ga.
Bankhead	du Pont	O'Gorman	Smith, Md.
Brandegee	Gamble	Owen	Smith, Mich.
Briggs	Guggenheim	Paynter	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stephenson
Burnham	Kenyon	Percy	Watson
Burton	La Follette	Poindexter	Wetmore
Clapp	Lorimer	Pomerene	Williams
Crane	McCumber	Richardson	
Culberson	Martin, Va.	Root	
Davis	Nelson	Simmons	

So Mr. BRISTOW'S motion to reconsider was agreed to.

The VICE PRESIDENT. The bill will lie on the table subject to the presence of the chairman of the Committee on Territories.

Mr. BACON. I do not object to that course, but I intended to move that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. The Senator from Kansas asked that the bill be referred to the Committee on Territories.

Mr. BACON. It is of such importance and involves such tremendous expenditures, including an issuance of United States bonds, that I think it ought to go to the Committee on

Finance. But I will not make the motion now, because of the absence of the chairman of the Committee on Territories.

THE JUDICIARY.

Mr. CRAWFORD. I introduce a joint resolution proposing an amendment to the Constitution, which naturally will go to the Committee on the Judiciary, but I ask that it may lie on the table, as I intend in the near future to address the Senate upon it.

Mr. HEYBURN. Let it be read.

Mr. CRAWFORD. I ask that it be read at length.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely:

Amend said section 1 to read as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior court, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to pay former employees of the Forest Service the amount recommended by the Secretary of Agriculture for injuries incurred in fighting fires in the Coeur d'Alene National Forest, in Idaho, August, 1910, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment relative to the rates to be fixed by order of the Interstate Commerce Commission, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN ALLOTMENTS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1332) regulating Indian allotments disposed of by will, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. TOWNSEND submitted an amendment intended to be proposed by him to the amendment submitted by Mr. CUMMINS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

THE NATIONAL BANKING SYSTEM.

Mr. SMOOT. I ask that 200 additional copies of Senate Document No. 538, Sixty-first Congress, second session, be printed for the use of the Treasury Department.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 200 additional copies of Senate Document 538, Sixty-first Congress, second session, on Crises in the history of the national banking system, be printed for the use of the Treasury Department.

PRIVILEGES OF THE PRESS GALLERY.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 314) submitted by Mr. HEYBURN on the 17th instant, which was read and referred to the Committee on Rules, as follows:

Resolved, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and consent to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments and that the request of the House of Representatives for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 24153. An act to amend and reenact section 5241 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Finance.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. For the purpose of discussion?

Mr. BORAH. For the purpose of consideration.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 9061) entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Before consent is given I will ask the Senator if it is his purpose to have final action to-day. I understand the Senator from New York [Mr. ROOT], who is absent, desires to be present when the bill is considered, and I do not know that he will be here to-day.

Mr. BORAH. I have an understanding with the Senator from New York that I will not press the bill to final disposition in his absence, but there are amendments that can be disposed of to-day. I shall not ask for a final vote in the absence of the Senator from New York.

Mr. GALLINGER. I will further inquire from the Senator whether it is his intention to explain the provisions of the bill which are in controversy?

Mr. SIMMONS. That will not interfere with the unfinished business?

The VICE PRESIDENT. No. Is there objection to the present consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. GALLINGER. Let it be read for information.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill. The bill has been read, and the Senator from New Hampshire asks that it be read for the information of the Senate. Without objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. BORAH. Mr. President, the law relative to an 8-hour day as it now stands upon the statutes of the United States is as follows:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to 8 hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than 8 hours in any calendar day except in case of extraordinary emergency.

The other provisions of the law perhaps it is not necessary to read, but I will insert them in the RECORD, being sections 2 and 3, which I have not read.

The sections referred to are as follows:

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Mr. BORAH. This bill, in brief, Mr. President, provides for an extension of the principles as found in the statute at the present time. In other words, the present law only applies to work actually carried on upon the public works. This bill is intended to cover all contracts which are made by the United States or the District of Columbia or any Territory or by and on behalf of the United States, the District of Columbia, or any Territory wherein mechanics and laborers are employed. The bill relates only to future contracts and not to present contracts, as has been apparently understood in some places or by some people.

Secondly, the bill covers, as I have said, all contracts made by the United States or the District of Columbia, or upon behalf of the United States or the District of Columbia. The contracts to be made by the Government or upon its behalf shall contain a provision that no employee of the contractor shall labor or be permitted to labor more than 8 hours per day, or of the subcontractor having a contract under the original contractor.

The bill further provides a penalty of $5 per day for every violation of the law upon the part of any individual; that is to say, if an individual works or is permitted to work more than 8 hours a day upon any contract or subcontract having to do with this class of work, there shall be withheld from the contract price $5 for each violation, which amount is to be retained. The parties who hold the contract have the right to appeal, in the first place, to the head of the department which may have been charged with the particular work; secondly, he may appeal from the final order, or, rather, submit his claim to the Court of Claims for final determination in case he is not satisfied with the determination made by the head of the department.

The law excepts from its operation all contracts for transportation by land or water and all contracts for the transmission of intelligence and such materials or articles as may be purchased usually in the open market, except armor and armor plate.

It also provides that any work which has been done heretofore by the Government, or which may be carried on by the Government, when done under contract, shall come under section 1 of the bill; that is to say, under the inhibitions of that section.

The bill also provides that—

The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision—

Still reading from the bill—

in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

Briefly, these are the terms of the bill. As I stated, its purpose is to extend the 8-hour principle to all contracts made upon the part of the Government for carrying on its work.

I ask that the bill may be read now for committee amendment. There are one or two to be offered.

Mr. GALLINGER. Are there committee amendments?

The VICE PRESIDENT. No committee amendments have been reported.

Mr. BORAH. I desire to suggest a slight amendment which I suggested the other day. Perhaps it will not be necessary to have the bill read.

Mr. LODGE. The bill does not need to be read again for that purpose.

Mr. BORAH. Very well; then I will suggest the amendment.

In section 2, page 3, line 25, after the word "of," I move to insert "section 1 of," so as to read:

With the terms and provisions of section 1 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. Mr. President, I wish to offer an amendment. It is an amendment that is printed, but which I modified a little at the end to make the phrasing better. It ought to come at the end of section 1. It says in the print "insert in section 2."

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. Add, at the end of section 1, the following proviso:

Provided, That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, if I may say a word in explanation, the laws regulating the hours of labor in the State of Massachusetts, and I know in some other States, fix the limit by the week; and in my State that is very important because the custom is almost universal of giving a half holiday on Saturday, which those who are employed much desire to retain.

Under this bill, without some such amendment as mine, it would be necessary to abandon the half holiday on Saturday in order to have the 8-hour day throughout the week. This amendment does not increase the number of hours of the week; it fixes it at 48 hours; but it allows them so to divide the 48 hours as to obtain work 3 hours on a Saturday and have the rest of the day. I know it is generally desired by all in employment in my State, and I can not see that it at all affects the purpose of the bill.

Mr. BORAH. Mr. President, the principle which is covered by the amendment of the Senator from Massachusetts was considered at length by the committee and was advocated by a number of parties coming before the committee. The committee had very extensive hearings upon all features of the bill, legal and as to policy also, and among other propositions which were urged or suggested and discussed was this proposition of a 48-hour week.

But, in the first place, there is not a universal call by any means upon the part of those most interested in the bill for the change—that is to say, comparatively few have the provisions with reference to a Saturday half holiday.

Again, the bill does not necessarily do away with the half holiday if they have a mind to so arrange it.

But the basic objection is the fact that it destroys the principle upon which this bill is built, and that is that the employee should not be required to work more than 8 hours upon any particular day, and it does not accomplish the purpose for which the measure is promoted to say that a man shall not work more than so many hours in a week. It leaves in the control of the employer both the question of the time per day to a very large extent and also the question of the unit of employment so far as wages are concerned.

While I do not propose to enter into an extended discussion of the question, the matter has been considered by the committee, and I am opposed to the adoption of the amendment.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts if the language of his amendment would not be better if it provided "in cases where a half holiday is allowed."

Mr. LODGE. I am perfectly willing to have it modified in that way.

Mr. REED. I think as it is now it is not quite specific. I ask the Secretary to send me the amendment. Without the document I can not exactly express it. The amendment reads:

That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The thought I have is covered by the language, but it seems to me it should read that in case where a Saturday half holiday is permitted to laborers and mechanics engaged on such work an employment of not more than 48 hours per week, and so forth.

Mr. LODGE. I am not sure that that will not be a better arrangement of the language. What I want to get at is the substantive change. It would work a great deal of hardship in my State. It would not make any difference as to the pay. The pay is by the hour almost invariably in all great industrial establishments. As to the principle of a certain number of hours a day, there is no objection to that in the world, but it seems to me that to insist on an arrangement which would deprive men of their half holiday on Saturday, which is almost universal in my State and many others, and compel them to work the whole of Saturday when they would much prefer to arrange it as it is now arranged, is making the bill unnecessarily drastic. It seems to me there might be some liberty allowed to men themselves to have what they want.

Mr. HITCHCOCK. I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. He states that the law of Massachusetts provides for 48 hours a week. Is not that applied only in those cases where the laborers are paid by the week?

Mr. LODGE. Oh, no; the pay is by the hour. The law of Massachusetts is 54 hours a week for the manufacturing establishments. It is much lower than in any other State.

Mr. HITCHCOCK. So that the sacrifice of the Saturday half day is at the expense of the workingmen?

Mr. LODGE. Not in the least. They are paid by the hour; it makes no difference to them any day when they work those hours. Their pay is not affected by it. It is only a question of what arrangement they like best.

Mr. HITCHCOCK. My impression is that the 48-hour week has generally been made to apply to them.

Mr. LODGE. There is no 48-hour a week law in my State, though there may be in other States. I know our 54-hour a week law is the lowest there is in manufacturing establishments.

Mr. HITCHCOCK. The Senator says that the law in Massachusetts limits the number of hours to 54 for a week.

Mr. LODGE. To 54 for a week.

Mr. HITCHCOCK. Is that the basis of their day's work?

Mr. LODGE. Oh, no; a basis of six days.

Mr. HITCHCOCK. Six days; five days of nine hours and——

Mr. LODGE. One day of three hours.

Mr. HITCHCOCK. And one day of three hours.

Mr. LODGE. Of course on Government work the 48 hours would apply. I do not mean to exclude the 48 hours on Government work, because the 8-hour law of the United States applies in navy yards and arsenals. I refer to the State law.

Mr. BORAH. Will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. What protection would there be under the Senator's amendment, or what power would the laborer have to insure an 8-hour day? He would have 48 hours a week, but he might have a 12-hour day, and it is against that which we are contending.

Mr. LODGE. The amendment provides that no day shall exceed 9 hours.

Mr. BORAH. Precisely; but he might be made to work 12 hours in 1 day.

Mr. LODGE. The language of the amendment limits it to 9 hours.

Mr. BORAH. Very well; but that eliminates the principle on which the bill is framed, and that is the 8-hour day. If we were constructing it upon a 9-hour basis, it would be a different proposition; but they have the power under this to employ men 9 hours instead of 8.

Mr. LODGE. And 3 hours on the remaining day.

Mr. BORAH. It turns, then, upon the proposition of whether we want a 9-hour day instead of an 8-hour day.

Mr. LODGE. Not at all. It can not be over 48 hours; it can not go over 8 hours a day. It simply allows them to arrange 48 hours a week in the manner they prefer, and it gives them a half holiday Saturday and their Sunday.

Mr. BORAH. But if a man is engaged in that kind of employment where he ought not to work over 8 hours a day, this would be no protection to him at all.

Mr. LODGE. It limits it to 9 hours.

Mr. BORAH. Yes; exactly.

Mr. LODGE. Well, of course, that is a thing which I should think they might decide for themselves.

Mr. BORAH. Mr. President, you might just as well say that they might decide whether they shall be employed 12 hours or not.

Mr. LODGE. It make no possible difference to the corporation, of course, whether the men work 48 hours in 6 days or whether they work 5 days for 9 hours, and 3 hours on the sixth day. The corporation gets the 48 hours' work, so it makes no difference to the employer at all.

Mr. BORAH. In view of that suggestion, and as I am satisfied the laboring man would rather have 8 hours a day, I do not see the necessity for urging it, because very few of them have advocated the proposition. It practically destroys the principle of the bill in order to get that afternoon holiday. They would prefer to have the principle established and waive that afternoon if they must do so.

Mr. LODGE. That is not the information that I get, which comes to me from great establishments. Of course, great establishments would not be affected at all by this law where they do no Government work; but great establishments like the Fore River shipyard, where there are some four or five thousand men employed, prefer this arrangement. All I can say about it is that it seems reasonable and fair.

Mr. OLIVER. Mr. President, I will say that this matter has been brought to my attention by a manufacturer who does a large amount of Government work. In his establishment the Saturday half holiday is an established institution, and I am assured by him, and I believe it is the case, that the men employed in that establishment, and in all other establishments, would very much prefer to have a Saturday half holiday, as they have it now, than to have the 8-hour day established.

Mr. BORAH. Does the Senator from Pennsylvania know of any considerable sentiment of that kind expressed on the part of the laboring men?

Mr. OLIVER. If time is granted, I think I can obtain almost the unanimous sentiment to that effect of the men who work in that establishment and in many other establishments. I say that the laboring men with whom the Senator has been conferring are not the men who work, but the men who assume to represent the men who work, and that the actual workers are not so insistent upon this shortening of the day as they are to have a liberal time at the end of the week for rational enjoyment.

Mr. BORAH. The Senator from Idaho has been conferring with some men who have been worked in some of the institutions to which the Senator from Pennsylvania doubtless refers for 12 hours a day and 7 days in the week; and it is to avoid the recurrence of such brutal treatment of the laborers of this country that this bill is being inaugurated and urged.

Mr. OLIVER. Mr. President, the establishment to which I have referred is to-day working upon a day not exceeding 9 hours. The men quit work every evening, and they do not go to work until the next morning; they quit work at 12 o'clock on Saturday, and they do not again go to work until Monday morning. If the Senator refers to a 12-hour day, I have nothing to say in its defense; but in any ordinary establishment doing Government work I do not see any objection to a reasonable 9-hour day. I believe the men will be happier, will be more prosperous, and at the end of the year will be better off with a day of 9 hours and a reasonable holiday on Saturday afternoon than they will if they are cut down to 8 hours and forced to work all day on Saturday or, in the other alternative, lose the pay for 4 hours of the week, when they themselves would prefer to be at work.

Mr. LODGE. Mr. President, I should like to modify the amendment, if there is no objection, to conform with the suggestion of the Senator from Missouri, so that it will read:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The amendment as proposed to be modified will be stated from the desk.

The SECRETARY. At the end of section 1 it is proposed to add the following proviso:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, under the amendment as proposed to be modified by the Senator from Missouri it is a matter to be entirely left to the decision of the men and the employers. As to the employers, it is a matter of indifference; the interest is wholly that of the men.

Mr. WILLIAMS. If I have heard the amendment correctly, it says "provided a Saturday half holiday be given."

Mr. LODGE. "That if a Saturday half holiday is given."

Mr. WILLIAMS. Yes. That does not work out mathematically. If the men are worked 9 hours a day for 5 days that is 45 hours.

Mr. LODGE. Yes.

Mr. WILLIAMS. Now, upon the basis of 9 hours a day for 5 days that would be 45 hours, and a half of Saturday would be 4 hours, making 49 in all, whereas they would be due to work only 48 hours.

Mr. LODGE. The 48-hour limitation, of course, would prevent more than 3 hours on Saturday. The custom is to work 3 hours on Saturday, making all the other days 9-hour days. It is an easy matter to arrange.

Mr. WILLIAMS. Now, if the Senator from Massachusetts will pardon the interruption just for a sentence, I think the object of making an 8-hour day provision is to keep from putting too great a continuous strain upon the human machine. If it be thought that 8 hours is a sufficient strain to put upon

a man in any one day—and I think it is; I think old Sir Matthew Hale was very wise when he said that a day ought to be divided into three equal parts, 8 for work, 8 for sleep, and the other 8 for rest, food, and edification—if that be the case, and then you make a limitation of 48 hours a week, it enables a man to be overstrained continuously in one day. It might be fixed so that for 4 days he would work 10 hours a day, and on 1 day he would work 8 hours. It seems to me it would be better to make the limitation 8 hours a day; and in the course of time the Saturday half holiday will come with the 8-hour day. It must come after a while, as it has come in England and will come here.

I do not know but that if I were working I would prefer to work 9 hours a day and have my Saturday 4 hours off; but it seems to me that in the ultimate interest of the laboring people, knowing, as I think I do, that the Saturday half holiday has got to come anyhow, it is better to confine the labor to 8 hours a day.

Mr. LODGE. Well, Mr. President, it seems to me, speaking of my own feeling and experience, that I would a great deal rather have my half day than to work every day for 8 hours. It seems to me that is a common-sense arrangement and the most agreeable way of working out the matter. I know that is the feeling of the men who work in our great shipyards. They much prefer such an arrangement. Of course, if it is fixed at 8 hours a day and 48 hours a week, the reduction is a very heavy one, in any event, in the number of working hours, and it will be absolutely necessary for the men to work all of Saturday. It is only in the interest of the men that I offer the amendment.

Mr. SUTHERLAND. Mr. President, I believe very thoroughly in the 8-hour day. I have been an advocate of it for many years. As a member of the legislature of my own State in 1896 I had the honor of assisting in the preparation and enactment of the 8-hour law of that State applying to mines and smelters, which was held to be constitutional by the Supreme Court of the United States in the case of Holden *v.* Hardy. At that time I investigated the subject somewhat, and I became convinced that the 8-hour day for men engaged in employments of that character would, in the end, turn out to be for the benefit of both the employer and the employee.

I would make this line of division—it is not a very accurate line; not a line that could probably be laid down in exact words in legislation; but, roughly speaking, I would make this line of division—wherever a man is engaged in mechanical work or in manual work which requires the use of the same muscles, or substantially the same muscles, hour after hour, I would make the 8-hour day compulsory, because when a man has worked at one task calling into play the same muscles and straining his attention for 8 hours, he has done as much as the average man ought to be called upon to do. I would not apply that to the farm, because upon the farm the man is engaged in the open air; he is engaged in a multitude of tasks. One portion of the time he is raking hay; another part of the time he is doing something else; his work is diversified, so that different muscles are brought into play, and there is no need in an employment of that kind of enforcing the 8-hour day. But in mechanical pursuits I believe thoroughly that the 8-hour day in the end will be better for both the employer and employee, because while I think a man might do more work in 10 hours than he could do in 8 for 1 day or for 2 days, in a year a man will do more work and better work if he is working 8 hours each day than if he is working 9 hours each day.

I know that men employed in mines and smelters in my State would very much prefer to take the 8-hour day as now provided by our law for each day in the week than to be compelled to work 9 hours upon some days and have a half holiday on Saturday. I think the hour at the end of the day gained by the man in each day is far better for him than a half a day gained at the end of the week. A man who is enabled to quit work at 4 o'clock instead of at 5, making that hour each day, at the end of the year, I think, would be far better off than the man who is compelled to work 9 hours each day except on Saturday. Therefore, while I do not know the exact conditions which prevail in Massachusetts and some of the other States, I am very thoroughly in favor of the general principle of the 8-hour day. We can not make such a law that will be effective unless it is compulsory; we can not very well leave it to an arrangement between the employer and the employee, because in a contest of that kind I think the employee would usually be at a disadvantage as compared with the employer. I shall therefore vote against the proposed amendment.

Mr. REED. Mr. President, I simply want to say a word or two. If I thought the amendment offered by the Senator from Massachusetts was against the principle of the 8-hour day, contended for so long by laboring men, and particularly by union labor, I would not support the amendment. I am impelled to give it my support, because I have received a considerable number of communications from laboring men in my State asking for this very modification. I am not prepared to say that they represent the general sentiment of labor, but I have received communications of that nature and nothing to the contrary, and it leads me to believe that—at least so far as my own immediate constituency are concerned—they prefer the half holiday.

The arguments that these men have advanced, very briefly, are that by the grant of a half holiday on Saturday they are enabled to close up whatever business transactions they have for the week and to prepare themselves for their day of rest on Sunday; that frequently they desire to take little excursions out of the city for Sunday; that they can prepare for them, and even can leave their homes and gain some additional pleasure at the week end which they could not obtain if they were compelled to work until Saturday evening.

These men say to me that it does not invade the principle of the 8-hour day, because they obtain in the aggregate the limitation upon their hours of labor, and that is what they desire. Forty-eight hours a week is not too great, in their opinion, for men to work, or, at least, they have not advanced to the point where they are asking a greater limitation; but this division of the 48 hours, in their judgment, would be more advantageous to them. I want it to be clearly understood that I do not undertake to say this represents the views of labor. It simply represents them so far as I have heard them.

The argument, of course, that they might be compelled to work too long hours a day—10 or 12 or 15—until they have labored the aggregate of 48 hours is not sound, because the amendment which is offered expressly limits the number of hours to 9 a day.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Just allow me to conclude my sentence. It was for those reasons that I was led to feel that the amendment would be one which would be welcomed by the laboring classes. I yield to the Senator from Idaho. I have not concluded; but I will endeavor to answer any question which he may desire to ask.

Mr. BORAH. The Senator will concede, I think, that the practical effect of this amendment would be to establish a 9-hour day instead of an 8-hour day.

Mr. REED. No; I do not think you would be fair in saying that, because the employer is expressly required to grant the half holiday unless he gives the 8-hour day. The amendment as it is now prepared limits the day's work to 8 hours unless there is actually the half holiday granted. That was undoubtedly the intention of the amendment as originally drawn and probably would have been its construction; but it is clear now.

Mr. BORAH. As a practical working proposition, however, the employer could employ a man for 9 hours a day and pay him the same as he otherwise would pay him for 8 hours a day.

Mr. LODGE. Oh, no.

Mr. BORAH. I think he could.

Mr. LODGE. The men are paid by the hour in all the industries that I know of.

Mr. BORAH. If you are employing a man who is paid by the hour, that may be so, but I am speaking of a large class of another kind of employees, where the unit of employment would be 9 hours instead of 8 hours.

Mr. LODGE. Of course if the purpose of this bill is to deal with wages—and I do not so understand; I thought the purpose was to deal with the hours of labor—that introduces a new element. The payment is so generally by the hour that I should not think it would have any effect at all, but if they have got to pay for 48 hours a week, what difference does it make to them how they do it?

Mr. BORAH. If they work by the hour, the Senator from Massachusetts is quite correct in his position, I presume; but if they do not the result would be as I have indicated. In any event it would certainly establish a 9-hour day instead of an 8-hour day, and so it resolves itself into a question of whether a person is in favor of a 9-hour day or an 8-hour day.

Mr. REED. Mr. President, I do not think that argument is as fair as the arguments ordinarily advanced by the Senator. The bill expressly provides that the hours of labor shall be limited to 8 hours a day, provided, however, that if a half holiday is given, then the time granted on the half holiday may be worked out on the other days of the week. That is all it means. It means an 8-hour day figured for a week on the average. The employee does a little more on some days and

nothing on Saturday afternoon. It is the principle of the 8-hour day.

As I view it, I would not be willing for a moment to assist any movement or any amendment which I thought militated against the establishment of an 8-hour day. The only man who could be injuriously affected by this measure would be the man who worked just one or two days during a week and then was discharged, or was employed only temporarily. Under the bill, if a man is employed by the week and works 8 hours a day, he has worked 8 hours a day at the end of the week. Under the amendment at the end of a week if he has worked 48 hours his labor stops. In either event the hours of labor are limited to 48 a week; but the amendment permits the employer and the employee to provide for a little different division of the time; that is all.

So far as I am concerned, if the laboring men of the country have thoroughly made up their minds that it will impinge upon the principle they are contending for to permit this division of time, I would allow them to have their way about it, but I do know that there is a growing disposition in more States than Massachusetts for a half holiday, particularly during the long, hot days of the summer. In many employments—in nearly all public employments—it has grown to be a custom to grant a Saturday half holiday at least during the hot months of the summer. That enables the men to leave their places of business at noon on Saturday; to take their families on many little excursions to the country; to visit adjoining cities and villages. It gives them time to go to places where they would not go if they had to work all day on Saturday, and it enables them to close up during the afternoon the business of the week; to do their shopping and their trading. Stores in most cities are now closed, particularly in the hot months, at 5 or 6 o'clock in the afternoon and some of them even earlier on Saturday. I think we are moving toward that condition; and so believing, I have felt, and I still feel, that this amendment is in the interest of the men. If it is not, of course it ought not to be adopted.

Mr. HITCHCOCK. Mr. President, it seems to me that the chief objection to the amendment proposed by the Senator from Massachusetts is that it introduces a complication and a confusion into what in the pending bill is a simple proposition. There are no doubt a number of laboring men, and possibly some laboring organizations, who would like to establish the Saturday half holiday. There are others who think that the Saturday half holiday is little to be desired; so that there is a division of opinion upon the merits of the Saturday half holiday. In my opinion the Saturday half holiday applies to a limited number of occupations and is desirable chiefly in occupations which are not involved in this bill.

Mr. LODGE. If the Senator will allow me, the occupation chiefly involved in this bill, of course, is that of shipbuilding. That employs the largest number of men on Government work, and it is those men who want the half-holiday arrangement.

Mr. HITCHCOCK. I think not. This bill applies to Government work, whether in shipyards, in the construction of Government buildings, in the building of Government canals, or to doing Government work upon the rivers or upon the harbors or anywhere else. It applies only to Government work done under contract.

Mr. LODGE. I understand that. If the Senator will allow me, I grasped the fact that it applies to Government work, but it does apply very largely to shipbuilding yards, and those now have the half holiday, I think, almost universally.

Mr. HITCHCOCK. That may be. I do not dispute that fact; but still my proposition remains that it applies to Government work of all kinds done by contract.

Mr. SHIVELY. Does the Senator understand that it will appy to Government work wherever it happens?

Mr. HITCHCOCK. Yes.

Mr. SHIVELY. Not only in Government establishments, but in any institution that has a contract for doing such work for the Government.

Mr. HITCHCOCK. I think that is true.

Mr. LODGE. I did not mean ships being built in navy yards, but in private establishments. The navy yards have the 8-hour law now.

Mr. HITCHCOCK. I understand it applies to all persons employed on Government work, and that they shall work only 8 hours, and this bill undertakes to extend that law to contractors working for the Government.

Mr. LODGE. When I spoke about ships, I did not refer to navy yards.

Mr. HITCHCOCK. I understand that.

Mr. LODGE. I referred to private yards that are building ships for the Government by contract. They employ by far the largest number of men.

Mr. HITCHCOCK. The struggle to obtain an 8-hour day is a well-defined struggle among the laboring class. It has been gaining ground steadily for a number of years, and many who were radically opposed to it have come to realize the moral and physical benefit it confers upon the industrial class. Practically speaking, it is supported unanimously by all those who belong to the industrial classes. This bill is to carry that desire and that reform into effect, and I think it would be something in the nature of a misfortune to complicate it by introducing the side issue of a Saturday half holiday.

Mr. BORAH. Not only has it been found to be beneficial to the workingmen, but a great many large employers of labor have learned that they get equal work and an equally efficient amount of work from the 8-hour day.

Mr. HITCHCOCK. That is very true, and that has been testified to by employers of labor. If it be a fact that the ninth hour is an evil to the man who is compelled to work that hour, that evil will exist during the 9 hours contemplated by the Senator from Massachusetts just as much as it would exist if it were to cover 6 days. And I think we ought to stand by the proposition that what we propose to do in this legislation is to carry into effect in Government work, whether done directly by the Government or indirectly, by contract, is to abolish the tired hour and introduce the model workday of 8 hours only.

Mr. REED. I want to ask the Senator if he does not think that the Sunday rest helps to qualify a man for another struggle the ensuing week?

Mr. HITCHCOCK. I think it helps very materially.

Mr. REED. And if that period of time is extended for another half day would not that be carried over the week and help to compensate for the extra hour a day? To state it fairly, do you not think it will at least alleviate the hardship of the extra hour?

Mr. HITCHCOCK. It would be an alleviation undoubtedly, but I do not believe that the Saturday half holiday is sufficient compensation for the 5 extra hours work on the other 5 days of the week. I believe if we propose to guarantee to those who do Government work this up-to-date civilized reform of relieving them of the tired hour, we ought to do it in this bill, and not allow ourselves to be diverted into what I think is a side issue.

As the Senator from Idaho has suggested, the 8-hour law once in effect may result in some important modifications, and as the Senator from Mississippi [Mr. WILLIAMS] has stated, so I believe that ultimately we will have in this country the 8-hour day as the limit and possibly in many occupations we will have in addition to that the Saturday half holiday also, on the basis of an 8-hour day and not upon the basis of a 9-hour day.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Certainly.

Mr. STONE. I desire to ask one question. I understand the amendment proposed is permissive in its effect; that is to say, if enacted into law an employer engaged on some public work and his employees might enter into an agreement among themselves whereby the half holiday would be given on Saturday in return for an additional hour's work each day during the remainder of the week. Now, in the absence of an agreement of that kind, the law providing for 8 hours would apply absolutely and unconditionally, if that is correct. If that is the provision of the amendment, would the Senator deny that opportunity to the workingmen? They will be the most concerned and will, I should think, be the first of all who would ask for this arrangement, if it is asked for at all, for I can not see what difference it makes to the employer if he gets 8 hours' labor a day in any event.

Now, would the Senator deny to men in any particular employment and to an employer the right to make an agreement of this kind, if the men thought it was for their best interest and they desired it?

Mr. HITCHCOCK. The position of the Senator from Missouri is that when you open that door to this right you assume that the men are unanimously in favor of one proposition or another. It would seem to be unreasonable to deny to the men, if they were unanimously in favor of a Saturday half holiday, the privilege of agreeing to it; but we know as a practical proposition that if one of the shipyards in Massachusetts to which the Senator referred desires to continue its Saturday half holiday and submitted the proposition to the men and half the men so employed voted in favor of the Saturday half holiday the others might be under a practical compulsion to accept it in order to hold their positions. It is for the pro-

tection of the men themselves against entering upon the practice which we believe to be injurious that this bill is proposed at this time.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

Mr. LODGE. I simply desire to request that the amendment which has been under discussion may be printed as modified, so that it will be clearly before the Senate.

The VICE PRESIDENT. Without objection, the amendment will be printed as modified.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	du Pont	Lippitt	Reed
Bailey	Fall	McLean	Richardson
Borah	Fletcher	Martine, N. J.	Sanders
Bourne	Foster	Myers	Shively
Bradley	Gallinger	Newlands	Simmons
Bryan	Gardner	Nixon	Sutherland
Catron	Gore	O'Gorman	Swanson
Chamberlain	Gronna	Oliver	Tillman
Clarke, Ark.	Heyburn	Overman	Townsend
Cullom	Hitchcock	Page	Wetmore
Cummins	Jones	Paynter	Williams
Dillingham	Lea	Perkins	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I have just received from the Senator from South Carolina [Mr. SMITH] a message requesting me to announce to the Senate his absence owing to a death in his family. I have no further knowledge of particulars, but I beg to make the announcement as requested.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is absent from the Chamber on official business.

The PRESIDING OFFICER (Mr. PAGE in the chair). Forty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, at the conclusion of my remarks on Friday last I was discussing the question of freight rates. I did not have a chance to conclude what I had to say upon that subject. I have a table showing the United States domestic freight rates from Chicago to New York, Buffalo, Mobile, New Orleans, San Francisco, and from Pittsburgh to those same points, also from Birmingham to the same points upon rails, pig iron, billets, and finishel products, and also the foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports of the United States, inland and ocean-freight rates combined, from foreign mills to New York, Mobile, New Orleans, and San Francisco upon the same products. I do not desire to take the time of the Senate to go through those rates, but I submit the table.

United States domestic freight rates.

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per 100 pounds.
From Chicago to—				
New York	$4.70	$4.62	$4.95	$0.30
Buffalo	2.80	2.80	3.00	.18
Mobile	4.00	6.272	6.272	.28
New Orleans	4.00	6.272	6.272	.28
San Francisco	11.00	[1].50	[1].60	.80
From Pittsburgh to—				
New York	2.60	2.45	2.60	.16
Buffalo	1.65	1.75	1.80	.11
Mobile	4.44	6.72	6.72	.29
New Orleans	4.44	6.72	6.72	.29
San Francisco	13.50	14.00	16.44	.85
From Birmingham to—				
New York	.....	5.92	5.95	.29
Buffalo	.....	4.90	4.90	.....
Mobile	2.50	2.75	2.75	.12
New Orleans	3.00	3.00	3.00	.13
San Francisco	11.75	13.20	13.20	.75

[1] Per 100 pounds.

Foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports in the United States (inland and ocean freight rates combined).

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per gross ton.
From foreign mills to—				
New York	$2.85	$2.85	$2.85	$3.00
Mobile	3.35	3.35	3.35	3.50
New Orleans	3.35	3.35	3.35	3.50
San Francisco	7.50	7.50	7.50	8.75

Ocean freight rates from Great Britain and North Sea ports.

To—	Boston.	New York.	Philadelphia.	Baltimore.
Iron ore	$1.75	$1.75	$1.65	$1.65
Pig iron	1.50	1.50	1.50	1.50
Rails	1.65	1.65	1.65	1.65
Billets	1.65	1.65	1.65	1.65
Bars	1.75	1.75	1.75	1.75
Plates	1.75	1.75	1.75	1.75
Structural	1.85	1.85	1.85	1.85
Sheets	1.85	1.85	1.85	1.85
Tin plates	1.85	1.85	1.85	1.85
Rods	1.75	1.75	1.75	1.75
Wire	1.75	1.75	1.75	1.75
Tubular products	1.75	1.75	1.75	1.75

In connection with the rates given in the table, perhaps I had better call particular attention to what they really mean to the American manufacturer. The result, if the House bill became a law, would be that the foreign manufacturer would monopolize the entire business in the heavy steel products within a section varying from 50 to 200 miles wide, extending from Maine to Texas, from California to Washington, along the entire seaboard of the United States. In this zone it would be impossible for domestic manufacturers to compete with foreign manufacturers at the present American manufacturing cost in the whole of the six New England States, about one-half of the State of New York, the whole of New Jersey, Delaware, Maryland, most of Virginia and North Carolina, the whole of South Carolina, the whole of Florida, the greater part of Georgia, a part of Mississippi, most of Louisiana, practically all of Texas, New Mexico, and Arizona, as well as Oregon and Washington.

Mr. President, from a glance at the map we can see where the manufacturers of these heavy products are located and that a great part of the American market would be open, not upon an equal basis with the foreign manufacturers, but the manufacturers of this country would be absolutely at a disadvantage. Included in this area there are marketed nearly 1,000,000 tons.

The fact has been referred to in this discussion that there have been mammoth fortunes made in this industry, that they have not been measured by millions, but hundreds of millions of dollars. Mr. President, if anyone will study the history of this great industry, he will find that those who have made these enormous fortunes were the pioneers in this industry. They were the men who created it and gave it birth in this country. They were the ones who have through creative powers perfected it until it is the greatest industry as to the quantity of goods manufactured of any in all the world. They started at a time when steel rails were selling in England at $96 per ton. At that time there was a duty upon rails of $28, and ever since steel rails have been gradually falling in value.

Mr. President, under the conditions existing to-day, Mr. Andrew Carnegie could not make the money he has made in the past. Under present conditions Mr. Schwab could not make the money that has been made by him and his associates in the past. He so testified before the committee. Mr. Schwab, in his testimony, stated that he had labored with the Bethlehem Steel Works a great part of his life and his pride was to build it up and make it a model institution, and up to the present time he had not drawn one cent in dividends. He also said that he could lose all he had invested in the company and not affect him much, as he could live without it and did not have an heir to leave his wealth to.

I thought at the time Mr. Schwab made that statement how much happier and contented a man must be who is blessed with a wife and children, bending every energy that his labors might be crowned with success and encouraged by those who actually love him and always ready to share with him success or failure, wealth or poverty, general applause or public condemnation than one without an heir, even though he has been successful in making millions. Wealth, though measured by

millions, is not the greatest gift to man and in but few cases brings real happiness.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I wish simply to correct what I think is an inadvertance on the part of the Senator from Utah. I do not remember that Mr. Schwab testified that he had given his life to the Bethlehem Steel Works or that he had been connected with that institution during the greater part of his life. Mr. Schwab's association with the Bethlehem Steel Works is of very modern origin and he made his fortune, as the Senator knows, in connection with another enterprise and with other associates.

Mr. SMOOT. That is true, Mr. President. His association with the Bethlehem Steel Works has not been as long as I stated. I will correct that statement, but I desired to have it appear that he spent most of his life in this industry and that he is familiar with every detail of it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. I think, Mr. President, that while the Bethlehem Steel works, now capitalized at about $15,000,000, last year paid 10 per cent dividends on the $15,000,000, the stockholders have never subscribed and have never paid in outside the earnings of the company except about $300,000.

Mr. SMOOT. The Senator has made that statement once before and I would——

Mr. SIMMONS. I read that from a letter of Mr. Schwab.

Mr. SMOOT. I have been unable to find out where he secured the information, because Mr. Schwab testified that not only all the profits made by the company had been put back into the industry, but other large sums of money besides.

Mr. SIMMONS. I made that statement from the authority of a letter which I read from Mr. Schwab himself.

Mr. SMOOT. Does the Senator mean to say that the Bethlehem Steel Co. declared a dividend payable to the stockholders last year of 10 per cent?

Mr. SIMMONS. That is my recollection.

Mr. SMOOT. I think the Senator is mistaken in that regard.

Mr. SIMMONS. I can not be mistaken about the letter which I read from Mr. Schwab, in which he stated——

Mr. SMOOT. I know in the testimony of Mr. Schwab he stated that he had never taken a penny out of the business—not one penny.

Mr. SIMMONS. It is true unquestionably that he said he had never received a penny out of the business. The earnings of the plant have gone into improvements and into enlargement and expansion, but the fact I state, and I think it sustained by the letter which I will try and find and read a little later, is that the stockholders had contributed but $300,000 of this enormous plant capitalized at $15,000,000, and the result of that $300,000 in actual cash the stockholders have to-day a plant worth $15,000,000.

Mr. SMOOT. That is for about 50 years.

Mr. SIMMONS. No; not at all.

Mr. SMOOT. I have not the testimony of Mr. Schwab here, but the Senator can turn to it and see exactly what he said in relation to that matter. However, I do remember positively that he said he had not drawn a penny from the earnings of the company and every dollar that had been made from the time it started had been put back into the business. Mr. President, deposit money in a savings bank and compound the interest every three months or every six months and see what it will amount to in 50 years and you can then have an idea of how rapidly a business will increase, if successful, by allowing its profits to accumulate.

Mr. CUMMINS. Mr. President, I think the Senator ought to do Mr. Schwab full justice in regard to this matter. I do not think Mr. Schwab said or intended to say that the Bethlehem Steel Works had never paid dividends. I think he meant to say that after he had left the Carnegie Co., and after the organization of the United States Steel Corporation and during his association with the Bethlehem Steel Works, and he became, I think, one of its large owners at that time, he had not taken dividends from this organization. I do not believe he intended to say that there never had been anything paid on capital during the history of this concern.

Mr. SMOOT. Perhaps I had better read the testimony, Mr. President, as I have it here.

Senator STONE. What is the per cent of profit on the product to the stockholders?

Mr. SCHWAB. Most of the stock belongs to me, and I am sorry to say I have never taken a penny out of the concern the years I have owned it.

Senator WILLIAMS. Do you mean by that you have made no profit, that you have put it back in the business?

Mr. SCHWAB. I have not made sufficient profit to feel that the best interests of the concern justified me in taking a dividend.

Senator WILLIAMS. So you have put it back in the business—increased the business?

Mr. SCHWAB. I have put it into bettering the business. People speak of 20 and 25 per cent being an unusual profit on a manufactured product, too great a product in the manufacture of iron and steel. I want to say if they will study the history of the industry to see how plants have had to be rebuilt every 5 or 10 years, new processes introduced, they will take a different view. I know of no concern in these 30 years making 20 per cent profit that has been able to pay its stockholders one-third of it.

Senator STONE. Can you tell me this, how much you have taken out in the form of a dividend?

Mr. SCHWAB. Yes. I can tell you the earnings if you would like to know that.

Mr. CUMMINS. I think the Senator from Pennsylvania [Mr. OLIVER], who is intimately acquainted with all these developments, could tell the Senate exactly when Mr. Schwab acquired his ownership in the Bethlehem Steel Works.

Mr. SMOOT. You mean in the present company?

Mr. CUMMINS. In the present company.

Mr. CUMMINS. He was not connected with it before——

Mr. OLIVER. I think it was about 1903 or 1904.

Mr. CUMMINS. That was my recollection.

Mr. SMOOT. Now, Mr. President, all the examinations made of the difference between the cost of producing steel products in this country and in a foreign country, and all the information that we have in this regard is virtually a one-sided proposition, and in order to show how impossible it is to obtain information of the cost of production in a foreign country, I will read from Herbert Knox Smith's report on page 8.

Mr. McCUMBER. Before the Senator reverts to that, may I call his attention to what Mr. Schwab's testimony was concerning his own plant? He states on page 302, speaking of his own plant:

In taking the earnings, year by year, of our plant—which is typical of the industry—I find, for example, in 1908 our earnings were 2.66 per cent on the stock; in 1906, 2.54; in 1909 they were 12.22. That was a good year. In the last two years they have been about 6.75 per cent. But the average of the whole business for all this period is 4.3 per cent earnings upon the stock.

Mr. SMOOT. I will call attention in a few minutes to some of the earnings of the great steel companies of Germany and England, and what dividends they are paying.

Mr. CUMMINS. I think the Senator from North Dakota, if the Senator from Utah will permit me, has not made clear what relation the stock bears to the investment. I venture to say that the stock upon which he said the returns have been small is nominally four, five, or six times the amount of the independent capital invested in the business.

Mr. McCUMBER. I think not. I remember clearly the evidence in that case and I am certain, as I recall the evidence, that there was a very close relation between the amount of stock issued and the actual cash which has gone into the business. In another section of the testimony that is covered in full, and I am very certain the Senator is in error even in supposing that stock is a half greater than the amount of the capital invested.

Mr. CUMMINS. I am unable to sustain my statement at this moment. I am not now speaking of the accumulated investment growing out of the earnings, but I feel very sure that the independent capital invested in this enterprise is not one-fifth of the present capitalization.

Mr. SMOOT. Mr. President, continuing the testimony of Mr. Schwab, Senator STONE said:

I would like to have the net earnings.

Mr. SCHWAB. From 1905 up to 1911, inclusive, my company earned $9,871,000 net; that is 7 years. That is after deducting all bond interest, fixed charges, etc. That left for my stock, after deducting depreciation, in those 7 years, an average of 4¾ per cent.

Senator STONE. On the stock?

Mr. SCHWAB. On the stock.

Senator STONE. What is the amount of the bonds?

Mr. SCHWAB. Twenty-five millions.

Senator STONE. And thirty millions of stock?

Mr. SCHWAB. Thirty millions of stock.

Senator STONE. What is the interest on the bonds?

Mr. SCHWAB. Some 5 and some 6 per cent; an average of 5½ per cent.

Senator STONE. Are you a large owner of the bonds?

Mr. SCHWAB. Yes, sir.

Senator STONE. Do you own most of them?

Mr. SCHWAB. No, sir; I have sold the bonds. I still have some for sale.

Senator STONE. You have a good, large salary list to be paid to what you call the overhead men?

Mr. SCHWAB. Yes; a fairly good salary list.

Senator STONE. What is your salary?

Mr. SCHWAB. I have none.

Senator STONE. You work for nothing?

Mr. SCHWAB. Yes.

Senator GALLINGER. You have some places for high-class men now, have you not?
Mr. SCHWAB. I have; yes.
Senator STONE. Who are the stockholders?
Mr. SCHWAB. They are very widely scattered.
Senator STONE. I did not mean to say stockholders—I meant directors.
Mr. SCHWAB. Do you want the names of the directors?
Senator STONE. Yes.

Mr. Schwab then gives the names. I thought I could turn to the testimony of Mr. Schwab to show just what had been paid for stock in actual cash in the formation of the company, and also what had been credited in the shape of dividends. I am quite sure the Senator will find that he is mistaken when he says it is only one-fifth of the stock issued.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. If the Senator will permit me, I have not the letter here but I will read from the CONGRESSIONAL RECORD where it is incorporated in a speech made in the other House by Representative PALMER. He says, after citing some tables:

These conditions obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909:

"The capital stock of the Bethlehem Steel Co. amounts to $15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at $50 par. While nominally only $1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus."

Then the speaker makes the following statement:

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace relining reserves and considerable redemption of funded debt, the comfortable amount of $1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to $1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of $300,000 contributed in cash and $14,700,000 earned profits.

Mr. SMOOT. Mr. President, I know nothing of the statement. All I know is that it is not correct, as Mr. Schwab testified before the committee that the total capitalization of bonds and stocks in the company was $55,000,000.

Referring again to the question of obtaining information as to what goods cost in foreign countries, Herbert Knox Smith, in his report, makes this statement:

The bureau made a comprehensive investigation into the costs of the raw materials and finished products of the iron and steel industry in the United States, the principal results of which are presented in this report. It also attempted to get similar costs of manufacture in the chief foreign producing countries, but, while much information of a general character was obtained relating to the subject, it was found impossible to obtain any comprehensive information as to the costs as shown directly on the books of account.

So, Mr. President, I am not here disputing the cost of producing pig iron or steel rails or billets in this country, as shown by the report of Herbert Knox Smith, for before making the report the mills in the United States were visited, freedom was given to Mr. Smith or his representatives to examine the books of all the companies, and every possible facility was offered him to ascertain the actual cost of producing these articles in this country. I accept the statement in all the reports made by Herbert Knox Smith; but, on the other hand, the testimony of Herbert Knox Smith and of Mr. Charles M. Pepper, the only two men who have made a statement relative to the cost of goods abroad, says that it is impossible to get accurate information of the cost of making goods in a foreign country. The German manufacturer or the English manufacturer is not going to let a man from this country go into his establishment and examine his books to find out what it costs to make an article when he knows the information is sought for the purpose of levying a duty upon the article sufficient to protect the American manufacturer as between the cost in this country and the cost abroad.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Yes; I yield.

Mr. CUMMINS. Assuming that it is impossible, what does the Senator from Utah intend to do about it? Does he intend never to make any revision of this schedule? Does he intend to permit the duties that are now in it to remain indefinitely? We must be able to do something somehow; we must rely on some testimony procured somehwere at some time. What is the program of the Senator from Utah in view of the fact that it is impossible to secure access to the books of foreign manufacturers?

Mr. SMOOT. Mr. President, I think before we undertake to revise the steel schedule we ought at least to be in possession of the same kind of information that we are in possession of in relation to the wool and cotton schedules; or in other words, I think that there ought to be a Tariff Board report. The only information we have is the report made by Mr. Smith and Mr. Pepper. Mr. Pepper was not sent to Europe to study the cost of producing steel abroad; he was a special agent representing the Department of Commerce and Labor sent to report upon trade conditions. That is the only authority he had, as I am informed. I will say, without fear of contradiction, that Mr. Pepper has never claimed that he knew what it cost to produce pig iron, billets, or steel rails in a foreign country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. I am not in the confidence of Mr. Pepper nearly so much as is the Senator from Utah. I only know what Mr. Pepper's mission abroad was by referring to his report. I assume that he reported upon the subject he was commissioned to examine and investigate. He did report upon the cost of making these things abroad.

Mr. SMOOT. He reported upon what the trade said the cost was.

Mr. CUMMINS. Yes; and almost every man who goes to Europe reports upon what somebody else says is the cost. It is the only avenue of information he has.

The Senator from Utah speaks of the Tariff Board report upon wool. I said the other day that I held that report in high regard, but I may be permitted to put my judgment against that of the Senator from Utah at least; and I say that the report of Mr. Pepper, in regard to foreign cost of pig iron and subsequent forms of iron and steel, is a great deal more satisfactory to me than the report of the Tariff Board respecting the foreign cost of wool. The Tariff Board says, with regard to Australian wool, for instance, after pointing out some instances in which wool is produced there for less than nothing, that probably the cost in Australia, taking it as a whole, is a few cents a pound, and the Senator from Utah and myself will presently be called upon to apply our doctrine of protection upon that statement with regard to the cost of producing wool in Australia, that it costs a few cents. I think that is all the information the Tariff Board could acquire; I do not believe it could have discovered more if it had spent years in Australia. It says, in regard to the wool industry in South America that the cost is from 4 to 5 cents—somewhere along there. I do not conceal from myself the meagerness of our information with regard to these costs; but we have all the evidence we will ever get, and we can supplement it by very satisfactory proof with regard to the conditions of trade and prices at which iron and steel sell abroad. That is, I think, one of the most satisfactory supplements that we can bring to our aid in determining the parity or disparity which exists between the foreign manufacturer and our own.

I hope the Senator from Utah, because we have not that same nicety of information with regard to the books of our rivals in other countries that we have in regard to our own, will not take the position that these duties having been imposed by somebody at some time without any such information, we must allow them to remain for all time.

Mr. SMOOT. No, Mr. President; the Senator will find that I am perfectly willing that there should be a change wherever it is shown or can be shown that there are rates that are oppressive or excessive; but I do believe that the testimony and all the information that we have before us show that the rates that are imposed now—50 per cent in many instances—under the act of 1909 are not really excessive.

Mr. CUMMINS. Mr. President, that is a perfectly logical position to take, but I hope that the Senator will not take the position that he outlined before. I believe if the burden of proof as to foreign cost is on anybody, it is rather upon the manufacturer than upon the users of iron and steel; and if we get all the information we can and find it difficult to reach an accurate conclusion, then those who are benefited by the duty ought to supply whatever there remains of knowledge upon that subject.

Mr. SMOOT. We must not forget, Mr. President, that the manufacturers of this country have freely and voluntarily opened their books for examination as to the cost of their products. They are perfectly willing at any time for the Government to know exactly what it costs to produce goods in this country. Now, let us see from the reports what it does cost to manufacture pig iron in Germany and in England, and let us take the report of Mr. Pepper and see if the present rate is not justified by that report. I will take the amount of wages required in producing steel rails and bar iron from the iron ore to the finished product, then apply the principle that it costs

double in this country, so far as wages are concerned, what it does in a foreign country and then see what the present rates are as compared with that difference.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. Mr. President, I would like to inquire of the Senator whether there is anything in Mr. Pepper's report which shows that the iron and steel manufacturers of Germany and Great Britain refused to give him such information as he desired in the investigation which he was sent by the department there to make? I do not know how that is, but my impression is that the report made by Mr. Pepper upon foreign cost was very full; that it was a detailed report, and my impression is that he had no difficulty in getting reasonable information. I do not know whether or not they opened their books, as some of our manufacturers have done, and put them at his command. I do not remember as to that, and I wish to ask the Senator if there is anything that shows that Mr. Pepper was denied reasonable information as a basis for making his calculations?

Mr. SMOOT. There is no statement in the report that he was denied this information by the foreign manufacturers, but it is stated that the information obtained came from disinterested trade authorities; or, in other words, Mr. Pepper has taken the statements of trade papers.

Mr. SIMMONS. Would not the Senator consider disinterested trade authorities as tolerably reliable sources of information?

Mr. SMOOT. I do not think they know any more about the cost of manufacturing steel and iron in Germany or in England than do the trade papers of this country know about the cost of manufacturing steel and iron in any American mill.

Mr. SIMMONS. I have understood, Mr. President, that in England there is a fuller and probably a franker disclosure of manufacturing conditions, which is accessible to the trade associations there, than we have in the United States.

Mr. SMOOT. It is not accessible to the general public. It may be to the syndicate that controls these particular products.

Mr. SIMMONS. If the Senator will allow me to ask him another question, I understood him to say that probably Mr. Pepper did not have access to the sources of information sufficiently to enable him to make an accurate and reliable report, because the manufacturers would not furnish it to him. Does the Senator think that the Tariff Board would be any more likely to get that information than a special agent sent over there for the purpose of making an investigation? Of course, Mr. President, if the Senator will permit me one minute further, neither one of them would have any authority or any right to demand anything of the English manufacturers. It would be a matter of grace in both instances. Now, can the Senator give us any reason for believing that the manufacturers of Europe would be any more likely to open their books and to make full disclosures to a board investigating for the purpose of regulating the tariff than they would to a special agent investigating for the purpose of ascertaining general information?

Mr. SMOOT. Answering the Senator, I will state that if the Tariff Board was making the investigation it would send to Europe men who are familiar with the business from beginning to end and would know whether the report was fair upon its face or not. Mr. Pepper knows nothing of the details of a rail mill. He was correspondent for certain newspapers in this country; and while I do not say a thing against him as a man or question his honesty, I do say this, there is not a man living who is not familiar with the details of a business who could go and make an intelligent and accurate report upon it, as well as a man who has been trained all his life in the business and knows every process and every step necessary to be taken from the production of the iron ore on to the finished product. Therefore I say that the Tariff Board if they were given the power and the time would select a man of that kind, and he could make a more accurate report than a man who knows nothing of the business.

Mr. CUMMINS. Mr. President, I should like to interrupt the Senator from Utah just once more.

Mr. SMOOT. I have no objections.

Mr. CUMMINS. I know the Senator ought to be permitted to go along with his speech, but I think it is due to Mr. Pepper that we should see precisely what he says with regard to the origin of his information. I will read from page 10 of his report:

> In 1908 the conditions as to cost of production approximated closely those which obtained in 1903–4, the general opinion of the trade being that they were a little higher, about in proportion to the difference in the selling price, which in the case of Cleveland pig averaged $14.40 for 1908, as against $12.94 in 1904. The figures of Mr. J. Stephen Jeans, secretary of the British Iron Trade Association, may be taken as trustworthy. According to Mr. Jeans, the cost per ton of making pig iron in the two chief British districts approximates as follows:

Mr. SMOOT. The source of information is as I stated.

Mr. CUMMINS. Precisely. That is the only place to which any American can ever go to ascertain what it costs to make these articles abroad.

Mr. SMOOT. Then there is no need of going to Europe. I can sit in my office and get the very identical report that Mr. Pepper speaks of. There is no need of going abroad for that kind of information.

Mr. CUMMINS. The report of the Tariff Board on wool convinces me that there is absolutely no necessity of sending a man abroad to secure the foreign cost.

Mr. SMOOT. If that is the case, then we can never find out what is the foreign cost, and I believe we can approximate the cost as near as the reports we have. The Senator read from Mr. Pepper's report on the British iron industry, and I quoted from his report on Germany's iron and steel industry.

Mr. McCUMBER. Have we not some basis at least from which to arrive at an estimate of the cost of production when we know the wholesale cost at the point of export? We can always assume at least that the product is not sold for less than it cost to produce it, and we can make a fair estimate of what would be a reasonable return upon the investment. If we find that steel rails at the point of export in Germany range wholesale about $25.50 per ton, and we find that in this country we produce them for from $22 to $23 per ton, and we assume that 10 per cent would not be an excessive profit for the German manufacturer to make, then taking off 10 per cent from $25.50 per ton you would get a fair estimate of the cost of production in a foreign country; and if that is true then the cost of production in a foreign country, compared with the cost of production in this country is very much below ours, then it would be impossible to give away much of the amount called for in either of these substitutes.

Mr. CUMMINS. That is a most amazing process of ascertaining the cost. We meet Germany in the neutral ports for the sale of steel rails, and we sell them in those ports and markets at exactly the same price as Germany sells them, and a little less, and yet the Senator from North Dakota would take the export price of steel rails at these same markets and take our domestic prices of steel rails in order to reach a comparison. I would a great deal rather trust the process of the Senator from Utah in ascertaining both the foreign cost and the domestic cost than that suggested by the Senator from North Dakota.

Mr. McCUMBER. The Senator has to admit, I think, that as a rule the German manufacturer year in and year out is not selling his goods at less than cost for export, where the exports constitute by far the larger quantity of what he manufactures. It is an entirely different proposition. As a matter of fact, in order to keep the mills running in this country, it may be that 5 per cent of the output is sold abroad and that 5 per cent may be sold at what it costs to produce it, in order to dispose of the surplus and keep the workingmen employed during all the time.

That is not true in the case of Germany. They sell a great deal more abroad than they do for home consumption. Therefore their wholesale price for export will ordinarily include a fair and reasonable profit upon the cost of production, differing entirely with the conditions in this country, and I have not taken this as a single case.

Mr. CUMMINS. The Senator from North Dakota I think still fails to comprehend the situation. The United States Steel Corporation exports 20 per cent of its entire product, and it makes a product for export precisely as it makes it for domestic use. It is a legitimate and a continuing part of its business. It does not sell abroad at less than cost. It sells at practically the same price as at home, if it can get that price. But to say the United States Steel Corporation sells 20 per cent of its entire product abroad and sells it as a mere incident, in order to keep its factories open and running, I think is to ignore the evidence all about us. The United States Steel Corporation has almost doubled its capacity for certain kinds of production, notably steel rails, in order to supply its markets abroad.

Mr. McCUMBER. I thought the Senator would have to fall back upon the United States Steel Corporation in order to get the basis for the lowest possible price. In speaking of the 5 per cent of exports of the United States, I was speaking of the entire product of the United States, and I think I am borne out in the proposition that taking the entire product, not more than 5 per cent is exported.

I agree with the Senator that the United States Steel Corporation can produce steel rails and pig iron and everything in

the matter of steel manufacture for less than any other institution in the United States, and I may agree that it is possible that they need no protection whatever; but assuming they produce 40 or 45 per cent of the entire American product, we can not base our tariff duties upon the one institution that can produce the very cheapest, when by so doing we would cripple every other establishment and give to that corporation a monopoly of the trade in the United States.

Mr. SMOOT. I think from a business standpoint that the United States Steel Corporation would be justified in selling 20 per cent of its product of steel rails abroad, even if they obtained only cost, for this reason——

Mr. CUMMINS. Would Germany also be justified——

Mr. SMOOT. For the reason that the United States Steel Corporation have mills that do nothing else than turn out steel rails. They start with the ore, and the process is continuous until it comes out in a finished rail. In order to do that they have to keep the mills running all the time, and in keeping the mills running all the time the cost of their product is reduced, and if they get only cost out of the 20 per cent exported, they have reduced the cost of producing the other 80 per cent.

Mr. CUMMINS. May I ask the Senator from Utah another question? It happens that although the capacity of the United States Steel Corporation and its business have grown tremendously since it was organized in 1901, it is true that the capacity and the business of the so-called rival companies or the so-called independent companies has increased more than that of the United States Steel Corporation.

Mr. SMOOT. That applies not so much to steel rails and structural steel as it does to the other products in the steel industry—wires, nettings of all kinds, the higher finished products of all kinds; in fact, the independents have almost been compelled to go into this class of manufacture——

Mr. CUMMINS. I think the Senator from Utah has chosen an unfortunate illustration. The one thing upon which the United States Steel Corporation has pretty nearly a monopoly is wire.

Mr. SMOOT. That is, the plain wire. I am speaking of wire netting and all of the products made from wire.

I fully agree with the Senator from North Dakota that it is impossible for the independents to manufacture rails with the capacity they have as cheaply as it is done by the United States Steel Corporation. No one doubts that. The testimony shows that in some cases the independents have been compelled, in order to keep their plants going, to sell goods abroad and to sell them at less than cost. I do not believe the Senator from Iowa objects to that; but that under certain conditions would say that a manufacturer is justified in doing so, although I have not heard him express himself on the floor of the Senate on that subject.

Mr. CUMMINS. I do object, however, to the fact that they do sell abroad being used as evidence that they are selling that part of the commodity or that part of the article at cost or below, for they are not doing anything of the sort.

Mr. SMOOT. The Senator never heard me say that that was the basis on which I was going to figure.

Mr. SIMMONS. Does the Senator from Utah mean to say that the United States Steel Corporation is selling steel rails abroad at less than cost?

Mr. SMOOT. Sometimes they do; other times they do not.

Mr. SIMMONS. Does the Senator mean to say that that is a practice of theirs?

Mr. SMOOT. The practice of the United States Steel Corporation is to sell all the steel rails its mills produce, and in order to keep the mills running all the time, so as to make the goods as cheaply as it is possible to make them, and if the market in this country or in foreign countries is such that it has to sell rails below cost, it does so at times.

Mr. SIMMONS. My recollection is that Mr. Gary, chairman of the steel company until recently—I believe he is now; he has been chairman of it, I know—in the hearings before the House committee——

Mr. SMOOT. That was in 1909.

Mr. SIMMONS. That is not too long ago; that is only recently. He testified that they were getting about the same price abroad as they get at home, or a litle bit higher.

I call the attention of the Senate to the fact, in connection with the argument just made by the Senator from North Dakota, that only a small per cent of the product of these factories is sold abroad compared with the percentage of the total product; that that statement is not correct as applied to steel rails is shown by the fact that our exports of steel rails are very nearly as great as those of Germany or England.

Mr. SMOOT. I am fully aware of that. I know what are the exportations of this country and what are those of Germany.

Mr. SIMMONS. The argument of the Senator could not apply to steel rails, whatever force it might have with some other product.

Mr. SMOOT. I am not arguing along that line to arrive at the cost of steel rails——

Mr. SIMMONS. But you were discussing the subject of the exportation of steel rails.

Mr. SMOOT. That is right.

Mr. SIMMONS. What I am saying is that we exported in 1910 ten million and a half dollars' worth as against England's $13,000,000 and as against France's $12,000,000.

Mr. SMOOT. The Senator does not know the facts if he makes such a statement as that. The production in this country is many times greater than that of England or Germany.

Mr. SIMMONS. That may be true.

Mr. SMOOT. The $13,000,000 of steel rails exported by England is 70 per cent of all she manufactures, and I have no doubt that the $12,000,000 worth that Germany exports is over 50 per cent of all she manufactures.

Mr. SIMMONS. The United States to-day is the third exporter in quantity of steel rails in the world.

Mr. SMOOT. Nobody doubts that, but what she does export, even if she is the third country in point of exports, is only a small percentage of what she produces and uses for home consumption.

The Senator from North Dakota was right. The great exporter is the United States Steel Corporation, and it exports not to exceed 20 per cent of its production, and there are only a few independents who export at all. So, the exports, taking the industry as a whole, not confining it to the steel corporation, but including all the independents as well as the steel corporation, amounts to only 5 per cent of the amount produced in this country.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.

Mr. REED. It is just for information. I understand the Senator to say it is a fact that large quantities of steel are sold in Europe at a less price than it is sold here, and, of course, I am referring to the steel made in this country. Do I correctly understand the Senator?

Mr. SMOOT. No, I never made the statement in that way.

Mr. REED. I certainly, Mr. President, understood the Senator to say——

Mr. SMOOT. I will say this—that large quantities of steel rails are exported by Germany and England at a less price than they are sold in their local markets.

Mr. REED. I am discussing the other question, and I want to know if I was right when I understood the Senator to say that steel rails were shipped from this country and sold in Europe for less than it cost to produce it in this country, plus freight, and to justify that by the argument that the mills had to be kept constantly going. Am I correct in that?

Mr. SMOOT. Technically I suppose not, but to other countries, yes. In other words, in the making——

Mr. McCUMBER. Will the Senator permit me? I do not think the Senator from Utah understands the Senator from Missouri. The Senator from Missouri speaks of exporting rails from the United States to Europe.

Mr. REED. Yes; I think the Senator understands the question.

Mr. McCUMBER. How many rails are exported to Europe?

Mr. REED. There is a very small percentage going to Europe.

Mr. SMOOT. Rails are shipped to Central America, South America, and Mexico. That is why I said "technically." I understood the Senator to mean from the United States.

Mr. McCUMBER. That is a different proposition.

Mr. REED. I hardly think the Senator from Utah in defense of the Payne-Aldrich bill needs a prompter or a suggester of any kind; but if it is necessary, I will modify my statement so as to include South America.

Mr. McCUMBER. Exclude the others.

Mr. REED. I understand the Senator to say it is a fact that large quantities of steel are exported from the United States to other countries and sold at less than the cost in this country. Is that correct?

Mr. SMOOT. It is not a large quantity in comparison with the amount manufactured in this country, but I will say yes; there are considerable quantities of steel rails manufactured in

this country and exported to other countries and in some cases sold for less than cost.

Mr. REED. You say it is not a large quantity in comparison, but still a considerable quantity of it.

Mr. SMOOT. Yes.

Mr. REED. Can the Senator give us an idea of the amount—I am asking for information, and he has studied the bill—that is actually sold abroad at less than cost of production in this country.

Mr. SMOOT. That I could not say, nor I do not think anybody else could give the aggregate amount.

Mr. REED. Can the Senator give us an approximation?

Mr. CUMMINS. May I act as prompter for a moment?

Mr. SMOOT. Willingly.

Mr. REED. I will accept.

Mr. CUMMINS. While it might seem to make for the position I take in regard to this schedule, the truth is that very little of our steel product is sold abroad more cheaply than it is sold at home. Our people are able to compete with the whole world, without reducing their prices in other markets, and the instances in which they sell abroad more cheaply than at home are rare. We supply Russia, both in Europe and in Asia; we supply Asia and South America with these heavy steel products at prices that yield our producers a very satisfactory profit. I do not think that they do sell any very large amount of their product away from home at substantially less than they sell their products at home.

Mr. REED. I know that is the view of the Senator from Iowa.

Mr. SMOOT. But it is not——

Mr. REED. But I was trying to learn the views of the Senator from Utah, because I regard the Senator from Utah as the real spokesman on the Republican side of the Chamber upon this and other important matters.

Mr. SMOOT. I do not claim that distinction.

Mr. REED. No; but we grant it gladly. Does he now stand in the Senate and admit it is true that American manufacturers of steel do sell a considerable portion of their product abroad for less than it costs to produce it?

Mr. SMOOT. If the Senator will take out "considerable" I will agree to the statement just made, and I have already stated to the Senate why it was done.

Mr. REED. Will the Senator accept the word "substantial" in lieu of the word "considerable"?

Mr. SMOOT. No; I will not accept it, because it is only a small amount of the total produced in this country.

Mr. REED. Did I not understand the Senator to say that they sold it abroad to keep their mills going?

Mr. SMOOT. They do.

Mr. REED. And if they do, then is it not a substantial amount?

Mr. SMOOT. It may be a ton, a thousand tons, or a million tons.

Mr. REED. The Senator does not mean to say that one ton of steel——

Mr. SMOOT. No; I do not. I mentioned one in a comparative way and now withdraw it.

Mr. REED. Would keep the mills running, and if they do not sell that the mills would close. Neither would he say that 1,000 tons would do it or 10,000 tons would do it or 100,000 tons, speaking seriously, and the Senator always seeks to be accurate in his statements.

Mr. SMOOT. I said offhand a "ton," but I will say to the Senator a million tons.

Mr. REED. Then we have gotten to the point where the manufacturers will sell 10 per cent of their exports below the cost of production.

Mr. SMOOT. I understand they do sell a part of it below the cost of production. We will let the record speak for itself as to the amount.

Mr. REED. If they sell abroad below the cost of production, somebody has to make up that loss.

Mr. SMOOT. Oh, no; Mr. President——

Mr. REED. And is not that necessarily the man who buys the part of the product that is not sent abroad? And does not that result in taxing the American consumer, charging him a higher price than he ought to pay, in order that goods may be sold abroad for less than their cost?

Mr. SMOOT. The Senator certainly has not been in the Chamber or has not listened to what I had to say, or he would not expect me to go over that ground again.

Mr. REED. I am asking the Senator——

Mr. SMOOT. Let me tell the Senator one thing.

Mr. REED. I am asking the Senator to give me a concrete answer.

Mr. SMOOT. I will.

Mr. REED. Does not that result in higher prices being paid by the American consumers, who have been taxed for 50 years to protect these concerns?

Mr. SMOOT. No; it does not; and if the Senator will give me his attention for a moment I will tell him why.

Mr. REED. I will be glad to.

Mr. SMOOT. If he will he will not ask the question again.

Mr. REED. If the Senator can evolve a theory that fits those facts, and does not take the money out of some one's pockets, and if it is not our pockets, in the last analysis, I shall regard him as having performed the greatest intellectual feat of this century.

Mr. SMOOT. Mr. President, I will try and satisfy the Senator. As I have said to the Senate before, the only way to produce steel rails or the products of steel of all kinds is to keep the mill running full time. It costs just as much for labor at the blast furnaces, the overhead charges, yearly salaries, interest, and the taxes upon the property to produce 500 tons per day as it would 2,000 tons per day. Now, can not the Senator see that if the company did not have a market to take the 2,000 tons, daily production, and only had a market to take 1,500 tons, that it would cost more per ton to produce the 1,500 tons than it would the 2,000 tons, and therefore the American consumer is not compelled to pay a higher price for what he buys on account of selling goods abroad at cost, but on the contrary ought to buy them for less; and not only ought he to but he does, and every laboring man employed in the mill receives the advantage of continuous employment.

Mr. REED. Would the Senator kindly figure out how much money a mill makes by selling out of a total production of 10,000,000 tons 2,000,000 tons at a loss of $2 a ton.

Mr. SMOOT. In making that 2,000,000 tons, if sold at a loss, there no doubt would be 40,000,000 tons more made, and the amount that would be made on the 40,000,000 tons, by running the mill to its fullest capacity, would not only make up what was lost on the 2,000,000 tons, but many, many times over; and I should think the Senator could see that.

Mr. REED. Would the Senator pardon one more question? Does the Senator think there would be anything morally wrong in their cutting that price on steel to the American consumer and letting him have the benefit of it instead of giving it to the foreigner?

Mr. SMOOT. I do not know but that they do sell it for less to the consumer in this country. In fact, competition has been so keen, according to the testimony, that they have been compelled to.

Mr. REED. They have lost considerable money? I think I had better call on the Senator from Iowa to now prompt the Senator from Utah.

Mr. SMOOT. The Senator needs to call on some one.

Mr. GALLINGER rose.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I have not been able to hear the entire argument of the Senator from Utah. I will ask the Senator if he concedes that 2,000,000 tons of steel were sold abroad at less than cost?

Mr. SMOOT. No. That is the example the Senator brought up. It was a hypothetical question.

Mr. GALLINGER. If the Senator will turn to the report of the Industrial Commission, published some years ago, I think in volume 17, he will find that that commission, after a very exhaustive research, came to the conclusion that between 1 and 2 per cent of our products were sold abroad at less than in this country.

Mr. SMOOT. That is approximately what I stated, though I did not give the exact figures.

Mr. GALLINGER. If the Senator will refer to a document which I had printed some two or three years ago, I think, having called on the Secretary of State to ascertain, through the United States consular officers, what the practice was on the part of the countries with respect to selling abroad at a less rate than the domestic price, he will find that the reports show that there is scarcely a country in the world that does not make an export price less than the domestic price for their surplus products.

Mr. REED. The Senator is speaking more in answer to my inquiry than perhaps in regard to the remarks of the Senator from Utah. I take it that the real burden of his remarks are to this effect, that as other countries sell their surplus abroad for less than they sell it at home, that justifies this country in going abroad to meet that competition.

Mr. GALLINGER. If there is not a demand on the part of our citizens for that surplus, I think they should do that.

Mr. REED. Then the situation comes to this: European countries—let us say England and Germany for illustration—can ship to South American countries, sell for less than it costs to produce, and this country can sell in Europe for less than what it costs, and the citizens of Europe and South America get the benefit of the extremely low prices, but when you undertake to bring in the steel from England—a part of its surplus—and to sell it here your tariff wall is at a point where no man can bring it in and sell it so that our people can get the benefit.

Mr. GALLINGER. We meet the same condition exactly in England. We run against a tariff wall in Germany higher than ours.

Mr. REED. Every nation in the world gets the benefit of this process, and we bar ourselves from the effects of competition and low prices, and a tariff is put on to protect those gentlemen from the very competition they meet elsewhere.

Mr. GALLINGER. I do not agree to that at all. It is a mere moiety that is sold abroad, and the question whether any of it is sold at less than cost——

Mr. REED. The Senator was not here when the Senator from Utah conceded that it was done in order to keep their mills running and that it amounted to a large sum.

Mr. SMOOT. I should like to again inform the Senator from Missouri that not only does Germany have a protective tariff wall, but in order to secure the trade of the world she pays a bounty upon the export of steel products.

Mr. REED. Yes.

Mr. SMOOT. In England the same thing is true.

Mr. BACON. I do not like to interrupt the Senator, because he has been interrupted so much, but right on the line, I should like to ask him a question or two.

Mr. SMOOT. I have no objection.

Mr. BACON. Do I understand the Senator to take the position that the sale of steel rails, coming down to that specific article in foreign countries at less price than they are sold at in the United States, is an exceptional affair, or on the other hand is it true that there are regular quotations at the mills of one price for the domestic consumer and another for the export trade?

Mr. SMOOT. There is no question but that prices in Germany——

Mr. BACON. I am not talking about Germany. I am talking about the United States.

Mr. SMOOT. I think where American manufacturers are compelled to export, in many cases they are compelled to quote lower prices for exportation than for the market in this country.

Mr. BACON. The Senator misapprehends my question.

Mr. SMOOT. Possibly.

Mr. BACON. I understood from the colloquy which the Senator had with the Senator from Missouri and others that the proposition is this: That the occasions upon which steel rails are sold at a less price abroad than they are sold at home are exceptional, and that it is necessary to do so in order to keep the mills running, but it does not relate to the regular prices of rails sold by producers in the United States to foreign consumers. I do not know whether I make myself clear. I understand the Senator to mean this: That the occasions upon which the producers of steel rails in this country sold their steel rails at a less price to foreign consumers than they sold to American consumers were exceptional; in other words, it was not the rule, but that it was done only upon occasions to keep the mills running.

Now, the question I ask the Senator, if he made that statement which I understood to be his statement, is it not true that there are two regular quotations at the mills in this country, one price for the domestic consumer and a much lower price for materials that are to be sold for export.

Mr. SMOOT. Mr. President, of course if the demand for steel rails in this country was such that it would take the full product of all the mills, there would be no steel rails exported, and the price would be the same.

In answer to the other question which the Senator asked, as to whether——

Mr. BACON. I do not think that is any answer to either question that I asked.

Mr. SMOOT. In connection with it, then, I will say I have never heard it testified to, nor do I believe it to be a fact, that the regular quotations of the manufacturers of this country are one price for this country and another price for a foreign country, but such quotations are made only in exceptional cases, as stated by the Senator.

Mr. BACON. Now, I want to ask the Senator this question. Does the Senator know that there has been any change in the rule in that regard in the last eight years. In other words, has there been any change in the policy in that matter?

Mr. SMOOT. There were three or four of the independent manufacturers, and by the way none but independent manufacturers appeared before the committee, who testified that there was no such thing as two prices, one for this country and one for foreign trade, but no one who testified as to when the change was made or whether there had been such a practice in the past.

Mr. BACON. Now, will the Senator permit me not simply to put in the RECORD, but to have read to the Senate two letters, one from the president of a railroad company and the other from the general manager of another railroad company, in which the explicit statement is made and the narration given of the circumstances in their own experience upon which that statement is based. Will the Senator permit me to have that read?

Mr. SMOOT. I would rather have the Senator read them in the RECORD in his own time and his own speech.

Mr. BACON. I do not now offer to do it, because I would not impose them on the Senator. That I will do hereafter in order that he may not be unduly interrupted. I will state to the Senator that I have those two letters, one from the president of a railroad company, in which he narrates that he was a president of a railroad which lay partly in the United States and partly in Mexico, and how it was that the regular quotations to him were such that it cost him $5 a ton more for rails bought to be laid in the United States than it did for rails bought the same day to be laid in continuation of the line in Mexico; and in the other the general manager of the other company gives his experience, in which he attempted to buy rails for his road where a certain price was quoted to him, and where he attempted to get a lower price without stating where he was to ship them, or rather without stating that he was to use them in the United States, and where he had been compelled to pay $5 more for rails to be laid in the United States than he would have had to pay from the same mill if he was going to ship them in South America. I will put those letters in later.

Mr. CUMMINS. I am interested very much in that statement. May I ask the Senator from Georgia about the date of the letters?

Mr. BACON. Yes, sir.

Mr. CUMMINS. Are they recent?

Mr. BACON. That is the reason why I asked the question. The letters were written eight years ago.

Mr. CUMMINS. How long ago?

Mr. BACON. In 1904. At that time we were selling rails in Mexico for $10 a ton less than we were selling them at home regularly.

Mr. CUMMINS. I do not know; that may have been one of the exceptional cases the Senator from Utah speaks of; but the letter I have from the Boston railroad, of which I have spoken, figured out in the different prices quoted that the difference was about $5 a ton as a regular thing.

Mr. SMOOT. Mr. President, I know nothing of this particular case. I know that in England and in Germany, when rails are being exported, in many cases the purchaser is required to execute a contract assuring the syndicate that the goods exported will not be shipped back into England or Germany, or the country from which they were shipped.

I can not say as to what the manufacturers of this country eight years ago were compelled to do to secure the Mexican business, or what may have been the system at that time, but I know that the testimony shows that to-day there is no such system being practiced.

Mr. CUMMINS. Mr. President, I think the whole situation has changed in the last 8 or 10 years with regard to our prices abroad. The truth is that at this time, if the order is a large one at all, the agent of the manufacturer has visited the country in which the rails were to be used and has entered into a contract for the manufacture and delivery of the rails. Of course, he gets all he can get—sometimes the full price in America; sometimes being compelled to sell below the price here. The rails are not a part of an undesigned surplus. The rails are manufactured after the order is given. That is true of nearly all large orders of steel rails.

This notion of sending abroad a surplus that has accumulated because business happens to be depressed at home is purely fanciful. All these articles are manufactured after the order has been given, and if the order had not been given they would never have been manufactured.

Now, if the Senator will pardon me one single remark more——

Mr. SMOOT. I should like to answer that, and then I will yield to the Senator. The Senator may think the notion is fanciful, and that those are the regular orders of the trade, but he must admit if the $10,000,000 or $12,000,000 were not exported, the mills could not run in this country to their full capacity.

Mr. CUMMINS. I do more than that. I admit if we had not a large exportation the mills would not have been built. The mills were built for the purpose of furnishing the countries across the sea with a certain amount of our product.

The only quarrel I have with the Senator from Utah is that he seems to see this sort of situation, that we have a certain capacity for manufacturing, for supplying the needs of our own country; a period of depression comes, a surplus accumulates, and because it is cheaper to operate the plant at or about its full capacity, therefore we ought to be permitted to sell that surplus abroad that is not taken by reason of the depression at home for any price that we can get for it.

That is true. That is a perfectly sound proposition. But when the manufacturer looks over his own country and the world, too, and comes to the conclusion that he can supply a certain output or supply a certain demand and constructs his factory with reference to that demand, foreign as well as domestic, then it becomes, as it seems to me, exceedingly illogical to claim that it is either good business or good morals for him to run his factory for the foreign trade in order to produce cheaper for the domestic trade. That is the only difference I have with the Senator from Utah.

Mr. SMOOT. I do not know where the Senator gets his information. I know that the men before the committee did not make any such statement, that they were building and increasing their plant for the purpose of securing the foreign trade.

Mr. CUMMINS. You made no inquiry of them. Everybody knows they had increased their capacity. The United States Steel Corporation has invested $500,000,000 since it was organized in increasing its capacity and has made it out of the earnings of the company. Jones and Laughlin have increased their capacity——

Mr. OLIVER. Jones and Laughlin testified before the Finance Committee that they did not export.

Mr. CUMMINS. Very well, they do not need to export; but they have increased their capacity and they have increased their output, and that is true of every steel company of considerable proportions in the United States. They have all increased their capacity in the last eight or nine years.

Mr. SMOOT. I hope the American factories will continue increasing——

Mr. CUMMINS. So do I.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do.

Mr. REED. In connection with the statement made by the Senator from Iowa, I noticed yesterday in reading the trade reports in a large number of papers, particularly those from Pittsburgh, the statement contained in all was to the effect that the demand for steel has increased so that the mills are now compelled to work to their utmost capacity.

Mr. SMOOT. I also have a report this morning showing the net earnings of all the corporations of our country, showing $115,500,000 less in the earnings of the corporations for 1911 than they were the preceding year.

Mr. REED. I am speaking about orders now on the books.

Mr. SMOOT. It may be true of one particular company. One firm may have large orders now, but the general industry as a whole is not booming as the Senator would intimate.

Mr. REED. I want simply to be clear. I do not know whether the general industry is booming or not. I am not a spokesman for the steel industries of this country. I simply make the statement contained in several of the papers yesterday, and notably in the Pittsburgh papers, that the orders for steel rails were such now that they were going to be worked to their utmost capacity.

Mr. SMOOT. I hope that is true, Mr. President, because I want to see them working to their utmost capacity.

Mr. BACON. Mr. President——

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. BACON. The remark I wish to make is that if it be true that the larger part of the steel rails exported are sold at the same price they are sold in the United States, it seems to me the conclusion is very irresistible that they can compete with the foreign producer in spite of the fact that they have to make these prices at home.

Mr. McCUMBER. Mr. President, will the Senator allow me to reply to the query of the Senator from Georgia?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator from Georgia must remember that a great proportion of our exports are into Canada. We are able to compete even with the British manufacturer with his differential in Canada on account of freight rates. We have the benefit, of course, of proximity, of immediate deliveries. We can sell for a very much lower price because, first, we can get immediate delivery in response to their orders, and secondly, we can utilize the Great Lakes to a greater extent than they can, and we can therefore supply the Canadian northwest as against Germany or Great Britain and still have the regular American price.

Mr. REED. Mr. President, if we can compete in Canada then why can we not compete in the United States?

Mr. McCUMBER. For the same reason that we can not take rails to San Francisco and compete with Germany, because water transportation is very much cheaper and we have the advantage of the water transportation. The British merchant must unload in the eastern sections and send by rail, and the expenses are so great that we can beat him there.

Mr. REED. Then it comes to this; that we have to ship steel rails, say a thousand miles into Canada by railroad; you can there meet English competition, but you can not meet English competition at the door of your own factory, and you have got to be protected.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. Mr. President, I very much prefer to go on if there is no objection on the part of the Senator.

Mr. SIMMONS. I rose to say just a word.

Mr. SMOOT. Very well; I yield.

Mr. SIMMONS. I understood the Senator from North Dakota [Mr. McCUMBER] to make the point that we are unable to compete with the Canadian markets, notwithstanding there is a differential in favor of England of 35 per cent, because of a freight-rate advantage. I think that is the statement of the Senator from North Dakota.

Mr. McCUMBER. Freight rates, proximity, and immediate delivery.

Mr. SIMMONS. Mr. President, we would seem to have no advantage in freight rates as against England and Germany in Mexico, and yet we are importing to Mexico several times more steel rails than England is importing to Mexico.

Mr. SMOOT. The Senator from North Dakota referred to the fact that quite an amount of our exportations of steel rails go into Canada. The question of freight is quite an advantage when shipping to Canada.

Mr. SIMMONS. Exactly.

Mr. SMOOT. It is somewhat similar as to South America.

Mr. SIMMONS. There we compete, notwithstanding there is no advantage in freight rates in our favor, and the tariff conditions are exactly the same. We sell more of the products, not only steel rails but the general products of iron and steel and the manufactures thereof in Mexico than England does or Germany does, and if we can go to one of the neutral markets where freight rates are alike, where tariff rates are alike, and there compete with them, as the Senator from Missouri [Mr. REED] says, why, in the name of Heaven, can we not compete with them in our own market?

Mr. SMOOT. There is no need of my going over that question again. It has been thrashed over three or four times during this discussion. I think Senators pretty well understand it. It is not a question altogether as to what rails cost; it is a question of getting a market. That is what manufacturers have done in the past and what they will continue to do, if necessary to keep their mills running.

Mr. Pepper's report shows that the cost in the Luxemburg district, Germany, is $11.42 for pig iron and $17.13 for steel. I again call attention to the fact that that cost price is in the Luxemburg district, Germany, and he says the average estimate was $11.42 for pig iron.

Mr. Pepper, speaking of the general average price of pig iron, says it is agreed that pig iron in the Cleveland district has been made at a net cost of $8 per ton by some of the companies controlling collieries as well as ore mines and have exceptional facilities for production.

I want Senators to keep in mind those figures, because if they will take the $14.01 that Herbert Knox Smith says it costs to produce pig iron in this country, and the testimony of Mr. Schwab that it costs $14, and deduct the $11.42 from the Smith cost, it leaves $2.59. The present rate on pig iron is $2.50.

Mr. President, there has been a good deal said in relation to the intercompany profits in this country, Senators stating, or intimating at least, that that class of profits was not taken into consideration in arriving at the cost in England and Germany.

Let us see whether that is the case or not. Herbert Knox Smith at page 13 makes this statement:

The bureau deducted these intermediate "transfer" profits for all the important simpler products. The resulting "revised cost" must, however, be handled with great caution. The margin between this revised cost and the selling price is, of course, much larger than the margin over the "book cost."

We have the American book cost, for Herbert Knox Smith had authority to examine by himself or his representatives every concern in the United States. The companies books were opened to them and the report gave the absolute book cost, giving the detail cost of every item of every description that entered into the cost of production of pig iron.

The report continues—

that larger margin must cover all the stages of production, and therefore a much larger investment. The profit above the "book cost" of a subsidiary is to be applied simply to the investment of that company. On the other hand, the profit above the revised cost of an integrated company, carrying through many stages of production, *must be set against that entire investment.*

And again, it was contended that there had been a great reduction in freight rates amounting to 70 cents a ton since the report of Herbert Knox Smith, and that should be deducted from cost as reported by him. Let us see what Herbert Knox Smith says on this subject:

Another fact of great importance in considering the present costs of Lake ore, as well as the probable costs for the next few years, as distinguished from the comparison for the two periods covered by the foregoing table, is found in the recent change made in the rail rates on ore from the Mesabi and Vermilion Ranges. During the latter part of 1911 (and since the publication of the first part of this report) the Steel Corporation announced reductions in the rail rates for the Mesabi and Vermilion Ranges as follows: The Mesabi rate was reduced from $0.80 per gross ton to $0.60 per gross ton, and the several Vermilion rates of $0.90 and $1 per gross ton were reduced to a flat rate of $0.60 per gross ton. Just what effect these reductions will have on the cost of ore at lower Lake ports depends, of course, on the particular tonnages shipped from each range. For the mines whose costs for the period 1907 to 1910 are comprised in the foregoing table (Table 19) the reduction in average freight rate would be about $0.17 per ton, and this would result in a reduction in the average cost at lower Lake ports of an equal amount per ton. Taking the average book costs of the period 1907 to 1910 as a basis, the cost of ore at lower Lake ports would be reduced thereby from $2.70 per ton to $2.53, and this ore cost would be $0.05 per ton lower than the average cost for the period 1902 to 1906, namely $2.58 per ton.

That is what Herbert Knox Smith reports in relation to the reduction of rates.

Mr. BACON. Will the Senator permit me to make a correction of what I said a moment ago?

Mr. SMOOT. Yes.

Mr. BACON. I was stating from memory in regard to the letters when I said the difference was $5 between the cost quoted for rails to be used in the United States and the cost quoted for rails to be used in other countries. I was mistaken. It is $9 difference; not $5. I have just looked over the letter. It is $9 more at the same mills for parties who wish rails to be laid in the United States than they would be sold to the same parties if they were going to ship them to Honduras.

Mr. SMOOT. That would depend entirely upon the price required to secure the order at Honduras. To-day there could not be that wide difference between a foreign price and local price. The market price is generally known to-day.

Mr. BACON. What is the market price now?

Mr. SMOOT. The market price to-day is about $28.

Mr. BACON. Very well. The market price then was $29. That was the domestic price, and it was $20 for the same article at the same mill on the same day to the same purchasers if they were going to ship to Honduras.

Mr. SMOOT. If that is the case the rails were sold below cost.

Let us take the figures now of the cost of steel rails shown by Herbert Knox Smith on page 30 of his report, viz, $22.23, and accepted by the Senator from Iowa as being correct, and I am perfectly willing to accept the same. Then take the report of the cost on pig iron, as shown by Mr. Pepper, $11.42. The difference between the cost of rails in this country and the cost of pig iron is $8.22, the American conversion cost. Then take $11.42, the Luxemburg cost of pig iron, and add a conversion cost of $8.22. You get $19.64 as the cost in Germany of the steel rails, providing the conversion cost is no greater in Germany than in this country. Deduct that from $22.23—the American cost—and you have a difference of $2.59.

Mr. President, I do not wish at this time to go into the question of cost further than this, but will refer to the cost of labor required to make pig iron and bar iron from the iron ore to the finished product.

Mr. CUMMINS. Mr. President, I shall interrupt as rarely as possible, but I do not want the Senator from Utah to understand or to say that I admit the total cost of steel rails is $22.23.

Mr. SMOOT. Then, Mr. President, I am mistaken, because I thought the Senator accepted the figures of Herbert Knox Smith, and Herbert Knox Smith reports that——

Mr. CUMMINS. Herbert Knox Smith does not give that as the cost of steel rails.

Mr. SMOOT. Let us see if he does not.

Mr. CUMMINS. The mill cost is $20.97.

Mr. SMOOT. That is outside of the intercompany cost.

Mr. CUMMINS. No, the mill cost, including the intercompany profits, is $20.97 per ton. The way the Senator from Utah gets the $22.23 is by adding $1.26 a ton, which is put in a column called additional costs.

Mr. SMOOT. I ask the Senator to state what constitutes the additional cost.

Mr. CUMMINS. And those costs are not in the corresponding table of the English production.

Mr. SMOOT. How does the Senator know they are not?

Mr. CUMMINS. Because it says they are not.

Mr. SMOOT. The Pepper report does not say so.

Mr. CUMMINS. I think so.

Mr. SMOOT. Here is what the report says as to cost of pig iron and steel in the Luxemburg district: "$11.42 for pig iron and $17.13 for steel." There is not a word said that the additional costs spoken of by the Senator are not included in these costs.

Mr. CUMMINS. Of course, I do not want to interrupt the Senator from Utah by a running debate, but I assert it is easily proven, plainly observant, from the mere reading of Mr. Pepper's report that these additional costs of $1.26 are not in his calculation as to the cost of steel rails.

Mr. SMOOT. The costs that Mr. Pepper gives are from certain trade journals. I want to say that if the additional costs to which the Senator refers were not made a part of the cost, the company not taking them into consideration would go into bankruptcy very soon. They are just as much a part of the costs as the purchase price of the iron ore.

Mr. CUMMINS. I agree to that, Mr. President, and therefore I add $1.20 to the English cost table as given there.

Mr. SMOOT. The report gives the cost, and it does not contain a word as to whether there is any part of the reported cost not accounted for. If we are to arrive at the cost, every item of cost must be considered, whether it be labor, or materials, or expenses, such as interest, overhead charges, depreciation, and so forth. Those are all elements in the cost of producing a finished product.

Mr. CUMMINS. Well, Mr. President, suppose they are—although I have not said so and do not agree to it—then the cost in the United States is $22.23 a ton, and the cost in England is $23.35 a ton. Where does the Senator from Utah find in that any cause that we need to protect it by a duty of $3.93 per ton?

Mr. SMOOT. I have said, Mr. President, that Mr. Pepper states that it cost $11.42 for pig iron; add to that $8.22, the American cost of conversion, and that makes $19.64. The Senator, himself, from his own figures, will see that the conversion cost is not more than $8.22.

Mr. CUMMINS. The Senator from Utah reminds me of the attempt of a famous orator from Maine to divide a verse of Scripture. I will not repeat that incident, but if the Senator from Utah will simply examine on page 10 he will find that the cost of pig iron in England, according to Mr. Pepper, is $13.35, and the cost of the steel ingots is $18.49, while the cost of steel rails is $23.35.

Mr. SMOOT. I am not comparing, as the Senator from Iowa is doing, the low cost in this country with the high cost in England, nor am I going to take the low cost in the foreign country and compare it with the high cost in this country and say that that is the difference between producing goods in this country and abroad.

Mr. CUMMINS. I did not say that, but the Senator from Utah will certainly have to take the cost of the pig iron out of which steel rails can possibly be made. He is taking up, if I understand him right now, the cost of pig iron in England out of which steel rails never have been made, and, although I am not an expert, I believe never can be made.

Mr. SMOOT. Mr. President, I am not speaking of English steel rails; I am taking the cost in the Luxemburg district, as stated by Mr. Pepper in his report, viz, $11.42; and the Senator knows that the Luxemburg district produces pig iron from which steel rails are made.

Mr. CUMMINS. I know that there is a pig iron made in the Luxemburg district out of which steel rails can be made, but the only place in which Mr. Pepper refers to the cost of steel rails is on page 10 of his report, and it is the cost in England to which he refers; and he gives that cost as $23.35.

He is either right or wrong, and I should like to know from the Senator from Utah whether he believes that Mr. Pepper is right or wrong with regard to that statement.

Mr. SMOOT. The trouble with the Senator from Iowa is that he is quoting the highest prices given by Mr. Pepper in his report on the British iron and steel industry, and I now call his attention to Mr. Pepper's report on the German iron and steel industry——

Mr. CUMMINS. Very well.

Mr. SMOOT. And I am quoting figures given by Mr. Pepper in his report on the German iron and steel industry.

Mr. CUMMINS. I did not in my discussion refer to that report, but I am perfectly willing to do so. However, what I should like to ask the Senator from Utah is, whether he accepts with equal confidence Mr. Pepper's report with regard to the cost of steel rails in England?

Mr. SMOOT. I can not do that for the purpose of comparison because of the very fact that Mr. Pepper, as well as Herbert Knox Smith, states that it is impossible to get the actual book cost.

Mr. CUMMINS. I suppose, then, it is just as impossible to get it in Germany as it is in England?

Mr. SMOOT. It is just the same, and therefore, so far as the report is concerned——

Mr. CUMMINS. Therefore the Senator from Utah accepts Mr. Pepper when he testifies according to the Senator's liking, but repudiates him when he testifies in an opposite way.

Mr. SMOOT. No, Mr. President; I do not want the Senator to put me in that attitude, nor am I going to be placed there, either, without giving the reasons for the statements I have made as to the cost of production in Germany, as shown by the Pepper report. I do not claim the figures I have given are the actual book cost of pig iron or steel rails, but used the cost as reported by Mr. Pepper as a basis; but I do not believe that the reported cost in the Pepper report is absolutely correct nor does Mr. Pepper believe so himself. We all accept the cost price as reported for this country, because it is the actual book cost.

Mr. CUMMINS. Does he think it is too high or too low?

Mr. SMOOT. He has not said, and therefore we can not tell.

Mr. CUMMINS. It is quite as likely, then, as I assume, that the cost of the item is too low as that it is too high.

Mr. SMOOT. That is not very likely. The foreigner knew the information was being secured for the purpose of making an American tariff, and it would be unreasonable to suppose he would place his cost below the actual cost of production. I would hazard a guess that it would be as high as he thought it would be believed.

Mr. CUMMINS. Yes; he went there for the purpose of getting information upon which the committee in 1909 could act.

Mr. SMOOT. Yes.

Mr. CUMMINS. That committee was not noted for its desire to reduce the duties, as I remember.

Mr. SMOOT. Mr. President, we did reduce the duty on steel rails and many other of the steel products 50 per cent.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. REED. I merely want to ask the Senator from Utah a question for information.

Mr. SMOOT. The Senator from Missouri may ask me a question if he desires.

Mr. REED. I should like to ask the Senator from Utah, and, if he will permit me, to ask the Senator from Iowa, whether they are both now agreed that this report of Mr. Pepper's which both of them have quoted is utterly unreliable?

Mr. SMOOT. I did not say it was utterly unreliable. I said it was the best information that Mr. Pepper could secure from the sources at his command; but it is not the actual book cost, and no one can get that cost from the foreign manufacturer, in my opinion.

Mr. CUMMINS. I want to say to the Senator from Missouri that it is entirely unreliable both as to England and as to Germany, but I accept it as the very best evidence we have, and I know of no reason for discrediting it in any respect.

Mr. SMOOT. Nor was I trying to discredit it, but was using the figures for comparison, knowing they were the best we had at our command.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Mr. President, I should like to proceed if there is no special——

Mr. SIMMONS. Of course, if the Senator does not care to be interrupted, I will not interrupt him.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes; I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply want to ask the Senator, as a matter of information in connection with the figures he gave awhile ago, if he had considered the table in the report of the Bureau of Corporations, on page 66, which is headed as follows:

Table 16. Average book cost per gross ton of heavy Bessemer rails, and cost excluding transfer profits for all companies, 1902–1906.

That shows the total book cost of heavy Bessemer steel rails at $21.27. Excluding transfer profits, it shows the cost of heavy Bessemer rails at $18.80.

Mr. SMOOT. But the report also gives the following information:

The following table gives the book costs of heavy Bessemer rails, and the same costs after the elimination of antecedent transfer profits.

You might just as well ask what is the cost of steel rails without any overhead charges; what is the cost of steel rails without any interest; what is the cost of steel rails without any charge for depreciation; or what is the cost of steel rails without taking any of the ordinary expenses into consideration or what the mere cost of running the metal through the blast furnace is as to eliminate transfer profits. That is not the kind of cost we are trying to arrive at.

Mr. SIMMONS. I will ask the Senator, in all of these tables where the transfer profits are eliminated, if that does not refer to the accumulated profits that have been added by the company and its subsidiary companies—for instance, profits on mining of the ore, on its transportation, on its conversion into pig iron and that into ingots, and so forth?

Mr. SMOOT. If a company spends $10,000,000 building a railroad for the purpose of hauling its ore, that does not signify that it does not cost the company more than is actually paid out in wages to employees to haul it. It is no reason why the company investing the $10,000,000 should have no return on the investment, and if it did the manufacturer of steel or the Senator from North Carolina would never invest money in that way.

Mr. SIMMONS. But, Mr. President, suppose we take the case of the steel corporation. They own the iron mines and the ore mines; they extract the ores at a certain cost, and they add a profit for that process. They own the railroads which take the steel rails from the upper Lake ports, and they add a profit for that. They own the steamboats that do the carrying from the upper ports to the lower Lake ports, and they add a profit for that transportation. Then they take the ore to the furnace and convert it into pig iron, and they add a profit for that. Then they convert the pig iron into steel rails, and they add another profit for that. The same organization owns all of the instrumentalities of production from the ore in the ground to the finished steel rail, but in getting at the ultimate cost this concern that is the owner of all these instrumentalities and has done the whole work from the beginning to the end adds a profit at every stage, as I understand. I am not making this calculation myself, but Mr. Herbert Knox Smith in making this calculation, taking into consideration the fact that the steel company made a profit at every point, at every stage of integration added a profit, eliminates those various profits in estimating the cost of the finished product. Is not that the process by which he has reached this result, I will ask the Senator?

Mr. SMOOT. Of course, if you do not consider the interest upon such an investment "cost," and if every expense attached to the manufacture of steel is not "cost," then the price named by the Senator perhaps could be construed as actual cost; but a corporation is not going to put millions and millions of dollars into a property without some assurance of profit. If the United States Steel Corporation is the purchaser of an iron mine, some claim that their iron ore does not cost them more than the actual labor in extracting it. This is a mistake, for every ton of ore that is extracted is lost to them, so far as the value of the mine is concerned. The ore can not be replaced. It is drawing upon the capital and not using dividends.

Mr. SIMMONS. Mr. President, there is no disagreement between the Senator and myself from his standpoint and from my standpoint. The proposition that I laid down is that Mr. Herbert Knox Smith, in trying to determine what was the cost to the United States Steel Corporation and to the larger steel corporations that own the ore, the factories, and the furnaces which take the ore and convert it into steel rails, did not allow for any profit in any of the intermediate stages of production. Of course, under that process when you come to determine what would be a reasonable profit to allow to the larger corporations which own all of these intermediate agencies of production, you would have to consider the capital invested in iron ore, in boats, in railroads, and blast furnaces, as well as in the plant

which finally converts it into steel rails. All I was calling the Senator's attention to was the fact that Mr. Herbert Knox Smith, following these processes in ascertaining the cost of producing steel rails, had reached the conclusion that the actual cost of producing steel rails, eliminating all profits, was $18.80.

Mr. SMOOT. Mr. President, all the independent companies in this country do not own iron mines; they do not own railroads; they do not own boats to transfer the ore; and we are not making a tariff bill to protect the United States Steel Corporation alone. We are making a tariff bill——

Mr. NELSON. Mr. President, do I understand the Senator to say that the United States Steel Corporation does not own any railroads or any mines?

Mr. SMOOT. No. I said all the independent companies do not. The United States Steel Corporation does, of course.

Mr. NELSON. They own railroads, mines, and everything else, except the grace of God.

Mr. SMOOT. The Senator refers to the United States Steel Co. I was speaking of the independent companies. It has been stated time and time again that the United States Steel Corporation could make steel rails cheaper than can any other company in the United States, but on that account are we going to destroy, by tariff legislation, the independent manufacturers of this country? The representatives of the United States Steel Corporation did not come near our committee during the hearings and did not give a word of testimony. Those who were affected most by this bill were the independent manufacturers of this country; they were the ones who testified before the committee.

Mr. President, I was going to discuss the question of pools and syndicates in foreign countries, as reported by Mr. Pepper, showing how they handle this business, but I see that the time is fast passing, and I have not even started upon the discussion of the different paragraphs. Therefore I shall allow the remarks I made on Friday last on this question to suffice and ask the privilege of putting into my speech the statement made as to the pools and syndicates, not only in Germany but in England, by Charles M. Pepper in his report upon the steel industry of those two countries.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From report of Charles M. Pepper on the German iron and steel industry, found in H. Doc. No. 1353, 60th Cong., 2d sess.]

TRUSTS AND SYNDICATES.

The influence of the combinations, which are variously described as trusts, syndicates, or kartells, is exhibited very clearly in the different branches of the iron and steel trade. From the first stage, which is the coal in the ground, to the last stage, which is the making of the most highly finished articles, between 75 and 80 syndicates are concerned in the manufacture and sale of iron and steel products. This industry, therefore, furnishes an excellent means of judging how the principle of combination is worked out in the industrial and commercial system of Germany.

OPERATIONS OF THE SYNDICATE SYSTEM.

All the syndicates are governed by statutes of their own making, which, if they have not the force of statute law, at least have the same effect on the organizations for which they are devised. The details of these regulations are rarely made public, but their general nature becomes known through their operation. A common model apparently has served for the majority of them, the adaptation being made to the special circumstances of the particular industries which may be formed into a syndicate.

The A B C of the syndicate system as applied to the iron and steel industry is concentrated in the following group: The coal syndicate, the coke syndicate, by-product syndicates, raw-iron syndicates, and steel-works syndicate.

Coal, which is as much raw material to the iron and steel industry as is the iron ore, is effectually controlled by the Westphalian Coal Syndicate. The coal industry enjoys no protective tariff duties, as do most of the finishing industries. There is, moreover, the competitive supply of the coal fields of the United Kingdom, with easy water transportation to the German ports and to many of the inland points through the river and canal systems. Nevertheless, the Westphalian Coal Syndicate enjoys a substantial monopoly of supplying coal to the iron trade.

ORIGIN OF THE SYSTEM.

The germ of this syndicate was disclosed in 1878, when a number of the leading mines formed a combination to raise prices to a remunerative level by preventing overproduction. This agreement related to the prices of gas coal, and it was supplemented three years later by one for the control of open-burning coal. For several years thereafter various combinations were made for restricting the output, but they were usually local in their sphere, and their efforts to regulate the selling prices were not wholly successful. A stronger organization was the Mine Owners' Syndicate, which was formed in 1891. This, however, went to pieces in the following year during a period of severe industrial depression. It was succeeded by the Coal Group, which had been established as far back as 1880. Out of the two organizations grew the Rhenish-Westphalian Syndicate, which was formed in 1893 and renewed at various periods, the last one being December 31, 1905, when an agreement was reached for 10 years, or until January 1, 1916.

WORKING MACHINERY AND METHODS.

The working machinery of the syndicate is through a stock company with a small capital, whose shares belong to the owners of the coal mines in the combination. Shares can not be transferred except by the consent of the association.

THE POWERFUL STEEL SYNDICATE.

The "Stahlwerks Verband" (steel works union, or steel syndicate), which occupies an intermediate position between the coal syndicate and the manufacturers of finished products, is not directly affected by the raw-iron situation, since its organization extends until June 30, 1912. It can not, however, remain entirely unaffected. The steel syndicate is in many respects the most powerful and the most completely organized of all the groups of affiliated industries. It has 31 members, of whom nearly one-half are in the Dortmund district, and its individual members are known to the trade the world over. Some account of its organization and methods is of general interest. The administration and executive headquarters are at Dusseldorf, where a large staff of accountants and other employees is maintained.

The policy of the association is controlled by the general assembly, which is composed of all the members. There is an administrative council, but the practical work is carried on by an executive committee. The base of the contract among the members—that is, the participation—is for each 1,000 tons of products, which are described in detail. The contract covers all that the members of the syndicate produce of the following articles: (*a*) Raw steel (ingots); (*b*) puddle loops; (*c*) finished products derived from raw steel and puddle loops.

EXPORT POLICY AND BOUNTY.

The export policy of the syndicates is so essential a feature of the whole system that it requires a brief description. The practice appears to be that the bounty is not paid on the consumption of their own products to the different syndicate members, but rather to the consumers; that is, the reduced rates are in the nature of a premium to the buyers. In 1902, when the recovery was beginning from the severe depression which had followed the boom of 1900, the Westphalian Coal Syndicate and its allied combinations and the raw-iron, half-finished iron and steel, and girders industries established a clearing house with headquarters at Dusseldorf for the special purpose of arranging the premiums on exports. The general principle was laid down that the export premium must, as a rule, not exceed the difference between the foreign and the inland prices, with a reduction of 1 per cent of the premium to cover the working expenses. The application of the principle has become very intricate, and it is doubtful if the members themselves fully understand the workings of the Dusseldorf Clearing House. However, they are clear that exports are promoted by granting premiums, and numerous instances are given of the amounts of these premiums.

The payment of the bounties is worked out somewhat as follows: The coal syndicate pays a bounty to the members of the raw-iron syndicates who own no collieries and who as customers help to work off the coal produced; the members of the steel syndicate, who produce no raw material of their own and who purchase from the raw-iron syndicates, in turn become entitled to a bounty from them, and the process is continued through the multifarious finishing industries which are buyers of the half-finished products of the steel syndicate.

During the active period from 1905 to 1908 the maximum bounty paid per ton on coal was 36 cents; on raw iron, exclusive of coal bounty, 60 cents; half finished goods, inclusive of bounty on coal and raw iron, $3.60; girders of all kinds, inclusive of bounty on coal and raw iron, $7.80. These bounties are reduced, discontinued and restored, and modified from time to time according to the state of the home and foreign markets, but the system is too intricate to be followed in all its details.

EFFECT OF THE SYSTEM.

The effect of this export system is, to some extent, a matter of opinion. In substance it is defended on the ground that while foreign sales are frequently made below cost prices they are not below the actual cost, the general average being made up from the total receipts of both the home and the foreign markets. Nevertheless, in some cases, in order to decrease the overproduction, or to protect the foreign market, it is admitted that sales are made below actual cost. Some anomalous instances are shown of the policy, as in the case of semi-manufactured raw material, which is exported and then reimported at a lower price than the home consumer can obtain. In general the objection made by the finishing industries is that by shipping what should be their raw material abroad at lower prices than it is sold for at home, their international competitors are able to build up business at their expense, and that one class of home industries therefore suffers seriously by the policy. In its broad aspect there is no disposition to deny the syndicates the credit for preventing excessive rises during boom periods, and equally for preventing rapid falls in periods of depression. This is called the "leveling process" and is exploited by all the syndicates in justification of their methods. Since the present depression it is pointed out that the fall in the prices of articles not included in the export-bounty arrangement has been far more rapid than with those included, and numerous examples confirm this claim. In further illustration it is cited that the establishments which expected to profit by the demoralization resulting from the impending dissolution of the raw-iron syndicates found their own products reduced in greater proportion.

POPULARITY OF THE SYSTEM.

In spite of a constant stream of criticism and interrogation it can not be said that as a whole the German people are opposed to the system which is so thoroughly a part of their industrial development. Their fondness for minute organization finds full scope in the syndication, and sometimes their ingenuity proves superior to what seems to be insuperable natural possibilities. Generally, it may be said that both Government and people are committed to the policy of securing a proportion of the export trade for all industries, usually one-third. Often the objection to the foreign prices is not that they are lower than home prices, but that the margin is too great.

[From Report of Charles M. Pepper on the British Iron and Steel Industry, found in S. Doc. No. 42, 61st Cong., 1st sess.]

THE HOME MARKET AND POOL INFLUENCE.

The British home market for rails is naturally a small one, there being little new building and the renewals on the existing lines not being excessive. The home trade is also divided through the agency of a pool. This is a very close combination, with headquarters in London and a regular office with expert accountants in charge. The business is managed by a board which is in session all the year, which fixes prices and which makes the allotments to the various companies, so that the railways in buying rails have not the benefit of selection.

When a railroad is in the market for rails, the pool fixes not only the price but the companies by which the deliveries shall be made. A Scotch railway company which was in the market in the beginning

of the present year for an order of 27,000 tons had no voice in designating what proportion of the order should go to the different rail mills. The representatives of the companies put their respective claims strenuously before the board, but none of them sought to question the allotment, which was divided among the north of England and Scotch mills. Several years ago the Scotch mills, which were making chiefly girders, saw an economic advantage in turning out rails as well. It was claimed that they could not roll rails at their mills. Some of them, however, began to do it and also to ship the rails abroad, thus disturbing the balance of the International Rail Syndicate. The result was that they were taken into the British Rail Pool and now have their allotment in all the contracts for Scotland, sharing this with the north of England mills. Allotment is also made them for the export trade. It is understood that the British Rail Pool acts as the intermediary for the smaller mills in their relations with the International Syndicate. The quoted prices of rails since the beginning of 1909 has been £5 5s. to £5 10s. ($25.55 to $26.76) per ton.

COMBINATIONS AND POOLS.

Besides the rail pool there are combinations in other branches of the British iron and steel industry for both the home and the foreign market. The Scotch manufacturers have taken the lead in making these agreements, sometimes forcing the English mills to join with them. The situation is accurately described in the annual review of the Scotch iron and steel industry for 1908 by a leading trade journal, The Iron and Coal Trades Review, January 1, 1909, as follows:

"The course of prices during the year has been downward, but the fall was more pronounced for export than for home business. This is accounted for by the combine system, which controls prices for the home market. The whole of this free-trade country is honeycombed with combines, and these include most branches of the iron, steel, and metal trades. The late severe depression has tested these combines, and in some cases they have broken down. The tube makers, for example, are cutting each other's throat at the present time, and, locally, there are rumors that the bar-iron makers are not quite a happy family. The Scotch steel makers have kept well together and, besides, have a working arrangement with their brethren in England. Since trade fell away it was found advisable to curtail production, and this was accomplished by the closing down of one important steel work under subsidy."

Price conventions or trust agreements exist in the galvanized-sheet industries, the Midland marked-bar makers, and other industries. One of the most effectively enforced combinations is that between the south of England and the Scotch makers of steel plates and angles. The Scotch ship-plate makers work as a unit as to prices for both the domestic and the foreign markets, and the home consumers pay the prices which are fixed by the combination according to the varying conditions of the trade. So thorough is this agreement that it is allowed for in the wage agreements which are entered into with the trades-unions. Under the trades-unions' agreements in fixing the sliding scale of wages, the selling price governs, and in relation to ship plates, etc., the adjustment is made on the basis of both the home selling price and the export prices.

In dull times, when the home demand is restricted and foreign business is wanted badly, a difference of $5 on a ton is about the average between home and foreign prices, but sometimes even a greater discount is made to the foreign buyer. An example of the higher prices which the Scotch home consumer pays is given in the following quotation from the commercial columns of the Glasgow Evening Citizen of February 17:

"For export orders competition is excessively keen and prices are severely cut. Proof of this is afforded in the fact that this week a quantity of steel bars (for which the local official rate is £7, less 5 per cent) have been sold by makers at £5 15s. less 5 per cent, or at a drop of 25s. a ton, a transaction that has taken the trade by surprise."

HOME AND FOREIGN PRICES.

As an example, in pipes and tubes, which are also controlled by the combination, a large machinery-importing house on the Continent gets quotations which are below the quotations for the British market, and obligates itself not to ship any of the material back to Great Britain. In transactions of this kind the material, instead of being sold f. o. b. British ports, is sold free Hamburg, or Rotterdam, or Antwerp, as the case may be.

The formation of these trade combinations, both as to home and foreign trade, is growing among the British manufacturers. It is usually described as a "movement toward cooperation." The success of the International Rail Syndicate is cited as the justification for entering into other international syndicates. The subject received wide discussion in September, 1908, on the address of the chairman of the executive committee of the United States Steel Corporation to the British Iron and Steel Institute.

Mr. SMOOT. Mr. President, a great deal has been said in relation to dividends which have been paid by the iron and steel manufacturing companies in this country. I want to say that the dividends of the steel companies of the United States are not so high as are those in Germany. For instance, Mr. Pepper says:

The capital stock of the Harpener Co. is 72,200,000 marks ($17,183,600). On this it paid the regular dividend of 4 per cent, with an extra dividend of 7 per cent, or 11 per cent in all, the total dividend payment amounting to 7,942,000 marks ($1,890,196).

The Phoenix Co., which is located at Laar, near the junction of the Rhine and Ruhr Rivers, is engaged in coal mining and the various branches of the iron industry.

Mr. Pepper goes on to tell how much the company produced in coal, and so forth, and says:

The company paid a dividend of 11 per cent, or 11,000,000 marks ($2,618,000).

The Hoesch Iron & Steel Works, of Dortmund, paid a dividend of 14 per cent, or 2,352,000 marks, for the year 1907–8.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Yes; I yield to the Senator from New York.

Mr. O'GORMAN. Can the Senator state whether the same methods of capitalization apply in Germany that characterize the capitalization of the United States Steel Trust?

Mr. SMOOT. As to the United States Steel Trust, I can not say, but I can say they apply to most of the independent manufacturers in this country.

Mr. O'GORMAN. I suppose the Senator from Utah will concede that the capitalization of the German companies represents the actual capital invested in those enterprises?

Mr. SMOOT. Or capital and increases by way of profits.

Mr. O'GORMAN. Legitimate increases.

Mr. SMOOT. Just the same as is the case with most of the independent companies in this country.

Mr. O'GORMAN. They do not represent inflated and fictitious values, such as have characterized the formation of many of the corporations in the steel industry in this country?

Mr. SMOOT. I can not say as to how many, because I do not know, but——

Mr. O'GORMAN. With that concession, the statement now being made by the Senator from Utah as to the relative rate of dividends is not very illuminating or instructive.

Mr. SMOOT. Well, Mr. President, I know that the independent companies, as they have testified before the committee, claim that their capital stock represents actual cash paid in and profits that may have been added. That is exactly the system that is followed in Germany. I am not comparing the dividends of the German companies with the United States Steel Corporation, but I am comparing them with the independent companies in the United States.

The Republican members of the Senate in discussing tariff rates must take into consideration the declaration made upon the tariff question in the Republican national platform adopted at Chicago nearly four years ago. In order that we may know just what that declaration is, I want to read it now, and then follow with a presentation of the facts covering each paragraph, and see whether the proposed rates of duty in the House bill or the substitute offered by the Senator from Iowa are in conformity with the declaration of the Republican Party.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries, * * * the aim and the purpose of the Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, to which the people of this country overwhelmingly declared their approval.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. O'GORMAN. Do I understand the Senator from Utah to avow his belief now in the doctrine enunciated in the Republican national platform of four years ago, that tariff laws should be enacted to guarantee a profit to men engaged in the manufacturing industries?

Mr. SMOOT. I believe in a tariff that will protect all of the industries of this country, as the platform of 1908 declared.

Mr. O'GORMAN. Will the Senator state why manufacturers should be guaranteed a profit in their enterprises when the millions of Americans engaged in other activities have to meet the competition of the world and are not fortified by a Government guaranty of successful operation?

Mr. SMOOT. There are no industries in this country that are protected by a tariff that does not indirectly benefit every man and woman whom the Senator has in mind.

Mr. O'GORMAN. By raising prices?

Mr. SMOOT. Not by raising prices, but by seeing to it that American workmen are employed in the manufacture of the goods to supply the American market, and in return purchase the products of the field and farm, and of those to whom the Senator has referred to as having no protection.

Mr. O'GORMAN. Who guarantees the profits of the merchant who deals in those commodities, if I may ask the Senator from Utah?

Mr. SMOOT. Well, Mr. President, that is entirely a different proposition. The merchant can sell either local or foreign made goods and make his profit; the manufacturer can not.

Mr. REED. Mr. President, he has a foreign competitor, has he not, when a man comes to our shores and opens a shop right beside him?

Mr. SMOOT. Well, Mr. President, if a foreigner does business in this country by opening a shop beside the American merchant, he must pay the same duty upon his goods as the American merchant and must pay taxes, American wages,

American advertising rates, and must abide by the laws of this country.

Mr. BACON. Mr. President, if the Senator will pardon me, he made a very broad statement a moment ago, and I should like to be enlightened in regard to it. The Senator, as I understood him, said that the protective tariff benefited every person—the Senator made no exception whatever—in the United States. Am I correct?

Mr. SMOOT. Yes; and I think I am correct in that statement.

Mr. BACON. Well, for a good long time, ever since I have taken any interest in public affairs and have had occasion to give some examination to economic questions, it has been a matter of very serious concern in my section of the country that the men—and I will remark in passing that I am referring to the same matter about which I had a colloquy with the Senator from Iowa [Mr. CUMMINS] a few days ago——

Mr. SMOOT. That was in regard to cotton?

Mr. BACON. Yes. It is a matter of very serious concern that the man who raises cotton, the producer of cotton, has to pay prices very much increased by a high tariff on every single article which he uses in the production of cotton. All of his farming implements, his plows, his hoes, and all other agricultural tools, all his chains, all of his harness, and every other thing which is necessarily used in the production of cotton, is very much increased in price, and, not only so, but all the clothing which he and his family wear, and everything which they consume outside of that which they raise themselves, and outside of such things as the tariff may not be able to reach, are very much increased in price to him, if not doubled in price—the pocketknife, the scythe blade, every piece of agricultural machinery is raised in price, not in a small degree but tremendously. I happen to know a little about these prices, as I am myself a jacklegged farmer, not a professional farmer, and how they have been increased within the last few years. Now, that is a matter of concern because of the fact that the price of cotton, that which the cotton farmer produces, is not correspondingly raised by the tariff; but, on the contrary, he has to take as payment for what he produces a price which is fixed in the markets of the world and which is not influenced by the tariff. How does the Senator square that condition of affairs with the statement which he has just made?

Mr. SMOOT. I take issue with the Senator in the statement he has made wherein he says that the price of cotton is not influenced by the production of manufactured cotton goods in this country. If the manufacturers of cotton goods in this country were all destroyed or were not allowed to manufacture such goods or could not do so profitably, for no matter what reason, the cotton grower of the South would not get as much for his cotton as he does.

Mr. BACON rose.

Mr. SMOOT. I know the Senator will say that the price of cotton paid the southern grower is made in Liverpool——

Mr. BACON. It undoubtedly is.

Mr. SMOOT. That is a disputed question. If England, Germany, and France had the buying of all the American cotton, with no sale for it in a home market, I do not believe the American grower would receive as high a price for his cotton as he does; no doubt there would be a combination in those countries such as there is in the iron and steel trade, and they would pay to the producer of cotton in the country the price fixed by the combination.

Take the cotton mills of the South, located right at the door of the cotton grower. The grower is paid a higher price for his cotton than he gets in Liverpool. He has an advantage by having the mill at his door, and the fact that the mill is built there is due entirely to the tariff, and if it was not for the tariff, the cotton mills of North Carolina, South Carolina, and Georgia would not be located there to-day.

Mr. BACON. I wish to say a word simply. That is a latter-day contention and absolutely untrue, something never heard of until this matter has gotten into a condition where the interests of the country at large are a little more regarded than they were in former days, when to a considerable extent the public eye was limited in its range to certain parts of the country to the exclusion of others.

Mr. SMOOT. I have never——

Mr. BACON. Such a thing as that the price of cotton is not fixed in the markets of the world is a latter-day contention. The contention, in the first place, that the mills are the result of the protective tariff, which has encouraged their erection, and that for that reason the price of cotton has been raised is as far-fetched an argument as I can conceive of. The Senator knows very well—of course every man who has had any business experience knows—that the supply and demand are the great factors in fixing prices whenever there is no artificial stimulant or barrier. The world consumes the cotton which its needs require, and it takes a certain supply of manufactured cotton to meet the needs and demands of the world; and if there were not a cotton factory in the United States and if the Southern States raised the cotton necessary for the manufacture of the required amount, that cotton would be manufactured elsewhere.

Mr. SMOOT. Providing the people could buy it in this country, and this is one of the greatest markets in the world.

Mr. BACON. Why could they not buy it?

Mr. SMOOT. Close the cotton factories in this country, throwing their employees out of employment and forcing them into some other fields of endeavor, and see what the result would be in this country.

Mr. BACON. Undoubtedly if you take any existing industry and suddenly throw out those who are employed in it, there would be a great convulsion and a great disaster. But suppose there never had been one and these same people had been engaged in other remunerative industries, as they would have been, would they not have money with which to buy cotton cloth?

Mr. SMOOT. They would not be in this country. They would be in foreign countries.

Mr. BACON. No, Mr. President, this great country with its great resources and rapid development has called upon the adventurous people of the world to aid in the development of this country, half of which has not yet been developed.

Mr. SMOOT. That has all been accomplished, or at least a large part of it, under the protective system. Let me give you a picture of the growth of the United States in figures.

Mr. BACON. All of which I know is due to the Senator and his party for what they have been doing for a half century. It is not due to the resources of the country; it is not due to the activities and industry and perseverance of our people; it is not due to the sunshine or rain or fertile soil or inventive genius or active, untiring work and industry of our people; but it is solely to the fact that we have a protective tariff.

Mr. SMOOT. Is it not rather strange, Mr. President——

Mr. BACON. I hope the Senator will let me conclude.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Utah yield to the Senator from Georgia. The Senator from Utah has the floor.

Mr. SMOOT. I say is it not strange for anyone to claim that the tariff has nothing to do with our growth and prosperity when we look back upon the years 1893–1897?

Mr. BACON. Oh——

Mr. SMOOT. Just a moment—and compare those years with the four that followed, and we will see that in the latter period the American people saved $450,000,000 and deposited in the savings banks more than they did in the preceding four years.

Mr. BACON. What about 1907?

Mr. SMOOT. I will compare any four years in the history of this country when the Republican Party has been in power with four years of Democratic rule, and I say that the deposits in savings banks have increased more when the Republican Party has been in power than when the Democratic Party was in power.

Mr. BACON. That is a very old story which has been thrashed out in this Chamber a good many times.

Mr. SMOOT. I know the Senator does not like the comparison. Most Democrats do not.

Mr. BACON. I wish to ask the Senator one question. If it be true that with no tariff on cotton, by reason of the fact that we have cotton manufactures, the price of cotton is kept up, why would it not be equally true, if we had free wool, that the price would be kept up by the fact that we had woolen manufactures? Why does the Senator insist on a duty on wool if it be true that the factories in the country are sufficient to keep up the price of it?

Mr. SMOOT. I, myself, believe——

Mr. BACON. I do not wonder the Senator hesitates before replying.

Mr. SMOOT. I do not hesitate. I, myself, believe that if the wool was grown at the door of the mill and manufactured, the same as cotton is grown at the door of the mill in the South, there would be a higher price paid for the wool than the grower would be able to get by selling in a foreign market; but the comparison is not an apt one because the difference between the cost of producing wool in this country and producing it in a foreign country is greater than the cost of producing cotton here and abroad.

Mr. BACON. Yes; but for the Senator to stand here and say that because we have cotton factories in this country it compensates the producer of raw cotton for all the burdens

that that tariff lays upon him, in the fact that the general tariff so raises the price of the raw cotton to such a great extent, leads inevitably and irresistibly to the conclusion that if you will apply the same rule to the woolen manufactures that the compensation to the grower of wool would be so great by reason of the fact that we have woolen factories, that that increase in the price of wool would be ample without any tariff to protect the wool.

Mr. SMOOT. Mr. President——

Mr. BACON. If the Senator will let me finish, because I have not quite completed the proposition. Of course I have the floor by his courtesy alone.

Now, the proposition of the Senator is this—and he must go back and apply the whole of it—that the fact of the influence of the general tariff upon other articles so raises the price of raw cotton that it will compensate in the increased price of raw cotton occasioned thereby for all the burdens that the grower of cotton has to bear on the articles he has to consume. That is the proposition of the Senator, because he has said that in its benefits the tariff compensates every man, and that includes the grower of cotton, for the burdens which he has to bear. If that is true, it would be equally true that the producer of raw wool would be fully compensated, even if his product was without a protective tariff, by reason of the fact that the tariff on other articles would so increase the price of wool as to fully compensate him for the burdens which he bears in paying increased prices by reason of the tariff on all the articles he consumes. One must stand by one as well as the other. The Senator says it would be true if wool were at the door of the factory. Wool is as much at the door of the factory as is cotton.

Mr. SMOOT. I did not say so.

I call the Senator's attention to this point: He does not take into consideration the fact that in the United States there is more cotton grown than it is possible to use in this country.

Mr. BACON. Of course.

Mr. SMOOT. And we have to ship the cotton to a foreign country. But that is not the case with wool.

Mr. BACON. Will the Senator pardon me a moment?

Mr. SMOOT. Wait until I get through.

Mr. BACON. It is in order to ask him if I understand him. Do I understand the Senator to say more wool is grown in this country than we can use?

Mr. SMOOT. No. I said there was more cotton raised in the United States than it is possible for the United States to use in her manufactures.

Mr. BACON. That is a different proposition.

Mr. SMOOT. But that is not the case with wool.

Only two-thirds of the wool used by the manufacturers of woolen goods in this country is produced in the United States, and therefore we are compelled to go abroad and purchase wool; and I do not think the Senator will claim that wool can be produced in this country as cheaply as it can be in Australia and South America or in any of the great wool-producing countries of the world.

Mr. BACON. There have been annually between 3,000,000 and 4,000,000 bales of cotton produced outside of the United States and produced by the cheapest labor in the world—in India.

Mr. SMOOT. All of which is not as much as the American crop exported every year.

Mr. BACON. Of course not.

Mr. SMOOT. If the time ever comes when the cotton produced in this country is not sufficient to supply the cotton mills of this country and there is cotton raised in the world that competes in price with American cotton, I will be one who will be only too glad to have a duty placed on cotton.

Mr BACON. I do not want to bring the Senator to that conclusion; that is not what I am after.

Mr. SMOOT. I know that is not what the Senator is after.

Mr. BACON. Yes.

Mr. SMOOT. But that is my conclusion and that is my position.

Mr. BACON. The Senator would do that, but that does not affect the question which the Senator raised, and of which he made such a strong enunciation—as to the influence on the price of raw cotton of the tariff on the articles which the cotton producer has to consume.

I want to make one other observation to the Senator, but I am afraid I am interrupting him unduly, but it is simply to complete this matter and then I will not interrupt him further: If it were true that the general tariff had the very great influence upon the price of raw cotton which the Senator contends, then it would necessarily be true that the continuance of the protective tariff generally on other articles would steady the price of cotton. The Senator does not say it would be a slight influence. The Senator does not contend that it has a slight influence. His contention is that it is a very great influence, and when the cotton grower has to pay 30 or 50 per cent—more often 50 than 30; sometimes 100 per cent—more for the articles he consumes than he otherwise would have to pay, and when the Senator says that as the result of that he has such an increased price for his cotton as to compensate him for the great burden, the Senator, of course, means that that is a very great compensation.

The point I want to call the attention of the Senator to is this: If it has, as it were, this tremendous influence, and no slight influence, we would not have the great fluctuations in the price of cotton that we have had. The protective tariff on other articles would steady its price. Less than 18 months ago the price of cotton was from 15 to 20 cents a pound and with the same tariff law on the books it is this year down to 7 and 8 cents a pound. Why does not the protective tariff hold up the price of cotton? And with the protective tariff what it is now I have seen cotton go to 4 cents a pound. Why did not the protective tariff hold up the price of cotton like it does the price of steel rails and other articles directly protected?

Mr. SMOOT. The Senator is entirely mistaken in the statement that the tariff holds up the price of everything that is protected. That is not the case. Supply and demand is a great regulator of prices. It is true that in normal times and under normal conditions the tariff acts as a protection to the American manufacturer.

Mr. BACON. Yet the tariff has kept up the price of steel rails for 10 years at $28 a ton, and even through a panic they were not sold for less.

Mr. SMOOT. I will ask the Senator if steel rails can be made cheaper to-day than 10 years ago.

Mr. BACON. Well, I do not suppose they can be.

Mr. SMOOT. Then why do you expect steel rails to be less in price?

Mr. BACON. And cotton can not be made any cheaper now, when it is selling for 7 or 8 cents, than when it was selling, 18 months ago, at 15 to 20 cents.

Mr. SMOOT. The tariff has not advanced the price of rails. The price of rails in Germany and England is higher than it was 10 years ago.

Mr. BACON. I do not doubt that. But there is no doubt about the fact that the tariff has kept up the price of rails, unless the Senator is ready to assert that steel rails can not be made cheaper in England than they are made here.

Now, the tariff has undoubtedly prevented steel rails from coming into this country. I have not looked up the statistics of the last few years, but I know when we had the tariff debate here three years ago I did look into them, and I remember that our importation of steel rails was an absolutely negligible quantity. Why? Simply because the tariff shut the door and does not permit those who can make them at cheaper rates to bring them into this country. But it shuts no door to the producer of cotton. It compels him to buy the things he consumes in a protected market, while he sells his product in the free markets of the world, and not the market of a protected country.

Mr. SMOOT. The Senator says the cotton grower pays about 50 per cent more, and in some cases 100 per cent more, for what he consumes than does the foreigner.

Mr. BACON. I did not say that. I did say from 30 to 50 per cent, more often 50 per cent than 30, and sometimes 100 per cent.

Mr. SMOOT. I thought the Senator said at most times 100 per cent.

Mr. BACON. The Senator can look at the RECORD and see.

Mr. SMOOT. Let us see if your contention is true.

Mr. BACON. Yes.

Mr. SMOOT. Let us take what a man wears and eats. Does the southern man pay more for anything he eats than the man in Germany?

Mr. BACON. I believe it is true that he does not, and for two reasons. He eats the same articles, which I will mention in a moment, but he produces largely what he eats, and so far as other articles of food are concerned, which he does not produce, while the advocates of the protective system make the claim that the prices to the agriculturist producing the other articles are enhanced by reason of it, except in rare instances like the present, when there is a shortage in the potato crop——

Mr. SMOOT. Shortage happens in most every kind of crop, even the cotton crop.

Mr. BACON. The tariff had nothing to do with that. The Senator asked me about what these people consumed. I am telling him what they eat is not very much increased by the tariff, because they produce largely what they consume in the

way of food, and I do not think the tariff has very much influence on most of their other articles of food. It does have upon certain articles, such as sugar and some other things, the price of which has been very largely increased. But when you come to clothing, its cost, I say, is very nearly double. Of course you can find quotations for articles of clothing which are very cheap, but you take the same things, grade for grade, and quality for quality, and the cost of clothing in this country is about 50 per cent to 100 per cent greater than elsewhere. The blankets under which a man sleeps, and the carpets on his floor, and all the other things essential, not only to luxury but to comparative comfort, have been decidedly increased, and in some instances doubled in price.

Mr. SMOOT. Let us take up the question of cost, item by item, and compare prices paid in America and in Europe. Sugar: The American people buy their sugar cheaper than it is purchased in any civilized country, with the exception of England.

Mr. BACON. I do not want to go off on that.

Mr. SMOOT. I am mentioning the articles the Senator himself mentioned. I will say further that every shoe the American consumer purchases, he buys cheaper than the consumer pays in any other country. The cotton goods he wears, his overalls, shirts, and underwear, are just as cheap in this country as in any other country.

The laboring man in this country can buy a ready-made suit of clothes that will fit him better, look better, and wear as long at as low a price as the foreigner pays for his suit.

The Senator from Georgia can not purchase a tailor-made suit as cheaply. The Senator, if he wishes to get a suit of clothes, has them made to order by a tailor that will charge him $55 for the suit, the cloth in which will net the manufacturer not more than five to six dollars. That same cloth made into a suit by a ready-made-clothing manufacturer would retail to the consumer for not more than $17 to $18, and allowing the retail-clothing merchant a large profit as well. The Senator can purchase a tailor-made suit or overcoat in London cheaper than in America, for the tailor in London does not charge for making them what the tailor in the United States does. The Senator knows this to be a fact. He can do the same in France. The cost of the cloth in a tailor-made suit or overcoat has mighty little to do with the price at which it is sold.

Mr. BACON. If the Senator will pardon me——

Mr. SMOOT. Let us proceed with other items——

Mr. BACON. Let me say something about clothing before you go to wool.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield.

Mr. BACON. The Senator applies the argumentum ad hominem. We all clothe as we—that is, we all wear like grades of cloth——

Mr. SMOOT. I say no.

Mr. BACON. The Senator will not even permit me to complete a sentence.

Mr. SMOOT. If the Senator is going to answer me, I want him to base his statement upon what I did say. I said the cost of clothing was not so much the cost of the cloth as it was the cost of the making.

Mr. BACON. I entirely differ with the Senator. What I want to call his attention to is that under the present system of the protective tariff, as the Senator, I think, will recognize—he speaks of the advantage which comes to those of us in circumstances enabling us to get the best class of goods—if I recollect aright the figures that we had before us three years ago, the tariff on the common article of goods, the tariff on the articles which the common people have to wear, the tariff on the cheaper class of woolens, the tariff on the cheaper class of ready-made clothing, the tariff on the cheaper class of blankets, and everything of that kind which our factories mostly produce, and which the common people use, is very much higher than the tariff on the higher class of goods such as the Senator wears and such as his family uses.

Mr. SMOOT. I want to say to the Senator that he certainly has not examined the actual results of the tariff on this class of goods as demonstrated by the report of the Tariff Board. The Tariff Board reports show plainly that the class of cheap goods spoken of by the Senator, with an equivalent ad valorem duty of over 100 per cent and with very few importations into this country, the competition has been so keen between American manufacturers of this class of goods that the price they have been sold at not one-third of the duty imposed by the present law has been taken advantage of.

Mr. BACON. Would not the Senator hold in such a case that the duty was three times as high as was necessary?

Mr. SMOOT. This comes from assessing the duty on the basis of the goods being all wool when they have but little wool in them. The cheap blankets the Senator speaks of, which he says the poor people buy, are not all-wool blankets, and competition in this country is so keen that in many cases mills have failed in trying to make them.

Mr. BACON. Then the Senator——

The PRESIDING OFFICER. The Chair will have to ask Senators to address the Chair before interrupting.

Mr. BACON. It is my fault.

Mr. SMOOT. The Senator from Utah is not interrupting. I am perfectly willing to yield at any time to the Senator from Georgia, and if the Senator from Georgia desires to further interrupt me I am not going to object.

Referring again to cheap blankets, if the Senator will examine the price at which the blankets are imported into this country, he will find their appraised value about 24 cents a pound. Are they wool? Everyone knows they are not. There is enough wool in the blanket to make the American people believe they are a wool blanket. It is a deception, and the present law provides that if such goods are imported they must be assessed as all wool.

I do not know whether the present system of levying duties on woolen goods will be changed or not; but if not, I do not think it will make much difference in the cost of cheap blankets to the American people, because the competition between American manufacturers has been so sharp that in the past they have been sold in many cases at actual cost.

Now, I wish to proceed and enumerate other articles the southern planter pays no more for than the foreigner does, and not only that——

Mr. BACON. Before the Senator passes from that——

Mr. SMOOT. When we get to the end of the list we will find that he does not pay for the bulk of what he consumes and wears much more than the laboring man has to pay in England, Germany, and France; this does not apply to luxuries, but to goods used by the laboring people. And what does he get in return? The best market in all the world for his labor and for what he sells.

Mr. BACON. For his cotton?

Mr. SMOOT. Yes; for his cotton. It is the best market in all the world for his cotton. There is no doubt of it.

Mr. HEYBURN. To buy in and to sell in.

Mr. SMOOT. Yes; as the Senator suggests, to buy in and to sell in.

Mr. BACON. If the Senator will pardon me right there, the idea of the cotton planter being indebted to the protective tariff for a market in which he sells his raw cotton is something that I think the Senator will find it very difficult to convince anyone who has to pay the cost of production and has received the price of his sales.

If the Senator will pardon me just a moment, the Senator went on and I could not of course interrupt him, but I want to say a word in connection with what he said in regard to the low price of articles of clothing, blankets, and so forth, in this country by reason of competition. If there is any such very great benefit coming to the American people as the very low price which he has mentioned, of which I confess I do not think the American people themselves have been very sensible, it is not due to the protective tariff. If it is so that they can sell goods under keen competition at one-third of the amount of the tariff, which I understood to be the statement of the Senator, if they can afford to sell their goods under competition at one-third of the amount of the tariff, then the tariff must be imposed in order to enable them, whenever conditions will permit them to do so, to sell at 300 per cent more than would compensate them in the manufacture and sale of the goods.

Mr. SMOOT. The Senator is assuming something that is absolutely impossible. As I have stated to the Senate many times, there can not be a trust in the woolen industry. There are over a thousand different mills in the United States, and I tell the Senator now that all those mills are competing for American business, and their success in keeping their mills running depends greatly upon the selling samples they produce in the opening of the heavy-weight or the light-weight season. No two mills make the same line of samples and finish them the same. Therefore, one year a mill may make samples that the trade demands and secure all the orders that it can possibly fill. The next year the samples of the same mill may be a failure on account of pattern and finish. The colors may not blend. The styles may be wrong. One year the mill will be prosperous, the next the reverse.

Mr. BACON. Mr. President, if the Senator will pardon me a moment, I will try not to interrupt him again. I do not say I will not, but I will try not to do so. The Senator is rather

provocative of interruptions, but I will endeavor not to interrupt him, because I feel that I have trespassed upon his courtesy fully as much as I would be justified in doing.

I want to say, in leaving the discussion or colloquy, that it is a little surprising to me sometimes how a man forgets certain things. I recollect something the Senator said three years ago that was so very remarkable it astonishes me that I had forgotten it; but I had forgotten it until the Senator repeated it to-day. It is that he believes the protective tariff in regard to the class of goods he was discussing is a humanitarian purpose and that purpose is not to benefit the manufacturers of this country, but to protect the consumers in this country from fraud to be perpetrated by manufacturers in foreign countries.

That was the statement the Senator made three years ago. It is a most astounding one, and it is astonishing to me that I should have forgotten it. I do not think I will ever forget it again.

Mr. SMOOT. The Senator can put his own construction upon any statement I have made. While I am not going to object to his construing for his own satisfaction any remarks made by me, I want to say that I never made such a statement that it was from a humanitarian standpoint that the tariff upon low-grade goods was imposed.

Mr. BACON. The Senator did not use the word "humanitarian."

Mr. SMOOT. No; of course I did not. Mr. President, it is too big a question to go into at this particular time, but I could tell the Senator exactly the reasons for it.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. The Senator has just observed that the United States is the best market in the world, both to buy in and to sell in. He makes that statement in the midst of an argument in which he proved that goods are as cheap here as they are anywhere else and as high everywhere else as they are here.

Mr. SMOOT. We were discussing the question of cotton and what advantages and disadvantages the man has who raises the cotton.

Mr. GORE. The Senator observed that shoes were as high in other countries as they are here; that cotton was as high in other countries as it was here; that clothing was as high in other countries as it was here; and I was just wondering what special advantage there was in the United States which rendered it the best market in the world, both to buy and sell in.

Mr. SMOOT. Does the Senator want me to answer?

Mr. GORE. Yes; I would like to know how you make that discrimination. It is a finer discrimination than I am able to make.

Mr. SMOOT. The articles mentioned by the Senator are not the only ones manufactured in the United States and sold as cheaply as similar goods in foreign countries. Out of the total manufactured products in the United States we consume in this country nearly 93 per cent. These goods are made by American workmen, consumed by American citizens, the happiest, most contented, and most prosperous people upon the face of the earth and——

Mr. GORE. Mr. President——

Mr. SMOOT. I want to say to the Senator that if we destroy the protective system there is only one result, a lowering of the American standard of living to that of European countries. I never want to live to see that day, nor do I want my children to live to see the day when the standard of living in America and the wages paid to American workmen will be the same as paid in foreign countries. I do not refer to China or Japan, but to such countries as England, France, and Germany. I noticed a little while ago the French railroad employees struck for an increase of wage from 80 cents to a dollar a day. I hope to God the time never will come when American railroad employees will be compelled to work for even a dollar a day.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. Is that the reason why this is the best market in the world?

Mr. SMOOT. That is one of the reasons, Mr. President, and there are others that I can give to the Senator, if he wants to know.

Mr. GORE. It is true that the railway employees in the United States receive much higher wages than the railway employees in France.

Mr. SMOOT. Yes; and the employees of every other industry.

Mr. GORE. That is true, protected and unprotected, and the highest wages paid in the United States are in the unprotected industries.

Mr. SMOOT. Does the Senator say that the highest wages paid in the United States are in unprotected industries? What are the unprotected industries?

Mr. GORE. As a general rule, I will say. Perhaps there might be several exceptions.

Mr. SMOOT. I do not think the Senator wants that statement to go to the country.

Mr. GORE. I insist that as a general rule the wages in the unprotected industries in the United States are better than those in the protected industries. Take the cotton mills or the woolen mills or the steel mills. There the wages are not so high as the wages of carpenters, stonecutters, bricklayers, and the empolyees in many other industries in the United States.

Mr. SMOOT. What would carpenters and masons and all other laboring men do in this country if they did not have a market for their labor created by a protective tariff? Mr. President, referring to what the Senator said in relation to the wage paid in cotton mills and in woolen mills and the steel industry, I want to say to the Senator that the wages in all of these industries in this country are more than double what they are in any other country in the world.

Mr. GORE. That is entirely true, Mr. President, not only of protected industries but of unprotected industries. I merely make the point that our laborers enjoy comparatively as high wages in the unprotected as in the protected industries when compared with laborers in foreign countries. That is true on the unprotected cotton farms. The wages paid to farm hands in the South are just as high, compared with the wages paid to farm hands in India and in Egypt, as the wages paid in the cotton mills are higher compared with the wages paid to the employees of the cotton mills in France, Germany, and England.

Mr. SMOOT. Certainly the Senator must know that the wage paid in protected industries is what keeps up the wage of those who are employed in unprotected industries. Throw them out of employment, take them from the protected industries, and I will assure the Senator that not only their wages, but the wages of everyone employed in the unprotected industries in this country, will fall immediately.

Mr. GORE. Mr. President, the same argument was made in England when the proposal was made to go from high protection to free trade that is now advanced by the Senator, but it did not work out. Wages have advanced in England during her free-trade policy, and wages are higher in free-trade England than in protected France; they are higher in England than in protected Germany. How does the Senator reconcile that undeniable fact with his contention that high wages in the United States are due to protection?

Mr. SMOOT. The policy of the German Government is to give her people employment by manufacturing goods not only for her own people, but for the world. Germany must, of necessity, find a foreign market for the great bulk of her manufactured goods. She levies duties to prevent the importation of goods that can be made by German manufacturers, but, on the other hand, she is compelled to export more than half of all that she produces and not 3 or 4 per cent, as we do. In order that she may accomplish this, her wage scale must be no higher than the wage scale of the country that she sells to or the country that she becomes a competitor of.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The cotton goods and woolen goods and clothing and shoes manufactured and sold by Germans sell as high as those manufactured in this country, do they not?

Mr. SMOOT. Mr. President, of course their cotton costs them as much as——

Mr. GORE. I mean the finished product.

Mr. SMOOT. Well, I can not say that they are all the same. I know the price of ordinary plain cotton goods at the present time is about the same in this country as it is in Germany.

Mr. GORE. Shoes and clothing?

Mr. SMOOT. Shoes, of course. The protective tariff——

Mr. GORE. Protection has really nothing to do with these prices.

Mr. SMOOT. Yes, it has. I suppose this country leads all the world, not only in the production of shoes, but it leads all the world as to styles; and if there is no change in the style of shoes made in a foreign country, there is no chance whatever that they will take the American market even with free trade.

Mr. GORE. I think the Senator is entirely right on shoes and everything else.

Mr. SMOOT. No; not on everything else, because the Germans to-day lead the world in the styles of manufactured woolens and many other lines of manufacture. She can manufacture cotton goods just as well as they can be manufactured anywhere else in the world, but she does not manufacture shoes equal in style to those made in the United States.

Mr. GALLINGER. But she may, after a while.

Mr. SMOOT. Yes; and especially if she knew our market would be free to her.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The point I am getting at is this: If the cost of production is less in Germany, France, and England on cotton goods, shoes, clothing, and woolen goods, how are they able to sell them at as high a price as we are?

Mr. SMOOT. I spoke of plain cotton goods. The American has one advantage in making these to-day. We have in many mills an automatic device for changing the shuttles without stopping the loom not yet introduced into Germany. German manufacturers will adopt this in time. This is only used on looms making plain cloths. The great bulk of cotton goods imported into this country are the finer grades and higher-priced goods, and they are made in France, England, and Germany cheaper than they can be made in this country.

Mr. GORE. This loom will greatly reduce the cost of production both here and abroad.

Mr. SMOOT. It has reduced the cost here and will abroad, when introduced.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

* * * the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, when the people of this country overwhelmingly declared their approval of such tariff principles.

According to the Cyclopedia of Political History, by John J. Lalor, American protectionists have more generally favored specific duties, while American free traders have contended for ad valorem duties. This cyclopedia points out that the greatest obstacle in the way of making duties ad valorem is the impossibility of arriving at the proper valuation of the goods to be taxed. In discussing the defects of the ad valorem system this author says:

It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the Government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormous sums every year by undervaluation. In the case of silk goods it is estimated that the Government loses from 15 to 20 per cent on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of a bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately or be ruined. As a result the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade, for the duties must be paid according to the ruling market price, and even if a merchant has purchased a lot of goods at favorable prices he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined. If we add to these points two other considerations we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations.

The first of these is that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid much higher wages. The United States Government must now pay very large salaries to a great number of experts, most of whom could be dispensed with under a system of pure specific duties. The second is that, as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the customhouses of the various cities will vie with each other in leniency in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another.

Mr. R. H. Inglis Palgrave, author of an English Dictionary of Political Economy, also points out the defects of an ad valorem tariff system. Mr. Palgrave says:

At first sight this form of taxation appears the more equitable one. In practice, however, customs duties ad valorem have been found to work out with great inequality, and also to be inconvenient to levy for various reasons, among which are the following: (1) The difficulty of ascertaining correctly the values of the goods charged with the duty; (2) the opening to fraud; (3) the delay and hindrances caused to importers and others.

Mr. Leon Day, in his Dictionnaire des Finaces, says of ad valorem duties as used by the French Government:

The experience which the French customs service had with ad valorem traffic from 1860 to 1880 demonstrated that this system, while it is deductive in theory, is unsatisfactory in practice. More than any other system it encourages frauds because of the difficulty of recognizing inaccuracies in declarations. It robs the treasury, which is deprived of a part of the customs dues; it causes injury to honest merchants whom it involves in litigation, and tends to dishonest competition on the part of unscrupulous traders. It is only advantageous to the fraudulently inclined.

A German authority, the Handwörterbuch der Staatswissenschaften, has this to say of ad valorem duties:

The technical accomplishment of assessment of duties according to the value of the merchandise suffers from great inefficiency. The declarations of the person responsible are not always reliable and the customs authorities only seldom capable to correct their deficiencies. The regulations and other precautionary measures promulgated, as a rule, are ineffective. In order to prevent undervaluation by the owner, officials of the treasury have been authorized, in some cases, to make an addition, usually 10 per cent, to the declared value, as a vorverkaufercht (literally, first sale right) or right of purchase. Also expensive bureaus have been established to ascertain permanent or average market values of merchandise (official values, fluctuating values), or, as a last resort, in doubtful cases persons with expert knowledge on the subject have been requested to value the merchandise. These persons have, however, given their services unwillingly. The expense of these elaborate supervisory bureaus for controlling importations have made it necessary to curtail the number of bureaus and to permit importations at but few places, which gives rise to unhealthy centralization. All these circumstances have made the assessment of ad valorem duties, as a whole, very unpopular, yet recently, at least, they have again been partially adopted.

In regard to the specific system, the Handwörterbuch der Staatswissenschaften says:

Measure or specific duties (weight and piece duties) are assessed according to the measure, weight, or number of pieces of the imported merchandise. They are easier, simpler, and cheaper to collect, cause less burden on commerce, less drudgery and litigation, give less inducement to frauds, and can be easily collected at a great many customs stations.

It is thus to be seen that the tariff authorities have agreed upon the impracticability of a tariff system based exclusively upon ad valorem duties. As I have said before, nearly all the leading nations use specific duties almost entirely, ad valorem duties being resorted to only in certain special cases. These countries are Austria-Hungary, France, Germany, Great Britain, Italy, Russia, Spain, Sweden, Switzerland, Mexico, Brazil, and Venezuela. Canada, Japan, and certain South American countries have tariff systems in which ad valorem duties seem to predominate. The Underwood bill would place the United States in the latter group of countries, so far as its tariff system is concerned, if we are now to adopt an ad valorem basis which the foremost commercial nations have discarded.

Mr. GALLINGER. Mr. President, if the Senator from Utah will yield to me——

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. I desire, before moving to proceed to the consideration of executive business, to suggest, in view of the remarks of the Senator from Oklahoma [Mr. GORE], that it is rather astonishing to me to find any Senator in the year 1912 arguing that the protective policy of the Republican Party is not a benefit to the people of the United States. We had a great many woolen mills in New Hampshire in 1892. We had free wool as a result of a Democratic tariff law, and more than one-half of our woolen mills went out of existence in three years. During those four years of low tariff the laboring men and others in the little State of New Hampshire drew out of our savings banks over $12,000,000 to meet the common necessities of life; and I say it is rather astonishing to me that anybody should argue that the protective policy is not an advantage to all classes of people of this country. But we will discuss that later on.

I now, Mr. President, if the Senator will yield to me, as he is tired——

Mr. SMOOT. I will yield the floor for the day.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

PHASES IN POLITICAL SITUATION.

Mr. STONE. I desire to give notice that on to-morrow, Tuesday, following the routine morning business, or at the earliest practical moment thereafter, I will submit some remarks on the modern Damon and Pythias and correlated subjects pertaining to current American politics.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 21, 1912, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1912.

COLLECTOR OF CUSTOMS.

Herbert W. Hawes to be collector of customs for the district of Wiscasset, in the State of Maine.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Daniel Edward Murphy.
Kenna Granville Eastham.
James Powers Yancey.
George Elmer Arnemann.
Raymond Eugene McQuillin.
De Forest Willard Morton.
Francis Clinton Vincent Crowley.
George Everett Adams Reinburg.
George Herbert Timmins.
Daniel Allman Connor.
Clarence Donald Lang.
Philip Coldwell.

FIELD ARTILLERY ARM.

To be second lieutenants.

Percy Deshon.
Julian Francis Barnes.
Harold Cornelius Vanderveer.
Clift Andrus.

INFANTRY ARM.

To be second lieutenants.

Matthew John Gunner.
James Ripley Jacobs.
Robert Scott Lytle.
Henry Terrell, jr.
Thomas James Camp.
Frank Cadle Mahin.
Lawrence Sprague Churchill.
Dale Francis McDonald.
Paul Kimball Johnson.
Edward Hiltner Bertram.
Hayes Adlai Kroner.
Allen Stuart Boyd, jr.
Bruce Wedgwood.
Harry Lewis Twaddle.
John Henry Harrison.
Clarence Leonard Tinker.
William Robert White.
Donald Bridgman Sanger.
Martin Francis Scanlon.
William Hanson Gill.
Lee Hayne Stewart.
Harry Gantz.
Herbert Edward Pace.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Capt. William P. Jackson, to be major.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew, San Diego.
Ernest L. Blanck, Fellows.
Clarence Edwin Kendrick, Barstow.
Harry E. Meyers, Yuba City.

FLORIDA.

Morgan E. Jones, Miami.

ILLINOIS.

Winfield S. Pinnell, Kansas.

MINNESOTA.

Frank L. Walker, Alden.

PENNSYLVANIA.

Fred V. Balch, Galeton.
Ida M. Kaye, Monaca.
John H. Martin, Clearfield.
John Roland, New Holland.
Thomas Stephens, Coopersburg.
Bert L. Venen, Springboro.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 20, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the source of life, the fountain of wisdom, the inspiration of all good, renew our life, imbue us plenteously with wisdom, and fill our hearts with purity that we may choose wisely, act nobly, that our work may be well pleasing in Thy sight and redound to the good of mankind. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and suspension of the rules, and so forth.

REMOVAL OF RESTRICTION FROM LANDS OF ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The SPEAKER. Who is in charge of this bill? The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be amended by adding at the end thereof the following: "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act," so that section 9 of the said act as amended will read as follows:

"SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land——

Mr. STEPHENS of Texas. Mr. Speaker, this is quite a long bill, and I ask unanimous consent that we discontinue the reading of the bill until the gentleman from Oklahoma [Mr. CARTER] appears. This is his bill, and it is desirable that he be present when the bill is considered.

The SPEAKER. There are only a few more lines, and the reading can be finished now and save trouble hereafter.

The Clerk concluded the reading of the bill, as follows:

Provided, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to pass over this bill informally without prejudice until the gentleman from Oklahoma [Mr. CARTER] comes in.

Mr. MANN. I understand that passes it over for the day.

Mr. STEPHENS of Texas. I would rather have it passed over to-day than to have it called up in the absence of the gentleman from Oklahoma [Mr. CARTER].

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6160) to allow the Great Northern Railway Co. to construct a bridge across the Missouri River, in the State of North Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the mouth of the Little Missouri River, and not farther south than the south line of township 147 north or farther north than the north line of township 148 north, of the fifth principal meridian, in the State of North Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE YELLOWSTONE RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River, in the county of Dawson and State of Montana, at a point suitable to the interests of navigation, and not farther south than the south line of township 21 north of the Montana principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the comma after the word "River," and striking out all of lines 8, 9, and 10, and the words "Montana principal meridian," in line 1, page 2, and inserting in lieu thereof the following: "At a point suitable to the interests of navigation, to be selected by the said company and approved by the Secretary of War, either in Mackenzie County, N. Dak., or Dawson County, Mont."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INCREASE OF PENSIONS TO MEXICAN WAR SURVIVORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14054) to increase the pensions of Mexican War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the Mexican War who are now on the pension roll, or who may hereafter be placed thereon, under the acts of January 29, 1887, March 3, 1891, February 17, 1897, and February 6, 1907, shall be $30 per month.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RUSSELL. Mr. Speaker, as I understand it, the general pension bill that was recently passed includes the same provisions as are included in this bill, and that being true I do not see any use in passing this bill.

Mr. MANN. I will say to the gentleman that this bill provides for a pension of $30 per month to Mexican War veterans.

Mr. RUSSELL. And under the bill that has been passed they will get $30 per month.

Mr. MANN. Not unless they were of a certain age and had served two years.

Mr. FOSTER. Not unless they had served 60 days. It says "60 days."

Mr. MANN. I know, but not at $30 a month.

Mr. FOSTER. Yes; $30 a month.

Mr. MANN. To Mexican War veterans?

Mr. FOSTER. Yes; all Mexican War veterans who have served 60 days will receive $30 a month.

Mr. SULLOWAY. Mr. Speaker, Mexican soldiers who served 60 days are entitled to $30 a month without reference to age.

Mr. GARNER. That is under the general bill, which applies equally to the veterans of the Mexican War and the Civil War. Mr. Speaker, may I interrupt the gentleman from Missouri?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. RUSSELL. Yes.

Mr. GARNER. The same rule in the law recently passed, known as the Sherwood bill, applies to the veterans of the Mexican War as to those of the Civil War.

Mr. RUSSELL. My understanding is that Civil War soldiers must have served 2 years and be 75 years of age to be entitled to $30 per month, but only 60 days in the case of the Mexican War soldiers; all of the survivors of that war are now over 75 years of age.

Mr. MANN. Is it not $30 a month?

Mr. FULLER. It is $30 a month to all Mexican soldiers in the law that was recently passed.

Mr. GARNER. There are mighty few of them left.

Mr. RUSSELL. Mr. Speaker, I think the provisions of this bill are already covered by the general bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to pass over this bill without prejudice. Is there objection?

There was no objection.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill S. 2117, an act to promote the efficiency of the Public Health and Marine-Hospital Service.

Mr. MANN. Mr. Speaker, without reading this bill, I would like to reserve an objection.

Mr. FOSTER. In the last Congress there was a bill passed the House increasing the efficiency of the Public Health and Marine-Hospital Service containing a provision, if I remember right, authorizing the Public-Health Service to issue certain bulletins and do certain work in addition to what they are already doing. I observe by this bill that all that provision contained in the bill which was introduced and passed at the time the gentleman from Illinois [Mr. MANN] was chairman of the committee is left out of this bill, so that there is no provision in it with reference to that matter whatever. I would like to ask the chairman if he can give some reason why that was not included?

Mr. ADAMSON. During the last session of Congress there were protracted and voluminous hearings on the subject of health before our committee. Under the lead of the gentleman from Illinois, then our able and distinguished chairman, we prepared a bill in the nature of a verdict made up by us as a jury on the trial of all the issues and put in everything that the committee was willing to put into it. We thought it was the best arrangement to promote the efficiency of the Public-Health Service already established and working so well, inasmuch as the representative of every department was willing that everybody else should be put into the Department of Health except his own bureau, but did not want his own bureau put in. But the committee unanimously reported and brought into this House the bill. Gentlemen on my side of the Houses, affecting to be more ultra-Democratic than I was, objected to it because it invaded private and local affairs, and they made a bitter fight on it.

Now, when we came to make up the bill this time we left out everything that had been fought. We put in only the provision to increase the salaries in order to endeavor to hold the surgeons and officers in the service. We thought that was necessary for the efficiency of the service, and we postponed the disputes about everything else for future bills.

Mr. FOSTER. So the gentleman's idea was that to increase the efficiency it was only necessary to increase the salaries of the officers to increase the service to the people of the United States?

Mr. ADAMSON. We had for a long time been considering the question of equalizing the salaries. Some complained that they did not get enough, that other departments outbid them, and took away the men whom they had trained. They begged us to increase the salaries enough to hold them, and we tried to do it in good faith because we believed that the plea was just. I am perfectly willing for every one of the other provisions to go into the bill. I did not want to bring them in and have a fight, and so we brought in the provisions that were uncontested.

Mr. FOSTER. There was no objection as far as the Marine Hospital was concerned to putting the provisions in?

Mr. ADAMSON. Oh, no. I am willing and they were to pass the bill just as the gentleman from Illinois and I agreed upon it, as it was passed through the House at the last session, but other Members are not.

Mr. FOSTER. The gentleman from Georgia remembers that the bill that was passed under the suspension of the rules by two-thirds majority had this provision in it, and so it could not have been a very severe fight.

Mr. ADAMSON. Well, they fought it pretty hard, with their tongues at least.

Mr. FOSTER. It passed under suspension of the rules.

Mr. ADAMSON. Yes; and I am willing to do it now.

Mr. FOSTER. I am sorry that the gentleman did not do it this time.

Mr. ADAMSON. I could not do it; I was not the boss; I only preside over my committee. [Laughter.] I do not run it entirely.

Mr. SIMS. Mr. Speaker, I want to say that I was opposed to the reporting of the bill without some increase in the work. I am not opposed to the increase in salaries.

Mr. ADAMSON. I will be candid and honest; if you pass this bill as it is, and the Senate will restore to it every provision in the Mann bill, I will not object.

Mr. FOSTER. The Mann bill was so important, so far as the public-health bureau is concerned, that it seems to me that this bill ought not to pass without those provisions.

Mr. ADAMSON. If the gentleman will ask unanimous consent to put them in I will not object.

Mr. FOSTER. I think the bill ought not to pass without that provision in it.

Mr. MANN. Mr. Speaker, reserving the right to object, this bill increases the salaries more than the Mann bill did in the last Congress, and leaves out the most valuable part of that bill. It is impossible, in my judgment, to consider this bill by unanimous consent, because it ought to be amended in order to make it more valuable to the country.

The SPEAKER. The gentleman from Illinois objects.

Mr. ADAMSON. Mr. Speaker, I want to say that I was conscious of the positions of the two gentlemen from Illinois, but I think it is due to the gentleman from Alabama, who reported the bill, and in my absence, when I was at home on leave of absence on account of sickness, placed it on the Unanimous Consent Calendar. The gentleman from Alabama reported the bill, and I was going to say, if I could have the opportunity, that he is absent from the city and I would like to defer action till his return.

The SPEAKER. There is nothing before the House, the gentleman from Illinois objects, and the bill will be stricken from the calendar.

INTERPARLIAMENTARY UNION FOR INTERNATIONAL ARBITRATION.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 19239) authorizing an appropriation for the Interparliamentary Union for International Arbitration.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to the Secretary of State, out of any money in the Treasury not otherwise appropriated, the quota of the Congress of the United States as its contribution toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to know what is sought to be accomplished by this bill.

Mr. BARTHOLDT. I will be glad to make an explanation in the absence of the chairman of the committee, Mr. SULZER. This bill authorizes an appropriation for the maintenance of the International Bureau of the Interparliamentary Union at Brussels, Belgium. It is a matter peculiarly our own. It is not an executive affair, it only concerns the national legislative bodies of the world. All the parliaments of the world are now represented in the organization, as is the Congress of the United States since the year 1904, and all the congresses, all parliaments are contributing toward the maintenance of that international bureau.

Two years ago the Congress provided for the first time an appropriation of $2,500 as our share, which had been estimated in accordance with the population of this country, and this year when I offered an amendment to the diplomatic bill favorable to the proposition a point of order was made against it, but it was inserted in the Senate and it is now a law. So Congress has already appropriated twice for that purpose. This bill merely contemplates putting the authority of law behind such an appropriation, and is merely an authorization.

Mr. FITZGERALD. What does the bureau do that is of any value toward the promotion of peace?

Mr. BARTHOLDT. This bureau is conducting the affairs of the Interparliamentary Union.

Mr. FITZGERALD. What is that—a voluntary association of members of different parliaments?

Mr. BARTHOLDT. It is a voluntary association.

Mr. FITZGERALD. Then why should they not maintain their own headquarters?

Mr. MANN. Do not they have enough expenses to pay now?

Mr. FITZGERALD. No; I think not. They want Congress to appropriate $50,000 to conduct the convention this year in the United States, and they have reported a bill for that purpose.

Mr. BARTHOLDT. Mr. Speaker, I think I can satisfy the gentleman on that point. The members of the national legislative bodies who belong to the Interparliamentary Union are paying out of their own pockets every year the expenses of travel to the locality where the union meets. That is a considerable personal sacrifice which these members make for the benefit of a great cause.

Mr. FITZGERALD. What have they ever accomplished?

Mr. BARTHOLDT. They have accomplished a great deal. That is a long story, Mr. Speaker. I think the Interparliamentary Union is responsible for the meeting of The Hague conferences, the first as well as the second, and The Hague conferences, to my mind, have accomplished a great deal. I think the gentleman is conversant with that.

Mr. FITZGERALD. Mr. Speaker, I shall not get into a controversy with the gentleman from Missouri as to the responsibility for the creation of The Hague conferences, but with a very slight modification this would make a permanent indefinite appropriation out of the Treasury of the United States toward the maintenace of this quasi official bureau.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. The gentleman does not expect or intend, if this bill shall be passed by the House, that it shall be amended in the Senate so as to make a permanent indefinite appropriation?

Mr. BARTHOLDT. No; that is not our intention.

Mr. FITZGERALD. I am not sure whether some enterprising gentleman may not construe this as making a permanent indefinite appropriation in any event.

Mr. BARTHOLDT. There is no such intention whatever.

Mr. FITZGERALD. I know, but Congress frequently unintentionally does things that could never possibly be done if we knew exactly what would happen afterwards. How many countries participate in maintaining this bureau?

Mr. BARTHOLDT. Twenty countries are now contributing.

Mr. FITZGERALD. That is $50,000. What do they do with that money in this bureau?

Mr. BARTHOLDT. Mr. Speaker, I would like to make a further explanation, so that this matter may be understood.

Mr. FITZGERALD. But the gentleman says that 20 countries are contributing; and if they contribute the same as the United States, $2,500——

Mr. BARTHOLDT. But they do not. That is our pro rata share, in accordance with the population of the United States.

Mr. FITZGERALD. Oh, then, as usual, the United States pays the lion's share of the expense.

Mr. BARTHOLDT. The United States pays about as much as Great Britain does, and France pays a little less, and Germany pays a little less, and, of course, the small countries, like Switzerland and Denmark and Norway, pay still less. Many of the parliaments of the other countries have gone so far as to even defray the traveling and other expenses of their delegates to these conferences.

Mr. FITZGERALD. That will be the next step here, if we go far enough. We are progressing a little every day.

Mr. BARTHOLDT. When that is suggested, I think we will consider it.

Mr. FITZGERALD. I think the gentleman has already suggested it. He introduced a bill, which has been reported favorably, to appropriate $50,000 to transport the foreign and domestic representatives to this conference about the United States, and that comes about as near to paying the expenses of the delegates as we can go at this time.

Mr. BARTHOLDT. The gentleman is mistaken. It is not for transportation or traveling expenses at all. That appropriation of $50,000 is asked for the purpose of extending the hospitality of the United States to five or six or seven hundred members of foreign parliaments who come here when the next conference is held, and I want to say that it will not be held this year.

Mr. FITZGERALD. I understand what that means. That puts it in a little nicer English. It is extending the hospitality to foreign visitors and paying the traveling expenses of those participating in the convention, both from this country and abroad.

Mr. BARTHOLDT. Of course I may be mistaken, but if small countries like Switzerland or Denmark or Holland or Belgium could entertain such distinguished visitors in a proper manner, I had an idea that probably the United States could afford to do the same thing.

Mr. FITZGERALD. I have no doubt it is a great benefit and will greatly further the civilization of other countries to have distinguished representatives of this body visit and sojourn in those countries indefinitely, if possible.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, will not the gentleman reserve his objection and agree to strike out of the bill the words "out of any money in the Treasury not otherwise appropriated," so that it would be only an authorization for an appropriation?

Mr. FITZGERALD. Mr. Speaker, in this Congress three or four bills have been called to my attention, and possibly there are others that have not been called to my attention, that have been introduced, the purpose of which, as stated in the reports, is to enable appropriations for specific purposes to be in order upon appropriation bills, appropriations which under the rules of the House are not now in order. I do not believe it is desirable to enact legislation that will make in order upon bills that carry annually the money necessary to maintain the Government appropriations for all sorts of enterprises which really have very little relation to the maintenance of the Government. That is the chief reason for my objection.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; to the Committee on Interstate and Foreign Commerce.

STEAMSHIP "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American registry for the steamer *Damara*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer Damara, rebuilt at San Francisco, Cal., from the wreck of the British steamer Damara, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects, and the bill will be stricken from the calendar.

STREET RAILWAY, SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Clerk read as follows:

A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

Be it enacted, etc., That wherever in this act the following words and phrases appear or are used they shall be held to have the following meaning, unless the context clearly indicates otherwise:

(a) "Association" shall mean and include Leland S. Conness, W. H. Johnson, and their associates and assigns, or such corporation as may be organized by them to take over and exercise the rights and privileges conferred by this act.

(b) "Governor" shall mean the governor designated as such in the organic act.

(c) "Superintendent" shall mean the person from time to time acting as the superintendent of public works of the Territory of Hawaii referred to in the organic act, or any lawful successor in power or duty.

(d) "Railway" shall mean the rails, tracks, roadway, with its appurtenances, appliances, and connections, and the poles and underground or overhead equipment, which may be placed in, along, or upon the highways, streets, roads, thoroughfares, and places on the island of Hawaii, under the provisions of this act.

(e) "District" shall mean that portion of the island of Hawaii which is included in the political subdivision known as the South Hilo district, as now defined in act 84 of the Session Laws of 1909.

(f) "Board" shall mean the board of supervisors elected for the county of Hawaii, and acting under the provisions of act 39 of the Session Laws of 1905 and all amendments thereto, or any lawful successor in power or duty.

SEC. 2. That, subject to the provisions, conditions, requirements, and limitations in this act contained, the right and authority is hereby granted to the association to take over and exercise the rights and privileges conferred by this act; to construct, maintain, and operate a railway and railway system, for the transportation of passengers, freight, mail, and for other purposes, upon and along the streets, roads, and places hereinafter described and indicated, either of single or double track, or partly single and partly double track, with such curves, switches, turnouts, spurs, poles, wires, with underground or overhead conductors of power, and all equipment, appliances, and appurtenances as may from time to time be necessary or suitable for the efficient use and operation of a street railway system. The railway shall be laid, constructed, maintained, and operated upon and along the following streets, roads, and places in said district, namely:

(a) From a point on Front Street extension not over 2 miles from the county bridge across the Wailoa River, along said Front Street extension, and along Front Street to its intersection with Waianuenue Street; thence mauka along Waianuenue Street and the extension thereof for a distance of 3½ miles; and along any road, street, or highway hereafter laid out or constructed between said Front Street extension and the water front.

(b) From a point on said Front Street extension over, across, and through the Government land of Waiakea, subject to existing leasehold rights therein, to any wharf or wharves hereafter constructed in Kuhio Bay, upon such exact location as may be approved by the superintendent.

(c) From the intersection of Cocoanut Island Road with Front Street extension, along said Cocoanut Island Road to Wharf Street, and along any road or street now or hereafter laid out or constructed and leading from said Cocoanut Island Road.

(d) Along Wharf Street from its junction with Cocoanut Island Road to its junction with Front Street, and along the unnamed street leading from Wharf Street to Front Street extension parallel with the Wailoa River.

(e) From a point on the Volcano Road not exceeding 1 mile on the Puna side of the Waiakea mill, along said Volcano Road to Volcano Street, and along said Volcano Street to its junction with Bridge Street, thence along Bridge Street to its intersection with Waianuenue Street.

(f) From the intersection of Waianuenue and Pitman Streets, along said Pitman Street to Wailuku Street, thence mauka along Wailuku Street to the junction therewith of Wainaku Road, thence along said Wainaku Road to Honolii Gulch.

(g) Whenever the majority of adult persons who are bona fide residents within a distance of 500 feet from any street or road, or section of any street or road, in said district shall, in writing, petition the association to construct a railway upon or along said street or road, or section of street or road, and the governor shall approve thereof, such railway may be constructed thereon and thereafter maintained during the unexpired term of this franchise.

SEC. 3. That the motive power for the operation of said railway, for any and all purposes, shall be electricity, applied either by the overhead trolley system or the underground conduit system, or by storage batteries, or by such other method or methods as may be an improvement upon either, or the motive power may be supplied by compressed air or such other motive power as the association may from time to time elect, subject always to the prior consent and approval of the governor: *And provided also*, That the railway may be operated in part by one motive power and in part by another or others, with the consent and approval aforesaid: *And provided further*, That no car, engine, or other vehicle emitting smoke, steam, or offensive odors to such a degree as to be a public nuisance, or, with animals attached, shall be operated or used upon the tracks of the railway.

SEC. 4. (a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

(b) All passenger cars shall be of approved and modern construction for the comfort, convenience, and safety of passengers, and be provided with fenders and brakes, and in the case of cars weighing more than 30,000 pounds, with air brakes of the best pattern, with proper lighting and signaling appliances, and with proper numbers, route boards, or signs, all as shall be approved by the governor, which approval may from time to time be modified in accordance with the best engineering practice.

(c) The association shall pay all expenses and damages and save the Territory and any subdivision thereof harmless and indemnified from all loss, cost, damage, and expense occasioned by or arising from the construction, maintenance, use, and operation of the railway; and shall also make and pay for all grading, filling, paving, repairing, and other work occasioned by or required for the construction, alteration, maintenance, use, or operation of the railway and every part thereof.

And the association shall so provide for their electric current and provide such conductors thereof, and of return currents, that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Territory, or of any political subdivision thereof, or of any person or corporation, and shall save the Territory and any such subdivision or any person or corporation harmless and indemnified from all loss, cost, damage, and expenses by reason thereof.

(d) In constructing or repairing said railway not more than one block shall be closed to traffic at any one time, and all established crossings shall be maintained or substitute crossings provided during the progress of the work, and the work in any block shall be carried on continuously until completed.

Whenever any road or street shall be less than 18 feet in width in surfaced roadway the track of the railway (except switches or turnouts) shall be laid as nearly as possible parallel with but not upon said surfaced roadway.

(e) The construction of the railway shall be commenced and, at least, the sum of $20,000 shall have been expended or contracted to be expended within two years after the approval of this franchise by the Congress of the United States, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement.

Within 90 days after the approval of this act by the Congress of the United States the association shall execute and deliver a bond to the county of Hawaii in the sum of $5,000, to be approved by the governor as to form and sufficiency, conditioned for such completion, equipment, and complete operation of at least 2 miles of said railway within said two years; and in case of a failure to comply with these requirements this franchise shall cease and be null and void.

At least 2 additional miles of the railway shall be completed, equipped, and ready for operation within six years from the approval of this franchise by the Congress of the United States, and in case of failure

to comply with such requirement the privileges granted by section 2 of this act shall cease as to any streets, roads, thoroughfares, or places not then occupied.

Provided, That if there is any period during which work shall be suspended by reason of actions, suits, or injunctions, impeding or delaying construction or use, the time so lost shall not be counted as part of the periods of limitations above specified.

(f) The tracks shall not exceed 4 feet 8½ inches in width between the rails, and the style of rail to be used, the manner and detail of track foundations, substructures, and construction shall be subject to the approval of the board: *Provided, however*, That the weight of such rails shall not be less than 56 pounds per yard and that the tracks shall be laid flush with the streets, and the paving, grade, and macadamizing of the entire space between the tracks, and between the outside rails of double tracks, if more than one track be laid, and for one foot outside of the outer rails, and switches, turnout, and sidings, and outside the rails wherever occupied by the track or substructure, shall correspond and be maintained at all times with the grade and character of paving, or macadam of the remaining portion of the street, except as otherwise directed by the board: *Provided, however*, That when the tracks shall be laid parallel to but not upon any surfaced roadway, the above provision relating to paving and macadamizing shall not apply. The board may in writing require any work to be done or repairs made to conform to the requirements of this section, and the same shall be made by the association within a reasonable time from the receipt of such order.

(g) Whenever it shall be necessary to cross the tracks of any other railway or railroad, the association may construct and lay down, at their own expense, proper crossings and intersecting tracks, laid in a substantial and workmanlike manner and according to the best engineering practice, removing the rails so crossed for that purpose; but such removal and construction shall be so done as to interfere as little as possible with the traffic of such other railway or railroad; and after such crossings are laid the expense of maintenance thereof shall be borne equally with the owners of said track.

(h) Trolley wires shall be of a height of not less than 16 feet above the street. All guard wires above and on both sides of the trolley wire shall be such as the board may deem expedient or necessary. The size and location of such wires and the manner of supporting them shall be subject to the approval of the board.

SEC. 5. That the association at all times shall maintain and operate such number of cars upon the railway for the carriage of passengers as the public convenience may require.

SEC. 6. That the board, with the approval of the governor, from time to time may make reasonable general rules governing the speed at which cars may be operated, and with like approval may make reasonable special rules of similar character for particular sections of the district; for each violation of any such rule the association shall be subject to a fine of not more than $100, to be recovered in the district court of South Hilo, at the suit of the county attorney of the county of Hawaii, or its successor, or any other person to the use of the county of Hawaii, or its successor: *Provided, however*, That nothing herein contained shall be construed as exempting the association from liability for loss, damage, or injury to persons or property occasioned by the association in operating its railway, whether the rate of speed of cars shall or shall not be in excess of the limits prescribed in such rules.

SEC. 7. That the association may charge, as rates of fare for transportation of passengers upon the cars of the railway, the following: For a continuous trip anywhere between any two extreme points within a radius of 3 miles from the intersection of Front and Walanuenue Streets, not to exceed the sum of 5 cents: *Provided*, That children under 17 years of age, going to and from school, shall not be required to pay over half fare, for which purpose tickets shall be sold: *And provided further*, That children under 4 years of age, accompanied by a person paying fare, shall be allowed to ride free. Rates of fare outside of such radius may be fixed from time to time by the association, subject to the approval of the governor.

Upon a continuous trip persons riding upon the cars shall be entitled to receive transfers from one car to another within the radius above mentioned at any point or points where one line of the railway connects with, crosses, or intersects any other line thereof without the payment of extra fare for such transfer: *Provided*, That such passenger shall take the first available car passing the transfer point for which such transfer has been issued.

Policemen, firemen, and letter carriers, when on duty and in full uniform, shall be entitled to free passage over any of the lines of the railway.

The association, its agents, and employees in charge of any car may refuse passage to any person or persons who refuse to pay the lawful fare, to any drunken, disorderly, or diseased person or persons, or vagrants or criminals, and may eject with force, if necessary, any such person or persons from the car.

If the association, or any agent or employee thereof, shall demand or charge a greater sum of money for fare on the cars of the association than that fixed by this act the association, such agent, or employee shall forfeit to the person thus overcharged the sum of not more than $100 nor less than $25, to be recovered in a civil action in any court having jurisdiction thereof.

Upon the trial of an action for any of the sums forfeited as provided above, proof that the person demanding or receiving the money as fare or for the sale of a ticket was at the time of making the demand or receiving the money engaged in an office of the association, or on any vehicle belonging to it, shall be prima facie evidence that such person was the agent, servant, or employee of the association to receive the money and the ticket mentioned.

SEC. 8. That the association, with the approval of the governor, shall make reasonable and just regulations regarding the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

The cars lawfully occupying and using the railway shall have the right of way upon its tracks, with due regard and warning to other vehicles and to pedestrians, except that in case of fire such right shall yield to fire engines and patrol, and in cases of emergency to the police authorities.

SEC. 9. That the entire plant, system, tracks, rolling stock, poles, wire, conduits, and other apparatus of the association shall at all times be subject to inspection by the board or its representative designated for that purpose.

SEC. 10. That the association shall also have the power to acquire, construct, maintain, and operate at such place or places as may from time to time be deemed necessary, adequate power stations or houses and such other buildings and structures as may be convenient, necessary, and desirable for the conduct of its business, and may install and use therein machinery for such purpose.

SEC. 11. That the association may acquire, take, hold, sell, or otherwise dispose of any property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business and shall have the power to borrow money when deemed expedient, and secure the payment thereof, with interest, by mortgage or by the issuance of bonds secured by deed of trust, of all or any portion of its property and the franchises and privileges granted or obtained by virtue of this act or otherwise, together with all future acquired property, as well as income and receipts from whatsoever source derived, in such form and under such terms as may be deemed advisable. Nothing herein contained, however, shall operate to prevent the association from obtaining the usual business credits and making promissory notes without security.

SEC. 12. That the association shall have the right to condemn lands, leaseholds, and other property for sites for power stations, or houses and buildings, and for rights of way for poles, lines, wires, cables, conduits, pipe lines, flumes, and other appliances for the generation, transmission, distribution, and supply of electricity, railways, tracks, and other like purposes necessary for the full enjoyment, operation, construction, and maintenance of the railway system authorized or permitted under the terms of this act, and all proceedings therefor shall be as near as may be in accordance with the provisions of chapter 64 of the Revised Laws of Hawaii, and all amendments thereto now or hereafter made.

SEC. 13. That any person who shall willfully or intentionally injure, molest, or destroy any of the poles, lines, wires, or other appliances, railway, tracks, or the material or property belonging thereto, or shall without permission or authority of the association connect or cause to be connected by poles, wires, or any device anything with the wires, cables, or conductors of the association, for the purpose of obtaining current for light, heat, or power, shall be guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction thereof, shall be punished by a fine not exceeding $100, or by imprisonment not exceeding six months: *Provided, however*, That nothing herein contained shall be deemed to affect the right of the association to recover by action at law damages for any injury done by such unlawful action.

SEC. 14. That whenever the association refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the governor to comply therewith, unless other provision is herein specifically made, the board shall, with the consent of the governor and the attorney general, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted thereunder, forfeited and declared null and void.

SEC. 15. That the rights, privileges, and franchises hereby granted to the association shall continue until the expiration of the term of 50 years from the date of the approval of this act by the Congress of the United States, subject only to the limitations in this act contained.

SEC. 16. That all property of every kind and nature forming or used as a part of the railway and power system of the association, including this franchise, shall be exempt from any and all taxation under the laws of the Territory of Hawaii until the expiration of 10 years from and after the approval of this act by the Congress of the United States.

SEC. 17. That the association shall, within one month after the expiration of each calendar year, file with the board a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records, and accounts shall, at all reasonable times, be open to inspection by the governor, the board, and their respective agents appointed for such purpose.

The association shall not issue stock, nor shall it incur indebtedness, to an amount in excess of the actual cost of its property and 10 per cent in addition thereto.

The association shall pay each year to the county of Hawaii, or such other political division as the legislature shall from time to time indicate, an amount equal to the amount, if any, which it shall pay in dividends in excess of 8 per cent for that year upon its capital stock, and in any event shall so pay each year, after 10 years from the approval of this act by Congress, not less than 1 per cent of its gross receipts.

SEC. 18. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

SEC. 19. That the Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of 20 years from the date of the approval of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, acquire by purchase all the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within 30 days after requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within 30 days, then by said chief justice, but such amount shall in no case exceed the actual cost of the property and 20 per cent in addition thereto, less the charges thereon.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the association.

SEC. 20. That this act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States,

such approval to be secured within four years from the date of this act becoming law.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I want to know something about the time limit of this franchise. How long does it run?

Mr. FLOOD of Virginia. I did not hear what the gentleman said.

Mr. BUCHANAN. I desire to know the limit of time for this franchise.

Mr. FLOOD of Virginia. Well, they have to begin work in one year.

Mr. BUCHANAN. How long does this franchise continue?

Mr. FLOOD of Virginia. Fifty years.

Mr. BUCHANAN. I see here in one section:

That the association may acquire, take, hold, sell, or otherwise dispose of the property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business.

Mr. FLOOD of Virginia. From what section is the gentleman reading?

Mr. BUCHANAN. Section 11.

Mr. FLOOD of Virginia. What is the gentleman's question?

Mr. BUCHANAN. I object to giving that right and I object to giving the franchise for that length of time, and therefore I object to the consideration of the bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. FLOOD of Virginia. Could the gentleman reserve his objection?

Mr. BUCHANAN. I will reserve my objection.

Mr. FLOOD of Virginia. Mr. Speaker, this bill, if the gentleman has followed it, is hedged about by as many conditions as any bill that ever granted a franchise. Here is a town of about 7,000 people and this company proposes to build an electric railway line for the benefit and convenience of these 7,000 people. I do not know in this country of any town of 7,000 people that has no interurban connections that can get an electric line built in it. This franchise allows this company to make 8 per cent on their capital actually invested, and of all above the 8 per cent 75 per cent goes to the county of Hawaii and 25 per cent to this company. The only grant in here that is liberal is the one for 50 years, and it does seem to me, considering the benefits to accrue from this franchise to the people of this little town, that the gentleman may forego his right to object upon a proposition that is considered proper by everybody who is charged with the duty of legislating for those people.

This bill, when introduced in the House, had already been passed by the Legislature of Hawaii and had received the approval of Gov. Frear and the general public of the Territory. It is intended to provide cheap transportation for the town of Hilo, the second city of Hawaii. At the present time the only means of communication is by Japanese bus or hack, the lowest rate being 15 cents, and from that up to 75 cents, for the service which will be given by a street-car company for a single 5-cent fare.

While the bill had received the approval mentioned above, at the suggestion of Gov. Frear a number of amendments have been made for the purpose of safeguarding the public interests. One of the most important of these limits the amount of stock which may be issued to that paid for in cash and $50,000 additional. This effectually prevents the watering of stock, which has been done in so many cases of similar companies. In addition to this, the franchise virtually limits the dividends upon the stock to 8 per cent. Should the company pay over that amount, it must pay to the Territory three times the sum so paid to its stockholders. Another amendment of importance forces the company to extend its lines in any desired direction in case it shall be shown to the satisfaction of a designated board that the company, with such extension, will be able to pay this 8 per cent dividend. The force of these two amendments results in the restriction of the dividend paid, while the amount of capital stock can not be increased save by the issuance of more stock which must be paid for in cash. All features of the new forms of franchise acts, as they have been adopted in various cities in the United States in recent years, are included in this franchise.

According to the census of 1910 the town of Hilo had 6,745 inhabitants. The town is alone and without surrounding towns to which connection might be made, and only the fact that water power for the generation of electricity may be obtained enables the construction of a street railroad. There is no town in the United States of the size of Hilo, and without interurban connections, which is supporting a street-railroad system. For this reason the term of 50 years, which is the ordinary length of street-car franchises, is short rather than long. A shorter term, combined with the restriction of capital stock and of dividends, would prevent the financing of the system.

The equipment and construction, as called for under the franchise, is first class in every way, and the company is required to make all such repairs and improvements as may be reasonably called for by the Government. It is further provided that the system may be bought by the Government at the end of 20 years at a price not to exceed the actual cost plus 20 per cent. One year is allowed for the completion of the financial arrangements before construction starts, and four years for the completion of 4 miles of track, which will be ample for the town under existing conditions.

Within the year it is expected that the large section of Government land now under lease and located about 2 miles from Hilo proper will be open for homes. At the present time at existing prices it is practically impossible for a man in moderate circumstances to buy a home in Hilo. With cheap transportation a poor man could buy one of these Government lots, erect a small house, and thus own his home, being able to travel back and forth to his work for 10 cents a day. Without a street-railroad system this would cost him a minimum of 30 cents a day with a maximum of a dollar, which would render the transportation charge so high as to effectually prevent his taking up the land. A further reason for a street-car system comes in the fact that there is now under construction a new deep-water wharf, located 2 miles from the Hilo post office, for which quick and cheap transportation will be necessary. The Hilo Board of Trade, in a meeting held in February, passed special resolutions indorsing the street-car franchise, and especially that section permitting the system to carry freight. A line of the Hilo Railroad Co.—steam-car service—will run to these new wharves, but it was felt that the competition of the street-car company in the handling of freight would make sure cheap rates and good service.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE of Pennsylvania. Is it not true that one of the purposes of building this railroad is to enable the workingmen who live in the town and whose employment would be at the water terminus to go back and forth without paying the charges they now have to pay for conveyance?

Mr. FLOOD of Virginia. That is true.

Mr. MOORE of Pennsylvania. And is it not essentially an advantage to the men who derive their bread and butter from this Government contract on the coast and who must necessarily go back and forth to the town, some miles away, and who now, if they ride, must ride in vehicles for which they are charged at the rate of 25 or 50 cents per head?

Mr. FLOOD of Virginia. It is even stronger than the gentleman suggested.

Mr. CANDLER. If the gentleman will permit, I was there, and my recollection is I paid 50 cents.

Mr. FLOOD of Virginia. There is, as I have just said, a large tract of land between the thickly inhabited part of the town of Hilo and where they are going to build the new wharf. That land is Government land and at present under lease; in a short time the lease will expire and it is the purpose to open this land up to small settlers, to laborers at this wharf and laborers in the town. Now, these men if they have to go to work in this thickly settled part of the town or at the wharf have to pay a transportation cost at present of from 30 cents to $1 for a round trip. This road will transport them back and forth for 10 cents a round trip. I was going on to say, every person who has had to deal with this matter—the Legislature of Hawaii, the governor of the Territory, the Delegate representing it, and the Committee on Territories, after long and arduous labor and careful consideration of this measure—has indorsed it.

Mr. FITZGERALD. Has the gentleman ever been to Hilo?

Mr. FLOOD of Virginia. I have never been there.

Mr. FITZGERALD. Does the gentleman think they can make 8 per cent on a railroad built there?

Mr. FLOOD of Virginia. I have never been there, but I should think it is extremely doubtful. I think the men who are financing this enterprise are taking a great risk and I think if we turn down this bill we are not acting in the interest of the people of Hawaii, because here is a proposition to give them cheap transportation facilities which they could not get without some measure of this kind.

Mr. CONNELL. Mr. Speaker, I trust the gentleman from Illinois will not insist upon his objection to this bill. I think the very best answer that can be made to his objection is the fact that it means a development along the line of American

ideas in every way on that island, and I ask to read from the report of the committee, which epitomizes the whole matter, which, I think, will be satisfactory to the gentleman from Illinois.

The necessity for a street railway in Hilo, Hawaii, which is a town of but 7,000 inhabitants, according to the census of 1910, arises from two facts—that the various sections of the town lie far apart and public transportation at present may only be had by Japanese bus or by hacks at high rates, and the fact that a cheap means of transit is necessary to connect with new Government wharves which are being constructed 2 miles from the town proper. In the latter case, under the terms of this bill, the fare will be but 5 cents as against a minimum of 25 cents under present conditions. In addition to this, the installation of a street-railway system will give easy access to a large tract of Government land which may by this means be developed for residence and homesteading purposes and which otherwise would be almost impossible to settle on account of the lack of transportation facilities. The franchise is one which was approved by the Legislature of Hawaii with but one dissenting vote and received the official approval of the governor of the Territory.

If the gentleman will examine the report he will find that this franchise is hedged about as carefully as legal ideas or an honest consideration of the development of that country can possibly make it.

Mr. BUCHANAN. What is the gentleman reading from?

Mr. CONNELL. I am reading from the report of the committee on this bill.

Mr. BUCHANAN. Does this bill provide any limit of charges? I have not noticed any limitations.

Mr. CONNELL. No; it does not provide any limit of charges, but that follows in the development of the railroad. It does provide, however, that if all the things to be done under this franchise are not lived up to in every particular it may be repealed.

Mr. BUCHANAN. Mr. Speaker, I never saw a company yet looking for a franchise, no matter how profitable it was, that they did not do it under the cover of benefit to the public in that locality. They usually use the working people for a buffer in many of their schemes to secure franchises. I am willing to concede that my colleagues who have considered this probably know more about it than I do. But I want to say, a 50-year franchise sounds to me as though it is a dangerous proposition to concede to any company. I believe that is too long a time.

Mr. FLOOD of Virginia. I will ask the gentleman this question: If there is a town of 7,000 people in his community, with no interurban connection, that has a street railway of the character of the one in this bill?

Mr. BUCHANAN. I want to say to the gentleman in this connection, that we are putting electric lines all through the country, and he knows as well as I do that the companies to whom are granted those franchises and operate those street railways claim that they are doing it for public good, and collecting dividends on watered stock for the benefit of the public.

Mr. FLOOD of Virginia. This provides there can be no watered stock. You have not read this bill.

Mr. BUCHANAN. I have just listened to the Clerk read it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. FITZGERALD. I wish to make this statement: I am not familiar with the terms of the bill, but five years ago I was in the Hawaiian Islands. The town of Hilo is the only town on the island of Hawaii, the largest island of the group. I think in 20 minutes to half an hour I walked all over this little community. It had an open roadstead. Back in the country are sugar plantations, and they are also attempting to raise coffee on one side of the island. The Government has built a breakwater in order to make the harbor safe. Conditions are such that before the breakwater is built vessels must lie there, with steam up, and during the prevailing storms must go to sea.

The Government wharf is being built at that breakwater. So far as I am personally concerned, if anybody would be willing to put money into a street railway in that community in the hope that he would ever make money out of it, I think it would be such a benefit to the community, and its prospects would be so slight, that I would give him a franchise without any restrictions. There is no possible great development there. It is a small, insignificant town. They say there are 7,000 inhabitants, but I think its population is from 7,000 to 10,000. The gentleman from Kansas [Mr. CAMPBELL] and myself walked all over this community in half an hour one evening after dinner. Were it not for the fact that the dock is to be built off the breakwater, about 2 miles away, I do not think it would be possible to find enough places to which to run this railway in order to get people who would ride.

I am not familiar with the terms of the bill, but if anybody can be encouraged to put money into transportation facilities on these islands, I think we should help them as far as possible to do.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Maryland [Mr. LEWIS]?

Mr. BUCHANAN. Yes.

Mr. LEWIS. Mr. Speaker, I think legislation of this sort ought to pass. It ought, however, to receive the same sort of attention as if it were a franchise being granted to a corporation in the city of Washington, under our tutelage and care. There are two propositions involved in the measure that would come in for the first order of consideration if this were a home subject. The first is, whether the capitalization may be watered. The second is on the question of the rates of fare to be charged, and who should have the whip hand in determining those rates—the Government or the grantee of the franchise. I have two amendments, which I purpose offering if that state be reached, looking to the improvement of the bill on those lines.

First, now, in regard to watered stocks, there is no minimizing the circumstance that in this country we have reached an aggravated condition with regard to the so-called fictitious capitalization of public utility corporations. I wish to challenge the statement by any Member of this House that the privilege of watering stock and bonds is a privilege of real value even to capital. It has been a curse to the public welfare. It is true this bill provides——

Mr. FLOOD of Virginia. May I interrupt the gentleman?

Mr. LEWIS. In just a moment. It provides that the stock may be watered to the extent of $50,000.

Mr. FLOOD of Virginia. I would like to interrupt the gentleman.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Virginia [Mr. FLOOD]?

Mr. LEWIS. I do, with pleasure.

Mr. FLOOD of Virginia. After we get the bill up the gentleman will have an opportunity to offer his amendments, and we will then consider them. The question now is whether the bill will come up by unanimous consent.

Mr. LEWIS. I hope the House will give consent to its consideration, because it is an outrage to deny the people of Hawaii the government we have taken away from them. We ought to give them the privilege of a hearing.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. LENROOT. If the gentleman withdraws his objection, I simply wish to reserve one.

Mr. YOUNG of Kansas. Mr. Speaker, while this bill was being considered in the committee I took the very position the gentleman from Illinois [Mr. BUCHANAN] now takes relative to the length of time of the franchise proposed to be granted to this company or corporation—which is 50 years, and entirely too long a period. I maintained that position until I was entirely satisfied that the committee had amended the original bill and so hedged it about with all the safeguards that it was possible for the ingenuity of the committee to invent for the protection of the people of the town of Hilo, and that the people would be entirely protected in every way, including the regulation of the charges for fares, the same being limited to 5 cents, and that the earnings of the company could not be above a fair rate, which is stipulated in the bill to be 8 per cent; and a fair share of the earnings above that rate should be for the benefit of the city. The bill being thus safeguarded and it appearing from the evidence before this committee, which was to the effect that the bill, being so safeguarded that the enterprise could not be successfully financed with a shorter term of the franchise, and while I am very much opposed to the granting of a franchise generally for so long a period, yet under the peculiar conditions existing upon the Hawaiian Islands, as shown by the hearings of the committee, I am of the opinion now that to make the franchise less in time than stated in the bill, with it hedged about as has been done and fully safeguarded, it would be equivalent to denying the people of that locality the street railway that they desire, for I am firmly of the belief that the project could not be financed if the time of the franchise was lessened; and I hope the gentleman from Illinois [Mr. BUCHANAN] will withdraw his objection.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. BUCHANAN. Yes; I yield to the gentleman.

Mr. CANDLER. Mr. Speaker, I simply want to state to the House and to the gentleman from Illinois that I had an opportunity at one time to be in this little city of Hilo, and the conditions as stated by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, practically exist there. The statements made in the report of the committee, I can state from my personal knowledge, are substantially, if not absolutely in toto, true and correct. Therefore it seems to me that if the people of this community, this small place of 7,000 people, are willing to invest their money in an enterprise for their own development and for the development of their community and the surrounding country, they at least ought to have an opportunity to do so, especially in view of the fact that the legislature of the islands of Hawaii has passed this bill practically unanimously—as I understand it, with but one dissenting vote—and it has been approved by the governor of the islands, and certainly it is a matter that should have the consideration of the Congress of the United States, when those people can not act and can not move without the approval of Congress. To deny them the right even of consideration in the House of Representatives, it seems to me, is not a rule which should be applied to a bill of this character.

As stated by several members of the committee, it has been hedged about by every possible means, and so far as the limitation of the charter is concerned, limiting its existence to 50 years, we have charters in perpetuity in many of the States of the Union, and there are few, if any, States that grant charters requiring less than 50 years. I think that provision is sufficient, and therefore I hope the gentleman from Illinois [Mr. BUCHANAN] will at least withdraw his objection and permit the House to consider the bill.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. BUCHANAN. Yes.

Mr. RAKER. I would like to ask the chairman of the committee a couple of questions in regard to the matter. What is the kind and character of the capital that is going into this enterprise?

Mr. FLOOD of Virginia. It is money. [Laughter.]

Mr. RAKER. Is that as definite and intelligent an answer as the gentleman expects to give to the question?

Mr. FLOOD of Virginia. It is as intelligent as the question.

Mr. RAKER. Mr. Speaker, under those circumstances, I object to the consideration of this bill.

The SPEAKER. The gentleman from California objects.

Mr. FLOOD of Virginia. That is in keeping with the gentleman's conduct—to defeat a great public enterprise because he is angry with me.

Mr. RAKER. Mr. Speaker, I am not angry with my distinguished colleague from Virginia, and to assure him that he has misjudged me I withdraw my objection.

The SPEAKER. The gentleman from California [Mr. RAKER] withdraws his objection.

Mr. RAKER. I asked the gentleman, plainly and fairly, what kind and character of capital is going to be invested in this enterprise, meaning, undoubtedly, whether it was American capital or foreign.

Mr. FLOOD of Virginia. I am not prepared to answer. I made all the inquiries I could in reference to that, and my opinion is that the bulk of it will be American capital. I was informed by the gentleman from Georgia [Mr. BRANTLEY] that friends of his in Baltimore would be willing to finance this franchise if it was granted in the way it was asked for by the Legislature of Hawaii. We have put on a number of restrictive amendments since then, and my opinion now is that it would be a combination of Hawaiian and American capital that would build the railroad.

Mr. RAKER. What I wanted to know, Mr. Speaker and gentlemen of the committee, was whether or not the Japanese Government or any other Government was interested, through their agents, in building this railroad.

Mr. FLOOD of Virginia. I am satisfied that neither the Japanese Government nor Japanese capital is interested in this enterprise.

Mr. RAKER. I want to say that about 75 per cent of the residents of Hawaii are Japanese.

Mr. FLOOD of Virginia. Oh, the gentleman is mistaken about that.

Mr. RAKER. I am quite certain I am not mistaken. I have the Government report in which that statement is plainly made.

Mr. FLOOD of Virginia. Not 75 per cent?

Mr. RAKER. Practically from the report of the Department of Commerce and Labor, which has not been published yet, that statement is made, that 75 per cent of the residents of Hawaii are Japanese. I do not know why the report has not been made public, but I have a copy of it in my office, and I can show it if there is any question about it in this House.

Mr. FLOOD of Virginia. The gentleman is mistaken about that.

Mr. RAKER. I think not.

Mr. FLOOD of Virginia. It is true that a large proportion of the population are Japanese, and there may be some Japanese who will put their money in this franchise. I do not know about that. But the Japanese as a whole are not financing it. I understand that it is to be financed by American and Hawaiian capital combined.

Mr. RAKER. Now, Mr. Speaker, one other question, if the gentleman from Illinois [Mr. BUCHANAN] will permit. It is this: Whether or not the city of Hilo has any electric plant now? Has this city any electric plant?

Mr. KALANIANAOLE. They have an electric-light plant.

Mr. RAKER. Owned by the city or by private individuals?

Mr. KALANIANAOLE. By private individuals.

Mr. RAKER. Why could not the city take up the question of putting in a railroad and running it by electricity?

Mr. FLOOD of Virginia. I do not suppose the city would care to undertake it. They have not the money to do it. It is going to be a difficult matter to raise three or four hundred thousand dollars to build an electric railway line in a town of 5,000 or 6,000 people without any interurban connection.

Mr. SLAYDEN. Is it to be what we call an interurban line?

Mr. FLOOD of Virginia. No; there is no interurban line about it.

Mr. SLAYDEN. Is there any other line that would connect with it?

Mr. FLOOD of Virginia. There is not. The wharves are 2 miles from the town of Hilo. This road is going to be run between the town and the wharves, and we hope that the intervening territory will be built up. There is a large tract of Government land that will soon be thrown open for settlement between the town and the wharves, and it is the hope and expectation of the Hilo people that it will be taken up by the working people if they can get back and forth to this intermediate territory for the small sum of 10 cents for transportation both ways.

Mr. SLAYDEN. It is expected that they will get cheaper and more sanitary homes, is it?

Mr. FLOOD of Virginia. Very much cheaper, because they can not get any homes at all in Hilo at present. I presume they will be more sanitary, and they can get from their homes to their work under this proposition for a railroad for 10 cents a day, whereas now it costs them 30 cents or a dollar.

Mr. SLAYDEN. Will it cheapen the cost of transportation to the people in that community over what it is compared with present conditions?

Mr. FLOOD of Virginia. There is not the slightest doubt about that. The only method of transportation from the town of Hilo to the wharves, 2 miles, is by Japanese busses, and the cost is from 15 to 50 cents one way.

Mr. SLAYDEN. And under this proposition they will get one way for 5 cents?

Mr. FLOOD of Virginia. Five cents one way and 10 cents both ways.

Mr. HUMPHREYS of Mississippi. And it is Japanese money that is now invested in these busses.

Mr. LEWIS. How many miles of railway are necessary under this proposition?

Mr. FLOOD of Virginia. The bill provides that they shall build 4 miles within a specified time, and, in addition, if the board of supervisors of Hawaii think it is necessary to build more, the company shall build the additional road.

Mr. LEWIS. It is contemplated to build 4 miles now?

Mr. FLOOD of Virginia. Yes.

Mr. BUCHANAN. Mr. Speaker, a 50-year franchise usually arouses my suspicion that somebody is going to get more than they are entitled to, but after the statement by the chairman of the committee and other Members as to the necessity for this legislation and the difficulty of getting it constructed under a shorter franchise, I shall, although reluctantly, withdraw my objection. There are some features about the bill that I do not like because they are not in harmony with my ideas.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] reserved an objection to the bill.

Mr. LENROOT. Mr. Speaker, two weeks ago I objected to this bill, but since that I have examined it, and I propose to offer three amendments, two of which are acceptable to the chairman of the committee. With the understanding that he will support those two amendments, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, unless some one desires to have a vote on some amendment considered separately, as there are 15 or 16 committee amendments, I ask unanimous consent that the committee amendments may be reported altogether and disposed of altogether.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the committee amendments may be read and disposed of together. Is there objection?

There was no objection.

The Clerk read the committee amendments, as follows:

Page 3, line 12, strike out the word "shall" and insert the word "may."

Page 7, line 19, after the word "within," strike out the words "two years" and insert the words "one year."

Page 7, line 19, after the word "the," strike out the word "approval" and insert the word "passage."

Page 7, line 20, strike out the word "franchise" and insert the word "act."

Page 7, line 24, strike out the word "approval" and insert the word "passage."

Page 8, line 2, insert, after the word "dollars," the words "with good security."

Page 8, line 3, after the word "form," insert the word "security."

Page 8, line 10, strike out the word "approval" and insert the word "passage," and strike out the word "franchise" and insert the word "act."

Page 8, strike out all of lines 15, 16, 17, 18, and 19 and insert:

"*Provided*, That if there is any period during which work shall be suspended by reason of bona fide actions, suits, or injunctions, instituted through no fault of the association, but causing delay in the construction or commencement of operation of said railway, the time so lost shall not be counted as part of the periods of limitations above specified.

"Additions and extensions of the railway shall be constructed by the association and, when so constructed or constructed by others, shall thereafter be maintained and operated by it whenever, after notice and an opportunity to be heard, it shall be directed so to do by a committee consisting of the governor, the secretary, and the chief justice of the Territory, the circuit judge of the fourth circuit, and the chairman of the board of supervisors of the county of Hawaii, or other officer designated by the legislature: *Provided*, That the commission shall not so direct unless in its opinion the earnings of the association when operating such additions and extensions, together with its previously existing railway system, will be sufficient for its reasonable expenses of maintenance and operation, interest and sinking fund on its indebtedness, and dividends of 8 per cent per annum on its issued stock; and the commission may likewise permit the association to cease the maintenance and operation of any portion of the railway wherever in its opinion conditions so warrant or require."

Page 10, after line 18, insert the following:

"Upon the failure of the association to perform such work within a reasonable period of time after the receipt in writing of such requirement, the board may in its discretion proceed with said work or repairs, and the cost of the same shall be charged against the association and shall constitute a lien on the profits and assets of the association."

Page 11, line 20, after the word "may," insert the words "in the opinion of the governor."

Page 16, line 3, strike out the word "or" before the word "houses," and after the word "buildings" insert the words "necessarily pertaining thereto."

Page 16, after line 13, insert the following:

"The association shall be, and is hereby, granted a right of way along and across, under and over, the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary and suitable for the transmission of electrical and other power from such power stations as may be hereafter constructed and equipped for the use of said railway to such point or points as it may see fit to deliver such power for use upon its lines."

Pages 18, line 2, strike out the word "approval" and insert the word "passage."

Page 18, line 9, strike out the word "approval" and insert the word "passage."

Page 18, strike out all of lines 18 to 25, inclusive, and on page 19, lines 1 to 3, inclusive, and insert the following:

"The association shall not issue stock in excess of the amount paid to it therefor in cash and $50,000 additional, nor shall it issue bonds at less than 90 per cent of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure.

"The association may pay, out of any earnings available for the purpose, after paying its expenses of operation and maintenance, interest and sinking fund on its bonds, and any other expenses properly payable out of earnings, cumulative dividends upon its stock at the rate of 8 per cent per annum, and shall pay each year to the county of Hawaii, or such political division as the legislature shall from time to time designate, an amount equal to three times the amount, if any, which it shall pay in dividends in that year in excess of such cumulative dividends."

Page 20, line 4, strike out the word "approval" and insert the word "passage."

Page 21, strike out all of section 20.

Mr. FLOOD of Virginia. Mr. Speaker, I submit the following additional committee amendment.

The Clerk read as follows:

On line 22, page 16, strike out the period, after the word "lines," and insert in lieu thereof a colon; after said colon add the following:

"*Provided, however*, That the lease or grant of any water power or other water privilege to the association by the Territory of Hawaii, or its officials, for the purpose of producing electricity, or other purpose, shall be made to the association only in the event of its being the highest responsible bidder therefor, at public sale, after due advertisement and notice of such proposed sale by the proper officials of the Territory."

The SPEAKER. The question is on agreeing to all the committee amendments.

The committee amendments were agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend section 7 by adding, at the end of line 8, page 13, the following:

"*Provided*, That the board, subject to the approval of the governor, shall have power from time to time to revise and reduce the rates of fare promulgated under this act or by the association."

Mr. FLOOD of Virginia. We will accept that amendment.

The amendment was considered and agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend section 17, by striking out, in line 5, page 19, the words "fifty thousand dollars."

Amend section 17, by adding, after the word "of," in line 4, page 19, the following: "One hundred and fifteen per cent of."

Mr. FLOOD of Virginia. Mr. Speaker, as to the first amendment I should like to raise a point of order.

The SPEAKER. What point of order does the gentleman make?

Mr. FLOOD of Virginia. Mr. Speaker, it is an amendment to an amendment which has already been adopted by the House, and, therefore, is not in order.

The SPEAKER. The point of order is overruled.

Mr. LEWIS. Mr. Speaker, just a few words of explanation in regard to this amendment. We are all familiar with the fact that public-utility corporations usually issue bonds and stock. Frequently, in this country, distinguishable from other countries in the world, the stock is all, or nearly all, water. Under the terms of this bill the road might be built by the issue of bonds, as to which under the bill 10 per cent can be water. That is, a bond can be issued for $100 on $90 of subscription, and therefore you have 10 per cent of water capitalization possible on the bonds. With regard to the stock, the bill now provides that no stock shall be issued except for money actually subscribed, excepting "an additional $50,000," which, in terms, may be water. The road might be built with bonds, and then $1,000 of stock bona fide paid for might be issued, when under the terms of this bill $50,000 of the stock might be issued as pure water, or about $12,500 a mile on the contemplated cost of construction of 4 miles. The amendment proposed is this: That they will be limited in issuing stock to 15 per cent more than the money actually paid in. Thus they can issue $115 of stock for $100 of actual money subscribed for stock. It is important, I may say to the House, in the way of example, that we give this subject proper consideration. Whether in striking the line at 15 per cent as the permissible margin of fictitious value for the needs and purposes of the promoter I have fixed the line right, I do not have the assurance to say; but I do say this: That the time has come when this national assembly ought to take up this subject and indicate the national policy. Are we to go on forever, or as long as private control of these public utilities last, allowing promoters to issue counterfeit capital—a procedure I may say that does not obtain in any of the countries of Europe? This amendment is directed specifically to that point; that a restriction of the amount of water in this stock, if stock be issued, shall be fixed at 15 per cent maximum, and that watered stock shall not be issued except to the extent of 15 per cent of the amount subscribed for stock.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. MARTIN of South Dakota. As to the form of the gentleman's proposed amendment, I understood it is to strike out the words "fifty thousand dollars."

Mr. LEWIS. Yes.

Mr. MARTIN of South Dakota. Ought not the word "and," in line 5, and the word "additional," in line 6, be stricken out in order to make sense?

Mr. LEWIS. Possibly so; yes. Of course I would gladly accept any amendment of that kind. This amendment that I have offered was hastily drawn. As amended it would read:

The association shall not issue stock in excess of 115 per cent of the amount paid to it therefor in cash—

And so forth.

I think the word "and," in line 5, and the word "additional," in line 6, ought to be added to my amendment, and I ask unanimous consent that that be done.

Mr. MARTIN of South Dakota. I would like to ask the gentleman further whether he considers the Congress of the United States in legislative enactment ought to recognize and make

valid the issuance of any amount of water in a public utilities corporation?

Mr. LEWIS. I do not understand that by this amendment we would be doing that. We will be fixing a limitation upon the natural excesses of the promoter, and that is all.

Mr. MARTIN of South Dakota. Is it not practically a governmental approval of 15 per cent of watered stock?

Mr. LEWIS. Yes; and is only pardonable because otherwise there would be $50,000, which might mean 99 per cent of water in the amount of stock issued, or about $12,500 a mile of the road to be built.

Mr. FLOOD of Virginia. Mr. Speaker, I hope the House will not adopt this amendment. The Committee on the Territories very carefully considered this matter and reached the conclusion that $50,000 as a promoter's bonus was not extravagant; that the people who were getting up this corporation and were going to make a very considerable investment in this small town would be at a large expense. This bill granting the franchise first had to go through the Territorial Legislature, and then they have had men here who appeared before our committee, and who are still here, with the hope of getting the bill through the House and the Senate, and this $50,000 covers everything in excess of the money that is to be actually expended in grading, railroad ties, equipment, and so forth. All of the proceeds of the stock issue must be expended in constructing the road and equipping it, and in addition to that, $50,000 of stock will be sold as surplus, or promoter's bonus. We considered this was not a very liberal proposition from the standpoint of the men who were getting up this enterprise. The bill was carefully considered by a subcommittee. They went carefully into it, and this provision that is incorporated here is the suggestion of the governor of Hawaii. It is not the proposition that passed the legislature. That bill authorized a watered stock of 120 per cent, but the governor thought that was entirely too much, and we agreed with him; and the governor of Hawaii suggested this, and the committee, after careful investigation, decided to give this company this bonus of $50,000.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. MARTIN of South Dakota. What is the mileage of the proposed road?

Mr. FLOOD of Virginia. It must build 4 miles in a specified time, and it must be extended whenever a commission, consisting of the governor and the chief justice and the members of the board of supervisors, decide that it shall be extended.

Mr. MARTIN of South Dakota. Then in the original construction of 4 miles this would be permitting a water of $12,500 per mile.

Mr. FLOOD of Virginia. Exactly.

Mr. MARTIN of South Dakota. I suppose the issue of bonds is to construct the road?

Mr. FLOOD of Virginia. The issue of bonds and stocks; yes.

Mr. MARTIN of South Dakota. And there is nothing to compel these promoters to buy more than a thousand dollars' worth of stock for cash and then have practically the whole control of the road by virtue of fictitious stock?

Mr. FLOOD of Virginia. Why, it will take between $250,000 and $300,000 to construct this road and the power plant to run it with.

Mr. MARTIN of South Dakota. Will not that be done by the issue of bonds?

Mr. FLOOD of Virginia. Yes; but the issue of bonds will be somewhere in the neighborhood of $300,000, and we provide a bonus here of $50,000.

Under the amendment offered by the gentleman from Maryland the bonus will be $45,000. It might be more than $50,000, because here is a commission of Hawaiian people authorized to force this company to extend its line whenever they think the community demands and the facts justify it.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FLOOD of Virginia. I will.

Mr. SLAYDEN. The question of the gentleman from South Dakota [Mr. MARTIN] indicates that he believes that a market has been secured for these bonds. I understood him to say that the road would be built from the proceeds of the sale of bonds. Now, is there any certainty that the bonds of an enterprise of that nature in a small town, in an island such as this, will be sold as high as 90 cents on the dollar?

Mr. FLOOD of Virginia. Well, the bill provides they can not be sold for less.

Mr. SLAYDEN. Suppose the capitalists are not willing to take them at that figure?

Mr. FLOOD of Virginia. Then the enterprise fails.

Mr. SLAYDEN. The railroad will not be built.

Mr. FLOOD of Virginia. The enterprise fails. Now, I hope this amendment will be voted down, because I do not believe that this enterprise can be financed if it is hedged about with any more conditions than the Committee on Territories have already hedged it about with.

Mr. LEWIS. I would like to ask the gentleman before he takes his seat, Is the gentleman willing that the American Congress shall give an example of a franchise openly authorizing fictitious and counterfeit stock?

Mr. FLOOD of Virginia. I do not believe there is any fictitious stock about it. In order to finance this franchise it will cost something. Lawyers' fees have to be paid; men went to Honolulu, and some came here to give information to the committee—all of this costs. They will have to employ men to finance their scheme, and I do not believe there would be very much of the $50,000 left. As to going on record, I am perfectly willing to go on record in the encouragement of an enterprise such as this to help develop an island in the mid-Pacific.

Mr. CANNON. Has the gentleman ever visited Hilo?

Mr. FLOOD of Virginia. I never have.

Mr. CANNON. Some years ago I did. It is stated in the report there are about 7,000 people at Hilo. It is on the western side of the island, as I recollect, and they get about 300 or 350 inches of rain annually, and on the eastern side of the island about 4 or 5 inches—a dense forest, a tropical country. The gentleman has cause to believe that somebody would build this road?

Mr. FLOOD of Virginia. Yes, sir; we made inquiry into that.

Mr. CANNON. If the gentleman is satisfied, I will vote for it, but the Lord knows, with this population and considering the country, I would not want to buy any of the bonds or take any stock, and I merely want to suggest to the gentleman, considering the conditions down there, if there is the faintest hope that anybody will furnish the money to build this road it is not necessary to burden the legislation with something by way of precedent constituted by the American Congress to prevent the watering of that stock.

Mr. FLOOD of Virginia. I fully agree with the gentleman from Illinois, and I will say this, that I entertained the doubt that the gentleman does that anybody would finance this enterprise, and I was informed by my friend from Georgia [Mr. BRANTLEY] that friends of his in Baltimore who had investigated the question said they would aid in the financing of it. I fully agree with the gentleman that this bill ought not to be weighted down with any further limitations or conditions. I hope that this amendment proposed by the gentleman from Maryland [Mr. LEWIS] will be voted down and the amendment as proposed by the governor of Hawaii, which we have incorporated in this bill, will be adopted by this House.

Mr. MANN. Mr. Speaker, ordinarily in this country a city council or village board determines the franchise of a street railway, but here, having granted a Territorial legislature to the Territory of Hawaii and reserving our authority over franchises, we quibble and quarrel over the terms of a franchise for the building of a street railway in a town in Hawaii. Now, there is not a Member in this House who would invest one dollar. If it were in this country, the town of Hilo would determine the terms on which the company would build under the act of the legislature, but we will not permit the town of Hilo to say anything about it; we will not permit the Territorial legislature to determine in regard to it; but we seek to inject into the bill every fad and fancy of every gentleman who has particular or peculiar views in regard to street railway franchises. If anybody is willing to put his money into this street car company upon the terms of this bill as reported from the committee, it is a tribute, not to the intelligence but to the fairy imagination of the people who invest in it.

Mr. LEWIS. Will the gentleman yield before he takes his seat?

Mr. MANN. Certainly.

Mr. FLOOD of Virginia. I would like for the Speaker to hear me on the point of order.

The SPEAKER. The gentleman does not have to be heard. The Chair did not understand the gentleman's point of order, either because the gentleman did not fully state it or because the Chair did not understand it; but the gentleman's point of order against the first amendment was good. There is a ruling exactly in point on page 388, volume 5, Hinds' Precedents, section 5766, and the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair in the Committee of the Whole House on the state of the Union. That identical question was raised and was passed on, and the Chair sustains the point of order on the first amendment, and will now put the question on the second amendment.

Mr. FLOOD of Virginia. Mr. Speaker, I would like to have the second amendment again reported.

The second amendment was again reported.

Mr. FLOOD of Virginia. There is an amendment from line 4 down to 18, an amendment which the House has already adopted, and this is an amendment to the amendment.

The SPEAKER. That is true; the gentleman did not raise a point of order on the other.

Mr. FLOOD of Virginia. But I raise it now.

Mr. LEWIS. Too late, and too late on the other, too. The gentleman accepted the other amendment.

Mr. FLOOD of Virginia. As soon as I heard the amendment read, I asked to have it reported; I did not know what the amendment was.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. Mr. Speaker, explicitly I declined to reserve my right to object to this measure and may have influenced in some degree another——

Mr. FLOOD of Virginia. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The question is on the amendment to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Upon a division (demanded by Mr. LEWIS) there were—ayes 6, noes 47.

So the amendment was rejected.

Mr. LENROOT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 17 by adding the following after line 18, on page 19: "No member of the association, or of any assignee or successor of the same, and no stockholder or officer of any corporation securing any or all of the rights herein granted to the association, shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the railway or for the supply of its rolling stock.

Mr. FLOOD of Virginia. I agree to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Speaker, I wish to ask unanimous consent that the amendment offered by the gentleman from Maryland [Mr. LEWIS] be voted on in view of the statement he made about his not objecting to the consideration of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the first amendment offered by the gentleman from Maryland be voted on. Is there objection? [After a pause.] The Chair hears none.

The amendment was again read.

Mr. LEWIS. That is not the one.

Mr. FLOOD of Virginia. The first amendment was agreed to. Is that the condition of the Journal?

Mr. LEWIS. Mr. Speaker, I think we ought to be clear about that.

The SPEAKER. Which amendment now are the gentlemen talking about?

Mr. LEWIS. The first amendment, on page 13, section 7. The gentleman from Virginia [Mr. FLOOD] accepted that. I want to know if that is the condition of the record.

The SPEAKER. Let us find out how the matter stands. How many amendments did the gentleman from Maryland [Mr. LEWIS] offer?

Mr. LEWIS. I offered two, on as many separate sheets.

The SPEAKER. There were two amendments on one sheet?

Mr. LEWIS. Yes.

The SPEAKER. The gentleman, then, offered three.

Mr. MANN. The first amendment the gentleman offered was agreed to.

The SPEAKER. The first amendment the gentleman from Maryland offered was agreed to.

Mr. LEWIS. But this situation arose, as I understood it: The gentleman from Virginia [Mr. FLOOD], after accepting it, suggested a point of order against it.

The SPEAKER. That was on the first amendment on the second sheet.

Mr. MANN. That was the $50,000 amendment.

The SPEAKER. The $50,000 amendment. Is that the one? The first amendment was adopted without any contest.

Mr. FLOOD of Virginia. Now, we understand, Mr. Speaker, we can go ahead.

The SPEAKER. The Clerk will read the first amendment on the second sheet.

Mr. FLOOD of Virginia. No; not the first amendment on the second sheet but the amendment on the separate sheet.

The SPEAKER. The gentleman's first amendment was agreed to without any objection.

Mr. FLOOD of Virginia. The gentleman does not care to have the amendment on the second sheet voted on.

The SPEAKER. Then the request of the gentleman from Virginia [Mr. FLOOD] is superfluous.

Mr. FLOOD of Virginia. Yes; I withdraw my objection.

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amend section 8 by adding the following after line 17, page 14: "If at any time there shall be constituted by or with the authority of Congress of the United States a public utility board for the regulation of public utility corporations in the Territory of Hawaii, the power of making the regulations given by this section shall be vested in said board."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FLOOD of Virginia. The committee agrees to that amendment.

The SPEAKER. The committee can not agree to anything.

Mr. FLOOD of Virginia. I wanted to state to the Chair the agreement between the gentleman from Wisconsin [Mr. LENROOT] and the committee.

The SPEAKER. That is all right.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Speaker, I move to strike out section 15 of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, strike out all of lines 4, 5, 6, 7, 8, 9, and 10.

Mr. LENROOT. Mr. Speaker, just a word with reference to this amendment. Section 16 exempts all the property of this corporation from taxation for a period of 10 years. I am opposed to this, not because I believe this exemption would mean exorbitant profits to this street railway, for I share the belief with the gentleman from Illinois [Mr. MANN] and others to a very large degree that it is very questionable, indeed, whether this is an undertaking that offers any prospects of financial success. But, Mr. Speaker, I am opposed to the principle, either in this bill or in any other bill, of exempting property of any public utility from taxation. In the first place, if this corporation can not offer sufficient inducements without this provision, then it ought not to exist at all. If it is going ahead to create property there, then this exemption from taxation means a bonus to this company by the taxpayers of the Territory of Hawaii for the construction of this road. It is wrong in principle. I am opposed to its being in this bill, and I shall oppose it in any bill.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LENROOT. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 33.

So the amendment was rejected.

Mr. MONDELL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 18, page 19, insert as a separate paragraph: "That the construction and operation of the railways shall, except as otherwise provided herein, be at all times under the supervision and control of the board."

Mr. FLOOD of Virginia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FLOOD of Virginia. I would just like to know what that amendment is an amendment to.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again read.

Mr. MONDELL. Mr. Speaker, I do not think that——

Mr. FLOOD of Virginia. Reserving a point of order, Mr. Speaker——

Mr. MANN. It is not subject to a point of order.

Mr. MONDELL. If I may have the attention of the chairman of the committee for just a moment, I wish to say that I find no provision in the bill, from a rather hurried examination of it, relative to the general supervision and control of these operations. From a hasty reading of the bill I do find some provisions in regard to the supervision by the board of certain matters; that is, the board can regulate the speed of the cars and other matters. There are some provisions with regard to

supervision to be exercised by the governor, but there is nothing in the bill, so far as I have been able to find, that provides for a general supervision of the operations, either as to construction or as to operations subsequent to the construction, by anybody; and the gentleman will note that there are many acts to be performed under this bill that should be supervised by somebody.

Mr. FLOOD of Virginia. Did the gentleman hear the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]?

Mr. MONDELL. As I understood the gentleman's amendment, it provided for supervision in case there should be a public-utilities board established in the future. But there is already a board of supervisors in the county of Hilo, island of Hawaii, and that board, or the municipal corporation itself, if there be one, should have general supervision and control of these operations.

Who is to say whether the trolley wires shall be elevated above the street the distance required by this bill? Who shall say how the poles shall be placed and how the wires shall be strung? Who is to supervise this work as the authorities of a municipal corporation always supervise such work of construction?

Mr. FLOOD of Virginia. Mr. Speaker, let me read to the gentleman the eighth section of the bill, on page 14. It provides—

That the association, with the approval of the governor, shall make reasonable and just regulations regarding the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

Mr. MONDELL. I do not think that section covers the matters that I have in mind at all. Those regulations would be as to how frequently the cars shall run, and matters of that kind.

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. I do.

Mr. COOPER. Do I understand the gentleman from Wyoming to ask who would regulate the height of trolley wires? That is found on page 11, under section h.

Mr. MONDELL. There is a provision there that the trolley wires shall be of a certain height. There are many provisions in the bill as to what the company shall do, but——

Mr. COOPER. It says "with the approval of the governor," in section 8.

Mr. MONDELL. Let me call the gentleman's attention to a very important provision on page 16—the provision which grants to the association the "right of way along and across, under and over the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary," and so forth. There is no place in the bill where there is any provision as to who shall supervise that work and the exercise of that very wide authority to use the streets of the city of Hilo, and there should be somebody, some individual or some corporate body, whose duty it would be to supervise that grant—that very wide grant of power and authority.

Mr. FLOOD of Virginia. That is done in section 9. That shall be done by the board of supervisors of the county of Hawaii.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oklahoma?

Mr. MONDELL. Yes.

Mr. DAVENPORT. I would like to ask the gentleman this question, if he will examine section 4—whether he does not think supervision is properly given by that section?

Mr. MONDELL. I do not pretend to have gone over the bill as carefully as the gentleman who prepared it, but I find this: That in various places in the bill there are provisions for the supervision of certain acts, but there is no general authority in the bill for any general supervisory power and control—none whatever—and there are many acts provided for which would be absolutely without any supervision at all unless there was an amendment.

Mr. DAVENPORT. I will ask the gentleman further if the provisions of the bill are not so constructed as to give general supervisory power over all acts? If it is not given by implication, it is specifically provided for by section 4.

Mr. MONDELL. No; just one moment. If this were a municipal corporation making this grant, the supervisory control of the municipal corporation would follow as a matter of course. But Congress is making this grant, and Congress has no such supervisory control, and in the absence of a specific provision for such supervisory control there is none, and they could go on the streets and tear them up as they saw fit, and they could place their poles along the streets as they saw fit, and the only way by which that could be controlled would be by bringing a suit in court.

Mr. FLOOD of Virginia. The gentleman would not make that statement if he had read the bill.

Mr. DAVENPORT. The gentleman, if he will read the bill, will find that the power is vested in the board of supervisors.

Mr. MONDELL. If the gentleman will point out any place where there is a general power of supervision vested in the board of supervisors or anyone, I will withdraw my amendment.

Mr. DAVENPORT. Section 4 provides that—

(a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

Mr. MONDELL. There are certain definite provisions and specific things with regard to which the board has control.

Mr. DAVENPORT. Each provision is subdivided.

Mr. MONDELL. But there is no supervision or control at all except where it is specifically provided here and there.

Mr. DAVENPORT. You will find in another subdivision in relation to the superintendent where it says that it shall be done so as not to interfere with the water pipes or the sewers or the public travel.

Mr. MONDELL. Yes; but there are many things which would occur in connection with the use of the streets with regard to which there is no supervision.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Is there any doubt that, except as provided in this bill, if it becomes a law, all of these matters are subject to the jurisdiction of the Territorial legislature with reference to the use of the streets and everything else in connection therewith?

Mr. MONDELL. I have doubt about it, inasmuch as we have withheld from the Territorial legislature the power of providing for franchises.

Mr. MANN. Providing for franchises, but we have not taken from them the control over their streets.

Mr. MONDELL. But Congress has given the company a very broad authority without any limitation whatever as to general supervisory control; I doubt if the Territory of Hawaii would have anything to say about it. It has been deemed necessary in several places in the bill to give the board specific control, but there is no provision made for general control and supervision. If it is necessary to make the provisions for control which have been made here, is not it necessary to make provision for control in all cases?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Speaker, I want to suggest to the gentleman from Virginia that, as I understand the amendment of the gentleman from Wyoming, it is only to the effect that except as otherwise provided in the bill the regulation shall be made by this board. Now, if the gentleman from Virginia is correct in his construction, this amendment can do no possible harm. If the gentleman from Wyoming is correct in his construction, then certainly the amendment ought to be in the bill.

Mr. MANN. Would it not directly and flatly conflict with the provision that gives the governor authority over certain regulations?

Mr. LENROOT. Not at all, because that is excepted.

Mr. MONDELL. The amendment specifically provides "except as otherwise provided in the act."

The SPEAKER. The time of the gentleman from Wyoming has expired. Does the gentleman from Virginia withdraw his point of order?

Mr. FLOOD of Virginia. Yes; and I ask for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Speaker, on page 12, line 22, I move to strike out the word "four" and insert the word "five," so that the bill will read "children under 5 years of age shall be allowed to ride free," and so forth.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 22, strike out the word "four" and insert the word "five."

Mr. BUCHANAN. Mr. Speaker, I desire to amend the amendment by striking out the word "five" and inserting the word "six."

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman what is the rule that obtains generally throughout the country on that subject?

Mr. BUCHANAN. If my memory serves me right, it is for children under 7 in Chicago.

Mr. FLOOD of Virginia. I will say that the prevailing rule is 5 years, as I am informed, and if so, I will say that that amendment will be agreeable.

Mr. RAKER. The gentleman from Missouri [Mr. RUSSELL] says it is 6 years in his State and the gentleman from Massachusetts [Mr. CURLEY] says it is 5 in Massachusetts, and I thought that 5 would be equitable and right.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from California.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Speaker, I move to amend, on page 18, line 8, by striking out the words "10 years" and inserting in lieu thereof the words "1 year."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, line 8, strike out the words "10 years" and insert the words "1 year."

Mr. FLOOD of Virginia. Mr. Speaker, I will say that the opinion of the committee was that the very best which this road could expect to do would be to pay a dividend at the end of 10 years; that it would be at least 10 years before it could pay running expenses and a dividend. For that reason we thought it right to exempt the road from taxation for 10 years. The bill provides that at the end of 20 years, if the people of Hilo want to own this road, they can condemn it and take it for the actual cost of the road, plus 20 per cent, the cost to be ascertained by a commission appointed by the authorities there. The evidence was undisputed; those who appeared before the committee and those who wrote to the committee were of one accord—that they could not expect this road to pay its running expenses for a number of years, and that in all probability it would not pay the running expenses for 10 years; and in order to encourage the enterprise, in order to get the road built for the convenience and benefit of the people, in order to enable the incorporators to raise the money to put it there, we exempted it from taxation for 10 years, and we think that that exemption ought to be given to them.

Mr. FOWLER. Mr. Speaker, I do not think any corporation should undertake to build any great enterprise unless it has funds sufficient to pay the ordinary taxes which the Government imposes on property, and for that reason I hope this amendment will pass.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were 12 ayes and 33 noes.

So the amendment was rejected.

Mr. FOWLER. Mr. Speaker, on the same page, 18, line 8, I move to strike out the word "ten" and insert in lieu thereof the word "five."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was lost.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. LEWIS. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. LEWIS moves to recommit the bill to the Committee on Territories with instructions to report forthwith with the following amendment:

"Amend section 17 by striking out, in line 5, page 19, the words 'and fifty thousand dollars additional,' and amend section 17 by adding after the word 'of,' in line 4, page 19, the following:

"'One hundred and fifteen per cent of.'"

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken; and on a division (demanded by Mr. LEWIS) there were—ayes 4, noes 36.

Mr. LEWIS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, the Clerk will call the roll, and the question will be taken on the motion to recommit.

The question was taken; and there were—yeas 29, nays 192, answered "present" 12, not voting 159, as follows:

YEAS—29.

Barnhart	French	Lenroot	Rubey
Bartlett	Garner	Lewis	Sabath
Buchanan	George	Lindbergh	Smith, J. M. C.
Cary	Goodwin, Ark.	Littlepage	Stone
Cullop	Hamlin	Oldfield	Sweet
Daugherty	Howard	Raker	
Floyd, Ark.	Jacoway	Robinson	
Fowler	Kent	Roddenbery	

NAYS—192.

Adair	Ellerbe	Kinkaid, Nebr.	Reilly
Adamson	Esch	Knowland	Roberts, Mass.
Ainey	Evans	Konig	Rouse
Akin, N. Y.	Faison	Konop	Rucker, Colo.
Alexander	Farr	Kopp	Russell
Anderson, Minn.	Fergusson	Korbly	Sells
Anderson, Ohio	Ferris	Lafferty	Simmons
Ashbrook	Finley	Lawrence	Sims
Austin	Fitzgerald	Lee, Pa.	Sisson
Ayres	Flood, Va.	Lever	Slayden
Bartholdt	Fordney	Lloyd	Sloan
Bell, Ga.	Foss	McGillicuddy	Small
Blackmon	Foster	McKenzie	Smith, Saml. W.
Boehne	Fuller	McKinley	Smith, N. Y.
Booher	Gallagher	McKinney	Smith, Tex.
Borland	Gardner, Mass.	McLaughlin	Speer
Bowman	Godwin, N. C.	Macon	Stedman
Brantley	Good	Madden	Stephens, Cal.
Bulkley	Green, Iowa	Maguire, Nebr.	Stephens, Miss.
Burke, Wis.	Greene, Mass.	Mann	Stephens, Nebr.
Burleson	Gregg, Pa.	Matthews	Stephens, Tex.
Burnett	Gregg, Tex.	Mondell	Sterling
Butler	Hamilton, Mich.	Moon, Tenn.	Stevens, Minn.
Byrnes, S. C.	Hamilton, W. Va.	Moore, Pa.	Sulloway
Byrns, Tenn.	Hammond	Morgan	Sulzer
Candler	Hardy	Morrison	Taggart
Cannon	Harrison, Miss.	Morse, Wis.	Talcott, N. Y.
Catlin	Hartman	Moss, Ind.	Taylor, Ala.
Cline	Haugen	Murray	Taylor, Colo.
Collier	Hawley	Needham	Thayer
Connell	Hay	Neeley	Towner
Cooper	Hayes	Nelson	Tribble
Copley	Helgesen	Nye	Turnbull
Crumpacker	Henry, Conn.	Padgett	Tuttle
Curley	Hensley	Page	Underhill
Dalzell	Higgins	Palmer	Underwood
Danforth	Hill	Patten, N. Y.	Utter
Davis, Minn.	Holland	Payne	Warburton
Dent	Hughes, Ga.	Peters	Watkins
Denver	Hughes, N. J.	Pou	Wedemeyer
Dickinson	Hull	Powers	White
Dixon, Ind.	Humphrey, Wash.	Pray	Wickliffe
Dodds	Humphreys, Miss.	Prince	Wilson, Pa.
Donohoe	Jackson	Prouty	Witherspoon
Doughton	Jones	Rainey	Wood, N. J.
Driscoll, M. E.	Kahn	Ransdell, La.	Young, Kans.
Dupré	Kendall	Redfield	Young, Mich.
Edwards	Kennedy	Rees	Young, Tex.

ANSWERED "PRESENT" 12.

Browning	Davidson	Glass	McCall
Campbell	Dyer	Graham	McMorran
Davenport	Gillett	Hardwick	Moon, Pa.

NOT VOTING—159.

Aiken, S. C.	Driscoll, D. A.	La Follette	Rauch
Allen	Dwight	Lamb	Reyburn
Ames	Estopinal	Langham	Richardson
Andrus	Fairchild	Langley	Riordan
Ansberry	Fields	Lee, Ga.	Roberts, Nev.
Anthony	Focht	Legare	Rodenberg
Barchfeld	Fornes	Levy	Rothermel
Bates	Francis	Lindsay	Rucker, Mo.
Bathrick	Gardner, N. J.	Linthicum	Saunders
Beall, Tex.	Garrett	Littleton	Scully
Berger	Goeke	Lobeck	Shackleford
Bradley	Goldfogle	Longworth	Sharp
Broussard	Gould	Loud	Sheppard
Brown	Gray	McCoy	Sherley
Burgess	Griest	McCreary	Sherwood
Burke, Pa.	Gudger	McDermott	Slemp
Burke, S. Dak.	Guernsey	McGuire, Okla.	Smith, Cal.
Calder	Hamill	McHenry	Sparkman
Callaway	Hanna	McKellar	Stack
Cantrill	Harris	Maher	Stanley
Carlin	Harrison, N. Y.	Malby	Steenerson
Carter	Hayden	Martin, Colo.	Switzer
Clark, Fla.	Heald	Martin, S. Dak.	Talbott, Md.
Claypool	Heflin	Mays	Taylor, Ohio
Clayton	Helm	Miller	Thistlewood
Conry	Henry, Tex.	Moore, Tex.	Thomas
Covington	Hinds	Mott	Tilson
Cox, Ind.	Hobson	Murdock	Townsend
Cox, Ohio	Houston	Norris	Vare
Crago	Howell	Olmsted	Volstead
Cravens	Howland	O'Shaunessy	Vreeland
Currier	Hubbard	Parran	Webb
Curry	Hughes, W. Va.	Patton, Pa.	Weeks
Davis, W. Va.	James	Pepper	Whitacre
De Forest	Johnson, Ky.	Pickett	Wilder
Dickson, Miss.	Johnson, S. C.	Plumley	Willis
Dies	Kindred	Porter	Wilson, Ill.
Difenderfer	Kinkead, N. J.	Post	Wilson, N. Y.
Doremus	Kitchin	Pujo	Woods, Iowa
Draper	Lafean	Randell, Tex.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:
For the session:
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. HOBSON with Mr. FAIRCHILD.
Until further notice:
Mr. HEFLIN with Mr. PATTON of Pennsylvania.
Mr. WEBB with Mr. WOODS of Iowa.
Mr. SHERLEY with Mr. WILSON of Illinois.
Mr. SHARP with Mr. WILDER.
Mr. ROTHERMEL with Mr. VARE.
Mr. O'SHAUNESSY with Mr. OLMSTED.
Mr. MCKELLAR with Mr. VREELAND.
Mr. MCDERMOTT with Mr. TILSON.
Mr. MCCOY with Mr. SWITZER.
Mr. LOBECK with Mr. STEENERSON.
Mr. LINTHICUM with Mr. SMITH of California.
Mr. LEVY with Mr. ROBERTS of Nevada.
Mr. LEGARE with Mr. REYBURN.
Mr. KITCHIN with Mr. PLUMLEY.
Mr. HENRY of Texas with Mr. PICKETT.
Mr. HAYDEN with Mr. OLMSTED.
Mr. HARRISON of New York with Mr. MURDOCK.
Mr. GUDGER with Mr. MOTT.
Mr. GOLDFOGLE with Mr. MILLER.
Mr. GARRETT with Mr. MALBY.
Mr. DANIEL A. DRISCOLL with Mr. MCCREARY.
Mr. DIFENDERFER with Mr. LAFEAN.
Mr. DIES with Mr. HUGHES of West Virginia.
Mr. DAVIS of West Virginia with Mr. HOWELL.
Mr. CRAVENS with Mr. HINDS.
Mr. COX of Indiana with Mr. HEALD.
Mr. COVINGTON with Mr. HARRIS.
Mr. CLAYTON with Mr. GUERNSEY.
Mr. CLAYPOOL with Mr. GRIEST.
Mr. CLARK of Florida with Mr. FOCHT.
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. CARLIN with Mr. DE FOREST.
Mr. CALLAWAY with Mr. CURRY.
Mr. BATHRICK with Mr. CURRIER.
Mr. ANSBERRY with Mr. CRAGO.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. BEALL of Texas with Mr. BARCHFELD.
Mr. RANDELL of Texas with Mr. GARDNER of New Jersey.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. COX of Ohio with Mr. TAYLOR of Ohio.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. LITTLETON with Mr. DWIGHT.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. JAMES with Mr. MCCALL.
Mr. HELM with Mr. RODENBERG.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SHEPPARD with Mr. BATES.
Mr. ALLEN with Mr. LONGWORTH.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. PUJO with Mr. MCMORRAN.
Mr. FIELDS with Mr. LANGLEY.
Mr. SCULLY with Mr. BROWNING.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. KINDRED with Mr. PORTER.
Mr. GOEKE with Mr. HOWLAND.
Mr. HARDWICK with Mr. CAMPBELL.
For one week:
Mr. LEE of Georgia with Mr. HANNA.
Mr. BROWN with Mr. LANGHAM.
From May 3 and ending two weeks hence:
Mr. SHACKLEFORD with Mr. DRAPER.
From May 16 and ending two weeks hence:
Mr. CANTRILL with Mr. LOUD.
Ending June 1:
Mr. THOMAS with Mr. HUBBARD.
From April 17 and ending May 21:
Mr. BURGESS with Mr. WEEKS.
From May 15 and ending May 25:
Mr. STANLEY with Mr. ANTHONY.
From May 18 and ending May 20:
Mr. KINKEAD of New Jersey with Mr. WILLIS.

Mr. MCCALL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. JAMES. I voted "no." I would like to change my vote and vote "present."

The name of Mr. MCCALL was called, and he answered "Present."

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I voted "no." I would like to change my vote.

The name of Mr. BROWNING was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors, and further proceedings under the call will be dispensed with. The question is on passing the bill.

The question was taken, and the bill was passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWN was granted leave of absence for three days, on account of sickness in family.

GRANT OF LANDS, SCHOOL PURPOSES, POWELL, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patent conveying block 31, town site of Powell, on Shoshone reclamation project, Wyo., to school district No. 2, Park County, Wyo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS FOR SCHOOL SECTION WITHIN AN INDIAN OR OTHER RESERVATION, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Mr. RAKER. Mr. Speaker, in regard to this bill, the title of which has just been read by the Clerk (H. R. 19344,), the gentleman from Illinois [Mr. MANN] has not had time to examine it, and I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 19344 be passed without prejudice.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Under the rule is it competent to make such a disposition of a bill upon the Unanimous Consent Calendar?

The SPEAKER. Yes; the Chair thinks it is.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to know whether passing a bill upon the Unanimous Consent Calendar with a view to returning to it is in accordance with the spirit of the unanimous-consent rule?

The SPEAKER. Well, the Chair thinks it is, and that has been the uniform practice. The first time the question arose was on a bill that the chairman of the Judiciary Committee [Mr. CLAYTON] had up, and for some reason or other he was detained at his room or somewhere else, and that bill was at the head of the calendar, and it was asked that it be passed over until he could return to the Hall, and the matter was thrashed out, and it was decided that that was the proper practice, and it has been continued ever since.

Mr. BARTLETT. Mr. Speaker, the purpose of the Unanimous Consent Calendar is to give precedence to bills in the order in which they are filed. Now, if this bill is not disposed of, then it takes precedence over other bills that probably would be considered. And the fact it is disposed of in a different way instead of as provided by the rule, if objection is made and it goes off, we are putting it back again——

Mr. MANN. This bill has already been stricken from the calendar once and could not go back again. That is the reason the gentleman asked to have it passed over. I will be frank with the gentleman. I would not let it go through by unanimous consent to-day but the gentleman says he has a letter from the Department of the Interior that might and may persuade me so that I will not object hereafter.

Mr. BARTLETT. Well, I have no objection, of course, under those circumstances.

The SPEAKER. Is there objection to passing this bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

USE OF RECLAMATION FUND IN CONSTRUCTION OF BRIDGE ACROSS SNAKE RIVER, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21171) authorizing the use of the reclamation fund in the construction of a bridge across Snake River, Wyo.

The Clerk read as follows:

A bill (H. R. 21171) authorizing the use of the reclamation fund in construction of a bridge across Snake River in Wyoming.

Whereas in the administration of the reclamation law the United States Reclamation Service has constructed at the outlet of Jackson Lake, Wyo., and the source of the Snake River a retaining storage dam; and

Whereas the use of this dam to store the flood waters of Jackson Lake and the Snake River watershed, and the release of the surplus waters thus stored into the channel of the Snake River for utilization in irrigating lands under reclamation projects, maintains high water in the Snake River at all periods of the year; and

Whereas through the maintenance of high water the Snake River, previously fordable for a large part of each year, in its course through the Jackson Hole region is now rendered unfordable at all times, and at times when large volumes of water have been discharged existing ferries have been swept away and rendered useless, and the residents of the Jackson Hole region and the towns and settlements of Jackson, Grovont, Cherry, Elk, and Zenith cut off from the railroad and other communication for freight and travel: Therefore

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, as may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know if I can get some information from the distinguished gentleman who introduced the bill. This bill proposes to pay for one half of the construction of a bridge out of the reclamation fund. The Senate passed a bill the other day, I believe—I am not sure whether it passed, but the gentleman can inform me, perhaps—to pay for this bridge out of the general funds in the Treasury. Am I correct?

Mr. MONDELL. I know such a bill was reported, but I am not informed whether it passed or not.

Mr. MANN. I took it for granted the gentleman would be informed if it had passed.

Mr. MONDELL. The last I heard of it it had not passed, I will say to the gentleman.

Mr. MANN. It was up for consideration in the Senate.

Mr. MONDELL. Well, I do not know as to that.

Mr. MANN. I do.

Mr. MONDELL. The gentleman, as usual, is well informed.

Mr. MANN. But I would not say it passed, but that is my recollection, and I had supposed the gentleman would know. Now, there is quite a difference whether this bridge shall be paid for out of the reclamation fund or whether it shall be paid out of the general fund. I would like to ask the gentleman whether if this bridge is made necessary by reason of reclamation work, as stated in the report, and is to be paid out of the reclamation fund, why it should not be charged to the reclamation projects which cause the necessity for it?

Mr. MONDELL. Does the gentleman desire an answer to all the questions or the last question first?

Mr. MANN. I do not care how the gentleman answers them.

Mr. MONDELL. It is my personal opinion, and that was the view taken by the House committee, that the bridge should be constructed out of the reclamation fund, and it would follow without any specific provision in the bill, I think, that it would be charged to the projects using the water.

Mr. MANN. Then would the gentleman be willing to accept this amendment: "*Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction and development of which have caused the necessity"?

Mr. MONDELL. I certainly should have no objection, because I have assumed if the bill passes that is what would follow—that is, that the Reclamation Service would have no other option than to charge it to the project using the water.

Mr. MANN. I think if the gentleman is willing to accept the amendment I shall not object, although I am very much afraid when the bill goes over to the other end of the Capitol and then comes back again it will come back with all the bill stricken out after the enacting clause and providing that the bridge shall be constructed out of the General Treasury funds.

Mr. MONDELL. I do not think we should have a change of that kind.

Mr. FITZGERALD. The report on this bill shows the construction of this dam has affected the conditions of travel only two months in the year, or two and a half months. Why should the United States pay one-half the cost of building the bridge?

Mr. MONDELL. The gentleman indicates that he gives greater weight to the report of the Reclamation Service than to the report of the committee.

Mr. FITZGERALD. That may be true, but I assume those who made this investigation for the Reclamation Service were at least on the ground, and the members of the committee were not and could not have been.

Mr. MONDELL. If the gentleman will allow me, because I am very familiar with the conditions——

Mr. MANN. There are instances where a bridge is only needed one month in the year, yet it has to be built.

Mr. FITZGERALD. It will not be needed when this railroad is completed, and they think it may be built in a short time.

Mr. MONDELL. The building of a railway has nothing to do with it.

Mr. FITZGERALD. There is another matter. The gentleman suggests he is willing to have the cost of providing the bridge apportioned to those who have taken up lands under the reclamation projects. If I read the report correctly, the lands irrigated from this particular reservoir are located outside the State of Wyoming.

Mr. MONDELL. Yes; but I will say to the gentleman that on the reclamation project known as the Shoshone project in my State the Reclamation Service has spent over $60,000 for roads and bridges, which have been charged to settlers in my State.

Mr. FITZGERALD. If they have that power, why not exercise it in this instance?

Mr. MONDELL. They feel that they have reached a rather shadowy zone. They think they have the power to do this, but the bridge is some distance from the reservoir on one side and some distance from the land to be irrigated on the other, and the service did not feel, under the circumstances, like taking the responsibility for doing what it would have done if the crossing had been in the immediate vicinity of the work, although the fact that there is some distance between the reservoir and the land irrigated should not in justice change the situation at all.

Mr. FITZGERALD. What per cent of the portion of the lands irrigated would be affected and to what extent would the value of the lands that would be taken be affected?

Mr. MONDELL. I assume there are at least 200,000 acres of land that will be irrigated from the waters of the Snake River.

Mr. MANN. They can afford to build a bridge.

Mr. FITZGERALD. Then this bill provides that this money should be paid out of the reclamation fund. My recollection is that the reclamation fund was depleted, and the Congress was required to advance not less than $20,000,000, and the issuance of bonds for the purpose of obtaining that money was authorized.

Mr. MANN. The reclamation fund is constantly having money poured into it.

Mr. FITZGERALD. And more constantly having it poured out.

Mr. MONDELL. It would simply be charged against the project, and there is money in the fund.

Mr. MANN. I believe in charging money against the project.

Mr. FERRIS. I would like to hear the amendment of the gentleman from Illinois again. I think I am opposed to the whole performance here.

Mr. MANN. The amendment is:

Provided further, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction or development of which have caused the necessity for such bridge.

Mr. FERRIS. Are the settlers in that particular project able to have any more piled to their present charge per acre for irrigation service?

Mr. MANN. If we believe——

Mr. FERRIS. I am opposed to passing a bill by unanimous consent, letting the reclamation fund, which belongs to the various States, any longer to be diverted and sent off on different missions. Surely no one intended the reclamation fund to be used for bridges, roads, and so forth.

Mr. MANN. That is the purpose of this amendment.

Mr. FERRIS. For instance, our State contributed about $6,000,000 to this fund and as yet has never had anything expended. We are anxiously asking that something be expended. Here we are appropriating $20,000,000 to reimburse a depleted fund, and they come along here and ask to build a bridge out of it.

Mr. MONDELL. If the gentleman has studied the question, he will see that we are not depleting the fund. The gentleman certainly does not want the irrigation of lands to interfere with

the highways of those not interested or helped. Now, let me call the gentleman's attention to this fact, that no reclamation project has been built in the United States where it was not necessary to build roads and bridges. The gentleman certainly would not have the Reclamation Service tear up the whole countryside, dig great channels, and not restore the roads as they were. And the service is doing that all the time.

Mr. FERRIS. The gentleman would feel most gracious if he could get one cent in his State for irrigation and we would build our own roads and bridges.

Mr. MANN. That is what they all say in advance.

Mr. FERRIS. There is yet much land to irrigate, and here you are trying to build bridges out of the funds of the people and the Federal Government reclamation funds. No such diversion ought to be thought of or proposed seriously.

Mr. MONDELL. The settlers pay for this bridge.

Mr. MANN. As to the question of the lake, if the reservoir backs up the water so a bridge must be built, it seems to me it is properly chargeable to the cost of that project.

Mr. FERRIS. Let me ask the gentleman from Illinois a question. I was not in the committee when this bill was reported. If the gentleman's amendment is adopted, will every cent of the cost of that project be reimbursable and be returned to the reclamation fund, as the reclamation laws provide?

Mr. MANN. It will.

Mr. FOSTER. That is, outside of the State of Wyoming.

Mr. MANN. It will all be returned, the same as in other reclamation projects.

Mr. FERRIS. We will have, you think, as good an opportunity to get this back as we have the other spent for legitimate reclamation?

Mr. MANN. A better opportunity to get this back than most of them.

Mr. FERRIS. There is such a thing as demanding so much of a settler he will never pay any part of it. What does the project cost per acre in this particular project?

Mr. MONDELL. There are three or four projects in Idaho, and I think the highest is comparatively low.

Mr. MANN. The limit of this expenditure is $18,000.

Mr. FERRIS. This is not to be taxed to three or four different projects, is it?

Mr. MONDELL. It will be charged to the land watered by water from the Snake River impounded in Jackson Lake.

Mr. FERRIS. Did the gentleman, or did he not, accept the amendment of the gentleman from Illinois?

Mr. MONDELL. Oh, yes; because I think that would do what would occur in any event.

Mr. TAYLOR of Colorado. If the gentleman from Oklahoma will yield——

Mr. FERRIS. I have not the floor.

Mr. TAYLOR of Colorado. The committee understood, as the gentleman from Wyoming said, that it would be chargeable to that project or to projects irrigated by the river below this project, and if there is any question about it, I think it would be perfectly proper to accept the amendment of the gentleman from Illinois.

Mr. FERRIS. If the amendment is adopted, so that the reclamation fund will be reimbursed, what is the amount per acre on top of the reclamation charge?

Mr. TAYLOR of Colorado. We have not figured that out. If there are 200,000 acres and you distribute $18,000 over them, you can figure it out.

Mr. FERRIS. There probably is not that much. What acreage will this be assessed against?

Mr. MONDELL. I think one Government project on that river has 150,000 acres, and one of the private projects has almost as much, and there are other projects on the river besides.

Mr. FERRIS. What would be the legal effect of incorporating an amendment on this bill now imposing a charge on the settlers after they already had an irrigation ditch constructed for them? How could we legally impose such a condition upon them?

Mr. MONDELL. Those charges are being added all the time.

Mr. FERRIS. I have this in mind: Suppose I, as a settler, go into an irrigation scheme with the Federal Government, and I agree to reimburse the Federal Government for its outlay in 10 annual installments, and the Federal Government agrees with me that the cost will not be more than $60 an acre, or whatever the cost may be—a definite sum. Then can such an amendment as the gentleman from Illinois suggests add on five, ten, or fifteen dollars more per acre without my consent?

Mr. TAYLOR of Colorado. They are doing that all the time.

Mr. FERRIS. If that be the case, this will result in only one thing, and that is the diverting of $18,000 from the reclamation fund.

Mr. MONDELL. It is not diversion of the fund, but use of the fund for an entirely proper purpose.

Mr. SMITH of Texas. This is a part of the legitimate cost of the project.

Mr. FERRIS. But what has the gentleman to say about this proposition: Suppose five years ago the Federal Government went out into Wyoming, or into Arizona, or wherever it is, and put in a reclamation project under a contract that they should have that irrigation done at $34 an acre, for example. What right has the Federal Government to come in later and say, "You must pay your proportionate part for a bridge costing $18,000 in addition"?

Mr. SMITH of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. I do not think I have the floor, Mr. Speaker.

Mr. MONDELL. Would not the Reclamation Service under such circumstances have the right to change the amount to be paid by each settler?

Mr. MANN. The Reclamation Service has not the power to do that.

Mr. SMITH of Texas. But the Reclamation Service can not foresee the total cost of these projects. A great many things arise after they begin construction and after they have contracted with the farmers and water users—things that they can not foresee—and the cost of the project may be much more than it was estimated it would be in the beginning. And yet the contracts with the water users are being adjusted from time to time to cover these additional costs, and this is not at all unusual. Really this is an advantage to——

Mr. FERRIS. How many bridges has the Government built out of the reclamation fund, in the past 10 years, of $60,000,000 they have expended?

Mr. SMITH of Texas. About 32 projects are being constructed——

Mr. FERRIS. How many bridges?

Mr. SMITH of Texas. I do not know as to that.

Mr. MARTIN of South Dakota. Mr. Speaker, I think I can throw some light on that if the gentlemen care to know. The building of bridges is a common necessity in these irrigation works. For instance, in the Bellefourche project in my own State there is what is called the main diversion canal, which carries the water from the river to the storage reservoir—6 miles—and that crosses a public highway, because of the existing public highways, every mile. It goes through a country where no bridges were needed until they cut that deep and wide canal, and in the construction of the irrigation enterprise the Government would, of course, put a bridge over the canal on every highway where they constructed a canal through; otherwise the highways could not be used.

Mr. FERRIS. Do they do that as a part of the original project or after the project is completed?

Mr. MARTIN of South Dakota. They did it as part of the original project.

Mr. FERRIS. That is another matter altogether and not in point. The facts stated do not fit this case at all. This is simply a case of diverting funds, and it ought not to be done now or in the future. There has been too much favoritism already in that fund. I think, Mr. Speaker, we had better not divert any more of this fund. If they have general power to build roads and bridges it ought to be taken from them at once. As soon as I get time I think I shall interest myself in that matter and try to repeal any such powers.

Mr. MONDELL. I will say to the gentleman that roads and bridges are constructed, being built by the Reclamation Service, where in the construction of their works they flood roads or otherwise render them difficult or impassable. In this particular case the service does not consider the damage done so direct that they are justified in building the bridge or contributing toward it without the direction of Congress.

Mr. FERRIS. I object, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] objects, and the bill is stricken from the calendar.

RAILWAY THROUGH CERTAIN PUBLIC LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Clinton & Oklahoma Western Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma be, and the same is hereby, empowered to survey, locate,

construct, maintain, and operate a railway, telegraph and telephone lines through the following public lands, to wit: The southwest quarter of section 29, township 14 north, range 20 west of the Indian meridian, and the southeast quarter of section 30, township 14 north, range 20 west of the Indian meridian, in the State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph and telephone lines, and for no other purpose, a right of way 50 feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *And provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is to grant a right of way to a railroad company to construct and operate a railway through certain public lands. There is no provision requiring that any compensation shall be paid by the railway company for the use of this 150-foot strip. Would not the gentleman from Oklahoma be willing to amend the bill so that the railway company shall pay what shall be reasonably fair for this land?

Mr. MORGAN. Mr. Speaker, I will state that on the 22d day of June, 1910, Congress enacted a law granting a right of way through an Indian reservation to an electric railroad without requiring the company to pay for the right of way. In drawing up this bill I followed the precedent of that bill.

Mr. MANN. How wide was that right of way?

Mr. MORGAN. That was 50 feet.

Mr. MANN. And this is 150 feet.

Mr. MORGAN. No; only where they have sidetracks. It is 100 feet following the general route of the railway.

Mr. MANN. This is 100 feet, then. The gentleman thinks that because we imprudently gave away a strip 50 feet wide, therefore we should imprudently give away another strip 100 feet wide?

Mr. MORGAN. I will state, Mr. Speaker, that this little reservation is probably 50 or 60 miles from a railway. There is a company trying to build a little railroad up through that country. The citizens and the farmers generally donate the roadway and the towns give a big bonus. It is difficult to get capital to work there. I do not think the railroad would have any serious objection to the amendment suggested by the gentleman from Illinois.

Mr. MANN. I have already discussed the matter with the gentleman from Oklahoma and told him that I should object unless he offered an amendment. I presume the gentleman has the amendment, and if he does not offer it I shall object.

Mr. MORGAN. In view of the possibility of it being objected to on that ground, I have prepared an amendment, which I will offer.

The SPEAKER. Is there objection to the further consideration of the bill.

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 8, after the word "lands," insert the words "for Indian school purposes."

The committee amendment was agreed to.

The Clerk read as follows:

On page 2, line 8, strike out the word "fifty" and insert the words "one hundred."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 12, after the word "roadbed," insert the words "and sidetracks," and in line 13, after the word "hundred," insert the words "and fifty."

The committee amendment was agreed to.

The Clerk read as follows:

On page 3, line 2, after the word "the," insert the word "construction."

The committee amendment was agreed to.

Mr. MORGAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, line 4, page 3, by striking out the period after the word "interior," and insert the following words, to wit, "and pay for such roadway the appraised value therefor, which shall be ascertained under such rules and regulations as shall be prescribed by the Secretary of the Interior, and the proceeds thereof shall be used by the Secretary of the Interior for the use and benefit of the Cheyenne and Arapahoe school.

Mr. FOSTER. Mr. Speaker, may I inquire of the gentleman if the word "roadway" includes the sidetracks as well as the roadway in his amendment? It simply says "the roadway." I would like to ask whether that includes the side tracks?

Mr. MANN. There would be no side tracks unless there was a station.

Mr. MORGAN. I should think the side tracks would be a part of the roadway.

Mr. FOSTER. Would not the gentleman be willing to amend the amendment by including side tracks?

Mr. MORGAN. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I do not think that is necessary. The only difference is that the ordinary roadway is 100 feet wide, and where there are side tracks required it is 150 feet wide, so it is all roadway; the whole matter is under the control and discretion of the Secretary of the Interior.

Mr. FOSTER. The only question is whether the word "roadway" includes all the side tracks.

Mr. STEPHENS of Texas. I think if the gentleman examines lines 12 and 13, page 2, where it provides for the construction and maintenance of the roadbed and side tracks not exceeding 150 feet in width, he will see that they are both included.

Mr. FOSTER. It says "the roadway 100 feet," and then it speaks about the "roadbed and side tracks."

Mr. STEPHENS of Texas. The gentleman understands that it is all the same construction, the only difference being that where there are side tracks the roadway is 150 feet wide, and the other parts of the road are only 100 feet wide.

Mr. FOSTER. As long as you use the words "roadbed and side tracks" it seems to me that the words "side tracks" ought to go into the amendment.

Mr. STEPHENS of Texas. I do not think it is necessary.

Mr. FOSTER. Is the gentleman from Oklahoma willing to include the words "side tracks" in his amendment?

Mr. MORGAN. Yes. Mr. Speaker, I move to amend the amendment by inserting after the word "roadway" the words "and side tracks."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert, after the word "roadway," in the first line of the amendment, the words "and side tracks."

The amendment to the amendment was agreed to.

The SPEAKER. The question now recurs on the amendment as amended.

The question was taken, and the amended amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COUNCIL FOR NATIONAL DEFENSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 1309) to establish a council of national defense.

The Clerk read the bill at length.

Mr. HAY. Mr. Speaker, I reserve the right to object.

Mr. SISSON. Mr. Speaker, I will object. If the gentleman from Alabama wishes, I will reserve the right to object.

Mr. HAY. Mr. Speaker, I reserved the right to object for the purpose of asking the gentleman from Alabama a question.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] and the gentleman from Virginia [Mr. HAY] both reserve the right to object.

Mr. HAY. I would like to ask the gentleman from Alabama if he would object to having this bill, in the event it is now considered by the House, referred to the Committee on Military Affairs? In view of the fact that there is more of the national defense under the jurisdiction of the Committee on Military Affairs than there is under the committee which considered this bill, does not the gentleman think that it ought to be referred to the Committee on Military Affairs?

Mr. HOBSON. Does the gentleman mean that it shall be referred to the Committee on Military Affairs for a report?

Mr. HAY. Yes; referred to the committee for its consideration.

Mr. HOBSON. Will the gentleman be kind enough to state what changes or amendments he would like made to it?

Mr. HAY. It is impossible for me to do that, but I would like to have the Committee on Military Affairs have an opportunity to consider the bill and to make any changes in it that the Committee on Military Affairs might deem advisable.

Mr. HOBSON. The gentleman is perfectly correct in saying that the Committee on Military Affairs is very largely involved in the bill, as is a number of other committees, including the Committee on Foreign Relations, the Committee on Appropriations, as well as the Naval Committee. Of course, any one of these committees would have legitimate jurisdiction. I requested its reference to the Naval Committee. I do not see why the gentleman should ask it to be sent to his committee any more than to have it sent to the various other committees involved. I would have no objection, except as a matter of time.

Mr. HAY. I would have no objection to its being considered by the Committee on Foreign Affairs or the Committee on Appropriations.

Mr. MANN. Does not the gentleman think it ought to be sent to the Committee on Public Safety? [Laughter.]

Mr. HAY. Yes; if there was such a committee, I think it should be. But if the gentleman objects to that course being taken, I should be compelled to object to the present consideration of the bill.

Mr. HOBSON. The gentleman recognizes that if it is referred to the Committee on Military Affairs that is equivalent to its not being considered.

The SPEAKER. The matter is not debatable. The gentleman from Virginia objects, and the bill will be stricken from the calendar.

MAKING ASHTABULA, OHIO, A SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That Ashtabula, Ohio, be, and the same is hereby, established a subport of entry in the customs collection district of Cuyahoga, Ohio, and that the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Ashtabula, Ohio.

The SPEAKER. This bill is on the Union Calendar.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LIFE-SAVING APPARATUS ON OCEAN-GOING STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4400 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, public vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers to or from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer in any of the ports of the United States respecting any of the provisions of the sections aforesaid.

"That there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality: *Provided*, That the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued."

SEC. 2. That section 4488 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4488. Every steamer navigating the ocean or any lake, bay, or sound of the United States shall be equipped with such lifeboats, floats, rafts, life preservers, ring buoys, water lights, ring-buoy lights, line-carrying projectiles, and the means of propelling them, and such other life-saving and fire-fighting devices as will best secure the safety of all persons on board such vessel in case of disaster, and in addition thereto steamers navigating the ocean shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every such vessel shall have such lifeboats provided and equipped with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessel is under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water; and every vessel shall be equipped with a search-light of sufficient power to be an efficient aid in the safe navigation of said vessel in the nighttime.

"The Board of Supervising Inspectors shall fix and determine by their rules and regulations the character and equipment of lifeboats, floats, rafts, life preservers, ring buoys, searchlights, water lights, ring-buoy lights, line-carrying projectiles and the means of propelling them, and such other life-saving and fire-fighting devices that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer of water in case of heavy leakage, the capacity of such pumps or appliances being suitable to the navigation in which the steamer is employed, but shall have no discretion whatever with respect to the number of lifeboats on steamers navigating the ocean, such number to be determined solely by the actual capacity of such lifeboats to carry and transport at one time all of the passengers and members of the crew licensed to be carried on board the vessel.

"Every vessel subject to the provisions of this title shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew. It shall be unlawful for any such vessel to sail from any port of the United States without first obtaining from the local inspectors a certificate specifying the number of passengers and crew licensed to be carried on board, and that such vessel is fully equipped as hereinbefore provided.

"Every captain, owner, and charterer of such vessel, and, when the owner or charterer shall be an association or corporation, every executive officer and every resident general agent of such association or corporation for the time being actually charged with the control and management of the operation, equipment, or navigation of such vessel, who shall knowingly and willfully cause or allow or permit such vessel to sail from any port of the United States without being equipped as hereinbefore provided, and without obtaining the certificate hereinbefore provided, shall, upon conviction, be fined not less than $1,000 nor more than $5,000, and may, in addition thereto, be imprisoned not exceeding 10 years, in the discretion of the court.

"Any person who knowingly or willfully manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell, any other material commonly used for the preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than $2,000 and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

SEC. 3. That section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after July 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and carrying 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, under all atmospheric conditions safe for an operator to work.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart."

SEC. 4. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-going cargo steamers shall take effect on and after July 1, 1913.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. JONES. Mr. Speaker, reserving the right to object, I desire to make a statement. There are a number of us who, notwithstanding that this is a very important bill and one that ought to be considered at some length, will raise no objection to its consideration provided an amendment I desire to offer is acceptable to the committee. I have submitted this amendment to the gentleman from Missouri [Mr. ALEXANDER], who is chairman of the committee, and he agrees with me that it ought to be adopted. I will read the amendment for the information of the House, and I wish to add that so far as I am concerned, if it can be understood that it will not be opposed, but will be accepted by the committee when the time comes to offer it, I shall not oppose consideration of the bill. Otherwise I shall feel obliged to do so.

I propose to amend section 2, on page 3, in line 18, by inserting after the word "ocean" the words:

Except such as are exclusively engaged in fishing, which steamers shall only be equipped with such boats as in the opinion of the Board of Supervising Inspectors are adequate to the safety of every member of the crew licensed to be carried on such fishing steamers.

The section as drawn would require that all fishing steamers on both the Atlantic and Pacific coasts should be equipped with life boats, although they are not licensed to carry passengers, and, as a matter of fact, do not carry passengers. There are a great many important fishing industries located along both these coasts that own steamers engaged exclusively in the fishing business.

These steamers carry on the average, I think, from 25 to 30 men in their crews. Each one is equipped with large seine boats, built after the style of whaling boats, which are regarded by the sailors who use them as being stronger and safer than so-called lifeboats. If they were required to carry lifeboats they would have no place to put them unless they discarded the seine boats, and then, of course, they would have to go out of the fishing business. No one of the steamers carries less than two boats, and these boats are capable usually of carrying as many as 50 or 60 men. I know that some of them are capable of carrying 60 persons, and I think they are all about the same size and capacity, so that one of them is capable of carrying double the total number of the crew of the steamer. If the steamers were required to carry lifeboats, no sailor would ever in case of disaster enter one of them, for he would prefer the boat which he has been accustomed to all of his life.

Mr. FITZGERALD. Would these boats not be construed to be lifeboats within the meaning of this act?

Mr. JONES. I think not.

Mr. FITZGERALD. Why not?

Mr. JONES. I have not examined the law which this bill amends, but I think the lifeboats are required to be constructed in a certain way—with water-tight compartments, for instance.

Mr. FITZGERALD. I think not. I think the term "lifeboat" is a generic term, used to designate boats carried on vessels to be used in case of emergency.

Mr. JONES. These are not carried, I would say, primarily for the purpose of saving life, but for the purpose of laying out seines.

Mr. FITZGERALD. And are of the type of lifeboat?

Mr. JONES. They are so constructed that they are, in fact, excellent lifeboats, but I do not think of the type prescribed by the regulations for what are known in the law as lifeboats.

Mr. MANN. Would not this bill also require, if they were lifeboats, that the vessels should carry suitable boat-disengaging apparatus, so that these boats could be launched while the vessel was under full speed?

Mr. JONES. I think that is true.

Mr. MANN. That is impossible on a fishing boat.

Mr. JONES. Yes. And yet, of course, these steamers have apparatus by which their boats are lowered, because in the fishing season they are constantly lowered. The seines are laid out by the boats and not by the steamers. As soon as the lookout on the steamer reports the presence of a large school of fish, the boats are lowered into the water and they carry the seines around the fish. These seines are called purse nets, because they are constructed after the fashion of the old silk purse.

I am somewhat familiar with this subject, because the menhaden fishing industry is a very large and important one, and there are a great many fishing steamers owned in the district which I have the honor to represent. In one little town in my district there are perhaps as many as 20 or 30 of them owned.

Another objection to requiring fishing steamers to have lifeboats, although that which I have given is an insuperable objection, is that there is at this time such a demand for lifeboats that it would be impossible to procure them for several months to come. The fishing season would be over before they could possibly be procured, which would result in immense loss to the owners of the steamers and throw thousands of sailors and other employees out of work.

Mr. Speaker, therefore, with the understanding that the committee will accept my amendment when the time comes to offer it, I shall make no objection to the consideration of the bill.

Mr. MANN. Mr. Speaker, I still reserve the right to object.

Mr. WEEKS. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois, the gentleman from Massachusetts, and the gentleman from Pennsylvania reserve the right to object.

Mr. MANN. Mr. Speaker, I had intended to ask a question or two about this bill, but I think it is too important a measure to pass by unanimous consent. There are a good many things in it that probably ought to be amended and certainly ought to receive special consideration, therefore I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. ALEXANDER. Mr. Speaker, I hope the gentleman from Illinois will not object. I think he is aware that the calendar is in such a condition that it is hardly possible for us to get this measure up on a call of committees on Calendar Wednesday, and if there are any amendments suggested that meet the approval of the House I certainly will not oppose them, and as this is a matter of large public importance, one that demands consideration, I hope the gentleman from Illinois will not object. If he has any amendments to suggest, I am sure the House will take time to consider them, and if they meet the approval of the House they will be adopted.

Mr. MANN. Mr. Speaker——

The SPEAKER. Of course this conversation is taking place by unanimous consent.

Mr. MANN. Well, I reserved the right to object. It is now after 3 o'clock and the House has been in session on the Unanimous Consent Calendar for four hours and the Unanimous Consent Calendar has not been half completed. If this bill were taken up for consideration, it will occupy the balance of this afternoon and for some time probably besides that, and it seems to me that is hardly fair to the other gentlemen who have bills on the Unanimous Consent Calendar. I do not have any, but the gentleman has some other bills on the calendar, one of which I believe duplicates a part of this.

Mr. ALEXANDER. No; it is not on the calendar.

Mr. MANN. I think this bill requires some things which the Government of the United States has no right to require and requires some of doubtful propriety, although I would have no objection whatever for the consideration of the bill if time would permit. Therefore I feel constrained to object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

BRIDGE ACROSS RUSSELL FORK OF BIG SANDY RIVER, MILLARD, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at or near Millard, Ky.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across the Russell Fork of the Big Sandy River, at a point suitable to the interests of navigation, at or near Millard, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Of course, the bill H. R. 24025 is stricken from the calendar.

BRIDGE AT OR NEAR COUNCIL BLUFFS, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

The Clerk read as follows:

Be it enacted, etc., That the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, is hereby amended so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under said act, if the actual construction of the bridge authorized by said act is commenced within one year and completed within three years from the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. MANN. Does the gentleman from California desire to ask something on this bill?

Mr. RAKER. Yes; I would like to have an explanation from the gentleman in charge of it.

Mr. GREEN of Iowa. I would be pleased to give an explanation.

Mr. ADAMSON. I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, in order that gentlemen may fully understand the nature of this bill and the rea-

sons for introducing it I will have to make a brief statement concerning it. Council Bluffs, as gentlemen of the House are doubtless aware, has seven great trunk lines centering into it, largely engaged in transcontinental traffic. Five of those lines use this bridge exclusively, one uses it to a large extent, and one other of those lines, the Illinois Central, uses another bridge a considerable distance north of the city, which is not available for general purposes.

Mr. ADAMSON. If the gentleman will permit me to suggest to him, I think two or three gentlemen are laying for me now to ask me why you have not built this bridge sooner and why you have had to ask for a renewal of the grant three or four times, and while the gentleman is on the floor I hope he will furnish me the information, or to the House, before they ask me to explain to them why it is you have had to come back three of four times for a renewal of the grant.

Mr. GREEN of Iowa. I was just coming to the matter to which the gentleman alludes. The construction of a bridge there is a very important matter, and likewise it is a very expensive matter. It costs in the neighborhood of a million and a half dollars to build a bridge there, as I understand, and it is not easy to raise the money. This company has heretofore been given leave to construct this bridge, but was unable to raise the funds within the time fixed. It is a great undertaking to provide the necessary funds, and the reason for its necessity is that this bridge, which now extends to Council Bluffs and which is used by these trunk lines for all this enormous traffic which passes over it, is wholly insufficient for that purpose. Transcontinental traffic is often delayed as much as two hours—even mail trains and passenger trains—and sometimes longer on account of the congestion of traffic over this bridge. On account of the transcontinental traffic, either mail, passenger, or freight, we ought to be willing to give an opportunity to some one to construct another bridge, as the Union Pacific Railroad so far does not seem willing to give the additional facilities which are necessary to accommodate this traffic. The large amount of money that is to be raised and the fact that this local company seems to be the one that is undertaking, and the only one that is willing to undertake it, has made considerable difficulty in raising the necessary funds. About the time they got their arrangements made and completed the time expired, and——

Mr. RAKER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. RAKER. I see this act was authorized back on February 1, 1908. Has there been any effort made to build the bridge or any work done up to the present time?

Mr. GREEN of Iowa. There has been no work done or this act would not be necessary.

Mr. RAKER. Well, they might have started work and not completed it within the time of the act.

Mr. GREEN of Iowa. That is true, but there has been no work done except the work of endeavoring to finance it.

This proposition is not quite as alluring an opportunity to finance as we might wish, owing to the fact that the traffic over the bridge might be largely under the control of the Union Pacific Railway Co. Nevertheless, the urgent necessity for the bridge exists, not only for this railway traffic, but also as a means of communication between the cities. And it is the urgent desire of the cities of Omaha and Council Bluffs that this bridge be constructed, and that further opportunity should be given to this company to enable them to proceed with the construction.

Mr. RAKER. The gentleman would consent, undoubtedly, to add at the end of this act, on line 3, page 2, the following amendment, to be known as section 2:

The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GREEN of Iowa. That was in the original act, which was amended.

Mr. RAKER. We want it in this act, too.

Mr. GREEN of Iowa. Very well.

Mr. RAKER. You would consent to that, would you?

Mr. GREEN of Iowa. I will consent to that.

Mr. ADAMSON. That is in the old act?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. This is a new one now.

Mr. GREEN of Iowa. I hope, on account of the urgent need for this bridge, the gentleman will not insist on an objection. The company believes that it now has the arrangements made to obtain the necessary funds to construct the bridge.

Mr. ADAMSON. There seems to be no other reservation, Mr. Speaker.

Mr. MANN. Mr. Speaker, I would like to offer an amendment as to the right to alter, amend, or repeal.

Mr. GREEN of Iowa. The gentleman from California [Mr. RAKER] has already asked that that be added, and I consented to it. Will the gentleman from California [Mr. RAKER] propose his amendment?

Mr. RAKER. We have not got the right yet to proceed.

Mr. ADAMSON. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. ADAMSON. I have no objection to adding another section to the effect "that the right to alter, amend, or repeal is expressly reserved."

Mr. RAKER. Mr. Speaker, I offer the following amendment:

Add a new section at the end of line 3, page 2, to read as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RUSSELL FORK, MARROWBONE, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across Russell Fork of the Big Sandy River at a point suitable to the interests of navigation, at or near Marrowbone, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPTURED AND ABANDONED PROPERTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16820) to revive the right of action under the captured and abandoned property acts, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of action is hereby vested in the legal representatives of the original owner, if deceased, in the courts of the United States under the provisions of the captured and abandoned property acts, and the said acts be, and the same are hereby, revived for two years after the passage of this act, including all cases of seizure under said acts or under color thereof, without regard to the limitation in said acts: *Provided, however*, That when any of such claims have been filed with the Secretary of the Treasury or in the Court of Claims, or with Congress, or any committee thereof, and proof taken in relation thereto, the testimony so taken, whether upon the part of the United States or the claimant, when the witnesses are dead or can not be found, may be read in evidence as if taken regularly in the case.

SEC. 2. That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty, and to all suits which have been instituted in said court for the proceeds of property under the provisions of said act of March 12, 1863, and the acts amendatory thereof, which have been heretofore dismissed by the Court of Claims for the want of jurisdiction thereof or other cause; and all suits for the proceeds of such property which have been so rejected or dismissed by said court for want of jurisdiction or other cause shall, on motion of the claimants or their heirs or legal representatives, be reinstated on the docket of the Court of Claims and proceeded with according to law under the provisions of this act.

SEC. 3. That all judgments rendered under said act shall be paid to the original owner or to his legal representatives by the Secretary of the Treasury as soon as may be after the same is rendered, out of any moneys in the Treasury not otherwise appropriated. All petitions filed under this act and by authority thereof shall be verified by the petitioner, and he shall make oath therein that nothing has been received for or on account of the said claim, or any part thereof, from the United States; and all of said petitions shall be heard, tried, and disposed of by said court within two years after the passage of this act; and all judgments rendered under said act, and any and all payments thereon, shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claim.

SEC. 4. That any and all departments of the Government shall furnish to the claimant or the counsel for the United States, in any and all claims filed in said court by virtue of this act, copies duly certified, under seal of the department, of any and all papers or documents in the custody of the department in respect to said claims which contain evidence in support or defense thereof.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in just what respect does this

differ from the so-called Bartlett amendment, which was inserted in the judiciary act conferring jurisdiction upon the Court of Claims?

Mr. BYRNES of South Carolina. The Bartlett amendment provided for the revival of the right of action in all cases wherein the property was taken after June 1, 1865. And this revives the right of action in those cases where the property was taken before June 1, 1865. It is reported unanimously by the War Claims Committee.

Mr. MANN. And removes the ground of defense of disloyalty?

Mr. BYRNES of South Carolina. As the chairman of the committee suggested to me, that defense never existed as to captured and abandoned property.

Mr. MANN. The bill expressly provides:

That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty.

Mr. SIMS. If the gentleman will permit me, the decision of the court holding the question of disloyalty did not apply was subject to a great many definitions as to the charge of disloyalty.

Mr. BYRNES of South Carolina. Under the decisions of the court I do not think it would be necessary to prove loyalty in these cases. Reference to the decisions is made in the report of the committee, which reads as follows:

By the act of March 12, 1863, known as the captured and abandoned property act, and acts amendatory thereof, the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States then in insurrection, the proceeds thereof to be paid into the Treasury of the United States. The act provided that the property to be collected under it "shall not include any kind or description which has been used, or which has been intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war."

Nine districts were established, and an agent appointed for each. A large amount of property in the States in insurrection was seized and the proceeds, amounting to over $30,000,000, reported to the Secretary of the Treasury. The money was treated as a trust fund under the control of the Secretary. Under joint resolution approved March 30, 1868, it was provided that all moneys derived from the sale of captured and abandoned property "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States." The balance covered into the Treasury under this resolution was $20,971,790.96.

The third section of the act of March 12, 1863, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, *and that he has never given any aid or comfort to the present rebellion,* to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision a considerable number of claims were preferred to the Court of Claims and judgments recovered.

The following is believed to be a substantially correct statement of the payments that have been made from the amount covered into the Treasury under the said resolution of March 30, 1868:

On judgments under act of Mar. 12, 1863	$9,852,956.95
On judgments against Treasury agents	65,276.79
Disbursed for expenses under joint resolution of Mar. 30, 1868	242,140.34
Paid on special acts of relief	451,125.38
Paid by Secretary of Treasury under act of May 18, 1872	195,896.21
On judgment Court of Claims, Duffy, Report C. C., 24275	15,270.00
Under private act, 25 Stat., p. 1310	32,669.20
Under private act to Briggs, paid Mar. 20, 1894	88,104.21
Total	10,943,439.08

Deducting the above amount from the amount covered into the Treasury under the resolution of March 30, 1868, it will be seen that the sum now in the Treasury, and undisposed of, is $10,028,351.88.

The sole purpose of this bill is to extend the limitation upon the jurisdiction of the Court of Claims for a period of two years to entertain suits to recover the proceeds of the property of claimants where it can be established that such proceeds were actually covered into the Treasury of the United States under the act of March 12, 1863, and the acts amendatory thereof, and at the same time to safeguard every right and proper interest of the Government. This money does not belong to the Government. Proper legislation should be enacted with a view to distributing same to its owners.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not until 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, *was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.*

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, *and for those whom it should thereafter recognize as entitled.*"

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, *though then hostile, might subsequently become loyal* appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. *The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon.* * * *

"*The restoration of the proceeds became the absolute right of the persons pardoned* on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of the United States *v.* Padelford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds in trust, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that, Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court, to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—*parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement.* It requires no argument to prove that a right may exist where there is no remedy for its enforcement, and this was, and is to-day, the precise predicament

of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived, and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims."

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections 1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitations in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticize further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested, if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the Nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the Nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than 30 years the Government has had the use of this money.

For more than 40 years the claimants have been appealing to Congress for relief, and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Rept. No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (H. Rept. No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (S. Rept. No. 1634).

The same in the Fifty-seventh Congress, first session (S. Rept. No. 1292).

The same in the Fifty-eighth Congress, second session (S. Rept. No. 1861).

The same in the Fifty-ninth Congress, first session (S. Rept. No. 3290).

The same in the Fifty-ninth Congress, second session (H. Rept. No. 7540, from the Committee on War Claims, on H. R. 25400).

Your committee report back the bill and recommend its passage.

Mr. MANN. Mr. Speaker, when the House agreed to the Bartlett amendment a year or two ago, and in conference it went into the law, every claim agent and claim attorney in this town became as active as an ant in a squirming hive. They commenced to discover these claims. They have been working very hard ever since that time to get under all the claims that were allowed. This bill would take $10,000,000 out of the Treasury, which would not go to anybody that it really belonged to, and therefore I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8738) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD as the conferees on the part of the Senate.

PUBLIC BUILDING, HURON, S. DAK.

The next business on the Unanimous Consent Calendar was the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee [Mr. AUSTIN] why is the limit of cost recommended to be increased in this bill?

Mr. AUSTIN. I will ask the gentleman from South Dakota [Mr. MARTIN] to answer that question.

Mr. MARTIN of South Dakota. Mr. Speaker, the plans and specifications for this Government building called for the con-

struction of a building of what is known as New Bedford stone, and when the bids were in the lowest bid came within $6,000, or about that, of constructing the building of that material. The Treasury Department then modified the plans so as to have the stone used on three sides and brick upon the fourth side, but reserved the right to substitute the stone called for in the contract.

This building is in the center of the town of Huron, a very sightly place, and if constructed without this increase of appropriation it would have to be constructed one side of brick and the other three sides of stone. The foundations are now in. It is an emergency item and is to be provided for at this session in order to preserve the symmetry of the building.

Mr. FITZGERALD. What is the limit of cost?

Mr. MARTIN of South Dakota. In the neighborhood of $70,000 or $75,000. I can not state it exactly offhand. It is in the home town of one of the Senators from our State, and I am not as familiar with the facts as I would be if it were otherwise.

Mr. FITZGERALD. Why should this building be of Bedford stone?

Mr. MARTIN of South Dakota. That is a good article of construction. The building should be uniform in architecture, otherwise it would be entirely out of symmetry. The department has recommended that the building be constructed as originally designed.

Mr. FITZGERALD. Mr. Speaker, this is one of a great many instances that have been called to my attention in this Congress in which the following situation develops: The Congress authorizes a public building and fixes the limit of cost; the building is designed and the specifications are prepared, and then it is said that the building can not be built within the limit of cost fixed by Congress. Either the building is so designed that it can not possibly be constructed within the limit of cost fixed by Congress or the materials selected are of such a character that they can not be obtained within the limit of cost.

The city of Boston is now asking an increase of $300,000 in an appropriation——

Mr. MADDEN. It frequently happens in the construction of a building that you can not get plans and specifications made that will come exactly within the appropriation.

Mr. FITZGERALD. An increase of $300,000 is asked in a building that should have cost $1,500,000. After some investigation it appears, in my opinion, that the increase is necessary, because the architect proceeded upon the theory that the original appropriation asked for, $1,800,000, should have been put into the building, although he was informed that the amount of money available would be $1,500,000.

In the city of New York there is another building now under construction where bids were invited, and none of the bids were within the amount that the department asserted could be apportioned for the building. Alternates were then substituted, and the result was that the contract was finally awarded to one of the bidders who was not originally the low bidder. I suggested to the Secretary of the Treasury that he should either reject all the bids and invite new bids or else he should refer the matter to Congress before the contract was made; or if he made a contract for the building with the alternates substituted, it would be built in that way and no other. Within two or three days after the contract was made a representative of the architects visited me for the purpose of enlisting my aid in obtaining an appropriation of $300,000 additional, to put back the items eliminated and to restore the situation to what it had been before the alternates were substituted.

I do not know how many other such instances there are, but it seems that the business of the Government in constructing these public buildings is so conducted that it is impossible to get the law obeyed and buildings constructed within the limit fixed by Congress. I have come to the conclusion that, so far as I am concerned, I shall not consent to increasing the cost of any public building in any instance except in cases where, after the building has been authorized, there arises such a change of conditions in the community as to necessitate increased accommodations over those contemplated when the authorization was originally made. Somebody should be responsible; somebody should be held responsible for these conditions.

If the gentleman from Illinois were to employ an architect to design a building and that architect came and recommended that he make a contract to erect a building, three sides of one character of construction or material and the other side of a different character of material, with a reservation in the contract that the owner might, if he desired, substitute on the fourth side the material that was to go on the other three sides, there would be a change of architects. If the gentleman from Illinois would do otherwise under such conditions, I would be glad to hear him tell of it. It is absolutely indefensible that our public-building business should be conducted in such a manner as makes it ridiculous at times.

Mr. MADDEN. Is it not a fact, if this building is to be constructed in a public square, and three sides are to be built of stone and one side to be built of brick, that the effect would be incongruous?

Mr. FITZGERALD. It is ridiculous. If the specifications require a particular stone for construction and the bids are in excess of the limit fixed by Congress, some other material should be substituted.

Mr. MADDEN. Bedford stone is the cheapest stone in the United States, the most easily secured, the most easily cut, the most desirable in every way, and the best stone that can be used, aside from granite, for the construction of a building. It is almost as cheap as brick and very much more ornate and more lasting, and I do not think the gentleman from New York ought to stand here for a mere paltry sum of $6,000 to destroy the beauty of a building of stone in the middle of a public square in the great city of Huron, S. Dak.

Mr. FITZGERALD. Unless we can have public buildings so designed and constructed that they can come within 10 per cent of the authorization before they are constructed, I am afraid I shall have to object.

Mr. MANN. Does not the gentleman think that he has feathers enough in his hat this time by not having a public building bill, so that he can let a few little trifling matters of chicken feed go through? [Laughter.]

Mr. FITZGERALD. The trouble about it, Mr. Speaker, is that there are a number of gentlemen who are in almost the same position. A whole procession of Members of the House can be found nearly every day between the floor of the House and the Committee on Appropriations asking for just such legislation as here proposed. We ought to have some knowledge of the number of cases that are to be attended to at this session of Congress, and how much such work will cost. My attention was called to a public building the other day, erected in a western State, occupied only three weeks, costing $50,000, that was falling down. A request was made for an appropriation of $20,000 or $30,000 to put foundations under it to keep the building from collapsing. There are two or three cases before the committee where public buildings have been erected with entrances so far from the grade of the street that unless something is done to provide money to construct steps from the street to the building nobody will ever be able to get into them unless they are expert climbers. No business establishment of the Government should be constructed in this manner. I desire to fix the responsibility for such conditions. The situation is absolutely indefensible, and for the present I shall be constrained to object to this bill.

Mr. LLOYD. Mr. Speaker, may I ask the gentleman what is the size of this town?

Mr. MARTIN of South Dakota. Between 7,000 and 8,000 inhabitants now.

Mr. LLOYD. In 1910?

Mr. MARTIN of South Dakota. In 1910.

Mr. LLOYD. What are the receipts of the Government?

Mr. MARTIN of South Dakota. About $30,000.

Mr. FITZGERALD. And $75,000 is insufficient to give them the facilities in proportion to the public business!

Mr. AUSTIN. This bill is to give them a fourth side of stone instead of brick.

Mr. FITZGERALD. Well, the town is sufficiently small to enable all of them to approach the building from the three other sides. [Laughter.]

Mr. BURNETT. Mr. Speaker, as acting chairman of the committee, I desire to make a brief statement. I think the Committee on Public Buildings and Grounds has been very careful.

Mr. FITZGERALD. I am not criticizing the committee, but the situation.

Mr. BURNETT. I understand; but I want to state the situation. The committee has been very careful and conscientious in reporting anything that was not an emergency case. In this case the foundations of the building are almost completed and the entire superstructure we expect to be inclosed the present summer and fall. If it is continued in its present form, it will have three sides of the building of stone and the fourth side of brick, which will be an unsightly building. All sides of the building are almost equally exposed. If it had been in a condition where work could have been continued without injuring the work already done, I believe the committee would not have made the report.

Mr. FITZGERALD. I want to call the attention of the gentleman to the fact that the report says that the foundations are not completed.

Mr. BURNETT. But they are nearly completed.

Mr. FITZGERALD. They have not started to erect the superstructure. If anything was to be done, the thing to do was to file such modification in the specifications as would require the use of a uniform material.

Mr. BURNETT. I understand the contract has been let and the contract could not be abandoned; the contractors would have to go on with the work. If they did not build it of stone, they would have to go with stone on three sides and the fourth side of brick. As I say, this was an emergency case.

Mr. MARTIN of South Dakota. I think the gentleman from New York should realize that every case should be considered on its own merits. The Committee on Public Buildings and Grounds are very conservative and do not report anything unless it is an emergency matter. Here is a case where the foundation is practically completed, as the architect of the Treasury has reported within a week. They have reached a place where they must know whether to complete it in stone or the fourth side in brick. I want to say to the gentleman from New York that in this case the citizens of Huron, in order to have a better building for the Government, in which to house the departments of the Government, have donated in the neighborhood of $15,000 without any cost to the Government whatever.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. Did I understand the gentleman from New York to make an objection?

The SPEAKER pro tempore (Mr. Cox of Ohio). The Chair was under the impression that the gentleman from New York reserved his objection.

Mr. MARTIN of South Dakota. I think under conditions of this kind, where the department has a general land office for the Government, a post office, a permanent signal office, that this is an emergency case.

Mr. FITZGERALD. My recollection is that the recommendation has been made from time to time to abolish that general land office at South Dakota, and my recollection is that when we passed the legislative bill no provision was made for it, so that the necessity for accommodation of that kind no longer exists. I can not understand the theory upon which any official of the Government should make such a contract with this reservation in it to substitute stone on the fourth side at some other time, the intention being to build up a situation where Congress might be coerced by such persuasive arguments as have been advanced increasing the limit of cost. I shall have to object for the present.

The SPEAKER pro tempore. The gentleman from New York objects, and the bill will be stricken from the calendar.

UNITED STATES IMMIGRATION STATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what site has been selected now for the immigration station?

Mr. TOWNER. The site already selected, under a misapprehension—or rather a mistake made in the language of the act passed—was really selected for a detention station. The object of the bill was for the purpose of selecting and purchasing an immigration station. The present detention station is about eight blocks from the river front; and, of course, an immigration station ought to be placed on the river front.

Mr. SABATH. Is it not a fact that the last appropriation was made for an immigration station?

Mr. TOWNER. No; not under the act.

Mr. SABATH. What was the amount in the last bill?

Mr. TOWNER. I do not remember the amount, but it was less than this.

Mr. BURNETT. The language of the act was for an immigration station, and it was construed by the department to mean a detention station.

Mr. SABATH. I so understood, and everyone else did, that the appropriation was for an immigration station.

Mr. BURNETT. One hundred and thirty thousand dollars was appropriated, and a lot was selected some six squares away from the water's edge, where the boats land.

Mr. SABATH. Who selected that site at that time?

Mr. BURNETT. I think it was selected by the Supervising Architect of the Treasury Department, and perhaps in connection with him some employee of the Secretary of Commerce and Labor. As I recollect, $14,000 was expended for that site. A number of the members of the committee, I think, perhaps, six, visited Baltimore, and we found that the site was six or seven squares away from the water's edge.

Mr. SABATH. The members of what committee?

Mr. BURNETT. Of the Committee on Public Buildings and Grounds, from which the bill was reported.

Mr. EDWARDS. Mr. Speaker, will the gentleman from Illinois permit me to interrupt here to ask a question of the chairman of the committee?

Mr. SABATH. Certainly.

Mr. EDWARDS. Mr. Speaker, I would like to ask the acting chairman of the Public Buildings and Grounds Committee how it happens that these special bills from the Public Buildings and Grounds Committee are coming in on this calendar when it has been established by a majority of the committee that we would not at this session have a public buildings bill at all?

Mr. BURNETT. I will answer that.

Mr. EDWARDS. It would seem to me that to permit bills of this character to go through will have the effect, at least, of placing in an embarrassing position a great many Representatives on the floor of the House, who will be deprived of securing any building bill.

Mr. BURNETT. I will say to the gentleman that no one is placed in any embarrassment greater than the members of the committee, because we knew if we established precedents that were not really emergency, we would be swamped with applications of the kind. Hence the committee has steered clear of cases that are not emergency cases. In this case there is no appropriation from the Treasury Department. It is simply an exchange of one site for another, and in case they do not get an even exchange, then the amount in excess is to be taken out of the original appropriation and applied to the purchase of the site.

Mr. EDWARDS. I take it, then, that the gentleman's committee considered the bill just objected to on the calendar and the one under consideration at present as emergency cases?

Mr. BURNETT. That is it exactly; and this one, we think, is peculiarly so, because of the fact that the accommodations at Baltimore are congested and are in a very bad condition. As all gentlemen know, I have been in favor to a very great extent of restricting immigration, but I have always been in favor of giving decent accommodations to the people brought here. The accommodations at that detention station are vile. They have a detention station there that is congested, and this site was purchased, as the department seemed to think, for a new detention station. The department selected it in an insanitary section of the city, up there where there are a number of industrial plants, where the slime and other effluvia are very bad. The gentleman from Maryland [Mr. LINTHICUM], who introduced this bill, is unfortunately away on account of the illness and perhaps the death of his brother in St. Louis. For that reason I am especially asking the careful consideration of the House.

Mr. SABATH. Mr. Speaker, I do not find any fault with the gentleman for introducing the bill. What I desire to know is, who is responsible for originally selecting this poor site and paying for it this large sum of money, when they should have known it could not be used for that purpose?

Mr. BURNETT. I think the criticism of the gentleman is just.

Mr. SABATH. This is not the first time that this has occurred. The same thing occurred in Philadelphia, where they were obliged to change the site two or three times before they finally selected the proper site.

Mr. BURNETT. I think the selection of this site, even for a detention station, was inexcusable. That is the way the department excuses itself—that they understood it was not for a general immigration station, but was merely a detention station.

Mr. SABATH. So the gentleman agrees with me that they are not competent in selecting the proper sites for a public building.

Mr. BURNETT. I think they manifested bad judgment in selecting this.

Mr. SABATH. And some change ought to be had in the department.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FITZGERALD. There are about 30,000 immigrants coming to Baltimore every year.

Mr. BURNETT. I think so, on an average.

Mr. FITZGERALD. Before this station was authorized the practice had been for the immigrants to leave the steamer and board the train right at the steamer?

Mr. BURNETT. Yes. The trains run right in there on a siding; but even that is congested.

Mr. FITZGERALD. Was not the original purpose of the appropriation to provide a place where those immigrants who were not passed could be detained pending whatever further investigation and examination were necessary?

Mr. BURNETT. That was the construction of the department.

Mr. FITZGERALD. Is not that the fact? I remember the legislation and I remember the discussion.

Mr. BURNETT. The legislation, as I remember, on the bill, was providing for an immigration station. I think I have it before me.

Mr. FITZGERALD. Leading up to the authorization, was it not a fact that provision was desired for those immigrants who were not passed, and had to be detained some place? The shed that was there at the terminal was not deemed proper or adequate, and it was not desired to keep them on board the steamers.

Mr. BURNETT. That is true; but the station where they board the train does not belong to the Government. It belongs to the Baltimore & Ohio Railroad or one of the railroads, and they disembark and go at once into that and up into the train. Off some distance from there, 2 blocks from there, is this detention station that is totally inadequate, even for a detention station, and even putting it on that ground I think the site selected is totally inadequate. The intimation was made to us down there that perhaps ground would be donated; if not, it could be bought without any great cost very near the water's edge.

Mr. FITZGERALD. It would not be donated. I know enough about this station to know it must be bought, if it be acquired at all.

Mr. BURNETT. As far as the members of the committee who visited the place are concerned, they felt there were some grounds near Fort McHenry that above all others would be the most valuable for that purpose, already belonging to the Government, if objection was not made.

Mr. FITZGERALD. What has been done in this case? Has anything been done other than to purchase the site?

Mr. BURNETT. Nothing but the purchase of the site in this case. This bill is not to add any other appropriation.

Mr. FITZGERALD. Let me ask the gentleman one other question, as he is the chairman of the Committee on Immigration. If this change be made, will it be necessary to enlarge the scope of the general station so as to require much greater facilities than were contemplated at the time the original scheme was adopted?

Mr. BURNETT. Well, I myself have expressed the opinion there ought to be a much better station there. If the gentleman will visit those rooms there and see how congested those people are, he will be impressed with the idea they do need a *larger station* than they have there.

Mr. FITZGERALD. I think perhaps some station may be necessary, but I believe, in view of the number of immigrants who come to Baltimore and the manner in which they are handled, all that is necessary is some place where those who are not passed may be detained. If it is proposed, instead of following the practice now followed, to first put them in the station and then examine them there and then release them as they may pass, it will take over a million dollars to provide the facilities required.

Mr. BURNETT. Oh, not for the station there.

Mr. FITZGERALD. For a station accommodating 30,000 immigrants a year?

Mr. BURNETT. I do not think the station at Philadelphia has ever cost half of that. I will ask the gentleman——

Mr. FITZGERALD. It has not yet, but they have not got what has already been authorized completed, and although the acquisition of a station at Philadelphia was authorized they went to New Jersey and located at Gloucester and paid——

Mr. BURNETT. I think the contract has been let under the authorization at Philadelphia, as far as that is concerned.

Mr. SABATH. Will the gentleman permit?

The SPEAKER. To whom does the gentleman yield?

Mr. BURNETT. I believe the gentleman from Iowa [Mr. TOWNER] has the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, so long as the Philadelphia station has been brought into this discussion, I think it is only fair to say that up to the present time the Philadelphia station has not cost a million dollars, but only the $250,000 which was appropriated, and, by the way, $100,000 of that went for good old Democratic buildings and ground purchased at Gloucester. The $150,000 above the cost of site has been applied to the construction of a pier and buildings, and when, through the grace of the Committee on Appropriations, of which the distinguished gentleman from New York [Mr. FITZGERALD] is chairman, we shall receive $105,000 more, we will be able to finish up the work and provide a station at that point that has long been needed for the credit of the Immigration Service and the protection of the unfortunates who come from abroad.

Mr. MADDEN. I desire to say, in regard to the immigrant station at Chicago, we can not get any expression from any committee of the House on the subject at all.

Mr. SABATH. I wish to say to the gentleman from Illinois that both of these gentlemen who are chairmen of these two committees have promised me that they will aid——

Mr. FITZGERALD. Does the gentleman include me? I made no promise.

Mr. MADDEN. I am opening up a nest of information, and I have been trying to get information for a long time. The chairman of the Committee on Appropriations says he has no jurisdiction; the chairman of the other committee says he has no jurisdiction, and the gentleman from Chicago [Mr. SABATH] says he does not know which committee has jurisdiction over it, and so we do not know where to go to get information that will lead us to the proper committee and a successful conclusion. It has been said that the Government has not the money——

Mr. SABATH. The Republicans have expended all in the last session; that is the trouble.

Mr. MADDEN. The Democrats have been talking economy and spending more money than the Republicans ever dreamed of.

Mr. FITZGERALD. Mr. Speaker, I did not expect that this so-called Chicago immigration station was to be discussed here. The fact is, however, that the administration is Republican. The only activity and the only information conveyed to the Congress about the necessity for an immigration station at Chicago is that which has originated from the Chicago Club and the two gentlemen from Illinois who have spoken here to-day. While the head of the department has written them letters, no estimate has ever been submitted to the Congress, and no official communication of any kind has been submitted to the Congress. If there be any criticism for the failure of the legislative body to act, it falls upon those charged with the responsibility of informing the House of the necessities of the public service, and they are Republican officials.

Mr. MANN. Mr. Speaker, would it be in order to ask a question about the bill now before the House?

The SPEAKER. The Chair thinks it would.

Mr. MANN. I was not able to hear a while ago the private conversation that was being carried on over on the right of the Speaker, and perhaps what I am inquiring about may have already been discussed in that private conversation. I would like to ask the gentleman in charge of the bill what this present site cost?

Mr. BURNETT. My recollection is $14,000.

Mr. MANN. What committee reported the authorization?

Mr. BURNETT. The Committee on Public Buildings and Grounds.

Mr. MANN. Is the gentleman quite sure about that?

Mr. BURNETT. Yes; $130,000 is my recollection that was reported.

Mr. MANN. I was under the impression the Committee on Immigration authorized these stations.

Mr. BURNETT. No; the Committee on Immigration has not for a number of years reported any of these authorizations.

Mr. MANN. At that time your committee reported $14,000 authorization for this station?

Mr. BURNETT. No; $130,000 for the station, and $14,000 of that $130,000 was for the purchase of a site.

Mr. MANN. Who selected this site?

Mr. BURNETT. Well, that is a matter of outside information.

Mr. MANN. That is a matter of information that somebody knows, and I want to know.

Mr. BURNETT. I will state to the gentleman what my information is with regard to it. An agent of the Treasury

Department and of the Department of Commerce and Labor both went over to look it over and make a selection. Now, Mr. Taylor, Supervising Architect, told me that he was there, and members of the Committee on Public Buildings and Grounds went recently to look over it, and Mr. Taylor was with us; and my recollection is he stated at the time there was only one other site there and that it was clear out of reason.

Mr. MANN. Now, as a matter of fact, the Supervising Architect is not the man to determine where the site shall be for the Department of Commerce and Labor, for this station is under the control of the Department of Commerce and Labor, and they have to select it. Now, the gentleman proposes, without any report from the Department of Commerce and Labor, to dispose of the site which the Department of Commerce and Labor has selected for $14,000, and purchase a site that will cost $49,000.

Mr. AUSTIN. I would like to say in answer to the statement that some one representing the Department of Commerce and Labor—representing the Immigration Bureau—was present when the first site was selected. Then, when the Committee on Public Buildings and Grounds recently visited Baltimore and looked over the proposition of selling or disposing of the site purchased a couple of years ago, the representative of the Department of Commerce and Labor—the head of the Immigration Bureau of the Department—and Col. Taylor, Supervising Architect of the Treasury Department, accompanied the members of the Committee on Public Buildings and Grounds, and personal inspections were made of the present site and of the proposed new site. And the representatives of both of those departments agreed to the unanimous opinion of the members of the committee who visited Baltimore that the present site ought to be disposed of and a new site purchased; so that, in fact, whether it is in the report presented with the bill or not, the representatives of the Treasury Department and the Department of Commerce and Labor were present and agreed that a change ought to be made.

Mr. SABATH. They agreed that the present site is not the proper site?

Mr. AUSTIN. It is located too near a number of fertilizing plants in Baltimore, which makes it highly undesirable for a detention and hospital station.

Mr. SABATH. So the ones who originally selected the site did not use good judgment?

Mr. AUSTIN. They made a mistake, in my judgment.

Mr. MANN. It seems to me when a site is selected by the Department of Commerce and Labor it is not quite a profitable thing to dispose of that site by a site that will cost many times as much solely on the report of the Treasury Department.

Mr. BURNETT. I will say it was by both departments. If the gentleman will read the report——

Mr. MANN. I have read the report, and there is nothing in it about the Department of Commerce and Labor.

Mr. BURNETT. The Department of Commerce and Labor did not desire to take charge of it, and recommended that the Secretary of the Treasury do so, and the bill was amended in that way.

Mr. MANN. I am not talking about that part of it. Why did the gentleman not refer the bill to the Secretary of Commerce and Labor for a report upon a matter which they have to do with instead of referring it to the Secretary of the Treasury, who merely holds the nominal title to the property after acquired?

Mr. BURNETT. We did so.

Mr. MANN. Where is the report?

Mr. BURNETT. The Department of Commerce and Labor desires that they take charge of the matter. The bill was originally referred to the Treasury Department.

Mr. MANN. That has nothing to do with the site question. Until the gentleman can produce a report from the Department of Commerce and Labor I shall object.

Mr. MOORE of Pennsylvania. Does not this answer the gentleman fully? This is in the report:

> The committee amended the bill on the recommendation of the Secretary of Commerce and Labor, so as to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site.

Mr. MANN. That is merely changing the authority of ownership from the Secretary of the Department of Commerce and Labor to the Treasury Department, because the title to this property comes through the Treasury Department. That is a formal amendment. That has nothing to do with the merits of the case.

Mr. MOORE of Pennsylvania. But this says the Secretary of Commerce and Labor was consulted and approved of it.

Mr. AUSTIN. Mr. O'Keefe, who was of the Department of Commerce and Labor, was detailed to appear before the Committee on Public Buildings and Grounds and give his views as to the disposition of the present site; and he was there to confer with the committee as to change of site.

Mr. MANN. I have no doubt at all of that. I think we ought to have a written report.

The SPEAKER. Is there objection?

Mr. TOWNER rose.

Mr. MANN. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from Illinois reserve his objection still further?

Mr. TOWNER. He reserves the right to object until I can make a statement. The gentleman from Maryland [Mr. LINTHICUM] is not present. This is his bill, and therefore I hope the gentleman from Illinois [Mr. MANN] will reserve his objection and that the bill may be passed without prejudice at this time.

Mr. MANN. The gentleman can put it on the Unanimous Consent Calendar again.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object?

Mr. MANN. I do.

Mr. BURNETT. Mr. Speaker, I think I have the report from the Secretary of Commerce and Labor, if the gentleman will reserve his objection.

Mr. MANN. Well, the gentleman can put the bill on the calendar again.

FIVE CIVILIZED TRIBES.

The SPEAKER. The Clerk will report the next bill.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed. It was introduced by the gentleman from Oklahoma [Mr. CARTER], and he is at home ill.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF SOLDIERS AND SAILORS WHO ENLISTED OR SERVED UNDER ASSUMED NAMES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who has charge of this bill——

The SPEAKER. Who has charge of the bill?

Mr. SABATH. If I am not mistaken, that is the present law.

Mr. MANN. The gentleman is mistaken. The present law covers the Civil War, but does not cover the Spanish War.

Mr. SABATH. Well, I passed a bill in the Sixty-first Congress that covers the Spanish War people.

Mr. MANN. I think the gentleman is mistaken in reference to what he has passed, although I will not say that. The Mexican War veterans are not covered by it, and I think the Spanish War veterans are not covered by the existing law. I know they are not covered by the Revised Statutes.

Mr. FITZGERALD. I think the gentleman from Illinois [Mr. SABATH] is correct that his bill covered the Spanish War veterans. This bill goes further and covers the honorably discharged soldiers and sailors of the Civil War and of the Mexican War, and the gentleman's bill covered the Spanish War.

Mr. MANN. It illustrates the desirability of referring bills of this kind to a department. Perhaps if this bill had been referred to the department for a report, they would have given us information on the subject.

Mr. SABATH. I have no objection to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INTAKE TOWER, MISSISSIPPI RIVER, ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of St. Louis, a municipal corporation organized under the laws of the State of Missouri, is hereby authorized to construct, own, maintain, and operate an intake tower and water conduit therefor within the channel of the Mississippi River at said city of St. Louis, and near the northern limits thereof, to be used in connection with the waterworks of said city: *Provided*, That the location and plans of said intake tower and conduit shall be subject to the approval of the Secretary of War: *And provided further*, That the navigation of the said river shall be in no way obstructed thereby.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

On page 2 add a new section, as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MANN. Mr. Speaker, I would like to inquire of the gentleman from Missouri [Mr. BARTHOLDT] whether this would involve in any way the relations, friendly or otherwise, between Chicago and St. Louis concerning the Chicago Drainage Canal?

Mr. BARTHOLDT. Mr. Speaker, in answer to the gentleman's question I will say that the tomahawk has been buried between Chicago and St. Louis. [Applause.]

Mr. ADAMSON. Down the creek from Chicago?

Mr. BARTHOLDT. I want to say, in explanation of the bill, that in accordance with the statement made by the water commissioner of St. Louis, Mr. E. E. Wall, the city needs an additional supply of water.

Mr. SABATH. What? Is the gentleman serious? [Laughter.]

Mr. MANN. With Anheuser-Busch in full operation? [Laughter.]

Mr. BARTHOLDT. The two gentlemen from Chicago may have no taste for it; but we need it not only for household purposes, but also for drinking purposes. The water commissioner says that—

For about 18 years the city of St. Louis has been dependent upon a single intake and tunnel for its entire water supply. At any time during these years or, in the future, unless other provisions are made, any accident interfering with the passage of water through this tunnel would have meant a disastrous water famine for the city of St. Louis. Serious troubles have been experienced almost every winter since it was built, and on one or two occasions the city's supply was in danger. This was especially true in January last, when the combined circumstances of extreme cold weather, and exceedingly large quantity of floating ice, and the low stage of the river actually prevented the waterworks from getting from the Mississippi River one-half the necessary water for its use during a period of nine days. Had there not been at the beginning of this period in storage some 400,000,000 gallons of water the city would have suffered severely.

I believe it is unnecessary, Mr. Speaker, to read the whole letter. This explanation ought to be sufficient to entitle us to the consideration at the hands of Congress which we ask.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, in addition to the explanation made by the gentleman, I will say that, while it is down the creek from Chicago to St. Louis, it is on the other side of the river, and this and other circumstances have enabled the gentleman to satisfy the committee that they will never call upon the Government to incur the expense of purifying the water before they take it in.

Mr. BARTHOLDT. I thank the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH, OSLO, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

The Clerk read the bill, as follows:

Be it enacted, etc., That the council of the village of Oslo, in the county of Marshall, in the State of Minnesota, and their assigns be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the village of Oslo, in section 36, township 155 north, of range 51 west, fifth principal meridian, in the county of Marshall, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VALIDITY OF CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21826) validating certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made prior to September 1, 1911, under the provisions of the act of February 19, 1909, by persons who, before making such entries, had acquired title to less than 160 acres of land under the homestead laws, be, and the same are hereby, validated: *Provided*, That said entries are in other respects in conformity with the homestead laws.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why this bill was not referred to the department for a report on it?

Mr. PRAY. Well, there is a long letter printed and before the House, I will say to the gentleman, which is, in effect, a comprehensive report from the Secretary of the Interior——

Mr. MANN. Not about this bill——

Mr. PRAY (continuing). And which fully explains the entire situation; and this bill is drawn in conformity with that report. The bill I introduced and the Secretary's report were carefully considered together by the Public Lands Committee, and the committee amendment, in my judgment, makes the bill conform absolutely to the Secretary's report.

Mr. MANN. Well, there is a letter from the Secretary of the Interior, addressed to the gentleman, giving the situation, but giving no reason whatever for the passage of this bill and not expressing any opinion on the merits of the proposition at all, there being no bill then introduced.

Now, does not the gentleman think that we are entitled, on a matter of this sort, that proposes to overrule a decision of the department, to have an expression of opinion from the department on the subject?

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. PRAY. I will say to the gentleman that the Secretary in his report states very clearly his reasons for favoring this legislation, and a comparison of the bill and report will show that his recommendations have been followed to the letter, and furthermore that the enactment of this legislation will not overrule the decision of the department. If the gentleman from Illinois will give me an opportunity to make a further explanation——

Mr. MANN. I thoroughly understand the situation.

Mr. MONDELL. If the gentleman from Illinois has read the last paragraph of the letter of the Secretary he will see that he suggests just this kind of legislation.

Mr. MANN. I have read the whole report carefully. I wonder if the gentleman has.

Mr. MONDELL. It seems to me that that is very clearly an approval of what the committee proposed to do.

Mr. PRAY. What feature of it does the gentleman from Illinois care to know about? The letter of the Secretary was before the Public Lands Committee.

Mr. MANN. Before the bill was introduced.

Mr. PRAY. The bill was introduced following the report, and the committee offered an amendment which was adopted, and the bill was thereupon made to conform to the suggestions of the Secretary as disclosed in his report. It would appear to me that there can be no doubt about the facts. The bill and report are before the House and, I believe, in exact accord. It does not overturn the decision of the department in the Storaasli case. It simply validates the entries made before the Storaasli decision was rendered, which entries, previous to this decision, had been allowed and held valid by the department.

Mr. MANN. We will not dispute as to the meaning of the language. The gentleman says that it does not overturn the de-

cision of the department. I had said that it did. I do not care whether it did or not. The department decided that these people could not get an enlarged homestead, and the bill gives it to them. I should say that that was turning the decision upside down.

Mr. MONDELL. If the gentleman will remember, the department said they could do this and these filings were made under regulations of the department and were accepted subsequently under the rulings of the Land Office. The Secretary's office had not passed on the matter, but the Land Office accepted the filings.

The Secretary's office later decided, very properly, that the filings were not properly accepted, but if so, as he says in the letter, in view of the fact that the filings were made with the knowledge of the Land Office, and accepted by the Land Office, they would approve legislation which cured these cases, and that is what this legislation is. It is to cure the cases where the entrymen fell into error by reason of the department or the Land Office ruling in that manner.

Mr. MANN. Let me see whether I understand the situation. Here is a man who had taken up a homestead of 159 acres. The law provided that if he had not taken up a homestead he could take an additional amount of 160 acres. Thereupon they said that because he was short 1 acre he could take 160 acres more. Is not that correct?

Mr. MONDELL. No; not exactly. The words of the law provide that any person who is a qualified entryman under the homestead laws of the United States may enter under the provisions of this act. A man is a fully qualified entryman unless he has exhausted his rights under the homestead law. This man who took three 40-acre tracts is a qualified entryman and therefore he may take an enlarged homestead. What the Land Office held was that if a man had taken four 40-acre tracts——

Mr. MANN. If he was short an acre.

Mr. MONDELL. If he lacked an acre he was still a qualified entryman.

Mr. MANN. That is what I said; I did not take so many words to do it in, but I said the same thing.

Mr. MONDELL. That was held, and they said that this thing might be done.

Mr. MANN. Yes; and now I propose, if you want to pass a bill by unanimous consent, that you shall have the written opinion on the bill from the department itself on the subject.

Mr. MONDELL. If the gentleman will read the last paragraph of this letter——

Mr. MANN. I have read it.

Mr. MONDELL. It suggests that this very thing can be done.

Mr. MANN. I think the gentleman can obtain the opinion of the department without any trouble.

Mr. PRAY. I certainly can and could have done so before if I had thought that there would be the slightest objection to the bill or that it would be necessary to have two reports from the Secretary covering the same subject matter.

Mr. MANN. The gentleman has heard me say forty times on the floor that bills of this kind would not pass by unanimous consent unless they had been referred to the department for a report.

Mr. PRAY. There were a number of entrymen under the act of February, 1909, who had taken title to homesteads of less than 160 acres under former entries, and the department accepted these filings and held that they were valid. The settlers occupied and improved their homesteads and supposed that they were within their rights, because the department had said so. A year or two afterwards the Secretary handed down the decision in the Storaasli case, which held the second entries for cancellation. We have here a report of the Secretary clearly expressing his approval of such a bill as is now pending. Anybody who will take the time to read this report will be convinced that the homesteaders ought not to be deprived of their property because of an erroneous ruling. The last decision is, of course, the correct one; but these people entered these lands and have complied with the law, and should be protected.

Mr. MANN. When you get down to bedrock, the gentleman knows perfectly well that these men were intending to take advantage of the Government under what they thought was a technical construction giving them the right to take 159 acres of land and then an enlarged homestead of 160 acres beside. They took advantage of the technical construction of the act to get an additional 160 acres, knowing that they were not morally entitled to it, although they thought they had a legal title to it. Now, then, they claim that they are morally entitled to it. Before that can be done the department must give its opinion upon it.

Mr. PRAY. The department has already expressed an opinion on the subject and has furnished a complete statement of the case from beginning to end. Otherwise I would not have placed the bill on the Unanimous Consent Calendar. Here is a favorable report from the department and also a favorable report from the committee.

Mr. MANN. I have read what the department has said, and it is like expressing an opinion of court before the case comes before the court. I prefer to have the opinion of the court when the case is before it and it has the responsibility of deciding it. I do not take much stock in department letters written to a Member of Congress about something which the Member of Congress is interested in.

Mr. MONDELL. If this letter of the Secretary is not an approval of this bill, I do not know what kind of an approval the department could give.

Mr. MANN. It may be a declaration that they will approve the bill, but it is not an approval of this bill, because this bill was not introduced until after the letter was written. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

CONDEMNED BRONZE OR BRASS CANNON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.

The Clerk read the bill, as follows:

A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the city of Dolton, in the State of Illinois, for the use of the George W. Spencer Post, No. 489, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

To Appleton City, in the State of Missouri, for the use of the Appleton City Academy, one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Elizabeth, W. Va., for the use of the Grand Army post at that place, two condemned bronze or brass fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Lebanon, Tenn., two condemned bronze or brass cannon or fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Pittston, Pa., for the use of the State armory, two condemned mortars or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Sheridan, Wyo., for use at John Schuler Post, No. 67, Grand Army of the Republic, two condemned 12-pound bronze cannon, now at the Rock Island Arsenal, Rock Island, Ill., the same to be subject at all times to the order of the Secretary of War.

To the city of Orange, State of New Jersey, two condemned bronze or brass cannon or fieldpieces, with their carriages, for use on the lawn of the Orange city common, in said city, the same to be subject at all times to the order of the Secretary of War.

To the city of Gallatin, State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be mounted and used in the courthouse square in the said city, and to be subject at all times to the order of the Secretary of War.

To the State of New York, the condemned brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga, the same to be subject at all times to the order of the Secretary of War.

To the city of Madison, S. Dak., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To the city of Marianna, Ark., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the town of Covington, Va., two cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Kingwood, W. Va., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To Forest City, State of Missouri, one small condemned bronze cannon, with its carriage and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Holton, Kans., one condemned cannon, with its carriage and cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Olney, Ill., two condemned bronze cannon, mounted on carriages, for use at Eli Bowyer Post, No. 92, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the city of Louisburg, Kans., an obsolete piece of ordnance, together with its carriage or mounting, and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Beaver Dam, Wis., two condemned bronze or brass cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Hanover, Pa., two condemned 12-pound bronze cannon for use at Major Jenkins Post, No. 99, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the town of Wise, Va., two condemned cannon, with a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Danville, Pa., one condemned bronze or brass cannon or fieldpiece for use at Goodwich Post, No. 22, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from West Virginia a question. As I understand the law now, the Secretary of War is authorized to give away the old iron cannons?

Mr. HAMILTON of West Virginia. Yes.

Mr. SHERLEY. And was authorized to sell brass cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. And he has actually put a price on the cannon which represents simply the value of the metal in the cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. These obsolete pieces are now being used by the Ordnance Department, are melted up and the brass used in recasting, and I would like to know why we should embark upon this proposal to give away all of the ordnance that is not standard and up to date?

Mr. HAMILTON of West Virginia. This is not a bill making a gift at all.

Mr. SHERLEY. That is exactly what it is.

Mr. HAMILTON of West Virginia. We had before the committee the very proposition to which the gentleman refers, because of the statute to which he refers.

Mr. SHERLEY. It is an absolute gift, so far as the practical effect is concerned. Of course the bill provides that they shall be subject to the order of the department, but the sending out of a piece of cannon which is of value simply for the brass that is in it, although saying it is not giving it away because the Secretary of War can send for it at some subsequent time is just as much a gift as if it were given in fee.

Mr. HAMILTON of West Virginia. It might have that effect in fact, but it would not in law.

Mr. SHERLEY. We are dealing with the fact and not simply with technical law.

There is one paragraph in the bill which seems to me to be justifiable, and that is that providing that the condemned brass fieldpieces and one brass howitzer, captured from Gen. Burgoyne at the Battle of Saratoga, shall be given to the State of New York. Those are historic fieldpieces, and it is highly proper that they should be given away; but I do not think it is proper, where there is no sentiment respecting a piece, that the Government should give that much property of the United States away. The result will be, if you are going to give these cannon to these various cities, that you can not in justice deny the claim of any other locality or community in the land, and Congress will be overwhelmed with proposals to have given to different localities ordnance that is not standard. When you get rid of all the very old pieces, then you will give away those not quite so old. Unless the gentleman is willing to strike out all of the bill except that paragraph relating to the particular historic pieces captured from Gen. Burgoyne, I shall feel constrained to object.

Mr. MANN. What is the gentleman's suggestion?

Mr. SHERLEY. My suggestion is that those pieces that are historic, which were captured from Gen. Burgoyne, should very properly be given to this particular State; but I do not think that the rest of the bill has sufficient merit to pass it by unanimous consent.

Mr. BARTLETT. There is a separate bill for that purpose upon the calendar.

Mr. MANN. But these are cases where Grand Army posts have a burial ground in a cemetery, and it is quite out of the question, I think, for them to raise even $150 with which to purchase one of these cannon.

Mr. SHERLEY. That might be; and it might be very desirable to give to the Grand Army posts as such—and I am not prepared to say that I would object at all to the giving to the Grand Army posts as such—for such use, obsolete cannon, but I shall feel constrained to object to an omnibus bill of this character. Each gentleman who has had an application from his home district has very properly put in an individual bill, and then the Committee on Military Affairs has thrown them all in hodgepodge and brought out this bill, distributing all the ordnance that is obsolete, and that does not necessarily mean very old cannon. It means a gun that is not standard. I know from a talk with the Chief of Ordnance that he at present uses these guns by recasting them, and that they have a distinct value.

Mr. MANN. That is true; but will they not have a more distinct value in the way of patriotism if placed in some of the cemeteries at the time of memorial and other exercises? The cost is not very much to the Government.

Mr. SHERLEY. I thoroughly agree with the gentleman, if that were the proposition before the House, but it is not the proposition. The proposition is not to give them to Grand Army posts nor for the erection of these cannon at certain cemeteries. The proposition is to give practically to every organization and municipality that has made the request.

Mr. MANN. I think these, as a rule, go to cemeteries.

Mr. SHERLEY. Let us read the bill a little and see whether they do or not.

Mr. MANN. Whether it is named in the bill or not, I think that is the case.

Mr. HAMILTON of West Virginia. Yes; nearly all of these are for Grand Army posts, and the committee gave them to the towns because there would then be some authority to take care of them.

Mr. MANN. And some authority to call upon if the department wanted them back.

Mr. HAMILTON of West Virginia. Yes. That satisfied the gentleman from Texas [Mr. SLAYDEN], who will explain that matter.

Mr. SLAYDEN. Mr. Speaker, I will say to the House that my objection was to the terms of the gift as proposed, and I suggested that if they were given they should not be given to individuals nor to private corporations, but to public or municipal corporations.

Mr. HAMILTON of West Virginia. That is right. Here is one of them given to a certain town for the benefit of the Grand Army post that will come within the exception just as well as these given to the State of New York.

Mr. SHERLEY. Yes; but the very fact that that is expressed would indicate, according to all the laws of construction, that in those cases where it does not say it is for the benefit of a post it was not intended they should be for the benefit of posts.

Mr. HAMILTON of West Virginia. Well, I do not say that is true in every case, but in every one I remember that is true.

Mr. SHERLEY. Well, on the face of the bill there is nothing to indicate that except in a very few cases——

Mr. HAMILTON of West Virginia. But in those few cases——

Mr. SHERLEY (continuing). There does not seem to have been any recommendation made by the War Department on the matter. The report does not show that the bill ever was submitted to the War Department. Can the gentleman state what ordnance there is?

Mr. HAMILTON of West Virginia. The gentleman from New York [Mr. PATTEN] made this report and left here this afternoon. He asked me to take charge of this matter. These bills were referred to the War Department. I understand that only such of the separate bills as the War Department approved were put in this omnibus bill. Now, it seems to me, if the gentleman wants to sustain himself in his objection that he would suggest an amendment making it apply to such cases where it is not specified on its face it is for Grand Army posts——

Mr. SHERLEY. I am perfectly willing to permit an amendment that will eliminate everything except that.

Mr. HAMILTON of West Virginia. And let the bill go before the House for consideration. I would not want to agree to the amendments, because, in my case, the only one I have, in there it is so specified, and I would hate to stand here representing the committee and ask something for myself that I can not give to everybody else.

Mr. PALMER. If the gentleman will permit, I would like to ask him this question: If the House considers the bill by unanimous consent, would the gentleman have any objection to an amendment which would extend the list of Grand Army posts which would receive the benefits of the act? I have a request from a Grand Army post in my district which is doubtless as much entitled to a pair of these bronze cannon as any Grand Army post mentioned in the bill. Would there be any objection on the part of the gentleman to permitting such an amendment?

Mr. HAMILTON of West Virginia. I have no objection, but as another member of the committee, and one of the post prominent members, has that objection, he will no doubt oppose it.

Mr. PALMER. Why is the gentleman proposing to discriminate between Grand Army posts?

Mr. HAMILTON of West Virginia. It is not myself. This has been done by the committee. I assure the gentleman that if his bill came before the committee I would vote for it.

Mr. PALMER. I can show the gentleman that my case is equally deserving as any of the cases mentioned in the bill.

Mr. HAMILTON of West Virginia. As I stated awhile ago, it puts me in a very peculiar situation here, because my own bill meets the approval of gentlemen who have raised objection.

Mr. PALMER. It seems to me if we are going to pass a bill like this, you ought to include in it all the Grand Army posts which desire to have these bronze cannon shipped to them, and where a Member on the floor makes the statement that a Grand Army post desires a pair of these bronze cannon he ought to receive the same consideration as if he appeared before the committee. We are all exactly in the same situation. If the gentleman will assure me there will be no opposition to an amendment, I will not object to the consideration of the bill.

Mr. SLAYDEN. I can assure the gentleman there will be.

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from West Virginia a question. I have two Grand Army posts in my district which made the same request, and if this bill is not open to amendment I am sure I will object.

Mr. SLAYDEN. I assure the gentleman it is not going to be open to amendment.

Mr. RAKER. Will the gentleman yield? I want to say to the gentleman I have a post in my district, at Redding, Cal., that has for one of its members Gen. Chipman, who is now judge of the court of appeals, and he is the only man who ever represented the District of Columbia in this House. He represented the Government back in 1865 and 1866, and that post desires one of these cannon or two of these cannon.

Mr. SLAYDEN. Mr. Speaker, in order to make this matter perfectly clear, I want to say I am not willing, with the limited information we have on hand as to the supply of obsolete ordnance, to open this measure to amendment, and I shall interpose all possible objection to its being so opened.

The SPEAKER. Is there objection?

Mr. BARTLETT. Do I understand the gentleman to object?

Mr. SLAYDEN. I shall object to any amendment to it.

Mr. BARTLETT. Then, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. The gentleman from Georgia objects, and the bill will be stricken from the calendar.

INCREASE OF TERRITORY BY CONQUEST.

The next business on the Calendar for Unanimous Consent was H. J. Res. 100, authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to instruct the representatives of the United States in the next International Peace Conference to express to the conference the desire of the United States that the nations represented in the conference shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what power this confers upon the President which he does not now possess?

Mr. McCALL. Well, Mr. Speaker, I do not know that I can enlighten the gentleman from Illinois.

Mr. MANN. Well, if the gentleman can not enlighten me upon it there is nothing further to be said.

Mr. McCALL. I do not know that I could, because the gentleman may not be capable of being enlightened. [Laughter.]

Mr. MANN. By the gentleman from Massachusetts.

Mr. McCALL. It would amount to an expression of opinion on the part of Congress. We desire the President to do these things, but can not instruct him, because the President is a coordinate branch of the Government. This is simply a respectful way of expressing our opinion, which would undoubtedly be recognized by the President as effective. I do not think it is a nebulous resolution at all. It has in view the accomplishment of a very definite purpose, and that is to submit to the next peace conference a proposition that the nations in their treaties recognize the territorial boundaries of each other just as the nations of Europe have recognized the boundaries of Switzerland, which has preserved the integrity of that Republic for nearly a century. It is what we have done in effect in the case of China, which, under the leadership of the United States, taken by Mr. Hay, in which he was supported by Germany, we agreed that China should not be subject to partition, as I understand it.

Mr. MANN. When does the next Hague conference meet?

Mr. McCALL. I understand in 1915.

Mr. MANN. That is some time from now. The gentleman introduced his resolution on May 16 of last year, and after considering it for one year less one day the Committee on Foreign Affairs struck out all after the resolving clause and inserted a new resolution.

Mr. McCALL. Yes.

Mr. MANN. As this is a very important matter, and the conference does not meet for three years, I think it would be well to let it go over and see whether we might not wish to suggest some changes from what the Committee on Foreign Affairs did.

Mr. McCALL. Will the gentleman permit me, before he objects, just to say a word?

Mr. MANN. I withhold the objection.

Mr. McCALL. The Interparliamentary Union, of which the gentleman from Missouri [Mr. BARTHOLDT] is one of the leading spirits, has this matter under consideration and meets next fall.

Mr. MANN. It does not meet this year?

Mr. BARTHOLDT. It does.

Mr. MANN. I thought it was postponed.

Mr. FITZGERALD rose.

Mr. McCALL. I see that the gentleman from New York [Mr. FITZGERALD] also desires information.

Mr. FITZGERALD. I wish to ask the gentleman whether he would consent to an amendment, inserting on line 12, page 2, after the word "conquest":

Nor to encourage rebellion or secession of citizens or subjects, or subordinate political jurisdictions.

I ask if it would not be probable, in view of what was done by this Government only a few years ago in connection with a neighboring friendly power to the south, that some such instruction by the representatives of the United States might not be instrumental in referring to The Hague Tribunal the controversy now existing between Colombia and the United States.

Mr. MANN. Is that a part of a scheme to collect the twenty million or thirty million dollars? I did not suppose they had my friend from New York [Mr. FITZGERALD] on their staff.

Mr. FITZGERALD. I am not partial to paying very large sums of money for any purpose, but in view of the outrageous and indefensible action of the United States toward the helpless Republic of Colombia, which expected protection from the United States——

Mr. MANN. And was trying to hold us up.

Mr. FITZGERALD (continuing). I am inclined to believe that, instead of being a party to the destruction of that Government in the stealing of its territory, we ought to make proper reparation; and it is indefensible to say that because the Congress of Colombia did not act readily and quickly in response to the desires of the Chief Executive of the United States that it was either trying to hold up the United States or was not exercising the rights its people should exercise in the determination of what it should do.

Mr. McCALL. In reply to the gentleman from New York [Mr. FITZGERALD], I would say I regret that he has seen fit to remind us of our shame. I would go further. I believe that we should pay Colombia for the territory of which we despoiled her. But it does not follow from that that we are to keep ourselves at all in the position of going on and robbing other weak powers. That is no argument at all.

Mr. FITZGERALD. Would it not be a good thing to put a declaration in the preamble of treaties, as well as this declaration that is suggested here, that afterwards we would keep faith?

Mr. McCALL. I do not think the gentleman's point is a good one against the passage of this resolution.

Mr. FITZGERALD. I am not urging it against the passage of this resolution. I say we ought to consider the propriety and advisability——

Mr. MANN. Both gentlemen are trying to get the Colombia claim allowed, and I am against it. A rottener claim never "came over the pike."

Mr. FITZGERALD. The gentleman is a reactionary.

Mr. McCALL. If the gentleman from New York [Mr. FITZGERALD] will report an appropriation to pay Colombia for preventing her from maintaining her title to territory which we had guaranteed to her, I should certainly vote in favor of the appropriation. It is one of the most dishonorable transactions in the history of this country.

Mr. FITZGERALD. I do say that for Colombia to be permitted to go into The Hague tribunal in reference to its claims against the United States is proper. And I would be prepared to act——

Mr. SLAYDEN. Will the gentleman from Massachusetts yield?

Mr. McCALL. I will.

Mr. SLAYDEN. I hope very much that this resolution will be permitted to pass. I am much interested in it. It is a principle for which, in a feeble way, when occasion offered, I have contended for some years. In 1910 I had the honor of proposing before the Trans-Mississippi Commercial Congress, a great

association comprising all the business organizations west of the Mississippi River to the Pacific Ocean in the United States, a resolution embodying precisely this principle. Although that organization on that occasion was devoted to the specific purpose of considering purely American projects, it recommended that the President of the United States and the Secretary of State be requested to negotiate with all American Governments for a treaty embodying that principle. It passed unanimously. I then threw it into the shape of a House resolution, and it has been reported to this House twice from the Committee on Foreign Affairs with a recommendation that it do pass. No harm can come from it that I can see, but much good may come.

Mr. SHERLEY. Will the gentleman yield?

Mr. SLAYDEN. I will.

Mr. SHERLEY. Does the gentleman think it will be a reflection upon the action of the Senate?

Mr. SLAYDEN. I am restrained by the proprieties from expressing my opinion on that.

Mr. SHERLEY. Inasmuch as the Senate refused to take up the peace treaties, will this be a reflection upon that august body? It may be that they will lay it to a certain individual.

Mr. SLAYDEN. Is not that lese majeste?

Mr. ADAMSON. Mr. Speaker, are the gentlemen prepared to decide whether they will be able to give directions to the next President or not?

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts seems to have the floor.

Mr. McCALL. I yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I merely want to say in reference to this resolution that it has been carefully considered by the Committee on Foreign Affairs. It is here with a unanimous recommendation. That same committee is considering the Panama-Colombia difficulty, and whether it will report at this session or not I do not know, but it certainly has devoted a good deal of time to an investigation of the affair.

Surely the gentleman from New York [Mr. FITZGERALD] will not expect the American delegates to stand before The Hague conference and slap their own faces; but that is exactly what they would do if they were to admit at that conference that the separation of Panama from Colombia or the declaration of its independence involved a steal on the part of the United States. It has absolutely nothing to do with this question.

If the House will bear with me just for a moment more, I want to say that the plan proposed in the pending resolution is originally an American proposition. It is now so considered all over the world. In 1908 the American delegation to the Interparliamentary Conference held at Berlin proposed the plan in these words: That the nations should mutually agree to recognize their national independence first, their territorial integrity secondly, and their sovereignty in domestic affairs thirdly. The resolution when it was offered by us met with considerable opposition from certain countries, namely, such as were not quite satisfied with the present territorial status quo. France, for one, because she is still not entirely reconciled to the loss of Alsace-Lorraine. Denmark was another country that objected.

But our argument, Mr. Speaker, was that if there are some nations who object to an agreement of this kind, they should not retard all the other nations, if those others were willing to enter into a peace agreement of that nature. And upon this showing, Mr. Speaker, the parliamentary council, in October last, at Paris, unanimously passed this resolution. It will be proposed to the Interparliamentary Union at Geneva, Switzerland, this fall, and undoubtedly it will receive the sanction of that great body, which is now composed of over 3,000 lawmakers of the world.

Now, this binds us to absolutely nothing. It leaves it to the discretion of the President as to whether he wants to give such instructions or not. It merely authorizes him to give such instructions, although it is true, as the gentleman from Illinois [Mr. MANN] suggests, that he has that authority now. But it is a declaration of policy on the part of the people of this country as against the policy of conquest, which has been the cause of nearly all the wars that have been waged in the last hundred years. And I think this Nation should be found in the forefront, in fact, taking the lead in declaring by its chosen representatives in favor of so pronounced a step toward more permanent peace.

Since it was proposed in Berlin it has been called by leading newspapers of our country the most practical proposition toward a condition of permanent international peace, and I regard it so. If we could have arbitration treaties by which we could agree on the plan proposed in the resolution, I think permanent peace would be almost assured to the world. I hope this resolution will pass. [Applause.] And just another word. Arbitration is a splendid plan as a substitute for war, and there is probably no one within the sound of my voice who does not believe in it. But it is to be resorted to only in case of trouble; that is, when dissension and disagreement already exist. Our first aim should be, therefore, to avoid trouble altogether and to remove causes of friction wherever we find them. And this is the purpose of the pending resolution. If the great powers of the world, who will again meet in conference at The Hague in 1915, could be induced, through the influence of the American delegation, backed as they would be by Congress and the enlightened sentiment of America and the civilized world, to adopt our plan the possible causes of war would be minimized to such an extent as to make gradual disarmament a very practical question, and the relief of the people from intolerable burdens an irresistible demand. [Applause.]

Mr. MANN. Mr. Speaker, like my friend from Missouri [Mr. BARTHOLDT] and my friend from Massachusetts [Mr. McCALL], I am a man of peace, but I doubt whether peace will ever be accomplished in this way.

I am watching like a cat watches a rat the claim of the Republic of Colombia against the United States. I believe that the action which this Government took in recognizing the new Republic of Panama was justified by every consideration which could be brought to bear. [Applause on the Republican side.] I am not willing at this time to lend any countenance in any way whatever to any claim that the Republic of Colombia, which was trying to hold up this country and trying to destroy the French Panama Canal Co., has any right before us, and I object. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

LOAN OF FIELDPIECES CAPTURED FROM GEN. BURGOYNE AT SARATOGA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21218) to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be hereby authorized to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battle field of Saratoga as suitable trophies of the battle.

With the following committee amendment:

Amend, page 1, line 5, by striking out, after the word "captured," the word "by" and inserting in lieu thereof the word "from."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SLAYDEN. Mr. Speaker, that should be "captured from Gen. Burgoyne," not "captured by" in the title.

The SPEAKER. That can be amended after the bill is passed.

The question is, Shall the bill pass?

The question was taken, and the bill was passed.

The title of the bill was amended so as to read: "A bill to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga."

GEORGE WASHINGTON MEMORIAL BUILDING.

The next business on the Calendar for Unanimous Consent was the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people.

The Clerk read the bill, as follows:

Whereas George Washington, on July 9, 1799, said: "It has been my ardent wish to see a plan devised on a liberal scale which would spread systematic ideas through all parts of this rising Empire," and it was Washington's wish to materially assist in the development of his beloved country through the promotion of science, literature, and art, and with the firm conviction that "knowledge is the surest basis of public happiness"; and

Whereas the changing conditions that time has brought require new methods of accomplishing the results desired by Washington and now a necessity of the American people; and

Whereas at the present time there is not any suitable building in the city of Washington where large conventions or in which large public functions can be held, or where the permanent headquarters and records of national organizations can be administered; and

Whereas a building should be provided in which there shall be a large auditorium, halls of different sizes where all societies pertaining to the growth of our best interests can meet, and such as it is deemed desirable may have permanent headquarters; and

Whereas the George Washington Memorial Association is now engaged in obtaining funds for the erection and endowment of a building suitable for the purposes above set forth, to be known as the George Washington Memorial Building: Therefore

Be it enacted, etc., That a building is hereby authorized to be erected in the District of Columbia, to be known as the George Washington Memorial Building.

SEC. 2. That the control and administration of said building, when erected, shall be in the Board of Regents of the Smithsonian Institution.

SEC. 3. That the George Washington Memorial Association is authorized to erect said building in accordance with plans to be prepared under the supervision of the Commission of Fine Arts, said building to be fireproof, faced wth granite, and to cost not less than $2,000,000; it shall have an auditorium that will seat not less than 6,000 people, and such other smaller halls, reception rooms, office rooms, etc., as may be deemed necessary to carry out the purposes for which the building is erected. And the said George Washington Memorial Association shall in addition provide a permanent endowment fund of not less than $500,000, to be administered by the Board of Regents of the Smithsonian Institution, the income from which shall, as far as necessary, be used for the maintenance of the said building.

SEC. 4. That in order to carry into effect this act permission is granted the George Washington Memorial Association to erect said building in the north end of the reservation known as Armory Square, bounded by Sixth and Seventh Streets west and B Street north and B street south. The south front of said building is to be on a line with the south front of the new National Museum Building, in the north end of the Smithsonian Park; and the said land is hereby set apart for that purpose.

SEC. 5. That said building may, among other purposes, be used for inaugural receptions and special public meetings authorized by Congress.

SEC. 6. That Congress may alter, amend, add to, or repeal any of the provisions of this act.

The SPEAKER. Is there objection?

Mr. HARDWICK. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman in charge of the bill what is the value of this lot that it is proposed to give away?

The SPEAKER. Who is in charge of this bill?

Mr. AUSTIN. The gentleman from North Carolina [Mr. GUDGER], who I notice is absent.

Mr. BURNETT. Mr. Speaker, in the absence of the gentleman from North Carolina I do not care to take charge of the bill, because I am free to say that I do not give it my enthusiastic support. I suggest that it be passed over without prejudice.

Mr. MANN. What was the gentleman's inquiry?

Mr. HARDWICK. I wanted to know the value of the property that was to be given away.

Mr. MANN. I wanted to make some other inquiry of the gentleman in charge of the bill.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks that the bill be passed over without prejudice.

Mr. MANN. Why?

The SPEAKER. Because the gentleman from North Carolina [Mr. GUDGER], who was in charge of the bill, is absent.

Mr. MANN. Well, there is no trouble about it, if the gentleman is absent. It can come up again.

Mr. COOPER. I would like to ask the gentleman from Alabama if the lot spoken of in this bill is the old Pennsylvania Railroad station lot.

Mr. BURNETT. I think so. I was not present at the time of the hearing and am not very familiar with it.

Mr. MANN. It is.

Mr. FITZGERALD. When was it named Armory Square?

Mr. MANN. This is in front of Armory Square; this is not Armory Square. This is to put a building in what is called the Mall, this way from the National Museum, on the same front, to take up a lot of space that is now used as a park. It is where the Pennsylvania Railroad station used to be, between Sixth and Seventh Streets. There is no guaranty in it that they will commence to build, and the Government of the United States will have to finish the building or leave it unfinished.

Mr. FITZGERALD. There is a guaranty that they will not begin construction until $1,000,000 is subscribed, and that there will be a $2,000,000 building.

Mr. MANN. There is no guaranty that there will be 10 cents raised.

Mr. FITZGERALD. No beginning is to be made until they have a million dollars.

Mr. AUSTIN. Five hundred thousand dollars of the erection fund is already subscribed.

Mr. FITZGERALD. That is on paper.

Mr. MANN. Not a cent paid in.

Mr. AUSTIN. There is an amendment which they agreed to before the committee that no work should be commenced until a million dollars was subscribed and paid into the treasury.

Mr. MANN. Who determines that?

Mr. AUSTIN. The Regents of the Smithsonian Institution.

Mr. MANN. They have nothing to do with the erection of the building.

Mr. AUSTIN. Then what is the gentleman's question—who determines what?

Mr. MANN. When a million dollars is paid into the treasury?

Mr. AUSTIN. That can be easily ascertained. The amendment provides that the actual construction of the building shall not be undertaken until $1,000,000 shall have been subscribed and paid into the treasury of the George Washington Association.

Mr. MANN. But who determines when it is done?

Mr. AUSTIN. A certificate of the treasurer stating that the money had been received, or a certificate from the bank in which the guaranty fund will be placed is sufficient to prove good faith and that the money is actually on hand.

Mr. GARRETT. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GARRETT. Does it provide for a $2,000,000 building?

Mr. AUSTIN. It provides for a $2,000,000 public building, the title of which is to be in the regents of the Smithsonian Institution, with an endowment fund of half a million dollars to take care of the current expenses. There never was such a generous proposition submitted to this House, and there is no reason why it should not receive favorable consideration.

Mr. GARRETT. Where is the other million to come from? This provides that a million dollars must be raised, and it provides for a $2,000,000 building.

Mr. AUSTIN. Let me say that the president is Mrs. Henry F. Dimock, of New York, sister of the late Secretary Whitney, of the Cleveland Administration. The vice presidents of the association are Mrs. Daniel Manning, Mrs. Henry R. Mallory, Miss Bessie J. Kibbey, Mrs. Charles J. Bell, and Mrs. Frederick McGuire, and the secretaries are Mrs. Nelson H. Henry and Miss Florence Guernsey. Mrs. Frank Northrop is treasurer, and among the advisory board are Senator Elihu Root; Dr. S. Weir Mitchell; Dr. William Welch; Gen. Horace Porter; Dr. Edwin Alderman, of the University of Virginia; Dr. Ira Remsen, of Johns Hopkins; Dr. Henry Fairfield Osborn; Dr. John A. Wyeth; and Dr. Thomas Nelson Page.

Mrs. Dimock has, as stated, already secured gilt-edge subscriptions to the extent of $500,000 and, if we will encourage her by donating this site, will secure the balance and, in my opinion, put this meritorious proposition through. She is a talented, public-spirited, and patriotic woman, and Congress should cooperate with her by the passage of this bill, which has already passed the Senate.

Mr. GARRETT. I recognize the distinguished personnel of this organization and the excellent personnel of the organization. I do not make any question whatever about that. The question which I ask is, How is it contemplated that the second million dollars shall be raised? It is provided that there must be a million dollars before construction work begins. The bill does not provide that the title shall not pass, does it?

Mr. RAKER. The title never passes.

Mr. GARRETT. Is it expected that the Government will ever be called upon to appropriate for this building?

Mr. AUSTIN. Not a dollar.

Mr. GARRETT. What assurance has the gentleman from Tennessee for stating that?

Mr. AUSTIN. The assurance of the officers of this association who evidence their good faith by raising a million dollars before construction begins.

Mr. RAKER. Will the gentleman yield?

Mr. AUSTIN. I will yield to the gentleman.

Mr. RAKER. Would it not be appropriate here to amend this bill by providing that the construction shall not begin until $2,000,000 is provided for, and then provide for some officer by name to determine that fact? Then you will have the thing entirely arranged. Have a provision that until the certificate of this officer is first obtained that the $2,000,000 is subscribed and paid in they shall not start to turn a sod of ground. If that provision is put in, I think no better thing could be done than to permit such a building on that corner, costing $2,000,000, for the purposes named.

Mr. AUSTIN. I have no objection to the bill being properly amended so as to meet any just or reasonable criticism.

Mr. HARDWICK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the bill is stricken from the calendar.

STANDING ROCK INDIAN RESERVATION.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

Union Calendar, No. 218 (S. 109), an act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

Mr. MANN. Mr. Speaker, the Clerk read, "Union Calendar 218." I hold in my hand Union Calendar 219, and I would like to know if this is the bill which is under consideration.

Mr. STEPHENS of Texas. This is Senate bill 109.

The SPEAKER. The Clerk informs the Chair that there is a typographical error.

Mr. FOSTER. Mr. Speaker, I object, so it will not be necessary to read the bill any further.

Mr. MANN. Mr. Speaker, there are several errors of that kind, typographical and otherwise, upon the calendar, and I hope that the clerk who has charge of that will correct them, so that the numbers of the calendar will be correct according to the numbers on the bills.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects.

Mr. STEPHENS of Texas. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. FOSTER. Certainly.

Mr. STEPHENS of Texas. Mr. Speaker, I desire simply to state that this is a bill of the gentleman from South Dakota [Mr. BURKE]. It is in accordance with a bill that has already passed, opening most of this reservation for settlement. This is only a balance that should be opened, and the bill has passed the Senate unanimously and has been reported unanimously from the committee. I know of no reason why the bill should not become a law. I hope that the gentleman from Illinois will not object. The gentleman from South Dakota [Mr. BURKE] is at present in a sanitarium in Indiana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I understand the gentleman from Texas wants to pass this bill over for the present on account of the sickness of Mr. BURKE of South Dakota. I have no objection to that.

Mr. STEPHENS of Texas. I would rather do that.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass this bill without prejudice on account of the sickness of Mr. BURKE of South Dakota. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, if the gentleman from Illinois [Mr. FOSTER] is going to object to the bill for the present we can not prevent it, but I was desirous very much, on account of the absence of my colleague, at his request, to dispose of this bill at this time.

The SPEAKER. Is there objection to passing the bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

FIRST BAPTIST CHURCH, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6472) to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, for and in consideration of $100 cash, to the First Baptist Church of Plymouth, Mass., that portion of the Burn's lot included in the Federal building site in said city, to the south of the continuation of the southerly boundary line of the next adjacent property conveyed to the United States by said First Baptist Church, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REDWOOD PARK, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in said State.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer by patent all of the vacant lands owned by the United States in townships 8 and 9 south, ranges 3 and 4 west, Mount Diablo meridian, in the State of California, to the said State of California, on condition that the said lands be added to and form a part of the Redwood Park now owned and maintained by said State.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill covers certain lands in townships 8 and 9 south, ranges 3 and 4 west, and it is to donate them to the State of California. That seems to be a proper thing to do. I notice that the department says that the lands in township 8 are a considerable distance from the reservation and probably would be of no

Mr. HAYES. Mr. Speaker, I have no objection to that. The total amount in township 9. Would not the gentleman from California be willing to eliminate that?

Mr. HAYES. Mr. Speaker, I have no objection to that. The lands in township 9 are a considerable distance from the present boundaries of the park, and I see no objection to the request of the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "State" add the following:

"*Provided*, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof: *Provided further*, That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States."

Mr. RAKER. Mr. Speaker, I want to call the attention of the House to the fact that the Secretary of the Interior recommended this amendment as to the reserving of valid existing rights up to a certain date, and the committee felt that they should put on this amendment suggested by the Secretary of the Interior and the amendment suggested by me as one of the members of the subcommittee appointed to consider this bill, and the subcommittee recommended this subsequent amendment, namely:

Provided further, That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States.

We felt that when the State ceased using it for a public park, and a public park only, then the land should return to the United States as Government land. That, therefore, protects the Government. The committee felt that the bill in that condition ought to pass.

Mr. CANNON. How much is this—how many sections?

Mr. RAKER. Only about 800 acres——

Mr. MANN. Thirty-nine hundred and eighty-five; the gentleman is only off a little over 3,000 acres.

Mr. RAKER. I mean about 4,000. The California Redwood Park, now owned by the State of California, and the land covered by this bill amounts to 3,985.25 acres. The report of the Secretary of the Interior upon this bill was made to the Committee on the Public Lands, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I am in receipt of your request for a report on H. R. 19476, granting certain lands to the State of California.

This bill is identical with S. 5361, upon which this department, on March 6, 1912, reported as follows to the Committee on Public Lands, United States Senate:

This bill directs the Secretary of the Interior to issue patent to the State of California for all vacant lands owned by the United States in Tps. 8 and 9 S., Rs. 3 and 4 W., Mount Diablo meridian, in California, on condition that said lands be added to and form a part of the California Redwood Park, now owned and maintained by said State.

The Redwood Park, consisting of lands acquired by the State of California through purchase, lies in secs. 29, 32, and 33, T. 8 S., R. 3 W., secs. 4, 5, 6, 7, 8, and 9, T. 9 S., R. 3 W., and sec. 1, T. 9 S., R. 4 W., Mount Diablo meridian, and contains about 4,000 acres.

The townships named in the bill were surveyed and plats duly filed about 40 years ago, and the lands were subject to entry until February 10, 1902, when this department withdrew them from settlement and entry pending their proposed donation to the State for park purposes. In T. 9 S., R. 4 W., are 3,025.23 acres still unappropriated; in T. 8 S., R. 3 W., however, there is only one 40-acre tract remaining vacant; in T. 8 S., R. 4 W., there are 480 acres, and in T. 9 S., R. 3 W., there are 440 acres.

The unappropriated tracts in T. 8 S., Rs. 3 and 4 W. (namely, NW. ¼ NW. ¼ sec. 23, of the first-named township, and NE. ¼ SW. ¼ sec. 9, N. ½ NW. ¼ sec. 10, NE. ¼ NW. ¼ sec. 13, NE. ¼ and N. ½ S. ½ sec. 21, of the last-named township) are so widely scattered and at so great a distance from the park that it is not thought that they would be of use in connection therewith. However, this department does not desire to interpose any objection to the pending bill, and recommends its enactment into law.

It would appear that some provision should be made for the protection of the right of persons who may have made settlement upon portions of the land prior to the withdrawal of February 10, 1902, and whose period for making entry had not then expired. It is suggested, therefore, that the bill be amended by adding the following proviso:

"*Provided*, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law

under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof."

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

I trust there will be no objection to the consideration of this bill. The entire State is interested in it. It will always be preserved as and for a public park for the use of all the people of the United States, improved and beautified by the citizens of California at the State's expense, and if at any time in the future it should not be so used it then reverts to the United States and becomes a part of the public domain, to be disposed of as the wisdom of Congress shall approve. The more "beauty spots" we preserve the better it is for our people. We want more playgrounds, and this will be one of them. Let us do all we can to conserve these natural parks, and when we find a State willing to assist we should encourage its laudable efforts.

Mr. HAYES. If township 8 is stricken out, there are only about 3,400 acres.

Mr. MANN. There are 3,985 acres.

Mr. RAKER. I did not get through with the matter. The gentleman is right as to the amount provided in the bill as it stands.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I ask unanimous consent, or suggest that the gentleman from California ask unanimous consent, to consider this bill in the House as in Committee of the Whole, it being on the Union Calendar.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from California asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, at the end of the line, the words "eight and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "eight and" at the end of the line.

The question was taken, and the amendment was agreed to.

Mr. HAYES. Mr. Speaker, I ask unanimous consent that the word "California" be inserted between the word "the" and the word "Redwood," line 9, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, insert the word "California" between the word "the" and the word "Redwood."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands to the State of California to form a part of California Redwood Park in said State."

On motion of Mr. HAYES, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The Clerk read as follows:

A bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

SEC. 2. That a penalty of $25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons who, in any proceeding, civil or criminal, instituted by the Government of the United States, have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object. I desire to inquire of the gentleman what is the purport of this bill and whom it is desired to reach? I notice that the bill reads, "To protect American trade and American shipping from foreign monoplies." Is it the intention of this bill to protect American trade from foreign monopolies or also from our own shipping monopolies?

Mr. HUMPHREY of Washington. I will say to the gentleman, both. I was going to ask unanimous consent, if the bill should pass, to strike out the word "foreign." That remained in the bill after the bill was changed.

Mr. SABATH. Now, this appears to be a very important measure, and as I have noticed the gentleman states that he and the committee have overlooked the amending of the bill as it should be amended, and believing that perhaps there may be several other provisions in the bill that ought to be amended, I believe the gentleman, in addition to what I have stated, should explain to the House what he aims at or what the bill really means.

Mr. HUMPHREY of Washington. I will be very glad to explain the bill to the gentlemen. This bill, I may say for the benefit of the House, was drawn by the Attorney General in the present form in which we now have it. The failure to strike out the word "foreign" was an omission when the bill was changed. Now what this bill means is simply this, that if any combination, either foreign or domestic in shipping, is convicted of a violation of the Sherman antitrust law, then in the decree there may be entered up a provision preventing any ship used for the purpose from entering or clearing from any American port, and the purpose of the bill is to perfect the remedy. Under the law as it exists to-day you can enter such a decree, but only against the persons owning the ship. Now I think it would be a very great advantage to enter that decree against the ship itself, and every member of our committee agrees to this. The bill is unanimously reported, and the chairman, Judge ALEXANDER, and Mr. HARDY, of Texas, and myself, saw the Attorney General and conferred with him in regard to the matter.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. FITZGERALD. Suppose the conditions described by the gentleman were to exist and one of those vessels bound for some port in some country other than the United States was compelled to put into a port of the United States in distress. The penalty would run against that vessel.

Mr. HUMPHREY of Washington. Not unless suit had been brought against the vessel and it had been adjudged to be in violation of the law, and if under those circumstances it come into our port, having violated our law, why should the vessel be permitted to clear until it has paid its fine?

Mr. FITZGERALD. I think this bill goes further than that. These vessels might have departed to some other port. If such a vessel enters or clears an American port after the decree and is subject to a decree, it might be compelled to enter a port of the United States because of distress at sea. Now, the question to my mind is, would it not be a gross injustice to penalize a vessel under such conditions.

Mr. HUMPHREY of Washington. I do not think that any such occasion would arise; but if it did, I would see no objection to it. After they had been adjudged guilty of violating our laws, if they came in our port under any circumstances, why should they not be punished?

Mr. MOORE of Pennsylvania. There has been some question recently about our ability to reach foreign vessels concerning which there may be a controversy, such, for instance, as would arise from the sinking of the *Titanic*. There is not any doubt about our ability to reach such vessels if the companies controlling them should own real estate at any of the ports of the United States, is there?

Mr. HUMPHREY of Washington. I would say, according to the decision of the district court in New York recently, there is no question about our being able to reach any of these vessels that come to our ports.

Mr. MOORE of Pennsylvania. We certainly can if they own property in the United States.

Mr. HUMPHREY of Washington. That is a decision of the court in New York in any event.

Mr. MOORE of Pennsylvania. If this bill passes it means no more nor less than this, that if it is determined by an action in court and by the judgment of a court that a foreign vessel or a company owning a foreign vessel is engaged in such a combination as is herein set forth it is subject to the penalties herein imposed, and not otherwise.

Mr. HUMPHREY of Washington. It adds an additional remedy, as I have attempted to explain. Under the law as it exists now, in the opinion of the Attorney General, there could be a decree preventing the clearing or entering the vessel against the owner of the vessel, but if this is passed they can enter the decree against the vessel itself, and the Attorney General thinks that would be of great advantage.

Mr. MOORE of Pennsylvania. It contemplates the abrogation of contracts by the Postmaster General for carrying the mails. That, of course, is a very important amendment.

Mr. HUMPHREY of Washington. That can not be done until they have been adjudged to have violated the laws.

Mr. MOORE of Pennsylvania. Then such a contract could not be abrogated until it was determined by a court proceeding that there was such a combination as is offensive to this law.

Mr. HUMPHREY of Washington. That is correct. And I want to call the gentleman's attention to the fact that there are three suits of that character now pending—two against foreign shipping and one against domestic shipping—running from Puget Sound to Alaska, and it would have application to all of these suits.

Mr. HARDY. I would suggest to the gentleman that the title of the bill ought to be changed so as to get it right.

Mr. HUMPHREY of Washington. I was going to ask unanimous consent to amend the title after the bill passed.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask in regard to the language of the third section. You undertake there to authorize the cancellation of any contract entered into by the Post Office Department relative to the carrying of the mails; but it does not seem clear to me that you limit the cancellation of the contract with those ships that are used in pursuance to an agreement that is conrary to the law prohibiting a monopoly. I have tried to follow it so as to get a perfect understanding in regard to it.

Mr. HUMPHREY of Washington. It was given a great deal of consideration.

Mr. SHERLEY. That may be; but either one of two things must happen. We must either abrogate our functions and accept the gentleman's statement, or the Attorney General's statement, or somebody else's statement, or we must undertake to understand the bill.

Mr. MANN. The language provides that vessels owned by any person or corporation that has been adjudged guilty of violation——

Mr. SHERLEY. That is just it. I am not prepared to say you ought to carry the punishment that way. A man may be the owner of a ship, using it in an entirely separate business, and he may be adjudged in violation of the antitrust law in some other business.

Mr. MANN. If the gentleman will pardon me, the bill also provides, in addition to that, that the vessel must be used for the purpose of carrying out the objects and purposes of the law.

Mr. SHERLEY. It does not say that in section 3, and I want to find out——

Mr. MANN. The gentleman will find that in line 9, where it says:

> And that said vessels performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceedings.

Mr. SHERLEY. The gentleman is right. I found the word "contract" related to a Government contract and not an unlawful contract, and did not notice the concluding lines.

Mr. MANN. Which was very natural.

Mr. HUMPHREY of Washington. As I said to the gentleman, we did put in a great deal of time to perfect the language of this bill. It may not be right, and we would like to invite criticism of it.

Mr. SHERLEY. The trouble is that it is impossible, at 20 minutes to 6 o'clock, with a handful of people here, really to consider a question of this kind. What the gentleman is asking is that we take it on faith.

Mr. MANN. The bill is well drawn. It is very carefully drawn. There is no question about that.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield to me?

Mr. HUMPHREY of Washington. Certainly.

Mr. TAYLOR of Colorado. Will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I will wait until the gentleman from Colorado has finished.

Mr. TAYLOR of Colorado. I wanted to suggest and inquire of the gentleman from Illinois [Mr. MANN] why we did not have a certificate of good character upon this bill from the Attorney General in the form of a written opinion indorsing it, so that it would be in the record here and would be a legal document that we can read and digest a little.

Mr. MANN. I think the gentleman is right—that it ought to be there.

Mr. TAYLOR of Colorado. In a matter of this importance I think the Attorney General, whether he wrote the bill or not, ought to go on record as fathering it, giving some reason why this should be enacted here.

Mr. MANN. The gentleman is endeavoring to be sarcastic at my expense.

Mr. TAYLOR of Colorado. No; I beg the gentleman's pardon; I am not.

Mr. MANN. There is a great deal of difference between a bill involving local legislation and a bill about some land somewhere.

Mr. TAYLOR of Colorado. I have no doubt this has received more consideration than a local bill.

Mr. MANN. I have no doubt it has.

Mr. HUMPHREY of Washington. I will say that the Attorney General wrote the report and was present at the meeting of our committee in person.

Mr. TAYLOR of Colorado. Is there a published hearing on this bill?

Mr. HUMPHREY of Washington. Yes; I think so.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. ALEXANDER. There were hearings had before the committee, but they are not printed. This presents a question of law, and——

Mr. TAYLOR of Colorado. I beg the gentleman's pardon. Very often the hearings are printed on an important bill.

Mr. ALEXANDER. I mean in this case. The bill as originally introduced by the gentleman from Washington [Mr. HUMPHREY] provided that any foreign vessel entering an American port—a vessel that might be in one of these combinations in violation of the Sherman antitrust act—should be subject to the penalties provided in this bill. It did not meet the approval of the committee. We referred the bill to the Department of Justice, suggesting that it should apply to domestic as well as foreign combinations. A communication was received by the committee from the Department of Justice, suggesting a substitute bill for the original bill introduced by the gentleman from Washington [Mr. HUMPHREY]. That bill did not meet the views of the committee, and by request the Attorney General appeared before the committee, and the provisions of the bill were thoroughly discussed and certain amendments were suggested. The Attorney General then took the bill back to the Department of Justice and gave it thorough consideration and returned the bill to the committee substantially in the present form, and it was reintroduced by the gentleman from Washington [Mr. HUMPHREY].

Now, if there is anything in the bill that gentlemen do not understand, the gentleman from Washington and I and other members of the committee present will undertake to explain it. However, I may say it was designed to meet this situation: Under the Sherman antitrust law the court may in a decree declare a combination to be unlawful. The committee thought that it should be put beyond question that the court in the decree might not only declare the combination to be unlawful, but might specifically declare that the ships used as instruments to violate the law might be prohibited from entering or departing from an American port so long as that combination existed, and if they should attempt to enter or depart during that time they should be subjected to the penalty provided in the bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. ALEXANDER. In a moment. Now, the question came up: How could the law be administered? Simply in this way: If a foreign ship that was declared by the court in the decree to be in an unlawful combination should enter or undertake to depart from an American port, or if a company owning such a ship wanted that ship to enter or depart from an American port,

the burden would be upon it to show that it was no longer in that combination. The burden would not be imposed on the Government to show that the ship or the company owning it was in that combination—a burden which you will readily understand would be an onerous one on the Government—but would rest with the owner of the vessel.

Now, it has been said that if we undertake to enforce such a penalty in view of the fact that 90 per cent of our foreign trade is carried in foreign ships, we may stop them from departing from American ports and we will not have the means of carrying our foreign commerce. The answer is that these ships are dependent for their profits on our commerce and it is up to us whether or not, in view of that situation, we will let them continue to violate the law and trample it under foot or face that contingency. In my view, rather than be shut out of this remunerative trade, rather than have their ships rot at the docks or seek other less profitable trade, they will obey the law. The purpose of this bill is to strengthen the Sherman anti-trust law.

Mr. TAYLOR of Colorado. I am not criticizing the purpose of the bill so much as I am a bill of this importance, involving grave legal questions, as suggested by the gentleman from Kentucky, rushing it through under unanimous consent, without any opinion of the Attorney General to go in the RECORD, to be referred to hereafter.

Mr. ALEXANDER. I feel authorized to say that this bill has the approval of the Attorney General.

Mr. TAYLOR of Colorado. I do not doubt the gentleman's word at all, but it ought to be on record so that the Congress of the United States would know what that opinion is and have a chance to refer to it hereafter. I have observed that bills that have not involved one-millionth part as much as this bill have been called up and somebody bobbed up and insisted that there should be a departmental report on it in the RECORD.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, still reserving the right to object, I would like to ask the gentleman this question: Whether there was considered the proposition on how far we had the right to determine that a contract of foreign owners of a foreign ship, legal in their country, should be made illegal by our laws, so as to permit us to prohibit the use of our ports to such ship. We have various treaty engagements with most of the maritime nations of the world, guaranteeing equality of treatment of their vessels and our own, and without having any opinion, I want to know if that phase of this matter was considered.

We have handicapped shipping, both American and foreign, in as many ways as possible, and frequently have done it without knowing that we were doing it. If we could repeal most of the maritime laws, which are archaic—a hundred years old—we would get a merchant marine that the gentleman from Washington talks about so much and which he desires to create at the expense of the Public Treasury. What I am concerned about is whether all the angles of this important bill have been considered.

Mr. MANN. Mr. Speaker, I think there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident there is no quorum present, and I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 21, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting estimate of appropriation to be included in the sundry civil appropriation bill to pay expenses of delegates of the United States to the International Conference on Maritime Law, to meet at Brussels in 1912 (H. Doc. No. 763), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 6412) to regulate radio communication, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 2626) granting an increase of pension to Soloman D. Stutz, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24694) directing the Secretary of War to have inscribed emblems or insignias of secret orders on monuments and gravestones of deceased members of secret orders in the national cemeteries of the United States; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request of the United States district attorney for the District of Columbia): A bill (H. R. 24695) to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 24696) to prevent the use of mails for certain purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 24697) to regulate the operation of automobiles in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 24698) to incorporate the Virginia Terminal Co.; to the Committee on the District of Columbia.

By Mr. AINEY: A bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Claims.

By Mr. REDFIELD (by request): A bill (H. R. 24700) to promote the efficiency of the customs service and to establish the customs guards; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 24701) to authorize the entry and patenting of lands containing asbestos under the placer mining laws of the United States; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 24702) for the erection of a public building at the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. BULKLEY: A bill (H. R. 24703) to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes to all public dues; to the Committee on Ways and Means.

By Mr. ALEXANDER: Resolution (H. Res. 544) providing for the immediate consideration of certain bills; to the Committee on Rules.

By Mr. NELSON: Resolution (H. Res. 545) authorizing the appointment of a committee of five Members of the House of Representatives to inquire into the expenditure of public moneys for press bureaus, postage, stationery, etc., by the Department of Agriculture and by other departments; to the Committee on Rules.

By Mr. SMITH of Texas: Resolution (H. Res. 546) authorizing the payment of expenses of the Committee on Irrigation of Arid Lands, or a subcommittee thereof, which may be incurred by such committee in sitting at places other than the city of Washington; to the Committee on Accounts.

By Mr. DONOHOE: Concurrent resolution (H. Con. Res. 52) providing for lowering flags to half-mast on Government buildings and reservations at a certain hour on Memorial Day; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24704) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24705) granting an increase of pension to William H. Schnittger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24706) granting an increase of pension to Caleb H. Bryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24707) granting an increase of pension to Mark Clinger; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24708) granting an increase of pension to Millard F. De Geer; to the Committee on Pensions.

By Mr. DIFENDERFER: A bill (H. R. 24709) granting a pension to Loretta J. Wilkinson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24710) for the relief of the heirs of John R. Burgstiner; to the Committee on War Claims.

Also, a bill (H. R. 24711) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Darien, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24712) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Sylvania, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24713) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the county of Bryan, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24714) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Springfield, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24715) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Millen, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24716) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Lyons, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24717) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Reidsville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24718) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Swainsboro, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24719) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Hinesville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24720) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Savannah, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24721) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Statesboro, in the State of Georgia; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 24722) to correct the military record of Robert A. Crider; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 24723) granting an increase of pension to Mary Eckert; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 24724) to remove the charge of desertion from the military record of George F. Schoepp, alias George Schmidt, and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24725) granting a pension to T. C. Jackson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24726) granting an increase of pension to James H. Barker; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 24727) granting an increase of pension to Samuel E. B. Abbott; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24728) granting an increase of pension to James W. Cail; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 24729) for the relief of the heirs of Thomas E. Roberson; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24730) granting an increase of pension to William G. Lane; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 24731) for the relief of the estate of Phereby R. Sheppard; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 24732) granting an increase of pension to Sarah I. Smith; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24733) granting an increase of pension to John B. Williams; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24734) granting an increase of pension to Elizabeth A. Morris; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Polish societies of America, against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Memorial of the Jewish Community (Kehillah) of New York City, opposing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of citizens of Philadelphia, Pa., adopted at a public meeting, favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Ohio: Petitions of C. M. Parker, Lincoln, Nebr.; Charles T. Coleman, Canton, Ill.; William Young, Franklin, Ind.; Jesse Burkett, W. A. Evans, and S. D. Frank, Troy, Ohio; and Wesley J. Knaggs, relative to increase of pensions for maimed veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of Sherman Council, No. 1, Junior Order United American Mechanics (Inc.), of New York City, N. Y., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Paul Brown Lodge, Borough of the Bronx, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of the Cleveland Chamber of Commerce, favoring appropriation of $200,000 to continue the work of promoting economy and efficiency in the Federal departments; to the Committee on Appropriations.

By Mr. BROWNING: Petition of the Farmers' Union and Brotherhood of Railway Trainmen, of Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the United Israelite Society of Wisconsin against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of the La Cross Board of Trade, La Crosse, Wis., favoring minority report on section 5 of the Panama Canal toll bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Petition of citizens of the State of Massachusetts favoring passage of House bill 22339 and Senate bill 6172, against the Taylor system of stop watch; to the Committee on the Judiciary.

Also, resolutions of the Farmers' Union, the Patriotic Order Sons of America, the American Purity Federation, and the Brotherhood of Railroad Trainmen favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Independent Order B'rith Abraham lodges and other societies of the State of Massachusetts, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of State Council, Junior Order United American Mechanics of New York; Brotherhood of Railroad Trainmen; American Purity Federation; Farmers' Union of America; citizens of Philadelphia, Pa.; Patriotic Order Sons of America, and Daughters of Liberty, of Pittsburgh, Pa.; favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the National Lumber Manufacturers' Association favoring adoption of bill to prohibit importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the Rice-Stix Dry Goods Co., of St. Louis, Mo., favoring continuance of the Tariff Board; to the Committee on Appropriations.

Also, petition of the Merchants' Exchange of St. Louis, Mo., and National Lumber Manufacturers' Association, indorsing the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Wireless Association of Philadelphia, Pa., favoring passage of House bill 15357, a bill to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Lumber Manufacturers' Association, favoring amending of the Sherman Antitrust Act, and support movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

Also, petitions of the National Lumber Manufacturers' Association, favoring passage of bill to open the Panama Canal free to American ships, and of the St. Louis Hotel Men's Association, of St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Farmers' Union, citizens of Philadelphia, Pa., and the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of the Allied Committee of the Political Refugee Defense League of America; National Liberal Immigration League; United Polish Society, of New York City, N. Y.; Gmima Polska Polaczonych Tow Polsko Narodowych; Workmen's Circle; United Hebrew Trades of New York City; Italo-American Alliance of the United States of America, of Philadelphia, Pa.; Chinese Consolidated Benevolent Association, of San Francisco, Cal.; lodges of Order of B'rith Abraham, and other societies of St. Louis, Mo., against passage of the Dillingham and other bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, St. Louis, Mo., in opposition to the passage of the Federal exclusive compulsory workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Missouri, favoring passage of the anti-Taylor system bill (H. R. 22339); to the Committee on Labor.

Also, petition of the Missouri State Dental Association, Clinton, Mo., favoring passage of Senate bill 5177, relative to certain patent laws; to the Committee on Patents.

By Mr. ESCH: Memorial of a public meeting of citizens of Philadelphia, Pa., favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Memorial of the Italo-American Alliance of the United States, of Philadelphia, Pa., opposing Senate bill 3175, providing for a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the New York Milk Committee, favoring appriation for continuance of Commission on Efficiency and Economy; to the Committee on Appropriations.

Also, memorial of the National Jewelers' Board of Trade, of New York, N. Y., opposing legislation that would deny patentees the right to control retail prices of their product; to the Committee on Patents.

Also, memorials of the Order United American Mechanics of the State of New York and convention of Farmers' Union, for immigration restrictive legislation; Junior Order United American Mechanics, favoring the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Long Island Game Protective Association, favoring legislation for the protection of migratory game birds; to the Committee on Agriculture.

By Mr. FULLER: Petition of Asa J. Miller, Westfield, Vt., and Francis A. Gaskill, Vale, S. Dak., favoring passage of House bill 1339, granting increase of pension to Civil War veterans who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the State Street Baptist Church, of Rockford, and the Woman's Christian Temperance Union and others, of Tonica, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Purity Federation, favoring passage of the Dillingham bill (S. 3175) providing literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Illinois and Chicago Civil Service Reform Association, against sections 4 and 5 of House bill 24023, the legislative, executive, and judicial appropriation bill, relating to civil-service employees, etc.; to the Committee on Appropriations.

By Mr. GALLAGHER: Memorial of the Woman's Trade Union League of Chicago, Ill., favoring House bill 11372, for greater safety in ocean travel; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Polish Roman Catholic Union of Chicago, opposing the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of Netter Lodge, No. 156, Order B'rith Abraham, of Chicago, Ill., opposing the Dillingham bill, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of lodges of Order B'rith Abraham, of New York City, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Petition of 71 voters of Woodbine, Iowa, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Cigar and Tobacco Dealers' Mutual Protective Association, of Salt Lake City, Utah, favoring the passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Bingham Miners' Union, Bingham Canyon, Utah, protesting against the restricting of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Salt Lake Lodge, No. 106, International Association of Machinists, favoring the passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. HUGHES of New Jersey: Memorial of the Jewish Community (Kehillah), of New York City, opposing legislation requiring a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Board of Trade of Elizabeth, N. J., favoring Senate bill 4308 and House bill 17736, providing a reduction in letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of Bellingham Lodge, No. 512, of Bellingham City, Wash., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Chinese Consolidated Benevolent Association and of C. H. Tribe, of San Francisco, Cal., in opposition to the passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of David Starr Jordan and 17 other individuals and companies, favoring passage of House bill 20118, for the establishment of bonded districts at the ports of the United States; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of the Sulzer bill for improving the Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in opposition to House bill 21100, to codify, amend, and revise the laws relating to the judiciary; to the Committee on Immigration and Naturalization.

Also, petition of A. G. McCarthy and C. J. Auger, of San Francisco, Cal., protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of the Henry R. Worthington Co., San Francisco, Cal., in opposition to House bill 21969, for restricting certain American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin, Dangers & Camm, San Francisco, Cal., favoring standard barrel amendment to Tuttle bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Retail Druggists' Association of San Francisco, Cal., in opposition to the passage of the Richardson bill; to the Committee on the Judiciary.

Also, petition of the Griffin & Skelley Co., San Francisco, Cal., favoring appropriation relative to the care of the Mississippi floods; to the Committee on Rivers and Harbors.

Also, petition of G. A. Emselen, jr., of San Francisco, Cal., favoring price-maintenance bill; to the Committee on Patents.

Also, petition of 41 members of the Jewish Community of New York City, against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for improving levees of Mississippi River; to the Committee on Rivers and Harbors.

By Mr. KONOP: Petition of citizens of Pittsfield, Chase Angelras, and Maple Grove, Wis., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of W. H. Ainsworth, Company K, Forty-third Regiment New York Volunteers, Columbus, Ohio, and of Augustus Cadregin, Endicott, N. Y., favoring passage of House bill 1339, granting an increase of pension to veterans of the Civil War who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of William A. Schaber, Mount Ephraim, Ohio, favoring passage of House bill 1339, granting increase of pen-

sion to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to amendment to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, favoring the free use of the Panama Canal by American boats; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the control of floods in the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the preventing of importation of injurious insects; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to improving the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of the Chinese Consolidated Benevolent Association, of San Francisco, Cal., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics, New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Central Labor Union of Lewiston, Me., favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of the Council of Jewish Women of Philadelphia, Pa., against passage of the Dillingham bill, containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., and the Farmers' Educational and Cooperative Union of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Memorial of the Fullerton (N. Y.) Chamber of Commerce, in favor of House bills 22589 and 20044, providing for United States ownership of buildings for its representatives in foreign countries; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to Panama Canal legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Lumber Manufacturers' Association, relative to amending the Sherman antitrust law; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to importation of injurious insects; to the Committee on Agriculture.

Also, memorial of the National Lumber Manufacturers' Association, relative to United States consular and diplomatic service; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. RAKER: Papers to accompany House bill 23656, granting an increase of pension to Herschel W. Howland; to the Committee on Invalid Pensions.

By Mr. REDFIELD: Petition of members of the fifth division United States customs, port of New York, favoring passage of House bills 23241 and 23638, for relief of said workers; to the Committee on Ways and Means.

Also, petition of A. W. and W. Bohn, Frank Moses, Robert S. Moses, Julian Mosca, and James Mosca, favoring passage of Senate bill 6108 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association of New York, favoring passage of the McLean-Weeks bill (S. 6497) for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Farmers' Union and citizens of the State of Pennsylvania, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Committee of the Political Refugee Defense League of America, New York City, N. Y., against passage of the Root amendment relative to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, to open the Panama Canal free to American ships engaged in coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, for the adoption of a bill relating to the importation of nursery stock; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association for adoption of relief measures for the prevention of the overflow of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, supporting the movement toward placing on a civil-service basis the subordinate classes of the Diplomatic and Consular Service; also, for an amendment to the Sherman antitrust law, to enable the formation of associations and combinations for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, petition of the Wireless Association of Pennsylvania, opposing certain features of the bill (H. R. 15357) to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Milk Committee, favoring an appropriation for the continuance of the commission on efficiency; to the Committee on Appropriations.

By Mr. REILLY: Resolutions of the Independent Vilner Association of New Haven, Conn., against passage of bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of the Berger old-age pension bill for deserving men and women past 65 years; to the Committee on Pensions.

By Mr. SMITH of New York: Petition of the Buffalo Chamber of Commerce, of Buffalo, N. Y., relative to Government aid in extending the season for shipping on the Great Lakes; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. STEPHENS of California: Petition of R. H. Dow, mayor of Santa Monica, Cal., and the Federated Improvement Association of Los Angeles, Cal., favoring immediate steps toward the protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Tehuda Levy Lodge, No. 429, and Hirsch Liska Lodge, No. 66, of New York City, and Amity Auxiliary Circle, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging wise and generous relief measure for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of bill against importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of Fridler & Hanan, of New York City, N. Y., against passage of the Oldfield bill, for changes in present patent laws; to the Committee on Patents.

Also, petition of the Savannah Cotton Exchange, of Savannah, Ga., favoring owning by United States of buildings for proper housing of its representatives abroad, and of the National Education Association, of Cincinnati, Ohio, favoring passage of Senate bill 5735, for inquiring into high cost of living, etc.; to the Committee on Foreign Affairs.

Also, resolutions of the National Lumber Manufacturers' Association, favoring amendment of the Sherman Antitrust Act and the movement to place on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

By Mr. TAGGART: Petition of citizens of Kansas City, Kans., against the Root amendment, for deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Major Rankin Post, No. 489, of the Grand Army of the Republic, in the second congressional district of Kansas, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, resolution of the county superintendents of the State of Washington, favoring passage of Senate bill 3, known as the Page bill, which provides for the training of teachers of agriculture, etc.; to the Committee on Agriculture.

Also, petition of Vineland Grange, No. 163, and of citizens of Blue Mound and Greeley, Kans., favoring passage of the Haugen bill (H. R. 21225) and opposing Lever bill (H. R. 18493); to the Committee on Agriculture.

By Mr. UNDERHILL: Resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging opening of Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Lumber Manufacturers' Association, in Cincinnati, Ohio, favoring passage of bill prohibiting importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring adoption of wise and generous relief measures for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolutions of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes, and amendment to the Sherman antitrust law, which forbids combinations in restraint of trade with foreign countries; to the Committee on Foreign Affairs.

By Mr. UTTER: Petition of the Junior Order United American Mechanics, the Farmers' Union of America, and the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Immigration and Naturalization.

Also, petition of the Rhode Island Branch of the Women's Auxiliary of the Protestant Episcopal Church, favoring passage of the bill for medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of Max Feder Lodge, No. 171, Independent Order B'rith Sholom, Pawtucket, R. I.; Italo-American Alliance of the United States of America; Ahavath Sholo Lodge, No. 88, Independent Order B'rith Sholom, Providence, R. I.; Rhode Island State Lodge, No. 130, Independent Order B'rith Abraham; Providence Progressive Lodge, No. 591, Independent Order B'rith Abraham; and Woonsocket Lodge, No. 118, Independent Order B'rith Sholom, of Woonsocket, R. I., protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Joseph Levy Lodge, No. 113, Independent Order B'rith Abraham, of Brooklyn, N. Y., against passage of the Dillingham bill providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, favoring movement toward placing Diplomatic and Consular Service on a civil-service basis; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, urging adoption of wise and generous relief measures relative to floods along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of the bill prohibiting importation of nursery-stock cuttings or any other articles by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring amendment to the Sherman Antitrust Act that associations and combinations not having to do with domestic trade may, under proper restrictions, be formed for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, requesting the opening of the Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *May 21, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary W. Monteith, widow of George Monteith, deceased, *v.* United States (S. Doc. No. 691);

James Montooth *v.* United States (S. Doc. No. 689);

Caroline S. Morgan, widow of Thomas J. Morgan, deceased, *v.* United States (S. Doc. No. 688);

Penelope Morton, widow of James Morton, deceased, *v.* United States (S. Doc. No. 687);

Susannah D. Parker, widow of Charles A. Parker, deceased, *v.* United States (S. Doc. No. 686);

Thomas W. Sanderson *v.* United States (S. Doc. No. 685);

John H. Eno *v.* United States (S. Doc. No. 684);

A. H. Freeman, James A. Freeman, Margaret E. French, Lucy A. Todd, Alice Bogart, and Florence I. George, sole heirs of Green C. Freeman, deceased, *v.* United States (S. Doc. No. 683);

William H. Feagans *v.* United States (S. Doc. No. 682);

William K. Githens, administrator of William H. Githens, deceased, *v.* United States (S. Doc. No. 681);

Jennie Hancock, widow of John Hancock, deceased, *v.* United States (S. Doc. No. 680);

Mary B. H. Hardie, widow of John Hardie, deceased, *v.* United States (S. Doc. No. 679);

Charles W. Kennedy *v.* United States (S. Doc. No. 674);

Allen P. Morey, son and sole heir of Gideon F. Morey, deceased, *v.* United States (S. Doc. No. 675);

Robert F. Nolan, Everett C. Nolan, and Mary E. Whisenand, children and sole heirs of Francis Nolan, deceased, *v.* United States (S. Doc. No. 676);

Mary E. Slankard and Ellen Ritter Moore, sole heirs of Joshua Ritter, deceased, *v.* United States (S. Doc. No. 677); and

Julia Y. Flaig and Annie F. Sharp, sole heirs of Barnett C. Young, deceased, *v.* United States (S. Doc. No. 678).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota; and

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

The message also announced that the House had passed the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 21218. An act to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga;

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The message further transmitted to the Senate resolutions (H. Res. 543) of the House on the life, character, and public services of Hon. HENRY H. BINGHAM, late a Representative from the State of Pennsylvania.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Socialistische Liedertafel of New York, remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of sundry citizens of Philadelphia, Pa., favoring the adoption of the immigration bill as passed by the Senate, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the B. Glowacki Loan and Building Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Johnsonville, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Clinton County Medical Society, the Schuyler County Medical Society, the Clionion Society, of Pontiac, and of sundry citizens of Griggsville, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the Woman's Trade Union League of Chicago, Ill., praying for the enactment of legislation providing for the safety of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of members of the Woman's Club of Concord, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Central Labor Union of the District of Columbia, favoring the enactment of legislation providing for the acquisition of the Washington Gas Light Co. and its properties by the United States Government, which were referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented memorials of sundry citizens of St. Albans, Montpelier, Brattleboro, and St. Johnsbury, all in the State of Vermont, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. HEYBURN presented a memorial of sundry citizens of Preston, Idaho, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I present a resolution adopted by the International Brotherhood of Locomotive Engineers, indorsing the workmen's compensation, the restriction of immigration, and the anti-injunction bills. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

Mr. O'GORMAN presented a petition of sundry citizens of Brooklyn, N. Y., praying for the passage of the so-called 8-hour bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Owen Roe Club, of New York City, N. Y., remonstrating against the appointment of a commission and against the proposed appropriation of $7,500,000 for the purpose of celebrating the 100 years of peace with England, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the New York County Lawyers' Association, of New York, praying that an appropriation be made for the purchase of a new site for the erection of a Federal building in New York City, which were referred to the Committee on Public Buildings and Grounds.

Mr. SUTHERLAND presented a memorial of Utah Lodge, No. 139, Independent Order B'rith Sholom, of Salt Lake City, Utah, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Salt Lake County Medical Society, of Utah, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. RAYNER. I present a memorial remonstrating against the passage of the Owen medical bill. The memorial is signed by a number of citizens of Maryland. I ask that it lie on the table and be printed in the RECORD, together with the signatures thereto.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, together with the signatures, as follows:

To the Congress of the United States:

We, the undersigned citizens of the United States, do earnestly ask Congress not to pass Senate bill No. 1, known as the Owen bill, or any similar medical legislation.

Jas. North, 411 Patapsco Avenue, Brooklyn, Md.; Gust. J. Kordula, 1411 Hanover Street; Adele F. Baldwin, 222 St. Paul Street; Chas. F. Biemiller, Rosedale and Windsor Mill Road; Harry Levy, 630 Columbia Avenue; David S. Weglein, 2114 Brookfield Avenue; Margaret Taylor Speer, 1524 Bolton Street; Geo. W. Smith, Mount Royal Avenue; Marie A. Baldwin, 2223 St. Paul Street; Martha B. Benson, 1402 Eutaw Place; H. S. Williams, Hotel Lexington; Mrs. H. S. Williams, Hotel Lexington; Fred W. Hummel, 2033 West Lafayette Avenue; Fred Ziegler, 111 East Lafayette Avenue; Herbert F. Ziegler, 111 East Lafayette Avenue; Philip M. Gibson, 2119 West North Avenue; Wm. E. Bell, 1902 Park Avenue; Francis Lee Webb, 119 West Lafayette Avenue; B. Hoffmann, 120 North Patterson Park Avenue; Louis W. Klunk, 1550 Argyle Avenue; G. H. A. Stroebel, 802 Ridgely Street; S. H. Dennison, 215 North Washington Street; Wm. A. Keith, 919 South Charles Street; W. S. Freeburger, 2134 Wilkens Avenue; Walter L. Anderson, jr., 903 Pennsylvania Avenue; Harry Butler, 23 East Hamburg Street; Frank Blackeby, 19 East Randall Street; W. L. Anderson, sr., 903 Pennsylvania Avenue; August F. C. Damm, 2216 Eastern Avenue; Charles Schraum, 1117 Ward Street; George F. Sadler, 208 Fort Avenue; William H. Easta, 16 West Barney Street; George Worch, 1122 Light Street; Jos. A. Winkel, 661 West Lee Street; George Langrith, 1703 Light Street; Wm. T. Smith, 832 Mangold Street; William Bromwell, 1536 Light Street; William E. Benson, 1211 Plum Alley; Howard Cavanabaugh, 910 Bevan Street; Robert Fraley, 6 East York Street; Benjamin P. McCabe, 1602 Sharp Street; George Zapp, 942 Sharp Street; Andrew S. Shelby, 39 Jenkins Lane; Lee A. White, 2924 Walbrook Avenue; William I. Ransom, 2032 Fountain Street; William F. Russell, 908 Bevan Street; Walter Herian, 812 Ridgely Street; Chas. R. Leutner, 814 Ridgely Street; Laura B. Fingan, 1301 Argyle Avenue, and Mrs. G. H. A. Stroebel, 802 Ridgely Street, Baltimore, Md.; and Miss Marian G. Page, 1713 De Salles Street, Washington, D. C.

Mr. RAYNER presented a memorial of Samuel Dorf Lodge, No. 160, Order B'rith Abraham, of Baltimore, Md., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PERKINS presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation providing for the improvement of the levees on the Mississippi River, which were referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of San Miguel, Cal., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Merchants' Association of Pasadena, Cal., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Downey, Cal., remonstrating against any reduction of the duty on sugar, which was ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce of Sacramento, Cal., favoring the enactment of legislation to set aside 1,000,000 acres of public lands for the purpose of raising funds to build good roads, etc., which were referred to the Committee on Public Lands.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation providing for the establishment and regulation of bonded districts at the ports of the United States, which were referred to the Committee on Finance.

Mr. STONE presented telegrams in the nature of memorials from sundry citizens of St. Louis, Nevada, and Kirksville, all in the State of Missouri, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Butler, Mo., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. PENROSE presented resolutions adopted by the Manufacturers' Association of Erie, Pa., favoring the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which were referred to the Committee on Foreign Relations.

He also presented a petition of members of the Commercial Exchange, of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE presented a memorial of the Connecticut Merchants' Association, remonstrating against the establishment of any parcel-post system which will be other than self-sustaining, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Fairfield County Fish and Game Protective Association, of Connecticut, praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Elizabethtown, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of sundry citizens of Middlesex, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WARREN. I present a resolution, adopted by the Brotherhood of Locomotive Engineers, in favor of the anti-injunction bill, the immigration restriction bill, and the workmen's compensation bill. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

REPORTS OF COMMITTEES.

Mr. CUMMINS. On behalf of the Committee on the Judiciary I report back favorably with an amendment the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, and I submit a report (No. 778) thereon. It is the resolution relative to the presidential term.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the amendment submitted by himself on the 10th instant proposing to increase the salary of the messenger to the Committee on Claims from $900 per annum to $1,440 per annum intended to be proposed to the legislative, etc., appropriation bill (H. R. 24023), reported it without amendment, submitted a report (No. 779) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6565) to provide

for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona, reported it with an amendment and submitted a report (No. 780) thereon.

Mr. THORNTON, from the Committee on Naval Affairs, to which was referred the bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment and submitted a report (No. 781) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses, reported it without amendment and submitted a report (No. 782) thereon.

PRACTICE OF OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, now on the calendar, was reported under circumstances that require its recommittal. I had promised certain physicians that they should have a hearing on the subject, which I had forgotten at the time. I therefore move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 6882) for the relief of Sarah A. Clinton and Marie Steinberg (with accompanying paper); to the Committee on Claims.

A bill (S. 6883) granting a pension to Jacob Korby (with accompanying paper);

A bill (S. 6884) granting an increase of pension to Horace A. Hitchcock (with accompanying paper);

A bill (S. 6885) granting an increase of pension to Mary C. Brown (with accompanying papers); and

A bill (S. 6886) granting an increase of pension to Thomas Ryan (with accompanying paper); to the Committee on Pensions.

By Mr. CRAWFORD (for Mr GAMBLE):

A bill (S. 6887) providing an appropriation to check the inroads of the Missouri River in Clay County, S. Dak. (with accompanying paper); to the Committee on Commerce.

A bill (S. 6888) granting an increase of pension to Charles H. Robinson (with accompanying paper); and

A bill (S. 6889) granting an increase of pension to Martin O'Dowd (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6890) granting an increase of pension to Enoch Medsker (with accompanying papers); and

A bill (S. 6891) granting an increase of pension to Philip T. Simmonds (with accompanying papers); to the Committee on Pensions.

By Mr O'GORMAN:

A bill (S. 6892) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6893) for the erection of a public building at the city of Tucson, State of Arizona; to the Committee on Public Buildings and Grounds.

A bill (S. 6894) granting an increase of pension to Bert O. Brown; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 6895) granting an increase of pension to Lydia M. Cole (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton to insert certain claims in said letters patent dated May 9, 1899; to the Committee on Patents.

A bill (S. 6897) granting an increase of pension to Philip Mehring (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6898) granting a pension to John J. Ledford (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan:

A bill (S. 6900) granting a pension to Mrs. Merritt Lewis McMahon; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6901) to correct the military record of Samuel Vansells;

A bill (S. 6902) to correct the military record of John Ammon;

A bill (S. 6903) to correct the military record of Jacob Scott (with accompanying paper); and

A bill (S. 6904) to correct the military record of J. B. McCall (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6905) granting an increase of pension to P. F. Walter (with accompanying papers);

A bill (S. 6906) granting a pension to Thomas H. Brown (with accompanying papers);

A bill (S. 6907) granting an increase of pension to Mary E. Symms (with accompanying paper);

A bill (S. 6908) granting an increase of pension to Hardy H. Hickman (with accompanying paper);

A bill (S. 6909) granting an increase of pension to Hiram F. Stover;

A bill (S. 6910) granting an increase of pension to William R. Comstock;

A bill (S. 6911) granting an increase of pension to Alvin B. Foss;

A bill (S. 6912) granting a pension to J. H. Riley;

A bill (S. 6913) granting an increase of pension to Isabella B. Hinton;

A bill (S. 6914) granting an increase of pension to Dudley N. Storey; and

A bill (S. 6915) granting a pension to Sarah Jane Scurlock; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6916) for the relief of R. S. Thornton; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 6917) granting an increase of pension to Oliver C. Swarthout (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 6918) increasing the cost of erecting a United States post-office building at Hillsboro, Tex.; to the Committee on Public Buildings and Grounds.

THE LAND OFFICE (S. DOC. NO. 692).

Mr. CHAMBERLAIN. I have a copy of an address by Hon. Fred Dennett, Commissioner of the General Land Office, delivered in Washington, D. C., May 7, 1912, on the occasion of the one hundredth anniversary of the establishment of that office, the subject being "The problems of the Land Office that have been the problems of the Nation." I ask that the address be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

INDIAN LANDS IN OKLAHOMA (S. DOC. NO. 690).

Mr. CURTIS. I ask that the decisions of the Supreme Court of the United States relative to the allotment of and taxes on certain Indian lands in Oklahoma, also relating to the conveyances and the cancellation of the conveyances, deeds, and mortgages thereon, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it will be so ordered.

YELLOWSTONE RIVER BRIDGE, MONTANA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana, which was, on page 1, line 7, after "River," to strike out all down to and including the word "meridian," in line 11, and to insert "at a point suitable to the interests of navigation, to be selected by the said company and approved by the Secretary of War, either in Mackenzie County, N. Dak., or Dawson County, Mont."

Mr. MYERS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people; and

H. R. 21218. An act to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 22099. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.; and

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up House bill 9061.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] gave notice of an intent to address the Senate at this time.

Mr. BORAH. I had not noticed it.

Mr. STONE. Mr. President——

Mr. LEA. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Smith, Ariz.
Bacon	Curtis	Myers	Smith, Ga.
Borah	Dillingham	Nelson	Smith, Mich.
Bourne	du Pont	Nixon	Smoot
Bradley	Fall	O'Gorman	Stone
Brandegee	Fletcher	Oliver	Sutherland
Bristow	Foster	Overman	Swanson
Bryan	Gallinger	Page	Thornton
Burnham	Gronna	Penrose	Tillman
Catron	Heyburn	Perkins	Townsend
Chamberlain	Hitchcock	Rayner	Warren
Chilton	Johnston, Ala.	Richardson	Wetmore
Clark, Wyo.	Jones	Root	Works
Clarke, Ark.	Kern	Sanders	
Crawford	Lea	Shively	
Cullom	Lodge	Simmons	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present.

PHASES IN POLITICAL SITUATION.

Mr. STONE. Mr. President, any man having even a meager knowledge of ancient lore will recall the story of Damon and Pythias and the story of David and Jonathan. Each of these stories were stories of beautiful friendship wherein the love of men for each other has had few parallels in the annals of mankind. The unselfish affection that Damon and Pythias had for each other and that David and Jonathan had for each other has in each case been made the subject of song and story, and their adventures and sacrifices in the cause of friendship are among the most beautiful and elevating of human traditions. It is not now my purpose, however, to speak at length of these illustrious characters or to dwell upon the lofty examples they set before mankind except by way of contrast. A few years ago the American people and the civilized world were given to understand that here in our dear country we had a reproduction of these glorious traditions of the far distant past. We were led to believe that the combined and consolidated spirits of Damon and Jonathan, one of these lovely twain, had come out of their haven of rest and taken refuge in the corpus of Theodore Roosevelt, and that the combined spirits of David and Pythias had in like manner come to rest on the ample bosom of William Howard Taft as the Abraham of his day. Thus in happy conjunction both of these old stories of ancient lore and love were reproduced here in this new world of ours for the edification and uplifting of the human race. But things have happened since, and are happening now, to demonstrate in a way the fickleness of human affairs and the difference between men of ancient and modern times. For years the susceptible and too gullible American people were felicitous in the thought that these two supposedly great Americans were indissolubly united in patriotic devotion to the public welfare—

> Two souls with but a single thought,
> Two hearts that beat as one.

And so it continued until the slimy, poisonous serpent of ambition crawled across the path they were walking and divided them. This serpent was the same old serpent who invaded the Garden of Eden. He comes into the world off and on, and too often in diverse forms and with many varieties of temptation. In this instance he appeared as the vaulting angel of ambition, pointing each of these mighty men and erstwhile devoted friends to the dazzling bauble of temporal power. Both had tasted the bittersweet of power and liked it overmuch. Both were tempted and both fell. Each craved too much the limelight and the luscious plum of place and power. As a result both threw sweet friendship to the winds and poised their spears for a mortal combat for the thing—this thing of power—each most desired. For years they had walked arm in arm along flowering paths and under blue skies bending low. Then came this satanic angel of ambition waving his hands, and, presto! change! a dark cloud spread over the sky. Instead of peace we have had war—war with knives and knives to the hilt. As a consequence of this ferocious contest the country and the world has been treated to a series of spectacular vaudeville stunts in politics without a parallel in our history and which I devoutly hope will not be again repeated. This titanic struggle has been waged between the most eminent leaders of one of our great political parties—the Republican Party—which for the most part has, unfortunately and under many beguiling but false pretenses, controlled the destinies of the Nation for more than a generation. It has been waged between candidates for the nomination of this party to the great office of President. One of these candidates is now President of the United States and another has been President. And besides these two there is still another conspicuous Republican leader, Mr. LA FOLLETTE, now a Senator in Congress, who seeks this exalted station. This struggle has been and is being waged with a maddening ferocity between these exceptionally distinguished men and their closest and most trusted allies and confidential advisers.

Mr. President, passing over the personal and party aspects of this miserable squabble, is it not truly a sad spectacle we are witnessing? These world-famed party leaders have been for months circling the country, running from ocean to ocean, appealing to their party friends, State by State, for support of their respective candidacies; and in transitu day after day, many times repeated, abusing each other like pickpockets in language akin to the vernacular of a fish market or even something worse. The world outside looks on aghast, and the press and the reading public of Europe and all the enlightened nations everywhere criticize, cartoon, laugh, and taunt. If, indeed, the sainted dead are permitted to look down and view the transitory scenes of this world in which they were once mighty actors, what think you Washington, Jefferson, Lincoln, and other great Presidents of the past would think of the things their astonished eyes might behold? Can you imagine George Washington, Thomas Jefferson, or Abraham Lincoln gadding about the country running a campaign for the Presidency of the United States as a candidate for constable might run his campaign in one of the red-light districts of a great city? We have heard many harsh and sometimes thoughtless and unjust things said about the Senate and about the House of Representatives. But may not Senators and Representatives now well ask their censorious constituencies to look upon the scenes being daily portrayed in the course of this curious personal and party conflict, conscious always that the world is also looking on, and when they can almost hear the gibes and jeers that come from every land, and say for which department of the Government they most feel the hot red blush of shame on the cheek.

Mr. President, I have thought it might be well to put into the CONGRESSIONAL RECORD for the benefit of some future historian who might desire to write about this remarkable period in our history some of the polite exchanges of compliments between the great leaders of the Republican Party who are seeking the doubtful honor of a nomination by that party to the Presidency. I have thought also this might in some way both adorn a tale and point a moral. I wish to put some things of future historical importance in easy and convenient form. My purpose is to preserve important data for the historian of the future, and I hope no man will accuse me of any ulterior or partisan pur-

pose. It is difficult to determine what to select, where to begin, or where to end, for the field is so wide and full of interest.

Perhaps I had as well begin in this way: The President and his immediate friends have declared that former President Roosevelt in his present contest is backed by a syndicate of multimillionaire trust magnates, with George W. Perkins at the head, and that this syndicate seeks corruptly to control the Republican Party through the use of money. This is charged by a Republican President, seeking reelection to his great office, against a former Republican President, who is his chief rival for their party nomination.

Then comes Senator ROBERT MARION LA FOLLETTE, butting in, and contributes his testimony upon this particular count in the indictment which the President prefers against his predecessor. I read the following clipped from the Washington Star of May 18 and which was repeated in other publications:

In his opening speech, delivered at Bowling Green, about 20 miles out of Toledo, Senator LA FOLLETTE challenged Col. Roosevelt to make public forthwith a complete list of those who had contributed to his campaign and the amounts they had contributed. The challenge came coupled with the assertion that three men closely identified with Wall Street—

Mark you, I am reading now what a Republican Senator, himself a candidate for the Presidency, said about one of his rivals—

namely, George W. Perkins and Judge E. H. Gary, of the United States Steel Corporation, and Dan R. Hanna, son of the late Senator Hanna, had furnished a campaign fund of $1,000,000, which was being freely spent for the purpose of getting delegates for Col. Roosevelt.

"I am prepared—

He said—

"to furnish at any time a complete list of donors to my campaign fund, with the amount contributed by each. I think Col. Roosevelt, who is soliciting votes in the Ohio primaries, should be equally frank with the people."

Think of that. A million dollars furnished by a syndicate of multimillionaire trust magnates to promote the candidacy of this self-appointed champion of the people; a million dollars scattered broadcast to control State primaries and conventions to elect delegates to a national convention; a million dollars to buy a nomination. That is what is meant, if anything is meant, by this charge that Taft and LA FOLLETTE make against Roosevelt. I ask my Republican friends over there if any of them impeach these witnesses? Do they call them in question? If you can not believe these men, then who among the whole Republican tribe, outside of this Chamber, can be credited?

Roosevelt admits on the stump that these trust magnates named by LA FOLLETTE are supporting him and contributing to his campaign. He does not say how much they have given. Taft says they have contributed an "enormous sum," and LA FOLLETTE says they have contributed a million dollars. Roosevelt admits that they have supplied him with the sinews of war, but to what extent he does not say. To this specific count in the indictment, naming the amount of the contributions, he pleads by remaining silent. Remember there is an old saying that silence is in substance a confession.

George W. Perkins organized the Harvester Trust. President Taft charges that Mr. Roosevelt when President suppressed the activities of the Department of Justice, when that department was moving to indict and prosecute the Harvester Trust and its chief officials, and he said this in a way that could only mean that Mr. Roosevelt was influenced in his course by improper considerations.

Mr. President, I have here a statement recently issued from the White House by Mr. Hilles, the President's private secretary, with respect to this Harvester Trust prosecution. This statement is really a historical fulmination, and I wish to read it into the RECORD that it may be preserved for future use. It is as follows:

The story of how President Roosevelt suppressed the case against the Harvester Trust for purely partisan purposes is told in a statement made public last night by Charles D. Hilles, Secretary to President Taft.

Mr. Hilles included in his statement one made by United States Attorney Townsend, who conducted an inquiry into the affairs of the Harvester Trust under direction of Charles J. Bonaparte, Mr. Roosevelt's Attorney General. Mr. Townsend recommended that proceedings be instituted against the Harvester Trust, but his recommendation was ignored.

The Hilles statement demonstrates that at one stage of the negotiations in connection with the Harvester Trust Attorney General Bonaparte showed disgust over the evident determination of President Roosevelt to temporize with George W. Perkins and his associates. The Hilles statement, which is a highly interesting historical document, is as follows:

Secretary to the President Hilles gave out the following statement at the White House last night:

"I have come to Washington to get United States Attorney Townsend's statement in reference to the Harvester Trust. It shows conclusively that President Roosevelt compelled his Attorney General to discontinue the harvester prosecution in the fall of 1907, 18 months prior to the colonel's retirement from office. It was reported to me that much interest in the incident has been awakened in Ohio, not alone on the part of those who object to oppression by a monopolistic corporation, but particularly on the part of those who were shocked at the suppression of the facts and the effort to shift the responsibility when the facts were brought to light.

"President Roosevelt's term expired two years after the matter had been placed in the hands of the prosecuting officer as the result of an investigation. It is quite apparent from the record that civil and criminal proceedings were about to begin; that about a year and a half before President Roosevelt went out of office George W. Perkins took a hand in matters, and that in a remarkably short time thereafter the whole matter was suppressed, stifled, strangled, or put through some other process which, by whatever name you call it, I have no doubt was quite satisfactory to the Harvester Trust. If anybody was responsible for it besides President Roosevelt and officials acting directly under his instructions it does not appear from the record.

"Mr. Townsend began his inquiry in the spring of 1906, and on February 21, 1907, Mr. Bonaparte transmitted Townsend's report to United States District Attorney Sims at Chicago, instructing him to take up the matter with a view to the institution of criminal prosecution against the individuals and corporations implicated, Mr. Townsend having recommended prosecution.

"Sims wrote that if the report 'proves to be correct, it is my judgment that civil proceedings can be successfully maintained against the Harvester Trust,' and that probably evidence could be secured to convict the corporation and possibly a number of the individuals concerned.

"There was delay, of which Senator Hansbrough complained to President Roosevelt, and Mr. Bonaparte wrote to the Senator that the case would receive immediate attention. An effort was made on the one hand to proceed with the prosecution; on the other hand, to secure delay through a protracted investigation by the Bureau of Corporations. In his written statement Townsend says that in the spring of 1908 he was abruptly ordered to the Pacific coast to begin another investigation and was, therefore, compelled to drop the Harvester matter. He says:

"'Attorney General Bonaparte told me the reason why I had not been authorized to institute the Harvester Trust suits. Shortly after I left Washington, in the spring of 1907, the Harvester Trust people in some way learned of my report and asked permission of Attorney General Bonaparte to file a written statement by way of defense. Mr. Bonaparte considered this statement (of the Harvester Trust) not only insufficient by way of defense but as a direct admission of all the essential facts, showing a violation of the antitrust laws.

CALLED ON ROOSEVELT.

"'Shortly afterwards Mr. Perkins (the organizer of the Harvester Trust) called upon Mr. Bonaparte, in company with Herbert Knox Smith and, I think, Cyrus H. McCormick—

Cyrus H. McCormick is the executive head of the Harvester Trust—

"They requested Mr. Bonaparte to accompany them on a visit to President Roosevelt for the purpose of persuading the President to refrain from prosecuting the Harvester Trust. Mr. Bonaparte refused to do so, upon the ground that the written statement filed by the Harvester Trust was in effect a confession of a violation of the law, and therefore he (Mr. Bonaparte) would not stultify himself by temporizing with the subject in any manner. Thereafter Mr. Perkins and Mr. Smith—and I think Mr. McCormick—went out and interviewed President Roosevelt and succeeded in persuading him not to prosecute the Harvester Trust, and shortly thereafter President Roosevelt instructed Attorney General Bonaparte not to take action.

"The suppressed papers show also that George W. Perkins was referred to as the representative of the 'far-reaching Morgan interests,' and that Mr. Perkins said to Commissioner Smith that if the Harvester Trust was to be attacked, then the Morgan interests were 'going to fight,' whereupon Mr. Smith wrote to President Roosevelt that 'it is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests.' President Roosevelt had sent the report to the Attorney General with these directions, 'Please do not file the suit till I hear from you.'

"Col. Roosevelt met the damaging disclosure by saying that Mr. Taft, as a member of his Cabinet, advised the action that subsequently was taken. He even alleged that if his memory served him, Mr. Taft made the motion in Cabinet meeting which resulted in substituting an investigation for a prosecution.

RECORDS BROUGHT IN.

"The records of the War Department were then introduced by President Taft to show that in the fall of 1907, during the full period of the correspondence, he was absent from the country in the Philippines and elsewhere. Col. Roosevelt then shifted his ground and said that President Taft approved the suppression of the suit after his return in January, 1908.

"This last charge is disproved by the record, which shows that on November 7, 1907—Mr. Taft was out of the country from early in September until December, 1907—Mr. Herbert Knox Smith, Commissioner of the Bureau of Corporations, telephoned Mr. Perkins, 'at the President's order,' that the President took the view that the bureau's investigation should come before the suit. Why, then, would the matter be brought before the Cabinet for serious discussion in January, 1908?

"If it was brought before the Cabinet in January, then Mr. Perkins had a 'scoop' of 60 days on the President's confidential advisers. It is significant, too, that the order directed Commissioner Smith to communicate with Mr. Perkins, of J. P. Morgan & Co., and not with the president or attorney of the Harvester Trust.

Mr. President, what do these accusations amount to?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. STONE. I yield.

Mr. REED. I would not interrupt the Senator, but in connection with just what he is saying I want to call his attention to Senate Document No. 616, which contains the address of Mr. Roosevelt delivered at Boston, Mass., on April 27, 1912, which was printed from a copy furnished by the Senator from Montana [Mr. DIXON], manager of Mr. Roosevelt, and I direct attention to this language:

A VOICE. How about Perkins?

ROOSEVELT. Perkins? He is for me. You can't—I will tell you. Wait a minute. You can't put a question to me that it will embarrass me to answer for one moment. [Great applause.]

A VOICE. Go to him! Go to him!

ROOSEVELT. Wait a moment. I know that kind well. And you can guarantee that any supporter of mine comes out in the open and supports me. [Applause.] And you can guarantee also that after he has supported me, and I have accepted his support, I won't repudiate him afterwards.

Mr. STONE. Now, Mr. President, I will complete the question I was asking when my colleague interrupted me with his very pertinent contribution to this encyclopedia of current political literature.

Mr. GORE. I desire to ask the junior Senator from Missouri whether Mr. Roosevelt was alluding to Mr. Perkins or to Mr. Harriman.

Mr. REED. In this particular instance he was alluding to Mr. Perkins, although I also think I ought to say in fairness that he seems to have a different theory with reference to standing by Mr. Perkins than he did with reference to standing by Mr. Harriman.

Mr. STONE. I was about to propound this question: What did the President's private secretary mean to convey to the public mind when he gave out these statements? Did he mean to impute to Roosevelt an improper motive in taking the action he did? Every intelligent man can determine that for himself, but I think he can determine it in only one way.

Now, Mr. President, here is what Director MCKINLEY, the manager of the Taft campaign, has to say in a statement issued by him and published on Sunday morning last. He says:

In Massachusetts he (Roosevelt) charged that President Taft had made the motion in Cabinet meeting to suspend the proposed suit against the Harvester Trust. It was definitely established from public and private records that this decision was reached by President Roosevelt himself in the first week of November, 1907, at which time President Taft was, and had been, absent on a trip to Japan and the Philippines almost a full month. When cornered on this proposition Mr. Roosevelt crawled—

Crawled—

and said that he had consulted Mr. Taft about it both before and after he had made that trip.

Then he goes on and, in substance, charges Col. Roosevelt with being convicted by the records of an intentional misrepresentation. He "crawled" out, changed his base, and changed the form of his accusation. That comes pretty nearly putting the redoubtable colonel in his own Ananias club. But the Senator from Montana [Mr. DIXON], manager of Col. Roosevelt's campaign, not to be outdone, comes back with a counter attack, and says:

Nothing more despicable and degrading has ever occurred in the history of American politics than the attempt of Mr. Taft through deliberate—

Deliberate—

knowing and sustained falsehood to misrepresent the facts regarding the case of the International Harvester Co. and to avoid personal responsibility for nonaction in the courts by the Government against that company. The statement issued at the White House last night is but a piece of the mendacity that has characterized the entire Taft utterance on this subject.

Behold Damon and Pythias at war! It is a spectacle for the gods. I call that hot stuff. I will not attempt to decide as to Taft's cognizance of or his connection with this shameful transaction. These two distinguished party leaders can settle that between themselves. It is not a part of my function to act as arbiter. But this disgraceful quarrel has at least made some facts clear beyond dispute. These facts may be stated as follows:

First. The Harvester Trust was organized in violation of law.

Second. The Department of Justice was taking steps to prosecute the trust when Perkins appeared to protest and to threaten, saying, among other things, that if the administration fought him and the Morgan combination they would fight back. Secretary Hilles calls particular attention to this in the statement I have quoted.

Third. President Roosevelt put a stop to the steps being taken by the Department of Justice to prosecute the trust.

Fourth. Perkins and his combination were shielded by White House interference.

Fifth. Perkins and his crowd are now backing Roosevelt with all their influence and a big part of their cash.

LA FOLLETTE says with a million dollars.

Mr. President, are the American people, indeed, so far lost to national honor, pride, and patriotism as to look with patience, aye, to look without indignation, upon things of this character? Let self-respecting Republicans remember, as I have said, that these are not Democratic accusations, but they are festering secrets that have been laid bare by this frightful quarrel between a Republican President, aroused to uncontrolled resentment, and a Republican ex-President, insane with uncontrolled ambition.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Missouri yield to the Senator from Alabama?

Mr. STONE. Certainly.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Missouri, even supposing the contention of Mr. DIXON and ex-President Roosevelt was true that President Taft had advised a cessation of the prosecution against the trust, would that make any difference?

Mr. STONE. Not so far as Roosevelt is concerned. It might involve Taft as misstating the fact, for he denies that he was consulted. Roosevelt says he was consulted; Taft says he was not. It is a question of veracity.

Unfortunately, the Harvester Trust case is not the only instance of its kind. I wish to read another extract from the speech delivered a few days ago by Senator LA FOLLETTE at Bowling Green, Ohio. The newspaper report I hold here is as follows:

After making the assertion that the three capitalists had raised this huge campaign fund to aid Col. Roosevelt, Senator LA FOLLETTE denounced the colonel for not enforcing the Sherman antitrust law while in the White House.

Proceeding he said:

"When Roosevelt became President," said the Senator, "he found awaiting action by the Government 149 criminal conspiracies representing corporations having less than $1,000,000,000 capitalization. Before the end of his administration these open violations against the law had increased until they represented corporations having a capitalization of more than $31,000,000,000. As a result, it is almost impossible for any President to crush the criminal trusts now without injury to legitimate business."

The uncomplimentary compliments these Republican candidates are bestowing on each other are numberless as well as without a parallel in political billingsgate. Here is a choice tidbit from Roosevelt's speech at Marion, Ohio. He said:

I notice that yesterday Mr. Taft attacked what I said about the tariff. What I proposed is perfectly feasible. Mr. Taft says he does not understand my proposition. I don't think he is capable of understanding it.

Mr. Taft has forgotten the plain people, who gave him his office and to whom he is responsible. He is well meaning but means well feebly. Under Mr. Taft the tariff has been treated from the standpoint of affording benefit only to the manufacturer.

I think the colonel is entirely correct about that; but the same was true while he was President. Col. Roosevelt continued:

And Mr. Taft has acted against the interests of the farmer and the wage earner. He has acted against the interests of the plain people. Mr. Taft has discovered now that I am dangerous to the people. Mr. Taft never discovered that I was dangerous to the people until I discovered that he was useless to the people.

How different was this May day in Ohio from the sweet Damon and Pythias May day of three and a half years ago! Then everything was lovely and the goose hung high, and the air was full of the music of friendship, confidence, and love. Now a stormy and blighting change has come over the spirit of their dreams.

On the same day that Roosevelt delivered the philippic I have just read, Taft gave forth this tearful jeremiad:

The memory of the names Mr. Roosevelt has called me still lingers in my ears. Since the time he began his personal attacks on me he has used all the epithets he could think of, and all the names in the calendar, such as no President has ever been subjected to by a man who has had two terms in that office.

But his lamentation was followed by wrath. He wiped his tears away and proceeded to blister Roosevelt with epithets. He called him an egotist, honey-fugler (whatever that is), a neurotic, and so on. A neurotic is a lunatic. Oh, it is beautiful!

Then Director MCKINLEY springs again into the arena on Sunday morning with the following:

Mr. Roosevelt is not running as a Republican at all. He is running as Theodore Roosevelt for the office of dictator of the Republic. He is now trying to dictate to the Republican Party what it shall do at Chicago. I hate to spoil Mr. Roosevelt's dream of unlimited power and to curb his consummate gall, but if he expects the Republican Party to nominate him for President, granting for the sake of argument that he had a chance of the nomination, he has picked out the wrong party.

In saying this MCKINLEY but reiterated what his chief, the President, had himself said repeatedly.

Then LA FOLLETTE butts in again with this well-timed compliment. This I clipped from the Washington Times. The report says:

Fully 8,000 persons heard LA FOLLETTE last night when he referred to President Taft as an "amiable, easy-going fat man" and denounced Col. Roosevelt as the violator of an oath of office sworn on "the same Bible Lincoln kissed."

That, too, is pretty hot stuff.

He scored both Taft and Roosevelt for "dragging" the honor of the Presidency into the "mire" of personal villification.

I do not know just what to think of the gentle and amiable example of moderation set by the distinguished Senator.

The President, however, caused no enthusiasm equal to that which the Wisconsin Senator created when he held illegal business combinations responsible for the present national unrest. Roosevelt, he charged, allowed hundreds of such combinations to be formed after he had sworn as President to enforce the Sherman law, which forbade them.

LA FOLLETTE here repeated his charge made in Chicago yesterday that a fund of $1,000,000 had been raised to nominate Roosevelt by George W. Perkins, Judge Gary, Dan R. Hanna, and other trust magnates.

In last Sunday morning's paper I find that President Taft renews his attack on Dan Hanna, one of Roosevelt's chief financial backers, charging him and his great corporation with having been indicted for violating the law against rebates. In Sunday morning's Washington Post the President is quoted as saying in a statement given out at Cincinnati Saturday night:

Mr. Roosevelt says that Dan Hanna's indictment for rebates was for a mere technical violation of the law and involved no moral delinquency. The fact is that the discontinuance of the criminal prosecution of Mr. Hanna personally was part of a settlement in which the companies represented by Mr. Hanna paid $143,000 of fines. This would seem to exceed a mere technical violation of the law.

Mr. Roosevelt has not seen fit to answer the question whether, if he is nominated and elected, he will discontinue the Steel Trust suit and the Harvester Trust, nor has he answered the question whether he will accept a fourth term.

This assault is met by the following message of defiance and warning, sent from Cleveland, near which city Roosevelt rested on the Sabbath. I read from the Washington Post of May 20:

Last night Hanna traveled from Ravenna to be on the stage when Roosevelt spoke. Should the former President be renominated and reelected, it is quite certain that Hanna will be a powerful factor in Ohio politics, and some are bold enough to predict that there may be a second Hanna named as United States Senator when the expected new deal in Republican affairs is made. This, of course, means the retirement of Senator THEODORE BURTON, who is not in the graces of Roosevelt.

Poor BURTON! We will miss him.

Taft further says in his Cincinnati statement given out Sunday morning, May 19, that Roosevelt considers himself the Republican Party, and that a failure of the national convention—

to comply with his views and wishes puts those doing so in the attitude of bolters finds no parallel in history save in the famous words of Louis XIV, "The state, I am it."

"It is on a par with his declaration that 'I typify and embody' the progressive sentiment of the age."

But long before that, back in April, Roosevelt had fired a fusillade at Worcester, Mass., in which he accused the President of exposing private, confidential correspondence, and so forth.

Here is what he said:

Mr. Taft, without my permission, has quoted entire letters from me, written in answer to letters of his which were marked "confidential." I shall so far avail myself of his example as to quote four lines of a letter from him to me which was not marked "confidential." It was written shortly after he became President. It runs:

"I can never forget that the power I now exercise was voluntarily transferred from you to me, and that I am under obligation to you to see to it that your judgment in selecting me as your successor and bringing about the succession shall be vindicated, according to the standards which you and I in conversation have always formulated."

It is a bad trait to bite the hand that feeds you.

No other man in this country was as much interested as I was in having Mr. Taft succeed. No other man with my principles and convictions has supported him for so long a time and has so bitterly regretted being unable to support him for a longer time. I eagerly sought every opportunity to stand by him, and long after I felt deep in my heart that he was unfit to lead his people I refused to acknowledge the fact to myself, and struggled to convince myself that he was fit, and clutched at every opportunity to back him up.

Until less than a year ago I kept desperately hoping that either Mr. Taft himself would at least show himself reasonably fit for the task before him, or that if he failed, some one else would arise to whom the people could turn. Reluctantly I made up my mind that Mr. Taft could not do the task, and I became convinced that the people of the great West felt that I would be untrue to them if I refused to act as their standard bearer.

I do not think that Mr. Taft means ill; I think he means well. But he means well feebly, and during his administration he has been under the influence of men who are neither well meaning nor feeble. It is this quality of feebleness in a normally amiable man which preeminently fits such a man for use in high office by powers of evil.

On yesterday, in Ohio, Taft said this of Roosevelt:

Mr. Roosevelt said last Saturday in Cleveland that if he was not nominated he was going to bolt. He says, "I am the Republican Party, and therefore if you get enough votes in the convention to nominate some one else, it makes you the bolters and I remain the Republican Party."

He would then be saying, "I am the Government; I am the people; I am the whole thing." Gentlemen, it is unsafe to give a third term to a man of his unsound constitutional views, his impatience of legal restraint, his exaggerated ego, his desire for power.

There used to be a king in France known as the grand monarch, who said, "The state, I am it; I am the state"; and that is what Theodore Roosevelt is saying about the Republican Party.

Well, as a matter of fact, is not Roosevelt the Republican Party? If not, then what is the Republican Party?

After reading this last Taft pronunciamento the pugnacious Roosevelt comes back with a counter charge, saying that Taft is a feeble brother, incapable of understanding intricate public questions like the tariff, and that Taft did not discover that he, Roosevelt, was dangerous to the people until he, Roosevelt, discovered that he, Taft, was useless to the people. I might add that Roosevelt did not discover that Taft was useless until Taft discovered that Roosevelt was dangerous; and maybe both are right in what they say. Upon that I decline to pass judgment, although I have a well-defined opinion.

Mr. President, I might go on with this and multiply these delightful compliments bestowed by these Republican chieftains on each other almost without limit, but I think the service already rendered is sufficient, and so I will lay aside the remainder of my collections for another day.

Mr. President, if I regarded this unseemly wrangle between these Republican leaders merely from a partisan standpoint, I might exclaim:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

But the shame of it all fills me with disgust and takes from the performance any pleasure I might derive over any possible party advantage because of it. The spectacle of three of the most eminent men in our public life, largely made so by the strange fortunes of politics, engaging in a contest of this character, so far below the standard that ought to distinguish the efforts of men promoting ambitions so high and honorable, brings our Government and people before the world in a way that ought to make every true American ashamed. I am striving to speak with moderation and with the least offense, although my heart swells with indignation that these men should put this unseemly blot on our escutcheon. However, I feel compelled, out of a sense of justice, to say that President Taft was evidently reluctant and slow to enter upon this ruffian fight. Innately Taft is a gentleman and averse to saying or doing anything incompatible with the dignity of his office or the good name of the country which has so highly honored him. I regret that he did not resolutely continue in the course he first thought he should follow, and ignore the exasperating assaults made upon him and his administration; but it seemed as if sensational attacks were making headway against him, and so, rather than hold aloft the standard that should always mark official and national dignity and lose, he unfortunately determined to return blow for blow. Out of all this has come this black chapter in American history.

What the end will be I can not tell. The last word in this tragic chapter will be written at Chicago. I say the last word will be written at Chicago because I can not believe that after this storm of strife and exposure the American electorate will consent to return the Republican Party to power. I paraphrase an old adage with this: "That when Republican politicians fall out the people have a better chance of getting what is due to them."

Of course I know there are thousands of men who for one reason or another will say that they would rather have any kind of Republican than any kind of Democrat for President. It is not difficult to understand that the men who say this have greater love of party than of country, or greater regard for some selfish interest than the national good. I can not believe, however, that the great body of American men and women so distrust one-half at least of the American people—by which I mean the Democratic Party—as to prefer to give to any kind of Republican President the great powers of that great office than to confide those powers to a Democrat professing the doctrines of Thomas Jefferson and Andrew Jackson.

Briefly let me contrast the dignified course of Democratic candidates for the presidential nomination with the course of Republican candidates as I have outlined that. Speaker CLARK, Leader UNDERWOOD, Gov. Marshall, Gov. Baldwin, and Gov. Burke have all remained steadfastly at their posts of official duty; and while Gov. Wilson and Gov. Harmon have made numerous speeches in different parts of the country, none of these distinguished Democrats has ever spoken a word in disparagement of his rivals. All of them have assumed a course so in accord with the highest political ethics and propriety that every one of them stands above reproach. Contrasting the records the Republican and Democratic candidates have made in this campaign, what Democrat—aye, what proud American—will not say that the course taken by the Democratic candidates is infinitely on a higher plane and more in accord with what patriotic Americans would desire than the course taken by Republican candidates?

Mr. President, I wish I could ask every American citizen this question: Look upon the picture made by these Republican candidates and then upon the picture made by these Democratic candidates and see which you like the best. Moreover, I would like to ask them in all good conscience to say whether they would rather trust the welfare and good name of the American Republic to a Democrat who has said no word nor committed any act to the Nation's discredit or to a Republican who has brought the American nationality into the shadow of shame.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily

service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum, because certain Senators interested in this legislation are out of the Chamber.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kern	Root
Bacon	Cullom	Lea	Sanders
Bailey	Cummins	Lodge	Shively
Borah	Dillingham	McLean	Simmons
Bourne	du Pont	Myers	Smith, Ariz.
Brandegee	Fall	Nixon	Smith, Mich.
Bristow	Fletcher	O'Gorman	Smoot
Bryan	Gallinger	Oliver	Stone
Burnham	Gore	Overman	Sutherland
Catron	Guggenheim	Page	Swanson
Chamberlain	Heyburn	Paynter	Townsend
Chilton	Hitchcock	Perkins	Warren
Clark, Wyo.	Johnston, Ala.	Reed	
Clarke, Ark.	Jones	Richardson	

Mr. JONES. I desire to announce the unavoidable absence of my colleague [Mr. POINDEXTER].

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. Mr. President, I asked leave that House bill 9061 be taken up, but since doing so some Senators have suggested that as we have only 20 minutes left of the morning hour in which to proceed to-day, we would not be likely to accomplish anything; so, with the notice that I will call the bill up as soon as the routine morning business is closed to-morrow morning, I will not ask for its consideration at this time. Several Senators think there may be some unobjected bills upon the calendar under Rule VIII which can be disposed of at this time, and that we will make some headway by proceeding with the calendar.

AMERICAN HOSPITAL AT PARIS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6380) to incorporate the American Hospital at Paris.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HITCHCOCK. I should like to inquire with respect to the provision that the property of the corporation shall not be subject to taxation. Of course that applies to taxation in the District here.

Mr. GALLINGER. Yes.

Mr. HITCHCOCK. What is the practice in France? Would it be subject to taxation there?

Mr. GALLINGER. I confess I can not answer the question. I should think not, it being purely a charitable institution. The hospital has already been built by private contributions.

Mr. President, the reasons for the enactment of the bill are stated in a letter from Mr. Henry White, our late ambassador at Paris, and there is likewise a letter from our consul general. Mr. White says:

> And the reason for the great desire of its directors and founders, with which I heartily sympathize, for the incorporation by act of Congress, is that it may be in a position to accept legacies, buy more lands when needed (both of which conditions have actually occurred), and which under French incorporation it could not do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask that the report of the committee be printed in the RECORD in connection with the passage of the bill, and likewise the letter from Ambassador White.

The PRESIDING OFFICER. If there be no objection, it is so ordered.

The report submitted by Mr. GALLINGER on the 17th instant is as follows:

[S. Rept. 760, to accompany S. 6380.]

The Committee on the District of Columbia, to whom was referred the bill (S. 6380) to incorporate the American Hospital of Paris, having considered the same, report thereon with a recommendation that it pass.

The reasons for the proposed incorporation are set forth in the following letter from the consul general of the United States in Paris:

CONSULATE GENERAL OF THE UNITED STATES,
Paris, May 4, 1912.

Hon. JACOB H. GALLINGER,
Chairman Senate Committee on the District of Columbia,
Washington, D. C.

SIR: As one of the members of the board of governors of the American Hospital in Paris, I have been informed that a bill has been introduced into the Senate, by Senator O'GORMAN, the purpose of which is to secure for the American Hospital of Paris a charter under the laws of the District of Columbia.

I venture to add my earnest request and hope that the charter asked for may be granted. The American Hospital here is one of the most beneficent and necessary institutions in Paris and renders service which can not be estimated in terms of money. It has already saved many precious lives and furnishes a retreat where American citizens taken suddenly ill and being in need of medical or surgical treatment can be cared for under the conditions they are accustomed to enjoy at home.

The charter is necessary in order to enable the hospital to receive legacies by will and in order to give it a better standing in France.

The hospital is sustained, of course, by voluntary contributions, supplemented by the very moderate fees which are collected from patients who are able and willing to pay same. Destitute Americans receive treatment free of charge.

Hoping your committee will consider favorably the proposition which has been laid before it,

I have the honor to be, etc., FRANK H. MASON,
Consul General.

The following letters in regard to the bill have been received from the Secretary of State and the Commissioners of the District of Columbia:

DEPARTMENT OF STATE,
Washington, April 25, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

SIR: I have the honor to acknowledge the receipt of the communication of April 20, 1912, from the clerk of your committee, transmitting a bill (S. 6380) to incorporate the American Hospital of Paris, and requesting, by your direction, the views of this department touching the merits of the bill and the propriety of its passage.

In reply I have the honor to state that this department is not informed regarding the proposed hospital and has therefore no comments to make respecting the bill further than to say that a precedent would seem to be found in the act approved March 3, 1905, incorporating the American Academy in Rome, and that the bill would, of course, have no operative effect in France other than the recognition which might be given by France to foreign acts of incorporation, and as to this the department is not advised.

With respect to the legal aspects of the bill, it would seem more appropriate to refer it to the Department of Justice.

I have the honor to be, etc., P. C. KNOX.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 22, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

DEAR SIR: The Commissioners of the District of Columbia have the honor to make the following statement with respect to S. 6380, Sixty-second Congress, entitled "A bill to incorporate the American Hospital of Paris," which you referred to them with request for their report touching its merits and the propriety of its passage.

The object of this bill is to maintain a hospital in the city of Paris and to furnish medical and surgical aid and care to the citizens of the United States; and it is authorized to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey, for the purposes of said corporation, any real and personal property in the United States of America and in France as may be deemed necessary for the wants or development of the corporation, or any of them.

It seems to be a matter entirely within the Federal jurisdiction and for Congress to say whether such a charter should be granted and whether the right to so acquire an unlimited amount of real and personal property in the United States should be permitted.

The commissioners know of no objection to the bill unless the proposed grant of authority to acquire such property should prove inimical to judicious public policy.

Very respectfully,
BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

The letter of Mr. Henry White is as follows:

1624 CRESCENT PLACE NW.,
Washington, May 29, 1912.

DEAR SENATOR GALLINGER: I am much interested in a bill now, I believe, in the hands of your committee (District of Columbia) for the incorporation by Congress of the American hospital in Paris.

It is an institution which serves a very useful purpose for our many compatriots in that city when they fall ill. It was built by voluntary contributions of Americans and is very well conducted; and the reason for the great desire of its directors and founders, with which I heartily sympathize, for its incorporation by act of Congress is that it may be in a position to accept legacies, buy more land when needed (both of which conditions have actually occurred), and which under French incorporation it could not do.

Possibly all this may have been explained to you before, but I have thought it well, being personally cognizant of the hospital and of its reasons for troubling Congress in the matter, to write you a line. I shall be happy to call upon you and give further explanation if needed.

Yours, very sincerely,
HENRY WHITE.

FISH-CULTURAL STATION IN ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 6203) to establish a fish-cultural station at Monte Ne, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

Mr. KERN. I did not hear the conclusion of the bill as to the amount of money the State of Arkansas is to contribute.

Mr. CLARKE of Arkansas. The same amount as is contributed anywhere else—nothing.

Mr. KERN. I will ask that the Secretary read that part of the bill again.

The Secretary read as follows:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Arkansas, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

Mr. GALLINGER. I would call the attention of the Senator from Arkansas to the phraseology of the bill. It says, "in accordance with this bill." I think it ought to be "in accordance with this act."

Mr. CLARKE of Arkansas. I think so, too.

Mr. GALLINGER. I suggest that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 3, strike out the word "bill," and insert "act."

The amendment was agreed to.

Mr. CLARKE of Arkansas. There are certain committee amendments.

The PRESIDING OFFICER. The Secretary will state the committee amendments.

The amendments of the Committee on Fisheries were, on page 1, line 5, to strike out "at Monte Ne," and in line 9, after the word "equipment," to insert "at some suitable point to be selected by the Secretary of Commerce and Labor," so as to read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Arkansas, and for said purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Arkansas."

TESTAMENTARY DISPOSITION OF INDIAN ALLOTMENTS.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill (H. R. 1332) regulating Indian allotments disposed of by will.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

LEVEE AND DRAINAGE DISTRICT NO. 25 IN MISSOURI.

Mr. REED. I ask unanimous consent for the present consideration of the bill (H. R. 21590) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DOUGLAS, ARIZ.

Mr. SMITH of Arizona. I ask consent to call up the bill (S. 6174) for the erection of a public building at the city of Douglas, State of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 2, page 2, to strike out "seventy-five" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion in the city of Douglas, Ariz., of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices, upon ground already purchased by the Government for such purpose and now owned by the United States, the cost of said building not to exceed the sum of $130,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, for a couple of days past I have undertaken to discuss the rates in the proposed metal schedule. But instead of being able to do so, through interruptions, we have discussed everything but the rates under consideration, from the high cost of living to the effect the tariff has upon the price of cotton paid the planter of the South. So I now ask that I be allowed to proceed to discuss the measure which is before the Senate. I wish it distinctly understood, however, that I have not objected to interruptions, but I feel that the Senate desires to secure an early vote on the metal schedule, and I therefore very much prefer to continue without interruption along the line I have mapped out in opposition to the House bill.

Mr. President, the act of August 5, 1909, was based on the best information possible to obtain at that time as to the difference between the cost of production at home and abroad. The success of this revision is fully demonstrated in the continued prosperity of the country. For the first time in its history Congress accomplished a general reduction of tariff duties without destroying a single American industry or lowering the standard of living of any American wage earner.

In preparing the act of 1909 the Ways and Means Committee conducted hearings covering every industry and interest affected by the tariff. That committee was in session almost continuously for eight months, during which time hundreds of witnesses were called before it and every person, whether he was a producer or a consumer, a manufacturer or a wage earner, was afforded an opportunity to appear before the committee and explain fully his views on the tariff. No such an exhaustive inquiry into tariff matters was ever made before by Congress. The printed hearings on the Payne bill fill nearly 9,000 pages. These hearings were available to every Member of Congress in the consideration of that measure. In preparing the tariff bills submitted to the present Congress no hearings, whatever have been held by the proponents of these measures. No opportunity has been given by them to the industries and wage earners of the country to show how they would be affected by the rates which were fixed upon by some individual or group of two or three individuals without any adequate or scientific investigation of the subject.

A Tariff Board was first created by the tariff act of 1909, which provided that the President could employ such persons as may be required to assist him in securing information for carrying out the maximum and minimum provisions of that act and to assist other officers of the Government in the administration of the customs laws. The sundry civil appropriation bill, approved March 4, 1911, contained an appropriation of $225,000 to enable the President to secure tariff information as provided for in the act of 1909, and in addition thereto provided that this information should include such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as authorized by the act of 1909. The President was also authorized by this appropriation act to employ such persons as may be required to secure the tariff information desired, and he was given the broad authority to use the appropriation "to enable him to do any and all things in connection therewith authorized by law."

At the time the sundry civil appropriation bill containing this provision was pending, a bill creating a permanent Tariff Board was also before Congress. A Tariff Board bill had passed each House of Congress, and it was confidently believed at that

time that such a board would be created. The sundry civil appropriation bill, therefore, included a provision that if a Tariff Board was established by law the appropriation of $225,000 should be available to meet the expense of such board. The appropriation bill also contained the following provision, which became law, and which clearly shows that it was the intention of Congress that a Tariff Board, if created, should gather information for the use of Congress and submit reports to Congress:

The Tariff Board, if established by law, shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

The Tariff Board bill failed of enactment into law owing to a Democratic filibuster in the House during the closing hours of the Sixty-first Congress. As the differences in the Tariff Board bills which had been passed by the Senate and the House were but slight, the President believed it was the desire of Congress that a Tariff Board should be created in accordance with the general provisions of the bill that had failed of becoming a law only through the filibuster of a few Members of the House. The President, therefore, appointed a Tariff Board of five members, appointing two members of such party affiliations as would have fulfilled the statutory requirement had the tariff bill become a law. In compliance with the provisions of the sundry civil act this board submitted a report on the wool and woolen schedule to Congress last December. Therefore, to all intents and purposes, the Government has just such a Tariff Board as would have been established had the Tariff Board bill become a law in the Sixty-first Congress. That bill passed the Senate by a vote of 56 to 23, every Republican Senator except one voting for it, together with four Democratic Senators.

I want to call to your attention the report of the National Tariff Commission Association, which obtained permission from the President to investigate the methods of the Tariff Board. This organization, after a thorough investigation, made the following report, which, I believe, alone justifies Congress in waiting for the Tariff Board to complete its study of tariff subjects before undertaking the revision of any of the present schedules:

Our committee finds that the Tariff Board is composed of able, impartial, and earnest men, who are devoting their energies unreservedly to the work before them; that the staff has been carefully selected for the work in view; is efficiently organized and directed, and includes a number of exceptionally competent, technical experts; that the scale of salaries is reasonable, indeed very moderate, and all of their expenditures are closely scrutinized and equally reasonable; that the work of the board, vast and intricate in detail, is already highly organized, well systematized, running smoothly, and that Congress and the people can now wait the completion of that work with entire confidence that it is progressing as rapidly as consistent with proper thoroughness, and that it will amply justify all of the time and expense which it entails. We believe that the value of the work when completed will be so great and so evident as to leave remaining no doubt as to the expediency of maintaining it as a permanent function of the Government for the benefit of all the people.

American industries and wage earners had been led to believe that there would be no further disturbance of business by tariff legislation until the Tariff Board had completed its investigation of trade conditions at home and abroad. The American people had every reason to feel reassured by the Payne Act that the prosperity of the Nation was safeguarded in the pledge that future tariff legislation would continue to keep open our factories for the employment of American wage earners. But no sooner had the American manufacturer and workman settled back with a sigh of relief over the fact that the revision of 1909 had permitted him to keep his factory and his job, than agitators, importers, as well as newspapers and magazines disappointed in not receiving free print paper, immediately began a wicked crusade against the tariff act, claiming the rates were an increase over the Dingley rates; stopping at nothing and hesitating at no kind of misrepresentation to impress the people of this country with the idea that they were being robbed by the provisions of the act. I deny that the average rates of the act of 1909 are an increase over the Dingley rates. On the contrary, they are a reduction.

Without giving the country a fair chance to test the tariff act of 1909 and readjust itself to the new rates, and without waiting for the Tariff Board to complete the investigation of a single one of the tariff schedules, renewed assaults were made on the protective-tariff system, which has built up the enormous manufacturing industries of the United States and has given the American workingman the highest wage and the best living of any workman in the world. It is proposed to call a halt in the country's progress and return to the stagnation of business that almost ruined the country under the last Democratic tariff. I have carefully studied the amendment to the act offered by the Senator from Iowa and I have failed to find in all the changes proposed by him where the ultimate consumer will be benefited.

Lest the people of the United States have forgotten, I want to read to the Senate a statement showing the condition of the United States at the time the Gorman-Wilson Tariff Act was repealed in 1897 as compared with our wondrous assets of to-day. This statement should convince any fair-minded person that the country has prospered exceedingly well under the Republican tariffs and Republican administrations since the election of President McKinley in 1896, and that every man, woman, and child in the United States has shared in this widespread prosperity:

Progress of the United States since repeal of last Democratic tariff act (Gorman-Wilson) July 24 1897.

From United States Statistical Abstract.	1897	1911
Wealth	[a] $77,000,000,000.00	[b] $107,104,211,917.00
Wealth per capita	[a] $1,117.01	[b] $1,318.11
Money in circulation	$1,640,983,171.00	$3,214,002,596.00
Circulation per capita	$22.92	$34.23
Bank clearings	$54,179,545,030.00	$159,373,450,000.00
Individual bank deposits	$5,094,735,370.00	$15,906,274,710.00
Depositors, savings banks, number of	5,201,132	9,597,185
Excess of ordinary disbursements over receipts	$18,052,454.00	
Excess of ordinary receipts over disbursements		$47,234,377.00
Imports of merchandise:		
Free	$381,938,243.00	$776,972,509.00
Dutiable	$382,792,169.00	$750,253,596.00
Total	$764,730,412.00	$1,527,226,105.00
Per cent free	49.94	50.87
Crude material for use in manufacturing imported free of duty	$180,127,286.00	$400,521,730.00
Manufactures ready for consumption imported free of duty	$34,426,806.00	$64,927,575.00
Average ad valorem rates:		
On dutiable merchandise..per cent	42.17	41.22
On free and dutiable.....do	21.89	20.29
Exports of merchandise	$1,050,993,556.00	$2,049,320,199.00
Production of commodities:		
Wool, pounds	259,153,251	318,547,900
Wheat, bushels	530,149,168	621,338,000
Corn, bushels	1,902,967,933	2,531,488,000
Cotton, bales	10,897,857	11,965,962
Sugar, beet, pounds	84,080,640	1,020,344,000
Sugar, cane, pounds	644,175,323	696,640,000
Coal, long tons	178,776,070	447,853,909
Lead, short tons	212,000	372,227
Farms and farm property, value of	$20,439,901,164	[c] $40,991,449,090
Farm products, value of	$4,717,069,973	$8,417,000,000
Petroleum, gallons	2,539,971,672	8,801,354,016
Iron ore, long tons	17,518,045	[c] 56,889,734
Pig iron, long tons	9,652,680	23,649,547
Steel, long tons	7,156,957	[c] 26,094,919
Zinc, crude, short tons	99,980	252,479
Manufacture of iron and steel:		
Wages	[d] $120,846,343	[c] $187,807,283
Value of products	[d] $804,034,918	$1,377,151,817
Imports	$16,494,559	$35,984,303
Exports	$57,497,872	$230,725,352
Manufacturing industries:		
Wage earners, average number	[c] 5,308,406	[c] 6,615,043
Wages	[c] $2,322,333,877	[c] $3,427,037,884
Value of products	[c] $13,004,400,143	[c] $20,672,051,870
Tin plates:		
Imports, pounds	230,073,683	95,319,730
Production, pounds	574,779,520	1,619,005,000
Cotton manufactures	[c] $332,806,156	[c] $628,391,813
Wool manufactures	[c] $296,990,484	[c] $507,166,710
Railways:		
Passengers carried	489,445,198	[c] 971,683,199
Freight carried, tons	728,900,275	[c] 1,849,900,101
Postal receipts, gross	$82,665,462	$237,879,823
Immigrants arrived	230,832	878,587
Commercial failures:		
Number of	[f] 15,088	13,441
Amount of liabilities	[f] $226,096,834	$191,061,655

[a] 1895. [b] 1904. [c] 1910. [d] 1899. [e] 1900. [f] 1896.

Has the American farmer any reason to complain of Republican tariffs under which the value of his farm property and farm products each have increased 100 per cent since the last Democratic tariff?

Have the people of the United States any reason to complain of Republican tariffs under which their deposits in national banks have increased three-fold and their deposits in savings banks have more than doubled since the last Democratic tariff?

Has the American consumer any reason to complain of Republican tariffs under which the imports of merchandise free of duty have doubled since the last Democratic tariff?

Has the American wage earner any reason to complain of Republican tariffs under which exports of his products have more than doubled and his wages have increased more than a billion dollars since the last Democratic tariff?

Do the people of the United States want to return to the days of Democratic tariffs, when the factory windows were boarded up and the bread lines were long and hungry?

That the Democratic Party has in mind the revival of its ancient tariff fallacies, which always have resulted in business depression and idle workmen whenever tried, is certain from the tariff program its leaders have adopted. No sooner had that party gained control of one branch of Congress than it began a series of attacks on the tariff that have caused such fear and trembling among the business interests of the country. I do not want to be an alarmist, but I feel it my duty to warn the people of the United States that the industries and wage earners of this country are now facing one of the greatest crises in their history. It soon must be decided whether the workingmen of the United States are to be reduced to the level of those of Europe and Asia by forcing American manufacturers to compete with the products of foreign labor without an adequate measure of protection for their own employees.

The first tariff bill passed by the Sixty-second Congress was the so-called "farmer's" free list, which was intended to admit free of duty all agricultural implements, cotton bagging, cotton ties, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, cement, and lime. This bill passed the House on May 8, 1911, and the Senate on August 1, 1911. It was well known at that time by the proponents of this bill that the Tariff Board was hard at work gathering information for the assistance of Congress when it should undertake a scientific revision of the schedules affected by the so-called free list. However, the free-list bill was passed by Congress, as were the other tariff measures of last session, without asking or waiting for any report from the Tariff Board or without any available information other than that which Congress had at its command when the tariff was revised in 1909. The President well said in his veto of the free-list bill, "The bill is so carelessly drawn that it would inevitably lead to the greatest uncertainty as to what articles are or are not covered by its various conditions. This would impose a burden on the administrative branch of the Government, create disastrous uncertainty in commercial circles, and lead to a burdensome amount of litigation."

Another Democratic tariff bill which passed last session was that reducing the duties on wool. This bill passed the House on June 9, 1911. It was defeated in the Senate, but after a hasty revamping of its schedules on the floor of the Senate a compromise measure was agreed to on August 15, 1911. Again the President exercised his right of veto, clearly pointing out the lack of adequate information that the proponents of the measure had upon which to base rates affecting the very life of an industry in which more than a million people are engaged and more than a billion dollars of the country's capital is invested. The President very properly suggested that Congress should await a report, which it had asked the Tariff Board to submit at the beginning of this session, before entering upon a revision of the wool schedule.

The third tariff bill of last session was that which purported to revise the duties on cotton. This measure was passed by the House on August 3, 1911, but before it passed the Senate, on August 18, 1911, it was elaborated into the partial revision of not only the cotton schedule but also the chemical and the metal schedules. Upon none of these schedules had any information been submitted to Congress in addition to that which it possessed when the Payne bill was enacted into law. Again the President was compelled to use his veto to protect the industries of the country from log-rolling tariff revision. Engaged in the cotton industry alone are 379,000 wage earners whose annual wages amount to $146,000,000. The capital invested in cotton industries in 1909 amounted to $821,000,000 and the value of cotton products in that year was $629,000,000.

In compliance with the direction of Congress and the promise of the President, the Tariff Board submitted its report on the wool schedule December 20, 1911. This report contains the most valuable information in regard to wool and the manufactures of wool ever presented to Congress, yet it was absolutely ignored by the passage of the wool bill on April 1, 1912, which is identical with the measure adopted by Congress last session when it had no information whatever upon which to base a scientific revision of the wool schedule. The agitation in regard to the wool tariff already has cost the industries covered by Schedule K $150,000,000. Not more than 40 per cent of the woolen cards of the country are running to-day, and now it is proposed to force even this 40 per cent into idleness by ruinous competition with the cheaper labor and cheaper products of foreign countries. Not only has the Democratic Party refused to avail itself of the opportunity to assist in a scientific revision of the wool schedule by making use of the Tariff Board's report, but up to this hour it also has completely ignored the Tariff Board's report on the cotton schedule which was submitted to Congress on March 26, 1912.

Casting aside the Tariff Board's reports on wool and cotton, the Democratic Party rushed pell-mell in the revision of the sugar, chemical, and steel schedules, which the Tariff Board still has under investigation and upon which it has not submitted any reports to Congress as yet. In other words, an attempt is being made at a political revision of the tariff schedules instead of a scientific revision. I do not believe the people of this country want their prosperity treated as a "houn' dawg" and kicked about to further the political interests of any individual or any party. Yet that is the very situation which is now confronting the country.

Solely for campaign purposes it is proposed to place sugar on the free list in the hope that a possible temporary reduction in the price of sugar will gain a victory for the Democratic Party at the coming election. This free-sugar bill can have no other effect than to ultimately transfer the larger part of $54,000,000 of annual revenue from the Public Treasury to the pockets of the Sugar Refining Trust. It will absolutely ruin the beet and cane sugar producers of the United States. I want to call your attention to the fact that the production of beet sugar by the farmers of this country has increased from 84,000,000 pounds in 1897, when the last Democratic tariff was repealed, to more than a billion pounds last year. If the free-sugar bill becomes a law this entire industry will be wiped out. No one will suffer more by it than the American farmer.

The chemical schedule as adopted by the House transfers $42,000,000 worth of raw materials from the free list of the present law to the dutiable list as an additional burden on the American manufacturer. In other words, the chemical industries of the United States will have to pay higher duties on their raw materials, thereby greatly increasing the cost of their finished products, which, in turn, will have to compete with increasing imports of foreign products on which duties have been lowered.

There is a significant item in the chemical bill, as passed by the House, which shows the close alliance between the Democratic Party and the Sugar Refining Trust, whose profits will be increased by nearly $50,000,000 a year by the free-sugar schedule. The item to which I refer is bone black, large quantities of which are used by the Sugar Trust in the refining or declorization of sugar. That is practically the only item in the chemical schedule of interest to the Sugar Refining Trust. Under the Payne Act the Sugar Trust is required to pay a duty of 20 per cent on its importations of bone black, but the chemical schedule as passed by the Democratic House places bone black on the free list, for which the Sugar Trust is undoubtedly very grateful.

The metal bill, which, along with all the other tariff measures passed by the Democratic House, is not based upon any adequate or scientific inquiry into the cost and production at home and abroad. At the outset let me call to your attention the magnitude of the industry which is now placed in jeopardy without an opportunity to have its cost of production investigated and reported upon by a nonpartisan board of tariff experts. This measure is commonly called the iron and steel bill. As a matter of fact it includes not only iron and steel but every metal known to commerce—gold, silver, nickel, copper, lead, bronze, zinc, aluminum, tin, quicksilver, and antimony. Under the schedule of metal and the manufactures of metal are included everything from artificial limbs to areoplanes. According to the census of 1905, 1,171,824 wage-earners were employed in the manufacture of metals affected by this bill. Wages in that year amounted to $652,109,633, and it is conservatively estimated that this amount of wage has increased at least 25 per cent since 1905. The metal industry consisted of 21,650 establishments having a capital of $3,157,388,329, and the products of these establishments were valued at $3,130,253,195 in that year.

I ask permission to have printed as a part of my remarks a table of census statistics of industries affected by Schedule C showing the number of establishments, capital, wage earners and wages, cost of materials used, and value of products, including custom work and repairing, for each of these industries. These statistics are for the year 1905. It is estimated that the amounts given should be increased at least 25 per cent to indicate the magnitude of these industries at the present time.

The VICE PRESIDENT. Without objection, permission is granted.

The table referred to follows.

Census statistics of manufactures in the United States, grouped in conformity with the schedules of the tariff law of 1897, including articles classified under section 6 and the free list.

Schedule, tariff law of 1897, and industry, census of manufactures, 1905.	Number of establishments.	Capital.	Wage earners and wages.		Cost of materials used.	Value of products, including custom work and repairing.
			Average number.	Wages.		
SCHEDULE C.—*Metals and manufactures of.* (*Pars. 121 to 193.*)						
Artificial limbs	104	$442,266	342	$221,913	$136,645	$883,731
Automobile bodies and parts (Schedule D)	57	2,528,613	1,810	980,008	1,493,227	3,388,472
Automobiles	121	20,555,247	10,239	6,178,950	11,658,138	26,645,064
Babbitt metal and solder	75	4,128,645	569	337,507	10,863,752	13,099,833
Bells	21	881,634	530	253,188	463,377	1,000,220
Bicycles and tricycles	101	5,883,458	3,319	1,971,403	2,628,146	5,153,240
Brass and copper, rolled	25	32,942,594	10,900	5,733,487	39,798,683	51,912,853
Brass castings and brass finishing	520	23,492,943	11,305	6,203,231	16,170,153	29,671,923
Brassware	229	18,930,472	10,078	5,176,758	7,631,943	17,499,056
Bronze castings	27	1,856,737	793	501,054	1,688,831	2,622,495
Cars, steam railroad, not including operations of railroad companies	73	88,179,047	34,058	20,247,821	75,657,126	111,175,310
Cars, street railroad, not including operations of railroad companies	14	12,975,703	4,730	2,839,579	5,341,444	10,844,193
Cash registers and calculating machines	32	7,587,972	4,079	2,442,001	1,515,980	9,875,030
Clocks (Schedule B)	38	9,703,170	7,249	3,514,185	3,077,574	8,868,000
Coppersmithing and sheet-iron working	1,989	31,944,237	22,556	13,765,683	27,147,964	56,082,020
Cutlery and edge tools	254	20,809,821	14,545	7,076,018	6,028,166	18,614,920
Electrical machinery, apparatus, and supplies	784	174,035,023	60,466	31,841,521	66,836,923	140,809,350
Electroplating	312	1,236,993	1,943	1,092,835	747,331	2,935,014
Enameling and enameled goods	92	17,975,456	9,537	3,642,322	7,152,090	15,709,282
Engraving and diesinking	305	1,210,673	1,573	1,032,232	376,400	2,422,437
Files	62	5,866,256	3,276	1,514,412	1,310,978	4,391,745
Firearms	30	10,376,264	6,224	3,722,850	1,738,012	8,275,550
Fire extinguishers, chemical	35	337,607	178	107,540	229,003	581,970
Foundry and machine-shop products	8,993	845,024,825	348,380	196,247,431	278,074,203	685,901,383
Galvanizing	36	2,690,471	1,256	623,012	4,744,466	6,418,850
Gas and lamp fixtures	263	20,206,957	8,141	4,237,391	7,395,207	17,560,383
Gas machines and meters	89	5,601,157	2,674	1,532,247	2,612,907	5,630,975
Gold and silver, leaf and foil	83	1,071,562	1,402	662,813	1,476,111	2,695,233
Hand stamps	224	1,231,865	976	511,808	564,723	2,017,531
Hardware	445	52,884,078	31,713	14,580,589	16,631,214	45,770,171
Hardware, saddlery	82	4,319,151	3,395	1,623,890	1,830,103	4,820,723
Horseshoes	8	1,227,457	232	126,629	255,742	793,931
Instruments, professional and scientific	225	5,382,930	3,437	1,823,205	1,350,153	5,377,755
Iron and steel, blast furnaces	190	236,145,520	35,078	18,934,513	178,941,918	231,822,707
Iron and steel, bolts, nuts, washers, and rivets, not made in rolling mills or steel works	88	18,912,545	8,090	3,642,268	7,807,239	14,687,103
Iron and steel, doors and shutters	24	1,119,542	699	407,390	601,754	1,477,235
Iron and steel forgings	138	28,246,474	5,665	3,423,190	5,752,315	12,110,395
Iron and steel, nails and spikes, cut and wrought, including wire nails, not made in rolling mills or steel works	76	8,741,916	3,681	1,684,077	4,686,349	8,922,893
Iron and steel pipe, wrought	27	13,052,606	5,416	2,472,721	12,743,619	17,400,912
Iron and steel, steel works and rolling mills	415	700,182,310	207,562	122,491,993	441,204,432	673,965,023
Japanning	32	595,695	426	187,736	242,238	607,060
Lamps and reflectors	142	7,795,527	4,429	2,170,590	3,682,551	8,999,874
Lead, bar, pipe, and sheet	32	5,015,161	646	405,025	7,910,180	9,277,452
Locomotives	15	38,421,048	24,806	15,793,432	27,702,930	59,552,032
Needles, pins, and hooks and eyes	46	5,331,939	3,965	1,595,923	1,583,644	4,750,530
Ordnance and ordnance stores	4	3,278,190	289	186,993	131,612	557,903
Pens, gold	16	446,933	309	225,454	274,235	692,020
Pens, steel	5	575,788	663	204,778	103,005	473,847
Phonographs and graphophones	14	8,740,618	3,397	1,683,903	4,161,133	10,237,075
Plated ware	60	13,830,480	6,281	3,360,425	5,448,619	12,138,883
Plumbers' supplies	185	20,290,463	10,753	5,996,361	9,923,810	21,542,435
Printing materials (Schedules D and M)	77	1,008,889	357	233,036	372,480	1,207,163
Safes and vaults	31	7,326,133	3,488	2,162,245	3,211,333	7,861,050
Saws	83	11,287,816	4,650	2,707,423	4,035,530	9,819,787
Scales and balances	85	8,512,993	3,133	1,754,789	1,633,150	6,002,633
Screws, machine	26	4,133,141	1,965	941,859	950,627	2,711,600
Screws, wood	7	5,969,443	1,488	556,330	731,542	2,133,844
Sewing machines and attachments	46	26,695,294	12,671	7,464,325	8,107,366	20,869,870
Silversmithing and silverware	98	23,901,545	8,580	5,265,040	9,010,033	20,700,703
Smelting and refining, lead	32	63,822,810	7,573	5,374,691	168,958,076	185,826,830
Smelting and refining, zinc	31	23,701,585	6,523	3,856,466	17,028,418	24,791,230
Smelting and refining, not from the ore	65	9,807,238	1,712	994,951	13,759,805	17,402,937
Soda-water apparatus (Schedule B)	37	3,414,676	1,469	834,705	1,923,835	4,634,235
Springs, steel, car and carriage	52	4,016,463	2,476	1,242,553	2,741,764	5,740,833
Stamped ware	174	23,107,758	13,560	5,660,459	10,524,880	21,958,040
Steam fittings and heating apparatus	176	28,541,509	11,690	6,581,578	10,425,332	24,910,857
Stencils and brands	103	683,367	530	285,458	171,787	793,421
Stereotyping and electrotyping	146	3,297,546	2,679	1,993,067	1,032,053	5,005,338
Stoves and furnaces, not including gas and oil stoves	415	52,971,105	29,728	17,823,434	18,483,865	54,400,108
Stoves, gas and oil	79	9,981,711	3,676	1,946,489	3,786,763	7,723,697
Structural ironwork	775	76,598,507	34,276	19,760,210	47,452,069	90,944,697
Tin and terne plate	36	10,813,239	4,847	2,383,070	31,375,714	35,283,360
Tinfoil	14	1,917,839	766	303,307	1,887,745	2,794,823
Tinware	377	92,555,896	16,919	6,842,491	26,248,253	41,892,809
Tools, not elsewhere specified	584	22,919,371	11,643	6,048,587	7,249,567	20,407,372
Type founding	21	4,916,723	1,446	883,595	746,176	2,727,750
Typewriters and supplies (Schedules L and M)	66	16,641,892	6,232	3,468,784	1,870,261	10,640,495
Vault lights and ventilators (Schedule B)	24	240,809	222	154,334	160,604	484,465
Watch and clock materials	17	425,838	385	182,475	107,361	428,692
Watchcases	28	12,649,771	4,221	2,170,507	4,428,627	8,626,504
Watches	14	19,409,931	10,724	6,024,400	2,258,683	11,866,400
Wire	25	14,898,817	4,737	2,858,743	30,062,487	37,914,419
Wirework, including wire rope and cable	649	26,893,614	13,379	6,099,869	17,856,211	33,038,495
Total	21,650	3,157,388,329	1,171,824	652,109,633	1,766,123,776	3,130,253,195

Mr. SMOOT. In addition to this immense industry, the metal bill affects 47,000 wage earners employed in the production of iron ore, whose wages amounted to $29,731,000 for the year 1909. Four hundred and eighty-three iron mines in operation that year produced ore valued at $107,000,000. The capital invested in iron mines in the United States amounted to $299,350,000. The metal bill also affects the livelihood of 21,603 lead and zinc miners, whose wages in 1909 amounted to $10,507,931. Nine hundred and seventy-seven lead and zinc mines in operation during 1909 produced ore valued at $29,416,047.

An unwise revision of the metal schedule, however, not only involves the prosperity of the industries directly related to that schedule, but also will be felt by every producer and business interest in the country. The farmer, who has more than doubled his wealth in the last 15 years, will be one of the first to feel the effect of more than a million and a quarter wage

earners being reduced approximately to the standard of living that now obtains in Europe. I know the people of this country do not want to return to the days of 1893 to 1897, but just as sure as we undertake a revision of the tariff that is not based upon the principles enumerated in the Republican platform which I have quoted, just so certain are we going to have our streets swarming with idle men with no means of satisfying their hunger, even at the reduced price the American farmer will be compelled to accept for his products.

Bills now pending before the Senate and those passed at the last session of Congress are a confession in themselves that their authors have no adequate information upon which to base a scientific revision of the tariff. Without possessing any further information than they had last session, the proponents of House bill 18642 have increased 43 paragraphs above the rates which they adopted last session as the proper tariff to be placed upon the imports of metals and manufactures of metals. If the rates in the bill now pending before the Senate are right, then the rates in the bill vetoed by the President last session were wrong, and his veto is amply justified by the bill which the House has passed this session. No one will contend that the conditions affecting the production of metals have so changed in the last eight months as to warrant any different tariff rates at this time than were required by the same conditions last August.

If a duty of 9 cents a ton was a fair and honest rate to be placed upon imports of iron ore last August, what justice is there in placing iron ore on the free list at this time?

If a duty of $1.50 a ton was a fair and honest rate to be placed upon imports of pig iron last August, what justice is there in imposing a duty of $1 a ton upon pig iron at this time, as provided for in the amendment of the Senator from Iowa, or $1.27 a ton, as provided for in the House bill?

If a duty of $5 a ton was a fair and honest rate to be placed upon imports of structural iron and steel last August, what justice is there in imposing a duty of only $3 a ton on structural iron and steel at this time?

If a duty of $2.10 a ton was a fair and honest rate to be placed upon railway bars last August, what justice is there in imposing a duty of $2.50 a ton on railway bars at this time?

If a duty of 60 cents a ton was a fair and honest rate to be placed upon imports of scrap iron last August, what justice is there in imposing a duty of 50 cents a ton on scrap iron at this time, as provided for in the Cummins amendment, or $1.04 a ton as provided for in the House bill?

These are only a few instances of the kaleidoscopic changes that have taken place in the proposed revisions of the metal schedule as submitted to the present Congress. Is it any wonder that manufacturers are driven to despair in their vain effort to ascertain what their fate will be from day to day? No industry can continue nor can the people remain prosperous under such conditions. In justice to the country, tariff doctors should at least refrain from prescribing new nostrums until they are able to agree among themselves as to what is the proper remedy to administer patients.

A brief comparison of the free-list bill and the Cummins amendment to the cotton-chemical-metal bill of last session, together with the metal bill and the amendment proposed by the Senator from Iowa this session, will convince anyone that the proponents of these measures are not agreed even among themselves as to what constitutes the difference in the cost of production at home and abroad. Until this fact can be ascertained by a thorough and comprehensive investigation of conditions surrounding the production of metals and manufactures of metals, both in the United States and foreign countries, I insist that no general revision of Schedule C should be undertaken by Congress.

It is a fact beyond debate that in the preparation of the Payne bill duties on the metal schedule were reduced more than on any other schedule of that measure. These rates, in numerous instances, were reductions of fully 50 per cent. The duties of all the articles in 40 out of the 69 paragraphs in the Dingley Act were reduced by the Payne Act. The duties upon articles covered by 8 other paragraphs were reduced in part and increased in part, while no changes were made in the rates covered by 18 paragraphs. In only 3 paragraphs were rates increased. This, as everyone knows, constituted a substantial revision downward of the metal schedule.

From the extensive hearings held by the Finance Committee this session of Congress it is very apparent that no further reduction can be made at this time in many of the paragraphs without seriously affecting American industries which employ hundreds of thousands of wage earners. The representatives of 248 different industrial concerns located in 18 States appeared before the Senate committee to protest against the proposed revision. Representatives of organized labor also made vigorous objection to the bill, declaring that it was unfair and unjust to American workmen.

These hearings clearly showed that the metal industry of this country has not yet readjusted itself to the radical reductions that were made by the Payne bill. Manufacturer after manufacturer submitted facts and figures to the committee showing that he is making little or no profit on his products at this time, endeavoring, as he has done, to maintain the standard of American wages in competition with the products of the cheaper labor of Europe. The importations of articles covered by the metal schedule increased 43 per cent for the year 1911 under the Payne bill, as compared with the importations for 1909 under the Dingley Act, the total importation of metals and manufactures of metals in 1911 amounting to $58,756,521.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield?

Mr. CUMMINS. I do not intend to interrupt the Senator from Utah if he desires to go forward with the discussion without interruption.

Mr. SMOOT. I would like to finish without interruption, and then I will be glad to take up any question with the Senator.

Mr. CUMMINS. Of course, interruptions afterwards are impossible. On the very point the Senator was just discussing there are some very significant facts, and I thought I would bring them to his attention; but I will not interrupt him if he wishes to proceed without interruption.

Mr. SMOOT. The pending bill, according to the estimate of the Ways and Means Committee, will further increase the importations under this schedule fully $25,000,000 a year, while reducing the revenue of the country more than $1,400,000. In other words, foreign laboring men will reap the benefit of $25,000,000 of additional products that would otherwise give employment to American workingmen. It is quite possible that the increased importations under Schedule C may reach $100,000,000 if the proposed revision is adopted. That would close scores of American factories and throw thousands of American workmen out of employment. So the Senate can understand just what that means and the number of men it would throw out of employment.

I have ascertained the number of American workmen receiving employment through the manufacture of 1,000 tons of steel rails, and the approximate number of employees in the direct service of the steel manufacturing companies, including allied departments, such as ore mining, coal and coke producing, and rail and lake transportation of ore only for rails made in the Pittsburgh district. To make 1,000 tons of rails is required 5,200 men employed for one day. So, Mr. President, whenever that 1,000 tons are increased by 10 or any other number you can multiply the number of men as stated by the same figures, and it will show the number of American workmen who would be thrown out of employment and whose employment would be given to laborers in some other country.

In addition to the above there are also workmen employed by interests not allied with steel manufacturers, and they engage in furnishing service and material of some kind to steel companies, used by the latter in connection with the production of steel rails, but there is no means of estimating what number this might be.

What has the country to gain by any such revision? Certainly the American consumer is not going to profit much by lowering the standard of living for the workingmen of this country.

I call your attention to the fact that, while there has been a general advance in prices of 14½ per cent during the last 10 years, the prices of metals and implements have advanced only 3.6 per cent. In the same 10 years, from 1900 to 1910, the prices of farm products have advanced 39.8 per cent; food prices have advanced 19.7 per cent; lumber and building materials, 19.6 per cent; cloth and clothing, 12 per cent; fuel and light, 6.9 per cent; and house-furnishing goods, 5.3 per cent.

While on this subject of prices I want to emphasize the fact that in the same 10-year period the prices of drugs and chemicals have declined 2.9 per cent. The figures I quote here are taken from the Report on Wages and Prices of Commodities presented to the Senate by a select committee which investigated that subject in 1910. (S. Doc. No. 847, 61st Cong.)

The following table from the same report shows the average wholesale prices of metals and implements in March, 1910, as compared with the average prices in March, 1900. This table clearly indicates the downward trend in the prices of these products, the small average increase being due to one or two

items that are not materially affected by any of the proposed revisions of the tariff:

Wholesale prices—Average price in March, 1910, compared with average price in March, 1900.

Group and article.	Price in March, 1910. Higher than in March, 1900.	Price in March, 1910. Lower than in March, 1900.
Metals and implements:	*Per cent.*	*Per cent.*
Axes, M. C. O., Yankee		25.0
Bar iron, best refined, from store (Philadelphia market)		16.6
Barb wire, galvanized		43.6
Chisels, extra, socket firmer, 1-inch	2.6	
Copper, sheet, hot rolled (base sizes)		7.3
Doorknobs, steel, bronze-plated	141.0	
Files, 8-inch mill bastard		15.5
Hammers, Maydole No. 1½	11.0	
Lead, pig		1.6
Lead pipe		2.5
Locks, common mortise	100.0	
Nails—		
Cut, 8-penny, fence and common		25.0
Wire, 8-penny, fence and common		40.9
Pig iron—		
Bessemer		25.3
Foundry No. 1		21.7
Foundry No. 2		23.4
Gray forge, southern, coke		16.6
Planes, Bailey No. 5, jack plane	13.3	
Quicksilver	1.5	
Saws—		
Crosscut, Disston No. 2	(1)	(1)
Hand, Disston No. 7	2.8	
Shovels, Ames No. 2		14.0
Silver, bar, fine		14.0
Spelter, western	21.7	
Steel billets		16.7
Steel rails		20.0
Steel sheets, black, No. 27		21.7
Tin, pig		4.0
Tin plates, domestic, Bessemer, coke		20.7
Trowels, M. C. O., brick, 10½ inch	(1)	(1)
Vises, solid box, 50-pound	11.1	
Wood screws, 1-inch, No. 10, flat head		17.6
Zinc, sheet	14.8	

[1] No change.

I quote the following from the Report on Wages and Prices (S. Doc. No. 847, 61st Cong.), showing that the tariff has not been responsible for the advance in prices, this conclusion having been reached by the select committee after a thorough and painstaking investigation of the subject:

The tariff seems to have been no material factor in causing the advance in prices during the past decade. The greatest advances have been made in commodities upon which the tariff has little or no effect, and the absolute removal of the tariff on many of these commodities could not have afforded relief at the present time, for the reason that prices of these commodities, with a few exceptions, were as high or higher in other countries than in the United States.

The advance in prices during the past 10 years appears to have no relation to tariff legislation. Beginning with January, 1900, wholesale prices in general declined slightly, and the decline continued through July, 1901. Beginning with August, 1901, prices advanced very slowly through March, 1903, and then remained steady through May, 1905. Beginning with June, 1905, there was a marked increase through October, 1907. Beginning with November, 1907, prices began to decline and the decline continued through August, 1908. Beginning with September, 1908, prices steadily advanced until the highest point during the 10 years was reached in March, 1910.

The advance in 1909 as compared with 1900, by groups of articles, was as follows:

	Per cent.
Products of the forests advanced	40.3
Products of the farm, crude, advanced	36.1
Products of the farm, manufactured, advanced	24.2
Products of mines and wells advanced	13.5
Products of manufactures advanced	5.7
Products of the fisheries advanced	5.1
Imported products declined	1.7

The groups of articles which have shown the greatest advance—the products of the forests and the products of the farm—are those for which there has been practically no change in tariff during the past 10 years. Neither have there been any changes during the past 20 years which could in any way account for the increase in price. The tariff acts of 1894, 1897, and 1909 have made no changes which to any appreciable degree measure the changes in prices which have taken place.

The American workingman will be the first person to suffer from the destruction of the Republican protective-tariff system, which has for many years assured him a higher standard of living than that of any other workingman in the world. This is especially true of every wage earner in the metal industry. From 30 to 90 per cent of the cost of metal products is paid directly to labor. The laborers in this industry would suffer more from a reduction of their wages than the employees in almost any other industry affected by tariff schedules, for they would be forced to the level of practically the lowest wage earners in Europe. I want to say that the men employed in blast furnaces, rail mills, and steel mills are entitled to every dollar they now receive, and I would be glad to see their wages doubled if the industry could afford to pay them such an amount. There is absolutely no disputing the fact that the American workingman now receives the highest wages of any workingman in the world. In the metal industry American workmen receive fully double the wages paid for similar classes of labor in foreign countries.

I submit the following summary of wages paid in the leading branches of the iron and steel industries of the United States as compared with wages paid to the same class of labor in Germany, the German wages being based upon the report of an inquiry by the British Board of Trade into the conditions of the working classes in the principal industrial towns of the German Empire and presented to the British Parliament April 10, 1908:

Summary of wages paid in the leading branches of the iron and steel industries of the United States as compared with wages paid to the same class of labor in Germany.

Branch of iron and steel industry.	United States. High.	United States. Low.	United States. Average.	Germany. High.	Germany. Low.	Germany. Average.
Blast furnaces	$2.50	$1.86	$1.95	$1.10	$0.79	$0.83
Bessemer steel works	6.05	1.86	2.50	2.23	.69	.93
Open-hearth steel works	8.00	1.69	2.60	2.23	.69	1.06
Blooming and billet mills	5.60	1.69	2.37	2.23	.69	.97
Rail mills	6.35	1.75	2.30	2.23	.69	.91
Sheared-plate mills	8.89	1.71	3.05	2.43	.69	1.44
Merchant iron and steel mills	13.23	1.86	2.65	2.43	.81	1.15
Wire-rod mills	11.54	1.76	3.50	1.22	.73	1.45
Wire mills	4.60	1.47	2.30	1.34	.73	1.14
Tube and pipe mills	5.39	1.50	1.95	2.84	.81	1.05
Sheet mills	10.78	1.68	2.90	2.55	.73	1.26
Tin-plate mills	9.57	1.57	3.21	2.55	.73	1.49
General average (all plants)	7.71	1.70	2.61	2.12	.74	1.14

The following table shows the approximate average wage per day paid employees in the metal industries, foreign and domestic, indicating an average increase for the United States over England of 94.7 per cent in blast-furnace work and an increase in the rolling mills of 103 per cent over England:

Approximate average labor rates, foreign and domestic, per day.

	Foreign countries. England.	Foreign countries. Belgium.	Representative domestic labor rates.	Domestic rates, increase. Over England.	Domestic rates, increase. Over Belgium.
Blast furnaces:					
Blowing engineers	$1.37	.....	$3.00	$1.63	.....
Bottom fillers	1.12	.....	2.20	$1.08	.....
Top fillers	1.27	.....	2.47	$1.20	.....
Keepers	1.82	.....	2.75	$0.93	.....
Keepers' helpers	.97	.....	2.20	$1.23	.....
Skip engineer	1.18	.....	2.60	$1.42	.....
General labor	.91	.....	1.60	$0.69	.....
Average increase, per cent	.....	.....	.....	94.7	.....
Rolling mills:					
Roller	7.20	$1.90	13.62	$6.42	$11.72
Catcher	1.68	.86	5.56	$3.88	$4.70
Heater	3.60	1.05	6.16	$2.56	$5.11
Average increase, per cent	.....	.....	.....	103	565
Puddle mill:					
Boiler	2.16	.....	2.90	$0.74	.....
Scrapper	2.16	.....	4.10	$1.94	.....
Average increase, per cent	.....	.....	.....	62	.....
General:					
Engineers	1.44	.86	3.25	$1.81	$3.39
Pipe fitters	1.27	.....	2.45	$1.18	.....
Mechanics	1.15	.....	2.75	$1.60	.....
Labor	.....	.57	1.55	.....	$0.98
Average increase, per cent	.....	.....	.....	118.9	235.6

Authority.—United States Daily Consular and Trade Report of November 14, 1908. Foreign Correspondence Reports and British Report of Strikes and Lockouts of 1891; First Report on Wages and Hours of Labor, 1893, and Report on Changes in Rates of Wages, etc., 1907; Present Pay Roll Rates in Effect Mahoning Valley District (Ohio and Pennsylvania).

There has been considerable misunderstanding as to the wages paid employees of the metal industry, owing to the fact that many of the compilations on this subject have been based upon the minimum wage scale rather than upon the actual wages paid to these employees. In this connection I call the attention of the Senate to the statement of Mr. Charles M. Schwab, of the Bethlehem Steel Co., at the hearings held before the Senate Committee on Finance this session. Mr. Schwab stated that

the average earnings of every man and boy employed by the Bethlehem Co. last year amounted to $788.88. This average included the apprentices but excluded all salaries of importance which might bring the average high by reason of large salaries of officers, superintendents, and so forth. The Bethlehem Co. employs between 14,000 and 15,000 workmen. Mr. Schwab declared he did not know of any industry in which the average wages of workmen under conditions of those in the metal industry were as high or as good. Pointing out the unfairness of labor statistics based upon the minimum wage scale, Mr. Schwab stated that 80 per cent of the workmen employed by his company were under the bonus system, which compensated them considerably in excess of the minimum wage allowed employees who did not have the ability to earn a higher wage. Workmen whose minimum wage was 13.5 cents per hour during the month of December actually earned 21.1 cents per hour, according to Mr. Schwab.

Mr. Schwab was fully corroborated in these statements by Mr. John A. Topping, chairman of the board of directors of the Republic Iron & Steel Co., which employes 12,500 workmen. Mr. Topping informed the committee that the rates of wages paid workmen in the iron and steel industry are "not less than double, and in may cases three times, the rates of wages paid in foreign countries with whom we have to compete." Unless adequate protection is established, declared Mr. Topping, a loss in wages of $100,000,000 per annum is a practical certainty.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. HITCHCOCK. I do not intend to interrupt the Senator, but only to call his attention to a discrepancy in his statement hanging on the wall there.

Mr. SMOOT. On what?

Mr. HITCHCOCK. The statement in the table relating to wages and production in the steel industry.

Mr. SMOOT. Mr. President, if the Senator is going to discuss that question, I should like to proceed further in the line of what I have been saying, and then I will take it up.

Mr. HITCHCOCK. I will call attention to the figures.

Mr. SMOOT. I will have to insert the figures. I should like very much to go on and make this statement consecutively, and then I shall be glad to debate the question with Senators.

Mr. HITCHCOCK. It is on the question of wages, which the Senator is now discussing.

Mr. SMOOT. I will very gladly refer to that as soon as I get through with my remarks.

Mr. Topping produced the last annual report of the Republic Iron & Steel Co., showing that the average earning power of its employees was more than $760 per annum, or approximately $2.40 for each working day. He declared that the average was as high, if not higher, than labor rates of any other important industry of the country. Mr. Topping submitted figures to show that the rate of wages paid in the United States averages from $1.70 for common labor to $10 and $15 for more highly skilled workmen. He asserted that the rate of wages paid in the steel trade to-day averages an advance of approximately 30 per cent during the last decade, and living conditions of to-day are decidedly better than have been ever before known. Mr. Schwab also stated that there had been only one year since 1900 when the wages of workmen in the general steel industry had not advanced.

I regret to say it is true that in some branches of the iron and steel industry workmen have been required to labor 12 hours a day and 7 days a week. This has been largely due to metallurgical conditions, especially in the blast furnaces. I hope that a movement, inaugurated by the American Iron and Steel Institute, to relieve employees from the requirement of working seven days a week will be successful. It is absolutely certain, however, that, if these workmen are to be freed from the inhuman requirement of working seven days a week, no changes should be made in the tariff that will force them to compete with the seven-days-a-week laborer of Europe.

Mr. MARTINE of New Jersey. Mr. President, on the question of wages, as the Senator from Utah is speaking of wages, will he permit me to make a suggestion? I will detain the Senator but a moment.

Mr. SMOOT. Yes.

Mr. MARTINE of New Jersey. I ask whether the difference in wages between our country and Germany is not being fast equalized?

Mr. SMOOT. No, Mr. President; the difference in wages between this country and Germany in this very industry is as great as it ever was.

Mr. MARTINE of New Jersey. I have it upon the very best authority—that of the president of the Ingersoll Sargent Rand Drill Co., a company employing 8,000 wage earners, in a letter from him, in which he states that in Germany—and he has just come from there—the average wages of the German worker in the metal industry have increased 20 per cent in 10 years. That is certainly a far larger increase than there has been in the wages of men working in that industry in this country. He asserts, further——

Mr. SMOOT. The Senator makes that statement off hand, without knowing the facts, for the testimony that we had before our committee was that during the last decade the wages have in many branches of the industry increased in this country 30 per cent.

Mr. MARTINE of New Jersey. In 10 years?

Mr. SMOOT. During the last decade.

Mr. BORAH. Within 10 years.

Mr. MARTINE of New Jersey. I make this assertion on the authority of William L. Saunders, president of the Ingersoll Sargent Rand Drill Co., a company which has in its employ 8,000 hands.

Mr. SMOOT. Mr. President, I do not care what Mr. Saunders said. Whenever he makes the statement that the wages are equalizing themselves in Germany and in this country——

Mr. MARTINE of New Jersey. I did not say that.

Mr. SMOOT. Or are one-half the wages paid in this country he says something that is not true.

Mr. MARTINE of New Jersey. Well, as I have stated, my proposition is on the basis of Mr. Saunders's assertion that wages have increased 20 per cent in the past 10 years in Germany.

Mr. SMOOT. That is in Germany, and they have increased 30 per cent in the United States.

Mr. MARTINE of New Jersey. You have not any verification that the wages have increased 30 per cent in the metal industry in 10 years.

Mr. SMOOT. Of course, Mr. President, I simply say that the man who pays the wage earners and who has to meet the pay rolls says the increase has been that much, and I would just as lief take his word as the word of some one that knows nothing about it.

Mr. MARTINE of New Jersey. I do not want you to take mine.

Mr. SMOOT. I did not say the Senator's word.

Mr. MARTINE of New Jersey. That is all right.

Mr. SMOOT. I did not refer to the Senator.

Mr. MARTINE of New Jersey. I did not want to interfere in the matter, but I felt, in justice, those facts ought to be brought out.

Mr. SMOOT. Mr. Schwab said to the committee that there is no one who would more cheerfully subscribe to the fact that steel manufacturers want very high wages in America than he.

I want high wages for all—

said Mr. Schwab.

Only five days a week, if you will, but we must be placed in a position where we can do it. I think it ought to be six days a week for every man; but this is a practical problem that steel men have worked over and pondered over and are experimenting on to-day to see how it can be done.

It is agreed, however, that although laborers in the blast furnaces were required to be on duty 12 hours, generally speaking, not more than 15 per cent of the time was put in in actual labor, as the blast furnace casts its metal only once in every 4 or 5 hours. During the intervening periods these workmen have little or nothing to do.

Mr. Topping told the committee that the 12-hour system was established by the employees themselves and was not an institution of the manufacturers. He recalled having tried to put into effect a three-turn shift in the sheet and tin mills of the Republic Co. some years ago. To quote Mr. Topping:

The unions that were then in control objected to that plan, because it meant the introduction of more apprentices, more new factors in the union, and they perhaps could not control labor as well with that condition if apprenticeship increased as they could with the restricted number that they had under control.

Mr. Topping also said that the men did not work 12 hours continuously, and that they preferred to remain on duty 12 hours rather than actually work a less number of hours, because a reduction in hours would mean a decrease in the rate of pay per day. "We will do well to maintain what we have," said Mr. Topping, "and we can not maintain it, in my opinion, if we have any change in this schedule as proposed by the Underwood bill." He stated that in one of the plants of the Republic Co. there were employed 6,545 men, who largely had the choice of their own hours of work. Of these, 240 work 8 hours, 9 work 9 hours, 2,352 work 10 hours, 465 work 11 hours, and 3,479 work 12 hours. The average increase in wages paid by the Republic Co. since May 1, 1910, amounts to 4.7 per cent.

The following table shows, in the form of percentages, the advance in wages and the changes in hours for the metal industry during the period from 1900 to 1907 as compiled from Bulletin 77, July, 1908, of the United States Bureau of Labor:

Wages and hours of labor in 1907 compared with 1900.

[Compiled from Bulletin 77, July, 1908, of the United States Bureau of Labor.]

Industry.	Wages per hour in 1907.		Hours per week in 1907.	
	Higher than in 1900.	Lower than in 1900.	Higher than in 1900.	Lower than in 1900.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Agricultural implements	23.7	.....	.....	3.9
Iron and steel, bar	18.8	.....	0.6	.....
Iron and steel, Bessemer converting	24.9	.....	.....	.9
Iron and steel, blast furnace	11.6	.....	.6	.....

The advance since the year 1907 has been, in many branches of the industry, about 10 per cent.

Many American manufacturers assert that if they could employ labor as cheaply as foreign manufacturers do they would be able to compete with them in the markets of the world. There was a time, a number of years ago, when American manufacturers had considerable advantage over their foreign competitors in the greater efficiency of American workingmen and the greater ingenuity of American inventors in producing marvelous labor-saving machinery. To-day, however, those foreign countries that are our closest competitors in the world's market have duplicated practically all the modern machinery possessed by American manufacturers and have trained their employees to practically the high standard of efficiency which long distinguished the American workingman. This is especially true in the iron and steel industry.

In this connection I want to quote from the statement of Mr. Schwab to the Senate committee at its recent hearing:

I have upon numberless occasions stated that, with equal conditions, steel could be manufactured as cheaply in the United States as in any country in Europe. This has been construed by many people into a statement upon my part that steel was made as cheaply, or could be made as cheaply, in the United States as in any country in Europe. That I do not believe to be true.

Some years ago, in the development of the steel business, American ingenuity and American methods made it possible for us to produce with some advantage over competitors abroad. However, the practical knowledge and possibilities of manufacture are now reduced to such a minimum that it is possible for people in any country to adopt the methods that prove successful here, or for us to adopt the methods that prove successful elsewhere; and the only real items that enter into competitive manufacture to-day are local conditions with reference to the supply of raw materials and labor. The mechanical appliances and the metallurgical processes throughout the world are about the same to-day; and, as I have before stated, with absolutely equal conditions, as to labor, especially, which constitutes the major part of the cost of making steel, we are prepared to compete with anybody, and shall ask no tariff; but if we are expected, and especially the manufacturers in the East, to maintain the conditions of wages and labor that maintain in the West, or approximately the conditions, where they are protected by long and heavy freight rates, then I want to state before this committee to-day that it is an impossible condition and one that we in the East can not meet.

Subsequently at the same hearing I put this question to Mr. Schwab:

Have you at any time made the statement that steel could be manufactured in this country cheaper than anywhere else?

To this inquiry he replied:

Assuredly not. I can not say that that has not been published, although I have never seen it; and I do say that whenever I have made the statement I have always said, "Under equal conditions; under the same conditions."

Then I asked him:

Which means, if the American workingmen receive the same wages as are received in Europe?

Again Mr. Schwab replied:

Yes. Then we could make it as cheaply as it could be made any place.

The low water rates on freight from foreign countries to American ports place foreign manufacturers on practically the same footing, so far as freight rates are concerned, with nearly all of the metal industries of this country. For instance, it costs the Bethlehem Co. as much to deliver steel into New York Harbor as it costs the foreign manufacturer to put steel from Belgium into New York Harbor. Belgium can put steel into Boston and the New England States at a lower freight rate than can the iron and steel mills of Pennsylvania. With the lower cost of production in Germany, the German manufacturer has a distinct advantage over the American manufacturer within 100 to 200 miles of the eastern coast. Interior points can be reached by the foreign manufacturer at the same rate as most of the American manufacturers have to pay, so that again the lower cost of foreign production would take away the home market from the American manufacturer if he had no protection against the cheaper labor of his foreign rivals.

Already the foreign manufacturers of iron and steel have taken possession of the Pacific coast market under the tariff reductions made by the Payne bill.

The imports of iron and steel at Pacific ports for the year ended June 30, 1911, under the Payne law, increased $1,386,877 over the imports at the same ports for the year ended June 30, 1909, under the Dingley law; an increase of 153 per cent.

Some of these imports came from China, where pig iron can be produced for $7.50 a ton, while the average cost of production in this country is around $14 a ton. Is it possible that the American people want to force our wage earners down to the level of Chinese laborers? In the iron mills of China coolie workmen receive 15 cents a day for 12 hours a day labor. In other words, $5 in American gold will hire 30 men in China for furnace work which requires only unskilled labor. One furnace on the Yangtze River, with a daily capacity of 300 tons of pig iron, is working Chinese labor at $1 a week, making pig iron more cheaply than in any other known mill in the world. To the iron mills of China, as well as those of Europe, the Pacific coast is now almost an exclusive market, and every additional cut in the tariff will extend the American territory from which foreign manufacturers will be able to oust American products by the cheap labor they employ.

Not only are American manufacturers handicapped by the cheaper labor cost of foreign products, but they are also forced to compete with many foreign products the manufacturers of which are aided by export bounties. The German Government, for instance, aids the manufacturers of that country in syndicating for export in order to provide employment for its people. German railroads and steamship lines also assist in dumping the surplus products of their country by lowering the rates of transportation to the United States and other foreign markets. Thus the sale of export goods at a loss is encouraged in order to build up the manufacturing industries of Germany. These losses on exports are largely made up by bounties which are not available to the American manufacturer. It is not fair, therefore, to make the measure of tariff the difference between the selling price abroad of foreign and American made goods. The German manufacturer, for instance, aided as he is by Government bounties and subsidies, can afford to dump his products on the American market at a far less price than he has to charge for these products at home.

The following table gives an example of the difference between the home and export prices charged by German manufacturers for leading articles of iron and steel:

Articles.	Home price.	Export price.	Approximate difference, United States equivalent.
	s. *d.*	*s.*	
Joists	122 6 to 125	109	$3.84
Blooms	92 6	74	4.44
Billets	100	76	5.76
Steel bars	102 6	78 to 79	5.52

The British consul general at Frankfort, Sir Oppenheimer, in a report has shown the large difference between the export and home consumption prices in Germany and Belgium; rates in favor of export sales on coal of 1 mark 50 pfennigs (0.337 cent); pig iron, 4 marks 86 pfennigs ($1.03); billets and semi-finished steel, 15 marks ($3.57); structural material, 20 marks ($4.76). These differentials increase or decrease as trade conditions suggest. During 1907 the German differential on semi-finished steel showed a difference of approximately $2.40. In the early part of 1908 this differential was increased to $3.50. The question of policy in giving employment to German and Belgium labor rather than profit to the operation of producing iron and steel is a factor of dominant importance, and cost of production is a secondary importance. Under this policy Germany's iron and steel exports have rapidly increased.

The German wire-rod syndicate, as shown by a published report, lost $203,000 on exports in six months, but made nearly $290,000 in profits on domestic trade. The iron and steel industry of Canada is also encouraged by bounties in addition to duties upon imports of pig iron, steel rails, and structural steel.

The following table shows the proportion of bounties paid by the Canadian Government:

Bounties paid by Canadian Government.

	Year.	On proportion made from Canadian ore.	On proportion made from foreign ore.
		Per gross ton.	*Per gross ton.*
Pig iron	1908	$2.352	$1.232
	1909	1.904	.784
Puddled iron bars from Canadian pig iron	1908	1.848	.....
	1909	1.176	.....
Steel, manufactured in Canada from ingredients of which not less than 50 per cent of the weight thereof consists of pig iron made in Canada	1908	1.848	.....
	1909	1.176	.....
Rolled round wire rods, not over ⅜ inch in diameter, manufactured from steel produced in Canada from ingredients of which not less than 50 per cent of the weight thereof consists of pig iron made in Canada, when sold to wire manufacturers for use or when used in making wire in their own factories in Canada, on such wire rods made after Dec. 31, 1906	.....	.....	6.72

I refer to these foreign bounties to show that any revision of the metal schedule should be undertaken only after a most careful and exhaustive inquiry by a competent board or commission into every phase of the costs of production at home and abroad. It is useless to compare costs and selling prices unless every condition relating to these subjects is clearly understood.

It is likewise absolutely unfair to take American costs of production, eliminating the so-called intercompany profits from these costs, and compare the net result with estimates on foreign costs of production without knowing whether these foreign costs include intercompany profits or not. For instance, certain advocates of tariff reduction are taking the cost of producing steel rails as reported by the Bureau of Corporations, eliminating therefrom the so-called profits on producing the ore, the pig iron, and the billets, and comparing the net result of these profitless operations with the reported cost of foreign products. As a matter of fact there is absolutely no evidence in any hearing or report available to Congress to show that the foreign costs do not include intercompany profits. On the other hand, there is very strong evidence that these foreign costs do include intercompany profits and that therefore any comparison between costs of production at home and abroad from figures now available should be made on that basis.

These profits are based upon business done prior to the passage of the Payne tariff act on August 5, 1909. Iron and steel manufacturers of this country contend that the Payne Act so reduced their business by reason of the increased imports which lowered duties encouraged that now they are doing business with practically no returns on their investments. Mr. Schwab stated that it is necessary for a manufacturing institution to make a profit of from 20 to 25 per cent on its products in order to provide for depreciation in its plant and possible business depressions, when sales have to be made at a loss to protect its property and employees from temporary idleness. On an average, a steel plant must be renewed once in 10 years.

I was much impressed with the statement which Mr. Schwab made to the Senate committee, and which, I believe, expressed his honest and sincere feeling in regard to the matter. I quote this paragraph from Mr. Schwab's testimony as expressing the general opinion of the foremost business men in the country concerning the effect the reduction of the metal tariff at this time, as provided in the House bill, will have upon their business:

> I would like to just interrupt at one point to emphasize, if I may, my feeling upon this point personally, because I am in the unique position of being a very large owner of this property, and directly responsible for and active in its management. My point is this: My interest in the Bethlehem Steel Co. is not essential or necessary to me personally; I have no heirs and I have no children to whom to leave it. My chief desire and chief pleasure in life has been to take this industry and build it into a great and successful thing—a great, successful works. I have not taken a penny out of it. But I do not mind saying, and saying with all the earnestness I know how, that if this bill passes I shall drop it and any further interest in it. It is not possible to make it successful.

There has been much discussion over the fact that American manufacturers, more particularly the big producers, or so-called trusts, sometimes sell their products abroad cheaper than they do at home. This is a practice of every successful commercial nation in the world. As a matter of fact, these sales of surplus products abroad materially aid in reducing the cost of the same articles to the consumer at home. Take the case of a blast furnace; the same number of men are required to run a furnace whether it makes 100 tons of pig iron a day or 500 tons a day. The labor cost, which is the principal item—aside from raw materials—in operating a rail mill, will not be any greater for the production of 2,000 tons than it will for 500 tons a day. Dividing these expenses by the large total output, the cost of the product is materially reduced. The home trade is directly benefited by this reduced cost based on the larger output which foreign trade makes possible. As a matter of fact, the greater bulk of the iron and steel export trade of this country is carried on by the United States Steel Corporation. That corporation, owing to its vast properties, including, as they do, iron mines, coal mines, coke plants, and both rail and water transportation companies, can manufacture at a less cost than the smaller independent companies.

Mr. Elbert H. Gary, chairman of the board of directors of the United States Steel Corporation, admitted to the Ways and Means Committee of the House, when the Payne bill was under consideration, that his corporation could produce steel rails for $2 less per ton than could the independent companies. Its low costs of production are due principally to its ability to operate one mill on a single product and to obtain lower water transportation rates than other manufacturers owing to its large shipments abroad, which constitute 90 per cent of the steel exports of this country. It is manifestly unjust, therefore, to cite the ability of the steel corporation to sell some of its products in foreign competitive fields as proof that the independent American manufacturer is able to meet such foreign competition. It is especially unfair to argue that the increased exports of iron and steel during the past year show that American manufacturers can compete on equal terms with the foreign manufacturers, because, as is well known in the commercial world, prices of iron and steel abroad have been especially high during the past year. This temporary advance in the foreign markets has undoubtedly kept foreign manufacturers from competing as extensively as they would otherwise have done in the American market following the tariff reductions of the Payne bill. There is no doubt in the world that under normal conditions the American manufacturer, compelled, as he is, to pay higher wages than any other manufacturer in the world, can not compete successfully in the foreign field except with his surplus products, for which he must take what he can get.

Undoubtedly the most glaring defect in the Underwood bill is its return to the antiquated ad valorem system of levying tariff duties. Ad valorem duties have been abandoned by nearly every civilized country in the world. Every Secretary of the Treasury from Gallatin to MacVeagh, with the exception of Robert J. Walker, has denounced ad valorem rates. Such rates deceive the public and frequently lead them to believe that material reductions have been made in the tariff, whereas substantial increases have been effected by the substitution of ad valorem for specific duties. Ad valorem tariffs make the rates highest when the people are least able to pay them and make them the lowest when the manufacturer is the least able to withstand foreign competition. As a matter of fact, there is absolutely no justice in such a system of levying tariff duties. Ad valorem rates should be resorted to only in those few exceptions where it is impossible to levy a specific duty.

The greatest frauds on the Treasury are possible on the ad valorem tariffs by dishonest importers resorting to undervaluations. Such duties are most difficult of administration and cause an endless amount of litigation. Even under the present tariff act, with its few ad valorems, there were 3,481 appeals filed against the appraisers' return of foreign market values on imported merchandise in 1910 and 4,506 appeals filed in 1911. It will be extremely difficult to apply ad valorem rates to a number of the articles listed under Schedule C. For instance, by what method will the value of lead ore be ascertained, containing, as it usually does, a number of metals, including zinc, copper, silver, and gold?

The American Chamber of Commerce in Paris has adopted resolutions urging a more general substitution in American tariffs of specific for ad valorem duties, having become convinced by the experience of most European countries that this would result in a more simple and equitable application of duties, as well as in the practical suppression of undervaluation and other evils, and would tend to strengthen the commercial relations of the United States with all foreign countries.

The Tariff Board in its report on the wool schedule also points out the defects of an ad valorem tariff system. Yet the Underwood bill ignores the experience of nearly every tariff expert by adopting the ancient system of basing duties upon the value of imports.

It is a peculiar fact that the United States Steel Corporation, "the Steel Trust," has been accorded special favors in the metal bill, just as the Sugar Refining Trust has been the recipient of

Democratic gratuities in the chemical bill. Ferromanganese is a special material in the production of pig iron. Every iron manufacturer has to use this alloy. The steel corporation is the only company that can afford to manufacture ferromanganese, owing to the large quantities used by its blast furnaces. The steel corporation, however, does not sell any of its ferromanganese, and independent iron companies are compelled to import all they use of it. The present law places a duty of $2.50 a ton on ferromanganese, while the Underwood bill fixes an ad valorem duty of 15 per cent upon it, thus increasing the rate that the independent iron makers will have to pay by 250 per cent. These independents can at least be thankful that the President vetoed the metal tariff rates adopted last session, as in that bill it was proposed to increase the duty on ferromanganese 383 per cent. The bill also makes a further discrimination in favor of the steel corporation by admitting free of duty the manganiferous ores from which this corporation makes its own ferromanganese.

There are numerous other inconsistencies in the bill which clearly reveal its crudeness and make manifest the necessity for scientific information before a revision of the metal schedule should be undertaken. I call to your attention some of these inconsistencies.

In this connection I wish to say that the Congressman who reported the bill made a statement on the floor of the House that he knew little or nothing about the business; that he knew nothing about the proper rates to be applied, and yet he was the chief supporter of the bill in the House. I claim scant consideration has been given to a measure involving 25,000 concerns in this country employing nearly a million and a half of workingmen. I now call attention to some of the inconsistencies of the bill.

Mr. SIMMONS. I do not know whether I understood the Senator from Utah. Did I understand him to say that the Member of the House who reported the steel schedule said he knew nothing about it?

Mr. SMOOT. Perhaps I had better read what he did say.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. OLIVER. I will state whether he said so or not, the text of the bill shows that he evidently did not know anything about it.

Mr. SMOOT. So that there may be no question as to what he said, I will ask to incorporate in my speech exactly the words he used.

Mr. SIMMONS. To whom does the Senator from Utah refer?

Mr. SMOOT. I refer to the gentleman from Pennsylvania [Mr. PALMER], who was chairman of the subcommittee that considered the bill, and made a speech in the House of Representatives in support of it.

Mr. SIMMONS. Do you mean Representative PALMER?

Mr. SMOOT. Yes.

Mr. SIMMONS. If the Senator will permit me, I will say that the report of the committee was filed by Mr. UNDERWOOD.

Mr. SMOOT. It is not in the report of the committee. I said that he made the statement upon the floor of the House at the time he reported the bill and was defending it. I want the privilege of putting into my remarks the exact words that Mr. PALMER used on the floor of the House.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. SMOOT. The chairman of the subcommittee which prepared the metal bill in the House, Hon. A. MITCHELL PALMER, now serving his second term in Congress, in his opening remarks defending the measure, made this confession:

> I am not an expert upon the general tariff question, nor have I any other than the ordinary knowledge of that particular phase of the question which is involved in the discussion of the proper rates to be levied upon metals and the manufactures of metals.

Mr. SIMMONS. Of course, I do not recall the statement the Senator refers to, but I wish to say with reference to Mr. PALMER's speech that I read it all with very great care, and it shows very great knowledge on his part of the subject.

Mr. SMOOT. I am willing to take Mr. PALMER's own statement.

Mr. SIMMONS. If the Senator will permit me, there has not been a speech made in either House that showed more thorough knowledge of this subject than Mr. PALMER's speech.

Mr. SMOOT. I do not want to discuss the matter any further. I am willing to take Mr. PALMER's own statement, and that is what I am going to include in my speech.

The following are some of the inconsistencies found in the bill:

> A duty of 15 per cent is placed on hoop and band iron and steel in scrolls or lengths, while the same articles are admitted free of duty when cut into lengths, including cotton ties or a light band. In other words, a manufactured article is admitted free while the raw material is made dutiable.
>
> Plain structural steel is made dutiable at 15 per cent, yet the same product when fabricated is also to be admitted at 15 per cent, affording no protection whatever to the workman who is employed in the fabrication of these products.
>
> A plain black sheet is to be admitted at the same rate of duty as that which has been run through a bar or corrugated roll and then painted, no consideration being given to the greater labor cost of the finished product.
>
> Wires and rods in some forms are protected while the more highly finished product, such as nails and spikes, which are made from rods, are accorded free entry. Bolts with nuts are made dutiable, while the nuts themselves, when entered separately, are free of duty.

I could go along and give a long list of these inconsistencies, but I will not detain the Senate longer.

The bill is a most unfair discrimination in favor of one part of the country against that in another section of the United States. I notice, for instance, that cotton ties, for the baling of the great product of the South, are placed on the free list, while wire used in baling hay, the great product of the North and Middle West, is retained on the dutiable list.

The placing of iron ore on the free list will not, in my opinion, make any appreciable difference in the cost of producing pig iron. Iron-ore deposits in Cuba, the nearest foreign source of supply for the United States, are owned by the steel corporation and perhaps one or two other large American companies, while the independent producers who make more than 50 per cent of the pig iron produced in the United States will have to continue paying royalties or leases on their ore purchases, as they do at present.

Mr. Schwab testified before the Ways and Means Committee that ore cost the pig-iron producer approximately $1 a ton, to which has to be added the cost of mining and transportation to the furnace. This figure is undoubtedly more representative of present-day conditions than the ore costs reported by the Commissioner of Corporations, which are based upon investigations covering the years from 1902 to 1906. Conditions have greatly changed in the 10 years since the beginning of the period covered by the commissioner's report. The leasing or royalty values of iron ore have advanced to a marked degree.

Mr. Schwab's figures on the cost of ore to the pig-iron producer are substantiated by the cost sheets of every other American producer that were submitted to the Senate committee. His valuation of $1 a ton on ore in the ground is also corroborated by a report which Mr. Frank A. Munsey, editor and publisher of the Munsey's Magazine, the Washington Times, and other independent newspapers, printed in Munsey's Magazine for June, 1908. Mr. Munsey, after a most exhaustive inventory of the steel corporation's property at that time, estimated the value of its ore holdings at 60 cents a ton. In commenting on Mr. Schwab's estimate of the value of iron ore, Mr. Munsey said:

> I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the steel corporation were easily worth $1 a ton, and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated.

The cost of iron ore is highly essential in determining the value of pig iron and other large products of iron and steel. The lower grade of ore now mined has increased this cost considerable, owing to the necessity of using a larger quantity of ore to produce a ton of pig iron, and consequently greater quantities of coke and limestone in the smelting of this lower-grade ore. This condition seems to have been given no consideration in the Bureau of Corporation's report, which is based on the high-grade ore mined at a minimum cost a number of years ago. It now requires about 3 tons of ore to produce a ton of steel rails.

It is beyond dispute that labor costs in this country at least twice as much as in foreign countries. Therefore, with labor constituting one-third the cost of production, a 16½ per cent duty would be necessary to protect the American manufacturer against the actual labor cost in foreign production, if every other item of expense were equal. In other words, an 8 per cent duty would not be half enough to protect American wage earners employed in the steel industry against the products of cheaper European labor.

About the only difference between the Senator from Iowa and myself in the amount that is required by way of duty to protect these items comes in the labor item alone.

Mr. President, I have a table showing the direct labor cost from mines to finished product for pig iron, large steel billets, and bar steel.

The following statement shows the direct labor cost from mines to finished product for pig iron, large steel billets, and bar steel:

DIRECT LABOR COST FROM MINES TO FINISHED PRODUCT.

Pig iron.

Materials used to 1 ton of product.	Total gross ton labor.
Iron ore, 1.97 tons, at $0.75	$1.48
Coal in coke, 1.33 tons, at $0.72	.96
Coke, 1.16 tons, at $0.38 per ton of coal used	.59
Limestone, 0.66 ton, at $0.44	.29
Direct conversion labor	1.06
Add labor on steam and water, electric light, laboratory, switching	.12
Total	4.50

The item of $1.06 is the only one the Senator from Iowa allowed in the conversion cost as labor.

Large steel billets.

Materials used to 1 ton of product.	Total gross ton labor.
Pig iron, 1.23 tons, at $4.50	$5.54
Cupola material used, 53 per cent of 1.10 tons equals 58.3 per cent, at $0.51.	.30
Direct labor	1.38
Add labor on steam and water, electric light, laboratory, switching	.17
Total	7.39

Now, that is the actual labor. That is not an estimate. That is what it costs the Republic Iron & Steel Co. to take their ore from the mines and put it into iron bars; and, I say, even upon that basis, and granting that labor costs in this country twice what it does in foreign countries, it would be impossible to have any such rate as is proposed in the Democratic bill.

Bar steel.

Materials used to 1 ton of product.	Total gross ton labor.
Billets, 1¼ tons, at $7.39	$8.31
Direct labor	4.02
Add labor on steam and water, electric light, laboratory, switching	.17
Total	12.50

(Labor, coal, and coke expressed in net tons but reduced to gross tons.)

NOTE.—Salaries of clerks, managers, and superintendents included, but all labor in transportation, supplies, lubrication, refractories, etc., excluded.

The importance of the labor cost increases to a marked degree in the more finished products, constituting as it does nearly 90 per cent of the cost of all products advanced beyond the billet stage.

ELECTRIC-FURNACE PRODUCTS.

[Paragraph 1.]

The pending House bill includes high-grade electric-furnace products in the paragraph with pig iron, scrap iron, spiegeleisen, and so forth. When the tariff act of 1897 was enacted the only ferro-alloys of any commercial importance were the blast-furnace products, such as ferromanganese, spiegeleisen, and ferrosilicon containing less than 15 per cent silicon. The act of 1897 provided certain specific duties which were not sufficient to afford protection to the then unknown high-grade electric-furnace products. Many of them have been discovered and most of them first commercially made since that time. They have been produced in connection with the development of the electric furnaces. The utilization of these various ferro-alloys in the manufacture of steel has inaugurated a new era in steel manufacture and made possible the economical production of steel of vastly improved quality suitable for all sorts of special purposes. This was recognized in the tariff act of 1909, when the high-grade electric-furnace products were separated from the blast-furnace products. But the pending bill puts them in the same paragraph and at the same duty of 15 per cent ad valorem.

Placing the same rate of duty of 15 per cent on a blast-furnace product as upon the rarer electric-furnace ferro-alloys is absurd. The duties under the existing law on these electric-furnace alloys are equivalent to about 25 per cent ad valorem and are practically on a tariff-revenue basis now, the proof of which is found in the large increase of importations of these products. Lowering the duties to 15 per cent will reduce the revenue and will increase the imports to such an extent as to be disastrous to the industry in this country.

The total tonnage imports of all the electric-furnace ferro-alloys enumerated in paragraph 184 of the existing law for the two fiscal years 1908 and 1909, during which the law rates on these products under the Dingley act was in force, was 20,826.22 tons, and the duty collected was $96,026.44, whereas the tonnage imported for the two fiscal years 1910 and 1911 amounts to 26,241.03 tons, and the duty collected was $410.762. That is to say that in spite of the higher rate of duty the tonnage has increased.

In 1907 the selling price of 50 per cent ferrosilicon was approximately $110 per ton. The manufacture of these products began in this country at that time, and they now sell for $70 per ton. A similar reduction in price is true of other electric-furnace products. A furnace man who gets $960 a year in this country would receive only $370 in Austria for doing exactly the same kind of work, and an ordinary laborer who gets $2 a day here would be paid only 80 cents there. In a year 1 horsepower could produce a ton of ferrosilicon. That horsepower costs at Niagara Falls from $16 to $18, as compared with the cost of $7 and $8. It costs $20 a ton less to produce ferrosilicon in Norway and in Austria than in the United States. There is a capacity in this country now to manufacture the full amount of the requirements of this product. It is an industry which will simply be extinguished should the Underwood bill become a law.

TUNGSTEN, MOLYBDENUM, ETC.

[Paragraph 1.]

The Underwood bill places tungsten, molybdenum, vanadium, and other similar metals and alloys in the same class as ferromanganese and ferrosilicon, making them dutiable at 15 per cent ad valorem. In the case of tungsten, molybdenum, vanadium, and so forth, there ought to be a difference, because of the greater cost of production. These ores are produced in Spain, Portugal, Bohemia, and South America, where miners receive less than $1 a day in wages. In Portugal and Spain, two of the largest producing countries, the wages are from 44 cents to 56 cents a day, and many women are employed, who receive from 18 to 19 cents a day, particularly in Portugal.

These ores in the United States are found in various western and southwestern States, where miners never receive less than $3 a day for eight hours, and many of them are paid $3.50. In Colorado, where considerable tonnage of these ores is now produced, ordinary day laborers are paid $3 per day, and the skilled laborers as high as $5 a day. Practically the entire cost of the ore constitutes labor charges. Through the low cost of production of the foreign ores, the mines of this country have not been developed as they would be if the miners of these products were given sufficient protection. There are between $3,000,000 and $9,000,000 invested in tungsten mines in the United States, and these mines would be able to produce one-fourth of the world's consumption of tungsten ores.

Comparative costs of manufacture of tungsten in Europe and the United States with ore at $6 per unit WO_3 per ton delivered at works and a yield of 100 pounds of tungsten from each 140 pounds WO_3.

[In cents per pound.]

	United States.	Europe.
Cost of ore required to produce 1 pound of metal	42	42
Duty, 10 per cent	4.2	.....
Cost of manufacture as per sworn statement	23.652	.....
Cost of manufacture, Borcher's bid (attached)	.....	13
	74.3	55

From which it will be seen that the cost of manufacture without profit in the United States is 27 per cent higher than the cost plus profits in Europe.

BAR IRON.

[Paragraph 2.]

The bar-iron producers naturally greatly fear the results of any further reduction in the tariff on their product. In the law of 1909 bar iron was reduced from six-tenths to three-tenths cent per pound, and round iron from eight-tenths to six-tenths cent per pound, so that bar iron suffered a reduction of 50 per cent, since which time importations have increased 33 per cent, showing that the present tariff is competitive and not prohibitive as claimed. It is now proposed to make bar iron dutiable at 10 per cent ad valorem. Bar iron is manufactured by a large number of comparatively small independent companies scattered over all the country, representing diversified interests and having no connection with each other. It is produced largely by hand labor, and consequently requires a

very much larger proportion of skilled labor than ordinary steel, which makes a much higher cost of production.

The wages paid for American skilled labor are so much in excess of that paid in other countries that to put this industry upon a strictly revenue basis would mean that either the labor cost would have to be materially reduced or the plants would necessarily have to cease to operate. In England the labor of puddling is paid an average of about $2.30 per ton, while this same class of labor is paid at the present time in this country $5.50 per ton, though this is much lower than the ordinary rate, owing to the present depressed condition of the business. Bar iron is manufactured from pig iron and scrap iron, which, in the House bill, are placed at 8 per cent ad valorem, while the finished product is placed at 10 per cent, a difference in rate entirely inadequate to protect labor engaged in the industry.

SHEET STEEL.

[Paragraph 4.]

The sheet-steel industry, with an estimated direct investment of $35,000,000, is threatened by the reduction proposed in the House bill on sheet steel to 15 per cent ad valorem. The plants represented are widely scattered from the Atlantic coast to the Mississippi River, and employ about 27,000 persons, among the best paid of any class of labor in this country. In addition, there are many millions of dollars and thousands of workmen employed in mining ore, coal, limestone, and in manufacturing steel, which is subsequently reworked during various processes and finished in the form of steel sheets.

Sheet steel is of necessity hand made. Its cost is largely made up of wages paid for labor. The cost per gross ton of 24-gauge (which is a representative thickness) amounts to about $39. The selling price for the same material at European seaports is about $37.40 per gross ton. The American prices are relatively as low as ever obtained in this market. Owing to the prosperous condition of business in Europe the prices there are unusually high.

The ocean-carrying rates to Atlantic and Gulf coast points are $2.25 to $2.47 per gross ton, and from Liverpool to Pacific coast points, $6.72 per ton. The House bill, with its duty of 15 per cent, would make the European selling price $45.27 at Atlantic coast points. Based on $39 home cost at Pittsburgh, with freight added, the necessary cost, delivered at Galveston, for instance, would be $53.80 as compared with the European selling price of $45.48. The price at San Francisco would be $58 compared with the European price of $49.73, and the price at Boston would be $43.03 as compared with the European price of $45.35. These figures give the cost price in the United States, while the European figures are the selling prices. The shipments of sheet steel to Atlantic and Gulf coasts and adjacent points for the year of 1911 were estimated at 284,000 gross tons and the shipments to the Pacific coast at 137,000 gross tons. This tonnage for Atlantic coast points would doubtless be increased as much as 25 per cent if points up to 200 miles inland were considered. It is obvious therefore that with this low duty proposed by the House bill the American manufacturers are threatened with a loss of a large part of their steel business.

There is an inconsistency in placing the same duty—15 per cent—on sheet steel, a hand-made article, and on steel beams, channels, angles, and so forth, which are produced mechanically at a very much less labor cost. In recent years great improvements have been made in processes for rolling many of the heavier forms of steel, but with sheet steel little improvement has been made. The 15 per cent rate is altogether insufficient for the heavier forms of steel, and certainly is too low for the sheet steel.

From Maine to Houston, Tex., in 1910 there was a consumption of 114,573 net tons of galvanized sheets, estimated—not including a large production of black sheet steel now classified with heavy plates—meaning an expenditure of $1,287,800 in direct wages to sheet-steel employees. This territory is all accessible to the English manufacturers by a low water transportation rate of 10 cents per hundred pounds. The freight from Pittsburgh to New York is 16 cents per hundred pounds.

Many women and children are employed in the industry in Europe, their families having followed it for generations, and, although their wages are on the average about 50 per cent less than the American wages, still they are better paid there than other forms of labor. The high skill and low wages must be considered when fixing the duty, unless Americans are to be forced out of the industry or compelled to accept the low foreign standard of wages.

TIN PLATE.

[Paragraph 8.]

The tin-plate industry is an instance of the wonderful effect of the protective tariff. This industry was first established in the United States by the McKinley tariff law. At that time all the tin plate used in this country was imported from Wales, exceeding 300,000 tons, or 85 per cent of the entire Welsh production, which in 1890 was 367,000 tons. To-day the United States produces 800,000 tons of tin plate with a value of about $52,000,000, and the cost price is much less now than ever before. All that is the result of the protective tariff, which took effect in 1891. When the United States Steel Corporation was formed it controlled practically all of the tin-plate business, but since that time independent manufacturers have established mills and now produce 40 per cent of the total output.

The House bill reduces the protection to a point that would surely throw 25,000 workmen engaged in the industry out of employment or greatly reduce their earnings. In fact, it was practically conceded by the members of the House committee who drew up this bill that the American producers would lose the market at the seacoast, though they apparently did not realize that that means two-thirds of the market of this country. When tin plate was all imported it was natural that the buyers in this country should locate at the cheapest points, which were at the seaboard, and they are still there. From 90 to 95 per cent of all the tin plate that is manufactured is used for containers and the most of it is used for food containers. Baltimore is the larget consumer of tin plate in the world, because of the oyster and fish industry at that place. The canning industry in Virginia and in Delaware, with their crops of peaches, tomatoes, and vegetables, are of great importance as is the fishing industry along the coast. All these go to make up the great consumption of tin plate.

In speaking on this bill, the chairman of the subcommittee that drafted it, said:

> Under the reduced rates there will be an increase in the imports because the Americans will not be able to meet the competition in certain sections of the country; they will have a market which will be a little more restricted than at present, the foreigner being able to pass the door of entry a little farther than he has been able to do in the past.

That means the American producer will not be able to compete at the seacoast under the proposed duty. The effect of the reduced duty can be seen in the importation of tin plate on the Pacific coast. The duty of 1½ cents per pound of the Dingley law was reduced to 1.2 cents per pound by the act of 1909. The importations on the Pacific coast for the year ending June 30, 1909, were 386,010 pounds. Under the reduced duty, for the year ending June 30, 1911, they were 6,691,616 pounds, or an increase of 18 times. That is an illustration of what the authors of this bill are preparing for American manufacturers on the Atlantic coast.

Since this industry was first established in the United States great improvements have been made in machinery and in other ways, but all of these have been adopted also in Wales. The largest item of expense in the manufacture of tin plate is labor, and the producers say that they have been unable to reduce the cost of labor, although millions of dollars have been spent in the effort. American manufacturers pay $2.44 for the same work for which $1.32 is paid in Wales.

In Wales much of the work is done by women and children. They are not employed in the tin industry in this country. The London Iron and Steel Trade Journal has made the remark that "the greatest obstacle to tin plate making on a large scale in the States is the entire absence of cheap female labor so necessary in the industry and so plentiful in Wales." Fortunately, with a protective tariff, the use of such labor has not been necessary in the United States. In Wales girls are used to carry tinning pots to the assorting room; these pots weigh over 100 pounds, and are carried in some cases 200 feet. A manufacturer who was asked why he did not use a donkey for that work replied, "Why, the donkey would eat more than we pay these girls." That is the kind of labor American workmen are asked to compete with.

In the manufacture of the 800,000 tons of tin plate produced in this country there are required 1,900,000 tons of iron ore, 1,100,000 tons of coke, 535,000 tons of limestone, 1,000,000 tons of pig iron, and 925,000 tons of steel. In addition to that the coal consumption alone is about 3,200,000 tons. In other words, it requires 3,000 coal miners working every day in the year to provide the fuel necessary for the production of that 800,000 tons of tin plate. The question of tariff is wholly one of labor. It is the labor in the coal mines, the ore mines, coking fields, railroads, tin-plate mills, and everywhere else.

Mr. W. U. Follansbee, of Pittsburgh, in testifying before the Senate Finance Committee on behalf of a number of independent tin-plate manufacturers, stated that in 1911 the average wage paid to each of the men in the tin-plate department of the Follansbee mills was $3.25 per day, and their earnings averaged $874 per annum. The total wages annually paid American workmen dependent upon the tin-plate industry, of which 60 per

cent is paid direct in making tin plate alone, aggregate $27,750,000. In the last three years the production of tin plate has increased 33⅓ per cent, and at the same time the cost to the consumer has been materially reduced.

From 1872 to 1878 the duty on tin plate was 15 per cent ad valorem, and the average price paid by the American consumer was $7.30 per box of 100 pounds. From 1879 to 1891 the duty was 1 cent per pound, a strictly revenue duty, and the average price was $4.31 per box. Up to that time no tin plates were produced in this country. Under the Dingley law the protective tariff was 1.5 cents per pound. From 1904 to 1908 the American consumer paid on the average of $3.48; from 1909 to 1911, under the existing law, the duty being 1.2 cents per pound, the consumer has paid an average of $3.38, and during that time the price of block tin has averaged 5 cents per pound higher than for the period of 1908. The price of block tin is absolutely controlled by a syndicate of London speculators.

The House report on this bill estimates that the reduced duty on tin plate will produce a revenue of $1,000,000 the first year. That would, at the estimated price, much too high, necessitate the importation of 78,125 tons of tin plate, or the equivalent of 26 American tin-mill units, at 70 men per mill. This would throw 1,820 men out of employment; a direct wage loss of $1,274,000. That is what the Democratic Members of the House and Senate are asking—that a law be passed which, on their own estimate, would throw these men out of employment and cause a loss in direct wages of $1,274,000 to American wage earners. Adding the other wages involved in smelting the iron, reducing pig iron to steel, and other items incident to the production of tin plate, would bring the amount of wages lost to American workingmen up to $2,038,000. But even this loss, based on the House report, is far from the facts.

The tin-plate trade on the Pacific coast amounts to approximately 125,000 tons. The Gulf trade, including Savannah, amounts to 25,000 tons. That would make 150,000 tons, to say nothing of the Atlantic coast trade, or double the quantity necessary to raise the $1,000,000 revenue. This means that 3,640 men, drawing actual wages of $2,548,000 in the tin-plate mills, would be thrown out of employment, exclusive of the men mining coal, making the coke, smelting the pig iron, and converting the steel that goes into the tin plate. Including the coal miners and all concerned it would mean at least $5,000,000 per annum lost to the American wage earners, to say nothing of the wages of those who supply those wage earners with what they consume. Even these figures do not include the consumption of tin plate at Baltimore or other Atlantic points.

The freight rate on 100 pounds of tin plate from Pittsburgh to New York and central northern Atlantic ports is 17 cents, and the freight from the Welsh mills to the same points is 8 cents. The difference in the wages paid in Wales and in the United States in the production of that 100 pounds of tin plate is 45 cents, excluding the capital invested and the average lower cost of the raw material in Wales. The Welsh producer accordingly has an advantage of 79 cents on the 100 pounds at the Atlantic coast points. The proposed 20 per cent ad valorem duty under the House bill on the average price ($2.70) of tin plates at the Welsh mills for 12 years would amount to 54 cents. Taking that duty from the advantage that the foreign producer has would enable him to sell his tin plates in New York at 25 cents a box, or $5 a ton, lower than the American producer.

The following table shows in detail the advantage the Underwood bill gives the foreign manufacturer of tin plate over the American producer per 100 pounds delivered at the United States ports named:

	New York and central and northern Atlantic ports.	New Orleans and other Gulf ports and Savannah.	San Francisco and other Pacific ports.
Freight from American mills, Pittsburgh district	$0.17	$0.34	$0.70
Freight from Welsh mills	.08	.10	.30
	.09	.24	.40
Wages	.45	.45	.45
Capital investment	.10	.10	.10
Raw material, average	.15	.15	.15
	.79	.94	1.10
Underwood proposed 20 per cent ad valorem duty on price at Welsh mills, average for 12 years, 1900 to 1911, inclusive, $2.70 per 100 pounds, equals	.54	.54	.54
Welsh advantage per 100 pounds	.25	.40	.56
Welsh advantage per net ton	5.00	8.00	11.20

At the present time the difference in price of the raw material is comparatively low between Wales and America, because of exceptionally good times and high prices abroad, coincident with low prices in this country. But within the last two years the foreign producer has had an advantage on raw material of $6 per gross ton, and an allowance must be made for the recurrence of that condition. Even if the American mills, by reducing wages and operating without profit, could retain, under the House bill, the New York and central northern Atlantic ports trade, they would unquestionably lose the Gulf and Pacific coast business. This business alone means about 160,000 tons, which furnishes employment to 7,500 men, whose wage loss would amount to $5,000,000.

The American tin-plate manufacturers, in their brief submitted to both the House and the Senate committees, have recommended a reduction of their duty from 1.2 to 1 cent per pound in view of the phenomenal growth of their industry under the protective tariff system. They insist that 1 cent is the least protection they could exist under. This would be a reduction of 55 per cent from the McKinley duty of 2.2 cents per pound, by which the American tin-plate industry was established 20 years ago.

Mr. John Williams, of Pittsburgh, president of the Amalgamated Association of Iron and Steel and Tin Workers, and other officers of that organization, appeared before the Senate Committee on Finance to protest against any reduction in the duty on tin plates. Mr. Williams, in his testimony, declared a reduction in duties which would permit the free entry of imported plates would result in the wholesale closing of mills engaged in the manufacture of sheet and tin plates. This condition, he said, was assured from the statements of manufacturers that if the Underwood rates became effective the only way they could operate their plants would be by reducing labor. Mr. Williams pointed out that employees in the American tin-plate industry receive above double the wages paid in the Welsh industry with whom they would have to compete if there is any further reduction in the duty on tin plates.

Mr. Walter Larkin, of Martins Ferry, Ohio, vice president of the Sheet and Tin Plate Division of the Amalgamated Association of Iron and Steel Workers, told the committee that the experience of the workingman had been that a reduction in the duty on tin plates always resulted in a reduction of wages to them. He said that in 1895, after the Wilson-Gorman bill passed, the tin-plate workers had to accept reductions from 12½ to 15 per cent in their wages, and that after the tariff had been restored by the Dingley bill wages were increased 8¾ per cent. There was no reduction in wages following the enactment of the Payne bill, as the tariff cut in that measure was recommended by the tin-plate manufacturers themselves, according to Mr. Larkin.

TOOL STEEL.

[Paragraph 9.]

Tool steel, as the name implies, is a high grade of steel used in the manufacture of tools, cutlery, knives, razors, and any instrument requiring an edge or temper. This steel is manufactured either by the crucible or high-speed process, each of which involves a great amount of specially skilled labor. The labor amounts to about 50 or 55 per cent in the tool-steel process itself, and the finished product represents fully 80 per cent of labor. The expense attached to manufacturing tool steel is readily shown in its selling price of from $120 to $2,500 a ton. An example of the amount of work required to produce this class of steel is shown in the steel for blades in safety razors. This steel goes through as many as 20 operations before it leaves the tool-steel plant, and, after that, the manufacturer of the safety razor has to spend a great amount of labor on this steel to finish it in the form of blades ready for use.

Section 9 of the Underwood bill reduces the tariff on this class of steel to 10 per cent ad valorem, which the manufacturers contend amounts to no protection at all. The competition in tool steel comes from England, France, and Germany, where the low wages permit the manufacture of tool steel, with its large labor percentage, at a cost considerably below that for which it can be produced in the United States. Under the present tariff, tool-steel manufacturers are beginning to establish that industry on a substantial footing in this country, the production of crucible steel now running from 75,000 to 100,000 tons a year. Tariff agitation, however, has brought this industry almost to a standstill, and German and English manufacturers are again taking a large share of the American trade.

Mr. Robert E. Jennings, president of the Carpenter Steel Co., of Reading, Pa., informed the committee that his plant was running from only 55 to 60 per cent of the time under present conditions.

Mr. William Metcalf, jr., of the Braeburn Steel Co., declared in most emphatic terms that if the Underwood bill becomes a law he would have to go into court and ask for a receiver for his company, and that he would take that step immediately to protect the creditors and stockholders of his company. Mr. Metcalf told the committee that, by reason of having been protected by a tariff, American manufacturers are now making better steel than the English people and are gradually getting the trade for high-grade steel in this country away from English makers, who have held it without competition for many years. He declared that the only way in which American manufacturers can keep this trade is by retaining the tariff until such a time as they can fully demonstrate that American steel is equal or superior to English steel.

"High-speed" steel is steel that retains its temper while working at a high rate of speed. It makes deep heavy cuts and enables the machinist to turn out four or five times as much work with one tool as he did with the old carbon steel, according to Mr. Ramsey, of the Crucible Steel Co. A large amount of tungsten is used in the manufacture of high-speed steel, and it goes through a great many labor operations. Outside of tungsten, however, this steel costs very little more than ordinary steel in the beginning, but by the time it is finished labor has been employed to the extent of about $400 a ton. The American manufacturer pays for skilled labor about $4 a day, while the English and German manufacturer has the same work done for $1.75 a day. It is absolutely essential to retain the present duty on tool steel if American standard of wages in this industry is to be maintained.

STEEL WOOL OR STEEL SHAVINGS.

[Paragraph 10.]

The manufacture of steel wool and steel shavings is practically a new industry in the United States. It is now being encouraged by a duty of 40 per cent. The Underwood bill proposes to cut this duty in half, which American manufacturers contend would destroy the American industry. Practically 60 per cent of the cost of producing steel wool is due to the skilled labor employed in this industry.

Mr. Herman Wolf, a representative of the American Steel Wool Manufacturing Co., of New York, submitted the following table to the committee showing the difference in the cost of producing steel wool in his New York factory and in Europe:

Cost of production per pound.

	United States.	Europe.
	Cents.	*Cents.*
Wire	3	2
Labor	10½	4
Manufacturing expenses	4½	3
Total	18	9

This table shows that the cost of manufacture in this country is double the European cost, the increase being due almost entirely to the greater expenditure for labor in the United States. The duty on steel wool now amounts to 7 cents a pound, which would indicate that the present rate is none too high to protect the American industry.

The only protest that the Senate committee received against the present duty on steel wool was from an importer of a German product. This importer contended that the present duty is ruinous to his business and that he was losing money on his importations. On the other hand, the American manufacturers of steel wool declare that any reduction of the duty would destroy that industry in this country. When it comes to a question as to whether an American industry or an importer of foreign products is to survive, I shall always support the American industry. I do not believe Congress would be justified for one minute in reducing a duty on the complaint of an importer that it was ruinous to his business. Yet the Underwood bill does this very thing.

IRON OR STEEL ABRASIVES.

[Paragraph 11.]

The duty on metal abrasives is a typical example of how a protective tariff builds up an American industry and at the same time benefits an American consumer by reducing the cost of production. When American companies began the manufacture of metal abrasives the foreign product was selling in this country for from $70 to $75 per ton. American competition soon pushed this price down to $60 per ton. Prior to the tariff act of 1909, metal abrasives had been imported at a duty of 45 per cent ad valorem. When the Payne bill was under consideration manufacturers of these abrasives demonstrated that they were in need of additional protection. I offered the amendment, which was adopted, fixing the duty at 1 cent a pound. This increase of duty did not increase the price of metal abrasives, but did give the American manufacturer better protection in his sale of off sizes, which constitute nearly two-thirds of his product, and which must be sold at a great reduction under the price charged for standard sizes.

Metal abrasives consist of grit, shot, and sand made of iron or steel, and are used in grinding, sawing, rubbing, boring, and facing marble, granite, stone, brick, and so forth, and in sand-blast castings. The quantity of the abrasives used in each operation is so small that its price does not in any way affect the cost of the material on which it is used. For instance, 25 cents' worth of abrasives is sufficient to completely work granite or marble worth $500 or $600.

One importer has practically a monopoly on the importation of foreign abrasives used in this country, having the exclusive agency for all the important foreign plants. If the American industry were destroyed to-morrow, he would absolutely control the sale of iron and steel abrasives in this country, and could raise the price to any figure he desired.

Manufacturers of this article insist that the present duty of 14 cents a pound is necessary for the continuance of the industry in the United States, and that the rate of 20 per cent ad valorem proposed in the Underwood bill would be ruinous to them. As the representative of the foreign shot producers is a keen competitor in the American market under the present duty, it is contended that any reduction of the tariff would not in anywise benefit the American consumer. Shot manufacturers submitted statements to the Senate committee, showing that the American cost of producing abrasives is from $42.62 to $49.25 per ton. Sizes of foreign abrasives saleable in the United States cost, laid down in American ports, about $31.80 per ton. The raw material used in this product costs about one-half as much abroad as in the United States, while the labor cost is practically in the same proportion, the foreign manufacturer being able to procure unskilled labor from 80 to 85 cents a day, while the American manufacturer has to pay $1.80 a day.

The evils of an ad valorem tariff system is plainly shown in the case of metal abrasives. Iron and steel shot used for this purpose is made in a number of sizes, the prices for which vary in accordance with their use. It is extremely difficult for anyone but an expert to distinguish the difference in the size, however. This would make it possible for an importer under the ad valorem tariff to defraud the Government by misrepresenting the size of his imports of abrasives. In the "Iron-Sand" case hearing at Boston, September 28, 1911, two examiners of that port testified that they were unable to distinguish between $9 and $30 sizes of shot. Under an ad valorem duty an importer might be able to get $30 shot passed by the examiners as $9 shot and thus reduce the amount of duty he would have to pay. Finer sizes of these abrasives are called the "off" sizes, and these have to be sold at greatly reduced prices. Except for use, however, it is difficult to distinguish between most of the off sizes and the standard sizes. About 3,000 tons of metal abrasives are used in the United States annually. If the foreigner sold all of these and had to pay a duty of only 20 per cent the Government would lose about $8,000 a year, and the consumer would not get his shot a cent cheaper. In fact, it is quite certain that with the American industry destroyed, the foreign producer would at once raise his price, and thus the American user would have to pay more under the lower duty than he had under the higher duty which had made American competition possible.

WIRE RODS AND MANUFACTURES OF WIRE.

[Paragraphs 12 and 13.]

Paragraphs 12 and 13 seriously affect the wire industry of the United States, which does a total business of approximately 2,500,000 tons per annum, representing in value $100,000,000. This industry employs about 100,000 persons. Its tonnage covers a complete line of wire products from the coarsest wire used for telephones, telegraph, nails, and fencing purposes to the delicate wire used in the manufacture of pianos and finer wires entering into the articles of daily use. The Payne bill makes a careful classification according to values and specifications of the products covered by sections 12 and 13 of the pending bill. The Payne rates were carefully graduated according to these values and the specifications. The Underwood bill would upset that entire classification and include wire rods and the products of wire all under two ad valorem duties, 10 and 20 per cent, without any regard whatever for the widely different labor costs entering into these products.

A proviso to paragraph 13 puts barbed and all the fence wire and baling wire on the free list, but to make doubly sure that its attack on the fence-wire industry will be effective the Underwood bill also repeats this item as paragraph 69 under its free

list. Another blow was delivered the wire-rod industry by also placing cotton ties on the free list.

Mr. Wallace H. Rowe, president of the Pittsburgh Steel Co., the largest manufacturers of wire in the world, stated to the Finance Committee that his company had not made 2 per cent on barbed wire in the last two years, and that its profit on nails has been very small. His company produces about 2,000,000 kegs of nails a year, or approximately one-seventh of the total annual consumption in the United States.

Discussing the price of barbed wire, Mr. Rowe said that he had personally sold barbed wire at 6 cents a pound for painted and 7 cents a pound for galvanized wire. He declared that under a protective-tariff duty these commodities have been gradually cheapened in cost, until to-day the American farmer is getting the finest grade of steel in his wire, manufactured on more scientific lines than ever before in the history of this country, and is paying only 1.55 cents for painted and 1.85 cents for galvanized wire. Mr. Rowe informed the committee that the net profit of his company was about 6 per cent. He pointed out that 90 per cent of the steel products exported from the United States are those sent out by the United States Steel Corporation, which is able to get much lower rates than other manufacturers owing to its great diversity of products and ability to charter vessels by combining cargoes.

"Common" wire product includes the cheaper grades, such as fence wire, barbed wire, wire nails, baling wire, and wire fencing, which are manufactured in quantities running to hundreds of thousands of tons and which, starting from the cheapest raw material, are produced under conditions and by methods insuring a small proportion of labor cost in the cost of the finished article. Such product is sold as the ordinary run of the mill and is not subject to any specifications or inspection for size and quality. High-grade specialties, on the other hand, are made from raw material costing two or three times more than the common product. They are manufactured under conditions requiring many more operations, heat treatments, with their attendant picklings and handlings, inspections, and so forth, all of which go to make the proportion of labor in the cost of the finished article between 60 and 70 per cent.

In the manufacture of wire and wire products there is little, if any, difference between the methods employed in American mills and those of European manufacturers. American manufacturers have no advantages because of better and more modern machinery, for no machinery is required in drawing, except the wire block, to which power is applied; and, therefore, the additional cost is almost entirely that of labor. Moreover, there is a constantly growing demand on the part of the consuming public for a higher and more reliable grade of material in these products, as shown by the continual increase and severity of purchasers' specifications for quality. This is particularly true where failure of material might endanger human safety. Such conditions can only be met by additional labor cost in extra inspection and operations in manufacture. Practically all high-grade wire products purchased by the United States Government are subject to very rigid specifications and inspection.

It is absolutely essential that a more detailed classification of wires and wire products should be made in the rates of duty. Under former bills the average duty was high enough to cover the more expensive products. To make a single rate of duty which will allow tonnage products to be imported would be absolutely ruinous to all industries engaged in the manufacture of the higher grade wires and products of wires. In House bill 18642, paragraph 12, wire rods are changed from a specific duty (as in paragraph 134 of the act of 1909) to an ad valorem duty of 10 per cent, a reduction of 41.2 per cent from the equivalent ad valorem duties under the act of 1909, as shown by the imports of rods for 1911.

Rod-rolling practice is the same here and abroad with little, if any, difference in machinery, and in 1908 the following daily wages were paid in Germany and the Pittsburgh district of the United States for rod-mill labor:

	Aschen, Germany.	Hagen, Germany.	Pittsburgh.
Ordinary rolling-mill men (10 hours)		$1.88 to $2.35	$9.33
Heaters		1.65 to 1.88	9.33
Mechanics		.97 to 1.42	
Laborers		.75 to .83	1.78
Mechanics (rod mill)	$1.21 to $1.46		3.53

I call attention to the wording of paragraph 12 in the pending bill. This paragraph has been so changed as to include the products of wire rods, as well as wire rods themselves. This was done by the insertion of lines 14, 15, 16, and 17, reading as follows:

Including wire rods, iron or steel bars, cold rolled, cold drawn, cold hammered, or polished in any way, in addition to the ordinary process of hot rolling or hammering, 10 per cent ad valorem.

It will be seen by this clause that a wire rod, cold rolled or cold drawn, would produce a round or flat wire, and thus make this paragraph applicable to drawn or cold-rolled wire at 10 per cent duty. The effect of this would be to nullify the duty on such wire as covered by paragraph 13 at 20 per cent ad valorem. Such result would deprive the Government of considerable revenue, as well as practically destroy the protection to mnufacturers whose product comes under paragraph 13.

Paragraph 134 of the act of 1909 provides—

that all iron or steel wire rods which have been tempered or treated in any manner, or partly manufactured, shall pay an additional duty of one-half of 1 cent per pound.

This provision is eliminated in H. R. 18642, with the consequence that any additional labor put on the rolled wire rod, such as tempered or treated in any manner, will pay 10 per cent on the added cost. As this added cost is made up almost entirely from labor, and the cost in the United States of such labor is at least double that in foreign countries, the proposed rate is entirely inadequate to cover the difference in labor cost.

Paragraph 13 places all kinds of iron or steel wire, whether round or flat, whether in long lengths or short, in coils or otherwise, on a uniform ad valorem rate of 20 per cent.

The rates of the Payne bill have not proved prohibitive, as shown by importations of between 18,000,000 pounds and 19,000,000 pounds for the year 1910, and 19,000,000 pounds for the year 1911, at an average foreign cost of 4.8 cents per pound for 1910, and 4.4 cents per pound for 1911, being equivalent to a duty of 38¼ per cent ad valorem for each of the two years.

In the pending bill it is proposed to reduce the present rates to 20 per cent ad valorem on the grounds that it would be followed by importations to the value of $1,200,000. At the same unit of cost as the importations for 1911, this would call for an importation of 27,000,000 pounds, yielding a revenue of $240,000, against an average revenue of $325,000 per year for the two preceding years. This would mean a loss in revenue to the Government of $85,000 per year, and the increased importations would mean an additional loss in wages of $200,000 to American labor, or $600,000 less in wages to labor for the entire importation.

There are in this country 10 or 12 manufacturers of this grade of steel wire, and an open market. It must be evident that if foreign manufacturers can now compete in the American market, with the present rate of duty averaging 38 per cent on the importations made, a lowering of the rate to 20 per cent would result in very serious loss to American manufacturers, if not in the closing up of several.

As stated before, this wire is special, both in material and manufacture. On account of the exacting requirements of the consumer, many more drawings, annealings, temperings, cleanings, handlings, and inspections are necessary than in the ordinary commercial product. Practically all the above is labor. In fact, the percentage of labor cost to the cost of the finished article will run about 60 to 70 per cent.

Wire drawers (skilled labor) engaged in work of this kind earn in this country the following wages per week, as compared with foreign manufacturers:

United States, wire drawers, $18 to $30.

England (Warrington), wire drawers, $9.73 to $10.95.

Germany, wire drawers, $8.76 to $9.24.

For ordinary wire drawers, wages paid in 1908 for 10 hours per day were, in—

Pittsburgh district: Ordinary wire drawers, $3.74 per day; laborers, $1.48 per day.

Germany: Hagen, ordinary wire drawers, $1.43 to $1.50 per day; laborers, 75 cents to 84 cents per day. Mannheim, wire drawers, $1.24 to $1.50 per day; ordinary labor, 75 cents to 90 cents per day. Mulheim (per week of 60 hours), wire drawers, $9; ordinary labor, $4.50⅞; ordinary labor, boys, $2 to $3.50.

According to the report of the British Board of Trade (1907–8), the weekly time rates of wages of laborers in the engineering trades for 1905 were:

Birmingham, 20 shillings, or $4.87.

Bolton, 18 to 20 shillings, or $4.38 to $4.87.

Halifax, 18 to 22 shillings, or $4.38 to $5.35.

London, 24 shillings, or $5.84.

Manchester and Salford, 18 to 22 shillings, or $4.38 to $5.35.

Middlesbrough, 22 shillings, or $5.35.

Sheffield, 20 to 24 shillings, or $4.87 to $5.84.

Warrington, 18 to 20 shillings, or $4.38 to $4.87.

In the above towns are located the principal wire mills engaged to-day in exporting wire into the United States.

The average weekly laborer's wage in the engineering trade was:

England and Wales, $4.38 to $5.35.

Scotland, $4.37 to $4.87.

Ireland, $3.89 to $4.87.

Under the act of 1909, wire galvanized or tinned was subject to the duty on the bare or uncoated wire plus a duty of two-tenths cent per pound in addition. This is eliminated under H. R. 18642, galvanized wire being subject to a duty of 20 per cent ad valorem—the same rate as on uncoated wire.

In connection with this item I quote the following from the statement of Mr. George S. Whyte, of the Macomber & Whyte Rope Co., of Chicago, at the hearing of the Finance Committee on February 21, 1912:

> We believe that the specially galvanized wire (known as double or extra galvanized wire) used in rope making should be preserved as under the Payne Act, namely, with two-tenths cent per pound in addition to the duty on the plain wire. Such wire is treated very differently from the close-wiped fence products. The process is slower, more expensive, and entails vastly more inspection, care, and handling than the cheaper grade. It is readily distinguished by means of standard tests which are in practice everywhere to-day. The labor used in this process corresponds to wire mill labor and the remarks above as to wages will apply in this case.

The labor cost for the American manufacturer is 70 per cent greater than the labor cost abroad. The rate proposed in H. R. 18642 is 20 per cent. This means that the additional value added by galvanizing should pay duty at 20 per cent, while the American manufacturer pays 70 per cent more for his labor than the foreign maker.

Flat wire is manufactured from hot rolled flat rods, either by cold rolling or cold drawing through dies, or by cold rolling or cold drawing from round wire or rods, depending on the requirements desired. It is a very highly manufactured product, entering into so many and varied uses as to entail a vast number of specifications as to quality, finish, size, and temper. This makes it necessary to employ extra operations, annealings, temperings, handlings, inspections, and so forth, all of which bring the labor cost to an exceedingly high ratio.

While on flat wire of the lower grade the labor cost runs 50 per cent labor to 50 per cent material on low carbon steel, on the higher grades and more highy treated wires of both high and low carbon the percentages will run 20 to 30 per cent material and 70 to 80 per cent labor. Under paragraphs 124 and 135 of the act of 1909 flat wire receives a protection of 35 per cent ad valorem, giving a very moderate protection to American manufacturers, in view of the shown disparity in wages abroad and here. It is proposed to reduce this duty to 20 per cent ad valorem, unless the clause in paragraph 12 should stand (lines 14, 15, 16, and 17), in which case it would be reduced to 10 per cent. The industry is a growing one, carried on at present by about 20 manufacturers in seven States. A large number of workmen are employed who would be directly affected by such changes as proposed under the rates of H. R. 18642. Many of the mills would probably have to cease operating unless wages could be adjusted to equalize those paid abroad.

On wire rope the present duty is made up of the duty on wire, of which the rope is composed, plus an additional duty of 1 cent per pound (par. 135, act of 1909). The duty proposed in House bill 18642 is 20 per cent for wire and for wire rope (par. 13). This means that the additional cost added to wire by manufacturing into rope is to pay a duty of 20 per cent. This additional cost is almost entirely labor, and the labor cost of the foreign ropemaker is only about half the cost of that paid in the United States. The machinery is practically the same here and abroad, and the general methods and speed of production are the same, and any reduction would necessarily have to be in labor cost.

To sum up, in the manufacture of wire rods and of steel wire of the higher grades, also in galvanizing wire, in manufacturing wire rope from the wire, and in the manufacture of flat wire from rolled rods or drawn wire, the labor cost of the American manufacturer is 60 to 100 per cent greater than that paid by his foreign competitor. The rate of duty should be one to cover this difference on labor cost, if the business is to be held by the wage earners of this country. Customhouse returns show that the rate on steel wire in the tariff act of 1909 is equal to 38¼ per cent on the higher grades imported, and this rate has not prevented the importation of many millions of pounds annually, and I submit that the present rate should be maintained and no change made until Congress has full information on which to base any change in the rate of duty. The change proposed has been submitted without information as to the effect of the changed duty, and may lead to loss of millions to the manufacturers and a great loss of work and earning power by the labor heretofore employed.

WROUGHT ANVILS.

[Paragraph 17.]

Before the McKinley law placed a protective duty on anvils a wrought anvil was not made in the United States. That law imposed a duty of 2½ cents per pound, which the Wilson law reduced to 1¾ cents. Under the Dingley Act the duty was 1¾ and is now 1⅝. In 1907, 3,000,000 pounds of such anvils were produced in the United States and the imports were 709,794 pounds. Under the reduced duty of the 1909 law the production was 2,600,000 pounds in 1911, a decrease of 400,000 pounds, while the imports were 1,310,863, an increase of 601,114 pounds. This clearly shows that the rate under the existing law is too low, and the Underwood bill proposes to reduce that more than one-half.

The average wage paid in the industry in the United States for all classes of labor is $1.82 per day, whereas in Sweden, a large competitor, the average rate of wages is 99 cents per day. The freight rate from New York to New Orleans on anvils is 40 cents per hundred pounds. The water rate from Sweden to New Orleans is only 30 cents per hundred pounds.

The following tables show the wages paid in the anvil industry in the United States and Sweden:

Wages paid in United States (furnace men, per week of 50 hours).

Heater	$17.00
Hammermen	17.00
Firemen	12.00
Helper	12.00
Hammer driver	9.00
Average per day	2.25
Anvil makers	34.00
2 helpers, at $20	40.00
Boy	10.00
Average per day	3.57
Horn drawers:	
Blacksmith	26.00
2 helpers, at $18	36.00
Average per day	3.50
Grinders	15.00
Average per day	2.50

Average for all classes, $1.82 per day, or 20 cents per hour at 9 hours per day.

Wages paid in Sweden (53-hour week).

Furnace men	$4.50–$5.75
Blacksmith	7.00– 8.50
Blacksmith helpers	3.85– 4.29
Molders	7.00– 8.50
Machinists	5.00– 7.00
Grinders	7.00
Average per hour	.11
Average per day	.99

AUTOMOBILES.

[Paragraph 18.]

The automobile industry in the United States is a magnificent tribute to the success of the protective-tariff system. So recent as 1897, when the Dingley bill was enacted, the automobile industry had not reached sufficient importance in this country to be even mentioned by name in that act. Accordingly, it was given a protection of 45 per cent under the basket clause. At that time about the only automobiles used in this country were of foreign make, and they were so expensive that only a few of the very rich could afford such a luxury. American inventors and manufacturers then got busy and, with the aid of the tariff, which protected them from the cheaper labor of Europe, have built up an industry with a quarter of a billion dollars invested in the equipment of its manufacturing plants and whose products, including finished parts, in 1910 were valued at $254,580,000 as compared with $28,018,911 in 1905. It is a fact well known to all that the growth of the American automobile industry has been accomplished by a marked reduction in the price of automobiles, so that now these machines are within the reach of any person of average means. A most important factor in the automobile industry is its recent development of automobile trucks, which are revolutionizing the means of transportation, especially in towns and cities of the United States. These trucks are reducing the cost of such transportation, in which economy the American consumer will have a large share.

The pending bill reduces the duty on automobiles from 45 to 40 per cent. This is not a very great reduction, but it does not appear that there is any reason whatever for making even this change in the present tariff. When the Payne bill was under consideration, an Italian automobile concern asked that the duty on motor cars be reduced from 45 to 33 per cent. This indicated that that foreign company believed it could continue to maintain its factory in Italy and ship its products to America at a satisfactory profit with a difference of but 12 per cent in tariff. It is entirely possible that the proposed reduction of 5 per cent would be equally as advantageous to the foreign manufacturer of motor cars.

The present tariff has compelled a number of foreign manufacturers to establish factories in this country. Not many years ago a large proportion of the accessories and parts of the automobile such as magnetos, springs, frames, gears, and castings were manufactured in Europe. Nearly all of these items are now American made, giving employment to thousands of American persons, who receive from one-third to one-half more than men employed in the same class of work in foreign countries.

When the Payne bill was under consideration the Fiat Automobile Co., of Italy, wrote the mayor of Detroit the following letter:

NEW YORK, *December 15, 1908.*

The MAYOR, *Detroit, Mich.*

DEAR SIR: Owing to the strong probability that there will be no relief for imported cars in any customs revision that may be made under the new administration, we have decided to establish a large factory in this country for the manufacture of our cars and to remove to it a large portion of our manufacturing machinery as well as our organization from Turin.

We are therefore looking about for a suitable place to locate this new factory, which will be of very large proportions, and we are writing you with the hope that you will do us the courtesy of bringing this question before the proper persons or organization in your city, with the idea that we may ascertain what inducements would be made, if any, for the establishment of such a plant in Detroit. We would guarantee to employ 500 skilled mechanics to begin and within a year employ 2,000.

One of the officers of this company expects to sail for Europe about the middle of January, and any proposition that we might receive from your city will be submitted to our directors in Italy upon his arrival, when the matter will be definitely considered and settled.

Trusting to have the honor of your esteemed reply at your earliest convenience, we are,

Very respectfully, yours,

FIAT AUTOMOBILE CO.
E. R. HOLLENDER, *Vice President.*

The Payne bill maintained the tariff on automobiles at 45 per cent, as a result of which the Fiat Co. has erected an extensive motor-car factory at Poughkeepsie, N. Y., employing American labor at American wages for the manufacture of cars which they sell in this country. This is the same company which wanted tariff reduced to 33 per cent so that it might continue to supply the American market from its factory in Italy, where cheaper labor materially lessened the cost of production. People who can afford to buy automobiles can afford to pay enough for them to maintain the high standard of American wages. This can only be done by keeping the tariff at such a point as to prevent products of cheaper foreign labor supplanting those of American factories.

CASTINGS OF IRON.

[Paragraph 23.]

Manufacturers of textile machinery are fearful that the wording of paragraph 23 will permit the importation of parts of machines finished and ready to be assembled at the rate of 10 per cent ad valorem. The present duty on textile machinery is 45 per cent, but the House bill evidently intends to include such machinery under the basket paragraph at 25 per cent.

Even under the act of 1909 importers of textile machinery are endeavoring to take advantage of the lower duty on castings "not made up into articles" by having parts of machinery shipped separately in the "knockdown" and entered as castings "not made up into articles." Cases involving the construction of the paragraph relating to cast iron are now pending in the courts. Assistant Secretary Curtis, of the Treasury Department, has suggested that if it is desired to make certain that parts of machines shall not be imported under paragraph 23 these words should be added, "and not parts of machines in any form ready for assembly" after the word "articles."

In a letter to the chairman of the Finance Committee Mr. Curtis says:

It is true that several importers have taken advantage of this proviso of the Payne law to import parts of machinery in the "knockdown" and by separate vessels, claiming the 1 cent per pound rate. This has resulted in a great deal of litigation, which is still pending. I inclose herewith a copy of a recent decision of the United States Court of Customs Appeal (T. D. 32227), which, while it has some bearing upon the questions involved, is not by any means conclusive.

If it is desired to increase the rate of duty upon completed machinery only, it is possible that the phrase "but not made up into articles," in paragraph 23 of H. R. 18642, the proposed substitute for Schedule C of the Payne law, which recently passed the House of Representatives, will have this effect. However, to make certain of this result, I would suggest that after the word "articles" in the said paragraph there be inserted the words "and not parts of machines in any form ready for assembling."

The pending bill was drafted, however, without paying any attention to the possibility of its permitting textile and other machinery to be imported at a rate which would absolutely ruin an American industry in which $50,000,000 has been invested. The annual output of the textile machinery amounts to upward of $20,000,000, giving employment to from 12,000 to 20,000 wage earners.

The increase in production of textile machinery in this country during the last 15 years has been over 100 per cent, and the prices have been materially reduced, but the English production exceeds that of the United States by more than 200 per cent. The total importations into the United States in 1910, at their foreign value, were over $6,500,000. Including duty they had a value in the United States of approximately $9,750,000, and took the place of that much American machinery. The annual revenue from such importations is approximately $3,000,000; to obtain the same revenue under the proposed reduction of duty, importations must increase to approximately $12,000,000 in foreign value, or equivalent to an American value of approximately $18,000,000. Necessarily the American production will be reduced accordingly, which would be equivalent to 41 per cent of the total American product, and a loss in wages to American workmen at the very lowest of over $3,000,000. No domestic textile machinery is exported.

According to the report of the British Government, American wages are over 100 per cent more than those of Great Britain. The present duty of 45 per cent no more than offsets this foreign advantage in labor, cost of material, etc. Nothing would be gained by decreasing duty, but there would be a very large loss. The imports of textile machinery from England in 1909 amounted to $3,680,840, and under the new tariff law they jumped to $5,559,884 in 1910. These figures are conclusive in showing that the duty now imposed on textile machinery is hardly sufficient to protect the manufacturers in this country. England alone exported more than $37,000,000 worth of textile machinery in 1910. Without a large reduction in wages, which would also necessitate a large decrease in the cost of materials, the United States producers could not compete under the reduced duty with foreign manufacturers. Such a reduction would result in enormous loss, and there is no demand for any such drastic treatment of this great industry.

CAST-IRON PIPE.

[Paragraph 23.]

The manufacturers of cast-iron pipe, according to the statement of their representatives before the Finance Committee, have not been making any money for some time. The present duty is $5 a ton, and it is proposed, under the House bill, to reduce that to 10 per cent ad valorem. The cost of iron pipe is governed largely by the price of pig iron. Labor and other material outside of the pig iron cost at least $1 per ton more in this country than in England, and the labor employed at least 50 per cent more. The producers at interior points in this country have no advantage in the way of freights to the Atlantic and Gulf ports, as iron pipe is brought over from Europe at very low rates, because it makes good ballast. This pipe is sold usually to public-utility companies, like gas works or water works or municipalities. It is not sold to the general public like other commodities. The manufacturers are required to bid and the competition is very strong. Iron pipe lasts for 100 years or more.

Mr. George M. Bunting, vice president of the Standard Cast Iron Pipe & Foundry Co., of Philadelphia, said that there is now no profit in the cast-iron pipe business owing to the close competition among American manufacturers. He contended that if they had to meet increased competition from abroad by lower tariff duties American makers of cast-iron pipe would have to close their foundries, which employ about 7,000 men. He declared that wages would have to be reduced to meet foreign competition, and that it is difficult even now to get men to work in the factories for the wages that American companies can afford to pay them. The manufacturers of iron pipe agreed to a reduction of duty on that product from $8 to $5 in the Payne bill. This they believe is the least protection that will allow that industry to continue in this country. According to Mr. Bunting the iron-pipe manufacturers have not been able to get back one penny for depreciation in the last three years, or to any extent for interest on the money invested. During that period his plant has been running about 75 per cent of its capacity, it having been found cheaper to keep the foundries in operation even without a profit than to shut them down owing to the overhead charges that would continue whether the plant was running or not.

IRON AND STEEL CHAINS.

[Paragraph 24.]

As in numerous other instances, the pending bill completely ignores the widely varying labor cost entering into the production of chains, by providing a single ad valorem duty for all kinds of iron and steel chains without any regard whatever for their method of manufacture. Thus the high-grade sprocket chains used on bicycles and automobiles would pay the same rate of duty as the coarse, heavy chains used on steamships or in logging camps.

The difference in the cost of making certain classes of chains in this country and abroad is due to the employment of women and children in the chain-making industry of England. In the

Cradley Heath district of England large numbers of women are employed in making chains. They do not work in factories, such as we have in this country, but each family has its chain-making shop right in its home. The women and children go to the larger plants for their raw material, and return the finished chains at the end of the week or month. This is called the cottage or home industry of England. It has caused so much talk that the British Parliament at one time sought to prevent it. but as the women engaged in it asserted that they had no other way of earning a living, and the business was not found to be unhealthy, the attempt on the part of Parliament to forbid women from engaging in it was abandoned. It is a credit to the United States that women and children are not employed in that industry in this country. The American workmen have to compete with chains made by that kind of labor in Europe, and a reduction in duty to 20 per cent ad valorem would affect the situation in this country to a great extent. The half-inch size chains, for instance, command a scale of wages in this country of $3.12 per hundred pounds. It is the union rate, and practically all American shops that make these chains are under union conditions. The rate of the English manufacturer is $1.36 per hundred pounds, as given in the outworker's list. That is a rate a little less than 50 per cent of the American wages.

The secretary of the Chain Makers' and the Chain Strikers' Association in Great Britain has commented quite severely on the condition of women workers in the trade of the Black Country, so called, and he stated that the average wages for a week's work, with long hours, six days in the week, is only from $1 to $1.25 in American money. Competition with that kind of labor is what is invited by the reduced rates of the House bill.

The Morse Chain Co., which is interested in the manufacture of chains in London, Hanover, and Paris, as well as in this country, fully confirms the report that wages paid chain makers abroad are far less than the American scale. According to this company skilled labor abroad runs about 50 per cent of what we pay in this country. Mr. F. L. Morse, manager of the Morse Chain Co., in a letter to be found on page 497 of the Senate Hearings, says:

ITHACA, N. Y., *February 14, 1912.*

Mr. L. M. WAINWRIGHT,
President Diamond Chain & Manufacturing Co., Indianapolis, Ind.

GENTLEMEN: We have copy of your letter of the 12th instant, addressed to the Committee on Finance, United States Senate, Hon. BOIES PENROSE, chairman, Washington, D. C., and have carefully noted the same.

Referring to this letter, we, as possibly you know, are interested in manufacturing the Morse chain in London, England, Hanover, Germany, and Paris, France, and it has come under the writer's personal observation that the assembling wages are in London $1.60 per week, and in our own plant we are paying from $1.65 to $2.25 per day for the same work, this being somewhat higher than you mention, as we use no female labor. The skilled labor is not lower proportionately, but runs about 50 per cent of what we pay here.

The cost of material is also less in France, Germany, and England, so we have a large handicap in competing with the foreign makers. We have found that with the present duty into Canada their prices will run from 15 to 30 per cent under our delivered prices, and it is only by being closer to the market that we are able to take any of the Canadian business.

There is no question in our mind but what a reduction in the tariff will work a hardship on the American manufacturers, and until the scale of labor and cost of material has been reduced will necessitate running their plants at no profit or at an actual loss. The only way that we see to meet the foreign competition is a radical reduction in the cost of material and labor, and with these two items on the same basis we have no fear of any foreign competition.

We feel sure if the committee who has this matter in charge investigates the manufacture of the standard nonpatented chain they will recognize that the duty now imposed does not meet the difference in cost between the two countries.

Very truly, yours,

MORSE CHAIN CO.,
F. L. MORSE, *Manager.*

I know of no stronger statement than this letter from Mr. Morse in regard to the necessity of having tariff sufficiently high to protect American workmen against the reduction to the wage level of Europe.

The following table shows the wages paid English and American chain makers, the English prices being for outworkers who furnish their own fuel and factory, while the American wages are net to the workmen and are on the scale of the National Chain Makers' Union:

Sizes.	BB		BBB	
	American.	English 5/- list.	American.	English.
No. 2 (¼-inch)	$7.25	20/6 (4.39)	$8.14	23/- (4.92)
5/16-inch	4.84	14/- (2.96)	5.78	16/- (3.43)
⅜-inch	3.30	11/6 (2.46)	4.23	10/8 (2.29)
7/16-inch	2.84	7/8 (1.65)	3.63	8/6 (1.82)
½-inch	2.49	5/10 (1.25)	3.12	6/6 (1.36)
9/16-inch	2.07	5/3 (1.13)	2.78	5/10 (1.25)
⅝-inch	1.87	4/8 (1.00)	2.34	5/2 (1.11)
¾-inch	1.50	4/- (.86)	1.94	4/4 (.93)

The following table is a comparison of English and American prices per 100 pounds, f. o. b. New York:

Comparison of English and American prices per 100 pounds, f. o. b. New York.

	No. 5.	No. 4.	No. 3.	No. 2.	7/8 inch.	1 inch.
American	$35.00	$30.00	$26.50	$22.00	$15.00	$11.50
English	18.96	16.06	13.61	11.56	9.97	8.52
Handicap	16.04	13.94	12.89	10.44	5.03	2.98

CUTLERY.

[Paragraphs 26, 27, and 28.]

The total sales of pocket cutlery in the United States, including both domestic and imported knives, now amounts to $5,000,000 a year, wholesale market value. Of this amount $3,000,000 worth is produced in American factories, employing 4,000 workmen. The proportion of labor to the actual cost of producing American cutlery is 80 per cent, which indicates the vital interest that wage earners have in the continuance of that industry in the United States.

The Ways and Means Committee has estimated that the pending bill will increase the imports of foreign pocket cutlery to $1,800,000. This is $1,000,000 in excess of the present imports. On the basis of the present market value such an increase of imports would mean a loss to American workmen and wages of $1,201,970, leaving but one-third of the present American product to be divided among the 35 cutlery factories of the United States. Even now these factories are producing from 15 to 20 per cent below their usual capacity, owing to the increasing importations of foreign knives.

I have here three samples of American pocketknives and three German knives, with a tabulated statement of their cost and selling price. The American knives are made of high quality crucible steel, while the German knives are made with lower grade Bessemer steel blades, such as are used in nearly all imported cutlery. The foreign knives, being identical in appearance, have the same apparent value to the consumer as the American knives, with which they are sold in direct competition, but, of course, they are far less durable.

The factory cost of American knife No. 2 is $3.10 a dozen, while the foreign value of knife No. 12 is $1.25, and the landed value, including duty and all other importing expenses, is $2.48 a dozen.

The factory value of American knife No. 7 is $5.30 a dozen, while the foreign value of knife No. 17 is $1.25 a dozen and the landed value $2.48.

The factory value of American knife No. 8 is $8.97 a dozen, while the foreign value of knife No. 18 is $3 a dozen and the landed value $5.70 a dozen. In each instance the labor cost alone of the American knife is greater than the entire foreign value of the competing knife.

The table following shows the cost and selling prices of these knives in detail.

Cost and selling prices of American and German pocketknives.

American patterns.	Stag, No. 2.	Stag, No. 7.	Pearl, No. 8.	Average.	Single knife average.	Per cent of retail price.
Labor cost, per dozen	$1.91	$3.46	$4.10	$3.15	$0.26	22½
Material, cost	.57	.78	3.08	1.48	.12	10
Factory expense cost	.62	1.06	1.79	1.16	.10	8½
Total factory cost	3.10	5.30	8.97	5.79	.48	41½
Factory profit	.30	.45	1.03	.59	.05	4½
Factory selling price	3.40	5.75	10.00	6.38	.53	45½
Dealers' expenses and profit	5.60	6.25	11.00	7.62	.63	54½
Retail price	9.00	12.00	21.00	14.00	1.16	100
Per cent labor to flat cost	.79	.81	.57			
Per cent material to flat cost	.21	.19	.43			

Knives made in Germany.	Stag, No. 12.	Stag, No. 17.	Pearl, No. 18.	Average.	Single knife average.	Per cent of retail price.
Foreign value	$1.25	$1.25	$3.00	$1.83	$0.15	18
Duty	1.10	1.10	2.40	1.53	.13	15
Importing expenses, duty	1.23	1.23	2.70	1.72	.14	17
Landed value	2.48	2.48	5.70	3.55	.29	35
Importers' gross profit	.52	.52	1.55	.86	.07	8½
Importers' selling price	3.00	3.00	7.25	4.42	.36	43
Dealers' expenses and profits	3.00	6.00	7.25	5.58	.47	56½
Retail	6.00	9.00	15.00	10.00	.83	100

The following table gives a comparison of weekly wages paid to cutlery operatives abroad and in the United States, indicating

that the American workmen receive fully three times as much as the foreign operatives in cutlery factories:

Comparison of weekly wages paid to operatives abroad and in the United States.

	Average paid in Austria, Belgium, and Germany.	Average paid in United States.
Forgers	$4.30 to $7.00	$15.00 to $23.00
Grinders	4.50 to 8.00	15.00 to 27.00
Blade finishers	4.50 to 6.00	12.00 to 18.00
Handle finishers	4.50 to 6.00	12.00 to 18.00
Cutlers	5.00 to 6.50	15.00 to 21.00

With the extent to which foreign cutlery is now competing with the American product in the United States under the present tariff, it is apparent that no further reduction can be made in the rates of duty without causing a corresponding decrease in the wages paid workingmen in this industry. In fact, American pocket cutlery manufacturers contend that the rates in the Underwood bill would destroy their industry, and that with American competition eliminated the foreign manufacturers would have a monopoly of this market and would then increase the prices of cutlery.

Another branch of the cutlery industry affected by paragraph 26 is the manufacture of razors. The Ways and Means Committee estimates that its reduction of the duty on razors would increase their importations from $375,835 for 1911 to $800,000. The entire production of all the razor factories in the United States is less than $400,000. With an estimated importation of more than that amount it is apparent that the Underwood bill proposes to put the razor industry of the United States out of existence. It is absolutely impossible for American razor makers to compete with foreign razors and maintain their present standard of wages. Employees of several American cutlery companies appeared before the Senate Committee on Finance to voice the opposition of their fellow employees against any reduction in the duty on razors.

Mr. Max Schascheten, representing the employees of the Robeson Cutlery Co., of Rochester, N. Y., gave the committee an interesting comparison of wages paid in American and German razor factories. Mr. Schascheten worked in a German factory for 10 years and was fully informed on the subject of wages paid in that country and in the United States. He stated that German wages amount to only one-third or one-fourth of those paid in this country. An expert razor man might make $4 a day in the United States, while in Germany he could earn only from $1 to $1.50 a day. This marked difference in wages is the reason why Germans are able to come into the American market, pay a high duty, and still undersell razors manufactured in America, according to Mr. Schascheten. In comparing the labor conditions of the two countries Mr. Schascheten said he paid as much for the same grade of meat or a little higher in Germany as in the United States, and that his flour cost him about the same there as here.

A petition signed by a large number of the employees of the Geneva Cutlery Co. states that some of them had worked in the cutlery trade in both Germany and the United States, and that they had prepared the following table as a true comparison of wages paid in the two countries:

Cutlery workers.	Weekly wages paid in—	
	Germany.	United States.
Forgers and trimmers	$4.30-$7.00	$12.00-$21.00
Dry grinders	4.30- 5.70	12.00- 18.00
Hardeners and temperers	4.30- 6.00	15.00- 21.00
Concavers	4.30- 9.00	16.00- 24.00
Polishers	4.30- 5.70	12.00- 21.00
Razor handle makers	4.30- 5.00	12.00- 18.00
Honers and handlers	2.50- 6.00	6.00- 15.00

On account of this cheap labor German cutlers are able to manufacture razors at a price with which American manufacturers can not compete. I have here an exhibit of several of these low-priced foreign razors.

German cutlers manufacture razor No. 1 at a cost of 99 cents, or under $1, a dozen. Of these razors 1,311,948 were imported into the United States last year. No American cutler can make a razor to compete with this German product.

The German cost of razor No. 2 is $1.49 a dozen. The American cost of a similar razor is $2.60 a dozen, owing, as I said before, to the greater cost of labor in this country, which is three or four times that required to make the German razor. Taking the importation price of this razor at $1.50, in round numbers, each razor would cost 12½ cents, yet they are regularly retailed for $3 apiece. It is apparent, therefore, that the amount of duty placed on these razors does not affect the consumer, but it is of importance to the wage earners, who must compete with the cheaper labor of Europe.

The German cost of razor No. 3 is $1.99 per dozen, while the cost of a similar American-made razor is $3.75 a dozen. The importation cost of razor No. 4 is $2.99 per dozen, and the American cost is $4.84 per dozen. The importation cost of razor No. 5 is $3.28 per dozen and the American cost $6.02 per dozen.

I want to call your attention to the fact that of all the 2,493,923 razors imported into the United States during 1911 only 2,193 were valued at more than 25 cents each.

The following table shows the German cost of the razors I have exhibited here and gives the American cost in detail:

EXHIBIT A.

	Per dozen.
Razor No. 1.	
German cost:	
M 4:20	$0.9996
No razor can be made in this country to compete.	
Razor No. 2.	
German cost:	
M 6:30	$1.4994
American cost:	
Steel material	.22
Handle material	.56
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	1.19
Honing, handling, packing	.32
Total	2.60
Razor No. 3.	
German cost:	
M 8:40	$1.9992
American cost:	
Steel material	.20
Handle material	.55
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	2.30
Honing, handling, packing	.39
Total	3.75
Razor No. 4.	
German cost:	
M 12:60	$2.9998
American cost:	
Steel material	.20
Handle material	.55
Forging, hardening, tempering, ready to grind	.31
Grinding, polishing, etching	3.34
Honing, handling, packing	.44
Total	4.84
Razor No. 5.	
German cost:	
M 13:80	$3.2844
American cost:	
Steel material	.20
Handle material	.75
Forging, hardening, tempering, ready to grind	.33
Grinding, polishing, stamping	4.28
Honing, handling, packing	.46
Total	6.02

While discussing the tariff on cutlery Mr. Theobald Diehl, special commissioner to Europe for the Philippine customs service, gave some interesting information in regard to the undervaluation of razor importations from Europe. Mr. Diehl cited an instance where razors were invoiced at 12 marks 40 per dozen; the value was questioned, but the original invoice of the manufacturer showed the value as stated. Further information developed the fact that the real value of the shipment was canceled by a second invoice, which carried an additional cost of some 3 marks per dozen. This second invoice was made in the name of the head of the firm, while the first invoice was carried in the name of the firm itself, thus making the transaction appear as two sales, when, in fact, it covered only the one shipment. Mr. Diehl stated that such manipulations of accounts to conceal undervaluations were resorted to by importers located in New York or their agents in Germany. It is quite likely that the remarkably low valuation of razors imported from Germany is due to some such methods to evade the American tariff. The proposed extension of the valuation tariffs to every item on the metal schedule would vastly increase the opportunity for such undervaluation frauds and seriously injure American industries by such unfair competition.

Paragraph 26 also strikes a blow at another American industry, the manufacture of surgical instruments. American manufacturers contend that a reduction of the duty on surgical instruments from 45 per cent to 25 per cent will destroy that industry in this country. Aside from the preservation of an American industry, there is another question entering into the American manufacture of surgical instruments

that I believe should, of itself, deter Congress from taking any step that would in any way handicap or prevent the making of surgical instruments in the United States. I refer to the absolute necessity for surgical instruments in large quantities in times of war. This country should not be dependent upon a foreign nation for its supply of surgical instruments any more than for its supply of arms and ammunition. It is most essential to humanity that a nation like the United States should be able to manufacture its own instruments for the relief of the wounded and the suffering.

Like almost every other industry affected by the metal schedule, the greater cost of producing surgical instruments in the United States is due to the labor item. In Germany these instruments are made largely by the cottage plan. That is, the workmen have shops in their homes, where the women and children all join in the task.

Here is what Mr. Fairleigh S. Dickinson, of Becton, Dickinson & Co., who recently visited Germany to study the manufacture of surgical instruments there, had to say of the German methods:

I went right into the homes of the people and the homes of the manufacturers. One-half of the workmen employed in our factory live better than the principals of the business that I visited in Germany. I found men working 12 and 14 hours a day. I found their children working at the bench. Most of these goods are hand-made instruments, and a man takes them home to his family, and his wife makes the instruments; his 12 or 14 year old girl works at it; his boys work at it. They get up in the morning and they work before breakfast and they work after breakfast and after they have had their dinner.

Mr. Dickinson stated that the American wage cost is more than twice as much as the German labor cost.

Mr. Dickinson testified that he saw girls working in a factory in London for 10 shillings ($2.50) per week, doing work for which his firm paid, in New Jersey, $5 to $6 per week; and the hours were longer in London than in New Jersey.

The price of surgical instruments does not affect the average person, as the surgeon charges his fee for an operation without regard to the cost of the instruments he uses. It is important, however, that this industry should be continued in the United States at any cost, and that the wage earners engaged in that industry should be assured a compensation that will be creditable to this country.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. McCUMBER. The Senator from Utah has now been speaking continuously in a rather hot room for over two hours. I think I can guess that it will take at least an hour and a half or two hours longer for him to complete his discussion. I therefore ask the Senator if it will be agreeable to him to discontinue now and let us go to the calendar and take up the pension bills? There are some six or eight, I believe, upon the calendar, which we might dispose of this afternoon. I do not understand that there is any other Senator who desires to speak to-day on this subject, and I know the Senator must be getting a little tired after his long effort.

Mr. SMOOT. I am perfectly willing that we shall go to the calendar. I feel rather tired, having spoken now for over two hours.

Mr. SIMMONS. If the Senator from Utah does not desire to go on, I know of no other Senator who expects to speak this afternoon. There was an impression on this side of the Chamber that the Senator would occupy the whole day.

Mr. SMOOT. I can go on if the Senator so desires.

Mr. SIMMONS. If the Senator desires to discontinue his remarks until to-morrow, of course that will be satisfactory.

Mr. SMOOT. I prefer to wait until to-morrow, because it will not then take very long for me to conclude.

Mr. SIMMONS. That is entirely satisfactory.

Mr. SMOOT. I would prefer that the Senate should go to the calendar and take up the pension bills.

Mr. SIMMONS. That course is entirely satisfactory.

Mr. President, before the Senator from Utah leaves the floor, I desire to make a brief statement, to correct probably an erroneous impression growing out of a statement I made yesterday. I think it is highly proper in these tariff discussions that Senators should try to be as accurate in their statements as possible. On yesterday, when we were discussing the question of American exports of steel rails, I made a statement that was probably not exactly correct.

Mr. SMOOT. I will say to the Senator that I am perfectly willing to have that statement cut out of my speech, and I understood that the Senator desired that to be done. I have no objection to it. Whatever part of it the Senator desires to be taken out will be agreeable to me.

Mr. SIMMONS. The Senator can cut it out or not, as he pleases, but I simply want to put myself right about the statement.

Mr. SMOOT. Very well.

Mr. SIMMONS. At the time I made the statement, Mr. President, we were discussing the question of exports of steel rails in this country and abroad. I made a statement, I think, to the effect that Europe was exporting as largely in proportion to production as we were. That is not correct. I had in mind at the time I made the statement not the general exportations of Europe to all countries, but I had in mind the exportations of Europe, especially of England, to the neutral markets of the world. The statement was substantially correct as to the exportations to neutral markets; that is to say, taking out the exports of European countries to other European countries where they have a freight advantage over us, which makes it practically prohibitory as against us—taking out of the account the dependencies and colonies of those European countries, which they largely dominate for one reason or another, and including only the neutral markets of the world, where there are equal freight rates and equal tariff conditions, then the statement would be substantially correct; that is, to those countries we export about ten and a half million dollars, while England exports about $4,000,000. It was that situation I had in mind at the time I made the statement. I referred to our exports and to their exports to the neutral markets of those countries. I do not desire to enter into any controversy about it.

Mr. SMOOT. Of course the Senator understands that the $10,000,000 worth exported from this country includes all other countries, whether it be the English dependencies, the German dependencies, or any others.

Mr. SIMMONS. But we do not export any to speak of to Europe. We export some, but our exports, speaking generally, are almost entirely to the neutral markets of the world.

Mr. SMOOT. Canada is a very large purchaser of steel rails.

Mr. SIMMONS. I include that as one of the neutral markets of the world.

Mr. SMOOT. That is all right.

Mr. President, I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that order will be made.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I now renew my request for the present consideration of the unobjected pension bills on the calendar.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the present consideration of the following bills——

Mr. McCUMBER. I will put it in this way: I ask unanimous consent that we may consider during the remainder of the day the unobjected pension bills on the calendar.

Mr. BACON. And that no other bills be considered?

Mr. McCUMBER. That is all; yes.

Mr. BACON. Does the Senator desire to include in the consent that no other bills shall be considered?

Mr. McCUMBER. I will make it that way if the Senator so desires.

Mr. BACON. I do not desire that, but simply wish to know, in order that a controversy may not come up later.

Mr. McCUMBER. I simply wish to ask that unobjected pension bills on the calendar may be considered.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that unobjected pension bills be now considered. Is there objection?

Mr. BACON. I have no objection to those bills being considered, but I simply want to guard this question of unanimous consent. Of course that is something which ought to be entered into very formally. I think, if we proceed without objection to the consideration of bills, the Senator from North Dakota will accomplish his purpose rather than to have it appear to be a unanimous-consent agreement, when some question might come up as to whether anything else could be done.

Mr. McCUMBER. If the Senator from Georgia has any fear about the matter, I will then ask, in lieu of my other request, that we proceed to the consideration of the first general pension bill on the calendar.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. LEA. Do I understand that under this agreement bills other than pension bills not objected to can come up?

The PRESIDING OFFICER. The Chair so understands.

Mr. BACON. But there is a special direction given to it, so that other bills can not be considered until the order of bills

which the Senator from North Dakota asks may now be proceeded with has been exhausted.

The PRESIDING OFFICER. The Chair understands that certain bills are asked by the Senator from North Dakota to be proceeded with, and after that the Chair supposes the remainder of the calendar is subject to the action of the Senate.

Mr. SMOOT. Do I understand that after the bills are considered for which the Senator from North Dakota has asked consideration, then we shall proceed to the consideration of other bills on the calendar to which there is no objection?

The PRESIDING OFFICER. The Chair does not understand that the Senator from North Dakota has preferred any request except as to pension bills.

Mr. McCUMBER. That is all.

Mr. BACON. I desire to state that I have no objection to the Senate giving unanimous consent to taking up those bills alone. I did not ask for that limitation, because some Senators might have in view some other business which they desire to have transacted; I have none myself; and I have no objection to the action of the Senate for the remainder of the afternoon being limited to those bills if it is so desired. I do not know how long they will take. If they will reasonably occupy the remainder of the afternoon I can see no objection to them.

Mr. McCUMBER. I assume that they will take less than an hour. I did not ask that we consider only those bills, because I thought some Senators might possibly want to ask that some other matters be taken up; but if there is no objection by the Senator, I will now renew my request for unanimous consent that we proceed to the consideration of unobjected pension bills upon the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The Secretary will report the first pension bill on the calendar.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments. The first amendment was, at the top of page 2, to strike out:

The name of Henry E. D. Patee, late of the United States Navy, and pay him a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the committee. I ask this because upon further investigation, we think that the amendment should be rejected.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 2, after line 3, to strike out:

The name of Gabrielle Cooper, widow of George A. Cooper, late second lieutenant Company L, Fifteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional for each of the officer's children during their minority, in lieu of that she is now receiving.

Mr. McCUMBER. I move that the Senate disagree to the amendment recommended by the committee. Further investigation and further evidence justify me in making this request.

The amendment was rejected.

The next amendment was, on page 2, line 18, before the word "dollars," to strike out "twenty-four" and insert "twelve," so as to make the clause read:

The name of Frank A. Schaller, late of Company E, Seventy-first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the word "dollars," to strike out "twenty-four" and insert "twelve," so as to make the clause read:

The name of Noah H. Stout, late of Company D, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of William W. Waters, late of Company D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move that the Senate disagree to the Senate amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 3, line 6, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Louis T. Moseley, late of Company A, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of John Dardis, late of Company G, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. McCUMBER. At the request of a number of Senators I ask unanimous consent that after we dispose of the unobjected pension bills on the calendar no other business be done on this legislative day.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that after the consideration of unobjected pension bills on the calendar no other business be done on this legislative day. Is there objection?

Mr. HITCHCOCK. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that after the consideration of unobjected pension bills no further business be transacted on this legislative day. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments. The first amendment was, on page 1, line 8, after the word "month," to strike out "in lieu of that he is now receiving," and insert "without deduction or recoupment for former alleged erroneous payments or overpayments of pensions," so as to make the clause read:

The name of William Hill, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month without deduction or recoupment for former alleged erroneous payments or overpayments of pensions.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out:

The name of John A. Ripley, late of Company C, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the name "Regenhardt," to strike out "jr." and insert "junior," so as to make the clause read:

The name of Louis Regenhardt, junior, late of Company K, Third Regiment, and Company B, Fifteenth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the words "United States," to strike out "Volunteer," so as to make the clause read:

The name of Henry Counterman, late of Company C, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Jesse W. Kennedy, late of Company D, First Battalion Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to strike out:

The name of James M. Blankenship, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the word "dollars," to strike out "thirty-six" and insert "forty," so as to make the clause read:

The name of Dyer C. Elder, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the word "Artillery," to strike out "Light" and insert "Heavy," so as to make the clause read:

The name of Charles A. Brown, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Benjamin Simmons, late of Company K, Third Regiment New York Volunteer Cavalry, and Company B, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Elizabeth Buhr, widow of Mathias Buhr, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to strike out:

The name of Edward T. Smith, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of George Peckham, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. McCUMBER. On page 14, I move to strike out lines 14 to 17, inclusive, an item for the same person and carrying the same amount having been included in a Senate omnibus pension bill which has already been signed by the President.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after line 13, it is proposed to strike out:

The name of Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, at the top of page 15, to strike out:

The name of Judson D. Hammond, late of Company K, Twenty-second and Twenty-ninth Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

The name of Catherine D. Bauerly, former widow of George Vetter, late of Company D, Twentieth Regiment Michigin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Emil Wiegleb, late of Company G, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," so as to make the clause read:

The name of Duncan D. Cameron, late of Capt. Gray's company, One hundred and eighth Regiment New York Volunteer Infantry, and Company K, Ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to strike out:

The name of James Dray, late of Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to strike out:

The name of Ada C. Mercer, helpless and dependent child of Pembroke Mercer, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to that amendment.

The amendment was rejected.

Mr. McCUMBER. At the bottom of the same page I move to strike out lines 22 to 25, inclusive, the claimant in that case having died since the bill was reported.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, after line 21, it is proposed to strike out:

The name of Charles Latham, late of Company I, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 20, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James C. Burrall, late of First Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Timothy Keely, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "Regiment," to strike out "Thirtieth" and insert "Thirteenth," so as to make the clause read:

The name of Eleanor M. Freer, widow of Charles Freer, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to strike out:

The name of Luther D. Morgan, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 15, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Lottie L. Robinson, widow of Lawrence V. Robinson, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of William A. McHaney, late of Company F, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. I ask that that amendment be rejected.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 23, after line 2, to strike out:

The name of Frederick Carel, late of band, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. McCUMBER. I also move that the Senate disagree to that amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 23, line 21, before the words "United States Navy," to strike out the name "Naumkead" and insert "Naumkeag," so as to make the clause read:

The name of David Phillips, alias Charles Gray, late landsman, U. S. S. Key West, Great Western, and Naumkeag, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to strike out:

The name of Nancy McKnight, now Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 4, before the word "Volunteer," to insert "Veteran," so as to make the clause read:

The name of John Balls, late of Company B, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to strike out:

The name of Della Langdon, widow of Moses E. Langdon, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to the proposed amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 28, line 4, before the name "Smith," to strike out "Ellen J." and insert "George C."; in the same line, before the word "additional," to strike out "the"; in line 8, before the name "Smith," to strike out "Ellen J." and insert "George C."; in the same line, before the word "additional," to strike out "the"; in line 12, after the word "shall," to strike out "each"; and in line 14, after the word "month," to insert "each," so as to make the clause read:

The name of Ellen J. Smith, widow of George C. Smith, late of Company D, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lulu E. Smith, helpless and dependent daughter of said George C. Smith, additional pension of $12 herein granted shall cease and determine: *And provided further*, That in the event of the death of George P. Smith, helpless and dependent son of said George C. Smith, additional pension of $12 herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen J. Smith the name of said daughter, Lulu E. Smith, and said son, George P. Smith, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each from and after the date of death of said Ellen J. Smith.

The amendment was agreed to.

The next amendment was, on page 29, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William M. Wallace, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 24, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Caldwell Oaks, late of Company K, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the word "dollars," to strike out "thirty-six" and insert "twenty-four," so as to make the clause read:

The name of Emerson Sherwood, late of Company F, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 4, to strike out:

The name of James M. Dalzell, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rate per month stated:

William S. Brown, late of Company A, Third Regiment United States Volunteer Infantry, $24 per month.

Albert D. Scovell, late of Company I, Third Regiment New Hampshire Volunteer Infantry, $36 per month.

George W. Graham, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, $24 per month.

Peter C. Johnson, late of Company M, Seventeenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

Susannah Sprague, widow of John Sprague, late of Company A, Tenth Regiment Kansas Volunteer Infantry, $20 per month.

William F. Hoffman, late of Company K, One hundred and eightieth Regiment Ohio Volunteer Infantry, $30 per month.

Richard Johnson, alias Curry, late of Company C, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, $24 per month.

Samuel N. Black, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $24 per month.

John B. Farris, late first lieutenant Company F, Twenty-sixth Regiment Indiana Volunteer Infantry, $30 per month.

Nelson Coffen, late of Company G, Sixteenth Regiment New York Volunteer Infantry, $30 per month.

Himanus De Witt, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, $30 per month.

Sumner R. Tarbox, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, $24 per month.

Tillman Settles, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, $24 per month.

William Hobbs, late of Company D, Sixth Regiment Kansas Volunteer Cavalry, $24 per month.

Henry A. Dennis, late of Company G, One hundredth Regiment Illinois Volunteer Infantry, $30 per month.

John Duebenhorst, late of Thirteenth Battery Wisconsin Volunteer Light Artillery, $30 per month.

George Simpson, late of Company B, Second Regiment Colorado Volunteer Cavalry, $30 per month.

Elise G. Irving, widow of William Irving, late lieutenant colonel Thirty-eighth Regiment Ohio Veteran Volunteer Infantry, $20 per month.

Francis M. Dean, late of Company D, Thirty-eighth Regiment Illinois Volunteer Infantry, $30 per month.

Thomas M. Boylan, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, $30 per month.

Riley Small, late of Company A, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, $24 per month.

John Adkins, late of Company K, Fourteenth Regiment, and Company C, Battalion, Fourteenth Regiment, Kentucky Volunteer Infantry, $24 per month.

Thomas B. Davis, late of Company A, Tenth Regiment Kansas Volunteer Infantry, $30 per month.

John C. Porter, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month.

David Poffenbarger, late of Company K, Thirty-fourth Regiment Indiana Volunteer Infantry, $36 per month.

Joseph T. Reno, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, $40 per month.

Joseph D. Miller, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month.

Job Snyder, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, $36 per month.

Alva M. Cunningham, late of Company I, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, $24 per month.

John F. Sowards, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and Company E, First Regiment West Virginia Veteran Volunteer Infantry, $30 per month.

Levi Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, $30 per month.

John H. Wood, late of Company E, Ninety-first Regiment New York Volunteer Infantry, $24 per month.

Gustus F. Johnson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, $24 per month.

Silas Wilder, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $30 per month.

John A. Doan, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, $30 per month.

Mary E. Lincoln Bradburn, widow of Otho N. Bradburn, late of Company A, Ninth Regiment Kentucky Volunteer Cavalry, $20 per month.

Joseph Harbaugh, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, $30 per month.

Bluford S. Jones, late of Company G, Seventh Regiment Missouri State Militia Cavalry, $30 per month.

Ursilla G. Underwood, widow of John Underwood, late of Troop B, First United States Lancers, Michigan Volunteer Cavalry, $12 per month.

Taylor Vance, late of Company I, Ninth Regiment Iowa Volunteer Cavalry, $40 per month.

Mary A. Heflin, widow of James Heflin, late of Company H, Eleventh Regiment Kentucky Volunteer Cavalry, $20 per month.

Elijah Cox, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $30 per month.

Isaac R. Storm, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, $30 per month.

Miles J. Burns, late of Company G, Third Regiment Iowa Volunteer Cavalry, $40 per month.

William Hill, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, $24 per month.

Laurentine V. Tarvin, widow of Alonzo W. Tarvin, late second lieutenant Company I, Twenty-third Regiment Kentucky Volunteer Infantry, $20 per month.

William R. Evans, late of Company B, One hundred and second Regiment United States Colored Volunteer Infantry, $24 per month.

Barlow A. McCoy, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, $24 per month.

Falty Livers, late of Company H, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, $24 per month.

Sara A. Haskell, widow of Frank W. Haskell, late first lieutenant and adjutant Nineteenth Regiment Maine Volunteer Infantry, $24 per month.

David Curfman, late of Company H, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, $24 per month.

David Cleaver, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, $30 per month.

Olive A. Cordon, widow of Shedrach M. Cordon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, $12 per month.

Henry K. Brawner, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, $36 per month.

William L. Hines, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and Company K, Fourteenth Regiment Veteran Reserve Corps, $30 per month.

Mary A. Herrington, widow of James M. Herrington, late first-class pilot, United States Navy, $12 per month.

Henry Grady, late of Company K, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, $24 per month.

Balaam Fox, late of Company B, Seventh Regiment Missouri Volunteer Cavalry, $24 per month.

Ellis Miller, late of Company B, Seventeenth Regiment, and Company D, Second Regiment, Michigan Volunteer Infantry, $30 per month.

Spear S. Zenor, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, $24 per month.

William Douglas, late of Company I, Fourteenth Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, $30 per month.

Thomas S. Cogley, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and second lieutenant, Company F, Seventh Regiment Indiana Volunteer Cavalry, $36 per month.

August Runge, late of U. S. S. Savannah, Sabine, and Colorado, United States Navy, $30 per month.

Louisa Balgenoth, former widow of Benjamin F. Prior, late of Company C, One hundred and forty-third Regiment Indiana Volunteer Infantry, $12 per month.

Jefferson Wykoff, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, $24 per month.

Robert F. C. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, $30 per month.

James D. Calahan, late of Company B, Fifty-ninth Regiment, and Company I, Eighty-eighth Regiment, Illinois Volunteer Infantry, $30 per month.

Samuel J. Dyer, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, $24 per month.

Joseph D. Taylor, late of Company D, Fourth Regiment Rhode Island Volunteer Infantry, $30 per month.

Collins Blake, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, $40 per month.

Minnie D. Dobbins, widow of Ruel Dobbins, late hospital steward, United States Army, and former widow of James C. Burkholder, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry, and Company H, Seventh Regiment Veteran Reserve Corps, $12 per month.

James D. Boyles, late of Company F, First Battalion Pennsylvania Volunteer Infantry, $24 per month.

John G. Thompson, late of Company F, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company E, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, $36 per month.

Reuben E. Chapman, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, $24 per month.

James J. Gallaway, late of Company B, Thirtieth Regiment Iowa Volunteer Infantry, $50 per month.

James W. Jones, late unassigned, Eighth Regiment Illinois Volunteer Infantry, $24 per month.

William H. White, late of Company H, Third Regiment Delaware Volunteer Infantry, $20 per month.

Sarah I. Dunahey, widow of John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, $20 per month.

Charles Heller, late of Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, $30 per month.

Jerusha Morgan, widow of James Morgan, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, $24 per month: *Provided*, That in the event of the death of Clarence Morgan, helpless and dependent son of said James Morgan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Jerusha Morgan the name of the said Clarence Morgan shall be placed on the pension roll at $12 per month from and after the date of death of said Jerusha Morgan.

James B. Bryant, late of Company B, Fifth Battalion District of Columbia Militia Infantry, $15 per month.

Francis M. Hockinbery, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, $24 per month.

Francis E. Stratton, late of Thirty-seventh Regiment New Jersey Volunteer Infantry, $20 per month.

Jane Smith, widow of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, $12 per month.

Francis McCabe, late of U. S. S. *North Carolina* and *Delaware*, United States Navy, $24 per month.

Jacob M. Roberts, late of Company L, Fourteenth Regiment New York Volunteer Heavy Artillery, $30 per month.

Samuel E. Prather, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, $30 per month.

Ada P. Armstrong, widow of George A. Armstrong, late captain and assistant quartermaster, United States Volunteers, $20 per month.

Joseph Nye, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, $24 per month.

Darwin A. Webb, late of Company K, Eighth Regiment Vermont Volunteer Infantry, $24 per month.

William W. Follansby, late of Company G, Eleventh Regiment Massachusetts Volunteer Infantry, $36 per month.

Horatio N. Merritt, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $24 per month.

Isaac N. Gerhart, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, $24 per month.

John S. Varney, late of Company H, Fourteenth Regiment New Hampshire Volunteer Infantry, $30 per month.

Patrick Conley, late of Company I, Tenth Regiment New Hampshire Volunteer Infantry, $36 per month.

Alfred C. Taft, late of Company G, Fifty-seventh Regiment Massachusetts Volunteer Infantry, $24 per month.

Elvira Mizee, widow of Louis J. Mizee, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, $12 per month.

John A. Andrews, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, $24 per month.

Andsell H. Beam, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, $30 per month.

George F. Brown, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, $36 per month.

Miranda A. Hishley, widow of Coonrod Hishley, late of Company A, Second Battalion District of Columbia Militia Infantry, $12 per month.

John F. Miller, late of Company A, Second Battalion District of Columbia Militia Infantry, $12 per month.

John L. Taylor, late of Company L, Second Regiment Iowa Volunteer Cavalry, $50 per month.

Ellis Gully, late of Company F, One hundred and tenth Regiment Illinois Volunteer Infantry, $40 per month.

Ellis T. Padget, helpless and dependent son of Addison Padget, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, $12 per month.

Pleasant W. Lowe, late of Company F, First Regiment Tennessee Volunteer Cavalry, $24 per month.

Charles K. Conard, late of Company G, Fourth Regiment Pennsylvania Reserves Volunteer Infantry, $24 per month.

Joseph Walters, late of Company C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

William J. Percy, late of Company F, Fourth Regiment Vermont Volunteer Infantry, $30 per month.

Thomas Coats, late of U. S. S. *Ohio*, United States Navy, $24 per month.

Byron F. Nutten, late of Company H, Fourth Regiment Michigan Volunteer Infantry, $24 per month.

John H. Kingsley, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, $36 per month.

Frealing Walker, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, $24 per month.

Alvord Peck, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month.

William W. Gaines, late of Company D, Eleventh Regiment Kentucky Volunteer Infantry, $36 per month.

Solomon Butler, late of Company D, Second Regiment Kentucky Volunteer Cavalry, $40 per month.

James W. Lowrie, late of Company G, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, $30 per month.

Edwin J. Trobridge, late of Company A, One hundred and fourth Regiment Illinois Volunteer Infantry, $30 per month.

James P. Jones, late of U. S. S. *Ohio*, *Sagamore*, and *Hendrick Hudson*, United States Navy, $40 per month.

George P. Love, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, $24 per month.

John Ryan, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, $24 per month.

Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, $24 per month.

Henry C. Miller, late of Company C, Ninth Regiment Pennsylvania Volunteer Cavalry, $24 per month.

Homer McC. Summerville, helpless and dependent child of James J. Summerville, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, $12 per month.

Winfield S. Flint, late Company L, Second Regiment Massachusetts Volunteer Heavy Artillery, $30 per month.

Benjamin F. Philbrick, late of Company A, Fourth Regiment Maine Volunteer Infantry, $30 per month.

Henry M. Bennett, late of Company A, Ninth Regiment Maine Volunteer Infantry, $24 per month.

James W. Pendleton, late of Company H, Eighth Regiment Maine Volunteer Infantry, $30 per month.

Ralph A. Thompson, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, $30 per month.

William H. H. Brown, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, $50 per month.

John J. Mercer, late captain Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. Mr. President, I am rather surprised to be suddenly informed that the Senator from Florida desired another Senator to enter an objection to the consideration of calendar Nos. 665, 666, and 667, being House bills 21230, 20585, and 20628. I ask, therefore, that those bills go over.

The PRESIDING OFFICER. Without objection, the bills will be passed over.

The bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rate per month stated:

John Brannan, late of Company A, Fortieth Regiment Iowa Volunteer Infantry, $30 per month.

Hiram R. Smith, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

John W. Currier, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $40 per month.

Norman B. Van House, late of Company B, Second Regiment Minnesota Volunteer Cavalry, $30 per month.

Alexander Roe, late of Company A, First Regiment Ohio Volunteer Light Artillery, $50 per month.

Harrison Stotler, late of Company F, Eighty-seventh Regiment Indiana Volunteer Infantry, $30 per month.

Oscar Graves, late of the U. S. S. *Sabine*, *Ohio*, and *Supply*, United States Navy, $24 per month.

Hattie A. Sears, widow of William H. Sears, late of Company A, Second Regiment Vermont Volunteer Infantry, $12 per month.

Joseph Cooper, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, $30 per month.

Livonia C. Becker, widow of Peter J. Becker, late of Company F, Second Regiment Nebraska Volunteer Cavalry, $12 per month.

John W. Groesbeck, late assistant surgeon, Eighty-first Regiment Illinois Volunteer Infantry, $30 per month.

Stephen Jarvis, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, $30 per month.

Emily Donaldson, widow of Hugh W. Donaldson, late sergeant major Third Regiment Minnesota Volunteer Infantry, $20 per month.

John Weaver, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

William C. Hart, late of Company I, Third Regiment Michigan Volunteer Infantry, $30 per month.

John Dow, late of Company K, Seventh Regiment, and Company A, Sixth Regiment, Maine Volunteer Infantry, $50 per month.

Henry T. Stuart, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, $30 per month.

James Grose, late of Company A, Twenty-fourth Regiment Indiana Volunteer Infantry, $30 per month.

Anna G. Lord, widow of John S. Lord, late first lieutenant and adjutant One hundred and thirteenth Regiment Illinois Volunteer Infantry, $20 per month.

James Nickell, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, $30 per month.

George Phinney, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, $30 per month.

Etta M. Hankinson, widow of Richard H. Hankinson, late of Company D, Eighth Regiment Michigan Volunteer Infantry, and Thirteenth Independent Battery Michigan Volunteer Light Artillery, $30 per month.

Morgan M. Mills, late of Company F, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, $24 per month.

Mary I. Stauber, widow of Silas I. Stauber, late first lieutenant Company G, Fourth Regiment Michigan Volunteer Cavalry, $17 per month.

Carrie R. Sparklin, widow of Silas M. Sparklin, late of Company E, Second Regiment Maryland Volunteer Infantry, $20 per month.

James R. Helton, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, $36 per month.

Thomas F. Chafee, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, $30 per month.

Bradley Gilbert, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, $30 per month.

Luke Flynn, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, $30 per month.

Peter Walker, late of Company C, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, $24 per month.

Alexander F. Hays, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and Company D, Fourth Regiment Kentucky Mounted Volunteer Infantry, $30 per month.

Edward Stapleton, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $40 per month.

Silas M. Finch, late first lieutenant Companies F and K, Tenth Regiment United States Colored Volunteer Infantry, $30 per month.

William Day, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month.

William Thompson, late of Company C, Eighty-second Regiment Indiana Volunteer Infantry, $30 per month.

Olive J. Allen, widow of Charles R. Allen, late of Company A, Second Regiment Illinois Volunteer Cavalry, $20 per month.

John T. Lance, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, $30 per month.

Jane Allen, widow of Nathan Allen, late of Company I, Third Regiment North Carolina Mounted Volunteer Infantry, $20 per month.

Albert M. Belcher, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, $30 per month.

Mary L. Wilson, widow of John C. Wilson, late of Company G, Ninth Regiment Delaware Volunteer Infantry, $20 per month.

Isaac M. Brandon, late of Company K, Thirtieth Regiment Pennsylvania Volunteer Infantry, and Company H, Second Battalion, Twelfth Regiment United States Infantry, $30 per month.

Calvin A. Cary, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $30 per month.

William Johnson, late of Company H, Thirty-ninth Regiment Indiana Volunteer Infantry, $50 per month.

Ella G. Timoney, widow of Edward McB. Timoney, late captain Company C, Third Battalion, Fifteenth Regiment United States Infantry, $20 per month.

John D. Wood, jr., late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, $30 per month.

Martin Kennedy, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, $36 per month.

Eliza Ash, widow of William T. Ash, late of Company H, Twenty-third Regiment Kentucky Volunteer Infantry, $30 per month.

Marion G. Blodgett, widow of Edward T. Blodgett, late of Company F, First Regiment Connecticut Volunteer Infantry, $12 per month.

Mary M. Culver, widow of Nelson S. Culver, late of Company G, First Regiment Connecticut Volunteer Infantry, $20 per month.

Annette Farmer, widow of Amasa A. Farmer, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, $20 per month.

Anna R. Wellman, widow of David L. Wellman, late first lieutenant Company H, and captain Company I, Fourth Regiment Minnesota Volunteer Infantry, $20 per month.

Abram Burnett, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, $30 per month.

Charles W. Smith, late of Company C, First Regiment New York Volunteer Light Artillery, $30 per month.

Henry C. Tiffany, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month.

Stephen L. Sleeper, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, $36 per month.

Emma A. Prior, widow of William A. Prior, late of Chicago Mercantile Battery, Illinois Volunteer Light Artillery, $20 per month.

Henry H. Brinkley, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, $30 per month.

John W. Palmer, late of Company I, Thirty-second Regiment Maine Volunteer Infantry, $30 per month.

Samuel Priest, late of Company G, First Regiment Wisconsin Volunteer Cavalry, $30 per month.

Edgar Bullard, late of Company D, Fifth Regiment Vermont Volunteer Infantry, $36 per month.

Suel T. Gibson, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, $30 per month.

Hiram Campbell, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, $36 per month.

Charles Mays, late of Battery K, First Regiment United States Artillery, $50 per month.

William A. Reeves, late of Company A, Ninth Regiment Iowa Volunteer Cavalry, $30 per month.

Joseph R. Shannon, late of Company I, Eighty-third Regiment Ohio Volunteer Infantry, $36 per month.

Clara L. A. Read, widow of Edwin W. H. Read, late captain, Eighth Regiment United States Infantry, $20 per month.

Curtis Stimpson, late of Company B, Second Regiment, and Company H, Eighteenth Regiment, New Hampshire Volunteer Infantry, $30 per month.

James G. A. Middleton, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Infantry, $24 per month.

James O. Taylor, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, $12 per month.

Catherine J. Orr, widow of John W. Orr, late captain Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, $25 per month.

Sophfronia F. Cady, widow of Charles T. Cady, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, $20 per month.

James A. Wise, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $36 per month.

William H. Hooker, late of Company G, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, $30 per month.

Henry Randolph, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month.

Allen V. Webster, late of Company F, Sixth Regiment Iowa Volunteer Infantry, $30 per month.

Manerva Eveann Dealey, widow of John Dealey, late of U. S. S. *Richmond*, United States Navy, $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates specified:

Joseph Morris, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

William P. Mandeville, late of the U. S. S. *Constellation*, *Rhode Island*, and *Wabash*, United States Navy, $20 per month.

John A. Connolly, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Frederick L. Jones, late of Company B, First Regiment United States Volunteer Engineers, War with Spain, $30 per month.

Ann O. Burt, dependent mother of Andrew J. Burt, late captain Company D, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $20 per month.

James A. Bean, late of Captain Wall's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $16 per month.

Ulysses J. Wannemaker, late of Company E, Third Regiment Illinois Volunteer Infantry, War with Spain, $20 per month.

Cora E. Ruttinger, late nurse, Medical Department, United States Volunteers, War with Spain, $12 per month.

Robert H. Parker, late of Captain E. J. Harding's Company A, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month.

Benjamin A. Yates, late regimental quartermaster sergeant Seventeenth Regiment United States Infantry, $12 per month.

Leslie Harding, late of Company E, First Regiment West Virginia Volunteer Infantry, War with Spain, $20 per month.

Philip C. Elbert, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, $12 per month.

Le Claire H. Evans, late of the U. S. S. *Nipsic*, United States Navy, $10 per month.

Libbins W. Davis, late of Company H, Thirty-first Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Joseph L. Cooper, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

James Tompach, late of Company B, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $16 per month.

Anderson Wright, late of Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month.

Thomas Roy, late of Company A, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Jennings J. Pierce, late second lieutenant Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, $15 per month.

Joseph P. Sullivan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $24 per month.

Mary Lillie Bauskett, late nurse, Medical Department, United States Volunteers, War with Spain, $12 per month.

Albert W. Kelley, late of Company M, Fourteenth Regiment Minnesota Volunteer Infantry, War with Spain, $17 per month.

Andrew L. Weatherford, late of Company L, Eighteenth Regiment United States Infantry, War with Spain, $24 per month.

Gomecindo Sallas, late of Capt. Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month.

Roscoe C. Tartar, late of Sixty-seventh Company United States Coast Artillery, $20 per month.

Paul Lemm, late of Company L, Second Regiment Tennessee Volunteer Infantry, War with Spain, $30 per month.

Andrew Knight, late of Battery F, Fourth Regiment United States Artillery, War with Spain, $12 per month.

Otto Paulson, late of Company I, First Regiment North Dakota Volunteer Infantry, War with Spain, $12 per month.

Sarah F. Maynard, widow of Edward T. Maynard, late of Company E, Sixteenth Regiment United States Infantry, $12 per month.

Tivis C. Simmons, late of Company E, Nineteenth Regiment United States Infantry, $20 per month.

Florence H. Ridgway, widow of Everett S. Ridgway, late of Hospital Corps, United States Army, War with Spain, $12 per month.

Catharine Huber, widow of William Huber, late of Troop B, Sixth Regiment United States Cavalry, $12 per month.

John K. Jamieson, late of Hospital Corps, United States Army, War with Spain, $20 per month.

Emily J. Chambers, widow of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, $12 per month.

Chauncey S. Pratt, late of Company G, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $30 per month.

John Mooney, late of Company H, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, $20 per month.

Benjamin F. Downen, late of Capt. William Martin's Company A, Second Brigade California Mounted Militia, Oregon and Washington Territory Indian war, $16 per month.

Martin J. Tunney, late of Troop M, Eighth Regiment United States Cavalry, War with Spain, $50 per month.

Lydia Blanke, widow of Caspar Blanke, late of Company C, Fourteenth Regiment United States Infantry, $12 per month.

Susie C. Heilner, widow of Lewis C. Heilner, late rear admiral, United States Navy, $50 per month.

Samuel H. Craig, late of Troop D, Fourth Regiment United States Cavalry, $24 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate adjourn.

Mr. LEA. I ask the Senator from North Dakota to withhold his motion for a moment, as I desire to ask unanimous consent for the present consideration of Senate bill 6612.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Tennessee to the fact that the unanimous-consent agreement adopted was that no other business should be transacted to-day after the disposition of the pension bills.

Mr. LEA. I asked the Chair if the agreement would prohibit the calling up of other matters afterwards.

The PRESIDING OFFICER. Yes; but later the request for unanimous consent was modified, and as modified it was agreed to by the Senate.

The question is on agreeing to the motion of the Senator from North Dakota, that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 22, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 21, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, be with us in the onward march of civilization, lest we forget that nothing endures which is not in accordance with the laws which Thou hast ordained; lest history repeat itself in the downfall of our Republic. Make us, therefore, wise, just, pure, noble in our conceptions, that Thy will may be done in us, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORTS ON THE COTTON CROP.

The SPEAKER laid before the House the bill H. R. 14052, an act authorizing the Secretary of Agriculture to issue certain reports relating to cotton, with Senate amendments.

The Senate amendments were read.

Mr. LEVER. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. COLLIER. Mr. Speaker, I would like to ask the gentleman from South Carolina a question. Do these Senate amendments make any change in the date of making the report from those dates in the bill as passed by the House?

Mr. LEVER. It does not change the date as to making the report on the condition, but it does change the date as to the acreage.

The motion of Mr. LEVER was agreed to.

LEAVE OF ABSENCE.

Mr. KENDALL, by unanimous consent, was given leave of absence for 12 days, on account of important business.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21969, designated as the Panama Canal bill. Pending that, I would like to propose a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. There are two contested sections to which it is understood we will return for more elaborate consideration. I want to submit a request, either in the House or in the committee, to limit the debate on these two sections. Ought that to be made in the House or in the committee?

The SPEAKER. The Chair thinks in the House.

Mr. MANN. It could be made in either.

The SPEAKER. The Chair thinks so, too.

Mr. ADAMSON. Then, Mr. Speaker, I will make the request in the committee.

The motion of Mr. ADAMSON was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21969, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. FOWLER. Mr. Chairman, I would like to ask what the parliamentary situation of this bill is now.

The CHAIRMAN. The Chair understands that the gentleman from Illinois has an amendment pending.

Mr. FOWLER. Mr. Chairman, I desire unanimous consent that the vote on that amendment may be passed until there is a quorum in the House. I do not desire to obstruct the business of the bill, but I would like very much to wait until there is a quorum before there is a vote taken on that amendment.

Mr. ADAMSON. Mr. Chairman, reserving the right to object, I want to say that it is not our fault that there is difficulty about obtaining a quorum. Some of our committee have studied this question 15 years—studied the judicial system and the difference between running a government with a large population, prosperous at home, and running a machine shop and a business institution on the Canal Zone.

It may be material and it may not. A jury trial is already provided by existing law in the zone. There is plenty of time to amend and change that law before the canal is ever opened if our committee or Congress decides that it ought to be done. If gentlemen who are not on the committee, who have not studied the question so much, feel it their duty to drive their little contentions to that extreme that they will call for a quorum and suspend the business of the House, then gentlemen can do it on their own responsibility. We have already passed several sections of the bill, and we want to get on with this work, but I want to say now that it is our duty and desire to get through with this bill to-day. I do not want to say anything or put anything in the RECORD that would look like criticism of my colleagues who may not be present, or of where they go in their absence, but if the point of no quorum is made at any time when we are voting on important sections of this bill, I do not think I shall object to Members being sent for and being brought here. It will not be my fault. I object to this request.

Mr. FOWLER. Mr. Chairman, I desire to amend my amendment by substituting the word "either" in the latter part of the amendment in place of the word "any."

The CHAIRMAN. Without objection the amendment will be so modified.

Mr. MANN. Mr. Chairman, let us have the amendment read.

The CHAIRMAN. The Clerk will report the pending amendment. The Chair will ask the gentleman from Illinois to indicate exactly what his amendment is.

Mr. FOWLER. Mr. Chairman, my amendment applies to section 8, page 11, striking out the word "any" in lines 14 and 15.

The CHAIRMAN. Will the gentleman please state his amendment in the form in which he now presents it?

Mr. FOWLER. I have not the exact wording of the amendment.

Mr. MANN. Mr. Chairman, the amendment will be found at the bottom of the second column on page 7804 of the RECORD.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows.

Page 11, line 13, strike out the words "and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party" and insert in lieu thereof the words "and in any civil or criminal case in said court a jury shall be afforded on the demand of any party."

Mr. FOWLER. Mr. Chairman, I desire to amend that by inserting the word "either" in place of the word "any."

The CHAIRMAN. Without objection, the amendment to the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois.

Mr. ADAMSON. Mr. Chairman, debate on the amendment is exhausted.

Mr. FOWLER. But debate on the amendment to the amendment is not exhausted.

The CHAIRMAN. The amendment to the amendment has been agreed to, however.

Mr. ADAMSON. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 6, noes 36.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum.

The CHAIRMAN. The Chair will count.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Mr. Chairman, what was the gentleman's point of order? He said he made the point of no quorum. I make the point of order that there is no such point of order—that there is no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum.

Mr. BARTLETT. But that is not a point of order that can be made.

Mr. FOWLER. Mr. Chairman, if the gentleman desires to be technical, I make the point of order that there is not a quorum present.

Mr. BARTLETT. That is all right.

The CHAIRMAN. The Chair will count. [After counting.] One hundred Members present, a quorum. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to section 8, page 11, lines 13 and 14, to strike out the words "originating in said court."

Mr. ADAMSON. Mr. Chairman, I make the point of order that that is substantially the same amendment that we have just voted down.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, lines 14 and 15, strike out the words "originating in said court."

Mr. ADAMSON. Mr. Chairman, the point I make is that we have just voted down substantially the same amendment; not in the identical language, but it amounts to the same thing.

Mr. BORLAND. Mr. Chairman, it is entirely within the province of the House to vote down certain language and adopt other language.

Mr. ADAMSON. Mr. Chairman, I withdraw the point of order.

Mr. BORLAND. Mr. Chairman, this amendment, by striking out the words "originating in said court," will have the effect of giving a jury trial in this district court, which is to be a court of record, the general court of record in the zone in all cases, whether the cases originate in that court or whether they be transferred to the court by appeal from the magistrate's court. That is the common practice in every State in the Union.

Mr. GOLDFOGLE. Mr. Chairman, it is not the practice in New York to give a jury trial after a judge has decided the facts and the law. The gentleman is in error in a statement that that is so in every State in the Union.

Mr. BORLAND. Mr. Chairman, I believe that that statement is generally correct; that it is the common practice; that when a case is appealed from a court not of record to a court of record the party has the right of trial by jury provided by the rules and practice of the court of record. There is no reason why a man who has happened to be prosecuted criminally in a magistrate's court and who then makes an appeal in order to get what he believes to be justice should be denied the privilege he would have had if he had been prosecuted originally in a higher court.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GOLDFOGLE. Would not the gentleman trust the judge of this appellate court with the duty of reviewing the action of the magistrate's court in cases arising in the magistrate's court that are very simple indeed?

Mr. BORLAND. Well, I will say to the gentleman they are not simple to the defendant who happens to be prosecuted.

Mr. GOLDFOGLE. Has not the gentleman confidence in the judge of the appellate court to make a fair review of the action of the court below?

Mr. BORLAND. I will say to the gentleman from New York that my confidence in a particular judge is not the question at issue, but it is a question whether an American citizen who happens to be prosecuted, as he believes, unjustly in a court not of record and has been given a right of appeal as he ought to a court of record ought not to enjoy there what he feels he ought to enjoy, a trial by jury. Any confidence of the gentleman in a particular judge is not the question at issue at all. It is a question of whether we will preserve there the American ideals which we think ought to apply to courts. Now, I am not a critic of courts. I am not one of those men going around the country demagoging about mistakes of courts. All courts are subject to mistakes, all courts are subject to personal bias, all courts are made up of judges who are merely human. There is only one safety, and that is a rule of law and not a rule of men. I do not care if we have the best men to administer affairs, we have fought for a thousand years for a government by law and not by virtue of a particular man who happens to occupy a particular office. [Applause.] And we have no more reason to trust a judge without a trial by jury when the case is appealed than if it were originally brought in his court.

Mr. BARTLETT. Will the gentleman permit me a question?

Mr. BORLAND. Certainly.

Mr. BARTLETT. Does the gentleman from Missouri have a trial by jury and an appeal from a police judge's court where a fine is imposed for a petty violation of the law?

Mr. BORLAND. No; we do not.

Mr. GOLDFOGLE. That is what you do in this case.

Mr. BORLAND. We have in Missouri, and you have in every State in the Union, a general principle that the police court organization of the municipality is only a quasi criminal court. It is not a criminal court, and if it were it could not exist. It is established to enforce certain by-laws or ordinances of the city, and therefore its proceedings are not particularly criminal. When they are appealed to the criminal court of the county they retain the form they originally had in the police court. I have never seen really the reason for distinction between a quasi criminal prosecution in a police court and a criminal prosecution in a justice of the peace court. Every city man knows that distinction exists.

Mr. BARTLETT. Mr. Chairman, I yield to no man in this House or elsewhere my reverence and love for the right of trial by jury. I am familiar with the history of the Anglo-Saxon people and the struggles by which they secured that inalienable and valuable right to themselves, and the means by which we have secured it; but I do not believe it is any violation of that sacred right, nor a violation of our duty to preserve it to everyone who shall be tried in an American court or in a court constituted by the legislators in the American Congress, that the petty offenses described in this bill, which are to be tried before a municipal or police judge, should be tried by a jury. The question has time and time again been before the courts, in which it has been determined that, even where men are tried in a police court and not only fined and imprisoned for days and months, that such imposition was a violation of the Constitution of the United States——

Mr. FOWLER. Will the gentleman permit me to ask him if, under the provisions of this bill, a corporation or a trust could not clandestinely have a suit brought against them in the magistrate's court and then take an appeal to the district court and have it tried by a judge who might be friendly to them and evade a jury trial?

Mr. BARTLETT. I do not know what trust would bother about a $300 case in a small court on the Isthmus of Panama.

Mr. FOWLER. I asked particularly if that can be done.

Mr. BARTLETT. Where $300 was involved—I do not think they would bother themselves with a case involving $300. If it were $300,000,000 it might be different.

Mr. FOWLER. But could not they have the suit brought before the judge instead of giving the people the right to have a trial by jury if they wanted to do that?

Mr. BARTLETT. With all due respect to my friend from Illinois, I do not think there is anything in the suggestion, and therefore I will not undertake to answer it.

Mr. FOWLER. One other question: I will ask the gentleman if the Constitution does not provide that all civil actions, where the sum involved is below $20, shall be tried by a jury?

Mr. BARTLETT. No; it does not; it provides that all common lawsuits shall be tried by a jury.

Mr. FOWLER. Civil means common law.

Mr. BARTLETT. Oh, no; we have common-law equity suits, and the Supreme Court has decided that we need not decide an equity suit by a jury.

Mr. FOWLER. If it be true, I will ask the gentleman if it will not contravene the Constitution upon that question when you force men to have suits tried up to $300 and deprive them of a right of trial by jury.

Mr. BARTLETT. I do not think so, nor do I give my own opinion in saying so, but simply give the decisions of the courts of the United States upon that subject.

Mr. CANNON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

Mr. ADAMSON. Mr. Chairman, I shall have to object to any extension of time, but I am willing for the gentleman from Illinois to ask his question.

Mr. CANNON. If the Constitution, according to the contention of my colleague from Illinois, guarantees a jury trial, what objection is there to this legislation; why do gentlemen disagree; because you can not repeal the Constitution by an act of Congress?

Mr. BORLAND. But the gentleman knows the Constitution does not apply to Panama.

Mr. CANNON. I was answering my colleague from Illinois.

Mr. BARTLETT. Of course, the gentleman from Illinois is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. BORLAND) there were—ayes 22, noes 48.

So the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I desire to submit another amendment to section 8, as follows:

Line 20, page 10, strike out the words:
"The rules of practice in such district court shall be prescribed or amended by order of the President."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 20 and 21, strike out the following:
"The rules of practice in such district court shall be prescribed or amended by order of the President."

Mr. BORLAND. Mr. Chairman, this district court which is sought to be created by this section is one district court for the entire zone, and the salary of the judge is the same as the salary of the United States circuit judges in this country, which is perfectly proper, and an appeal is given from that court to the fifth circuit court at New Orleans, which is proper and ought to have been done before.

Now, that makes that United States district court down there practically a United States district court. It is clothed with admiralty powers, and so on. Incident to its local operation it has this appellate jurisdiction over the local magistrate's court, but it will probably have a more extensive jurisdiction than that. It will have the general civil and criminal jurisdiction that the United States court has, an admiralty jurisdiction, and the jurisdiction the same as the United States district court in this country. A court of that kind should make its own rules of practice, but they should be prescribed as near in harmony as possible with the rules of practice in other United States courts. There is no reason why the exception should be made in this case and the rules of practice prescribed by the President. There is probably no advantage by the Executive order making rules of order for that court. Whenever the judge wants the rules established he will have to draw them up and ask that the President promulgate them or he will have to go to the governor, or whatever you call him, and ask him to ask the President. In that case he will be a mere dependent of the governor. That is a thing that ought to be prevented. The courts ought to be free from a governor down there, at least. If the court is free from the President, or the President in his multiplicity of duties could possibly give any attention to it, there would be something in its favor. But everybody here knows that the President can not give the slightest personal attention to the matter. He must sign an Executive order sent him by some one in whom he has confidence.

Mr. HAMLIN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. HAMLIN. Did not the gentleman a moment ago express some doubt as to the wisdom of the change down there and say he did not want to clothe him with too much power?

Mr. BORLAND. I do not think the gentleman could have misunderstood what I said. I am not a professional or political critic of the courts.

Mr. HAMLIN. Still, I understood the gentleman to raise some suspicion that he might not always be fair. What objection have you now to letting the President prescribe the rules that should govern?

Mr. BORLAND. The gentleman might want to go so far as to regulate the judge. I am not a professional or political critic of the courts, but the courts are now operating under this plan I have advanced, and lawyers have been satisfied with it and have found that it worked satisfactorily. Now, nobody would get up and advocate that the governor of a State should prescribe the rules of the State courts.

Mr. GOLDFOGLE. But this governor is so far removed from us here. He is down at the zone, and it would be much better to allow the rules to be made here.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

Mr. ADAMSON. Mr. Chairman, as we have often explained, we have not attempted to assimilate things down there to what is going on in the United States. The canal is as much a "sui generis" among other enterprises as a whale is among fishes or an elephant among animals. We have from the beginning consistently held the President responsible for everything of an administrative character down there. We did not think the people down there were ready to have put upon them the rules of the United States courts. The rules of the United States courts may ultimately be adopted. The only place we are trying to make the connection is on the appeal. We are arranging for them to be brought to the court of appeals at New Orleans in certain cases and carried to the Supreme Court of the United States.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I move, on page 10, line 21, to strike out the word "President" and insert in lieu thereof the words "circuit court of appeals of the fifth circuit."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 21, strike out the word "President" and insert the words "circuit court of appeals of the fifth circuit."

Mr. BORLAND. Now, Mr. Chairman, there can be no possible objection by the chairman of the committee to that amendment. If he does not want to trust the judge down there to make his own rules, as is customary in courts and would be in the absence of any statutory provision, then let the rules be made by the judge of the court of appeals of the fifth circuit of the United States, and we can get away as far as we can from this government by Executive order.

Mr. ADAMSON. We appreciate the research and ability of the gentleman from Missouri [Mr. BORLAND], but our committee has studied hard on this matter and we think it is as it ought to be, and we ask the Members to stand by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 11, noes 70.

So the amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I move that debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that debate on this section and all amendments thereto close in 15 minutes.

The question was taken, and the motion was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 10, line 24, by striking out, after the word "exceeding," the words "three hundred" and inserting in lieu thereof the word "fifty."

Mr. FOWLER. Mr. Chairman, this amendment, as is patent on its face, seeks to secure to the people, as nearly as possible, the right of trial by jury. There is no doubt in my mind but that the court which is established on the Canal Zone by this bill is a court for all intents and purposes under the laws of the United States. The territory belongs to the United States. It is territory in which the United States establishes a court. It is territory in which there is an appeal taken from the decisions of the court in that zone to a United States court at New Orleans, and I say, Mr. Chairman, that those people down there ought to have the right of trial by jury, in so far as it is possible to give them that right. The Constitution should follow the flag, and wherever it is unfolded to the breezes of heaven over territory owned by the United States, the Constitution should follow and be coextensive with the flag. Who will deny this proposition?

I stand here for the honest, sturdy poor, and claim for them the same rights that are claimed in the provisions of this bill for other men—men who can go in the court on business that involves a sum greater than $300. No discrimination should be made against the citizen of small means. His rights are more dependent than those of the man of means.

I think, Mr. Chairman, that this amendment ought to pass. I do not desire to take up the time of the committee needlessly, but I want to emphasize the necessity of a strict adherence to the provisions of the Constitution—and especially in this case—the provision that gives to everyone that is charged with a criminal offense the right to a trial by jury, and in all common-law cases a right to trial by jury in cases where the sum involved exceeds the amount of $20. To give these rights to the rich and deny them to the poor is an unjust discrimination which no one, in my opinion, can afford to sanction.

In reply to my distinguished colleague, the ex-Speaker [Mr. CANNON], when he intimates that this court down here is not under the jurisdiction of the United States and ought not to be termed a court of United States jurisdiction, I wish to say that the appeal power in this bill confers upon that court all the rights of having the cases of the litigants tried in the courts of the United States.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. CANNON. In the first place, the gentleman in quoting me quotes me as saying something that I never said.

Mr. FOWLER. I beg the pardon of the gentleman, then.

Mr. CANNON. I am standing by this bill. That is all.

Mr. FOWLER. Well, if the gentleman does not contend that this court is not under the jurisdiction of the United States and is not a United States court, I beg his pardon and desire to withdraw my expressions in regard to him. But I so understood him, and I think the Members of the House so understood him. At least a Member who was on the floor of this House took up the question and said that the Constitution did not

follow the flag in respect to the courts established on the zone. I say that the Constitution ought to follow the flag in all territory owned by the United States over which the American flag floats, it matters not what territory it is or who its inhabitants are. Equal and exact justice should be dealt out to all and special privileges to none. The Declaration of Independence, the Stars and Stripes, and the Constitution are born of the same spirit, and the supremacy of one necessarily implies the presence of the other two. Who will dare to separate them in the Canal Zone? [Applause.]

Mr. CANNON. My esteemed colleague from Illinois is always strenuous, and I think he intends to be fair. Now, what I did say was—and I repeat it—that if the gentleman's contention be true, that on the Canal Zone the Constitution guarantees everybody there a jury trial, then any legislation that we might make could not repeal the Constitution. That is what I said, and I think the gentleman is a good enough lawyer to admit that I am correct. Now, then, so far as the Canal Zone is concerned, we have it for all practical purposes to operate this canal, and in operating this canal we could make it, if we desired it, a military reservation.

Mr. FOWLER. Mr. Chairman——

Mr. CANNON. One moment. We could make it a military reservation just as much as any Army post is a military reservation. We have plenary power in that matter, and in my own judgment practically it ought to be a military reservation, considering the semisavages on land adjacent to it—not all of them, but a very respectable number, speaking with the highest respect of the population down there—and on the sea all the people of the world have a very valuable canal costing $400,000,000, with its locks, that might be dynamited. Practically, I say, it ought to be a military reservation for the preservation of the canal and the proper operation of the canal.

Now I yield to the gentleman.

Mr. FOWLER. Mr. Chairman, I desire to ask if it is not preferable to establish a military government there than to undertake to establish a civil court and undertake to deprive men of the right of trial by jury?

Mr. CANNON. Well, practically, reading this bill, I think it goes a long way toward making this a military reservation. But it does provide for the litigation of minor troubles that may come there, and does provide for a court. If you were to exclude the courts entirely from the Zone, as we could, I think we should establish them there, except in certain excepted cases. We need as much education touching our newly acquired possessions and touching the Canal Zone as they need. You can not measure their corn in the half-bushel or in the bushel as you would with your constituency, and give the same measure in the newly-acquired possessions as you would at home. Your constituency is competent for self-government.

Mr. FOWLER. Why not then strike out the provision about trial by jury entirely?

Mr. CANNON. Well, that is a matter for the gentleman to consider and voice his opinion upon. But, following my judgment, I believe this bill is fairly well drawn in the form in which it has been reported by the committee to the House.

Mr. FOWLER. Are you not in favor of giving the poor people the right of trial by jury the same as the rich people?

Mr. CANNON. Oh, as to the poor people and the right of trial by jury, you might get out a search warrant in that zone, and it would be questionable if you could find poor people or rich people enough to try other poor or rich people. Practically that zone will be and ought to be a military reservation.

Mr. FOWLER. Then why do you want a court there at all?

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were 2 ayes and 50 noes.

So the amendment was lost.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that the bill provides that when the district judge is absent the President may designate a circuit or district judge of the United States to go to the zone. The bill having provided that the district judge may be absent six weeks during the year, which provides for an annual absence, and then under the provisions of this bill there would be a junketing trip for some district judge or judge of the circuit court to go to the zone, with mileage and per diem paid, every year. Why would it not be sufficient to do what was proposed in the previous bill—to allow the President to designate some one there to act as judge when the district judge is absent or incapacitated? What object is there in providing a trip with mileage and per diem every year for some United States district or circuit court judge to make a trip to the Canal Zone?

Mr. ADAMSON. In answer to that I want to say that we are trying to establish a court there of high character with a judge of great ability. The President might not be able to pick up a volunteer suited to the purpose. The expense of the trip down there is small in comparison with the danger of error in the dispensation of justice in admiralty and equity courts during the interim. It was thought that the President could always find one judge of the United States court who would not mind taking the trip.

Mr. MANN. I have no doubt of that, especially when he has his mileage and per diem.

Mr. ADAMSON. Whether it is a junketing trip or not I have nothing to say. I want the judge to have his traveling expenses and not junketing expenses, if I know what that word means. If he gets there all right and right side up, it is all right to hold the court until the regular judge returns and then return to the United States, and he ought to have his traveling expenses, which are not overmuch to the zone and back, and his per diem is no more than he gets when he leaves home here.

Mr. MANN. The bill does not provide for traveling expenses, but for mileage and per diem allowed by law to district judges when away from home. It is a considerable distance to the Panama Canal and amounts to a considerable sum. Why should a district judge go there on mileage when his expenses of going there would amount to nothing? If there is anybody on the Canal Zone who is qualified to try a case before a district judge it would be easy to find some one when it was necessary—and it would not be necessary once in 10 years—to hold court in the absence of the district judge.

Mr. ADAMSON. If it were possible to find a man on the zone to take the place of a higher judge, it would then be incongruous to pick up an outsider and appoint him a judge pro tempore for six weeks to hold court when we have judges here who are at leisure and could go to the zone and discharge the duties with ability?

Mr. MANN. That is what we have provided for recently in the district of Porto Rico. Mr. Chairman, I move to amend by striking out, on page 12, lines 13 and 14, the words "any circuit or district judge of the United States" and insert in lieu thereof "a judge pro tempore."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAINEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6603. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

PANAMA CANAL.

The committee resumed its session.

The Clerk read as follows:

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or

affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, or which involves the title or possession of real estate exceeding in value the sum of $1,000, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgment and decrees of the district courts of the United States.

Mr. ADAMSON. Mr. Chairman, I have a committee amendment:

Amend by inserting in line 5, page 14, between the word "jurisdiction" and the word "may," the following:
"Subject to the right of review by appeal to the Supreme Court of the United States as in other cases authorized by law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, line 5, insert after the word "jurisdiction" the following:
"Subject to the right of review by appeal to the Supreme Court of the United States as in other cases authorized by law."

Mr. ADAMSON. We thought, Mr. Chairman, that we ought to provide that they might go to the Supreme Court by appeal.

Mr. BARTLETT. The gentleman means by appeal from the circuit court of appeals?

Mr. ADAMSON. Circuit court of appeals; in any way now authorized by law.

Mr. BARTLETT. Does not the gentleman think his amendment ought to come in after the words "United States"?

Mr. ADAMSON. It will now read, "and such appellate jurisdiction subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law." I think it is in the right place.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Georgia.

The question was taken, and the committee amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I submit an amendment to section 9, page 13, to strike out lines 13, 14, and 15.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 13, strike out the paragraph including lines 13, 14, and 15.

Mr. BORLAND. Mr. Chairman these words are as follows:

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The new courts will consist only of the district court, which will be the nisi prius court and the magistrate's court. The old courts consisted of district courts, practically a justice of the peace court, and the circuit court and supreme court. I am not at all sure—I expect the chairman of the committee is—just exactly how the rules could be applied to the new courts.

Mr. ADAMSON. They are not rules, but there are a great many existing statutes of procedure in particular cases. They are not repealed and the jurisdiction has been conferred on the new courts. We simply provide in these lines which the gentleman moves to strike out that these statutory provisions as to the procedure shall be adapted as applicable to the new courts. Where it can not be done they will have to be ignored.

Mr. BORLAND. I have no doubt the gentleman will be heard in opposition to it, but that is not the point I want to make. The gentleman has put into the bill and defended with ability a provision to have the President prescribe the rules of procedure in these courts. Here is a provision in the same bill that requires the existing law governing practice and procedure to continue in the new courts. Now, if these two can be construed together at all, it means that the executive act of the President can set aside an act of Congress; that is, this act making the rules and practice and procedure as now determined by existing law apply to the new courts. Either the new courts are going to have rules and practice prescribed by order of the President by executive order, or they are going to adopt, as far as they can do so, rules applicable to the old courts.

If the President has full power by this bill to prescribe by Executive order the rules of practice and procedure, there is absolutely no necessity for these words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. ADAMSON. Mr. Chairman, I only want to say that we have not authorized the President to enact any statutory procedure at all. It is only the rules of court that the President is authorized to establish. These are existing statutes already on the zone affecting the material mode of procedure in certain cases.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. BORLAND. I call the attention of the gentleman to page 10, line 20, where it says:

The rules of practice in such district court shall be prescribed or amended by order of the President.

And to the words on page 13, line 13—

All existing laws in the Canal Zone governing practice and procedure in existing court, etc.

Can there be any difference in the legal contemplation of those words?

Mr. ADAMSON. The rules of decorum are the rules of the court. They do not depend upon statute, and may be made by the judge.

Mr. BORLAND. Then the gentleman should have said rules of decorum; but it says rules of practice, and if the rules of practice are now fixed by existing law and are to be continued, then the Executive order of the President can not repeal or put in operation an act of Congress.

Mr. MANN. Here is a provision that authorizes the existing laws governing the rules of practice to be adapted to the procedure in the new courts. They are adapted to the procedure in the new courts.

Mr. BORLAND. I take it; yes.

Mr. MANN. But we have already provided in the law that the existing law shall not be changed except by Congress, and unless you have this provision in the bill they can not adapt the present laws governing the rules of practice to the new courts at all.

Mr. BORLAND. Then the gentleman thinks that the general power conferred on the President is limited to a mere change of name or date in the existing rules of practice?

Mr. MANN. I did not say that. I think he has the power to adapt the existing laws governing the rules of practice to the new courts.

Mr. BORLAND. Yes; and he would have that general power under the words on page 10, would he not?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Further than that he could not change the law where it is governed by law.

Mr. BORLAND. How far does his power go under the words on page 10?

Mr. MANN. To the extent of making rules of practice that are not affected by existing law, or to adapting the rules of practice governed by existing law to the new courts.

Mr. BORLAND. Why would it not be better for the courts themselves to do that?

Mr. MANN. The courts on the zone up to date have been created by order of the President. The laws providing for the Canal Zone have been created by order of the President. Everything on the zone by way of government has been done by order of the President.

Mr. SABATH. On the recommendation of the judges there largely.

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, before we leave the sections relating to the jurisdiction of the courts and the practice in them, I would like to ask the chairman of the committee if the proceeding provided in section 5 is to be governed by these sections relating to the jurisdiction of and the practice in the courts. I refer to the part of the bill found at the bottom of page 6 and at the top of page 7, providing for the trial of claims for damages to vessels and the manner of settlement of those claims. The bill contains quite an unusual provision, it seems to me, for it says that in case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal, and that the hearing and disposition of such cases shall be expedited and that judgment shall be immediately paid off without proceeding to execution. Is it intended that there shall be no appeal; that neither side to a controversy shall have the right of appeal?

Mr. MANN. That is not what it says.

Mr. ADAMSON. We have not yet reached that. We have agreed to go back to that proposition. I answer generally that the rules of court will apply to the procedure and to everything that fits, if the House adopts it. The only two differences entailed there will be the expedition and no appeal, but the House has not agreed to that.

Mr. MANN. There is no provision that there shall be no appeal.

Mr. ADAMSON. When we come to that I will say to the gentleman we will be very glad to discuss it with him.

The Clerk read as follows:

SEC. 10. That after the Panama Canal shall have been completed and opened for operation it shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone without the permission of the governor of the Panama Canal, except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal. Any person violating this provision shall be guilty of a misdemeanor, and on conviction in the magistrate's court of the subdivision in which the violation occurred shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 10 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to section 10—to strike out all of said section down to the word "court," in line 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike out all of section 10, including lines 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, to and including the word "court."

Mr. BORLAND. Mr. Chairman, it is not my custom to take up much time in five minutes' debate in legislation, and it never has been, and I hope it never will be, my custom to become a general critic of legislation. I do not think I have ever indulged in general criticism of legislation.

Mr. MANN. We will be very glad to yield the palm to the gentleman.

Mr. BORLAND. But I can not pass over at this time this provision, which I regard as the most un-American provision in the bill. This provision is overshadowed in its general importance, I am sorry to say, by the only burning question that is in the bill, and that is the right to fix tolls, and whether American commerce shall be throttled in its effort to seek passage through that canal.

That great question, in the minds of Members of Congress, has overshadowed these minor questions, which are themselves of great importance, so far as the control of the canal is concerned. Now, this provision says, in plain English, that after the opening of the canal it shall be a crime to be upon the Canal Zone without permission from the governor. We can talk about the right of trial by jury, and all that sort of thing, but this provisions says it is a crime even to be there. Trial by jury is supposed to be instituted to protect a man from the oppression of those in office; but what on earth is the good of protecting them from oppression of those in office when the mere fact one is on the zone, whether there is trial by jury or not, constitutes a crime? It is said, if this provision is adopted and if the chairman of the committee is correct, everybody who goes to the zone will have general leave to go there by some sort of proclamation, but when particular fellows go they are to be picked out as criminals and brought under this provision.

Mr. FOSTER. Does the gentleman from Missouri say with any authority that we are permitting this provision to be put into the law to be violated constantly there?

Mr. BORLAND. Of course the chairman of the committee will answer me, and I am not going to ask him to take up my time at this time, but he said that if anybody had any lawful right to go there, there was no reason why he should not go there.

Mr. FOSTER. He meant there would be no difficulty in securing permission.

Mr. BORLAND. He stated that if people landed from ships they would not have to have a personal permission, but some kind of a general proclamation would permit them to land. I do not know how that is going to be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. Mr. Chairman, I object; I will be compelled to object in all cases in order to avoid the consumption of too much time. We are going to run this under the five-minute limit.

The CHAIRMAN. The gentleman from Georgia objects.

Mr. ADAMSON. Mr. Chairman, I want to reply to the gentleman's speech, under the five-minute rule. The United States is not trying to institute a palladium of liberty on the Canal Zone, but it is trying to run a canal. We have upon that Canal Zone a great workshop and all the appurtenances thereto. If a factory was going to spend millions of dollars it would acquire the necessary land, purchase everything that is needed, and then it would put up a notice saying that persons without any business should keep out of there. We do not want our expenditure of $400,000,000 in workshops, locks, and so forth, broken up. Internationally we have protected that by treaty, and no nation would blow it up or fire on that. Now, we are charged with the duty of protecting them against individuals. It is proper to say that outside of the American employees, soldiers, and sailors and their officers nobody else must be there without permission. If people are there who are lawfully there the policeman will find it out in some way, and there will not be much trouble about their identification. If a man is uneasy about his identification he can easily have a card sticking in his pocket to show what he is doing there.

Mr. GARNER. If the gentleman will permit, that applies very well to the people who are on the zone, but let us take a concrete case of a man who buys a ticket from New York to Panama and gets off the boat without permission of the Government. He subjects himself to this fine.

Mr. ADAMSON. There is not a particle of trouble about that. Provision can be easily made to identify every passenger, and there will be no trouble about that at all. In the first place, it is simply a question of identification between the person and the officer who challenges him. In the second place, if he can not satisfy the officer he will have to satisfy the magistrate's court. That is all. There will not be a case in 10,000 of a man being compelled to go before a magistrate unless he is rightfully carried there, and we think our safety demands that we should exclude every person from that zone except whom we want there.

Mr. FOSTER. The intention of the committee is that the Government shall have control of it on the zone, and that is all that is intended by it.

Mr. ADAMSON. The governor of the zone there will fix it so as to permit those who ought to be there to go there and to keep out those who ought not to be there.

Mr. MANN. Mr. Chairman, I favor the motion of the gentleman from Missouri to strike out this provision of the bill.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I only have five minutes, and the gentleman from Georgia has given notice that we can not have any more time under the five-minute rule. The provision of the bill is——

Mr. GARNER. Mr. Chairman, I make the point of order that debate on this amendment is exhausted unless the gentleman wants to move to strike out the last word. There has been five minutes' debate on this pro and con, and I make the point of order that debate is exhausted. The gentleman ought to comply with the rule if he does not——

Mr. MANN. The gentleman can enforce the rule if he desires to do so. That is the rule——

SEVERAL MEMBERS. Move to strike out the last word.

Mr. MANN. No; I will not; the gentleman was discourteous, and I will not ask any further time.

Mr. GARNER. The gentleman was more discourteous to me than I was to him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BORLAND) there were—ayes 57, noes 65.

So the amendment was rejected.

Mr. GARNER. Mr. Chairman, I want to offer an amendment. In section 10, line 14, after the word "except." insert "citizens of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 14, insert after the word "except" the words "citizens of the United States."

Mr. GARNER. Mr. Chairman, I offer this amendment, and I will call the attention of the committee to the bill as it would read if this amendment were adopted.

Without the permission of the governor of the Panama Canal except citizens of the United States, United States soldiers, sailors, etc.

Mr. Chairman, this, so far as I know, is the first proposition in the history of this country where we are not going to permit citizens of the United States to travel freely throughout the domain of the United States. The Panama Canal belongs to the United States, and whenever a citizen of the United States is prohibited from going upon that Canal Zone you have prohibited a citizen from traveling as he may please throughout the United States. For instance, if I took a boat at Galveston, with a ticket to Colon or to any other portion of the Canal Zone, upon landing I subject myself immediately to this fine.

Now, the reply of the gentleman from Georgia, the chairman of the committee, is that the rules and regulations and proclamations down there will not apply to a citizen like myself or any Member of this body, but I submit it is a dangerous precedent to place in the hands of any one man an opportunity to

prosecute and to imprison a citizen for going upon the Canal Zone without any intention to do any harm, without intention other than to prospect and conduct a business for which he went, simply because he did not happen to have permission of the governor of the Canal Zone. The reply, I know, of the gentleman from Georgia [Mr. ADAMSON] and others is that this is virtually a military reservation down there and is conducted upon a military basis. Well, Mr. Chairman, we have adopted court rules different from those of military courts. We have adopted a civil government down there, and it does seem to me that whenever we provide that no foreigner shall place foot upon that Canal Zone we have given all the protection to the Canal Zone that is necessary, because if you are an American citizen the police authorities there ought to be sufficient to protect the zone against an American citizen, and it does not seem to me it is Americanism for Congress to pass a provision in this bill prohibiting absolutely any citizen of the United States from making a trip to the Canal Zone of his own sweet will.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption there?

Mr. GARNER. Certainly.

Mr. MARTIN of Colorado. I wish to say that when the chairman of the committee was discussing this matter the other day I indicated that while I was willing to be bound by the action of the committee in this matter, a committee of which I am a member, I was not clear or satisfied in my own mind with reference to the provision. But I think a moment's reflection will satisfy the gentleman from Texas that we could not possibly permit of any such discrimination against the citizens of all other countries, as suggested by the gentleman from Texas [Mr. GARNER]. His amendment proposes to permit the citizens of the United States to have the liberty of the zone and to prohibit citizens of other countries. I wish to say that would be a violation of treaty rights.

Mr. GARNER. No more than we could say that no citizen of another country can land upon American soil.

Mr. MARTIN of Colorado. What would Panama say?

Mr. GARNER. I am not asking what Panama would say, but I say we would have the right to guard the immigration to that zone, but we ought not to have the right to prohibit all American citizens from going there of their own sweet will.

Mr. ADAMSON. Mr. Chairman, I have time and again denied the impeachment and disclaimed the intimation that we were running the Canal Zone as a military reservation, but the Government is running it as a Government affair for military purposes in time of war and commerce in time of peace. We have a great workshop there costing millions of dollars—it may be approximating a billion dollars. The machinery of those locks is such that the least accident would render them useless. We have those there who are responsible for their safe construction and who will be responsible for the safe operation of them. If we provide for Americans only, we flatly violate the treaty, to start with, which demands equality as to conditions of commerce, charges of traffic, and otherwise—certainly otherwise, if not one of the first two propositions.

In the second place, the proposition of the gentleman from Texas [Mr. GARNER] would require a man to carry along his certificate of birth and all of his naturalization papers, and put him to a great deal more trouble than pulling a card out of his pocket in order to show that he has the permission of the Government. Furthermore, our naturalization laws are so liberal, so broad, in our invitation to all the world not only to come here and seek refuge in the palladium of liberty and bring the offscouring of the earth upon us, that we might say that some American citizens sometime might get to be bad men. The safest rule to follow is the rule which the ship has to follow. But when a ship comes there we are going to take charge of it. We are not going to allow its own officers to run it through the canal. We are going to have our own lock managers to carry it through. We do not want to abridge the privileges of any American citizen to go down there and enjoy himself, but it is easy for the officers of that zone to identify and give permission to all those who may be there.

Mr. DYER. Mr. Chairman, the great commercial center of the Mississippi Valley, the city of St. Louis, which in part I have the honor to represent in this House, has a general and a special interest in the opening and operation of the Panama Canal; a general interest with all Americans in this great avenue of commerce and the benefit it will bring to us all; a special interest, because we believe that as the Panama Canal is completed and thrown open to the commerce of the world the thoughts of our Nation, its people, and Congress will be turned to the doing of another big job for commerce and prosperity, to wit, Lakes-to-the-Gulf deep waterway. The opening of the Panama Canal makes this project the more needed and necessary. The Mississippi Valley should and must be placed on a parity with the seaboard by corresponding development of the Mississippi River and its tributaries as parts of a comprehensive system of commercial navigation. The above statement is a part of the platform of the Lakes-to-the-Gulf Deep Waterways Association, as adopted in their convention at Chicago October 12, 13, and 14, 1911, and on this platform we shall continue to wage battle till victory is ours. And this association at its convention in Chicago declared its position upon the question at issue in this bill, to wit, Shall tolls be imposed upon American vessels doing coastwise business of this country? Upon that proposition it said:

> The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal.

Mr. Chairman, with that declaration I am in hearty sympathy and shall vote for the Doremus substitute for section 5. American money and American enterprise built this canal, and we must not lose sight of the fact that the American people own it and have the perfect right to reserve to themselves some special benefits for this great outlay. The following editorial from the Washington Post is a brief statement of the situation:

A FREE CANAL FOR OUR SHIPS.

American ships carrying American goods are free to visit any port over which the American flag flies without any tax or toll whatever. Whether in coast harbors, in the rivers, or on the Great Lakes, it is the policy of the American people to keep their domestic commerce free of tax and in the hands of American citizens.

But it is now proposed by some Members of the House of Representatives to change this policy, so far as the Panama Canal is concerned. It is proposed that American ships shall not pass through that American canal on the way from one American coast to the other without paying a tax.

There are two "reasons" given for this curious proposal—first, that the United States is bound to tax its own ships under the Hay-Pauncefote treaty, and, second, that American shipping through the canal benefits only the two coasts, and if passed free would throw that much of the burden of maintaining the canal upon the people of the interior. It is held, in other words, that if American ships are passed free they will be receiving a subsidy.

The first "reason" has been shown to be utterly baseless. There is nothing in the Hay-Pauncefote treaty which even by implication requires the United States to tax its own domestic shipping. This commerce is confined solely to American ships. Foreign ships are prohibited by law from entering our coastwise trade. How, then, are foreign ships discriminated against if American ships are exempted from tolls? No foreign country taxes its domestic shipping for the use of its own harbors or canals. On the contrary, all foreign maritime nations repay to their own ships the tolls through the Suez Canal.

The second "reason" is as worthless as the first. If free passage through the Panama Canal is a subsidy, then the free use of the Great Lake ports, the Atlantic, Pacific, and Gulf ports, and river ports is also a subsidy. If the people of the interior should not pay for the free Panama Canal, then the people of New York and California should not pay for the improvement of the Mississippi River.

Why was the Panama Canal constructed? Was it not for the purpose of developing the common commerce as well as providing for the common defense? The freight going through the canal will originate in every part of the country and it will flow to every part. The free canal will operate as a regulator of railroad rates throughout the United States. "When we provide, in effect, the rate of freight between the two oceans," said Mr. MANN, in the House debate, "we will have determined for all time a regulator of railroad rates in the United States, the beneficial effect of which will go into every hamlet, every village, every city, every home in the land."

It is impossible to believe that Congress will provide for the freedom of American shipping in every place under the American flag except through the Panama Canal, the greatest trade artery in the world.

Mr. Chairman, I want to be heard a moment upon the other phase of this question, the one made so necessary by the near completion of the canal. That is for the Congress to authorize and provide the means for making the Mississippi River navigable for ocean steamers, and in connection therewith to raise the levees of the river to prevent floods and overflows such as we have been witnessing of late. If this is done, it will enable our people of the Mississippi to send their goods, wares, and merchandise by water from St. Louis and other points down the "Father of Waters," on through the Panama Canal, and to the marts of the world. That is what we want and what we will have.

Mr. Chairman, I have a bill, H. R. 24191, pending in this House to provide the money—$30,000,000—for raising the levees, and thereby protecting millions of acres of farm land and greatly increasing our productions. The raising of the levees is practicable, and the Government of the United States ought to do it. I submit the following letter from Gen. Bixby and an editorial from the Washington Herald as evidence thereof:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 16, 1912.

Hon. L. C. DYER,
United States House of Representatives.

SIR: 1. Referring to your letter, dated April 17, 1912, inclosing one dated April 15, 1912, from Robert E. Lee, secretary St. Louis Sales Managers' Association of St. Louis, Mo., relative to raising the Mississippi River levees and urging the introduction of a bill in Congress

for the purpose, I have the honor to inclose herewith a copy of a report on the subject dated May 3, 1912, by Col. C. McD. Townsend, Corps of Engineers, president of the Mississippi River Commission.

2. Paragraph 4 of Col. Townsend's report shows that the Mississippi River Commission can at any time raise the standard grade to any height thought by them necessary; but to raise the levees themselves up to that grade is quite another question, since it depends mainly on how fast the Federal Government and the various States and local organizations provide money therefor and upon the limitations placed by these governments or organizations upon the use of such money.

3. For many years past the instructions of Congress to the Mississippi River Commission restricts their levee construction to merely what is necessary to improve navigation and promote the interests of commerce and does not provide for independent protection of land from overflow.

4. As the increase in value of land due to an efficient levee protection is amply sufficient in the end to pay for cost of same, it would seem proper for legislation to take the shape of a loan of moneys from the Federal Government to each State directly interested, to be repaid gradually. (See pp. 8, 9, 12, 14, and 24 of H. Doc. No. 549, 62d Cong., 2d sess., herewith; see also last 2 lines, par. 4, p. 27, of Natl. Waterways Com. Rept., S. Doc. 469, 62d Cong., 2d sess.)

5. The inclosures received with your letter are returned herewith as requested.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

—

[Second indorsement.]

MISSISSIPPI RIVER COMMISSION,
OFFICE OF THE PRESIDENT,
St. Louis, Mo., May 3, 1912.

1. Respectfully returned to the Chief of Engineers, United States Army.

2. As to the height of levees along the lower Mississippi, it can be said that the Mississippi River Commission has never adopted what it considered a final grade, the grades established from time to time being only tentative and being restricted by the amount of funds appropriated and the needs of such funds on other improvement work.

3. There is probably no question but what the levees in most instances need enlargement and raising, and much valuable data as to final grade will be obtained from the present flood; it can not be stated at this time what the grade will eventually be or just how many feet the levees ought to be raised.

4. It is not thought that the enactment of any new legislation is required to empower the commission to raise the levees to any grade deemed desirable. What is needed is appropriations of sufficient amount and with sufficient regularity to permit the work to be done.

C. McD. TOWNSEND,
Colonel, Corps of Engineers, United States Army,
President Mississippi River Commission.

—

NATIONAL CONTROL OF LEVEES.

The South is still advocating the maintenance of the Mississippi levees by the Federal Government. She points out the nationality of the interests involved; she declares the great Father of Waters belongs to the Nation. For more than a century the valley States have been fighting their own battles—for the most part inadequately—against the great spring floods, and she believes the time is now at hand for the National Government to aid in her unceasing struggle.

Richard H. Edmonds, editor of the Manufacturers' Record, of Baltimore, points out the fact that national levee control is not a new idea. He writes:

"At a convention held in Memphis in 1845, with 600 delegates, representing Pennsylvania, Iowa, Indiana, Illinois, and Ohio, as well as the States of the South, and presided over by John C. Calhoun, the position was taken that the Mississippi River and its control was a national and not a State problem. Calhoun, with that broad vision which characterized his statesmanship, took the ground that what individual enterprise could effect alone should be left to individual enterprise; that what a State and individuals could achieve together was to be left to their joint action; but what neither of these, separately or conjointly, could accomplish was the province of the Federal Government, and this, in his opinion, was the situation as to the Mississippi River."

Although the Mississippi River drains fully 27 States, only 2 comparatively small States have to bear the brunt of the accumulated floods of the great river. This burden should not be borne by Louisiana and Mississippi alone. All the valley States should aid, and, in a larger sense, the Nation itself should lend the strong arm of its resources to the work. The comprehensive projects of waterway improvement are national, and, by the same logic, the slow and arduous task of levee improvement should be national.

Mr. Chairman, the people of my district are thoroughly in earnest that Congress should take hold of the deepening of the Mississippi River and the raising of its levees. I have received many letters commending the bill introduced by me. The following letter from the president of the Rice-Stix Dry Goods Co., of my city, is a sample of these many letters that I have received in regard thereto, as follows:

RICE-STIX DRY GOODS CO.,
St. Louis, Mo., May 10, 1912.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

MY DEAR MR. DYER: I see it reported in the press that you have introduced a bill in Congress providing for Government construction and control of the levees in the lower Mississippi Valley.

I am very glad to see that you have taken the initiative in this most worthy and important work. The whole country is interested directly and indirectly in this land.

I am sending you under separate cover marked copy of the New York Journal of Commerce regarding my interview with a number of New England manufacturers, as follows:

"Elias Michael, of the Rice-Stix Dry Goods Co., yesterday expressed the following opinion on the Mississippi floods and the cotton situation:

"'There was a meeting the early part of the week in Washington, which I attended, regarding steps to be taken to repair the levee recently washed away in the lower Mississippi Valley in time to prevent another overflow when the usual June rise of the Mississippi occurs, occasioned by the melting snows in the mountain districts.

"'The country now inundated is the main source of supply of long-staple cotton. The rich bottom lands of Arkansas, Mississippi, and Louisiana, in the so-called Delta, produce a very large portion of the entire crop of long-staple cotton, and it seems to me that the manufacturers of cotton goods, particularly those of New England, where most of this staple cotton is used, are very much interested in seeing that something is promptly done to enable the farmers in this region to plant and raise a cotton crop.

"'The cotton manufacturers have had experience of what scarcity of cotton means. It is a situation that demands serious consideration, for if steps are not taken promptly and protection provided so that these valuable cotton lands can be redeemed in time to make a crop, the scarcity of long-staple cotton will be felt by the entire country, and in no direction can the Government do better work for the general good than the conservation of these rich and fertile lands.

"'Heavy rains and overflows have so soaked the earth that it can not absorb any more moisture, and when the snow water from the mountains reaches the lower Mississippi Valley (it generally occurs in June), and the levees are not repaired by that time, there will be no cotton raised in this section of the most valuable cotton lands of the country.'"

I urged them to have their Senators and Representatives support the measure then pending for making an appropriation immediately available for the purpose of repairing the levees. These New England manufacturers took it up with their Senators, and I understand the movement received hearty indorsement and support.

I mention this because it is good to know one's possible allies and friends in a measure such as you have undertaken, and I believe you can count upon the hearty cooperation of the New England Senators and Representatives, as well as the support of manufacturers in New York, Pennsylvania, and other sections where they use long-staple cotton.

Outside of the direct interest, the movement for the Government to undertake the repair of these levees has great merit. The United States Government controls the river, and individual effort has been unable to cope with the situation.

The conservation of this rich land is strictly a Government duty, as its crop is the means of extended relations between this country and the balance of the world.

The Mississippi River is the drain for 30 States. This immense valley or watershed is drained through the Mississippi, and all the States are interested to see that these overflows do not cause death, destruction, and disaster to this section of the country.

Yours, very truly,

ELIAS MICHAEL.

Mr. HARDY. Mr. Chairman, I wish to rise and say that it seems to me that this provision as it stands is a rather strange provision, that makes a man unconsciously, possibly, guilty of committing an offense by merely being somewhere in a zone 10 miles wide and 40 or 50 miles long.

Now, I believe that the amendment offered by my colleague from Texas [Mr. GARNER] would be subject to the objection of making a manifest distinction between our own citizens and other people, who might be equally innocent with them, and while relieving our own citizens of unconscious criminality leave an innocent foreigner in the toils; but I believe that this committee might be willing to accept the amendment that I have to offer in lieu of the amendment offered by my colleague from Texas [Mr. GARNER]. I move as a substitute to the amendment of the gentleman from Texas the following: In line 13, strike out the words "without the permission of" and insert in lieu thereof the words "contrary to the rules prescribed by," referring to the governor of the Panama Canal.

I understand that a Government workshop may have, properly, notices posted to keep out of this place and that place, and this would enable the Government to reach the purpose of the framers of this bill—that is, to protect its property—but would enable the Government and require the Government to prescribe definite rules of which the people would be able to take notice. There would be some means of a man having some consciousness of his violation of the law, or being notified where he might and might not go; but under the bill as it stands any stranger or citizen of the United States, going to the Panama Canal and stepping off some boat at some stopping station, would technically and legally and substantially be guilty of a crime.

Now, I believe that is wrong. I believe that the rules prescribed and promulgated by the governor might be, ought to be, and would be made plain. I think that is the solution of the whole matter. The rules should be made plain, so as to protect the property of the Government there and not at the same time violate all the principles of equity and of good government.

I ask the gentleman from Texas [Mr. GARNER] to accept this suggestion. I offer as a substitute for the amendment of the gentleman from Texas the amendment which I submit. In line 13, after the word "zone," strike out the words "without the permission of the governor," and insert in lieu thereof the words "contrary to the rules prescribed by the governor."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 13, by striking out, after the word "Zone," the words "without the permission of," and inserting in lieu thereof the words "contrary to the rules prescribed by."

Mr. HARDY. Mr. Chairman, may I add this, that the section will then read:

That after the Panama Canal shall have been completed and opened for operation, it shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone contrary to the rules prescribed by the governor of the Panama Canal"—

And so forth.

Mr. ADAMSON. Mr. Chairman, I think that would make it read mighty funny, to say that it would be unlawful for a man to do contrary to the rules. [Laughter.]

The CHAIRMAN. Does the gentleman from Georgia make a point of order? The Chair did not understand him.

Mr. ADAMSON. No, sir; I did not make any point of order. I said it would be a strange proposition to make it read that way, and it would not make any difference anyhow. As to the gentleman's complaint, that some ignorant man would get there unawares, I do not think that many people would go to Panama without knowing just where they were. [Laughter.]

Mr. HARDY. And I suggest to strike out the words "except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal," in lines 14, 15, and 16, down to the word "Any."

Mr. ADAMSON. Mr. Chairman, if the gentleman from Texas is going to add something to this bill, I do not want him to butcher up what we have of it.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 13, by striking out, after the word "Zone," the words "without the permission of," and inserting in lieu thereof the words "contrary to the rules prescribed by."

Mr. HARDY. And strike out, in lines 14, 15, and 16, the words "except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What is this that the Clerk has just read?

The CHAIRMAN. An amendment.

Mr. MANN. The gentleman did not offer such an amendment. The gentleman has an amendment pending, which he can not change.

Mr. HARDY. Mr. Chairman, the gentleman from Texas [Mr. GARNER] offered an amendment. I offer as a substitute for that amendment the one which has just been stated.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is correct. As the Chair understands the parliamentary situation, the gentleman from Texas [Mr. GARNER] offered an amendment. The gentleman from Texas [Mr. HARDY] then offered a substitute for that amendment, and later he asked to add further words; he asked to add to the amendment by striking out certain words. Now, the substitute is the original amendment which was offered by the gentleman from Texas [Mr. HARDY] and which has been read from the Clerk's desk.

Mr. HARDY. Mr. Chairman, I will withdraw the substitute now, and will offer it as soon as the original amendment is voted on.

Mr. MANN. The gentleman can not withdraw it without unanimous consent.

Mr. HARDY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw his amendment.

Mr. MANN. Mr. Chairman, for the present I will object, as the gentleman from Georgia [Mr. ADAMSON] has given notice that he will not give time.

Mr. SHERLEY. No; I understand he has not.

Mr. MANN. The only way to get the floor is by offering amendments, and the gentleman from Georgia has given notice that he will not give time.

Mr. SHERLEY. Mr. Chairman——

Mr. ADAMSON. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. SHERLEY. I will, if it does not take away my rights.

Mr. ADAMSON. I want the gentleman to have the chance to offer his amendment and to argue it, but I want to move to close debate in 10 minutes; no, say 15 minutes.

Mr. SHERLEY. Mr. Chairman, I offer the following, either in the form of a substitute or as an amendment, according as the Chair now holds that the proposal of the gentleman from Texas is before the House; and if it is before the House, as a substitute or as an amendment. What I offer is this: On page 14, line 11, after the word "operation," strike out the words beginning with the word "it," down to and including the word "Canal," on line 16, and substitute the following.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The Clerk read as follows:

Page 14, strike out, in lines 11 and 12, the following: "It shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone without the permission of the governor of the Panama Canal."

Mr. SHERLEY. Mr. Chairman, the Clerk has reported the amendment incorrectly. I said, "On line 11, beginning with the word "it," and down to and including the word "Canal," on line 16—to strike out and insert.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Strike out, in line 11, page 14, after the word "operation," the remainder of line 11 and all of lines 12, 13, 14, 15, and 16, down to and including the word "Canal," on line 16.

Mr. ADAMSON. Mr. Chairman, I make the point of order that that identical motion has been made and voted down.

Mr. SHERLEY. If the gentleman will permit it to be reported, he will find that he is mistaken.

The CHAIRMAN. The Clerk will report the remainder of the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The Clerk read as follows:

And insert the following: "The governor of the Canal Zone shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone, as may be necessary."

Mr. ADAMSON. Mr. Chairman, I am perfectly willing to accept that.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARNER. I want to know if I can not withdraw my amendment and get a vote on the amendment proposed by the gentleman from Kentucky [Mr. SHERLEY]?

Mr. ADAMSON. I am perfectly willing to adopt that amendment.

Mr. SHERLEY. If that is adopted, the language in line 15, "any person violating this provision," should be changed to read "any person violating any of such regulations." Then it would be in accord.

Now, the sole purpose of this is to meet the view, well expressed by the gentleman from Texas, to give perfect control over the canal and yet not to make the innocent doing of a thing a crime on its face; that is what I have undertaken to do.

Mr. ADAMSON. Mr. Chairman, will the Clerk read the provision as it will be if the amendment is adopted?

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent to withdraw his amendment, and the gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw his substitute. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Strike out all of line 11 after the word "operation" and lines 12, 13, 14, 15, and line 16 up to and including the word "canal" and insert the following:

"The governor of the Canal Zone shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I move to strike out the words "this provision," in line 16, page 14, and substitute the words "any of such regulations."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 16, strike out the words "this provision" and insert in lieu thereof the words "any of such regulations."

Mr. ADAMSON. I think the suggestion of the gentleman from Kentucky fully carries out the purpose of the committee.

Mr. McCALL. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. McCALL. I want to ask the gentleman this question: Is not the gentleman getting back into the same difficulty again by providing that any person that violates one of these regulations is guilty of a crime?

Mr. SHERLEY. No. Here is the difference: The bill made the mere fact of a person being on the zone without permission a crime. That has been changed and you simply make the violation of any regulation a misdemeanor, and I assume that the President will not approve, even if any governor should recommend, any regulation as drastic as the one we had in here in the form of a law, and in that respect it is different. Presumably the regulation will provide for punishment only in the event of a violation under certain conditions. We must proceed on the assumption that our officials are going to exercise ordinary common sense and fair dealing. We have a situation, as was well said by the distinguished chairman of

the committee, that is unique. We are not creating a territory for the purpose of having it populated; we have possession of a particular piece of territory which we are to use for the purpose of transporting ships from ocean to ocean, and anything else is incident to that main purpose, and every rule and regulation ought to be written with regard to the preservation of that main purpose and not with any particular theory in regard to government as we know it here, because you have not the same conditions, and in the absence of equal conditions rules fail to apply. The governor will make reasonable regulations and the President will approve no other, and I know that the force of public opinion in America is sufficient to make any governor or any President abrogate any rule that is not in accord with common sense and common justice. [Applause.]

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. DAVIS of Minnesota. I agree with the gentleman that there should be regulations, and I think the governor is the one to make the regulations. The gentleman has said, "The governor shall have the 'right' to make regulations." Why not say that he shall make them and not have the right to make them?

Mr. SHERLEY. I assume that the governor is going to have common sense and if he does not make them there will be nothing to prevent a person going there. I assume that the President and the governor are intelligent and would make regulations that ought to be made; that the men going to the Isthmus and the agents of the Government that are going there are not to be fools. I must assume a certain amount of common sense in the public men of America. If I did not, I would not authorize them to make any regulations.

Mr. MONDELL. Mr. Chairman, if we adopt the amendment proposed by the gentleman from Kentucky, we shall have marked the difference between tweedle dee and tweedle dum. The gentleman from Kentucky is hopeful and expectant that tweedle dum will be more satisfactory than tweedle dee. This bill prescribes what may and may not be done by those visiting the Canal Zone. The amendment provides that the governor may prescribe regulations, which regulations may be exactly in line with the provision he proposes to strike out and thereby give us a government not by law, but a government by regulation.

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. I have only five minutes.

Mr. SHERLEY. So had I, but I yielded.

Mr. MONDELL. The gentleman is hopeful that the governor will exercise good judgment, and he assumes that he would not if he exercised the judgment which the committee has exercised in presenting the bill to us. The fact is, the language of the bill as it stands is just what it should be. It is a provision which will protect the Canal Zone; if it becomes law, all men may read and understand it, which is infinitely better than the same kind of provision by regulation made by the governor and approved by the President. If we are going to protect the Canal Zone, we will find that our only difficulty will be in protecting it against evil-minded persons, individual marauders, and that we will never have any difficulty with foreign foes on the canal, particularly if we do not fortify. The provision in the bill is one under which we can protect the Canal Zone, under which all visitors to the zone shall know what the law is. But the amendment offered by the gentleman from Kentucky changes all that and proposes to give the governor the opportunity to prescribe a regulation of exactly the same kind. Of course, he is hopeful that the regulations will be different.

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SHERLEY. The difference is this: The way it was written in the law the mere trespass constituted a misdemeanor without regard to the reason. Here we simply provide for regulations and punishment for violation of those, and it does not follow that the regulation will be one that will make the innocent doing of a thing a misdemeanor. I know that the gentleman being from the West is opposed to regulations.

Mr. MONDELL. Mr. Chairman, the regulation to be effective must be prohibitory, except in accordance with certain requirements. That is all this section provides. If anyone shall have the permission of the governor to go on the Canal Zone, what other requirements could the regulation contain, except a requirement of that sort. I believe that government by law is infintely better than government by regulation.

Mr. McCALL. Mr. Chairman, I was struck with the force of what the gentleman from Texas said—that we should not have a provision here which would make the mere going by an American citizen upon the Canal Zone a crime—but if it would be unreasonable to have the going of an American citizen there a crime, it would be uncivilized and illiberal and barbarous to an extreme to have the going there of a citizen or subject of any foreign nation a crime, because American citizens are presumed to know something of our own laws, although none of us can keep pace with the statutory requirements of the different States or of this national body. But the citizens of foreign nations are not supposed to have any knowledge of this kind, so that it would be illiberal in the extreme to provide that anybody going there from any part of the world to the Canal Zone and going upon that Canal Zone by that act committed a crime and was liable to a fine and punishment. The gentleman from Kentucky [Mr. SHERLEY] has improved this somewhat, but I think it should be more carefully considered and that it may be improved still more. He sets up a little satrap down there and we unload the jurisdiction of Congress upon this petty officer, who is acting outside of the Constitution, with unlimited power to make regulations, and then provide that the violation of any of those regulations amounts to a crime and makes a person subject to fine and imprisonment.

Mr. SHERLEY. Do we not now do that in regard to forts and arsenals, and are not the statute books full of provisions giving to the Army the right to make regulations relative to entrance upon forts and arsenals?

Mr. McCALL. I do not know whether we do or not.

Mr. SHERLEY. That is a fact; I know.

Mr. McCALL. The Panama Canal is going to be different from a fort. It will be a sort of Mecca, to which the people of the world will come. We hold that as trustee for commerce, and to try and set up a military rule the same as with regard to forts, so that nobody would go there without such peril, it seems to me, is not reasonable. I admit the gentleman has improved the law somewhat, but I do not believe he has a satisfactory solution of the difficulty.

Mr. MANN. Mr. Chairman, I think the provision which the committee has decided to retain in the bill is the most remarkable provision I have ever seen in any bill offered in this House—a provision that we shall invite the world to go through the Panama Canal, and if anybody accepts our invitation we shall put them in jail for a year. The gentleman from Texas offered a proposition which would except our own citizens, but would still invite the citizens of other nations to come upon the Canal Zone, with a threat that if they accepted our hospitality we would put them in jail for a year. The gentleman from Kentucky [Mr. SHERLEY] proposes that we shall escape the responsibility of doing that and put it upon the President. Upon what theory are we operating a canal, except to invite the people to pass through the canal? Upon what theory do we open up the canal between the two oceans unless we want people to go through the canal, and to go through it under a threat provided by this bill that if they do so they are violating the law and making themselves subject to punishment for misdemeanor, to fine and imprisonment?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. For a question.

Mr. SHERLEY. Does not the gentleman see a difference between going through the canal and going on the Canal Zone, and does the gentleman think there should be no regulation controlling the canal?

Mr. MANN. That question is not one of the gentleman's best questions.

Mr. SHERLEY. It seems to be one sufficiently difficult of answer to compel a rather unusual answer.

Mr. MANN. The gentleman is still endeavoring to consume my time.

Mr. SHERLEY. That is to the advantage of the committee at present.

Mr. MANN. Perhaps that is the gentleman's opinion. He has that in his head probably. The proposition in the bill could be put into force under the general provisions by the governor. If it is in the bill, everybody knows it, but the gentleman from Kentucky would have the same provisions put into effect by a regulation of a governor, not by the law, not by the Congress—and at that I believe the gentleman's provision is better than the one in the bill.

To properly guard the canal is correct, but to say that a traveler shall not leave a boat which goes through the canal and cross the Isthmus by rail is extremely absurd and ridiculous. No other language properly denounces it. We have ample power to protect ourselves upon the canal without providing that every person who lands from the sea on either side on the shore is a criminal, without providing that everyone who leaves the boat is a criminal, without providing that everyone who steps across the line from the city of Panama to the city of Colon, outside of the city limits, can be arrested, and without jury trial sent to jail and be fined. We would not stand for a thing of that kind in the United States for a moment, and we ought not to inflict it upon the Canal Zone—not there

so much because it affects matters there, but for our own honor and reputation.

Mr. CANNON. Mr. Chairman, it is always a source of regret to me to have to disagree with my colleague from Illinois [Mr. MANN], who has just spoken, and with the gentleman from Massachusetts [Mr. MCCALL], who also has just spoken; but it does seem to me that gentlemen are creating ghosts, supposing improbabilities. This is a very plain matter. We have the canal and we have a population of 90,000,000 people in the United States. I do not know whether we yet include Porto Rico—I do not know whether the law in respect to Porto Rico has passed yet.

Mr. MANN. It has not.

Mr. CANNON. It probably will pass. We will have more than 100,000,000 people in the United States, and we have a canal that costs $400,000,000.

Now, it is useless to say that every American citizen, naturalized or unnaturalized, is a patriot. There are exceptions. Why, three American citizens have assassinated three Presidents. The McNamaras, American citizens, destroyed bridges by the wholesale and are now in the penitentiary. It is all very nice to talk about trusting everybody, but when you get 10 miles of a reservation on the Canal Zone for a specific purpose there should be power to make reasonable regulations so that you shut out the McNamaras and shut out the Guiteaus and the Czolgoszes, and people of that stamp. Oh, but my friend says, you will invite all the world and then put them in the penitentiary. Nay, nay, they have got to go there aboard ship, and regulations would provide how they could go with safety. Perchance once in awhile some anarchist, some fellow with dynamite, might smuggle through, and precaution should be taken to protect our canal and its locks. The same protection is taken touching our military reservations in the United States. True we come and go substantially by unanimous consent, but there is the power, there is the power there now to make the regulations for protection and care of our military posts, and the gentleman, my colleague, and the gentleman from Massachusetts could not go upon a military reservation, unless by consent as the power to exclude is there. The same way I say to the gentleman from Alabama [Mr. HOBSON], who was in the Navy. You can not go upon a battleship except by consent. The ship is United States territory just as much as any other territory, and we have the power to make regulations as to how men shall go and come upon a battleship, and it seems to me we are making ghosts upon our own imagination and then running from them.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. I would like to ask the parliamentary status. I understood the motion of the gentleman from Kentucky was——

The CHAIRMAN. The amendment of the gentleman from Kentucky is pending, the second amendment which he offered.

Mr. HOBSON. Mr. Chairman, I want to be recognized for the purpose of asking a question of the chairman of the committee.

Mr. ADAMSON. I am not on the floor.

Mr. HOBSON. Then I will take the floor.

Mr. ADAMSON. I do not think that is in order.

Mr. HOBSON. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. HOBSON. I want to be informed if this provision in the bill meets with the approval of the canal authorities.

Mr. ADAMSON. I stated in a speech on the floor some time ago, as it was drawn and reported by the committee, it met the approval of the chief engineer, Col. Goethals.

Mr. HOBSON. I simply wish to add, Mr. Chairman, that the question of the military features of the Panama Canal ought to be given full consideration in all such matters. The probable issue of future war will be settled by the fact of whether we are able to command and control the free passage of the canal or not, and our ability to control the free passage of the canal will unquestionably hinge upon the legislation we now provide that would give our officials proper authority to control the access of persons to that canal.

Mr. COOPER. Will the gentleman permit a question in the line the gentleman has taken in discussing this very important section? Let me ask him this question: This first part of section 10, as it was worded, would it require an inspection of passengers on ships passing through the canal, by the governor or under his authority, and the crews of freighters?

Mr. HOBSON. I would hesitate to interpret it in that regard, but I would not hesitate to say that in particular cases where the safety of the canal was involved the governor would assume the authority to inspect any ship or any passenger on any ship that goes through the canal. Otherwise the passenger ship might be carrying a person with malevolent intentions toward the canal, and at certain critical stages might even sink his own ship or at least utilize the position of that ship to destroy important engineering works. That is an inherent part of our authority to protect the canal that is involved in the section. It is a fact in American practice in connection with our forts and our stations, and for a time past in connection with our ships, that we did not exercise that vigilance in keeping from the outside world knowledge of our affairs and our military features that was important for our efficiency in time of war. It is only year before last that we were finally able to get the authority under which a spy caught red-handed could be tried and convicted, and we need not fear that in adopting this section and the authority to make regulations, as provided in the amendment offered by the gentleman from Kentucky, we need not fear that we might do injustice to the sight-seeing activities of legitimate sojourners and the movements of citizens who are there for legitimate purposes.

Mr. ADAMSON. Mr. Chairman, I believe the last amendment offered by the gentleman from Kentucky has not been voted upon.

Mr. SHERLEY. Mr. Chairman, I would like to have it reported again so that I might offer a suggestion.

The amendment was again reported.

Mr. SHERLEY. Mr. Chairman, I would like to have unanimous consent to make the substitution read, "any of such rules or regulations," so as to conform to the exact language of the amendment adopted.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to amend his amendment by the insertion of the words indicated.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman one question.

Mr. SHERLEY. Certainly.

Mr. MANN. Whether the gentleman thinks the provisions would come within the decision of the courts about the forest reserves in reference to violating rules and regulations. Has the gentleman laid a sufficient foundation here to constitute a misdemeanor upon a violation of the regulations?

Mr. SHERLEY. There is really a question of law how far the regulation can be issued the violation of which creates a punishable offense, but inasmuch as the gentleman says the foundation for punishment is given as to a specific thing, why, then, regulations to carry that out are, I think, lawful, and their violation can be made punishable.

Mr. MANN. If we provide by law directly the governor of the Canal Zone should have control over the admission of persons to the Canal Zone, I think we could then give power to make regulations a violation of which might constitute a misdemeanor; but without that, I doubt it very much.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. Mr. Chairman, on the question suggested by the gentleman from Kentucky, I desire to say we give to the Commissioners of the District power to make regulations, and the courts have sustained their right to make those regulations and enforce them to the extent of fine and imprisonment.

Mr. ADAMSON. The committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky, as changed by unanimous consent.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BORLAND. That amendment goes in after the concluding words of the new portion on line 16, page 14. I do not know what the concluding portion is, but it is just before the word "any," on line 16 of page 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 16, insert, before the word "any," the following:
"*Provided*, That such regulations shall not exclude persons engaged in ordinary business or travel from being upon or passing over any portion of the zone except designated portions adjacent to the locks and other works and necessary to the policing thereof."

Mr. ADAMSON. Mr. Chairman, I move that the debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this section and all amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. BORLAND. Mr. Chairman, I voted for the amendment of the gentleman from Kentucky [Mr. SHERLEY] to change this section instead of making a man prima facie a criminal when he

was found on the zone, to at least provide that the governor or some one in authority and supposed to exercise discretion should make regulations, and the violation of those regulations should constitute the offense. I voted for that as a mitigation of the rigor of the original rule. But it does seem to me, especially in view of what the gentleman from Illinois [Mr. MANN] has said, that the purpose is not served even by that amendment. I want to make that canal down there a great commercial highway and invite all the nations of the world to use it as freely as is consistent with good order and good government and safety. But it is just as consistent, so far as 80 per cent of that canal is concerned, with good order and safety for them to use it as it is for them to use the plaza in front of this building or the steps in front of the United States Treasury. There is not a particle more reason to exclude people from 80 per cent of that zone than there is to exclude them from the steps of the United States Treasury.

Mr. MOORE of Pennsylvania. Does the gentleman's idea carry him so far that he would provide for the construction of warehouses at the mouth of the canal?

Mr. BORLAND. I have gone over that. I would like to have warehouses built.

Mr. MOORE of Pennsylvania. In which merchandise and samples could be displayed?

Mr. BORLAND. I am in favor of that. Here are two cities, Colon and Panama, that by our treaty are excluded from our jurisdiction, but territorially are in the zone. They are surrounded by a line of posts. If those cities grow at all, they have got to grow on American territory. If they grow on a military zone, coming right up to the limits of the city, a man on the zone is there by sufferance or favoritism, or whatever you call it. I was born and lived for 12 years of my life near Fort Leavenworth, and I know that some fellows were always on the reservation conducting some business by governmental favoritism. Every law-abiding citizen ought to have the same right there to go down and conduct commerce. Talk about ghosts, the ghosts are that somebody will take dynamite down there and blow up the locks, which are large enough to contain any private structure in the city of Washington. The ordinary policing around those locks for a mile or half a mile would be ample to protect them. My provision is to reduce or proscribe that zone to the amount that the governor declares would be necessary for the policing of the locks. The remainder of the 400 square miles ought to be open for commerce, every bit of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The amendments to section 11, by the order of the House, will be passed. The Clerk will read section 12.

The Clerk read as follows:

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

Mr. BROUSSARD. I understood that when we reached section 11 amendments might be offered.

The CHAIRMAN. They may be offered or may not. We will reach the section again, when they can be offered, or Members can offer them now.

Mr. BORLAND. I desire to offer another amendment.

The CHAIRMAN. If there is no objection to it, it is all right, but we have passed the section.

Mr. BORLAND. We are still on section 10.

The CHAIRMAN. We have passed section 11 and gone on to section 12.

Mr. BORLAND. Section 11 was passed by former agreement.

The CHAIRMAN. The Chair stated that by order of the House section 11 had been passed, and the Clerk would read section 12.

Mr. BORLAND. That was made by order of the House, not by order made now. We have not begun to read section 12.

The CHAIRMAN. Does the gentleman want to offer an amendment to section 10?

Mr. BORLAND. I want to offer an amendment to section 10. Section 11 is the one we are on now, unless we had read section 12.

The CHAIRMAN. The gentleman had perfect liberty to offer an amendment to section 11. Section 10 is passed. The Clerk will read section 12.

Mr. BORLAND. I would like to have the Chair hear me on that point. Sections 5 and 11 were passed by previous order of the House. No order was made at this time. The previous order of the House provided for their passing until the other sections were concluded. We were working on section 10 until we began to work on section 12.

Mr. ADAMSON. We had begun on section 12.

The CHAIRMAN. Evidently the gentleman from Missouri [Mr. BORLAND] was not observing what was occurring. The Chair stated positively, by order of the House, section 11 would be passed, and the Clerk would begin to read section 12, and he began the reading.

Mr. BORLAND. But it was not by virtue of that statement that we passed section 11.

The CHAIRMAN. We were reading section 10, and section 11 was passed. If the gentleman desires to ask unanimous consent to return to section 10, the Chair will entertain the motion.

Mr. BORLAND. I will not do that. I think that was by inadvertence.

The CHAIRMAN. Without objection——

Mr. ADAMSON. Mr. Chairman, I object. We started section 12, and we want to make progress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

Mr. MANN. Mr. Chairman, I offer an amendment to section 12.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Add, after section 12, the following: "That the President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section."

Mr. MANN. Mr. Chairman, this is the same provision as was in the canal bill that we passed before.

Mr. ADAMSON. If it is framed up in the proper shape so as to make it law it will not be objectionable. We are trying to divorce the President from the function of legislating down there, so that if the gentleman will put that in the proper shape I will not object to it at all.

Mr. MANN. Well, as the gentleman has repeatedly stated on the floor, the whole theory of this bill is to hold the President responsible for the operation of the Canal Zone and the administration of the canal.

Mr. ADAMSON. But we do not want him to legislate.

Mr. MANN. This does not give the President the power to make law. It only gives the President, through the officials down there, the right to make adjustments for personal injuries. We are operating the Panama Canal now as a business proposition. There is no reason why we should not take care of those who receive personal injuries in the course of that operation instead of requiring them to come before Congress for special bills or be limited to one year's pay such as is now provided.

The gentleman from Georgia [Mr. ADAMSON] was agreeable to this proposition when we passed it before. No one objected to it then, and I hope no one will object to it now. It is not practicable to do it in any other way than this.

Mr. ADAMSON. Mr. Chairman, when we passed the bill before, we were building the canal, and the gentleman from Illinois [Mr. MANN] and I always agreed that it was then too early to make permanent and general legislation. I agree to the general principle of paying these casualties down there if men are hurt, and frankly I am not in favor of scrutinizing too closely the facts as to exactly how far a man was to blame if he got hurt in the line of his duty. But we object to the

President making laws down there. That duty should be left to Congress. We hold the President responsible for the administration of the laws down there. If the gentleman from Illinois will modify his proposition and restrict it to the casualties that happen down there, and make it law right now, I will agree.

Mr. MANN. There is no other way of extending the law, except in the way suggested, as the gentleman from Georgia will readily see. The limit of compensation allowed to men who receive injuries down there is now one year's pay, which is not a proper limit on the Canal Zone, when we are operating the canal as a business enterprise.

Mr. ADAMSON. I will say, Mr. Chairman, that I am in sympathy with the suggestion of the gentleman, and I think that he and I can agree upon the provision. If we can pass this section over until the bill is finished, I think we can agree about it.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to pass over this section for the time being without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

Mr. MONDELL. Mr. Chairman, I move to strike out section 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, strike out all of section 13.

Mr. MONDELL. Mr. Chairman, section 13 contemplates the fortification of the Panama Canal. As such fortification will necessarily render the canal liable to blockade and bombardment—make it subject to blockade and bombardment—as it will make it a point where a foreign enemy will first strike us in case of war, if we are to fortify, if we are to turn this great work of peace into an adjunct of war, it is entirely proper that we should have this provision in which in time of war the governor shall be an officer of the Army. But our treaty with Great Britain provided for the neutralization of the canal. We guaranteed under that treaty that no act of war should ever be exercised within the canal. We pledged ourselves against bombardment, and yet this section, if it has any meaning at all, is clearly an evidence of our intention to violate the fundamental provisions of the treaty. I know that in the present temper of the House that will not cut much of a figure.

Mr. HOBSON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. HOBSON. I want to ask the gentleman if he can conceive any means by which we could enforce that neutrality provision of the treaty without making such provision as we have here?

Mr. MONDELL. My personal view of it is that it is beyond the limits of possibility to keep the canal open and in use in time of war if we fortify it; whereas by international agreement, under which it will be to the interest of all the nations at all times to keep the canal open, we will be able to maintain the canal for the benefit of commerce and keep it open for the use of our battle fleets in time of war. Fortification, in my opinion, defeats its own object. To attempt to fortify is to fly in the face of our solemn pledges and obligations, and further than that it is to do a thing that while it will cost us in every century of time at least four times what the canal itself has cost, will not keep the canal open in the face of the enemy that commands the sea at either end. All military men agree to that, and yet we propose to plant these fortifications as though they would be of some value.

Unless we have a Navy strong enough to command the sea they would be absolutely valueless. Without fortification all the world is willing and anxious to aid us in maintaining the neutrality of the canal in protecting it because all the world wants of the canal is an opportunity to use it. That opportunity is best obtained when the canal is open at all times to the ships of commerce and, for that matter, to the ships of war. That has been our thought and intent in regard to the Panama Canal from the beginning. Every great American that has ever expressed an opinion in regard to it up to four or five years ago has expressed the opinion that the canal should be neutralized and should under no circumstances be subject to the vicissitudes of war; and yet we are proposing in this legislation to do the very thing to make the canal valueless to us in case we have a war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MOORE of Pennsylvania. I am inclined to agree with the gentleman, but have we not gone so far that it is too late to retrace the steps?

Mr. MONDELL. A question is never settled until it is settled right. Having made an appropriation of $3,000,000 for beginning the work that will cost $100,000,000 is not, I think my friend from Pennsylvania will agree with me, a settlement of the question. Congress has not fully considered the matter or taken into consideration the enormous cost, and, more than that, has not considered the utter futility of it.

Mr. MOORE of Pennsylvania. Does the gentleman take into consideration the further objection that, in addition to the great cost of armament, it will cost $25,000,000 per annum for maintenance?

Mr. MONDELL. No fair estimate has ever been made less than that.

Mr. SHERLEY. If the gentleman will pardon me, has there been an estimate that placed it anywhere close to it?

Mr. MONDELL. Twelve thousand men of all arms will cost us twelve to fifteen million dollars.

Mr. SHERLEY. No more than it would stationed at your forts out West. [Laughter.]

Mr. MONDELL. The upkeep of the fortifications would cost at least $50,000,000. This expense would be in addition to our present Army expenditures at home.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TOWNER. Mr. Chairman, it occurs to me that while there may be some question as to the wisdom of fortifying the canal, that this provision ought not to be considered as bearing upon that question in the slightest degree. In fact, as it seems to me, this provision would be more necessary if we did not fortify the canal than if we did.

There can be no question but that the President of the United States would have the right to declare martial law over any part of the territory of the United States—and this certainly is part of the territory of the United States—in case it should become necessary for our own national defense, and that would be true whether the canal was fortified or not.

Mr. MONDELL. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MONDELL. What is the necessity of having a military government on a neutralized canal?

Mr. TOWNER. The gentleman asks a question that it is impossible to answer, because we have not a neutralized zone. It is true that we neutralize the use of the Panama Canal, but we have not a neutralized zone, and our treaty does not so imply. We have a zone that is a part of the territory of the United States, which it will be necessary for this Government to protect, and if it should become necessary to declare martial law in order to protect that, or any other interest of this Govermnent, the Government would certainly have the power to do so. This provision of the law is only to do that more effectively and to do it more easily. I am inclined to think that the power already exists to do in effect what this provision says may be done, but certainly it only does it in a more effective way, and therefore I think it is entirely advisable.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I have always had the impression that we wanted to do something with this canal that would be of profit to the commerce of the United States, but a recent visit to the canal indicated that the whole purpose of the canal, from the viewpoint of most of those on the Isthmus, was to make it a military reservation. We have been expending a great deal of the people's money on this canal, and we ought to maintain it as befits a great Nation like the United States, even if we do have to stand there as the almoner of the world and give the world the opportunity to use it. As a matter of fact, we are very largely in the position of maintaining it for the rest of the world. That is to say, Germany and England, having entered the South American market, and having largely absorbed the commerce of Latin America, we have provided for them the means of entrance and of exit in order that they may do the business in South America which we have thought we might be able to do ourselves. Now, it appears we are to pay for the passageway through which our commercial competitors are to go. I do not believe that even the Congress of the United States knows what the canal is going to cost.

Mr. ADAMSON. Mr. Chairman, if the gentleman will yield there, I will suggest that the reverse of his position is true. Instead of saying we pay for their passage, he should say that

they pay us for their passage, and that is the only way we will ever get any returns from the canal.

Mr. MOORE of Pennsylvania. They will pay us for the passage, if this bill passes, at the rate of, say, $1 per ton, but, according to the best estimate that we have received, we will not in any one year pass more than 10,000,000 tons, which will make a return of $10,000,000, if we pass that much tonnage.

Speaking along the line of neutrality as raised by the gentleman from Montana [Mr. MONDELL], and answering the gentleman from Kentucky [Mr. SHERLEY], who raised some question about it a moment ago, I assume it is greatly to be desired especially as a method of reducing the maintenance cost. I would like to call the attention of the House to page 415 of the first volume of the hearings before the Committee on Interstate and Foreign Commerce, in which a most interesting coloquy takes place between the gentleman from Minnesota [Mr. STEVENS] and Col. Goethals, the chief engineer of the canal. I hope I may have time to read a portion of that very illuminating statement. Mr. STEVENS is interrogating Col. Goethals:

Mr. STEVENS. Estimating then that the operation and maintenance require $3,500,000, there should be added a reasonable expense for administering the government of the Canal Zone. For the purposes of canal administration last year it was testified by Mr. Thatcher yesterday that there was expended $1,100,000 for such administration. In all probability, would or would not that be reduced the year beginning with the permanent charge for the canal?

Col. GOETHALS. That ought to be reduced very materially.

Mr. STEVENS. Was that your estimate to the chairman, which was about $4,000,000?

Col. GOETHALS. Including sanitation and civil administration, provided colonization was not entered into.

Mr. STEVENS. Then we have the annual interest charge upon the principal expended for the construction of the canal. What would that be?

Col. GOETHALS. $12,000,000 per annum.

Mr. STEVENS. It has been stated in the hearings that there would be needed for defense here eight batteries of Coast Artillery, a division of Infantry, and a battalion of Field Artillery.

Col. GOETHALS. That is the estimate prepared by the Chief of Staff or General Staff.

Mr. STEVENS. That has been decided by the military authorities in Washington who have been appointed to report upon that subject. How many men in eight batteries of Coast Artillery?

Col. GOETHALS. There are about 150 men to a battery for a heavy gun.

Mr. STEVENS. That would be about 1,200 men. Estimating that number of men at approximately $1,000 per man, what does that amount to?

Col. GOETHALS. $1,200,000.

Mr. STEVENS. A division of Infantry would be about how many troops?

Col. GOETHALS. Three regiments to a brigade and two brigades—about 1,000 men to a regiment—would be 6,000 troops.

Six thousand infantrymen! That is what you want to put on the canal apart from your Coast Artillery. But, to continue:

Mr. STEVENS. At the average of $1,000 per man, that would be how much?

Col. GOETHALS. Six million dollars.

Now, you have added your Infantry to your Coast Artillery, and you are building up a splendid establishment there to protect the canal, which we thought was built for commercial enterprise—

Mr. STEVENS. These batteries of Field Artillery—how much would that be?

Col. GOETHALS. Four hundred and fifty men; about.

Mr. STEVENS. Which would cost a good deal more on account of the horses?

Col. GOETHALS. Say another $1,000,000 to cover the Field Artillery.

Mr. STEVENS. That would be a total for the military expense for the protection of this canal of how much?

Col. GOETHALS. $8,500,000, practically.

That is per annum, plus your $3,500,000 for civil government.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield for a question.

Mr. MONDELL. The gentleman knows that since then the estimates have been considerably increased over those given by Col. Goethals.

Mr. MOORE of Pennsylvania. That makes it so much worse.

Mr. MONDELL. They have added $4,000,000 since then.

Mr. MOORE of Pennsylvania. Mr. STEVENS then goes on. He is tracing out the total cost of the defenses, defenses which, to a certain extent, will be a menace and will induce the world to believe we have put a chip upon our shoulder to fight anybody that comes along. Let me read:

Mr. STEVENS. Then we have items for the construction $12,000,000; protection, $8,500,000; and operation and maintenance, $4,000,000, as a minimum.

Mr. DOREMUS. You have not included the naval attachment down here.

Mr. KNOWLAND. Put the wireless station in also.

Mr. STEVENS. The Navy contemplates keeping how many marines here?

Col. GOETHALS. They now have 450. They have asked for a site for an advanced base for three battalions, practically 1,200 men. There is another $1,200,000.

Mr. STEVENS. Making, then, the total expense to the people of the United States annually, on account of caring for this enterprise, for its construction, operation, control, and protection, of about $27,000,000 annually?

Col. GOETHALS. Yes, sir. With 7,000,000 tons of freight, not as a possible amount of traffic but as an actual amount of traffic, we would require $4 a ton, and we would have no ships through the canal.

Mr. KNOWLAND. Of course, that would make the tolls prohibitive.

Col. GOETHALS. Yes.

Mr. KNOWLAND. And the commercial value of the canal would be completely destroyed?

Col. GOETHALS. Entirely. We can save $130,000,000 if we stop right now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. The total maintenance cost runs up to $27,000,000 per annum, and that does not include a vessel of war on either side of the canal. I insist, Mr. Chairman, that the Panama Canal was built to help us develop our commerce. It ought not to be overweighted with a military establishment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. WEEKS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

That the civil employees in the canal service between the ages of 18 and 45 years shall be organized into a heavy artillery regiment, which force shall perform such military service, engage in such drills, and be governed by such regulations as the Secretary of War may direct: *Provided, however,* That the number of such drills shall not exceed 52 in any one year and the annual encampment which may be prescribed shall not exceed two weeks.

That for this service officers and men shall receive as compensation the rate of pay to which officers of the same grade and men of the Regular Army would be entitled to for the same length of service, but in no case shall the allowance for this service exceed $200 annually for an officer or $100 annually for an enlisted man, and this allowance shall be made at such times and under such regulations as the Secretary of War may prescribe.

Mr. ADAMSON. Mr. Chairman, I do not think that that is in order on this bill. It is a provision that ought to go to the Committee on Military Affairs, and I make the point of order that it is not germane to this proposition.

Mr. WEEKS. Mr. Chairman, I would like to be heard upon that proposition. We are providing in this bill for a military force for the defense of the canal.

I am proposing by this amendment that civil employees on the Isthmus shall be organized into a force to supplement the men of the Regular Army to be sent there for the protection of the canal. Civil employees will generally be of military age, they will be acclimated to conditions as they exist on the Isthmus, and will, therefore, be immune from troubles which would affect men sent there for military or other service.

By making this authorization the necessity for sending at least one regiment of Heavy Artillery to the Canal Zone will be obviated, thereby bringing about an economy of something like $800,000 a year. Therefore it seems to me that such an amendment should appeal to the economic claims of the Members on the Democratic side of the House, as it will produce a saving, and I think the amendment should be in order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 14. That this act shall be known as and referred to as the Panama Canal act.

Mr. ADAMSON. Mr. Chairman, I have a committee amendment which I desire to offer. I did not deem it entirely necessary, but gentlemen have asked me to offer it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by adding at the end of the bill, beginning after the word "act," line 25, page 17, the following: "And the right to alter, amend, or repeal any or all of its provisions, or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved."

Mr. MANN. Mr. Chairman, it is immaterial to me whether the amendment is agreed to or not, but I do not like to have this go into the law without a statement made that it is entirely and wholly unnecessary. We put that provision in laws which confer special franchises or special rights upon individuals or corporations which may be treated in the nature of a contract, but this does not make a contract with anyone. It merely carries the right to create another governmental instrumentality, and it goes without saying that we have the right to alter, repeal, or modify or change any regulation. While I care nothing whether the amendment goes in, I did not wish anybody to think that it is necessary to put in a general legislative law a provision that we have the right to repeal it.

Mr. ADAMSON. Mr. Chairman, my own opinion concurs with that of the gentleman from Illinois; but other gentlemen, who are great parliamentarians, suggested we put that in, and I am perfectly willing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, going back to section 5, I wish to see if we can reach an agreement as to debate.

The CHAIRMAN. The Clerk will read the section first.

The Clerk read as follows:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those belonging to the Government of the United States (including those of the Panama Railroad Co.) and the Government of the Republic of Panama, which excepted vessels shall be charged no tolls. Charges may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce, but the tolls shall not exceed $1.25 per ton, based upon net registered tonnage for ships of commerce, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal. The toll for each passenger shall be not more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels passing through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting lighting, pilots, and pilotage in the canal or the approaches thereto through the adjacent waters.

Such rules and regulations shall expressly deny and forbid the use of the Panama Canal to all the classes of vessels the passage of which through the Panama Canal, or any part thereof, is made and declared unlawful by section 11 of this act.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the District Court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited, and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. ADAMSON. I wish to offer a committee amendment to section 5, and then see if we can reach an agreement as to time for debate upon the section and all amendments.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 5 by striking out the entire sentence beginning with the word "No," on line 22, page 5, and ending with the word "canal," line 5, page 7. The language to be stricken out reads as follows:

"No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal."

And insert in lieu thereof the following:

"The rate of toll shall be uniform upon all vessels, except the official vessels of the Governments of the United States and the Republic of Panama, but when based on different forms of tonnage for different classes of vessels the rate fixed in each case shall be substantially equivalent to the rate based on any different form of tonnage."

Mr. ADAMSON. The gentleman from Louisiana [Mr. BROUSSARD], myself, and some other gentlemen have talked about a fair division of time for debate on this tolls proposition. Mr. BROUSSARD and I thought an hour would be sufficient to discuss it, having had such a long general debate, and I ask unanimous consent that on this section and all amendments and substitutes to it we shall have a debate of one hour a side, one-half to be controlled by myself and one-half by the gentleman filing the minority report on that subject.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman what he contemplates the procedure would be during the two hours and at the end of the two hours upon these propositions which have been or may be submitted to the gentleman from Georgia.

Mr. ADAMSON. Well, I do not care whether I have the last speech or the first speech or the speech in the middle.

Mr. MANN. I do not care when the gentleman speaks, but we have now submitted some four, five, or six amendments to this section. Everyone knows that if we have two hours general debate here that immediately after it was announced men who have not had their lunch will go out to get it, and those who have had their lunch will go to their offices to transact business, and at the end of the two hours when you come to a vote no one but the few who have remained here will know what the different propositions are.

Mr. ADAMSON. Then I am willing to modify the proposition. Mr. BROUSSARD did not speak in general debate and Judge SIMS did not. I am perfectly willing to say those two gentlemen shall have some time each and then go on under the five-minute rule as usual.

Mr. SULZER. Mr. Chairman, I have an amendment and I would like to have 15 or 20 minutes to discuss it. I have very decided views upon this proposition.

Mr. MANN. I have exceedingly decided views upon this proposition, but I am not going to impose upon the House or committee by asking for an extension of time. I think, on the contrary, I shall withdraw the amendment I have pending and advise the House to vote for the Doremus substitute.

Mr. ADAMSON. I am perfectly willing to allow the two members of the committee who did not speak in general debate to have 20 or 30 minutes, and then proceed under the 5-minute rule.

Mr. MANN. Mr. Chairman, reserving the right to object, it is now 2 o'clock. We have two controverted propositions here, but I am perfectly willing to have the gentlemen talk, but it seems to me it is hardly fair to the House for gentlemen to make long speeches now at the expense of other gentlemen who desire to eat their dinners this evening.

Mr. GARNER. May I make this suggestion to the gentleman from Georgia?

Mr. Chairman, would you not obviate this situation if you should go on under the five-minute rule, and when the gentleman from Louisiana [Mr. BROUSSARD] gets up to address the committee and he should ask unanimous consent to continue for 20 minutes, the committee would likely give it to him; and when the gentleman from Tennessee [Mr. SIMS] asks 20 minutes, it would be given to him; and then if the gentleman from New York [Mr. GOLDFOGLE] will get some time and would ask the committee's indulgence for a little while and receive it, and in that way you would progress along on these different provisions, and in that way the committee would get the benefit of what these gentlemen have to say? I believe that we could get to a vote before 4 o'clock.

Mr. ADAMSON. Mr. Speaker, I modify my request in accordance with the wise suggestion of the gentleman from Texas [Mr. GARNER]—that we go on under the five-minute rule, and that when the gentleman from Louisiana [Mr. BROUSSARD] and the gentleman from Tennessee [Mr. SIMS] address the Chair they be allowed to proceed for 20 minutes each.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that we proceed under the five-minute rule, and that when the gentleman from Tennessee [Mr. SIMS] and the gentleman from Louisiana [Mr. BROUSSARD] address the Chair they each be recognized for 20 minutes.

Mr. MONDELL. I would like to know if the gentlemen named are not on the same side of the proposition?

Mr. SIMS. Not by any means.

Mr. ADAMSON. No, sir.

Mr. COOPER. Mr. Chairman, do I understand that there is a time set for a vote on this?

The CHAIRMAN. No.

Mr. COOPER. It is one of the most important questions to come before the House.

Mr. MOORE of Pennsylvania. I would like to know if the agreement as to 20 minutes is that they will consume the 20 minutes and no one can talk on their amendments?

Mr. ADAMSON. It is not.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, in the majority report, while an argument is made for uniformity of tolls, with the exception of the official vessels of the United States and of the Republic of Panama, and while it is stated that the position of the majority of the committee is that the treaties require that sort of treatment and would forbid preferential tolls, it was expressly stated that the committee did not necessarily base its action upon that ground, but upon the ground that we needed the tolls in the canal; that we feared there would not be much foreign business during the first year; that the coastwise trade was amply protected from all the balance of the world as to competition; that it did not need the tolls; that there were plenty of them to do the business; and if we wanted to do anything for the coastwise trade we ought to give it to all of them, and not to the small percentage going through the Panama Canal.

As we were in perfect good faith, the majority of the committee thought we had stricken from the bill all mention of the treaty. Some of the gentlemen on the floor seemed to complain of that language, and I thought it was only in the interest of truth and justice and due the committee that I state again that it was the position of all the committee except one or two, and that it is offered here by instruction of the committee, in accordance with the majority report, as an amendment that the committee insist on now to open the canal and fix the tolls, with the exception of the ships named, and leave the future of the canal, if success or failure, to indicate or dictate to us if there ought to be any changes made. If it is necessary to negotiate with England about it, or if unnecessary, let the future of the canal determine it. We can not agree with the gentlemen who say, "We will take our position, and if the

other nations of the world do not like it, then go to The Hague or some other tribunal to settle the question." That is not the course to pursue. They might say, "Go and litigate the claim of Colombia at The Hague." England might say, "We will just close the Welland Canal." We do not want to construe the treaty. We do not want to precipitate any lawsuits or any trouble, belligerent or otherwise, with any other nation. We have spent $400,000,000 down there, and we have a great enterprise. We want it to succeed. We want gentlemen to unite with us and forego their claims for special interests and let us open that great enterprise and see what its returns will be and what its success will be, and if we find it advisable to change our course we can change the plan. [Applause.]

Mr. MANN. Mr. Chairman, I hope the amendment offered by the gentleman from Georgia [Mr. ADAMSON] as a committee amendment will not be agreed to.

Mr. Chairman, I have desired as far as possible to follow the lead of the committee which reported this bill, a committee of which for many years I was a member and at one time the chairman. But I am compelled to part company with the committee on a proposition which I regard as essential to the prosperity of the country, and the amendment which the gentleman from Georgia now proposes involves the whole question.

He proposes to insert in the bill the provision:

The rate of tolls shall be uniform upon all vessels except the official vessels of the Government of the United States and the Republic of Panama.

And when based on different forms of tonnage or different classes of vessels the rate fixed in each class shall be substantially equivalent to the rate based on any different form of tonnage. Under the provision of the gentleman you would have to charge the same rate on warships on displacement tonnage that you would have to charge if it was registered tonnage. But that is an immaterial objection perhaps—a matter of form. I am opposed to any proposition which commits this Government to a construction of the Hay-Pauncefote treaty to the effect that, having spent $400,000,000 out of the National Treasury, we are not permitted to give any preference to our own merchant marine passing through the canal. [Applause.] I believe we ought to give preference to the coastwise vessels and also to the vessels flying the American flag and engaged in foreign service. [Applause.] Therefore I am not willing to have the amendment of the gentleman from Georgia agreed to without some kind of a test vote in the House. Those of us who are in favor of having the canal give some preference to American ships flying the American flag ought to vote against this amendment, and those who are in favor of forever shutting out any preference to American vessels ought to vote in favor of the amendment. [Applause.]

Mr. BUTLER. Mr. Chairman, I move to strike out the last word, if that motion is necessary to enable me to secure a few minutes' time to express my views on the pending measure.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized.

Mr. BUTLER. I am told, Mr. Chairman, that we are asked to surrender a right without demand made and before a shot is fired at us; that we are asked to give up a right vountarily; that we are asked to forego a great privilege that belongs to our own people, which no nation has questioned or requested us to surrender, largely upon the excuse that we have forfeited the right which we might otherwise have had if we had not so agreed. We are told that our free use of this waterway is in violation of a solemn agreement that we have made with the other nations of the earth. That agreement, it is said, was made with England, based upon the convention made at Constantinople.

Gentlemen endeavor to persuade us that we should refuse freedom to our ships and to our own people to use the waters of the Panama Canal without paying the same rate charged against strangers for a similar privilege. We are told that our hands are tied by the terms of a convention made and now existing in which the British Kingdom is one of the parties and the Republic of the United States is the other. This convention, widely celebrated and now in the public mind, is known as the Hay-Pauncefote treaty of a few years ago. We are warned that our agreement, so named, requires us to treat all nations alike and with the same degree of equality. This is one of the reasons to be urged against the adoption of pending amendments providing in effect for free passage by us through our own waterway.

If gentlemen of the committee will take the pains to examine the Constantinople convention, they will discover that we were not a party to it, and that the nations provided for in the Hay-Pauncefote treaty are the nations included in the convention made at Constantinople.

We expended our own money, $400,000,000; we employed our own genius; we asked no nation to assist us. All this is the result of our own work, secured by American labor and American capital. England gave us in this treaty the permission, at our own cost, to build this great waterway; and at the same time, Mr. Chairman, that we agreed with her that we would construct this waterway at our own expense and at our own cost she agreed that we should have and enjoy all the rights incident to such construction, one of which, naturally, is the right to use the canal.

Now, it is a well-understood rule of law that every man who makes an agreement makes it favorable to himself. Does this agreement show that we made it unfavorable to ourselves? Does the language overcome the presumption? The next provision of this agreement reads:

The canal shall be free and open to the vessels of commerce and of war of all nations observing the rules—

Mark you, the language used—

on terms of entire equality, so that there shall be no discrimination against any "such nations."

What nations do the words "such nations" apply to? It is said that we have used as the basis of neutralization of our ship canal "the following rules as embodied in the convention of Constantinople." If gentlemen will turn to the convention of Constantinople they will discover that we were not a party to it, but that all the other nations of the world agreed how the neutralization of the Suez Canal should be made. England asked of us in this famous treaty—the Hay-Pauncefote treaty, afterwards agreed to—one condition, and that was, that such nations as are referred to in the agreement made at Constantinople should be treated fairly and squarely in the use of the canal. This is the fair interpretation of the words "such nations." [Applause.]

Mr. ADAMSON. Mr. Chairman——

Mr. BUTLER. Mr. Chairman, has my time expired?

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. BUTLER] has not yet expired.

Mr. BUTLER. I am unwilling, as one Member of this House, to forever forego the right to claim a great privilege that may or may not belong to us. I am unwilling to give away that which may be our own. I am unwilling to concede that which is not demanded of us and thereby commit the American people to a condition that may never arise. It may occur that some time in the future some tribunal to which this great question is submitted will decide that this privilege is ours. Why should we now surrender it before the demand is made? Do we break our agreement with these great nations because we now insist that this privilege is ours? I can not see, Mr. Chairman, why we violate our own agreement, why we break our word, passed by us through convention, ratified by our people, and accepted by all the nations of the world. We should at this time take unto ourselves what, according to the fair construction of this agreement, belongs to us and which stands undenied.

Before my time expires I wish to congratulate these learned men who have prepared these reports. If they had all agreed upon the construction of this treaty I, for one, would have had no trouble in reaching a conclusion. But these experts, these members of this famous Committee on Interstate and Foreign Commerce, these jurists, these gentlemen learned in the law, having studied for weeks and for months this agreement, did tend to confuse us when they differed in their conclusions, some of them warning us that if we did not accept the provision as written in the bill our action would amount to a breach of our agreement and a violation of our word as a great Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I would like to have the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I tried to make myself clear, but the remarks of the gentleman from Illinois [Mr. MANN] and the remarks of the gentleman from Pennsylvania [Mr. BUTLER] indicate that they did not clearly understand me.

The object is to strike out the language that the minority report insisted would construe the treaty and foreclose our future rights in the matter. We eschew all reference to the treaty. We do not mention the treaty. We strike out the sentence they objected to, because it was said it resembles something in the treaty. It simply provides for uniform tolls, without mentioning that there is a treaty in the world, because we think that economically we need all the tolls alike from everybody.

Now, if in future years Congress deems that it has the power under the treaty to make special exceptions in favor of particular vessels, and if statesmen here get their consent to shutting their eyes to taking money out of the Treasury to give to special interests, and they say it is not a ship subsidy to take from the Treasury that owns it $5,000 every time a ship goes through the canal and give it to the special shipping interests, all of which are either owned or financed by the same small financial coterie, Congress may do it.

We want to free ourselves from the unjust imputation that gentlemen on the other side have cast upon us that we are trying to foreclose the treaty. We are not, and if they will read the original bill that I introduced they will find that I did construe the treaty clear through it, but that it was stricken out all except this one sentence, and we thought this did not do it. Now we ask to strike that out.

When gentlemen say "we" and "our" they get their grammar confused. Congress and the Government may be "we" in the sense that the canal is ours, but if they confuse any little handful of men conducting the greatest and longest and loudest lobby ever seen on earth to get special privileges as "we," they are mistaken, for they do not represent 1 per cent of the American people. There are 90,000,000 American people who represent the Treasury, and if these people who want the special privileges divert from the Treasury, on an average, $5,000 a month for a ship during the year, you divert from the Treasury for each ship $60,000 that belong to your constituents, who are the American people, and give it to a lot of fellows who do not need it, do not care for it, do not care for the flag except when you give them special privileges, who can get along without it, and do not fight one another in the matter of competition. [Applause.]

Mr. SULZER. Mr. Chairman, I am an American, and I am in favor of American ships—flying the American flag—going through the American canal free of charge. Hence I shall vote for free tolls for all ships flying the flag of my country going through the Panama Canal.

I want to do something to aid the American merchant marine, and free tolls for our own ships will go far to accomplish what patriotic America hopes to see accomplished ere we adjourn.

We all realize that there is a sentiment, growing stronger and stronger every day, throughout the country in favor of doing something to rehabilitate our merchant marine. This is patriotic, eminently proper, and should be encouraged by every true American.

There is no man in this country more anxious and more willing to enact proper legislation to restore the American merchant marine than myself, but I want to do it honestly; I want to do it along constitutional lines; and I want to do it in harmony with that fundamental principle of equal rights to all and special privileges to none.

It is a fact—a most deplorable fact—and every man who has investigated the subject knows it, that we have less registered tonnage for deep-sea carrying trade to-day than we had 100 years ago. In 1812 the United States, with a population of less than 10,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1912, with a population of over 90,000,000. The American deep-sea tonnage in 1812 was over 1,200,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1812 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world.

It is a sad commentary on our growth and greatness that more than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going merchant ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1812 over 92 per cent of our export and import trade was carried in American bottoms; in 1912 less than 8 per cent of our imports and exports were carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freight and passengers over $300,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant-cruiser lists of European Governments, manned by naval-reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 16,800,000 tons of merchant shipping; Germany has 8,960,000 tons; France, 3,680,000; Norway, 1,960,000; and Italy, 1,580,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea vessels of less than 800,000 tons. These comparisons challenge our intelligence and constitute an indictment against our boasted patriotism.

Mr. Chairman, I am opposed to the position in this matter taken by the gentleman from Georgia [Mr. ADAMSON]. He is opposed to free tolls for our ships. I am in favor of free tolls to help our merchant marine. I always have been, and I always will be, in favor of aiding the American merchant marine. Ever since I have been a Member of Congress I have endeavored to do something for our shipbuilding industries and to restore our deep-sea commerce. I have a bill pending in Congress for preferential duties in favor of American ships, and if that bill could be passed in 10 years we would again see the flag of our country on every sea, and ere long we would have as fine a merchant marine as any country in the world. The bill is a short one. I will read it. It is H. R. 14102 and reads as follows:

A bill (H. R. 14102) to encourage the American merchant marine and American commerce, and for other purposes.

Be it enacted, etc., That a reduction of 5 per cent ad valorem of the customs duties now or hereafter imposed by law shall be allowed on all goods, wares, or merchandise imported into the United States in vessels of the United States; and in cases where no customs duties are imposed by law on goods, wares, and merchandise imported into the United States there shall be levied, collected, and paid a duty of 2 per cent ad valorem if such goods, wares, or merchandise are imported in vessels not of the United States. The said reduction of 5 per cent in duty herein provided for shall not apply to goods, wares, and merchandise not of the growth, production, or manufacture of countries contiguous to or bordering upon the territory of the United States, when imported into the United States by land transportation or land vehicles or conveyances through or from ports or other places of countries bordering upon the United States, if the same shall have been brought to such ports in vessels not of the United States; in cases where no customs duties are imposed by law on such goods, wares, and merchandise so imported, a duty of 2 per cent ad valorem shall be levied, collected, and paid. Said reduction of 5 per cent in duty shall not apply in cases where goods, wares, or merchandise are transshipped or transferred from a foreign vessel, port, or place to a vessel of the United States for the purpose of evading the provisions of this act, and in such cases no exemption from duty shall be granted.

SEC. 2. That the master, agent, or owner of any registered vessel of the United States shall be exempt from the tax of $4 for every alien entering the United States on such vessel prescribed by section 1 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States.

SEC. 3. That the President shall have power, and it shall be his duty, to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements have been entered into making any provision or provisions which are in conflict with sections 1 or 2 of this act of the intention of the United States to terminate such agreement at a time specified in said notice, which time shall in no case be longer than the period of time specified in such agreements, respectively, for notice for their termination: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreement shall remain in force.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed, and that, except as provided in the first and second sections hereof, this act shall take effect and be in force from and after its passage.

Mr. Chairman, that bill speaks for itself, and needs no apology from any patriotic American citizen. It has been indorsed by the leading commercial organizations of our country. If there is anything the American people are anxious to do, it is to put the flag—the flag of the United States—again upon the high seas. There are several ways to do it. One way is by free ships; another way is by ship subsidies; a third way is by preferential duties; and a fourth way is by free tolls through our own canal. I am against ship subsidies. I have fought ship subsidies ever since I have been a Member of Congress, and I will keep up the fight to the end. I will vote now for free ships through our canal. Here is one way to do something now for the American merchant marine. Let us do it while we have the opportunity.

For years, in Congress and out of Congress, I have been advocating honest and intelligent legislation to restore our merchant marine, and for years the men in control of Congress have turned to my appeals a deaf ear. The Congress of the United States is responsible for the present deplorable condition of our merchant marine, and every intelligent student of the subject is aware of the fact.

Preferential duties in favor of American-built ships and against ships flying the flag of a foreign country was the policy so successfully in operation in this country up to 1828, when, to please foreign interests, the law was suspended, and from that day to this our prestige on the high seas has been declining until it is less to-day than it was a century ago.

Many true friends of our merchant marine believe that if this policy of the fathers was restored it would immediately revive our overseas carrying trade and in a very few years build up our ship industries so that we would again secure our share of the ocean commerce of the world and save millions and millions

of dollars that we pay annually to foreign shipowners. In reading the report of the Merchant Marine Commission I observe that several of the largest shipbuilders testified that they formerly believed in subsidies but had changed their opinions and now favored my plan for preferential duties.

There seems to be but one objection, so far as I can learn, to a return to this policy of the fathers, and this objection comes from the advocates of ship subsidies, who declare that we have commercial treaties with foreign Governments containing the favored-nation clause, and in order to inaugurate the policy of preferential duties it will be necessary to change our commercial treaties, and this can not be done without giving these favored nations one year's notice.

This objection, however, is more apparent than real, for there is no doubt the change could be made if this Government wanted to make it, and a year's notice to bring it about would cause no great delay, especially when we consider that nothing has been done for our deep-sea shipping in more than a quarter of a century.

Mr. HAMLIN. Will the gentleman yield?

Mr. SULZER. I can not yield. I have only a few moments. Here is a way, I say, to do something now for the American merchant marine. We can give the ships of the United States the preference. We can allow our own ships, built by American workmen in American shipyards, and flying the American flag, to go through our own canal free of tolls. [Applause.] I am in favor of that.

In this connection I must take exception to the remarks of the gentleman from Minnesota [Mr. STEVENS] regarding the construction of the Hay-Pauncefote treaty. There is nothing in that treaty that can be construed in opposition to my plan for free tolls for American ships. I stand here as chairman of the Committee on Foreign Affairs of this House, having given careful study to that treaty, and to every circumstance connected with it, and I speak advisedly, and for our distinguished Secretary of State, when I say to this House that there is not a line in that treaty that precludes the Government of the United States from permitting our own ships going through the Panama Canal free of tolls. [Applause.]

If you want to bring about a situation such as the gentleman from Georgia [Mr. ADAMSON] has mentioned; if you want to get this matter some day into The Hague Tribunal; if you want to invite a foreign lawsuit, then pass this bill precluding the ships of the United States from going through our own canal free. That may foreclose our rights in the future. That may cast a doubt upon our construction of this treaty, and at some future time involve the Government of the United States in a controversy of international importance regarding our rights to grant preferences to our own ships using our own canal which the people of this country have paid for and have built. I am opposed to any legislation that will bring about such a contingency. To me the treaty is clear and plain. It does not admit of the construction urged by my friend from Minnesota. I am opposed now to bringing this Hay-Pauncefote treaty into the realm of dispute. I am opposed to inviting at some future time an international lawsuit. In my judgment the only way that we can prevent that is for the representatives of the American people to stand up here and vote in favor of American ships going through the canal free of tolls. [Applause.]

Mr. Chairman, I see my time is nearly up. Let me say, in conclusion, that the policy I propose to restore our merchant marine is not a makeshift. It is not new, having been the law of our country from 1792 to 1828, when it was suspended, and that suspension was one of the greatest political blunders in all our maritime history. It is not a temporary expedient. It is a permanent remedy. It has been tried and not found wanting. It is the easiest way to restore the American merchant marine. Adopted again as our policy and upon the statute books, it will never be repealed, but, on the contrary, speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on every sea and in every port, and make our seamen what they were in the historic days of the Republic—the pride of America and the masters of the ocean highways of the world. [Applause.]

Mr. CULLOP was recognized.

Mr. ADAMSON. Mr. Chairman, I move to close debate as soon as the gentleman from Indiana is through.

Mr. SULZER. Mr. Chairman, I would like to have five minutes more.

Mr. ADAMSON. I move that as soon as the gentleman from Indiana replies to the gentleman from New York debate be closed on this amendment.

Mr. SULZER. I ask unanimous consent for five minutes more, and I want to know who is going to object to it.

Mr. ADAMSON. I am. I have objected to everybody having more than five minutes, and I objected to my colleague this morning. I stated this morning that I was going to object to everybody having more than five minutes. I do not care if my own grandmother made the request, I would object. [Laughter.]

Mr. GOLDFOGLE. Mr. Chairman, I rose at the time the gentleman from New York closed. I am a member of the committee and entitled to recognition under the rule.

Mr. ADAMSON. Mr. Chairman, I move to close debate in five minutes on my amendment and all amendments thereto.

The CHAIRMAN. If the gentleman in charge of the bill will permit the Chair, he will say that he has practically agreed to recognize three Members who want to speak on this matter—the gentleman from Indiana [Mr. CULLOP], the gentleman from New York [Mr. GOLDFOGLE], and the gentleman from California [Mr. KAHN].

Mr. FOSTER. Has not the gentleman from Georgia the right of recognition to move to close debate?

The CHAIRMAN. Yes.

Mr. ADAMSON. Mr. Chairman, under the rules the gentleman from New York had a right to make his motion, and the gentleman from Indiana [Mr. CULLOP] had a right to reply thereto. I move that all debate close on my amendment and all amendments thereto in five minutes, after the gentleman from Indiana has concluded his remarks. Other gentlemen then can make other motions and get recognition in that way.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that all debate on the pending amendment and all amendments thereto close in five minutes.

Mr. MONDELL. Mr. Chairman, I move to amend the motion by making it 15 minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming, to amend the motion by making it 15 minutes.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. GOLDFOGLE) there were—ayes 88, noes 8.

So the motion was agreed to.

Mr. CULLOP. Mr. Chairman, it seems to me that if members of the committee would read the provisions of the treaty under which this question arises, there would be no trouble in its settlement. The gentleman from Pennsylvania read only a part of it and stopped at the most important place in it, and I shall read it all.

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

This provision is plain, says what it means, and means what it says.

To give to the vessels engaged in the coast-to-coast trade free toll will discriminate against the citizens of this country who run vessels in other trades, and who are as much entitled to the consideration of Congress and to the gratuities and subventions of it as anyone else, as the people who are engaged in the coast-to-coast trade. Why should there be granted to the few who are engaged in the coast-to-coast trade a right that is not granted to the American citizen who carries American products and commodities through that canal, that go into foreign markets? And yet if this provision is adopted, we are adopting a provision that discriminates against our own citizens in favor of those engaged in one class of trade who shall use the canal and against those engaged in another class who shall use it.

Mr. SULZER. But my amendment will let all American ships go through the canal free.

Mr. CULLOP. Yes; and the gentleman's amendment has no place under this treaty, because it is clear violation of the same. If we desire to invite trouble at the beginning of the opening of this canal, adopt the gentleman's amendment or any one of these provisions proposing free tolls under this treaty, and we will get it. It is a question of no dual construction. It clearly prohibits such proposed legislation as is now offered by this amendment. I ask any gentleman who advocates free tolls, Shall the people of this country who pay $400,000,000 to build this canal not derive any revenue but as a special privilege; shall they hand over the earnings to the owners of the few vessels engaged in the coast-to-coast trade? What answer can he give the people of this country for such a course?

Upon what hypothesis of right, of equality, of justice can you predicate such legislation as that? And yet that is what is proposed by each one of these amendments offered to grant

free tolls. Every ship-subsidy man in the United States has preached for the American flag to float on the ocean. That is a specious plea under which he parades. He wants to see it on the ocean, but he wants to see the people of this country taxed to put it there in order that a few shipowners may profit by private enterprise at public expense. [Applause.] That is just what the amendment of the gentleman from New York [Mr. SULZER] means. It is a ship-subsidy scheme, clothed under a new name, in a different garment, a new garb. That is how every one of the advocates of special privilege wants to fly the American flag on the ocean. If you are to carry the coast-to-coast trade free through the canal, who is to pay the interest on the bonds by which the money was raised to build this canal? If this question is left as the committee has proposed it in the bill, it is subject to legislation hereafter, but adopt either the provision of the gentleman from New York or the provision of the gentleman from California and trouble is invited before a single vessel will sail through the Panama Canal, and trouble is brought on at once between this Government and other Governments, between one citizen and another citizen in this Republic. Can we afford to do this? Shall we do it and jeopardize the success of this the greatest of all enterprises the world has ever known?

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit an interruption?

Mr. CULLOP. I have not the time.

Mr. SULZER. The officials of the Government who know most about it say just to the contrary.

Mr. CULLOP. No; the gentleman says that, and every ship-subsidy advocate in the country says that. This is their claim and it should be exposed so that every citizen of this Republic may know the facts. Let us treat in this great matter all the people fairly.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Georgia—the committee amendment.

The question was taken; and on a division (demanded by Mr. MANN and by Mr. KAHN) there were—ayes 83, noes 43.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Certain amendments were offered to this section when the bill was under consideration before. Are not those amendments now to be taken up and disposed of?

The CHAIRMAN. The judgment of the Chair is that those amendments ought to be taken up and disposed of at this time.

Mr. ADAMSON. Mr. Chairman, if the Chair will pardon me, if he will refer to the RECORD he will find that permission was given only to gentlemen to file amendments if they desired. There was nothing compulsory about it. There was nothing about fixing the order of consideration.

The CHAIRMAN. That is true.

Mr. ADAMSON. They were simply permitted to file them and have them printed and have them considered as pending. It does not violate the usual rule of procedure at all. We are still entitled to have the committee amendments and the members of the committee recognized first. We are still entitled to adopt the usual course of first perfecting the text before taking up substitutes.

Mr. MANN. That is very true, but when amendments are pending to perfect the text they must be disposed of before other amendments are offered. There are several amendments now pending to perfect the text.

The CHAIRMAN. The judgment of the Chair is that the best thing to be done at this juncture is to recognize the gentleman from New York [Mr. GOLDFOGLE] to offer his amendment which he presented a few days ago.

Mr. MANN. Under the order heretofore adopted that amendment is now pending.

Mr. GOLDFOGLE. Mr. Chairman, I now offer the amendment which I offered a few days ago, and which I asked the Clerk to report.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amend, section 5, on page 5, by inserting between the word "Panama" and the word "which," on line 9, the words "and also coastwise vessels registered under the American flag, plying only and exclusively between ports in the United States."

Mr. ADAMSON. Mr. Chairman, I offer the following amendment to that amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4 of amendments to section 5, H. R. 21969, offered and printed May 18, 1912, add at the end of the amendment proposed by Mr. GOLDFOGLE the following:

"*Provided*, That before passing through the Panama Canal without paying tolls the owner or master of any such vessel shall agree with the governor of the Panama Canal as to the cash value of such vessel, and the tolls which would have been due on said vessel if not remitted under this section shall be charged up against such vessel on each passage, and when by successive free passages through the Panama Canal the remitted tolls so charged up shall equal the agreed value of the vessel, such vessel shall immediately become the property of the United States and shall be taken possession of by the authority of the President, and either assigned to one of the departments of the Government or sold and the proceeds covered into the United States Treasury: *Provided further*, That the owner or master of such vessel shall keep it insured for the benefit of the owners or the United States, or both, as their interests may appear, so that in case of loss of such vessel the remitted tolls so charged up shall be paid therefrom."

Mr. ADAMSON. Mr. Chairman——

Mr. GOLDFOGLE. Mr. Chairman, am I recognized?

Mr. ADAMSON. I do not care anything about the order of debate.

Mr. GOLDFOGLE. I have no objection to yielding to the gentleman if the Chair will recognize me after the gentleman from Georgia takes his seat.

The CHAIRMAN. The Chair recognizes the gentleman from New York now.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I want to discuss this subject for a moment, not from the standpoint of sentiment and loud-sounding claims and meaningless claims, except that they mean something about patriotism and the flag. I assume that a great many of the gentlemen who want preferential tolls for American tolls are honest and sincere about it, and when they say the main object is to furnish a naval auxiliary that they are honest about it. I assume they do not want to rob the Treasury by diverting the tolls and hampering the greatest enterprise that ever was on earth and choke it to its knees and starve it for three or four years by giving preferential tolls to a private interest. I assume they are all honest in their profession, and therefore I offer them an opportunity to give a quid pro quo for a free passage through the canal. Every other proposition that I have ever seen offers the Government an opportunity to buy ships at a high price fixed by a fixed board of arbitration; after 50 years of peace they rot down so the old hulks amount to nothing. Now, under this amendment, if they accept in tolls the amount agreed upon for the price of the ship, then they are free of tolls until they have used up the value of the ship in free tolls, and it makes it then the property of the Government of the United States, and it would look like some fairness and some quid pro quo. If they do not agree to that they plainly state to the people of the United States—I do not mean those Members of Congress, but I mean the little Ship Trust and the little coterie of capitalists who control both the railroads and ships, playing their money into one or the other, as the profit may seem to invite, and playing the Treasury and the people all the time. Here is 1 per cent of our population engaged in shipping, and with the same amount of money in ships of flags of other countries, they would be as patriotic and "holler" as loud for other flags under which they were making money. They come and try to divert from the Public Treasury money that ought to go into it as tolls, which ought to go toward the operation and maintenance of the canal, which has shortened the distance 10,000 miles——

Mr. MADDEN. Will the gentleman yield?

Mr. ADAMSON. I have but five minutes and no one else can have but five minutes. No; if these gentlemen are fair, if they mean to be patriotic, if they mean to be honest while they are choking down this great enterprise and hampering it with their selfish claims, let them say we will agree to give you the ship as soon as the free tolls pay for it and then they will have credit for honest profession, then we will have ships as auxiliary to the Navy for the use of our Government. If they will not do that, they stand before us as beneficiaries confessed as making a bold demand for a bonus out of the Treasury as one can contemplate, because they think they can easily throttle the Government and this great enterprise and hold it up until we grant the demand, and they say you can easily give it to us, because folks are not looking and it does not look like you are actually taking money out of the Treasury and giving it to us. I desire to extend my remarks in the RECORD, Mr. Chairman, by inserting a statement of Messrs. Baker & Co., of Baltimore, to show us how rich the shipowners are to become, richer than Monte Cristo, rich beyond the dream of avarice, and calling upon us to take advantage of free tolls and organize a ship company through the canal. [Applause.]

The matter referred to is as follows:

PROSPECTUS OF THE ATLANTIC & PACIFIC TRANSPORT CO.—CAPITAL STOCK AUTHORIZED $15,000,000.

The Panama Canal will be opened to the commerce of the world in 1913.

The Atlantic & Pacific Transport Co. proposes to establish a line of steamers from New York, stopping at Charleston or Savannah or both, also from New Orleans through the Panama Canal to San Diego, San

Pedro (Los Angeles), San Francisco, Astoria (Portland), and Seattle, and return.

The business opportunity for the development of enormous traffic is exceptional. The plan of organization of the company guarantees that every man's dollar will receive its full interest in the property.

* * * * * * *

RAIL TRANSIT COSTLY.

The rates which the railroads are obliged to charge on these various shipments range from $16.80 a ton on wine (75 cents per 100 pounds) to $33.60 a ton on hops ($1.50 per 100 pounds) east bound; and from $11 a ton on steel rails to $67.30 a ton on clothing and dry goods (not otherwise specified) west bound. All rates are from any Pacific coast point to any point east of the Mississippi River or east of Buffalo and vice versa. On citrus fruits or deciduous fruits the rate is $1.15 per 100 pounds, which is equal to $25.76 a ton weight. [Note: The railroad ton is 2,000 pounds and the steamship ton is 2,240 pounds.]

MILLIONS SAVED.

In the case of citrus and deciduous fruits alone the saving in expense owing to the difference in cost between all rail and all sea transportation through the Panama Canal will amount annually to between $15,000,000 and $20,000,000, according to the size of the crop. Experience in handling this class of traffic in the north trans-Atlantic ocean trades for over 25 years on the part of some of the incorporators of the Atlantic & Pacific Transport Co. has been such as to justify the statement that this traffic can be carried from Los Angeles to New York through the canal by a modern steamer of 16 knots speed, with refrigeration, at not over $7 a ton if no canal dues are charged, and net a handsome profit for the steamer. Similar savings, ranging from 50 to 75 per cent of the present rates charged all rail, will be possible in the case of the other commodities mentioned with the Panama Canal opened to commerce.

TIME OF TRANSIT.

The average time in which freight is now transported by rail from coast to coast is from 18 to 21 days. Sixteen-knot steamers through the Panama Canal can transport the same freight, allowing for stops at intermediate ports, in 16 days.

The object of comparison is not to disparage the present means of transportation, but to show that the cutting of the Isthmus of Panama by the United States Government will make these savings possible for the first time in the history of the world and to show the enormous traffic which by reason of the efficiency and cheapness of the service will inevitably avail itself of this route at paying rates.

AMPLE BUSINESS FOR ALL.

The inauguration of water competition between the Atlantic and Pacific coasts will ultimately be more of a benefit than an embarrassment to the transcontinental railroads. It will, of course, stimulate commerce between the seaboard cities at rates that the railroads will be unable to meet, but that very activity will force its way into the interior which the railroads alone can serve.

The lower rates prevailing at the seaboard cities by this route will insure lower prices at the interior cities. The railroads must transport this freight to the interior, and will therefore reap a compensating benefit for any loss of transcontinental traffic.

We have but to point to the evolution of our shipping on the Great Lakes to show that it was the very business that the Lake steamers took from the railroads that created the towns and cities on the Lake shores, which in turn brought the railroads more business than they lost. History will repeat itself in the conditions bound to arise after the opening of the Panama Canal.

It need only be added that the navigation laws of the United States prohibit foreign steamers from engaging in commerce between the ports of the United States, so that the present enterprise is secure against competition from foreign steamers. The recognized necessity for maintaining the control of the means of transportation between ports of this country insures the permanence of these laws and regulations.

(B) COASTWISE.

The steamers of the Atlantic and Pacific Transport Co. will be American in construction and ownership and will not only engage in trade between the Atlantic and Pacific ports of the United States, but will also stop en route at intermediate ports transporting passengers and freight to and fro upon both the Atlantic and Pacific seaboards. The company will engage in this business to the extent possible without interference with the movement of the transcontinental traffic, as the revenue therefrom can be developed to considerable proportions.

* * * * * * *

ANNUAL PROFIT OVER $2,500,000.

The officers of the corporation expect that the company will earn and pay not less than 10 per cent dividends a year, besides setting aside a conservative sum to cover depreciation.

Conservatively estimated, the profits on 1,000,000 tons of freight a year, added to the revenue of the mail contracts, now advertised for by the Postmaster General, will result in an annual profit of at least $2,500,000, leaving $1,000,000 a year, after the payment of a 10 per cent dividend, to apply to depreciation and insurance. This estimate does not take into account the profits from the passenger business and from other sources that will be developed by the company.

The relative cheapness of steamship transportation as compared with railroad transportation will furnish ample margin to secure this profit and still greatly reduce the rate from the present standard, giving the people the benefit of the reduction.

The operations of the company will begin with the opening of the canal in 1913, and the directors believe the line will begin to earn profits at once and will pay dividends within one year thereafter.

Mr. KAHN. Mr. Chairman, I have listened attentively to the debate, and I have heard a great deal said about the provisions of the Hay-Pauncefote treaty and their effect upon this legislation. I believe our country has been looked upon by the rest of the world as a Nation of altruists. Since our entrance into the family of nations we have been doing things unselfishly for the benefit of mankind. As early as 1815 Commodore Stephen Decatur destroyed the power of the Barbary pirates, in Algeria, Tunis, and Tripoli, and the countries of Europe thanked us for the good work. Later on, on December 2, 1823, President Monroe announced his famous doctrine that we would look upon the aggression of any European power on American territory as an unfriendly act. The world has tacitly accepted that doctrine. In 1898 we went into Cuba in the great cause of humanity, and gave liberty to the oppressed people of that island. A year or two ago, in the cause of human justice, we returned our indemnity to China. To-day we are helping the Republic of Santo Domingo in solving its financial difficulties. But despite these evidences of altruism, there is not a single nation in the world that believes we are crazy enough to spend $400,000,000 in constructing this canal without giving an advantage in the matter of coastwise shipping to our own citizens. [Applause.] And the time to settle the question as to our rights in the premises is now, on this bill, the first bill that attempts to regulate the commerce of that canal. If there be any question about our rights under the treaty, let us settle it now. It will undoubtedly be determined in our favor. If we wait 10 years, as has been suggested by the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], I apprehend other countries will certainly raise the question of our rights under the treaty.

"Your own Congress refused to legislate in your favor for fear that you did not have any rights under the treaty," will be said by the chancellories of the civilized world.

And the matter will then probably go to The Hague tribunal for adjudication. And we will be bound by the decision, even though it should deny our contention. But if we pass this legislation now—if we tell the world that we intend to stand on our rights, in my judgment there is not a country in the world that will deny our rights. [Applause.] I hope, Mr. Chairman, that the amendment offered by the gentleman from New York [Mr. GOLDFOGLE] or the substitute offered by the gentleman from Michigan [Mr. DOREMUS] will pass. Let us settle this question now. Let us settle it right. It was our money that built the canal. It is our undoubted right to give a preference to American ships that have occasion to use the Panama Canal in the coastwise trade between Atlantic and Pacific seaboards.

Mr. Chairman, this proposition of free tolls to American ships in the coastwise trade means much to the American merchant marine. I believe that free tolls will encourage the building of American ships for this trade. The building of American ships means auxiliary cruisers and colliers for our Navy in time of war. It was the historic cruise of the battleship *Oregon* all the way around South America to Santiago de Cuba, during the Spanish-American War, that helped materially to bring about the legislation for the construction of the Panama Canal. It is only a few years since our battleship fleet, in its cruise around the world, gave a practical demonstration of the weakness of our merchant marine to all the nations of the earth. For it was a fleet of foreign merchant vessels, carrying foreign flags, that acted as colliers for our battleship fleet. In case of war we could not procure the services of similar colliers. We clearly need American ships. Let us by our votes to-day do something for the upbuilding of an American merchant marine. Let us not neglect this opportunity. And I feel confident the great majority of our countrymen will approve and applaud our course.

Mr. HAMLIN rose.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is recognized in opposition to the amendment.

Mr. HAMLIN. Mr. Chairman, it seems the committee ought to meet this proposition just in the position that it presents itself to the House. It seems to me this question of free tolls is the very worst kind of ship subsidy. I am surprised that gentlemen upon this side of the House would say that they are opposed to ship subsidy in any form, and yet, after we have already given the coastwise trade an absolute monopoly on the carrying of traffic from coast to coast, they come to us and ask us to give them free tolls through the canal. That is the worst form of subsidy possible.

Gentlemen, if you will just be reminded of this one fact, the tolls that the committee seeks to fix down there are fixed on the basis of the actual cost to the Government of putting these ships through the canal. Now, somebody will be compelled to pay that cost. Are you going to levy that cost upon all the taxpayers of this country—every man, woman, and child throughout the entire Nation—rather than to place it upon the ships that are already protected by the existing law, giving them an absolute monopoly in this coastwise trade? I do not believe that this committee wants to do anything of the kind, but if there are those here who feel that the coastwise trade ought to have free tolls, then how can you object to the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment of the gentleman from New York [Mr. GOLDFOGLE]. If after these private ship companies have enjoyed the privilege of free tolls, have passed through the canal often enough that the tolls amount to the value of the ship already agreed upon between themselves and the Governor of the Canal Zone, that then the ships, having been paid for by the United States

Government in the remission of tolls, shall then belong to the Government and be assigned to the Navy, or to any other purpose for which the United States Government may desire to use them.

Gentlemen, do not mistake this fact. When you vote to exempt these ships, you are voting a subsidy into the hands of the special interests of this country. No man can deceive himself upon that proposition; and in the time I have been here—not attributing to any Member upon this floor any mala fidese—it seems to me that the time has never yet presented itself since I have been a Member when some one has not arisen upon this floor and advocated something that is to the benefit of some of the special interests in this country. You can not call a rose by any other name and make it smell differently. You give to the coastwise trade of this country free tolls, you take the money out of the Treasury of the United States contributed by all the people of all this country, and you place it into the treasury of the special interests, and you can not get away from that proposition. The canal must have the toll to pay the actual expense of putting these ships through the canal. Every ship put through there, in the judgment of those in a position best to know, will cost approximately $1 per net ton. As the chairman of the committee in charge of this bill so well said to-day, ships can not be put through under the officers of the ship, but must be taken charge of by officers or representatives of this Government when they approach the canal. Upon each lock will be placed four electric engines to guarantee the safety of the ship as it goes through. There are innumerable expenses that attach to the passage of these ships through that canal, and it is estimated that that cost to the Government will be in the neighborhood of $1 per net registered ton. Somebody will have to pay that. Who will it be? The shipowner or the people of this country?

Mr. DICKINSON. May I ask the gentleman a question?

Mr, HAMLIN. Yes; if you will make it short. I have not much time.

Mr. DICKINSON. How do you reach the conclusion of the estimate of $1 a ton? Do you include the interest on the $400,000,000?

Mr. HAMLIN. Oh, no; only for the operation and maintenance of the canal. The estimate we reach is by statements made to us by men who have studied the question, and who know, approximately what the cost is going to be in putting these ships through the canal. We are not seeking to make a profit down there in the sense of a private enterprise, but your committee does not believe that the Government ought to operate and maintain that canal at a loss to the people. Then, these tolls are reached on the basis of actual cost of operation and maintenance. The question up to this House is this, divorced of everything else, How are you going to pay that expense out of the Treasury of the United States? Are you in favor of ship subsidy or opposed to it?

Mr. BORLAND. Mr. Chairman——

Mr. HAMLIN. I can not yield now; my time is too limited. I am sorry, but I can not control the time. If you give these ships free tolls, the cost of putting them through the canal must be contributed by everybody, in order to place that money into the treasury of these privately owned ship companies, who have already been given a monopoly by the Government of the United States in the coastwise trade. Or are you going to make these ship companies pay their toll along with the other ships?

Mr. MANN. Mr. Chairman, I make the point of order that all debate on this question is exhausted.

The CHAIRMAN. The point of order is sustained.

The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

Mr. MARTIN of Colorado. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. Was the debate held by unanimous consent?

Mr. MANN. There are plenty more amendments.

Mr. MARTIN of Colorado. This amendment may determine the merits of this controversy on this point.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 52, noes 63.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

Mr. SIMS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Tennessee [Mr. SIMS] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

Mr. KAHN. Mr. Chairman, in the meantime I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The Clerk read as follows:

Amend the Goldfogle amendment by adding "and that section 4347 of the Revised Statutes as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic or on the Pacific through the Panama Canal."

Mr. SIMS. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee want recognition?

Mr. SIMS. Yes; to discuss my amendment.

The CHAIRMAN. For 20 minutes?

Mr. SIMS. Yes, sir.

The CHAIRMAN. The gentleman from Tennessee is recognized for 20 minutes.

Mr. SIMS. Mr. Chairman, I offer this amendment in good faith. It is not offered with the intention of loading down the bill, and if my amendment to the amendment offered by the gentleman from New York is voted down I am going to offer my amendment to the text of the bill, and if it is voted down there I am going to offer it to the Doremus substitute; and I am going to offer it in every way that is within parliamentary practice to offer it, and endeavor to have a vote on it in every way I can.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. SIMS. I do.

Mr. GOLDFOGLE. Does the gentleman understand that my amendment does not touch foreign ships at all?

Mr. SIMS. I understand; but I am going to make it touch if my amendment becomes a law.

Mr. Chairman, I want to make the committee understand what this amendment is stripped of its verbiage. The amendment is drawn so as not to repeal the coastwise navigation laws in any respect whatever in all trade in which it now applies. It applies only to freight going through the canal, moved in foreign bottoms, from a port on the Pacific or on the Atlantic through the canal to a port beyond the canal. In other words, it is making the ports of the Pacific foreign as to the ports of the Atlantic and the ports of the Atlantic foreign as to the ports of the Pacific to vessels using the canal.

Mr. Chairman, it is only 2,800 miles, I believe, from New York to Liverpool. We have no flag flying over an American vessel going to Liverpool. All our traffic, all our transocean freight, is carried by foreign vessels under foreign flags. Every passenger that goes abroad goes under a foreign flag. Yet when we are going to carry freight or passengers from a port on the coast of Maine to Seattle, on the coast of the State of Washington, through the canal, that is tax built, in a foreign country, a distance of 6,000 or 7,000 miles, you say no foreign vessel shall have an opportunity to do that service.

The coastwise navigation laws constitute a monopoly to American ships; an absolute monopoly. There is, in fact, no competition to-day from port to port on the Atlantic coast. Let me read to you for a minute from the hearings:

Here is a gentleman who came before our committee when we had this bill under consideration with reference to the fixing of tolls. I want to read to you who he is and his position. I read:

Statement of Mr. H. H. Raymond, vice president and general manager of Clyde Steamship Co. and Mallory Steamship Co.

That is on page 534 of the hearings. He starts out by telling you what he is—vice president and general manager of these two coastwise companies. Now, that of itself, if read no further, shows that there is absolutely no competition between those two companies, although they are both in the coastwise trade, and they have a perfect monopoly as against any foreign vessel.

Now, then, they have had this monopoly for no one knows how many years, perhaps exceeding the life of any man here. Have they built up an American merchant marine on the Atlantic coast, where this monopoly exists? It should be borne in mind that our coastwise laws extend around Cape Horn to

the Philippine Islands, to Porto Rico, and Hawaii. Who is getting the benefit of this monopoly?

A shipbuilder from New England came before the committee and wanted free tolls, and I will tell you why he wanted them. He said he wanted them because they would encourage the building of American ships large enough to use the Panama Canal when it was completed. He said that the present coastwise navigation of this country was done in ships too small, with few exceptions, to be operated in the canal, and wanted free tolls in order to induce the building of ships large enough to operate through the canal.

Now, gentlemen come here from California and Washington, from the Pacific coast, and say they have been railroad ridden and railroad oppressed. I do not question the sincerity of their statements, for I do not know the facts myself. They say they want free tolls in order to increase the competition as against the transcontinental railroads. The gentleman from Washington [Mr. HUMPHREY] made an able and exhaustive speech. He showed that the amount of freight that will be carried through the Panama Canal from the Pacific coast will be very small in comparison with the transcontinental freight carried by the transcontinental railroads from the same coast, and the gentleman from Washington said that this $1 a ton, or whatever it might be, would not only be added to the charge for transportation through the canal, but would be added to all the transcontinental freight going across the country, and would be put into the pockets of the railroads.

How a Republican could make such a speech as that and then vote for a protective tariff I do not understand. Still a Pacific coast gentleman can do a great many things. It looks like he could not get to Congress from that country without being a Republican, and that he could not be an honest man on this question without being a Democrat. [Laughter.]

Now, I am proposing by this amendment to help the Pacific coast people that they will be absolutely benefited by it and at the same time to increase the receipts of tolls through the canal. How do we increase competition? Only by increasing the opportunity for competitors to use the canal. We need not be afraid of the railroads if we adopt my amendment.

Mr. MADDEN. What does the gentleman's amendment do?

Mr. SIMS. It relieves the foreign vessels going through the canal from coastwise restrictions.

Mr. MOORE of Pennsylvania. In other words, you repeal the navigation laws.

Mr. SIMS. It relieves foreign vessels from them when going through the canal. It does not repeal the navigation laws, but it fails to extend them to this new waterway.

Mr. GOLDFOGLE. Will the gentleman from Tennessee yield?

Mr. SIMS. I will.

Mr. GOLDFOGLE. Does not the gentleman raise the question in the Hay-Pauncefote treaty?

Mr. SIMS. I am not making an argument in reference to the Hay-Pauncefote treaty. Now, if you people of the Pacific coast want real competition, why do not you invite the vessels of the world to go through this canal? Why not give the transcontinental railroads real competition? Then you can strike out all railroad provisions in this bill because the railroads will not be able to throttle the competition of all the world that will seek this trade.

How does any Democrat justify this monopoly in the coastwise trade who does not believe in protection, who does not believe in taking the money from those who have it and giving it to somebody else without return of equal value, for that is what protection is. It makes no difference whether you allow the vessels to go through toll free or whether you take the money out of the pockets of the taxpayer and pay the tolls back after it is paid by the ship. That is a mere dodge, as the effect is the same.

There is not, at this time, one particle of competition from port to port between any coastwise ship company and any other. They do not so much as make the same ports. The Mallory Line starts out from New York and does not land a passenger or a pound of freight at any port where another ship lands.

I do not see that it makes a bit of difference whether the lines are railroad owned or are not railroad owned, if my amendment is adopted, for those that are not railroad owned now do not compete with each other any more than those that are railroad owned.

Mr. KAHN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. KAHN. Does the gentleman from Tennessee believe that if his amendment were adopted a single American ship would pass through the Panama Canal?

Mr. SIMS. Yes; I do; every one that is worthy of the name of the flag it bears.

Mr. KAHN. Does not the gentleman know that if his amendment were adopted there is not a single American ship that could compete with foreign ships in that trade?

Mr. SIMS. Why?

Mr. KAHN. Because it does not cost so much to run them. They have cheaper crews, cheaper construction, cheaper insurance; everything that applies to a ship is cheaper in the foreign country.

Mr. SIMS. And they will carry the freight cheaper, will they?

Mr. KAHN. No; I do not think they will.

Mr. SIMS. Whenever the gentleman tells me that foreign ships will enter the trade and drive every American ship out without reducing the freight charges he presents a problem that my dull head can not comprehend. Where is the gentleman's logic? [Laughter.]

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SIMS. I will.

Mr. JACKSON. There seems to be a misunderstanding as to the effect of the gentleman's amendment. Would it permit foreign ships engaged in commerce on the Atlantic coast to pass through the canal to ports on the Pacific coast?

Mr. SIMS. That is exactly what it means.

Mr. JACKSON. Would foreign ships taking freight from New York to San Francisco be allowed to pass through without paying tolls?

Mr. SIMS. No; it would pay tolls, but would be permitted to pass through the canal and carry passengers or freight from one port to another if it passes through the canal in doing so.

Mr. JACKSON. It is to furnish competition in the coastwise trade?

Mr. SIMS. Yes; and it does not make any difference as to railroad-owned ships. Whenever people talk about the American flag in nine times out of ten what they really mean is the American dollar. The real purpose is to take out of the pockets of the people American dollars under the cry of patriotism and the American flag. If you want to do something to reduce freight rates, and that will really increase competition, give all the ships of all the world an opportunity to serve the people of the Atlantic and the people of the Pacific the same opportunity as the foreign ship has to serve them between Liverpool and the United States.

Let me ask you, my friends, what is the Pacific? It is a vast waste of water. Hawaii and Australia are the only countries in the Pacific. Australia belongs to England and English vessels and always will. Hawaii is a small affair, so to speak. And to-day we have an American company carrying freight from Hawaii to the Atlantic ports. Does it use the American Government-owned railroad? It does not. The American-Hawaiian line to-day uses a foreign railroad, under the Mexican flag, and gives one-third of all its receipts in order to use the Mexican flag rather than the Panama Railroad, which is operated under the American flag. It is true that the president of the road says that the facilities of the Panama Railroad are not sufficient. But let me tell you, when we build that canal at the expense of the American taxpayer, and should the Tehuantepec Railroad offer a rate that will enable the coastwise shipping companies to use it at 50 cents a ton cheaper than to go through our own canal for nothing, they will do it.

The dollar is what they are after. They never cry the American flag except when they are trying to hide a sinister motive behind it. Why not vote for free and absolutely untrammeled competition, that can never be throttled, by allowing all the tramp vessels of all the world and all the steamers of all the world, if they want to do so, to take freight from the Atlantic coast and deliver it from port to port on the Pacific coast and pay the tolls and thus help the people get back part of what they will lose on the canal, and at the same time have real competition which your transcontinental railroads can not and will not even attempt to throttle?

My friends, we have a big job on hand. If we absolutely wipe out and give away the $400,000,000 and undertake to provide for actual current expenses in the maintenance and operation of the canal, and the maintenance of the military force there made necessary by reason of the canal being there, all the shipping that is in prospect for the next 25 years, coastwise and all other, will be absolutely necessary in order to pay current expenses accruing year in and year out; but our friends, our free-toll friends, say to us, "Pay our tolls for us, and at the same time give us a monopoly of all the coastwise business, although we have been unable so far in all the hundred years of our life to cause any competition between each other from port to port."

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. GOLDFOGLE. Would not free tolls on coastwise trade mean the cheapening of transportation and result in the cheapening of goods to the consumer?

Mr. SIMS. Have the coastwise navigation laws given to the people of the Atlantic coast from port to port freight as cheap as it can be carried by water? Not a bit of it. Will they do better than they have done heretofore? Whenever you make the canal an open roadstead, free of charge or otherwise, it is just as easy for the same companies or any other to go into business and to have a gentleman's agreement, or act as though they had one, and vessels of one line leaving the port of New York would anchor simply at San Francisco and nowhere else, and others would anchor at Seattle and nowhere else, and companies on the Pacific would land their vessels at particular but separate ports on the Atlantic and nowhere else—with not a particle of competition. Let me say to you that the American coastwise lines will have an advantage even if you permit all the vessels in the world to compete with them. The have an established good will. They have a trade already built up. They have arrangements made with the railroads reaching the ports they put into to carry and distribute the freight, and the foreigner would have no such advantage.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ADAMSON. Mr. Chairman, I move to close debate in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that debate on this amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I can hardly believe that it is necessary to oppose the amendment advocated by the gentleman from Tennessee [Mr. SIMS] who has just spoken. His proposition is to admit foreign ships to the coastwise trade, something that no commercial nation on earth does to-day. Every nation reserves its coastwise trade for its own ships, not only from a commercial standpoint, but as a protection to the nation itself as a matter of common defense. This has been the policy of this Government from its foundation. If the result of the Panama Canal should be the admission of foreign ships to the coastwise trade, I would look upon it then as one of the greatest calamities that has ever befallen our country. I can not and do not believe that any considerable number of this House favor such a proposition. I am opposed to this amendment for another reason, because it would not give us competition as the gentleman from Tennessee [Mr. SIMS] has asserted. I call the attention of the committee to this fact: That it is a matter of common knowledge that every foreign ship to-day that is engaged in carrying our overseas trade belongs to some conference, ring, or combine. Between the ships in these combinations there is no competition. Rates are fixed by agreement. The rate that every passenger and that every ton of freight must pay to go from this country to Europe is fixed in advance by agreement made in Germany. Freight and passenger rates between here and South America are fixed by agreement. If once we admit the foreign ship to the coastwise trade, as soon as the American ship disappeared—and the American ship would disappear immediately—then these foreign ships would do exactly in this trade as they have done in the foreign trade—combine and raise freight rates to the highest point that the traffiic would bear. Not only this, but these foreign steamship combines to-day have an understanding with our railroads, and if they controlled the commerce through the canal they would soon make a combination with our railroads so that instead of foreign ships being admitted to the coastwise trade, producing competition, they would absolutely destroy it. In other words, to admit foreign ships to the coastwise trade would destroy the very purpose, from a commercial standpoint, for which the canal has been constructed.

Mr. MARTIN of Colorado. Is the gentleman's time sufficient to permit an interruption there?

Mr. HUMPHREY of Washington. No; I regret it is not. We have had some experience with these combinations of foreign ships on the Pacific coast. A few years ago we had considerable sailing tonnage under the American flag on the Pacific. We were sending much of our freight from the Pacific ports to Europe by these sailing ships. As soon as the American ship had disappeared to an extent where it was safe for them to do so, the foreign ships immediately combined. This occurred about five years ago. As soon as this combination was perfected it raised freight rates over 400 per cent. It immediately increased the rate on a ton of wheat sent from Seattle to Liverpool from $1.25 to $5.60. This rate was afterwards increased to $6.90 per ton, and no vessel in the combine was permitted to take freight for less than this amount, and several ships last summer left Seattle in ballast rather than carry freight for less than $6.90 per ton, although before the combine was formed they were willing to do it for $1.25.

We have had some experience with foreign ships in carrying coal for the Government from the Atlantic to the Pacific coast. When foreign ships were first employed we had a few American ships. Then the foreign ship carried the coal for $3.25 per ton. The American ship has disappeared and the foreign ships now charge $6.25 per ton. These two illustrations clearly demonstrate what would occur if we were to admit foreign ships to the coastwise trade. Once our flag had disappeared and our shipyards were destroyed we would be compelled to pay these foreign ships a far higher rate than we now pay our own ships. On the contrary, after the Panama Canal is opened and a larger number of coastwise vessels engage in this trade, freight will be greatly reduced until we will carry our own commerce in our own ships as cheaply as it can be done in foreign ships. The history of American shipping on the Great Lakes demonstrates the truth of this conclusion. If the amendment proposed by the gentleman from Tennessee [Mr. SIMS] should be adopted there would not be a single shipyard left on the Pacific coast within 12 months. Its adoption would mean the complete disappearance of our flag from ships, not only upon the high seas, but also in our coastwise trade. It would mean that our shipyards would become desolate places, and that not only commercially would we be at the mercy of foreign nations, but we would be helpless in time of war. If for no other reason, we should preserve our coastwise trade exclusively for American vessels as a matter of common defense. If foreign ships are to be admitted to the coastwise trade, then it would be far better for the Pacific coast and for the entire country if the Panama Canal had never been constructed.

I want just briefly to reply to the gentleman from Georgia [Mr. ADAMSON], the distinguished chairman of the committee, and to other gentlemen who have been charging that those in favor of a free canal for coastwise ships desire to pay a subsidy to coastwise vessels. Such statements are entirely without any foundation in fact or reason. The other day I made the challenge to any gentleman who made such statements to name any witness who had appeared before the committee in behalf of coastwise vessels and asked for remission of tolls. I repeat it now. As I have before stated, it would make no difference to ships in the coastwise trade whether they paid tolls or not. If they paid the toll they would add it to the freight rates and the consumer and the producer would pay it. The gentlemen who have spoken about free tolls being a subsidy to ships in the coastwise trade have a great deal more confidence in those who would run those ships than have I. They seem to think that the owners of these ships would themselves pay the toll. I have no such belief. The ships that would pass through the Panama Canal are a monopoly—a monopoly created by the Government—and under such circumstances the owners of these ships, if they pay the toll, will see that it is passed on to the consumer. I wish, while I have the opportunity, to say just a word in regard to the charge that has been made by certain gentlemen on the floor of the House, that the Pacific coast is selfish in demanding a free canal for coastwise ships. This charge has especially been urged by certain gentlemen from Minnesota, Dakota, Wisconsin, and that portion of our country. Now, it so happens that on the Pacific coast we raise wheat, and wheat is raised in the group of States mentioned. On the Pacific coast we raise barley, and barley is raised in the group of States mentioned. We raise dairy products, and dairy products are produced in the group of States mentioned. We sell all these products in the same market that the products in the group of States named are sold. In other words, we are competitors with the products of these States. Yet the products from the group of States to which I have referred have a thousand miles of water upon the Great Lakes and through the Soo Canal to reach this common market. This canal through which their products pass is owned, controlled, and operated by the Government, and has been constructed at the expenditure of millions of dollars of the public money. The Great Lakes have been improved by the expenditure of millions of dollars taken from the Public Treasury yet no tolls are charged on vessels using these waters. The gentlemen from that portion of the country to which I have referred insist that the Government furnish them water transportation for their products free, and although we on the Pacific coast are many thousands of miles farther from the common market, they insist that we shall not be permitted to use the waterways constructed by the Government without paying tolls. Are we selfish in asking to be placed upon an equality with our competitors? Does it lie in the

mouths of the gentlemen from that section of the country to charge that the people from the Pacific coast are selfish in asking for a free canal for domestic commerce?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. SIMS) there were—ayes 44, noes 66.

So the amendment was rejected.

The CHAIRMAN. The question next recurs on the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

Mr. MARTIN of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. Does not the amendment of the gentleman from New York [Mr. GOLDFOGLE] raise the question of free tolls upon its merits, and a vote on this proposition will dispose of this entire matter one way or the other.

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry. All debate is closed on this question.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. GOLDFOGLE) there were—ayes 33, noes 80.

So the amendment was rejected.

The CHAIRMAN. The Chair thinks the next amendment would be the one offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The amendment was reported as follows:

Strike out all after the word "Canal," page 5, line 6, down to the word "Canal," page 6, line 5, and insert:

"Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.25 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however,* That in fixing the charges for the use of the canal, the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further,* That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama), observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

Mr. MANN. Mr. Chairman, several amendments and propositions have already been presented which involve the matter of preferential tolls or no tolls on American merchant marine passing through the canal. I do not desire to aid in any way a division of votes upon such an important question, and as I shall support and vote for the Doremus substitute in the hope that it may be adopted and in the belief that it will, speaking generally, accomplish the purpose which would be accomplished by the amendment which I propose, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The next amendment is the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. SIMS. Mr. Chairman, before the substitute is offered, I offer an amendment——

The CHAIRMAN. May the Chair suggest to the gentleman from Tennessee the first vote would probably come on the substitute offered by the gentleman from Michigan [Mr. DOREMUS], and then the gentleman can offer his amendment on the subject.

Mr. SIMS. But I am offering this amendment to the text of the bill.

Mr. MANN. When the gentleman from Tennessee offers an amendment to the substitute it, of course, would have to be voted upon before the substitute.

Mr. SIMS. This is an amendment to the substitute and is an amendment to the text.

Mr. MANN. If it is an amendment to the substitute, of course the amendment has to be voted upon before the substitute.

The CHAIRMAN. Certainly; but the substitute must be presented.

Mr. SIMS. I want to offer an amendment to the text of the bill to which the substitute will apply.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 5 add the following:

"That section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

Mr. SIMS. Mr. Chairman, as I have discussed the same proposition, I do not wish to take up the time of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the Doremus substitute.

The Clerk read as follows:

Substitute for section 5 the following:

"SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903: *Provided, however,* That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The toll for each passenger shall not be more than $1.50. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

"Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation."

Mr. GOOD. Mr. Chairman, I desire to offer an amendment to the Doremus substitute.

The CHAIRMAN. There is an amendment pending, by Mr. SIMS, of Tennessee.

Mr. GOOD. Then I withdraw my amendment for the present.

Mr. SIMS. Mr. Chairman, I wish the amendment I offered the other day to be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend substitute proposed by Mr. DOREMUS as follows:

"That section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment proposed by Mr. DOREMUS the following: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and insert in lieu thereof the following: "Tolls shall be levied upon vessels engaged in the coastwise trade of the United States at the estimate of the proportionate cost of the actual operation of the canal which shall be determined by the United States Commerce Commission."

Mr. GOOD. Mr. Chairman, the substitute offered by the gentleman from Michigan [Mr. DOREMUS] provides that no tolls whatever shall be levied or collected from vessels engaged in the coastwise trade of the United States which pass through the canal. The amendment which I have offered provides that tolls shall be levied to the extent of the actual cost of docking vessels

through the canal. It seems to me we should meet this question fairly and should not attempt in this manner to grant subsidies to our coastwise vessels without saying we are granting subsidies to them. [Applause.] Every dollar that it costs the Government of the United States to dock a coastwise vessel through the canal, if we adopt the amendment offered by the gentleman from Michigan, is a subsidy pure and simple. [Applause.] It makes no difference what we call it, it is a subsidy. There is no reason why these vessels that are engaged in the coastwise trade, which enjoy a monopoly in the shipping industry in the United States, should not at least pay what it actually costs the Government of the United States to dock the vessels through the canal.

The amendment which I have offered does not call for a penny of return on the investment. It does not call for a penny of expenditure in the maintenance or operation of the canal, except what it actually costs for docking those vessels through the canal. And it seems to me that this great shipping monopoly ought not to ask anything more than this, and that we ought to adopt this amendment because it is fair. It is fair to the shipping industry, it is fair to the interior of our country, which in the end will be obliged to pay the subsidy that we will grant if the gentleman's amendment is adopted.

Mr. CANNON. Then the gentleman is opposed to this substitute?

Mr. GOOD. I am opposed to granting it in this way.

Mr. CANNON. It is the size of the baby that the gentleman objects to?

Mr. GOOD. No; it is the name of the baby that I am objecting to. If you are going to grant ship subsidy, let us say it is ship subsidy, and not let us pass this bill granting this subsidy substantially under some other name.

Mr. CANNON. Does it charge a smaller amount to pass a ship through the locks?

Mr. GOOD. I think my amendment gives a preference to the coastwise trade that is not granted to the foreign trade, and that is all this amendment would give.

Mr. CANNON. It does not include maintenance, however. It does not include the troops down there, and it does not include the interest on the indebtedness?

Mr. GOOD. No; and it does not include sanitation.

Mr. CANNON. It may be a colored baby, but a very small one. It is a smaller subsidy.

Mr. GOOD. I will say to the gentleman from Illinois [Mr. CANNON] that I accept this as the lesser of the two evils. I fear that if coastwise vessels are allowed to pass through the canal without the payment of tolls the cost of locking these vessels through the canal will in the end be borne by the interior shippers. We will be confronted with this situation: When the canal is thrown open for commerce there will no doubt be a spirited competition between the railroads and vessels engaged in coastwise trade between Atlantic and Pacific coast points. At least this measure contemplates such competition. Let us suppose that there will be such competition. Let us assume also that the competition will be such that the railroads, in order to transport freight from San Francisco to New York City, and vice versa, will be compelled to transport it at a price equal to or less than the cost of carrying it. The railroad companies carrying such freight at a rate less than the cost of carrying it will be compelled to recoup this loss from shipments in other territory. Obviously they can not recoup this loss on transcontinental freight or freight which has water competition, and the only place where the transcontinental roads can recoup this loss is from the interior shipper. The benefits which the owners of coastwise vessels will receive must be paid for, then, by the interior shipper. The adoption of the provision for free ships makes this very unnatural condition possible.

It has been pointed out in this discussion that the annual cost to operate the canal will be in the neighborhood of $4,000,000. Its operation will require the employment of about 2,500 men. Practically all of this cost and all of these men are required to operate the machinery of the locks of the canal, and it is certainly not asking too much to require the coastwise vessels to pay their proportionate share of locking their ships through the canal.

Mr. COOPER. Mr. Chairman, I have been very much entertained to-day in observing the vigor and frequency with which the word "subsidy" is being used here in an attempt to frighten gentlemen who believe that coastwise traffic in American ships through the Panama Canal ought to be free. Gentlemen shout "Subsidy!" "Subsidy!" at those of us opposed to tolls on coastwise traffic. As for myself, I have outgrown the age when a mere epithet has any terrors. "Subsidy!" There is no more of subsidy in letting American coastwise ships go through that canal free than there is to letting them go from port to port down the Mississippi River free, the Government having expended approximately $120,000,000 upon that river for improvements, and now expending annually $1,000,000 in appropriations for maintenance. [Applause.]

Wherein is there any distinction? If there be any distinction, let gentlemen point it out. Is it a subsidy to allow coastwise ships to go through the Soo Canal free, or to enter New York Harbor free, or to go down the Ohio River free? This word "subsidy" has been used for over a hundred years in this country by those opposed to any Government system of internal improvements, and especially to improvements of rivers and harbors.

It is the very argument that confronted Henry Clay and Andrew Jackson and other statesmen who believed with them that, on grounds of high public policy, this Government has the right to improve the waterways of the country, not because such improvement is for the benefit of any particular class of our citizens, but because it cheapens transportation to all the people and so is for the good of all the people. [Applause.]

Let any gentleman on this floor who says that we are "subsidy" men distinguish between boats going free of tolls down the Mississippi from St. Paul to St. Louis or Memphis or New Orleans, and letting them go free of tolls from New Orleans through the canal to San Francisco or Seattle. That canal is about 40 miles long. Suppose that it were cut through a range of hills 40 miles wide in Iowa. What, then, would be thought of a proposition to charge tolls, amounting to a tariff wall, between different sections of this Republic? I am for protection against the poorly paid labor of China and the underpaid labor of other countries, but I am for absolute free trade between every part of the Atlantic and the Pacific coast line of the Republic of the United States. [Applause.]

Putting tolls of $10,000 or $12,000 upon an American ship carrying American goods under the American flag, going through that American canal, is, in effect, only putting $10,000 or $12,000 of tariff upon the goods. You Democrats are accustomed to declare that the amount of a tariff on goods from Europe, if collected at New York, is added to the price of the goods. Is it not added to the price of the goods if collected at the Panama Canal on a ship going from New York or New Orleans to California? How do you Democrats answer that question? How do Republicans answer it—men who have always demanded free trade between the States?

The argument made here about subsidy was one of the arguments used by friends of the transcontinental railroads during the first terms of my service in this House to defeat every effort in Congress to provide for a canal to connect the Atlantic and Pacific Oceans through the Isthmus. And, Mr. Chairman, we have been told here of the great work of these railroad companies and of the great amount which their officers invested in building them across the continent. We have heard of this for many years. And yet it is a fact that none of those men really contributed one dollar to build either the Central or the Union Pacific roads.

The Government gave the Central Pacific $48,000 a mile over the mountains, $32,000 a mile for other portions, and $20,000 a mile for all of it. The Patterson commission of 1887 reported that the cost was only $22,500 a mile. These sums per mile all came from the Government.

Then the Government allowed them to issue first-mortgage bonds on the Government land grants to the roads equal to the total amount which the Government itself gave them through its own bonds. Gov. Stanford himself admitted that they had enough money from their own bonds and the Government bonds to pay for their railroads. The commission of 1887 made an investigation and reported that the proceeds of the Government bonds and of the first-mortgage bonds on the land grants supplied every dollar spent on the Central Pacific. The same is substantially true also of the Union Pacific.

Nobody wishes to do these roads any harm, Mr. Chairman; I have taken time simply to call attention to the facts about the alleged investments of their officers. [Applause.]

I have three times voted against ship subsidies. But the proposition before us is not one of that character.

Mr. MARTIN of South Dakota, Mr. STEENERSON, and Mr. KENT rose.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, when I became a candidate for Congress I promised my people that I should never cast a sectional or a partisan vote, but should consider myself an American Congressman, and, therefore, in the interests of the whole country, as I see them, to preserve the sanctity of treaties, to expedite and free commerce, and to justly place

the burdens of commerce, I am here to speak against free tolls for coastwise or other American ships. [Applause.]

The question of whether the granting of free tolls is a subsidy or is not a subsidy, whether or not such a doctrine is a rose under some other name—the name of the beloved or hated subsidy—is not of any particular interest. The canal has been a very real expense in its costs of construction upon all the people of the United States, and it will be a very real expense in its cost of maintenance and operation.

The granting of free tolls to our coastwise ships would mean one of two things: Either that the remission of such tolls would yield greater profits to the ships engaged in such traffic or that the rates of freight carried by these ships would result in lower rates between the producer and the consumer. I believe that with the great difference that exists between the cost of rail transportation and the cost of ocean transportation that ships would easily be enabled to put their charge where the tolls would make little or no difference to them and that the ships would absorb all the benefits of such privilege. They would naturally put their rates as close to railroad rates as possible, except in the case of commodities not portable by the railroads.

But even granting that the producer and the consumer of certain coastal parts of our country should obtain a petty benefit from this remission of tolls, such advantage would be at the expense of the people of other portions of our country, who having paid their share in the cost of the construction of the canal, would be uniformly taxed for the maintenance of the canal should there be any deficit.

If we call this an opportunity to stimulate our merchant marine in order that it may be an adjunct to our Navy, it would seem that we are likely to enter upon fallacy. I should not object to a ship subsidy that was solely for the purpose of establishing in a merchant marine an adjunct to our Navy, a means of furnishing men and ships in case of war. But I believe that when we come to consider such a subsidy, granted for war purposes, we must see to it that there must be such safeguards put about such a law as would insure the obtaining of men suitable physically and mentally and by citizenship for naval service; that they should be subject to proper naval drill, so that in case of war they would be of a sort that we could rely upon as naval recruits. As regards ships, if the Government of the United States needs any American ships, our Government can condemn them and take them for war purposes, and there can be no contention that the Government has not in the past and would not in the future pay liberally for them.

I am not interested in analogies based on river and harbor bills. Everyone knows that a difference in degree creates difference in kind. What was a meritorious policy in the matter of river and harbor appropriations at one time has become a grab bag and an abuse, and everyone knows it. It is now time to call a halt. The most logical argument in the favor of subsidizing country roads upon which are rural routes was based on the analogy to a swollen river and harbor bill. That was the only excuse that could be offered to justify a perennial and an unjustifiable and a heedlessly disbursed local grab from the Federal Treasury. Every time we enter upon any form of such extravagance we lead to other forms of the same thing. This proposition of "free tolls" is really a policy of subsidy, which no one has demonstrated that it is not. A policy like this, to my mind, is leading to the wrecking of real State rights, of home rule, and local self-respect. It is a policy leading more and more to a leaning upon the Federal Government for daily bread, and I believe our institutions will have trouble in standing before it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I should like to have the attention of the House for a few minutes while we consider something about what it means to pass these ships through this canal, whether the ships are engaged in coastwise commerce or are engaged in any other commerce.

The gentleman from Wisconsin [Mr. COOPER], with great eloquence, talked about the free passage of these ships through the canal as though it did not cost anything to anybody to put them through after this enormous expenditure by the Government in the construction of the canal. As a matter of fact, there are three sets of locks on each side of this canal, of about 1,000 feet in length each. The ships have to be put through those locks, and they have to be lifted 85 feet up one side and lowered 85 feet on the other side. They are not handled in the locks at all by their own power. The locks are handled, in the first place, by tremendous electric power, and in the second place, the Government is ordering 48 large electric locomotives to pull these ships through the canal. The gentleman from the coast States, after having had constructed for them this canal, at the expense of the entire people—a great undertaking, that will cost not less than $375,000,000——

Mr. COOPER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Wisconsin?

Mr. MARTIN of South Dakota. I regret I have not the time.

Mr. COOPER. Is the gentleman aware that there will be 46 locks on the Ohio River, and that the boats there will have to lock through?

Mr. MARTIN of South Dakota. We have enough to attend to at Panama without bothering about the Ohio River now. I want the gentleman to understand this proposition: Who will pay that expense? It seemed to the committee that the expense should be apportioned to the commerce enjoying the benefits of the canal rather than be imposed as a tax upon the entire people. The mere interest on this entire obligation amounts to no less than $10,350,000 a year. It is difficult to say what it will cost to pass a ship through those locks. It depends somewhat on how many ships the traffic will bring.

Why, the gentleman talks about analogies as to coastwise commerce and the conditions in ports. Our own boats can not get into the port of New York without being stopped at Sandy Hook and pulled in by tugs and paying the expense of being pulled in, but here is a proposition that after the American people have constructed a great enterprise that will reduce the cost of transporting freight from the Atlantic to the Pacific at least $4 a ton, these gentlemen come, and, in addition to that, demand that we shall pull the boats through the canal, and that they shall not bear even the expense intended to be provided by the amendment of the gentleman from Iowa. It seems to me, in the face of what the country is doing for the commerce of the entire world, what it is doing for the coastwise shipping, the only transportation agency under American control that has anything like a monopoly, that it is on its face a colossal and superlatively selfish proposition for them to enjoy the only transportation monopoly allowed under our system of American laws, and then insist in addition to that that the traffic tax imposed on American ships, not for permitting the boats to go through the canal but to cover the cost of taking them through shall be given them. [Applause.]

Mr. GOOD. Will the gentleman yield?

Mr. MARTIN of South Dakota. If I have time.

Mr. GOOD. If the gentleman from South Dakota wants an analogy, would it not be a better one to say that if the Government of the United States owned the railroads, then it ought also pull the trains free of charge?

Mr. MARTIN of South Dakota. The Government has owned for some time the Panama Railroad, and has been collecting the necessary expenses of transporting some of this same commerce across it, and still we have not known of any American citizens rising in their ambition and in their desire for further gain to suggest that the Government ought not to impose tolls upon that transisthmian commerce. [Applause.]

Mr. STEENERSON. Mr. Chairman, for more than 50 years a demand has come from all parts of the American people to encourage the merchant marine engaged in foreign trade. Some schemes have been advanced for postal subsidies, some for discriminating duties and direct subsidies. The reason for this demand has been that the ships in the American shipyards cost more than those that are foreign built; that it costs more to run them than it does to run foreign ships; and that therefore they had to compete with cheaper built ships and cheaper paid crews.

Has anybody ever heard of a demand for a subsidy or aid to domestic merchant marine, who have no competitors? Not at all. [Applause.] It would have been unreasonable to ask it if they had. This is the first time in the history of the American Congress that anybody has ever demanded any assistance from the Treasury for the domestic merchant marine; that is, those in the coastwise trade.

If you grant this concession, what will be the result? You will be discriminating in favor of that part of the American merchant marine which has no competitor and against that part having competition. [Applause.] You who are against subsidies, can you resist the call when they come and say, "You have subsidized the local, domestic merchant marine that has no competition, that has nobody to run prices down, can not you give us some encouragement to enable us to compete with coolie labor and cheaply built vessels?" You can not resist that demand, because it will be founded in justice, and you are laying the first foundation for ship subsidies. Mark my word, if you pass this amendment that demand will come.

Another result of concession of free tolls to the domestic merchant marine will be that you are giving coastwise vessels of ten or twelve thousand tons capacity a bonus of $10,000 or $12,000 on each trip through the canal, and you tax the American merchant vessel engaged in the foreign trade bound for a foreign port for going through the canal because they are competing with cheaply built vessels and cheap labor. [Applause.] Therefore you increase the disadvantage of the vessels that have competition and give a bonus to those that have no competition. The proposition is so absurd that I wonder it has not been withdrawn long before this. [Applause.]

The proposition for free tolls to our domestic vessels using the Panama Canal is nothing more nor less than a demand for a subsidy for those vessels. Why should they be given such a subsidy? Not because it costs more to build or operate them than it costs to build and operate competing ships, because there are no competing ships. It must be, therefore, on the ground that it costs more to carry freight and passengers by the water route from the Atlantic to the Pacific coasts than by rail across the continent, because the transcontinental roads are the only competitors in that traffic. But if the land route is cheaper, then, there never was any commercial reason for building the canal. The truth is that the water route, even with the highest proposed tolls, will be much cheaper than the rates by land, and will cut present land rates in two.

Free tolls will not rehabilitate our merchant marine in the foreign trade, because it is not proposed to include that trade If we are going to give the public the benefit of competition of the canal route, then it could be done by granting free tolls to American ships in the foreign and coastwise trade and then exclude the trade between Atlantic and Pacific ports from the coastwise laws. Then foreign vessels could engage in it and compete with our ships, but not on equal terms, because our vessels would have the advantage of free tolls.

This would, together with the right to register foreign-built ships, not only encourage our foreign-going shipping, but give the people the benefit of the fullest competition and compel the lowering of transcontinental railroad rates. [Applause.]

Mr. SLAYDEN, Mr. Chairman, when the American people spent $400,000,000, or approximately that sum, in building this great canal and presented it to the world for the promotion of commerce, they did, it seems to me, everything that could be reasonably expected of them. It will perhaps cost as much as twenty or twenty-five and I have heard it estimated thirty million dollars a year to maintain that canal.

Mr. KNOWLAND. Will the gentleman yield?

Mr. SLAYDEN. I can not yield.

The question that confronts us at this moment is by whom and how that heavy annual charge for the upkeep of a canal built by all the people is to be met. It seems reasonable and just to assess it against the traffic that goes through the canal itself. Thus those who primarily benefit will pay it. Of course, it is not going to be paid by the ship itself. Every charge against the transportation line or ship will be put on the commodity carried. We all know that we can not avoid that law of trade by any law of Congress. Any burden that we impose on carriers, whether on sea or land, will be immediately transferred to the articles carried. If that could not be done, the weaker transportation lines would soon be put out of business, and as a result of our legislation the people would find themselves at the mercy of monopoly. The fact that the toll will be put on the cargo carried is no argument against it. In my judgment, sir, the proper procedure is to make a reasonable charge against traffic through the canal. By the shipping companies it will be charged to the articles carried, and thus finally be paid by the people who gain by the use of the canal. Assuredly, sir, the commerce that goes through the canal, which it gets without cost of construction, can afford to pay, and should be made to pay, for its maintenance. [Applause.]

It is proposed, as was clearly shown by the gentleman from Minnesota [Mr. STEENERSON], to offer an additional advantage to the trade that already enjoys a peculiarly beneficial monopoly. Our coastwise shipping has the enormous advantage of an exclusive right to trade between the ports of this country. [Applause.] In common fairness more should not, and more need not, be done for it in order to maintain it in prosperity.

If there were no other good and sufficient reason for charging a fee for the use of the canal, I would still do it in the interest of all the taxpayers of the country, who paid for it and who, in most cases, will receive so small a benefit from it that it will hardly be traceable.

To grant the free use of the canal to the coastwise trade, and only to that trade, would be a discrimination in favor of a branch of shipping that already enjoys a law-made monopoly and does not need this additional favor. Our people are now taxed needlessly to maintain that monopoly. Let me illustrate: The North German Lloyd Co. operates a line of steamers between Bremerhaven and Galveston. West bound those steamers touch at Baltimore to discharge passengers and cargo. They are not permitted, when they resume the voyage, to take on cargo for Galveston. That privilege is reserved at a higher figure for the monopolistic coastwise lines that it is now proposed to grant this additional benefit to at the expense of the American people. If the German line from Bremerhaven to Galveston were allowed to trade from port to port, east and west bound, our people would have lower freight charges for the carriage of their fruit, cotton, and meats. I do not feel disposed under these circumstances to give any more advantages to the coastwise lines.

But, Mr. Chairman, there is another and higher reason why we should not grant the free use of the canal to any ship or line. We are solemnly pledged by treaties with other Governments not to do so. We have agreed to maintain equality of conditions in the use of the canal.

It is hard to believe that gentlemen can be serious when they urge a violation of the terms of a solemn treaty.

It would be reprehensible in an individual, and it is neither decent nor honest in a Government. There ought not to be a different standard of honor for individuals who make up a nation and for the nation itself.

Now, I believe, sir, that it is just as proper, just as essential for the Government to keep its plighted word as it is for an honorable individual to do so. I do not believe that in the eyes of the world, and in the understanding of all honest, fair-minded men, we can any more afford to disregard our international obligations, our solemn treaties, and maintain the respect of foreign Governments than an individual could do the same thing in private life. If we are not to stand before the world convicted of insincerity, if we are not to be met with incredulity when we propose treaties, we certainly ought to keep our plighted faith with Great Britain and the other Governments of the world in respect to the use of this canal.

We do not have in Central America the best reputation in the world for maintaining our treaty obligations, and my vote will never be given to further discredit this country in that respect and in that section of the world. [Applause.]

Mr. COVINGTON. Mr. Chairman, the amendment now offered to the bill to provide for free tolls to American vessels in the coastwise trade passing through the canal is aptly described by the gentleman from Wisconsin [Mr. COOPER] as in no sense a ship subsidy. The time has gone by, as he states, when the mere characterization of an act by an epithet should deter gentlemen on the floor of this House from meeting squarely any issue.

I have been for some time in doubt about the propriety of granting free tolls because of the question involved in the construction of the treaty with England by which we established our right to build the canal.

I was constrained to consider for some time the argument so forcefully advanced by the gentleman from Minnesota [Mr. STEVENS] that the treaty prevented discrimination in favor of American vessels in domestic trade in the matter of canal tolls. It impressed me, but I have come to the conclusion that the United States, when it negotiated with England the Hay-Pauncefote treaty, never, in fact, intended to surrender the absolute right to control its domestic commerce, no matter through what waterways it may or may not pass. [Applause.] We must recall that to-day American vessels in the coastwise trade, sailing from the Atlantic to the Pacific coast, that have passed around the Horn or through the Straits of Magellan and up the Pacific coast, are within the laws relating to coastwise trade already passed by Congress. These vessels travel 10,000 miles, largely through foreign waterways, and yet not for one moment do those vessels cease to be subject to all the regulations of the coastwise trade.

When we recall the history of foundation of this Government, when we look at the prime constitutional ideas that established the American Nation, we must understand that free and unrestricted intercourse between the States was very much the basis of creating this Nation in its present form and with its constitutional limitations. There is no man in this Hall who knows the history of the foundation of the American Nation who does not know that the Annapolis Convention was conceived in the idea that the restrictions on trade placed by the various Colonies and States before the Revolution and under the Articles of Confederation were sapping the vitality of the country, and one of the earliest and strongest purposes of the founders of the Constitution was that there should be a government that could forever guarantee free and uninterrupted

intercourse between the States. You may to-day start a cargo in New York through the great canals of the State of New York, land that cargo at Buffalo, transship it by steamers that are the equal of ocean steamships, and land it at Duluth. You may then send it by transshipment from Duluth to the Pacific coast, and there is not one dollar of embargo, not one tithe of toll, placed upon that cargo of freight. The American Nation has in the last 40 years expended $625,000,000 in river and harbor improvements in this country for the benefit of free trade between the States, and I say that it has rightfully made that expenditure in order that this Nation may be bound together from coast to coast and from the Canadian line down to the waters of the Rio Grande. But, Mr. Chairman, there is no more right for us to say that those expenditures should have been made in order that trade between the States may pass freely than there is now to say that we shall now expend money to construct a canal which shall make possible freer intercourse between our States on the Atlantic and the Pacific coasts. [Applause.]

The argument of the gentleman from South Dakota [Mr. MARTIN], when he calls attention to the cost of the Panama Canal, is not sound or well stated. It was developed, Mr. Chairman, in the hearings before the Committee on Interstate and Foreign Commerce, that the most tonnage that can pass through that canal annually in the next decade will be 1,000,000 tons of domestic commerce, and that, at a maximum rate of $1 per ton, will yield the amount of $1,000,000 annually in tolls. When we speak in sums of money on the floor of this House in connection with the management and maintenance and protection of this canal, $1,000,000 becomes an insignificant part of the total sum. When we take into account the interest upon the bonds issued for construction and then take the cost of operation and the cost of protection of the canal, the question of the levy of $1 a ton upon only 1,000,000 tons of traffic in the coastwise trade using that waterway becomes so relatively small that it ought not seriously to weigh with gentlemen in this House when they are determining whether or not they want to provide for our domestic commerce through that canal in strict accordance with the great American principle of free intercourse between the States; and I want to assert in conclusion that, believing it is Democratic doctrine to guarantee at all times the free intercourse between our States, and that it is sound policy that this Nation should not fetter but encourage the commerce between any sections of it, I support the amendment. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I have been surprised, I might say astonished, at the position which some gentlemen have taken with reference to the construction of the treaty in question here. When the words of a treaty solemnly entered into between two nations are quoted, what answer is it to say that we paid for the canal and dug it? What answer is it when the terms of our bond are read to us and when they are before us to say that the canal cost us $400,000,000 and that now we will manage it to suit ourselves? When two nations, through their plenipotentiaries, discuss the terms of a treaty and that treaty is presented on our side to the Senate of the United States and this very proposition which is now before this House, namely, the discrimination in favor of our coastwise trade, is presented to that body as an amendment and it rejects it, what answer is it now to say that we have dug the canal, that we have paid for it, and that we will do with it as we please? And that, too, after having obtained in this very treaty permission that we might build this canal, for such were the terms. The word "may" is used in the treaty. And now is it to be said in answer to the provisions of the treaty that we will do just as we please with it? What else is that than insult to a friendly nation? What answer do gentlemen give to the argument that has been made? What can they claim these words in the treaty mean other than what they do say? What gentleman has given any other construction, taken from the words themselves, that could be put upon the language which is stated in the treaty? The treaty says that the canal shall be opened to vessels of commerce and of war of all nations observing these rules on terms of entire equality——

Mr. SULZER. The Secretary of State says foreign nations, and that is agreed to by the representatives of every foreign Government on earth.

Mr. GREEN of Iowa. Mr. Chairman, I can not yield to the gentleman. The gentleman had his own time. Do "all nations" mean other nations than the United States—"all nations" observing these rules? The United States is one which observes the rules. Does "entire equality" mean a difference of tolls on the canal? And what do the other words of the treaty mean? It says that there shall be absolute equality in respect to conditions and charges of traffic and otherwise, that there shall be no discrimination. The terms are made as broad as they could be made. "Otherwise" means in all respects; there shall be absolute equality as far as traffic through the canal is concerned. So reads the bond, so reads our agreement. No one has offered any other construction to be placed upon these words.

Mr. SULZER. I have, and so has the Secretary of State.

Mr. GREEN of Iowa. The gentleman has not stated how or why. I wish to say further——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PAYNE. Mr. Chairman, I am somewhat surprised at my friend from Iowa and my friend from South Dakota and my friend from Minnesota that they have not read the lesson of the Erie Canal, built by the State of New York at an expense almost equal, when the present improvement is completed, to the entire expense of the Panama Canal. [Applause.] Now, the State built that canal and the people in Iowa got cheaper freight for their corn and their cattle coming to the markets of New York, and the constituents of the gentleman from South Dakota and the people of Minnesota got cheaper freight rates for their wheat coming into the State of New York to compete with the little wheat fields in my district up there in the country. But they got it at the expense of the taxpayers of the State of New York, who put every dollar needed in the construction of this Erie Canal, and who not only have opened it free of tolls to the boats that carry these products from the people of those States, but the operating expenses are borne, every farthing, by the State of New York. [Applause.] They come in here as a last resort and want to know if the United States is to charge for the putting of these boats through the canal. We did not hesitate about that. Our people voted it, and some of them voted it when they knew that the products of the people of your State would come in competition with the products of the farmers in our own State. And yet they do not seem to learn this lesson. Why, my people went back and thought that the framers of the Constitution and of the Government knew what they did, and that the main cause and the moving cause of the Union of the States grew out of the question of commerce between the States, and they wanted to remove every friction; and that lesson lasted more than 100 years, and my people were glad to have the facilities afforded by the Erie Canal given to the commerce of the country. [Applause.] To say it benefits——

Mr. SHERLEY. Will the gentleman yield?

Mr. PAYNE. I can not. Unlike the gentleman, this is the first time I have spoken on this subject. You say it benefits the city of New York and the city of Buffalo. It does in a way; it helps the farmers of my State in getting the products cheaper into the city of New York, for we find the rates on the railroads are reduced because of the existence of that canal. But you want to remember that from Buffalo the wheat that comes from your State and every bushel of corn that comes from your State and every head of cattle that comes from your State into the East reaches those markets at a cheaper tariff because the State of New York has built that magnificent canal, which now, when completed, will have a draft of 12 feet of water. Now, you higgle and haggle here over a little amount of charge that you may give to the people of the Pacific coast, if you please, because interstate commerce is to go through the Panama Canal. You talk about the price in extravagant terms that it will cost to run this canal. I understand the total cost of operation and sanitation will not exceed $4,000,000, and with the estimate of commerce to go through this canal, in excess of 10,000,000 tons at $1.25 a ton, the entire expense will be paid twice over if you allowed every pound of freight coming from the Pacific coast to go through free. The fathers, when the Constitution was formed, contemplated that no tribute should be paid on anything coming from one State to another. [Applause.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, as my distinguished colleague from Auburn, N. Y., has based his argument upon the Erie Canal, I take the liberty of stating the exact facts about the Erie Canal, and will draw a conclusion which clearly differentiates it in principle from the Panama Canal. [Applause.] The Erie Canal was opened up to navigation in 1826, before the New York Central had gotten started, in order to help move traffic from one end of the State to the other. Very soon after that the New York Central Railroad began to develop, first by owning several small railroads—one was the Utica & Syracuse, another 50 miles long—and after awhile the great Cornelius Vanderbilt took it up and connected it into one line, called the New York Central. And then, after they got one line established, the New York Central built two tracks, and then three tracks, and then four tracks.

Mr. PAYNE. Will my colleague yield?

Mr. MICHAEL E. DRISCOLL. Well, I have but five minutes.

Mr. PAYNE. Just for one question. I would like to know why they built the Erie Canal to the city of Buffalo and made an entrance into Lake Erie?

Mr. MICHAEL E. DRISCOLL. That is not material. I want to state the facts. After awhile, after the four tracks on the New York Central, the West Shore was laid parallel with the canal—parallel with the Central—so that two lines of tracks and the canal went from one end of the State to the other, and were confined to a zone not wider than a mile. Now, the New York Central by degrees developed its business, until it reduced the cost of carrying freight and cut into the canal business so that the boatmen could not pay the tolls and live. My friend does not say that from the time the canal was started in 1826 until 1883 it paid tolls all the time. [Applause.]

He leaves that out. It paid tolls until the time came when by this fierce competition they could not pay tolls any longer. Then, in 1883, the tolls were taken off and the canal was made free. Now, where is the similarity? Why, this canal furnishes such a benefit to coastwise ships through it that they could pay $6 a ton for their freight going through and make more money than they are making now. They do not need it. They can make all the money they want to and they do. The toll is negligible. They all admit that these ships can drive the railroads out of the traffic from coast to coast if they wish to do it. We do not need to help them. They want this subsidy, and I repeat it for the gentleman from Wisconsin, it is a subsidy and an appeal to the American flag in order to prejudice people in favor of this graft. [Applause.] The American people who built this canal with American money and American genius and American enterprise should have a little benefit of it. I say the people generally should have a little of that benefit and that less than 1 per cent of them, who are greedy and selfish beyond description, should not have it all. [Applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized, according to the agreement, for 20 minutes.

Mr. BROUSSARD. Mr. Chairman, I purpose to discuss the proposition submitted to the House by the gentleman from Michigan [Mr. DOREMUS] without in any wise attempting to decry those gentlemen who do not agree with me upon this proposition.

I should like to make the statement on this proposition as fairly as I am able to make it, and in order that I may do so I desire to read just a few words from the original proposition regarding the toll matter as is included in the bill now under consideration, and the amendment submitted by the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], adopted by the House committee a while ago:

No preference—

Says the bill—

shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or its subjects, other than vessels—

And so forth.

The amendment adopted reads:

The rate of toll shall be uniform upon all vessels excepting the official vessels of the Government of the United States.

And so forth.

Now, primarily, the difference between the propositions submitted by the majority of the committee and the substitute offered by the gentleman from Michigan [Mr. DOREMUS] is simply a difference as to whether there shall be any tolls imposed upon vessels doing the coastwise business of this country, which, of course, is entirely in American vessels, and vessels traveling through the canal belonging to all of the nations of the world, including American vessels engaged in foreign trade. The first objection to the proposition embodied in the bill, which is not at all cured by the amendment of the gentleman from Georgia, adopted by the committee this afternoon, is to this effect, that vessels engaged in coastwise trade, all of which are exclusively American vessels, should be enabled under this law to go through the canal without having tolls imposed upon them. And the proposition embodied in the original words of the proposition in the bill and the amendment as adopted by the House contemplates that vessels engaged in coastwise trade shall also bear the tax or toll imposed upon other vessels going through the canal. Now, the proposition originally included in the bill, as well as the amendment adopted by the House to-day, is, in fact, an interpretation of the treaty under which we were permitted to build this canal.

In my opinion foreign nations have no concern whatever, so far as our coastwise navigation laws are concerned, in what enactment may be made by this Congress relating to coastwise trade, whether that trade goes through the canal or otherwise, because no foreign vessel is permitted to engage in our coastwise trade. Only American vessels are permitted to engage in that business, and I do not see how it is possible for anyone to construe the fact that we propose to permit vessels in which no foreign nation has any interest whatever, in which they never have had any interest since the enactment of the coastwise navigation laws of this country. I do not see how any of these nations can possibly be interested in any legislation which may be enacted by this or any future Congress, so long as these laws are extant upon the statute books.

But the interpretation is, that by the proposition in the bill and by the amendment adopted to-day it would in the end foreclose us from giving any preference to any vessel engaged in the coastwise trade or any American vessel engaged in commerce upon any sea of the world. And it does not make a particle of difference that this amendment was intended that we should not be held to have construed the treaty.

The fact remains that, no matter at what time we may determine otherwise hereafter, if the committee's idea shall prevail in this bill, we may undertake to relinquish the right of this Government to collect tolls upon American vessels, whether engaged in coastwise or foreign trade, the nations competing with us in the carrying of foreign trade hereafter will hold that this forecloses us in rebating in behalf of our own shipping to vessels going through the canal. And I hold, if this proposition is carried in the bill, not only will it not permit us to decide for ourselves as to our own shipping along the coast in which no foreign nation can take part, but foreign nations will quote this as an acknowledgment on the part of the American people that we have no right to rebate the tolls that may be collected upon vessels that may be engaged in coastwise or foreign shipping.

Now, if there is any doubt as to whether we have a right to remit tolls—and I shall not speak of subsidies at this time, because I propose to deal with that subject a little later—but if there is any doubt as to whether we have the right, in so far as coastwise traffic is concerned, to rebate in favor of traffic going through the canal, I may quote a decision of the Supreme Court of the United States in regard to charges on vessels entering the ports of this country.

Some years ago a treaty was made between this country and England by which it was stipulated that British vessels entering the ports in this country should not be charged any more for that privilege than should be charged for American vessels engaged in the same trade.

A statute was passed by Congress and a law was enacted by the State of Texas, and when a British vessel entered the port of Galveston the port authorities, acting both by virtue of the law enacted by Congress and of the law enacted by the State of Texas, charged pilotage upon an English vessel, pilotage which had not been charged upon an American vessel. The Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., p. 332), quoted in part in the report of the minority, decided, through Chief Justice White, then an associate justice on the bench of the Supreme Court, that the coastwise business of the United States was of no concern to the vessels of foreign nations engaged in business in this country, and that in this case the laws of Texas and the laws of the United States put a legitimate burden upon them despite the treaty between the United States and England, which could not affect their traffic, and that this warranted the authorities of our country in excluding from the operation of the United States laws and the Texas statutes the charges upon vessels of the United States not only on those engaged in coastwise traffic, but as well those engaged in world-wide traffic.

The Supreme Court of the United States maintained that doctrine, so that I do not see how it is possible for anyone to contend that there is ground of complaint because a foreign vessel going through the canal carrying traffic which it can not take up in any port of the United States for delivery in any other port of the United States, is treated in a way different from the way in which our coastwise vessels are treated.

I do not see how it can be claimed that these have a just ground for complaint. The owner of such a foreign vessel can not complain that he is being discriminated against in favor of a vessel the character of traffic from which he is already excluded by law and from which it is excluded at this time of the cutting of the canal. The fact that an American vessel doing business between ports in the different States of the Union and doing business that is purely interstate is receiving a preference can not be the basis of complaint on the part of any vessel not permitted by law to participate in such commerce.

So far as I am concerned, I am in favor of allowing every vessel flying the United States flag to go through the canal without paying any tolls at all. I stand upon that proposition.

But we who have been opposed to any tolls upon vessels doing a coastwise business have felt that the argument which has

been ingeniously presented upon this floor to the effect that there is a discrimination that violates the treaty between England and this country might prevail if we extended the benefits of this exclusion—not subsidy—to American vessels engaged in the foreign trade, and that it might possibly by such argument bring us into complications with foreign nations at the very moment of opening the canal. We have been anxious that there shall be no complication when the canal is opened, in order that we might invite the trade of the world to go through that canal, instead of having controversies through the State Department of this Government with foreign nations engaged in foreign trade going also through the canal.

Now, I can not see how anyone can claim that there is a discrimination because of the fact that that traffic from which all nations of the world are excluded is given preference over traffic in which all other nations are permitted to participate. Why should any nation claim that it is being deprived of rights which it possessed because of the fact that vessels engaged in traffic between the States, in which they are not permitted to engage at all, shall have preference, in so far as tolls are concerned, over vessels engaged in an entirely different business, with which there can be no competition and as to which there is absolute prohibition.

Now, I understand from the debate that has occurred on this floor that gentlemen are arguing that we ought to impose tolls upon American vessels engaged in the coastwise trade, because we need the money. That is not borne out by the testimony before the committee. The testimony is this, that according to the estimation of Prof. Johnson, in whom everybody who knows anything about the subject has great confidence, the canal will carry, in the first year, a tonnage of over ten and one-half million tons, and of that tonnage only 1,600,000 tons will consist of coastwise traffic. The estimate of Col. Geothals is to the effect that the cost of maintaining the Canal will be only $4,000,000 a year, and that with the profits accruing to us by virtue of the fact that under this bill coaling stations, and so forth, will be operated by the Government, this cost will be reduced to $3,500,000. It is estimated that with a toll of $1 a ton a revenue of over $9,000,000 would be derived with which to operate the canal. If you exclude the coastwise trade you would still have $8,500,000, with which to pay an expenditure of $3,500,000.

Now, where is the necessity of putting on this toll? And yet gentlemen who are opposed to the granting of free passage to American ships engaged in the coastwise traffic assert that the failure to tax coastwise traffic is a subsidy. I will tell you where the subsidy is. The subsidy is not in favor of American vessels that will pass through the canals, but the subsidy is to the railroads. [Applause.] Do not talk to me about subsidies. Why, to carry the argument to a logical conclusion of the gentlemen who claim it as a subsidy to the vessels, suppose we should put a tax of $10 a ton on every vessel in the coastwise trade going through the canal, there would not be a ton go through, but the railroads would charge the American consumer every cent of the $10 in the transportation of freight and in supplying the demands of those who live on the coast just as they would those living in the interior of the country. Why, gentlemen, the subsidy is for the railroads. We put in the bill a maximum of $1.25 a ton. Everybody admits that the tax will only be a dollar in order to permit this canal to compete with the Suez Canal. Will anyone say, as the President has declared for $1 a ton, that the 25 cents not charged is a subsidy, or will it be construed as a remission of authorized charges?

The subsidy is for the railroad. No man came before the committee asking for the imposition of a tax on the steamship companies except the men who were engaged in railroad business carrying freight from coast to coast. [Applause.] The charge of tolls is the subsidy to the railroads, and those who talk of subsidy had better look to it. The American people are wise to it, and if you look at resolutions adopted in every commercial body, not only on the coast, but in the inland cities of the country, you will find that there is no one interested in these tolls but the transcontinental railroad companies. Every dollar that you add to the tax of a ton of freight that crosses through the canal enables the railroads to add the tax on a similar ton of freight in carrying it across the continent or in delivering it in the interior of the country.

Mr. SABATH. Will the gentleman yield?

Mr. BROUSSARD. Certainly.

Mr. SABATH. Is it not a fact that most of the coastwise vessels are owned by the railroads?

Mr. BROUSSARD. Yes; probably so. But will the gentleman vote with me to exclude from the use of the canal every steamship owned in whole or in part by a railroad?

Mr. SABATH. I will.

Mr. BROUSSARD. Will the gentleman stand with the American people or stand by the railroads?

Mr. SABATH. But the gentleman maintains that we are aiding the railroads by placing a tax on the vessels that are owned by the railroads. I can not understand his argument.

Mr. BROUSSARD. Let me read the gentleman a proposition in regard to section 11. Perhaps this will clear his understanding. It is my purpose, when we reach section 11, to offer an amendment, a part of which reads as follows:

> That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

Will the gentleman from Illinois vote for that?

Mr. SABATH. I have voted for that proposition and shall continue to vote for it.

Mr. BROUSSARD. I am glad to hear the gentleman from Illinois say that.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ADAMSON. Mr. Chairman, if we use 10 minutes more we shall have been on section 5 three hours, which is more time than the gentleman from Louisiana and I agreed to take. I move to close debate in 10 minutes, and I think it is fair that the gentleman from Minnesota [Mr. STEVENS] should have that 10 minutes.

Mr. MANN. The gentleman from Georgia can move to close debate in 10 minutes, but he can not allot the time. Under the rule it would have to be divided equally.

Mr. ADAMSON. Mr. Chairman, I move to close debate on this section and amendments in 10 minutes. As I say, I think it fair that the gentleman from Minnesota should have that time.

The CHAIRMAN. The gentleman from Georgia moves to close debate on this section in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. STEVENS of Minnesota. Mr. Chairman, it is one of the amusing features of this debate to notice the agony of the gentleman from Louisiana [Mr. BROUSSARD] in opposition to the terrible railroads. It is the first spasm that the members of the committee have noticed, so far, since his service on the Committee on Interstate and Foreign Commerce. When you compare the records of the gentleman from Georgia [Mr. ADAMSON], the gentleman from Missouri [Mr. HAMLIN], and the gentleman from Tennessee [Mr. SIMS], and the other majority members of that committee, I think no further argument is necessary on that proposition, or to answer the thunderings against the transcontinental railroads, which here so often are the bogie men to terrify the faint-hearted and gloss the sins of those who know what they are here for.

But there is a little matter, before I enter on the main proposition, that I wish to speak of. On page 2 of the Doremus amendment you will notice these words, in line 3, speaking of the tolls, "other than for vessels of the United States and its citizens"; describing those who will have the use of the canal, "use of the United States and its citizens." Do you know that under that language all foreign lines in the world owned by our citizens could be sent through the canal free of tolls, including that of the International Mercantile Marine, the Red Star Line, the United Fruit Co., with its 76 vessels under a foreign flag yet owned by our citizens? Under the Doremus amendment and that language all of those could be sent through the canal. I do not know whether they intended that or not, but that is the fact, and that is a joker which is cunningly hidden in the recesses of this remarkable amendment.

Mr. MANN. Of course that is not the fact.

Mr. STEVENS of Minnesota. As my colleague from Minnesota [Mr. STEENERSON] has so clearly pointed out, the coastwise trade is a monopoly now to our own vessels, and has had a monopoly for nearly 100 years, and by this amendment you discriminate in favor of the trade which has the monopoly and against the foreign trade, that greatly needs help if any industry in the world needs it. Our foreign navigation really needs our assistance, yet none is contemplated here.

Do you realize that the amendment to section 11, which the gentleman is so much in favor of, excludes railroad-owned ships from the use of the canal, and this takes away one of the principal classes of competitors in the coastwise business? The committee should know that we not only give this coastwise shipping a monopoly, but we exclude from such monopoly all railroad ships, thereby giving those who are left not only a monopoly, but a greatly restricted monopoly, by excluding all

this strong competition. We give those who are left, a small class, a restricted monopoly, a privilege granted to but few industries in the world. What more do we do? Under the long-and-short-haul section of the interstate-commerce law, as construed by the Interstate Commerce Commission, there will gradually be a system of distance tariffs in this country, and the railroads will be excluded from a very large part of the transcontinental business necessarily, because they can not meet and will not be allowed to meet the canal water rates. Such business will be necessarily thrown upon the canal traffic. The ships using the canal will be obliged to carry that great increase of business thrust upon them. Remember, those ships already have a monopoly, and, in addition, there is excluded a large part of the competition from that monopoly, and then the law in addition will compel a large part of the commerce from coast to coast in this country to use the ships through the canal. We compel that business to seek those ships. No business in the world will have so many favors thrown at it as the coastwise business of the country through the canal. No special interest will be so directly favored by law as this special and favored interest of the coastwise trade.

Next, the testimony shows that these steamship lines—there are practically only two or three—monopolize the business in their spheres. The Atlantic coastwise lines do and will monopolize that business along the Atlantic coast and exclude all competition. The line through the Panama Canal, with their big fleet of ships, will exclude competition exactly as they do now. They have the money, they have the connections, they have the terminals, they have the prestige, and they can easily cut out all competitors, because there is no regulation of them or for them provided by this bill. There is no system of minimum rates; no supervision by the Interstate Commerce Commission. So they can pursue any kind of cutthroat practice for the sake of killing competition and securing this rich field for themselves. The very moment any ordinary competition comes they can and will drop their rates and wipe from the seas any possible competition. And why? The testimony also shows that these same gentlemen who get the benefit of this amendment meet the representatives of railroad companies every time there is a meeting to fix transcontinental rates. Mr. Jackson, of the American-Hawaiian Line, and representatives of the Atlantic coastwise lines meet with the representatives of the transcontinental lines and fix their steamship rates about 20 per cent below the railroad rates—just enough to get what business they want without disturbing any of the transcontinental rates. If you pass the Doremus substitute, you will give them an opportunity to fix their rates, pocket these tolls, and enable them to catch the increase of business and eliminate competition by the failure to regulate them. Yet the plea these gentlemen make for the American merchant marine and for these lines and this system which will completely eliminate and wipe out all business competition and have a restricted monopoly on the sea and follow the railroad rates without reducing them appreciably to the people. That is the crowd you gentlemen are trying to help by free tolls.

Another thing you do is this: You give them free tolls in this same section 5—pay no share of the expenses—and provide they shall have the right to have damages if they are injured under this very section. We pass them through free. We pay the expense of free passage, and yet if they are injured in any way this very section prepares for damages for those very paupers. In every other waterway of the United States they would be obliged to come here for any claims, but you provide here in advance for rewarding and encouraging claims in addition to your subsidy of free tolls. There never has been anything like it in the history of the country. The testimony showed that the tolls on this coastwise trade would be inconsequential, perhaps from 2 to 3 cents a hundred, from 40 to 60 cents a ton. Not one single witness dared to state that that toll would be sufficient to build one single American ship—not one. Not one ship would be constructed on account of free tolls. It would simply be a big bonus to an already bloated and pampered monopoly.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, there is nothing in the criticism which the gentleman from Minnesota [Mr. STEVENS] made in regard to vessels of the United States and its citizens. That provision gives to the President the power to grant preferential tolls to American vessels flying the American flag in foreign commerce, in addition to the free tolls granted by the Doremus amendment to the coastwise trade, and that provision as it reads in the bill was prepared by the President of the United States, O. K'd by the Secretary of War and the Secretary of State, introduced by me into the House, and now for the first time has met any criticism. It is not subject to the criticism which the gentleman makes, and would not provide for free tolls for any foreign vessels or any vessels flying a foreign flag. [Applause.]

Mr. Chairman, there has been considerable feeling shown in the debate upon this subject, and I have heard gentlemen on one side talk about gentlemen upon the other side being in favor of subsidies and being under control of subsidists, and on the other side gentlemen being controlled by railroad interests. I never have voted myself for a ship subsidy, though perhaps that is a fault rather than a virtue in the minds of many of the gentlemen who have now been urging that this proposition was in the interest of ship subsidy; but if it comes to the question whether we shall decide in this House as between granting the ocean free to the American merchant marine as against the transcontinental railroads and their interests, I am in favor of a free ocean. [Applause.] Everyone knows that the great object which will be attained by the construction of the Panama Canal, if it shall be attained at all, is its effect upon railroad rates in the United States. For every ton of freight that goes through the canal and directly comes under the question of tolls, there will be a hundred or a thousand tons crossing the continent on the railways, and the rate of freight on the railroads will be controlled not only in the transcontinental shipments, but in the intermediate shipments by the rates upon the ship lines passing between New York and Portland, and no one can deny it. [Applause.] It is to the interest of the inland part of the country as well as the coastwise part of the country that we help to control and regulate these freight rates. We may pass laws about interstate commerce commissions and may confer authority as we please, but there is no power so potent in the control of railway rates as rival water lines. [Applause.] And when we construct the Panama Canal and provide in effect the rate of freight between the two oceans we will have determined for all time a regulator of railroad rates in the United States, the beneficial effect of which will go into every hamlet, every village, every city, every home in the land. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Iowa to the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Iowa [Mr. GOOD] may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 24, noes 99.

So the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. I wish to ask if an amendment to the substitute is now in order?

The CHAIRMAN. It is in order.

Mr. SULZER. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the substitute of Mr. DOREMUS to section 5 by striking out of line 5, page 1, the words "engaged in the coastwise trade" and inserting in lieu thereof the words "flying the flag"; and on page 2, after the word "less," line 2, strike out the words "other than for vessels of the United States and its citizens."

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "trade," in line 5, page 1, of the Doremus amendment, the words "and vessels of the United States registered in the foreign trade."

Mr. JONES. Mr. Chairman, I desire to say one word——

The CHAIRMAN. Debate is not in order.

Mr. CANNON. Let the amendment be again reported.

The CHAIRMAN. Debate is exhausted——

Mr. CANNON. I do not want to debate, but we failed to catch the amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. CANNON. How would it read then?

Mr. JONES. It would read, "No tolls shall be levied upon vessels engaged in the coastwise trade and vessels of the United States registered in the foreign trade." It is so as to include foreign trade.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the Doremus substitute.

The question was taken, and the Chairman announced the Chair was in doubt.

The committee divided; and there were—ayes 91, noes 91.

Mr. DOREMUS and Mr. MANN. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers [Mr. ADAMSON and Mr. DOREMUS] reported that there were—ayes 100, noes 90.

The CHAIRMAN. On this proposition the ayes are 100 and the noes are 90, and the substitute is agreed to. [Applause.] The Clerk will read section 11.

The Clerk read as follows:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"Within three months after the taking effect of this act any common carrier subject to the provisions of the act to regulate commerce which, alone or in connection with any other common carrier, transports passengers or property in connection with a water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia and makes or participates in joint through rates for such transportation shall, upon the request of any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal, provide like port facilities, connections, and joint through rates from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia for and in connection with such water carrier; and the charge for such share of such joint through rate shall be no greater sum of money than such common carrier alone, or in connection with any other common carrier, receives for the same service for transportation of passengers or property in connection with any water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia."

The CHAIRMAN. The Clerk will now report the amendment, which is in the nature of a substitute.

Mr. ADAMSON. This is unanimously reported by the committee.

The Clerk read as follows:

Amend section 11 by striking out all of the section after the word "that" in line 9, page 15, and insert the following:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"'From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.'

"Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuanace of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

"That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"'When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not germane to the bill and is not germane to the section to which it is offered as a substitute.

The CHAIRMAN. Will the gentleman from Illinois be kind enough to state his point of order again?

Mr. MANN. The bill, which is "A bill to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," contains section 11, which is a section to amend two sections of the interstate-commerce law. Section 11 in the bill is, of course, itself not germane to the bill, but that section is in the bill. That section proposes to amend section 5 of an act to regulate commerce by making certain additions to section 5 as a new paragraph in reference to the ownership of railways or common carriers of water lines and stops there. The amendment which is now offered proposes in addition to that to confer certain authority upon the Interstate Commerce Commission to determine questions of fact, authorizing the commission to institute proceedings, authorizing the commission to make certain determinations. Now, section 11 of the bill, although contained in the bill, and although having no relation to the subject matter of the bill, may be in order because it is in the original; but, certainly, when it comes to amending that, gentlemen can not go beyond the scope of the provisions in the original bill. No part of this matter relates to the subject matter of the bill and the general purpose of the bill, and when gentlemen seek to amend section 11 it seems to me they must confine themselves to matters relating to the subject matter of section 11. It does not in any way relate to the Interstate Commerce Commission or to any powers conferred upon that commission. The amendment proposes to confer power upon the commission, to authorize the commission to institute proceedings, a matter which is not in the bill at all, and I think where the gentleman introduces a bill and injects foreign matters into it that when it comes to amending the bill it ought to be confined to the provisions of the bill and not allowed to wander over the entire face of the earth.

Mr. MARTIN of Colorado. Mr. Chairman, I think a lot of gentlemen over here did not distinctly understand the gentleman from Illinois, and I wish to inquire to what provisions of the substitute to section 11 does he object.

Mr. MANN. I am not objecting to anything; I make the point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to discuss the point of order.

Mr. MARTIN of Colorado. Mr. Chairman, for information I would like to know what the gentleman makes his point of order on.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to discuss the point of order.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEVENS of Minnesota. Mr. Chairman, the point of order is made that the substitute offered by the committee is not germane to section 11 in the bill, and in addition the point of order is made that section 11 in the bill is not germane to

the general scope of the bill, but since it is in the bill it is in order. The Chairman will notice that section 11 in the bill contains the substance of the provision which was contained in the bill offered by the gentleman from Illinois himself excluding railroad-owned ships from the canal.

Mr. MANN. My bill did not propose that at all.

Mr. STEVENS of Minnesota. The general subject of section 11 is the use of the canal by a certain class of railroad-owned ships. The general subject in the amendment and in the bill offered by the gentleman from Illinois was identically that same thing, regulating the use of the canal by railroad-owned ships, so that if it be admitted that a bill regulating the use of the Panama Canal can regulate its use by a certain class of vessels, like railroad-owned ships, then section 11 is clearly within the scope of this bill to regulate how the canal shall be used, how it shall be used to promote the commerce of this country, or how it shall be used to prevent any disadvantage to the commerce of the country, and so it is within the general scope of the legislation sought.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANN. What provision is there in the bill amending section 5 of the interstate-commerce act that relates in any way whatever to the Panama Canal?

Mr. STEVENS of Minnesota. If the gentleman will wait, I am getting to that rapidly.

Now, if it be admitted that the general scope of the legislation is such that this bill has a right to regulate how the canal may be used, what classes of vessels it is desirable to exclude, what classes of vessels it is desirable to include, then, as I said, section 11 is in order. Now, if section 11 is in order, it is in order to make it conform to existing law of the United States with reference to the subject of interstate commerce.

Now, it is known by everybody—as a matter of fact, it is of common knowledge, and the Chairman and the Members must take notice of such fact—that a great many of the railroad companies of the United States own water lines used in connection and in competition with themselves as a part of the business of transportation. That is a matter of common knowledge of which the Chair is bound to know and we are bound to know. The Chair will know also that under the law as it exists, that whenever one of those water lines makes a through rate or traffic connection with a railroad that water line comes under the operations of the interstate-commerce law and within the control of the Interstate Commerce Commission.

Now, the first part of the committee amendment does exactly the same thing. It provides in substance that a water carrier, one of the water carriers that is owned by a common carrier, subject to the interstate law, is brought within the operation and in the use of the canal itself. It is known, and the testimony before the Committee on Interstate and Foreign Commerce and laid before this House shows, that one of the prominent classes of vessels which will use this canal is composed of those that are owned by railroads under the control and operation of the interstate-commerce law; and those water carriers come under the operation of that law.

Now, this amendment does just this and no more. It attempts to control, to regulate, to bring within the terms of the existing law, those water carriers which use the Panama Canal. Now, in controlling those water carriers it was deemed advisable and necessary by the committee that in controlling those which use the Panama Canal at the same time to include the water carriers which would come within that general class elsewhere in the country. In other words, the language of the first part of the committee amendment covers the water carriers using the Panama Canal and all other water carriers of the same class elsewhere engaged in interstate commerce. That class of carriers using the canal is within the scope of that language and so within the scope of the bill, and, being within the scope of the bill, is entirely germane to it.

The gentleman speaks about conferring powers upon the Interstate Commerce Commission. We do not, in fact, and properly, confer any new power upon the commission. The law provides in substance that vessels owned by railroads competing with themselves in interstate commerce are excluded from the use of the canal. That is the substance of the first part of that amendment. How shall that question of fact be determined as to whether or not a vessel owned by a railroad line is, as a matter of fact, competing with itself in interstate commerce. It is a question of fact that has to be determined some way. The bill, in order to prevent confusion, ought to prescribe how that question of fact ought to be determined, and so the language of this amendment itself does prescribe that that question of fact shall be determined by the Interstate Commerce Commission. Suppose we had decided that question of fact should be determined by the governor of the canal, nobody can doubt that that would be germane now, would doubt that would be entirely proper, but instead of that we preferred to put the determination of the question of fact with that official body which knows the most about the subject, which could determine it the easiest and fairest and quickest and have the means at command to determine. So, instead of providing for the determination of that question of fact by the governor of the canal, we provide that it should be done by the Interstate Commerce Commission.

The CHAIRMAN. The Chair is of the opinion that this amendment is germane to section 11, and therefore overrules the point of order.

Mr. ADAMSON. I think we are all tired of oratory, and, therefore, I move that all debate on this substitute and amendments thereto close in 15 minutes.

Mr. BURLESON. Make it five minutes.

The CHAIRMAN. If the gentleman from Georgia will permit, the Chair will state that there are two or three amendments to be offered first, and if they are disposed of there will be no trouble.

Mr. JONES. I would suggest 30 minutes. Gentlemen want to get home, but this other section was debated for three hours, and this section 11 is of more importance.

Mr. BURLESON. Make it five minutes.

Mr. ADAMSON. I will suggest 25 minutes.

Mr. SHERLEY. There is a question before the House.

Mr. ADAMSON. Mr. Chairman, I move to close debate on section 11 in 25 minutes. Of course, I do not want to cut off any amendments.

Mr. BURLESON. Make it 20 minutes.

Mr. ADAMSON. Let them have 25 minutes.

Mr. MANN. Let them have 20 minutes.

Mr. YOUNG of Kansas. Let them have the whole day.

Mr. ADAMSON. Mr. Chairman, I will change the time of my motion to 25 minutes on the——

Mr. SHERLEY. I hardly think that motion is in order. We have had some debate.

Mr. ADAMSON. Mr. Chairman, then I ask unanimous consent that after 25 minutes of debate we vote on the section and amendments thereto.

Mr. BROUSSARD. I understood this morning in the committee that we should get about 40 minutes on a side on section 11.

Mr. ADAMSON. Does the gentleman think he needs that much? I think everybody understands it.

Mr. BROUSSARD. I think we do.

Mr. ADAMSON. How about 20 minutes on a side?

Mr. BROUSSARD. Forty minutes on a side. [Cries of "No!"]

Mr. MANN. Make it 20 minutes on a side, not to include the time taken in voting.

Mr. ADAMSON. All right; make it 20 minutes on a side.

Mr. BROUSSARD. Mr. Chairman, I would like to know how this time is going to be controlled.

Mr. JONES. I would like to know what is meant by 20 minutes on a side. I have an amendment that I would like to offer.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that all debate on this section and amendments that may be offered thereto shall be limited to 40 minutes—eight five-minute speeches.

Mr. JONES. If I can have an understanding that I can have five minutes, I will not object.

Mr. ADAMSON. If the advocates of the bill can have half of the time, I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROUSSARD. Mr. Chairman, I would like to have the amendment reported first.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. BROUSSARD].

The Clerk read as follows:

Mr. BROUSSARD offers the following amendment to the substitute offered by Mr. ADAMSON:

Page 1, strike out lines 1, 2, 3, 4, 5, 6, and in line 7, before the word "from," insert "section 11." Same page, lines 7 and 8, strike out the words "the 1st day of July, 1914," and insert in lieu thereof the words "opening of the Panama Canal."

Same page, lines 14, 15, 16, and 17, strike out the words "with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense," and insert in lieu thereof "engaged in interstate commerce through the Panama Canal, and it shall be the duty of the President to exclude any such ship of commerce from the canal."

Same page, strike out lines 18, 19, and 20, also all of page 2, all of page 3, all of page 4, and all of page 5, and in lieu thereof insert:

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in

any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities, shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation, or any officer or agent of any ship or shipping company, or any other person whatsoever, who is a party to any violation of this section, or who knowingly violates or who permits any violation thereto, shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

So as to make the section read as follows:

"SEC. 11. From and after the opening of the Panama Canal it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner, in any common carrier by water engaged in interstate commerce through the Panama Canal. And it shall be the duty of the President to exclude any such ship of commerce from the canal.

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation or any officer or agent of any ship or shipping company or any other person whatsoever who is a party to any violation of this section or who knowingly violates or who permits any violation thereto shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

Mr. ADAMSON. Who offers the amendment?

The CHAIRMAN. The amendment is offered by the gentleman from Louisiana [Mr. BROUSSARD].

Mr. ADAMSON. I thought he offered a substitute.

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized.

Mr. BROUSSARD. Mr. Chairman, the first objection to the proposition submitted by the committee as a substitute for the provision in the bill is that the substitute proposes to legislate an amendment into the interstate-commerce act. I do not believe that we ought to engage in legislation by indirection. If the interstate-commerce act requires amendment, a bill ought to be brought for that purpose upon the floor and discussed upon its own merits.

The second objection to it is that gentlemen who have opposed free tolls through the canal have contended that our section 5 was the granting of a subsidy to the steamship combines engaged in the coastwise trade.

This amendment contemplates the exclusion of any steamships from the canal owned in whole or in part by any railroad and the exclusion from the canal of any steamships engaged in any combine of any kind whatsoever with the object to charge additional freight upon traffic. It is intended by this amendment to the substitute to make this canal the canal of the American people and not the canal of combines by railroads or by steamships anywhere in this country.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BROUSSARD. I have but five minutes, and I regret I can not yield.

It is intended by this provision to make this canal a canal of the American people until at least it is proven that the American people can not manage the canal with interest to themselves, and when the time shall come that the canal can not be operated in the interest of the American people, then it will be time enough for us to give it to the railroads, or give it to the steamship combines, or give it to somebody else who can manage it in their interest and maintain its integrity as it was intended when we undertook the construction of it.

But, so far as I am concerned by this resolution, I want to emphasize the fact that those of us who at least have been opposed to putting tolls upon commerce between the States carried by ships going through the canal, delivering freight from one State to another, insist that it shall not be carried by any combination that shall tend to increase the freight rates upon traffic. I want the ship that leaves San Francisco or New Orleans, upon which we have remitted the toll charge, not to be in combination with other lines of steamships engaged in the same trade, and not to be in the control of railroads interested in competing with these steamships in order to suppress independent lines engaged in the same business.

I believe that this canal ought to be managed, in view of the large expenditure which it has entailed, in the interest of all the people. It should not be managed with a view to conferring favor and profit upon railroad companies, whose business it is to carry freight upon land and not upon water, and it ought not to be managed in behalf of any combination of steamship lines engaged in competition with the railroads; but it should be, as we intended it to be, a water route to compete with every railroad carrying freight from the Atlantic to the Pacific, reacting in its charges upon every section of the country lying between the two great ranges of mountains on either side of this Continent.

This proposition is simply to prevent steamships engaged in supposed competition with railroads, owned by the railroads themselves, to exclude competition from independent lines that might engage in the traffic along the coast of this country. It is intended further to prevent steamship companies engaging in combinations by which they can increase the freight rates either in their own interest by combination, or in the interest of railroads that they are supposed to compete with after the opening of the canal. [Applause.]

Mr. CANNON. Mr. Chairman, a parliamentary inquiry, or, rather, a question. Is the amendment offered by the gentleman from Louisiana offered for the first time, or is it in print?

Mr. BROUSSARD. It is not in print.

Mr. PETERS. Mr. Chairman, I rise to favor the amendment to the bill before us, offered by the gentleman from Louisiana [Mr. BROUSSARD], and to protest against the passage of the act with section 11 as the committee desire to amend it. I wish particularly to call the attention of the House to what will be accomplished should the bill as amended by the committee become a law.

The title of this bill is "A bill to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," yet under the bill as the committee proposes to amend it we would add an amendment to the interstate-commerce act which would affect not only vessels going through the canal, but affect the shipping and transportation facilities of a large section of the United States.

The committee amendment raises a question which is not sectional, nor does it alone affect the transportation companies. It affects the producer and the manufacturer and the shipper.

The amendment to section 11 of this bill, as offered by the committee, provides:

* * * It shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatever * * * in any common carrier by water with which such railroad or other carrier aforesaid does or may compete for traffic, and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Mr. ADAMSON. Mr. Chairman, I could not hear what is going on very well over here, but I am told that two gentlemen are pleading in favor of one amendment. That is out of order. There ought to be a speech for the amendment and one in reply, and then a vote.

The CHAIRMAN. The gentleman from Massachusetts was recognized because he was the only Member asking for recognition. The Chair will recognize a Member in opposition immediately following the gentleman from Massachusetts.

Mr. PETERS. Mr. Chairman, the transportation system of New England has been developed by through routes by rail and water, both owned by the same companies. This amendment, which makes it unlawful for railroads to own competing vessel lines, comes as a complete surprise to the shippers in my part of the country. The subject has no necessary connection with the Panama Canal. In none of the hearings held before the House Committee on Interstate and Foreign Commerce was it mentioned, much less urged. The arguments before the committee upon railroad-owned ships were confined to keeping them out of the canal.

The substance of section 11 first appeared in House bill 21889, introduced March 14, 1912, by Mr. COVINGTON, of Maryland. It was entitled "A bill to amend the act to regulate commerce," and so forth.

On March 15, 1912, being the following day, Mr. ADAMSON introduced House bill 21969, in which Mr. COVINGTON'S bill appeared as section 11. March 16, 1912, House bill 21969 was committed to the Committee of the Whole House and ordered to be printed. There was no time or opportunity to be heard in opposition to this section, although months had been given to all interested to appear before the committee and be heard upon the rest of the bill.

Section 11 introduced for the first time a radical change in the industrial, commercial, and transportation policy of the country, and it is now sought to be enacted into law without giving the committee the benefit of any information as to its effect upon industries of the country. It would be as unreasonable to compel the railroads to sell their water lines because traffic would compete with their rail lines, as to make railroad companies dispose of a part of their system which operated lines that competed with another part.

The portion of section 11, if enacted into law, will radically change the method of doing business in New England and reverse a policy which in history has grown up naturally and proved to be the proper method of handling commodities between New England ports and other ports on the Atlantic coast.

The natural growth of the common ownership and cooperation between railroads and water carriers is seen in the following brief historical sketch, which shows that the rail and water transportation forms continuous lines:

HISTORY OF NEW ENGLAND RAILROADS.

The Fall River Line, running from New Bedford and Fall River, respectively, to New York City, was organized and the vessels thereof were built by the Old Colony Railroad Co. in 1874. At that time the Old Colony Railroad Co. operated between Boston and Fall River and Boston and New Bedford. It built the steamboats of the Fall River Line in order to carry freight and passengers between New York and Boston. In 1892 the Old Colony Railroad Co. was leased to the New York, New Haven, & Hartford Railroad Co., and the Fall River Line was a part of the leased property.

The Providence & Stonington Line was built by the New York, Providence & Boston Railroad Co. in 1873. Its steamers ran between Providence and Stonington on the one hand and New York City on the other. It was the means by which the Boston & Providence Railroad Co. operated between Boston and Providence, and the New York, Providence & Boston operated between Providence and Stonington, reached New York City. These companies by lease came into the control of the New York, New Haven & Hartford Railroad Co. in 1892, at about the same time the Old Colony Railroad Co. lease was made.

The Norwich Line was built by the Norwich and Worcester Railroad Co. in 1860. It was the means by which the Norwich & Worcester Railroad Co., operating between Norwich and Worcester, reached New York City.

The Norwich & Worcester Railroad Co. was eventually leased to the New York and New England Railroad Co., operating between Boston and Putnam, Conn., and the New York & New England Railroad Co. in 1898 leased to the New York, New Haven & Hartford Railroad Co.

The New Haven Steamboat Line began in 1824, running between New Haven and New York City. It formed a through route in connection with stagecoaches and freight wagons between New York City, New Haven, and Hartford, Conn., and Springfield, Mass.

Upon the construction of the Hartford & New Haven Railroad Co., running between New Haven, through Hartford to Springfield, the New Haven Steamboat Line continued to operate as a through line in connection with said railroad and for several years retarded the building of a rail line between New Haven and New York City, because the proposed railroad could not compete with the steamboats of the New Haven line and it was not thought that such a rail line would pay. In fact, whereas the north and south line between New Haven and Springfield was built in 1834, the line between New Haven and New York was not built until 13 years later. 1847.

The Bridgeport Line was one of the earliest steamboat lines to come into existence after Fulton's invention of the steamboat.

For many years prior to the building of the Hudson River Railroad it run between New York and Bridgeport and carried the mails between New York and Albany via the Housatonic Railroad Co. and the Boston & Albany Railroad Co.

The New York, New Haven & Hartford Railroad Co. orginally consisted of the Hartford & New Haven Railroad Co., before mentioned, and the New York & New Haven Railroad Co. They were consolidated in 1872. The other rail lines were gradually absorbed by lease or consolidation, until 1892 there was for the first time an all-rail line under common control between New York and Boston.

It will be seen that originally each of the steamboat lines was a coadjutor of a rail line. They became competitors only when the various rail lines came under a common control and formed a through line between New York and the various Long Island Sound and Narragansett Bay ports herein mentioned.

These lines have produced and developed traffic which all shipping to and from New England follows:

West bound, they carry from the various ports and from interior points the finished products of the New England cotton, woolen, brass, hardware, and other manufacturers. They deliver same to the various docks at the southern end of Manhattan Island contiguous to the wholesale district of New York City, where each of these commodities is handled. Goods presented for shipment in the afternoon are delivered in New York early the following morning. If, instead of going by boat they are shipped all-rail, delivery in New York is necessarily delayed because the New York, New Haven & Hartford Railroad Co.'s rail terminals in New York City are on the north side of the Harlem River, whence cars must be unloaded of their contents or floated to the various New York piers.

WATER LINES PREFERRED.

In any case there is a delay beyond the time required for handling them by water. The water lines are, therefore, preferred by New England manufacturers to the rail lines, and many protests have been filed by chambers of commerce and manufacturers' associations against a compulsory discontinuance of this method of doing business.

If the New Haven road is required to dispose of its steamboats, it naturally will carry all-rail as much traffic as possible, with a resulting delay to the shippers.

Eastbound the water lines receive from the railroad terminating on the west side of the North River and from coastwise steamship companies raw materials, such as cotton, wool, pig iron, and copper, and carry it to Long Island Sound and Narragansett Bay ports for shipment to the interior.

In times of congestion of traffic, which frequently happens, even upon the four or more tracks running between New York and Boston, the New Haven road is able to divert to the water lines shipments which otherwise it could not handle expeditiously.

It will thus be seen that this traffic has grown up in a natural way without thought of or attention to competitive conditions, and that it is to the interest of New England that it should continue.

Mr. HIGGINS. I want to interrupt the gentleman for a suggestion, that what the gentleman has said about the New York, New Haven & Hartford road applies equally well to the Grand Trunk Railroad.

Mr. PETERS. Certainly. I understand, through the newspapers, that it is proposed to run a new line by the Grand Trunk Railroad into the city of Providence, and then that railroad is to run steamboats into New York City. The commercial bodies and shippers in New England are unanimous in opposition to the change proposed in this bill. The directors of the port of Boston passed resolutions on April 11, 1912, which I wish to submit to the committee:

DIRECTORS OF PORT OF BOSTON.

At a meeting of the directors of the port of Boston April 11, 1912, the following statement was adopted as the opinion of the directors of the port of Boston concerning a proposed amendment to section 5 of the interstate-commerce act, contained in section 11 of the Panama Canal bill, No. 21969, and it was voted that a copy of this vote be sent to each member of the Massachusetts delegation in Congress.

The Panama Canal bill reported to the House of Representatives, Congress of the United States, as House bill No. 21969, contains in section 11 an amendment to section 5 of the interstate-commerce act, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

This is followed by a provision, in substance, that any railway controlling a water carrier engaged in foreign trade and having through rates and facilities with it shall, upon request, provide like port facilities, connections, and joint through rates for and in connection with any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal.

The enactment of such legislation would be detrimental to the port of Boston and to the transportation of both passengers and commodities of the Commonwealth. It is certainly unwise as an incident to the regulation of traffic through the Panama Canal to enact a drastic change affecting transportation facilities and methods whose development in New England covers a century, where the connection of steamship lines and their control by railroads is as old as the construction of the railroads themselves. This bill commands the disruption of serviceable and efficiently operated transportation systems involving, if the compliance of law is to be more than in form, the sale of valuable properties, probably in many cases at a loss, many of which can not be operated independently with the same degree of efficiency as at the present time.

Such legislation threatens to place American railway interests under a severe handicap in competition with Canadian railways. It has been the distinct policy of the Canadian Government to encourage and assist its railways in the development of steamship facilities. A provision having this in view is incorporated in the contract of July 29, 1903, between the Dominion Government and the Grand Trunk Pacific Railway Co.

At the hearings before the Committee on Interstate and Foreign Commerce it was testified that "the entire transportation of Canada with England and Japan is in the hands of the Canadian Pacific Railroad. They are one of the largest ship-owning companies on the Continent of North America, and they are closely followed by the Grand Trunk."

Cosidering the vast extent of the financial assistance given by the Canadian Government to its railroads and the distinct tendency of its policy regarding steamship connections up to this time, there is no indication that the early future will see any change of policy in this regard. The result of the proposed restriction of American railways therefore may be a severe discrimination against them.

It is not suggested that our Government should in any way change its policy in the direction of restricting our railways in the ownership or control of vessels engaged in the foreign carrying trade, whether through the Panama Canal or not. That such ownership or control, especially on the Pacific Ocean, has been much to the benefit of our foreign commerce is not denied.

It is obvious that in many cases the enterprise of a railway company in establishing foreign steamship lines might depend, to a great extent, upon its opportunities for operating domestic steamship lines in connection with them. The use of common wharf facilities, the stopping at domestic ports of foreign-bound vessels, and other factors might have an important bearing; yet it is proposed in this legislation to deny to our railroad companies the privilege of operating such lines—a restriction which may operate, as indicated, in very undesirable ways as respects our foreign commerce.

The argument which has apparently brought about this amendment to the interstate-commerce law is the fear that railroad owned or operated vessels will be in a position to control coast traffic through the Panama Canal. These arguments allege that railway companies would be in a position to, by drastic reductions in rates, drive independent competitive lines out of business, and also wherever railroad companies own or control steamship lines it is the tendency for rates on such lines to be finally adjusted at a level above the normal for water carriage.

It is believed that this danger is not a serious one and, moreover, it could be entirely obviated by giving certain discretionary powers to the canal administration.

Hon. Henry L. Stimson, Secretary of War, said in his testimony before the committee: "My own opinion is that to simply prohibit lines which were partly owned or controlled by railroad lines from using the canal or to discriminate against them would be an ineffective remedy. I do not believe in it myself. I have seen it tried in the case of competing railroads, and our experience has been that it has never worked. I am pleased to say that the President, who last year (1911) recommended that, on further reflection has changed his view and does not think now that it would be the most effective way of treating the problem. Col. Goethals has expressed himself to the effect that this legislation is not necessary, and that any difficulties can be met when they arise."

In imposing the restriction in question upon railroads in respect to "any common carrier by water with which said railroad * * * does or may compete for traffic," the proposed law is vague and indefinite. It does not state what circumstances constitute competition. It makes no distinction between a case such as that of the Long Island Sound lines, operating between the same points as the controlling railroad, and steamship lines which might possibly be considered competitive in a sense, because forming a small connecting link in a long through route of which the controlling railroad is also a part. The result of this vagueness might be to forbid the establishment of a steamship line which in the promotion of foreign or domestic trade would be of great public benefit. The proposed new steamship line of the Grand Trunk from Providence to New York is a case in point.

In attempting to discourage monopoly of domestic traffic by placing this restriction upon the railroads, the law could easily have the effect of fostering and promoting steamship monopoly, since it would be forbidden for a railroad to establish a steamship line in competition with existing independent lines; also the law certainly would not restrict and might promote industrial monopoly through the control by large corporations of steamship lines.

The Standard Oil Co. operates a large fleet of American and foreign vessels. The Steel Corporation has a large fleet on the Great Lakes.

The proposed legislation wholly overlooks many important public advantages resulting from the control and operation of coastwise steamship lines by strong railroad companies. As was, by implication, admitted by Mr. Wheeler, such lines provide in many cases excellent passenger facilities and in convenient connection with trains, the two services perhaps actually connecting on the wharf. They facilitate railway operations by taking, to a considerable extent, the heavy freight. In some cases there are peculiar advantages. For example, the New England Navigation Co., controlled by the New York, New Haven & Hartford, can deliver freight directly to the lower part of New York City, while the railway lines must leave their freight at points far up town.

The competition between railroads and their controlled steamship lines is not necessarily or without qualification mock, as stated in the majority report of the committee. While the relations are necessarily close and friendly, the rates and service on the steamship line are governed by actual or potential competition of other steamship lines, involving, of necessity, some actual competition between rail and boat.

The policy embodied in this legislation must have a strong tendency to stultify enterprise, to stand in the way of large and important undertakings having the backing of strong financial interests. That it is not good policy to hamper enterprise in this manner is evidenced by the aggressive opposite policy of the Canadian Government above referred to and by the passive approval by our own Government of the enterprise of railways in the foreign carrying trade.

It has been suggested that, instead of an outright prohibition such as proposed, there be some discrimination against steamship lines in domestic trade controlled by railroads by way of tolls not exacted from independent steamships or higher tolls. This policy is open to most of the same objections, and it may be noted that our Government passes all vessels through the Sault Ste. Marie Canal without toll, though many of these vessels on the Great Lakes are controlled by railroads, while many others are controlled by industrial corporations.

In this case we follow the policy of the Canadian Government at the same point, canal facilities being also freely interchanged between the two countries.

It has been urged that the restriction proposed might foster steamship monopoly by forbidding the establishment of competitive lines by railroads. It is also true that this policy might foster monopoly by certain railroad systems by preventing the establishment by one railroad of steamship lines to enable it to compete with another railroad or to make more advantageous through rates. The terms of the act do not appear to be intended as applying to steamship lines which are extensions of railway systems rather than duplications of existing service; but in view of the indefinite terms of the act it is a grave question whether the restriction would not sometimes have the effect suggested. Supposing, for example, that the Pennsylvania Railroad proposed to establish a line of steamships from New York to Boston, but would do so only if able to make stops at certain Long Island points. Inasmuch as this company controls the Long Island Railroad, such stops on Long Island might be held illegal, and thus Boston might fail to receive the benefit of an additional steamship line. On the other hand, the Pennsylvania Railroad might legally operate the South lines, whereas it would be more to our advantage to have them operated by a railroad subject to some local control.

The difficulty of enforcing to the full any prohibition of ownership or control such as proposed is well known. In view of this, the restriction might operate as a severe discrimination, some railway systems being in a position to conceal their ownership or control while others could not do so.

Railroads, in some instances, may operate connecting steamship lines without profit or at a loss, owing to their value as "feeders" or through connections. It can not be expected that such lines could be operated by independent capital. It is claimed, for example, that the Merchants & Miners Transportation Co., controlled by the New York, New Haven & Hartford, is not in itself profitable. This line is of great value to Boston in many ways; among others, in protecting the New England differential basis in traffic with the West. It also provides valuable passenger facilities.

The proposed legislation would also involve danger of public injury in regard to through rates. The interstate-commerce law does not compel a railroad to join in the making of a through rate unless the route to which such a rate applies embraces substantially the whole length of the rail lines of the company. A railroad, however, should be willing to join in through rates on a route embracing part of its rail lines, together with steamship lines which it controls, especially if such route were to be in competition with some other through route. As an example, the instances might be cited of the differential through rate made by the New York, New Haven & Hartford Railroad on westbound traffic from New York in connection with its Sound steamship lines. Prohibition of the control of these lines by the New York, New Haven & Hartford might deprive the public of the benefit of such differential.

Having already severely restricted the railroads in reduction of rates to meet water competition, it is now proposed that Congress by this legislation shall forbid the railroads to protect themselves even by owning or controlling water carriers. This seems a hardship in any fair consideration of the case.

It is to be remembered that even in the restricted way in which Congress does permit the lowering of railway rates to meet water competition the fact is recognized that such competition may be a most serious menace to such railroads and their security holders, not to speak of the public, which depends upon their efficient service.

It is also to be remembered that for a railroad to stand in the way of independent water competition is not an easy matter. The use of water routes can not be limited, and only in the case, which should be guarded against, of a railroad having complete monopoly of dock facilities can it become very difficult for independent lines to be established.

It may be freely conceded that all actions of a railroad tending to deny to independent companies proper and fair facilities for their service and equal treatment in switching charges and similar matters should be vigorously opposed by the proper public authorities.

SUMMARY.

The directors of the port of Boston regard section 11 of the Panama Canal bill (H. R. 21969), which forbids railroads from being interested in water lines, wherever located, which compete or may compete, as detrimental to the port of Boston and the State of Massachusetts.

The bill would disrupt valuable transportation routes of many years standing, such as the Long Island Sound lines, which have no reference to the Panama Canal.

It would place American railways under a severe handicap compared with Canadian railways, which are encouraged to go into the steamship business.

The danger feared—the detrimental control by railroads of coast traffic through the Panama Canal—can be avoided in other ways, as, for instance, giving the canal administration certain discretionary powers.

It would tend to restrict the development of steamship lines as parts of competitive routes.

It might promote rather than prevent monopoly of steamship service.

It overlooks the important public advantage resulting from control of coastwise lines by strong railroad companies in protecting rates through offering differential routes.

Water transportation can be monopolized only if dock facilities are monopolized, which is the essential thing to be guarded against.

I wish also to submit copy of a protest filed by New England manufacturers:

COPY OF PROTEST FILED BY NEW ENGLAND MANUFACTURERS.

APRIL 27, 1912.

We, the undersigned, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal, provides that "it shall be unlawful for any railroad company or other common carrier, subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government.

We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England, that under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry.

We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water, and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat this amendment.

MASSACHUSETTS COTTON MILLS, *Lowell, Mass.*,
By ARTHUR T. LYMAN, *President.*
BOSTON MANUFACTURING CO., *Waltham, Mass.*,
By RONALD T. LYMAN, *Treasurer.*
WHITTENTON MANUFACTURING CO., *Taunton, Mass.*,
By RONALD T. LYMAN, *Treasurer.*
SALMON FALLS MANUFACTURING CO., *Salmon Falls, N. H.*,
By RONALD T. LYMAN, *Treas.*
PACIFIC MILLS, *Lawrence, Mass., and Dover, N. H.*,
By EDWIN FARNHAM GREENE, *Treasurer.*

A similar protest was filed by certain other New England manufacturers on April 22, 1912. I append a list of the names of the companies signing it:

Amoskeag Manufacturing Co., Manchester, N. H.; York Manufacturing Co., Saco, Me.; Lawrence Manufacturing Co., Lowell, Mass.; Everett Mills, Lawrence, Mass.; Lyman Mills, Holyoke, Mass.; New England Cotton Yarn Co., New Bedford, Mass.; Farwell Bleachery, Lawrence, Mass.; Tremont and Suffolk Mills, Lowell, Mass.; Pepperell Manufacturing Co., Biddeford, Me.; Great Falls Manufacturing Co., Somersworth, N. H.; Newmarket Manufacturing Co., Newmarket, N. H.; Dwight Manufacturing Co., Chicopee, Mass.; Suncook Mills, Suncook, N. H.; Bates Manufacturing Co., Lewiston, Me.; Edwards Manufacturing Co., Augusta, Me.; Nashua Manufacturing Co., Nashua, N. H.; Cheney Bros., South Manchester, Conn.; Boott Mills, Lowell, Mass.; Hamilton Manufacturing Co., Lowell, Mass.; Sharp Manufacturing Co., New Bedford, Mass.; Warwick Mills, Centerville, R. I.; Lancaster Mills, Clinton, Mass.; Davol Mills; Stevens Manufacturing Co., Fall River, Mass.; Merchants' Manufacturing Co.; American Linen Co., Fall River, Mass.; Pocassett Manufacturing Co.; Wampanoag Mills, Fall River, Mass.; Narragansett Mills, Fall River, Mass.; Weetamoe Mills, Fall River, Mass.; King Philip Mills; Tecumseh Mills, Fall River, Mass.; Flint Mills, Fall River, Mass.; Laurel Lake Mills, Fall River, Mass.; Cornell Mills, Fall River, Mass.; Hargraves Mills, Fall River, Mass.; Parker Mills, Warren, R. I.; Rich, Borden Manufacturing Co., Fall River, Mass.; Parkhill Manufacturing Co., Fitchburg, Mass.; Granite Mills, Fall River, Mass.; Seaconnet Mills; Barnaby Manufacturing Co., Fall River, Mass.; Arkwright Mills, Fall River, Mass.; Luther Manufacturing Co., Fall River, Mass.; Border City Manufacturing Co.; Mechanics' Mills, Fall River, Mass.; Troy Cotton & Woolen Manufactory, Fall River, Mass.; Sagamore Manufacturing Co., Fall River, Mass.; Shove Mills, Fall River, Mass.; Stafford Mills, Fall River, Mass.; Davis Mills, Fall River, Mass.; Chace Mills, Fall River, Mass.; Nyanza Mills, Woonsocket, R. I.; Pierce Manufacturing Co., New Bedford, Mass.; Grinnell Manufacturing Corporation, New Bedford, Mass.; Whitman Mills, New Bedford, Mass.; Nashawena Mills, New Bedford, Mass.; Tabor Mills, New Bedford, Mass.; Beacon Manufacturing Co., New Bedford, Mass.; Butler Mills, New Bedford, Mass.; Dartmouth Manufacturing Corporation; Bristol Manufacturing Corporation, New Bedford, Mass.; Wamsutta Mills; Pierce Bros. (Ltd.), New Bedford, Mass.; Gosnold Mills, New Bedford, Mass.

I have also received a protest, dated May 2, 1912, from cotton buyers and brokers, against the adoption of the so-called Covington amendment. The names of those signing the protest are as follows:

Stephen M. Weld & Co., Boston; George H. McFadden & Bro., Philadelphia; Barry, Thayer & Co., Boston; Cooper & Brush, Boston; S. D. Bush & Co., Boston; Ingersoll Amory & Co., Boston; Charles Storrow & Co., Boston; Ellerton L. Dorr & Co., Boston; P. T. Jackson & Co., Boston; William Almy & Co., Boston; Haughton & Co., Boston; B. H. Dickson & Co., Boston; L. Beebe & Co., Boston; E. A. Shaw & Co., Boston.

RHODE ISLAND LEGISLATURE.

So great has been the importance of this proposed change that the Rhode Island Legislature has itself passed a resolution in regard to it, which I now present to the committee:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 21969, pending in Sixty-second Congress of the United States.

Whereas it has been the policy of this State, beginning with the earliest railroad charters, to authorize and encourage railroad companies to build their railroads to tidewater, to own wharves and docks, and to operate, or to own the stock of companies operating steamboats; and

Whereas in the last railroad charter granted, and as late as the year 1910, the General Assembly of Rhode Island, in furtherance of this policy, authorized the building to tidewater, the owning of wharves and docks, and the operation of, and ownership of the stock of, other companies which operate steamboats or steamships; and

Whereas section 11 of a bill pending in the House of Representatives of the Congress of the United States numbered 21969 and entitled "A bill to provide for the opening, maintaining, protection, and operating of the Panama Canal and the sanitation and government of the Canal Zone" is contrary to the said policy of this State; said section being as follows:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof as follows:

"'From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense'": Now therefore

Resolved, That the General Assembly of the State of Rhode Island opposes any action by Congress in conflict with the beneficial policy of this State as aforesaid, and that the Senators and Representatives in Congress from Rhode Island be, and they are hereby, respectfully requested to do all in their power to the end that section 11 of said bill be stricken therefrom.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 26, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 25th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED. PARKER,
Secretary of State.

This legislation was brought up without any opportunity for the shippers in New England or for those on the Great Lakes, many of whom are in the same situation, to appear and present their views. It is brought up under a bill which purports to affect alone legislation on the Panama Canal. We are attempting to legislate on a subject, the ownership of boat lines, which the Committee on Merchant Marine and Fisheries are themselves investigating. Whatever may be the difficulties presented by the situation of the operation of the canal, it is obviously unjust and unfair to involve the shippers and people of the Atlantic coast cities and Great Lakes in far-reaching changes in their transportation system solely for the purpose of meeting conditions incident to the operation of the Panama Canal. [Applause.]

Mr. ADAMSON. Mr. Chairman, the gentleman from Massachusetts having replied to the amendment of the gentleman from Louisiana, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BROUSSARD] as a substitute to that offered by the committee.

The question was taken; and on a division (demanded by Mr. BROUSSARD) there were 18 ayes and 45 noes.

Mr. BROUSSARD. I demand tellers.

The question of ordering tellers was taken, and only seven Members arising—not a sufficient number—tellers were refused.

So the amendment was lost.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 4 of the committee substitute, line 18, after the word "country," add the words:

"*Provided*, That nothing in this paragraph shall apply to arrangements which may be entered into between a rail carrier and vessels of the United States registered in a foreign trade."

Mr. JONES. Mr. Chairman, paragraph d, page 4, of this amendment is in these words:

If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.

It is not possible in the few moments at my disposal to do more than call attention to the manner in which this paragraph discriminates against American interests in favor of foreign shipping. It makes it impossible for any railroad in the United States to enter into any freight arrangement with an American built and owned steamship line plying between an American port and a foreign port, which it may not be required to enter into with a foreign line operating between the same ports. In effect this is a discrimination against ships of the United States, although upon the face of the paragraph it would appear to be a provision to prevent discrimination. I am sure this was not the intention of the committee, but it is just what the paragraph will accomplish, unless some such amendment as that which I have proposed is adopted. It is a well-known fact that all German railroads having connections with steamship lines engaged in foreign commerce give to German-owned ships material advantages in freight rates over the ships of every other nationality.

If, therefore, American railroads are prohibited from giving equal advantages to American ships competing for traffic with German ships between ports of the two countries, it must be evident to everybody that the American ships will be at a decided disadvantage. And yet this is just what this paragraph does. Is it conceivable that if this paragraph is enacted into law as it now stands an American ship will ever be built to sail between an American and a German port in competition with German ships? The laws of Germany not only permit, but they encourage, the granting of exclusive advantages to German ships carrying products exported from and imported into Germany. The railroad companies of Germany therefore give lower rates or other advantages to German ships which this paragraph will not permit American railroads to give to American ships engaged in the same trade. I can not believe that those who are responsible for this paragraph could have been aware of the conditions to which I have briefly called the attention of the House. The purpose evidently was to prevent railroads from discriminating in favor of one of the interior cities of the United States as against another of those cities. I can not believe that those who framed this paragraph understood that it would operate, as I have endeavored to point out, to prevent American ships from competing with the ships of other countries upon fair and equal terms. I am not asking in my amendment for any advantage for American shipping engaged in foreign trade; I am only asking that there shall be no legislation which will tend—indeed, which will surely operate—to injure, if not to utterly

destroy, the little that is now left of our foreign merchant marine.

If there is nothing which Congress can or will do to encourage ship building and ship owning in the United States, surely we should do nothing to discourage or prevent it. If this character of legislation is persisted in, the day may not be far distant when there will not be a merchant ship on the high seas flying the American flag.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ADAMSON. Mr. Chairman, I would like to have that amendment again reported. I do not think I quite understand it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment of the gentleman from Virginia [Mr. JONES].

Mr. ADAMSON. Mr. Chairman, I do not think there was any chicanery about this at all. I think the committee understood what it was doing.

Mr. SMALL. Mr. Chairman, I desire to be recognized in favor of the committee amendment, and against the amendment of the gentleman from Virginia [Mr. JONES].

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. CULLOP. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2 of the Adamson substitute, lines 12 and 13, strike out the words "In all such cases the order of said commission shall be final."

Mr. ADAMSON. Mr. Chairman, I make the point of order that gentlemen are denominating that substitute wrongly. It ought to be the committee amendment or committee substitute.

Mr. LENROOT. Mr. Chairman, the first part of section 11 gives to the Interstate Commerce Commission jurisdiction to determine the matter of competition between vessels and railways and whether the existing service is in violation of the provisions of the section. The last clause in that paragraph reads:

In all such cases the order of said commission shall be final.

I had supposed that it was elementary that no order of the Interstate Commerce Commission could be made final, thus taking away from the courts the power of review of that order. It seems to me so elementary that it ought not to require discussion. I am aware—as I have discussed the matter with some members of the committee—that they point to the fact that findings of fact of the Interstate Commerce Commission with reference to rates are final, and, therefore, they say this is doing nothing more than that law now provides with reference to rates, but those gentlemen seem to forget that the findings of fact made by the Interstate Commerce Commission with reference to rates are not carried into final orders at all. Rates are predicated upon those findings, and the law itself provides for a court review of those orders; and, Mr. Chairman, here comes the distinction, because the fixing of the rate is an act legislative in its nature and beyond the power of the court to review, so far as the facts are concerned on which that rate was based, and there are but two things that the court can inquire into. One is as to whether the commission has exceeded its powers—that is, the authority granted it by Congress—and, second, whether or not the rates fixed are confiscatory, or, in other words, invade the constitutional rights of the carrier. Now, with reference to this provision: What is the order that will be made by the commission? The commission will make an order either finding that there is a violation of the provisions of this section or that there is not, and if the order be that there is a violation of this provision, and these orders shall be final, what situation are we in? An action is brought. There is a penalty in the interstate-commerce law, and this section is made a part of that law, subjecting the carrier to that penalty. You have deprived that carrier of his day in court.

Now, so far as authorities are concerned, the Members of the House are familiar with the leading case of the Chicago, Milwaukee & St. Paul Railway Co. against Minnesota, One hundred and thirty-fourth United States. There was a case where it was undertaken by the State of Minnesota to make the orders of its State railway commission final and conclusive, as here you are attempting to make the orders of this class of cases final and conclusive, and with reference to that the court, in finding that law was unconstitutional, said:

It deprives the company of its right to a judicial investigation by due process of law under the forms and with the machinery provided by the wisdom of successive ages for the investigation judicially of the truth of a matter in controversy and substitutes therefor, as an absolute finality, the action of a railroad commission which, in view of the powers conceded to it by the State court, can not be regarded as clothed with judicial functions or possessing the machinery of a court of justice.

Mr. Chairman, it seems to me that decision of the Supreme Court is clearly upon all fours with this provision and condemns it, and because I am very much in favor of this substitute I want to see this provision stricken out. It is absolutely unnecessary; it can do no good and may do harm.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COVINGTON. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Wisconsin. It is entirely true, as he states, that you can not constitutionally deprive any railroad company owning a water carrier of its right to have a legal question judicially determined by the courts; but, Mr. Chairman, it is well known that the Interstate Commerce Commission can determine finally all issues of fact, and that the whole purpose of the interstate-commerce law is to permit that to be done. One of the most serious questions that is now agitating this country is whether or not the recently created Commerce Court is rightfully passing upon orders of the Interstate Commerce Commission by going so far as to review the determination of questions of fact which have been decided by the commission.

Now, all that the pending provision does is to permit the Interstate Commerce Commission to determine finally the specific question of fact whether or not any given water carrier is in competition with a railroad company which is in part the owner or wholly the owner of it. It does not seek to deprive the railroad company owning the water carrier of any constitutional right which it possesses, but it simply makes final the determination by the Interstate Commerce Commission of the issue of facts involved.

Mr. LENROOT. Will the gentleman permit a question? Could the carrier make any defense in the courts?

Mr. COVINGTON. Not as to the simple question of whether the water carrier is or is not in competition with the railroad owner.

Mr. LENROOT. Is not that the entire question and the only prohibition there is in the section? It is the ultimate fact that is in issue.

Mr. COVINGTON. It is the ultimate fact in issue, but it is determined in the same way and by a power of the same character that the commission now makes its findings upon.

Mr. LENROOT. Then have not you deprived the carrier of his day in court when you make this order final?

Mr. COVINGTON. I think not.

Mr. LENROOT. Is there any order of the Interstate Commerce Commission in the interstate-commerce law that is made final as you propose to make this order final?

Mr. COVINGTON. But the gentleman understands if this order should be confiscatory of any right of the railroad company that the question developed by the order would not deter the railroad company from appealing and going to the courts.

Mr. LENROOT. But it would determine that this entire section is unconstitutional, as was expressly held by the decision of the court.

Mr. COVINGTON. The order would determine the finding of fact by the Interstate Commerce Commission, and the railroad company would then simply have its appeal when it could show that it was deprived of a constitutional right in that its property had been confiscated—that is to say, deprived of its property without due process of law.

Mr. LENROOT. But no order in the interstate-commerce law is made final, and there is the distinction between that Minnesota case. They attempted in that case to make it final, and that is what condemned the entire act.

Mr. COVINGTON. All findings of fact are final.

Mr. LENROOT. The finding of fact was final only because the order is predicated upon it, which is legislative in its nature. It is not so in this case.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. LENROOT) there were—ayes 42, noes 64.

So the amendment was rejected.

Mr. MALBY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 11 of the amendment in line 15, after the word "traffic," page 1, by adding thereto the following words: "Through the canal."

Mr. MALBY. Mr. Chairman, in order that we may thoroughly understand the effect of the amendment which I offer to section 11 of the bill, it is important to call the attention of the House to exactly what it now provides for, and even in this connection I can add very little to my remarks made a few days ago when this whole bill was under consideration.

In brief, this section provides that from and after July 1, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; in other words, it is made unlawful for any railroad company after that date to have or hold any interest, directly or indirectly, in any of the stocks or bonds, or in any other manner, in any water transportation company.

The application of this section is not limited, as I previously pointed out, to water transportation lines which are to use the Panama Canal, but it is a general provision which applies throughout the whole country to all railroad companies which have or own an interest in water transportation companies. Just why such an important provision has been put in this act, which exclusively relates to the Panama Canal and transportation through the same, I am unable to conceive. The only justification for dealing with that subject at all would be to confine its operation to those lines that use the Panama Canal, and even in such cases it is of very doubtful propriety. As applied to the rest of the country it is wholly unjustifiable and will lead to serious results, little appreciated, I fear, even by the membership of this House.

Let us inquire briefly what its results will be. It is known by all men that the great transportation business of the United States is now carried on by the combined efforts of railroad and water transportation companies on our Great Lakes and rivers and on the Atlantic and Pacific seaboard and the Gulf of Mexico. The railway companies, notwithstanding every reasonable effort on their part, discovered many years ago that they would be unable to take care of our great inland and coast commerce without the aid of water transportation.

Private capital could not be induced to invest in the construction and operation of these water lines. It was then that the railroads commenced to construct expensive docks, warehouses, elevators, and steamship lines in connection with their own roads for the purpose of furnishing adequate and cheaper facilities for the handling of our immense freight traffic. It resulted in greatly lessening the cost of transportation, and many railroad companies transport freight over their own water lines from 10 to 25 per cent cheaper than they can afford to by rail, and the result of their efforts has been to afford much greater and better facilities for transportation at a decreased cost.

It is quite useless and contrary to fact to say that there is no competition between water lines owned by railroad companies and the railroad or other water transportation lines, for, as I have pointed out, the railroad companies carry freight over their own water lines much cheaper than they do over the rail lines, and besides all this there is the keenest competition by water between lines owned by the railroad and those owned by independent companies; in other words, the railroad can not in the very nature of things charge any more for freight on their steamboat lines than other water transportation companies charge for the same services.

It is therefore apparent that present conditions do not call for legislation, but, on the contrary, demand that there shall be no such legislation as that proposed in section 11 of this bill. All the important railroads in the country are affected by it, and if they were obliged in this brief period of time allowed by this bill to dispose of their docks, warehouses, elevators, and steamboat lines it would not only be at a very great sacrifice, but it would seriously interfere with the great question of transportation, in which the general public is vitally interested. These steamship lines which are now owned by railroads were constructed and put in operation with special reference to their usefulness in connection with the railroad system. Operated in connection with the railroads, who have constructed, owned, and operated them, they are of great value and usefulness to the public in the handling of their freight, but separated from them they are little more than so much junk, for I think that it will be conceded that no one can be found who would be foolish enough to take this property off their hands and operate it at any price. If the edict goes forth that the railroad companies must do without water transportation to help them out, then they will do the best they can with the railroads and leave the water transportation companies to take care of themselves. Just what the situation would then be can be better imagined than told.

Personally, I can not conceive of any act on the part of Congress which is so uncalled for as this and which at the same time would not increase the facilities for transportation by a single point or decrease the charges therefor by so much as a penny, but, on the contrary, would greatly lessen our present facilities for transportation, and hence inevitably lead to an increase in cost. If this is reform, then, in the name of good sense, let us have less of it. Instead of increasing the transportation through the Panama Canal it will greatly lessen it by decreasing the facilities, and absolutely lead to a monopoly on the part of a few independent steamship companies who may use the canal, but whose facilities for actual transportation are absolutely insignificant. Instead of transportation being cheaper from coast to coast and on our inland waterways, it will be dearer and less effectively conducted.

I know that it has become very popular to denounce almost everything and everybody now which has furnished some evidence of a successful administration of their affairs, and, in particular, the railroads. There was a time when this Government was very solicitous about railroads and their construction, and offered them large grants of land as a bonus for the construction of railways. Now, that they have been constructed and are under successful operation, it would seem that a vast majority of the Members of this body were seeking either to destroy them or render them less capable of meeting the great public demands which are constantly made upon them.

I am not interested in transportation, either by rail or water, but I can very plainly see that the policy of our Government must be more generous toward our railroads or the public service must seriously suffer. I may say in passing that many of our large railroad companies, and in particular our transcontinental lines, have during the past 20 years been in the hands of receivers, and millions of dollars which were invested in their construction have been lost to the original investors. I think that I may say, without fear of successful contradiction, that there has been less return for the money invested, first and last, in the building of our railroads than in any other industry in which our people have been engaged. A few of them have made money all of the time, some of them a part of the time, and the rest of them none of the time.

It might not be opportune at this time to call attention to the fact that we have more miles of railroad in the United States than they have in the whole Continent of Europe and that they have been constructed at must less cost.

The average cost of construction per mile in the United States is about $60,000, while that of the United Kingdom of Great Britain is $274,000 per mile, Germany $111,000 per mile, France $141,000 per mile, Austria $116,000 per mile, Italy $125,000 per mile, and Belgium $187,000 per mile, while our passengers per mile and our freight per ton-mile are carried cheaper and quicker than in any other country in the world. At the same time, we observe that the total number of their employees is 1,695,000, who are paid wages to the amount of $1,230,800,000 per annum, a sum so vast that we are unable to grasp the importance of their successful operation and its effect upon the general prosperity of our country. It may also be stated in passing that the compensation of their employees has increased over $200,000,000 since 1905, while the average pay of their workmen is from two to four times as much as it is either in Great Britain or in any country on the continent of Europe. Notwithstanding these facts, and many more within the knowledge of every Member of this body, we are daily entertained with speeches against the railroads, as though they were an enemy to the Republic instead of being directly responsible, as they are, for substantially all of its entire development. Were the railroad companies to cease operating to-day and remain shut down for 30 days two-thirds of the people of the United States would be in a state of starvation, and Congress itself would be obliged to adjourn to where food was more plentiful than here in Washington.

But I am informed by my friend from California that the good railroad companies need have no fear of the provisions in this section, because it is provided that the Interstate Commerce Commission is to determine the question of fact as to whether they shall be compelled to dispose of their water line transportation or not. In this statement he is grossly mistaken. No such provision is to be found in the bill; in fact, its provisions are directly to the contrary, for it specifically provides that the Interstate Commerce Commission has jurisdiction to determine the fact as to the competition or possibility of competition after full hearing—that is to say, if the railroad company owns or operates a steamship line which, if separated from it, would or could by any possibility compete with it, then and in such case it is within the prohibition of the law and separation must of necessity take place.

There is absolutely no discretion whatsoever vested in the Interstate Commerce Commission, for they are empowered only to ascertain the fact as to whether there is a possibility of competition, as, of course, in every single instance there would be so-called competition, if, indeed, all the water lines survived, of which I have some doubts.

The scheme seems to be, on the part of the promoters of this particular piece of legislation, to make the canal free to those who survive, and then to see to it that they have no competition whatsoever in their transportation business. The results of such legislation can be very easily appreciated except as to the extent of the damage done, which will be incalculable.

I have listened for several days, with both patience and amusement, to the advocates of free transportation for American ships through the Panama Canal. I have tried to demonstrate that under section 11 there would be many fewer ships to pass if it becomes a law. I have been greatly amused by the speeches which have been made by my fellow Members in favor of the consumer and declaring the great benefits which would accrue to him if tolls were abolished. We are informed by those having this bill in charge that the actual cost of tolls per ton would be about 50 cents, as provided for in this measure. We are further informed by our friends from the Pacific slope that what they have to sell and transport is largely fruit and fish. I can just imagine how grateful an economical housewife would be, upon returning from her daily marketing with six oranges weighing 3 pounds, one-half dozen lemons weighing 2 pounds, one box of grapes weighing 4 pounds, two boxes of figs weighing one-half pound, and two quarter-pound boxes of sardines and salmon, a total of 10 pounds of fruit and fish fresh from the Pacific slope via the Panama Canal, upon which the Government of this country by a free canal has lessened the cost to somebody in the enormous sum of exactly a quarter of 1 cent. I say somebody, for I feel quite sure that the purchaser would not be the person benefited.

Let us take another view of it by dealing in larger figures. Suppose an orange weighs on an average a half pound, and a good housewife, determined to secure the magnificent bounty intended by the House of Representatives that she should have, purchases a ton of oranges and actually makes 50 cents thereby. I can very clearly see that if she ate two a day it would require nearly six years in which to realize this enormous profit and advantage resulting from a free canal. And if she purchased a ton of salmon or sardines in quarter-pound packages, in which they are put up, in order to be the recipient of the Nation's generosity, she would have to consume two boxes a day for nearly 11 years. Of course everyone can now see how beneficial this magnificent and generous provision on the part of the United States is going to be to the consumer of fruit and fish from the Golden Gate of the Pacific. The mere trifle of Uncle Sam losing tolls, which would amount to several millions of dollars a year, while he is paying, as it has been estimated by the committee, from twenty-five to fifty millions of dollars a year for maintenance of the canal, after having invested $400,000,000 for construction, is of little consequence so long as the ultimate consumer is to be benefited by such vast sums as I have hereinbefore pointed out. Let us by all odds insist that Uncle Samuel shall furnish us free of Government tolls fruit, flowers, and fish. Then the Nation will be safe and correct principles of economy adopted.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CULLOP. Mr. Chairman, I am ready for a vote.

Mr. BROUSSARD. Mr. Chairman——

The CHAIRMAN. Is the gentleman from Louisiana in opposition to the amendment offered by the gentleman from New York [Mr. MALBY]?

Mr. BROUSSARD. No; I am in favor of the amendment offered by the gentleman.

Mr. RAKER. I would like to say just a word in opposition to the gentleman from New York.

The CHAIRMAN. There is five minutes more for debate.

Mr. ADAMSON. The gentleman from California [Mr. KNOWLAND] wants that time, and I yield it to him.

Mr. BROUSSARD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BROUSSARD. I should like to know whether, if because those who are opposed to the proposition would not use their time, arguments in behalf of it can not be made in the committee?

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KNOWLAND] in opposition to the amendment offered by the gentleman from New York [Mr. MALBY].

Mr. KNOWLAND. Mr. Chairman, I will state in opposition to the amendment of the gentleman from New York [Mr. MALBY] that the original amendment touching this question which I proposed in the committee applied only to the Panama Canal. But the members of the committee, with whom I agreed, believed that if it was bad policy for railroads to own water lines in competition with themselves through the Panama Canal it was well to apply this principle throughout the entire country where railroads operate water lines in competition with themselves for traffic. [Applause.]

I think everyone will admit that where railroads own water lines in competition with themselves they have but one purpose in view, and that purpose is to neutralize competition. For over 30 years we of California and of the Pacific coast have had a bitter experience in the matter of the railroad control of competing water lines, and that experience has resulted in the demand to this body that the pending Panama Canal bill should contain a provision that will forever prevent the railroads of this country from stifling competition through the Panama Canal, which we expect will be of great benefit as a regulator of rail rates.

Before this House on Thursday I gave a history of the stifling of water competition by the transcontinental railroads in California for the past 30 years, showing the necessity for this provision.

I disagree with my friend from New York [Mr. MALBY] in his statement that this does not give the railroads a day in court. The substitute which the committee proposed confers jurisdiction upon the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition. There might be cases, for instance, and probably the gentleman has some in mind, where the operation of a water line by a railroad would not be a case that would be barred by this statute. The Interstate Commerce Commission, I take it, would be broadminded enough and fair enough not to prohibit the owning of a water line where that water line did not compete with a railroad. The committee therefore proposed this amendment in order to give jurisdiction to the Interstate Commerce Commission to determine, perhaps, questions such as the gentleman from New York [Mr. MALBY] has proposed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"] The question is on agreeing to the amendment offered by the gentleman from New York [Mr. MALBY].

The question was taken, and the amendment was rejected.

Mr. LAFFERTY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The Clerk read as follows:

Page 2, line 12, strike out the word "order" and insert in lieu thereof the words "findings of fact."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LAFFERTY. A division, Mr. Chairman.

The committee divided; and there were—ayes 16, noes 82.

So the amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the committee.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. There is an amendment pending to section 12. The Clerk will report that amendment.

Mr. ADAMSON. Mr. Chairman, there is no other amendment pending.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has an amendment pending to section 12.

Mr. ADAMSON. Mr. Chairman, I want to make this proposition to the gentleman from Illinois [Mr. MANN]: We have not

time to agree about his amendment to-night. I do not believe there is a quorum here in the House.

I do not care to stay here for three or four roll calls, and I therefore will move that the committee rise, and when the bill comes up for a vote in the House the gentleman from Illinois and I can at that time arrange and agree upon an amendment.

Mr. MANN. I do not object to the gentleman's motion that the committee rise and report the bill and amendments to the House if the gentleman will permit me, in the House, to offer the amendment.

Mr. ADAMSON. I have no objection to that.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he——

Mr. ADAMSON. Mr. Chairman, it is understood between the gentleman from Illinois [Mr. MANN] and myself that if he does not agree with the committee he may rise in the House and offer his amendment in the House.

I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. I ask unanimous consent to withdraw my amendment, pending that motion.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Georgia [Mr. ADAMSON], that the committee do now rise and report the bill and amendments thereto to the House, with the recommendation that the amendments be adopted, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and had directed him to report it back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration House bill 21969, and has directed him to report it back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question——

Mr. MANN. The gentleman agreed to let me offer an amendment.

Mr. ADAMSON. Mr. Speaker, there is an understanding between the gentleman from Illinois and myself that he shall offer an amendment.

Mr. MANN. But if the gentleman moves the previous question I can not.

The SPEAKER. Has the gentleman from Illinois an amendment to offer?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the previous question is not ordered on this bill, what will be its status to-morrow morning?

The SPEAKER. It will not have any status to-morrow morning.

Mr. GARNER. What status will it have on Thursday morning?

The SPEAKER. It will be the unfinished business on Thursday morning.

Mr. ADAMSON. Mr. Speaker, I want to modify my motion.

The SPEAKER. Unless the previous question is ordered, the Chair will be in doubt whether it will be the unfinished business or not.

Mr. ADAMSON. Mr. Speaker, subject to the right of the gentleman from Illinois [Mr. MANN] to offer an amendment, I move the previous question.

Mr. MANN. If the gentleman will permit me, I will offer the amendment now.

The SPEAKER. The gentleman from Georgia will not lose his right to move the previous question.

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. If the previous question is ordered now, would that exclude a motion to recommit with instructions?

The SPEAKER. It would not.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. To-morrow being Calendar Wednesday, if the previous question is ordered, on Thursday the gentleman would have the right of way to call up his bill, he having a privileged bill which he can call up at any time under an order that the House has already made?

Mr. ADAMSON. The gentleman from Illinois has a proposition which I have agreed to, and I want him to have the time to study it, and therefore I move the previous question subject to his right to offer his amendment.

The SPEAKER. That can not be done without unanimous consent.

Mr. ADAMSON. Then, Mr. Speaker, I ask unanimous consent that after the previous question is ordered he may have the right to offer one amendment.

The SPEAKER. The gentleman from Georgia asks unanimous consent that after the previous question is ordered the gentleman from Illinois may be permitted to offer an amendment to the bill in the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I do not think the gentleman could possibly deprive any Member of the House not here present from exercising the right to object on Thursday. I ask unanimous consent, Mr. Speaker, that this bill be the order of business immediately after the reading of the Journal on Thursday.

Mr. ADAMSON. Mr. Speaker, I withdraw my request and will let the gentleman from Illinois offer his amendment now.

Mr. MANN. Then, Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the reading of the amendment be waived, as it has already been read in committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent to waive the reading of the amendment, it having been read in committee. Is there objection?

There was no objection.

Mr. ADAMSON. Now, Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds:

S. 6603. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

LEAVE TO PRINT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all Members who wish may have five legislative days in which to print remarks on this bill, and for those who have spoken to extend remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Members may have five legislative days to print remarks on this bill, and for those who have spoken to extend their remarks in the RECORD. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. GALLAGHER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of F. E. Alvord, H. R. 12660, Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 22, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 1090) providing for guides in the District of Columbia, and defining their duties, reported the same with amendment, accompanied by a report (No. 742), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 23) to authorize the extension of Underwood Street NW., reported the same without amendment, accompanied by a report (No. 743), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal., reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23799) to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," reported the same with amendment, accompanied by a report (No. 744), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn., reported the same without amendment, accompanied by a report (No. 745), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C., reported the same with amendment, accompanied by a report (No. 747), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased, reported the same with amendment, accompanied by a report (No. 746), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 24735) to amend an act entitled "An act providing for the validation of certain homestead entries," approved March 3, 1911; to the Committee on the Public Lands.

By Mr. ROBINSON: A bill (H. R. 24736) authorizing the Secretary of the Interior to construct a new bathhouse on the Hot Springs Reservation, Ark., for the accommodation of indigents; to the Committee on the Public Lands.

Also, a bill (H. R. 24737) to authorize the investigation of the physiological and therapeutical effects of the waters of the Hot Springs of Arkansas, and to report upon the application of these waters to the alleviation and cure of diseases; to the Committee on the Public Lands.

By Mr. CURLEY: A bill (H. R. 24738) granting land for sanitarium to Order of Owls; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: A bill (H. R. 24751) authorizing a conditional grant of public lands for public school site; to the Committee on the Public Lands.

By Mr. GILLETT: Joint resolution (H. J. Res. 317) providing that employees of the Government shall receive pay for Labor Day; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 24739) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 24740) granting a pension to Sadie Barrett; to the Committee on Pensions.

Also, a bill (H. R. 24741) granting an increase of pension to Grove E. Jarvis; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 24742) restoring to the pension roll the name of Harriett Littlefield; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24743) to correct the military record of Platoff P. Bush; to the Committee on Military Affairs.

Also, a bill (H. R. 24744) to correct the military record of Jesse J. Clemmons; to the Committee on Military Affairs.

By Mr. FERGUSSON: A bill (H. R. 24745) for the relief of Isidoro Otero; to the Committee on Claims.

Also, a bill (H. R. 24746) to correct the military record of A. W. Sudduth; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 24747) for the relief of the heirs of John P. Clark; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 24748) granting a pension to Zorel Tipton; to the Committee on Pensions.

Also, a bill (H. R. 24749) granting an increase of pension to Eliza C. Jones; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 24750) granting an increase of pension to Lucille M. Bertolette; to the Committee on Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 24752) for the relief of John W. Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 24753) for the relief of W. M. Crossthwaite; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 24754) for the relief of the estate of George Lloyd Raley; to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 24755) for the relief of heirs of Michael Emonet; to the Committee on War Claims.

By Mr. REILLY: A bill (H. R. 24756) to remove the charge of desertion against Henry A. Lain; to the Committee on Military Affairs.

Also, a bill (H. R. 24757) for the relief of Charles H. Quackenbush; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 24758) granting a pension to John S. Huston; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 24759) granting a pension to Leander Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24760) granting an increase of pension to Judah Howard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of Independent Chennoritzu Lodge, No. 520, Independent Order B'rith Abraham, New York, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of residents of the Bronx, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Railroad Trainmen, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Taxpayers' Alliance, Borough of the Bronx, N. Y., praying for proper improvement of the Bronx Kills; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Petition of Daughters of Liberty, West Hazelton, Pa., and Farmers' Union, both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of J. H. R. Storey, favoring passage of House bill 1339, for increasing pension of veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of the National Lumber Manufacturing Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia and the Montesano Chamber of Commerce, both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CANDLER: Petition of citizens of Nettleton, Amory, Aberdeen, and Starkville, Miss., in opposition to any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nettleton, Amory, Aberdeen, and Starkville, Miss., favoring giving the Interstate Commerce Commission further power in the regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Ohio: Petition of Local No. 43, Hamilton, Ohio; Local No. 48, Metal Polishers' Union, Middletown, Ohio, both favoring passage of H. R. 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. CURLEY of Massachusetts: Petition of Independent New Jersey Cranberry Co., Philadelphia, Pa., relative to H. R. 23113, for regulating size of barrels to ship fruits, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of General Grant Lodge, No. 376, Boston, Mass., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVENPORT: Petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring restriction of immigration and the passage of Senate workmen's compensation act and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of Brotherhood of Railroad Trainmen, Farmers' Union of America, and citizens of Philadelphia, all favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of C. M. Parker, of Lincoln, Nebr., favoring passage of House bill 1339 for increasing pension to veterans who lost a limb in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Farmers' Union of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Italo-American Alliance of United States of America, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GALLAGHER: Petition of citizens of Chicago, Ill., protesting against the Root amendment to the immigration bill providing that any alien who conspires with others for the violent overthrow of a foreign government is liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of T. J. Hawkes & Co., Corning, N. Y., and Allied Printing Trades Council, New York, both favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of Indianapolis Bolster Spring Co., Indianapolis, and W. J. Holliday & Co., Indianapolis, both protesting against passage of House bill 16844, requiring all goods to have manufacturer's brand on them; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel Felt Drug Co., Watertown, N. Y., protesting against passage of Richardson bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of Knollwood Farm, East Norwich, N. Y., favoring passage of Senate bill 6497, for protecting migratory birds; to the Committee on Agriculture.

Also, petition of the Laidlaw-Dunn-Gordon Co., Los Angeles, Cal., protesting against bill prohibiting the use of the Panama Canal by steamship companies in which railroad corporations are interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Humane Education Society, Boston, Mass., relative to House bill 17222, for the prevention of the shipping of young calves; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of Local Missouri Hope Lodge, I. A. of M., Mandan, N. Dak., favoring passage of House bill 22339, prohibiting use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of citizens of Ross and Stuart, N. Dak., favoring enactment of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Josephine, N. Dak., protesting against passage of the Lever antifuture-trading bill; to the Committee on the Judiciary.

By Mr. HARRISON of Mississippi: Petition of citizens of Ellisville, Laurel, Magee, Collins, Hattiesburg, and Columbia, Miss., protesting against any parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellisville, Laurel, Magee, Collins, Hattiesburg, and Columbia, Miss., asking that the Interstate Commerce Commission be given further power toward controlling express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petitions of Hebrews of the city of New Britain, Conn., and Workmen's Circle, New Haven, Conn., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of New Jersey bankers, relative to a sane and sound banking system; to the Committee on Banking and Currency.

By Mr. KENT: Petition of Division No. 11, Order of Railway Conductors, Los Angeles, Cal., favoring passage of House bill 20487; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of Thomas B. Bronaugh, jr., and other citizens of Oregon, favoring passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petition of citizens of Tamaqua, Pa., favoring establishment of a national public health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Knollwood Farm, East Norwich, N. Y., favoring protection of migratory birds; to the Committee on Agriculture.

By Mr. MAHER: Petition of Brotherhood of Locomotive Engineers, for restriction of immigration, passage of the workmen's compensation act, and the anti-injunction bill; to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Union, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of the bill prohibiting importation of nursery-stock cuttings or any other articles by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring movement toward placing Diplomatic and Consular Service on a civil-service basis; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, urging adoption of wise and generous relief measures relative to floods along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, requesting the opening of the Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Women's Trade Union League, Chicago, Ill., favoring passage of House bill 11372, for making traveling by sea safer; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCOY: Petition of American Purity Federation, favoring restriction on immigration; to the Committee on Immigration and Naturalization.

Also, petition of Elizabeth Board of Trade, Elizabeth, N. J., favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petitions of Lodge No. 2; Arnold Weiss Lodge, No. 8; M. T. Schmmain Lodge, No. 5, Independent Order B'rith Sholom; Young Folks Civic League; Jewish Sisterhood; Chinese Consolidated Benevolent Association; Iron Bound Lodge, No. 15, I. O. K. S.; Bialystoker Lodge, No. 13; Erisk Delite Lodge, No. 11; Newark Hebrew Lodge, No. 6, Independent Order King Solomon; and Orange Israelitic K. U. Verin, New Jersey, all protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 13, United Hatters of North America, and Journeymen Plumbers' Local, No. 24, both favoring passage of Hamill bill for pensioning employees of the Government who have served 30 years or more; to the Committee on Pensions.

By Mr. O'SHAUNESSY: Petition of Rhode Island branch of the Woman's Auxiliary of the Protestant Episcopal Church, Providence, R. I., relative to improving the conditions of the natives of Alaska; to the Committee on the Territories.

By Mr. POWERS: Petition of citizens of the eleventh congressional district of Kentucky, favoring placing Kentucky State Guards on a pensionable status; to the Committee on Pensions.

Also, petition of Cremieux Young Men's Lodge, No. 223, Independent Order B'rith Abraham, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Purity Federation, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PUJO (by request): Petition of Junior Order United American Mechanics, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Lake Charles, La., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of the estate of Michael Emonet; to the Committee on War Claims.

By Mr. REILLY: Petition of Italo-American Alliance of United States of America, Philadelphia, Pa., and Star of Waterbury Lodge, No. 235, Independent Order B'rith Abraham, Waterbury City, Conn., both opposing the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Cigarmakers' International Union of America, Meriden, Conn., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Daughters of Liberty, New Haven, Conn., and Brotherhood of Locomotive Engineers, Harrisburg, Pa., both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of citizens of Philadelphia, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Frank Floyd Post, No. 79, Grand Army of the Republic, South River, N. J., favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Pensions.

Also, petition of New Brunswick Lodge, No. 480, Independent Order B'rith Abraham, New Brunswick, N. J., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of Jack Jenkins Local Assembly, favoring enactment of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Women's Union of Claremont, Los Angeles County, Cal., asking immediate passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of California, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Pasadena Merchants' Association, of Pasadena, Cal., protesting against any change in patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of San Francisco Chamber of Commerce, of San Francisco, Cal., in opposition to passage of House bill 21100, amending the act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of St. Paul Capitol Lodge, No. 93, Order B'rith Abraham, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Garfield Post, No. 8, Grand Army of the Republic, relative to recent insults to and desecration of the United States flag; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Knollwood Farm, East Norwich, N. Y., favoring passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of the Senate workmen's compensation act and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Hebrews of the city of New Britain, Conn., and the Independent Vilner Association, of New Haven, Conn., both in opposition to restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Williamsburgh Lodge, No. 103, Independent Order B'rith Abraham, Brooklyn, N. Y., and Ostolenker Lodge, No. 607, Independent Order B'rith Abraham, Brooklyn, N. Y., both opposing restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Board of Trade and Transportation, New York, and the Maritime Association of the port of New York, both favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Texas: Petition of Farmers' Union, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *May 22, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga County, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana;

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.;

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. An act to authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

PERSONAL EXPLANATION—ALASKAN GOVERNMENT.

Mr. BRISTOW. Mr. President, I rise to read a paragraph from a paper published at Olympia, Wash., called the State Capitol Record. The paragraph to which I refer reads as follows:

> Senator BRISTOW, of Kansas, archinsurgent, does not think that the Senate is yet prepared with sufficient information to act on a Territorial bill. Hence he has secured the adoption by the Senate Committee on Territories, in executive session, of a resolution declaring that the committee will report no Alaska government bill until it has had the benefit of the report of the Senate committee appointed last year to go to Alaska and "investigate conditions."
>
> The committee of investigation did not go last year because of the special session. There is small chance of it going this year because of the campaign. Under the Bristow resolution nothing will be done until it does go, travels through the Territory at Government expense, gets back, and has its secretary write up some sort of a report.

This article was written apparently by one Ashmun Brown. I desire to say that I never introduced any such resolution in the Committee on Territories and no such resolution has ever been introduced by any member of the committee, so far as I know. No such action was ever taken by the committee at any time, and there is no truth in the statement made.

I simply make the statement to correct this erroneous report because acquaintances of mine in the West have sent different newspaper clippings to me inquiring why I am opposed to legislation for Alaska, and the clippings are made up largely from

information which this paper has assumed to give, which is absolutely false.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union, of Stratham, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented the petition of Rev. P. T. Rowé, bishop of Alaska, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CLAPP (for Mr. LA FOLLETTE) presented a petition of the Woman's Christian Temperance Union, of Arena, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented resolutions adopted by the Progressive League, of Chippewa Falls, Wis., remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

Mr. GRONNA presented petitions of members of the Civic League and of sundry physicians of Mandan, N. Dak., and of the Illinois Federation of Women's Clubs, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. SANDERS presented a memorial of Paris Division, No. 575, Order Railway Conductors of America, of Paris, Tenn., remonstrating against the passage of the employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of M. L. McConnell Post, No. 91, Department of Tennessee, Grand Army of the Republic, of Maryville, Tenn., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented petitions of sundry citizens of Tamaqua and Reading, in the State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. McLEAN presented a petition of Local Union No. 484, Cigar Makers' International Union of America, of Meriden, Conn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a memorial of New Haven Lodge, No. 21, Order of B'rith Abraham, of New Haven, Conn., remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

Mr. ROOT presented memorials of sundry citizens of Fort Edward, Gowanda, Livonia, Mount Vernon, and Syracuse, in the State of New York, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. WETMORE presented a petition of 36 physicians of Rhode Island, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. JONES presented memorials of sundry citizens of North Yakima, Little Rock, Toppenish, Ellensburg, Cowiche, and Colville, all in the State of Washington, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Bremerton, Everett, Seattle, Tacoma, and Olympia, all in the State of Washington, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

Mr. O'GORMAN presented a memorial of the Board of Trade of Batavia, N. Y., remonstrating against any change being made in the patent laws, which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, reported it with an amendment.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, reported it with amendments and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy, reported it without amendment and submitted a report (No. 783) thereon.

DECORATION FROM ITALIAN GOVERNMENT.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably with amendments the joint resolution (S. J. Res. 105) authorizing Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Foreign Relations were, in line 7, before the word "Surgeon," to insert "the said," and in the same line, after the name "Wasdin," to strike out "as he is now deceased," so as to make the joint resolution read:

Resolved, etc., That the Secretary of State be, and hereby is, authorized to accept from the Italian Government the decoration tendered Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, and to deliver same to the widow of the said Surg. Wasdin.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of State, for and on behalf of Surg. Eugene Wasdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and to present the same to the widow of the said Surg. Wasdin."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 6919) to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. CLAPP:

A bill (S. 6920) granting a pension to Minnie A. Thornhill (with accompanying paper);

A bill (S. 6921) granting a pension to Deborah H. Riggs (with accompanying paper); and

A bill (S. 6922) granting a pension to Melissa Gross (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 6923) granting an increase of pension to Frederick Braun (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6924) granting an increase of pension to Jennie Bassett (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri; to the Committee on Commerce.

By Mr. CLARKE of Arkansas:

A bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots in the State of Arkansas; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 6927) for the improvement of the foreign service; to the Committee on Foreign Relations.

A bill (S. 6928) to authorize the Secretary of War to recognize the services of Dr. John T. Nagle as a medical officer, who was employed as such during the Civil War by authority of the Revised United States Army Regulations of 1863, and who performed the duties of a medical officer agreeably to Army regulations; to the Committee on Military Affairs.

ASSAY OFFICE, ST. LOUIS, MO.

Mr. REED (for Mr. STONE) submitted an amendment proposing to establish an assay office at St. Louis, Mo., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to lie on the table and be printed.

REPORT OF NATIONAL WATERWAYS COMMISSION.

Mr. BURTON submitted the following resolution (S. Res. 316), which was read and referred to the Committee on Printing:

Resolved, That there be printed 500 additional copies of the final report of the United States National Waterways Commission.

HEARINGS BEFORE THE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. CLAPP. I submit a resolution and ask for its present consideration. I will state that in the absence of the chairman of the Committee on Pacific Islands and Porto Rico, as acting chairman I held a short hearing, and I find that the usual resolution had not been passed authorizing the payment of the stenographer. So I have had this resolution date back to the beginning of the session. I do not apprehend that there will be many hearings, but it is to cover all.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 317) was read, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate. This resolution to take effect from the beginning of the present session.

The VICE PRESIDENT. The Chair thinks that under the statute the resolution has to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLAPP. Certainly. Of course I have no objection to the reference.

The VICE PRESIDENT. It will be referred to that committee.

Mr. CLAPP. All there is to it is that the bill must remain unpaid until authority is given to sign a voucher.

THE JUDICIARY.

Mr. CRAWFORD. Mr. President, at the close of the routine morning business to-morrow I desire to submit some observations on the joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States—the joint resolution which I introduced and which lies on the table.

LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH of Michigan. Mr. President, I desire to give notice that on Tuesday next, immediately after the morning business has been disposed of, the subcommittee appointed to investigate the causes leading up to the disaster of the steamship *Titanic* will make its report, and I should like to make some observations thereon.

CORRESPONDENCE WITH COLOMBIA (S. DOC. NO. 693).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, ordered to lie on the table and to be printed:

To the Senate:

In response to the Senate's resolution of March 1, 1912, requesting the President "if not incompatible with the public interest, to transmit to the Senate copies of all correspondence and communications between this Government and the Government of Colombia since the last presentation to the Senate of such correspondence and communications to this date," I transmit a report by the Secretary of State on the subject.

I concur in the conclusion reached by the Secretary of State that the public interest would not be conserved by the transmission to the Senate at the present time of further correspondence and communications between this Government and the Government of Colombia upon matters relating to Panama.

WM. H. TAFT.

THE WHITE HOUSE, *May 22, 1912.*

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate of May 16, 1912, the House of Representatives concurring, I return herewith House bill No. 14083, entitled "An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes."

WM. H. TAFT.

THE WHITE HOUSE, *May 22, 1912.*

HOUSE BILL REFERRED.

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

"TITANIC" DISASTER.

Mr. RAYNER. Mr. President, I desire to give notice that on Tuesday next, following the remarks of the senior Senator from Michigan [Mr. SMITH] and the presentation of the committee's report, I will, subject to the convenience of the Senate, submit some remarks upon the lessons taught Congress and the people by the *Titanic* disaster.

EIGHT-HOUR LABOR LAW.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up House bill 9061.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Massachusetts [Mr. LODGE].

Mr. BORAH. The amendment which was offered by the Senator from Massachusetts provides for a 48-hour week instead of an 8-hour day. I do not desire to discuss the matter any further than to say that, in my opinion, it would destroy the effectiveness of this measure as we understand it and as the committee reported it.

I am willing that the amendment shall go to a vote without taking further time of the Senate upon it.

Mr. GALLINGER. I will ask the Senator from Idaho if the bill does not absolutely prevent the granting of a half holiday by manufacturing concerns that are doing Government work.

Mr. BORAH. Oh, no; it will not prevent it. They can arrange for it.

Mr. GALLINGER. How can they arrange for it if you are going to have a hard and fast 8-hour day? Will the Senator tell me how it can be done?

Mr. BORAH. I think that they can have an 8-hour day and still have a portion of a day for holiday. There is nothing to prevent them from working less than 8 hours.

Mr. GALLINGER. That is, you propose to give the employees that half holiday; they receive no pay for it? Is that the notion?

Mr. BORAH. That might be the way in which it could be done.

Mr. GALLINGER. The employers might, of course, give them half of a week and pay them for a full week, or give them all the week for that matter. I do not know but that we are coming to that. It has been suggested in this debate that in addition to a rigid 8-hour day a Saturday half holiday is inevitable. Possibly we are in danger of doing violence to the laboring men themselves, because it seems to me that we are going to get this matter into such a shape that they will be the losers rather than the gainers by the operation. I pass the Union Station almost every evening, and I find men working there at 10 o'clock on the Columbus statue. I suppose somebody has taken a Government contract to build that monument, and this law would prevent those men from completing that statue except under 8-hour conditions.

It does seem to me that in justice to the men who are taking contracts from the Government there ought to be some consideration given them, and that they ought not to be put to every possible inconvenience in the matter of conducting their business.

In the State of Massachusetts, and I believe in some other States, the laboring men are given a half holiday. They make it up on the other five days of the week. To say that those concerns shall not grant their employees that half holiday without paying them for it or without the employees being willing to lose their wages to that extent, which I am sure they would not be, it looks to me like a hardship we ought not to impose on men who take work from the Government.

Mr. BORAH. If that were the present custom or the universal practice, there would be great force in the argument of the Senator from New Hampshire, but it pertains to only a few industries and to a few localities. The general principle upon which the bill is built outweighs in moment, in my judgment, the importance of acceding to a few instances.

Besides, I am satisfied that, generally speaking, it is better that the day be confined to an 8-hour day and the Saturday afternoon be waived than that workmen should be compelled to labor more than 8 hours a day.

Mr. GALLINGER. I happen to be one Senator who during a very important period of my life was able to work 16 hours a day, and if any man had stepped in at that time or if the Government of the United States had stepped in, if it could have done so, and said that I should work only 8 hours a day, I should have considered that man or that Government an enemy of mine. If we are going to legislate that no man shall be permitted under any circumstances to work more than 8 hours a day, why might we not with equal consistency say that every man shall be compelled to work 16 hours a day? If the Government can do the one thing, why can it not do the other? To my mind this is legislation that is not justifiable or called for.

I have a good many letters from workingmen who say that they do not want this legislation; that they have not asked for it. It is being asked for by men drawing large salaries from the workingmen, by men who sit in high places looking down on our legislative bodies and holding us responsible for our votes. I am not one of those who have ever allowed those men to dictate to me.

I had hoped that the Senator from Idaho, who is so fair-minded, would permit this amendment to be made, because it is an absolute absurdity for any man to say that it is a detriment to a man to work 9 hours a day when he is working only 48 hours in the entire week. It would be a great accommodation not to a few but to very many. Very likely a half holiday will become more nearly universal than the Senator is aware of if this is permitted in the bill. I am very much disappointed that the Senator insists that we must have this hard and fast rule, and that if a young man ambitious to get an education not only is willing but is anxious to work overtime to obtain a little added money to enable him to get an education, the strong arm of the Government shall come in and say "You shall not be 'permitted' to work one minute over 8 hours a day, and if the concern allows you to do that, the concern shall be punished by heavy penalties as a result." To my mind it is not good legislation.

Then, again, I want to ask the Senator this question: This bill goes beyond the contractor; it takes in the subcontractor, the sub-subcontractor, and perhaps the sub-sub-subcontractor; and the man who takes the work from the Government is held responsible under fines and penalties if one of these subcontractors or sub-sub-subcontractors permits a man to work a minute over 8 hours. Does the Senator from Idaho really think that that is very good legislation?

Mr. BORAH. Mr. President, I can answer the Senator from New Hampshire—in view of the fact that he has asked the question a number of times, "Does the Senator really think"?—that if the Senator did not "really think" that it was good legislation the Senator would not be urging it upon the floor of this Senate. I may be greatly in error in regard to this problem; I am only submitting this bill and this report as the representative of this committee, representing our judgment and our views in regard to it. We have examined the matter with some detail; we have considered it to a very great extent; we believe that it is sound legislation; and we have the support in that belief of a great many people who are engaged in large industries. Some people who are employers of labor, as the reports show, have said that it is not only well for the man who toils, but it is better for the man who is directing the employment to engage a man for 8 hours a day. It is upon that theory that the bill is framed, and it is presented in good faith in the belief that it is sound legislation.

So far as the subcontractor is concerned, there is no difficulty in the general contractor protecting himself as against the subcontractor, because that may be done by contract between the contractor and the subcontractor. It is simply a question of contract, beginning with the original contractor and running to the ultimate contractor, whoever he may be.

If there is no contract, then there is no liability; and if there is a contract, there is the power to protect by covering in the contract between the contractor and subcontractor.

Mr. GALLINGER. Supposing the subcontractor made a contract with the contractor, and the subcontractor was an irresponsible man?

Mr. HITCHCOCK. We are unable to hear over here, Mr. President.

Mr. GALLINGER. My suggestion was, supposing the contractor should make a contract with a subcontractor, and the subcontractor was an irresponsible man, then I suppose the contractor would be held in fines and penalties, because of a failure of the subcontractor to meet his obligations. Is not that so?

Mr. BORAH. That might arise in some instances by reason of business carelessness, by reason of a failure of the contractor to contract with a safe subcontractor; but it would not often arise, and it would very seldom arise if this bill were enacted.

Mr. GALLINGER. Well, Mr. President, the Senator has said he is ready to vote, and I have no disposition to delay a vote; in fact, I am very anxious to get a vote on every measure that is before the Senate, because I think the longer we stay here the more harm we are likely to do to the people of the country. For that reason I am anxious to get away. This is but one measure, among others, that we have got to encounter. We are to be asked to destroy the principle of injunction before we get through here, and I suppose we have got to tear up pretty nearly all the foundations of all those great principles that we have always thought were desirable for a Government such as ours. Now, the Senator is insisting upon a hard-and-fast 8-hour day, and that no laborer shall be permitted to work a minute over 8 hours.

A very distinguished gentleman in another body declared only a short time ago that in his judgment 6 hours are long enough for any man to labor, and that no man ought to be permitted to labor more than 6 hours. I suppose that is what we shall come to here next, and I presume that when it comes to us under the snap of the whip of the men who are drawing large salaries from these poor men we shall have to surrender to their views; at least, I imagine that the majority of Congress will surrender, as it is apparently willing to do under this proposed law, which I regard as a very vicious proposition.

Mr. BORAH. Mr. President, the Senator from Idaho has not undertaken to locate any whip, but there have been several "snaps" in regard to this bill besides those used by the men who represent labor in this matter. It would be equally interesting to discuss the other side of the question if it were at all relevant; but it is not. I assume that the Senator from New Hampshire and other Senators will vote according to their convictions, and they ought to be courteous enough and generous enough to concede that the Senators who are supporting this bill will do the same thing.

Mr. President, I want to read, in view of the intimation that this bill is being put through under the lash and for demagogic reasons, a few paragraphs from those who I am sure the Senator from New Hampshire respects. This bill has been in its principles before the Senate for many years; it has been now under discussion off and on for about 20 years; it has not moved with unseemly haste to its conclusion. It has been debated by men whose intellectual character and standing and patriotism are not subject to question. Senator Hoar, of Massachusetts, when this bill in principle was on one occasion before the Senate, said:

> This proposition of political economy, whether wise or foolish, whether the proposition be demagogism or the opposition to it is shallow-pated assurance, is one which comes from a source where demagogism is not often found. Such profound thinkers as John Stuart Mill, such practical reasoners as Thomas B. Macaulay were among the early advocates of this doctrine in the manufacturing legislation of England, and it is a doctrine which has made its way.

Mr. GALLINGER. Mr. President, I ask the Senator from Idaho if that was not said in reference to the 8-hour law which we already have on the statute books?

Mr. BORAH. It was said in regard to the 8-hour principle.

Mr. GALLINGER. Yes; and we have that incorporated in our statutes now, but not in the form proposed in this bill.

Mr. BORAH. We have it incorporated in the statutes. What Senator Hoar was discussing was the fact that the words "or permitted" were to be stricken out of the law, therefore rendering the law inefficient and ineffective. So he was discussing pointedly and clearly the precise question which we are here discussing to-day; that is, whether or not it was the duty of the

Government, and it was wise legislation, to enforce specifically an 8-hour day. Mr. Hoar continued:

The same kind of speech which the Senator from Connecticut thinks it courteous to indulge in here in regard to opinions which differ from his own was made by the friends of the old English factory system when it was endeavored to put an end to the labor of children and women in factories who worked 15, 16, or 17 hours in the day, and the same discussion and the same contest and the same opposing and conflicting reasonings were heard as the time of the day's work of the laboring men in manufacturing, mining, and other mechanical occupations in this country and in Europe gradually came down from 16 to 15, 14, 12, 11, and now it has reached 10 and is coming to 8 hours a day. It is a principle which stands on solid ground both of reason and experience.

The experience of mankind has shown that where the workingmen of an intelligent and instructed country work faithfully for 8 hours a day in most of the mechanical occupations and have the remainder of their time for intercourse with their families, for reading, for learning their political duties, for attending lyceums and lectures, for resorting to the public libraries and social meetings, they are not only better workers of the country of which they are citizens, but they turn out more work as the result in the manufacturing employment to which their lives are given. You have instead of the tired, worn-out jade going to his home, with every faculty of brain and body worn out and fatigued, a skillful, inventive, thoughtful, reflecting brain. You have good citizenship in a man whose leisure is one of the luxuries of life, one almost of the necessities of life to a healthy and educated brain.

As I said before, this experiment has been tried and its results recorded. It is the opinion of some of the most thoughtful and intelligent employers of labor as well as of the representatives of the workingmen, and it has been desired that this experiment should be tried, not to be left to individual manufacturers who are conducting their business in constant competition and strife with others, but that it should be tried in behalf alike of the labor and the manufacture of the country by the Government, and whether it be right or wrong that the Government should try it in its capacity of a large employer of labor. It is the law of the land, and what Senator will rise here in his place and say that this law should not be faithfully, honestly, liberally, and fairly construed and executed?

I read also from a speech delivered by the late President McKinley in the House of Representatives while the same subject was under discussion:

Mr. McKINLEY. Mr. Speaker, I am in favor of this bill. It has been said that it is a bill to limit the opportunity of the workingman to gain a livelihood. This is not so; it will have the opposite effect. So far as the Government of the United States, as an employer, is concerned, in the limitation for a day's work provided in this bill to 8 hours, instead of putting any limitation upon the opportunity of the American freemen to earn a living it increases and enlarges the opportunity for the workingman to earn a living. [Applause.] Eight hours, under the laws of the United States, constitute a day's work. That law has been on our statute books for 20 or more years.

SEVERAL MEMBERS. Since 1868.

Mr. McKINLEY. They say around me that it has been on our statute books for 22 years. In all these years it has been "the word of promise to the ear," but by the Government of the United States it has been "broken to the hope." [Applause.] The Government and its officials should be swift to execute and enforce its own laws, and failure in this particular is most reprehensible.

Now, Mr. Speaker, it must be remembered that when we constitute 8 hours a day's work instead of 10 hours every 4 days give an additional day's work to some workingman who may not have any employment at all. [Applause.] It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McComas].

It applies now only to the labor of men's hands. It applies only to their work. It does not apply to material; it does not apply to transportation. It only applies to the actual labor, skilled or unskilled, employed on public works and in the execution of the contracts of the Government. And the Government of the United States ought finally and in good faith to set this example of 8 hours as constituting a day's work required of laboring men in the service of the United States. [Applause.] The tendency of the times the world over is for shorter hours for labor, shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, 8 hours shall constitute a day's work and be all that is required of its laboring force. [Applause.]

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield to the Senator.

Mr. MARTINE of New Jersey. Mr. President, I shall support and vote for this measure. I do not believe that the God of humanity breathed the breath of life into man that he should live to work, but rather that he should work that he might live. The whole purpose of civilization, not only in this country, but in other lands, is to lighten the burdens of toil, both through invention and by limiting the hours of toil. We each year expend millions of dollars for public parks, for libraries, for art galleries, for museums, and the like. Of what purpose or value are all these, I ask, if in humanity's struggle for bread and butter men have no time to profit by and enjoy them?

Mr. President, 8 hours for toil, 8 hours for rest, and 8 hours for recreation is an unwritten law that has passed into a proverb. Defeat this measure and we put forth the fiat and declaration that we stand for work for mankind from the day he leaves his cradle to the day he enters his grave.

All experience demonstrates that shorter hours for labor give better results, both for the employee and the employer. I say, as an employer and as a laborer—for I have been both—that the 8-hour system tends to make better workmen and infinitely better citizens.

Mr. President, on all sides we are urging steps and legislation that may tend to deter the huddling of large numbers of our population in close quarters. The cry, "Back to the soil; closer to nature!" is the slogan of the day. Carry this thought out and it will make stronger and more healthful bodies, keener and brighter intellects—in a word, better men and women. Long hours of toil will make this impossible; shorter hours of toil will do more to vacate so-called slums than anything else I know of. Shorter hours in workshop and mill will make the waste and barren spots of the landscape blossom as the rose.

The charge is often made that the additional hours of leisure or rest will be spent by workmen in dissipation and revelry. History proves to the contrary. The Saturday half holiday is a complete refutation of this charge. An overfatigued and weary body will seek stimulation in some form or other, and too often alcoholic stimulant is sought. The saloon is only an incident. Low wages, long hours, intolerable conditions lie at the bottom of the evil of intemperance and vice. Less and lighter exactions in mill and workshop and more of God's open, free air will do more for the cause of sobriety, good order, and good citizenship than anything I know of. The shortening of the hours of labor mark the advance of civilization the world over. Mr. President, let this, the giant Republic of the world, take the initial step in this advance.

At the hearings before the Committee on Education and Labor, of which I have the honor to be a member, with almost entire unanimity employers freely admitted that the conditions proposed in this measure were sure to come. They had seen them approach for years.

Mr. President, I beg further to state that the hearings before the committee were both extensive and exhaustive, and this report and bill to-day are a reflection of the honest judgment and conscience of the committee.

Further, I believe that to pass this measure will meet with almost universal approbation and approval. The average workingman scarcely sees his family, except on Sundays. During the week he must rise before 6 o'clock in order to reach his work for the day. In the evening, when he reaches his home, the family have retired; and so each working day repeats the history of the day before.

Senators, pass this bill. It is in the interest of better workmen; it is in the interest of humanity—yes, it is in the interest of happier and better citizens.

In response to the thought expressed by the Senator from New Hampshire I say that many employees appeared before this committee and said the only difficulty was that the unit they had was too short. In answer to that thought I suggested that an amendment might be made that no employer shall employ or cause any employee in his employ to work any hours longer than 48 hours a week, and that no single day should be longer than 8 hours. The argument was used that in the mills, where they use great ladles, in the event of having reached a certain point in production the residue would chill the next day and be absolutely destroyed. Hence the proposition that I suggested, that it might be no longer than 48 hours a week and the unit no longer than 8 hours a day.

You can not legislate for a half holiday at all. The half holiday in this country is not the result of legislation, but it is the result of the conscientious and persistent insistence of the laboring organizations of this country. I believe to pass this measure would be a step in the direction of humanity. In all justice I believe it would do the employer no harm. In my own city, in the State of New Jersey, masons, painters, carpenters, and all mechanics are paid for 8 hours, and the workingman has derived better results, a better life, and better existence.

Mr. GALLINGER. In the State of New Jersey have you a law that prevents a man from working a few minutes over 8 hours if he wishes to do so?

Mr. MARTINE of New Jersey. We have not that, but most of the thrifty mechanics in the State of New Jersey almost unanimously are members of trade organizations, and that exaction is quite generally in force.

Mr. GALLINGER. But the fact is they can work over 8 hours a day if they desire, as a great many workmen want to do.

Mr. MARTINE of New Jersey. That is true; but I think we are fast going beyond that condition. I can recall full well when every mechanic, every carpenter, every mason, and the like came to work at 7 o'clock and did not cease work until

7 o'clock. I then recall when the condition was changed to 6 o'clock for closing, and 6 o'clock finally became the hour, and then 5 o'clock, and then it went on until it is 8 o'clock when they go to work. And the fresh workman, freed from overfatigue, accomplishes more in 8 hours and is in better condition to meet his duties. Pray God, is there not something more in life than the mere matter of dollars? Man should have the splendid advantage of our civilization, and can not we give him, pray heaven, a little more leisure that he may have an opportunity to cultivate his mind and to participate in the blessings of his own household? And I believe that the Senator from New Hampshire, in common with those who advocate this measure, will hold up their hands to high heaven in gratification that we have taken a step in this direction.

Mr. GALLINGER. I am not quite willing to concede to the kind-hearted and lovable Senator from New Jersey greater concern for the workingman than the rest of us entertain.

Mr. MARTINE of New Jersey. I do not claim that; but I do realize that in some sections of the country we have progressed in a direction, in the way of labor, that has not been reached by some other portions of our country. As I live, I am not pleading as a demagogue; I am not here pleading as the advocate of any special interest, but as a citizen who in his early days was an employee and a workman and a laborer, and who has later been placed so that he has in his employ hundreds of men. I plead both as an employer and as an employee. I plead for a better condition for the workingman. I plead for an opportunity for our workingmen and working women to leave our shops and to leave our manufacturing establishments earlier, that they may enjoy God's green acre; that they may enjoy the blessings of outdoor life.

Mr. GALLINGER. Mr. President, some of the rest of us have had the luxury of being employees and not the luxury of being employers of labor, and very likely we have a reasonably clear comprehension of the interests of the laboring man. The Senator pays a high tribute to his own State. But I have been reading during the past few years of some very troublesome happenings in the State of New Jersey, and I do not think it is very much to the credit of that State that it is the headquarters of anarchy in this country, as it seems to be.

Mr. MARTINE of New Jersey. I must reluctantly admit that that condition has prevailed——

Mr. GALLINGER. Yes.

Mr. MARTINE of New Jersey. But be it said to the eternal disgrace of America that she has put upon the statute books a system of laws that has made those conditions possible.

Mr. GALLINGER. What laws are they?

Mr. MARTINE of New Jersey. I refer to the iniquitous and cursed system of taxation; your intolerable tariff taxation. Laugh as you may. It will take many years yet before you will convince the average workingman that by taxing him you are doing him good.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. Your process of tariff in mill and workshop in Passaic and Paterson has resulted in a handful of millionaires, who have gotten rich on the system, and yet we have the other people living in squalor; and why? That has bred anarchism and has bred a condition of things that we are seeking our way out of each day through the enlightenment of the public against the accursed system.

Mr. GALLINGER. I will not enter into the discussion of the tariff to-day. That will come on another bill.

Mr. MARTINE of New Jersey. It is a different proposition——

Mr. GALLINGER. That question will be up at 2 o'clock to-day.

Mr. MARTINE of New Jersey. I am only answering you——

Mr. GALLINGER. But I want to say to my friend, the Senator from New Jersey, that when he seeks to destroy the policy of protection in the United States, his farm, which has been cut up into house lots to be occupied by industrious people—that if he succeeds in destroying protection, he will have a blackberry patch instead of a happy and prosperous community.

Mr. MARTINE of New Jersey. I know what we would have done without the tariff. God knows——

Mr. GALLINGER. We know. The Senator says God knows. I will ask the Senator from New Jersey, who has such a deep and abiding interest in the workingmen of the country and who wants them to have the opportunity to see the green fields and listen to the singing of birds and the babbling of brooks, if he thinks it would not be a very good thing to permit men who desire to do so to have a half holiday on Saturday? That privilege is denied him under this bill.

Mr. MARTINE of New Jersey. The Senator need give himself no concern about the Saturday half holiday. The workingmen will attend to that.

Mr. GALLINGER. They can not under this bill.

Mr. MARTINE of New Jersey. They will attend to it through the ordinary channels of the trade-unions.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. GALLINGER. I have already yielded to the Senator from New Jersey. I will yield to the Senator from New York if I have the opportunity.

Mr. O'GORMAN. I should like to ask the Senator from New Hampshire where is the provision in the pending bill which would prevent the workingman who desires a half holiday on Saturday from arranging for it amicably with his employer?

Mr. GALLINGER. There is no provision of that kind, provided he is willing to forego his pay. But the benevolent Senator from New Jersey does not agree to that.

Mr. MARTINE of New Jersey. I do not want that to happen.

Mr. O'GORMAN. As I read the bill, there is no provision against the mechanic and his employer making any amicable arrangement they see fit to make with respect to the half holiday on Saturday.

Mr. GALLINGER. Under the statute we are considering there will be 6 days of labor, with 8 hours on each day, absolutely without variation or the shadow of turning.

Mr. O'GORMAN. The proposed statute says that no workingman who is engaged on Government work or on work intended for Government use shall be employed in excess of 8 hours a day. But he may be employed for 6 or 4 or any other number of hours a day not exceeding 8 that he and his employer may agree upon.

Mr. GALLINGER. The Senator from New York knows too much of human nature and trade conditions to hold to the view that the workingman would be willing to give up some of the pay he is now receiving, based on the 8-hour principle.

Mr. O'GORMAN. I want to say——

Mr. GALLINGER. The Senator from New Jersey alleges that they now live in squalor and want and deprivation, and, of course, they will not give a part of their present earnings.

Mr. MARTINE of New Jersey. Let me say——

Mr. O'GORMAN. I simply wish to observe that in the State of New York, where we have a larger number of workingmen than can be found in any other State of the Union, the policy embraced in the pending bill has been in operation for several years to the advantage and satisfaction of capital as well as of labor. There is nothing new in the pending bill when compared with the legislation which has been in force in the State of New York for years, although I gathered from the observations of the Senator a moment ago that he knew of no precedents in the legislation of this country for the legislation contemplated by this act. If this is the Senator's belief, it is surely unfounded.

I agree with the Senator from Idaho that the adoption of this proposed amendment would tend to emasculate the best feature of the act, and while I believe that the Senator proposing the amendment has no such desire, I can well understand how the Members of this body who are opposed to the amelioration of labor contemplated by this legislation may confuse and complicate the issue by injecting the proposed amendment making it optional as to whether a man shall work 8 or 9 hours a day.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. Will the Senator permit me to answer?

Mr. GALLINGER. With great pleasure.

Mr. MARTINE of New Jersey. The Senator from Vermont charges——

Mr. GALLINGER. No; the Senator from New Hampshire.

Mr. MARTINE of New Jersey. They are contiguous States and both are very delightful, and only those two States could produce such splendid specimens of humanity as represent them here.

Mr. GALLINGER. Thank you. We will welcome the Senator to our beautiful State when he comes in search of the babbling brooks and singing birds and the green fields he speaks of, and we will show the Senator the beauties of protection also.

Mr. MARTINE of New Jersey. That will be very nice, and I know I will be thoroughly satisfied with them and the bigness of your heart.

I say for the little Commonwealth of New Jersey, in answer to the Senator, that while I do not say our people live in squalor, I do say it is unfortunate for the Senator's argument when he cites the cities of Passaic and Paterson, where he says anarchists grow up or seem to emanate and spring up, for those conditions are the evils of the tariff system. Those workingmen and those working women in Paterson and Passaic work in the mills and the workshops for a pittance—65 and 70 cents a day

between a white woman and starvation; and they are in your protected industries. In Boundbrook from 65 to 80 cents a day between a white woman and ruin, poverty, and shame. That is the blessing that comes to them.

You speak of my home. As I had occasion to say earlier, when I first came here, my farm has been built up, and I have built it up largely myself, but I have built it up with unprotected American labor. I have paid in American dollars and not in stock or watered capital. I have paid masons $4 to $4.50 a day; painters, $4 a day. They are unprotected. Find me somewhere under your protective system in Vermont or Massachusetts or New Hampshire or anywhere else within the confines of this splendid domain those who do half as well. Your argument makes paupers and rags and millionaires.

Mr. GALLINGER. Our argument is the opposite of the English and of the English system. Many of the people who are working in Passaic and Paterson for this pittance that the Senator suggests went there from a country that has not any tariff laws and where labor is not paid 50 per cent of the wages paid in Paterson and Passaic. That is the fact; and I would point the Senator to the condition of squalor that exists in England to-day, so far as its workingmen are concerned.

Mr. MARTINE of New Jersey. Let me point you to Bethlehem.

Mr. GALLINGER. That is all right. We are willing to take the responsibility of that.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I always like to hear the Senator from Missouri discuss a public question from the Democratic standpoint.

Mr. REED. I want to call the attention of the Senator to the fact that when they had the corn laws in England——

Mr. GALLINGER. That was before my time.

Mr. REED. And other restrictions the people got neither 65 cents a day nor 25 cents a day. They were starving by the wayside, and they had to take down their tariff barriers in order to get food for the people of England to eat.

So, if he wants to contrast so-called free-trade England with protected conditions in this country, he might also go back and contrast protected England with the present condition.

Mr. GALLINGER. I might go back——

Mr. REED. Just a moment.

Mr. GALLINGER. I might go back to the plague of locusts in Egypt or the famine in Ireland. But I am talking about present conditions.

Mr. REED. Out of those two conditions in England he might draw a lesson that would lead to the conclusion that possibly something besides the tariff has to do with the contrast between England and this country. I do not want the Senator to go back to the plagues of Egypt, although his tariff system has been compared by a great statesman to the plagues of Egypt, and the language was something like this: "These monopolists sip with us in our dish, filch from our pockets, and, like the lice of Egypt, are found in every home." So he might go back even to the plagues of Egypt.

Mr. GALLINGER. I had no doubt the Senator would discuss the question of vermin before he got through. I do not know what statesman it was who compared our tariff system to the plagues of Egypt. I wish the Senator would tell us who he was. I would like to look him up.

Mr. REED. Lord Culpeper.

Mr. GALLINGER. Well, that was a good while ago. And was he talking about the tariff system of the United States?

Mr. REED. It was not much longer ago than you began building monopolies through the tariff system and calling them infant industries.

Mr. GALLINGER. And about that time they had a good many monopolies in England, too, and they have had a great many created since.

Mr. REED. Yes; and he was fighting them.

Mr. GALLINGER. Mr. President, I regret that the tariff question has been injected into this discussion. I know how the laboring people, as a rule, feel about the protective system. If we are ever going to have a referendum on anything, I wish we might have a referendum on that very question, submitting it to the men in the manufacturing industries of the United States; and I think the Senator from Missouri and the Senator from New Jersey would be satisfied that they are doing those people an injustice when they are picturing them as being in squalor, rags, and destitution. It is not true. There are millions of dollars in the savings banks of New England put there by men and women who work in our mills and factories. They work in our mills, and they do not relish having their condition pictured as it has been pictured on this floor time and time again.

Mr. President, we were talking about permitting the laboring men to have a half holiday on Saturday if they desire it, not to increase their hours of labor during the week, but to let them work, if they are willing to work and want to work, as many of them do, 9 hours a day for 5 days and 3 hours on Saturday. So it seems that when a workman came to me a few days ago and said, "Of course, nobody would object to it," I was not far out of the way when I said, "Yes; honorable Senators will object to it, and the probability is that it will be defeated." Prepared for its defeat as I am, yet I want to reiterate what I presume I have already repeated—that in the interests of the laboring men, in the interests of their homes and their happiness, they ought to be permitted the privilege of having a half holiday on Saturday if they desire it; and I believe it is not only a hardship but a wrong to enact any legislation that will deny them that privilege, which many of them so much desire.

Mr. President, at a later time in this discussion, because we are not going to complete it to-day, I may have something to say on the general propositions involved in the bill, but I have said all I care to say about this Saturday half-holiday matter.

Mr. LODGE. Mr. President, I do not care to be carried off on the waves of a tariff debate, but the Senator from New Jersey spoke about the unprotected trades, and I thought perhaps it would not be amiss to call his attention to a statement made before the Committee on Finance by Mr. Frank R. Vreeland, of Bayonne, N. J., representing the executive board of the New Jersey State Building Trades. He was asked:

What do you mean by "the building trades"? Just what trades are included?

Mr. VREELAND. Carpenters, painters, plumbers, sheet-metal workers, marble cutters, bricklayers, plasterers, electrical workers, and building-trades mechanics and laborers in general.

He began by stating that there were 30,000 members of unions which he represented.

Senator WILLIAMS. Carpenters?

Mr. VREELAND. Carpenters; yes, sir.

Senator WILLIAMS. Bricklayers?

Mr. VREELAND. Yes, sir; the entire class of labor employed in the erection of buildings, from the excavation to the locking of the front door.

We feel, as an organization, that while this revision of the tariff does not affect any of the building material in its handling by us on the building, yet it does have the effect of creating an unrest among the employers and stagnation in business, as it were, because of the uncertainty as to the result of the tariff revision; and that directly affects us or those affiliated with us.

His testimony goes on at some length, in which he objected strongly to the reduction.

Mr. MARTINE of New Jersey. He was simply an employee in common with the rest of us. His condition is no different from yours or mine, or that of anybody else.

Mr. LODGE. I only quoted it to show that the man came down here—a member of the executive board of the building trades, composed of 30,000 men—and he took a different view from the Senator from New Jersey of the effect of the tariff on his unprotected industry.

Mr. President, I come from a State in which the first efforts were made in this country for the limitation of the hours of labor. We passed, 60 or 70 years ago, an act on the model of the early factory acts of England, which have been referred to, to limit the hours of labor. We have continued that policy in my State; we have kept on reducing the hours of labor in the mills, until we have the number of hours per week now lower than they are anywhere else.

I am far from opposed to the principle of the bill. I believe there should be a proper regulation of hours for those who it may be said generally, in certain great organized businesses, are unable to make the proper arrangements for themselves. I have no desire to impair the principle of the bill for a proper regulation of the hours of labor. But in my State the Saturday half holiday has been very generally adopted; it is almost universal.

The Senator from Idaho spoke of the people interested in this thing being a negligible quantity and the practice confined to a few States. Of course we each of us look at it a little from our own point of view. My State is a very small State, indeed. It could easily be put into a single county in Idaho. But there are three and one-half million people employed in that little territory. The annual product of the industries of Massachusetts has reached $1,400,000,000 in a year. The working people of the State have some $700,000,000 in the savings banks. The number of people employed directly in the industries, the people who work in them—not those who are dependent on them or who are concerned with the overhead management of the business, but the people actually employed in the industries—number between 500,000 and 600,000. However negligible and trivial

that may seem to some Senators from larger States, it is of course naturally of importance to me.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. The Senator from Massachusetts, I am sure, did not understand me as speaking disparagingly of Massachusetts.

Mr. LODGE. I did not, of course.

Mr. BORAH. I simply referred to the fact that it has not been a universal custom or practice, and that as compared with the entire question it is, in my judgment, unimportant.

Mr. LODGE. Mr. President, I am utterly unable to see how this *amendment* injures the bill. The Saturday half-holiday system is, as I said, in general use in my State. I think it is very largely used in other States, but of that I have no immediate knowledge. The Senator from Missouri the other day referred to it as if it was familiar in his State; the Senator from Tennessee spoke of it as known in his State; and I have no doubt that it is in general use and is coming into very universal adoption everywhere.

Now, if we limit the number of hours in the week days—what this 8-hour bill does—to 48, the workman will be forced naturally either to the point, where the payment is by hours, as it is in most great industries, of giving up 4 hours of work in the week, losing pay for that time, or else abandoning his half holiday.

It does seem to me it can not affect the principle of the bill at all to allow a certain amount of latitude, a latitude sufficient to give at least to the workmen and the employers alike the opportunity of choice. If a man prefers, as I think most men would, to work 9 hours for 5 days and 3 hours on Saturday, so as to have practically the whole of that day and Sunday together to go in the country or indulge in any rational amusements that appeal to him, it seems to me it is not a very large liberty to give him. I know that the workmen in my State very generally desire that. I believe they would be entirely satisfied with the 48 hours' limit. They are accustomed to the weekly limit, and if it is limited to 48 hours the right might be left to them to say how it should be distributed. The amendment is not offered with any intention of emasculating the bill or anything of the kind. It is offered simply to allow a certain latitude to the people who are working under this legislation.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. Did I understand the Senator from Massachusetts to say that the present limit in Massachusetts is 54 hours a week?

Mr. LODGE. That applies to the textile mills.

Mr. HITCHCOCK. But not to the navy yards?

Mr. LODGE. The navy yards, of course, have been under the 8-hour law for a long time. This bill does not touch navy yards.

Mr. HITCHCOCK. I should say the shipbuilding yards where naval work is done for the Government.

Mr. LODGE. I do not know whether the 54-hour law applies to the shipbuilding yards or not. The shipbuilding yards, however, I will say to the Senator, I do not think are working 54 hours a week, anyway.

Mr. HITCHCOCK. I was going to inquire of the Senator from Massachusetts how he can possibly hope to harmonize his amendment providing for a total of 48 hours a week with the Massachusetts law, which provides for 54 hours?

Mr. LODGE. I do not expect to harmonize it with it. Those great textile mills are not concerned, or very few of them. There is hardly one in the State that takes a Government contract. They would not be affected by this measure at all.

Mr. HITCHCOCK. As a matter of fact, if the textile mills allow a Saturday half holiday and provide for a total of 54 hours a week they must be working 10 hours a day, and that is not a very fine model to present to us.

Mr. LODGE. I am not presenting it as a model. The adjoining States work as high as 56 and 60 hours a week. If the Senator will look over the textile industries of this country he will find 54 hours the lowest week.

Mr. HITCHCOCK. I ask the Senator whether he does not think it is deplorable that in the textile industries, protected as they are by the tariff on the theory that it is for the benefit of American labor, the employees should work such excessive hours?

Mr. LODGE. I think the hours of labor in many of the industries are very long.

Mr. HITCHCOCK. Particularly in the protected industries.

Mr. LODGE. No; not particularly in the protected industries.

Mr. HITCHCOCK. It has been shown, and it is a fact, that in unprotected industries, which have no benefit of the protective tariff, they work only 8 hours.

Mr. LODGE. They have no need of a protective tariff, because they have a natural prohibitory tariff. You can not import a house built.

Mr. MARTINE of New Jersey. You can import men.

Mr. LODGE. You can import men, and there is too much competition from imported men.

Mr. HITCHCOCK. I wish to suggest to the Senator from Massachusetts that this is not a law to prohibit men from working more than 8 hours a day; it is an act to provide that work done for the United States Government shall be done upon an 8-hour basis, just as any employer can provide that anyone working for him shall work upon the 8-hour basis.

Mr. LODGE. I have grasped that idea in the bill. I have grasped that its idea was to have 8 hours on work contracted for by the United States. The object was only to give those industries—I confess the shipyard was what I had chiefly in mind—the opportunity to make the half holiday and yet obey the law. The employers are making no resistance to the law that I am aware of, but they do ask for that latitude in making the arrangement.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. I wish to ask the Senator from Massachusetts in which States workingmen are permitted to work 56 hours a week?

Mr. LODGE. I think it is the 56-hour law in Rhode Island, and I think in New Hampshire, too. In Pennsylvania I think they have the 56-hour law. All those laws represent successive reductions. The last law we passed was a reduction from 56 to 54 hours.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. I do not think there is any 54-hour law in Pennsylvania. There may be in New Hampshire, but I do not think there is any in Pennsylvania.

Mr. LODGE. I am not speaking altogether of the law. If the Senator will go to the States where there is no law fixing the hours he will find it runs as high as 60 hours a week.

Mr. GALLINGER. If the Senator will permit me, I speak with considerable certainty when I say that the law in New Hampshire is 54 hours.

Mr. LODGE. Then it is the same as ours; there has been a reduction.

Mr. GALLINGER. There was a reduction a few years ago.

Mr. LODGE. There are some States, the Senator will observe, if he will look at the statistics, where there are no laws limiting the hours of labor in a week, which go far over 54 hours.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE]. [Putting the question.] The noes appear to have it.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. REED. Mr. President, I think in justice to myself and perhaps in justice to others I ought to make a statement.

I stated day before yesterday that I favored the amendment offered by the Senator from Massachusetts [Mr. LODGE], and gave my reasons for favoring it. Among those reasons was the opinion that it was in form desired by the laboring men who were concerned. I have since been advised by laboring men high in authority in those organizations that I am mistaken in that view, and that the overwhelming opinion among laboring men, according to the statement of these gentlemen, is that they desire to have the limit of 8 hours.

I do not believe I am mistaken in the views I originally expressed, so far as I gave my reasons based upon my own judgment, but I am constrained to believe that I was mistaken in the statement that the laboring men desire to have this amendment, and because I regard this as a measure designed for their particular benefit I have concluded that I shall vote for the bill as it is submitted.

Mr. SMITH of South Carolina. Will the Chair please have the amendment offered by the Senator from Massachusetts read before the roll is called?

The PRESIDING OFFICER. Without objection, the Secretary will again read the amendment.

The SECRETARY. Add at the end of section 1 the following proviso:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is absent from the Chamber. He has a general pair with the Senator from Arkansas [Mr. DAVIS].

Mr. BORAH (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is necessarily absent. If he were present, he would vote "nay."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON]. Therefore I withhold my vote.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE], who is not now in the Chamber. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent from the Chamber. He is paired with the Senator from California [Mr. PERKINS].

Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to announce that my colleague [Mr. PERCY] is kept from the Chamber by a sudden and serious illness of one of his brothers. He is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to state that my colleague [Mr. POINDEXTER] is absent from the Chamber on important business. I think if he were present he would vote "nay" on this amendment.

Mr. ROOT (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, and I were at liberty to vote, I should vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote, having a pair with that Senator.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is unavoidably absent from the Senate on public business. In his absence I withhold my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I will withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Nebraska [Mr. BROWN], and as I find that he has not voted and is not in the Chamber, I will withdraw my vote.

Mr. CHILTON (after having voted in the negative). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I inquire whether he is recorded as voting?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. CHILTON. Then I withdraw my vote.

While I have the floor I desire to announce that my colleague [Mr. WATSON] is necessarily absent from the Senate. He has a general pair with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. O'GORMAN. I desire to inquire whether the senior Senator from Connecticut [Mr. BRANDEGEE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. O'GORMAN. I have a general pair, as I have already announced, with the senior Senator from Connecticut, but I transfer that pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. CRAWFORD. I am requested to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 14, nays 35, as follows:

YEAS—14.

Bradley	Fletcher	McLean	Sanders
Bryan	Gallinger	Oliver	Wetmore
Burton	Lippitt	Richardson	
Dillingham	Lodge	Root	

NAYS—35.

Ashurst	Curtis	Martine, N. J.	Shively
Bacon	Fall	Myers	Smith, Ariz.
Borah	Gore	Newlands	Smith, S. C.
Bourne	Gronna	O'Gorman	Sutherland
Bristow	Guggenheim	Page	Tillman
Chamberlain	Hitchcock	Penrose	Townsend
Clarke, Ark.	Jones	Pomerene	Williams
Crawford	Kern	Rayner	Works
Cummins	Lea	Reed	

NOT VOTING—46.

Bailey	Cullom	Lorimer	Smith, Ga.
Bankhead	Davis	McCumber	Smith, Md.
Brandegee	Dixon	Martin, Va.	Smith, Mich.
Briggs	du Pont	Nelson	Smoot
Brown	Foster	Nixon	Stephenson
Burnham	Gamble	Overman	Stone
Catron	Gardner	Owen	Swanson
Chilton	Heyburn	Paynter	Thornton
Clapp	Johnson, Me.	Percy	Warren
Clark, Wyo.	Johnston, Ala.	Perkins	Watson
Crane	Kenyon	Poindexter	
Culberson	La Follette	Simmons	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from Idaho will be willing to accept it. It is a small matter and relates to the construction of certain boats. I will explain it in a moment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 2, on page 4, line 15, after the date "1892," it is proposed to strike out "or to apply to work done under contracts made prior to the passage of this act" and to insert the words "or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act."

Mr. LODGE. Mr. President, the bill now exempts from the application of the proposed law work done under contracts made prior to the passage of this act. There were three vessels—not large vessels—authorized under a recent act which would have been contracted for some time ago but that the plans had to be changed in order to meet the requirements of the appropriation. Unless this alteration is made—for, of course, this will increase very much the price of all these vessels—those vessels will not be constructed and it will be necessary to again appropriate for them. It was thought at the department that as it was an accident owing to the changes in the plans, there would be no objection to exempting them as they would have been exempted had it not been for the delay, under the bill as it now stands.

Mr. BORAH. I ask that the amendment proposed by the Senator from Massachusetts may be reread.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be again stated.

The Secretary again read Mr. LODGE's amendment.

Mr. BORAH. Mr. President, I have no objection to that amendment; that is, to the principle of the amendment, but, unless I am in error as to the amendment, it would make necessary some other changes which the amendment does not anticipate.

Mr. LODGE. It was not intended to do anything except extend it to vessels already appropriated for.

Mr. BORAH. With that understanding——

Mr. LODGE. If it goes further than that, the Senator from Idaho can modify it in any way he desires.

Mr. BORAH. So far as I can do so, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the word "party," it is proposed to insert "except contracts made in connection with the construction of the Isthmian Canal."

The PRESIDING OFFICER. Does the Senator from New York desire all the printed amendments to be considered together?

Mr. ROOT. I think if the first is passed upon the second will follow necessarily. The third is a separate amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. I hold in my hand an amendment offered by the Senator from New York under date of May 7, 1912. Is that the amendment which he has offered?

Mr. ROOT. That is the amendment.

Mr. BORAH. Mr. President, so far as I am concerned, I see no objection to the amendment, but, because of the manner in which it is inserted, I am of the opinion that it might have a different effect than that which is anticipated. It reads:

On page 1, line 4, after the word "party," insert the words "except contracts made in connection with the construction of the Isthmian Canal."

Then, with the amendment inserted, the provision would read as follows:

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, except contracts made in connection with the construction of the Isthmian Canal, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract—

And so forth. Perhaps that is all right.

Mr. ROOT. I think so. I think it incorporates the exception into the general description of contracts affected. That is what it was intended to do.

Mr. BORAH. The purpose of the Senator, of course, is simply to except the Isthmian Canal and contracts made in pursuance of its construction.

Mr. ROOT. That is all.

Mr. BORAH. Now, would the Senator be willing to submit as an amendment an extra section, simply providing that this bill shall not apply to the Isthmian Canal?

Mr. ROOT. Perfectly. There is a suggestion that Col. Goethals himself has made which has come in since this amendment was printed, and I think the Senator from Idaho has a copy of the letter in which he makes the suggestion; and that is, in line 3, on page 4, at the end of the sentence which authorizes the President to waive the provisions of the act as to specific contracts during time of war or when war is imminent, to add these words:

And until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal.

Mr. BORAH. I have no objection to that amendment.

Mr. ROOT. Then, I will withdraw the other amendment which I offered and offer that instead.

The PRESIDING OFFICER. The Senator from New York withdraws his first amendment and offers an amendment in place thereof, which will be stated.

The SECRETARY. On page 4, line 3, after the word "imminent," it is proposed to insert "and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROOT. Mr. President, that disposes of the first two amendments on the paper I have sent to the desk, but I think the third had better be passed upon. It is on page 4, line 15, after the word "ninety-two," insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1906."

That is merely to prevent a possible misunderstanding.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. On page 4, line 15, after the word "ninety-two," it is proposed to insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1906."

Mr. ROOT. The bill as reported saves the act, chapter 352 of the laws of 1892, from the effect of the bill. That act has been amended, and I want to make it sure that the act as amended is saved.

Mr. BORAH. What amendment was made to that act to which the Senator refers?

Mr. ROOT. I think it is the amendment——

Mr. BORAH. Is that the amendment excepting foreign labor from the operation of the act?

Mr. ROOT. Yes. It reads:

SEC. 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, and of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved February 27, 1906, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

I wanted to be sure that in saving that original act from this we saved also the amendments.

Mr. BORAH. Very well; I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, I think there should be additional language inserted in the bill by adding, after the amendment already adopted, the words "except as herein otherwise expressly provided." There have been several modifications of the acts of 1892 and 1906, and with the passage of this bill, if the text of those statutes is now in existence, necessarily the latest law will control. There ought to be a provision inserted as to conflicting provisions or provisions that cover the same ground, whether they conflict or not.

The PRESIDING OFFICER. Does the Senator from Arkansas offer an amendment?

Mr. CLARKE of Arkansas. I call it to the attention of the Senator from Idaho, and move that it be adopted as an amendment.

The PRESIDING OFFICER. The Senator from Arkansas proposes the following amendment, which will be stated.

The SECRETARY. It is proposed to add to the amendment proposed by the Senator from New York the words "except as herein otherwise expressly provided."

Mr. ROOT. Might not that have the effect of nullifying the whole amendment?

Mr. CLARKE of Arkansas. No. The text of the acts remains the law except in cases where it is expressly provided otherwise by this proposed act.

Mr. ROOT. This provision is that nothing in this act shall be construed to repeal or modify the act of 1892.

Mr. CLARKE of Arkansas. Yes.

Mr. ROOT. And as amended by the proposal I made it would be that nothing in this act shall be construed to repeal the act of 1892 as amended.

Mr. CLARKE of Arkansas. I suggest the words "except as herein otherwise expressly provided."

Mr. BORAH. The Senator's amendment, I think, would have the effect of militating against the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I beg pardon. I did not hear the last remark of the Senator from Idaho.

Mr. BORAH. If I understand the amendment of the Senator from Arkansas correctly, it would have the effect of modifying the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I had no such intention. I intended merely to preserve so much of the two acts mentioned as is not changed by the passage of this law.

Mr. BORAH. The act of 1892 does not affect it. I have no particular objection to that amendment. If it is found to be an error, it can be taken care of in conference, I presume.

Mr. CLARKE of Arkansas. If my amendment provokes any discussion or is likely to delay the passage of the bill, in view of the fact that other business will shortly take precedence of it, I will withdraw it.

I offer the amendment I send to the desk, and call the attention of the Senator from Idaho to it.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his former amendment?

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. And offers an amendment, which will be stated.

Mr. ROOT. I understand the amendment I offered was agreed to.

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. The amendment of the Senator from New York was agreed to.

The SECRETARY. It is proposed to amend by adding, after the word "not," line 18, on page 3, the following: "Nor to the construction or repair of levees or revetments necessary for protection against floods and overflows on the navigable waters of the United States."

Mr. BORAH. Does the Senator from Arkansas intend that to apply to cases of emergency?

[Mr. CLARKE of Arkansas addressed the Senate. See Appendix.]

Mr. BORAH. May the amendment again be stated?

The SECRETARY. On page 3, line 19, insert a comma and the words "nor to the construction or repair of levees or revetments necessary for protection against floods and overflows on the navigable waters of the United States."

Mr. BORAH. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I was not surprised, and yet it was a matter of regret to me, that the beneficent amendment relating to the half holiday was adversely acted upon by the Senate. I have a little amendment that I want to offer. I realize that this bill is going to pass substantially as it is. The Senator from Idaho always gets his bills through, because he is a good tactician; his amiability carries them along on the tide. I offer this amendment, and even though it may not at the moment strike the Senator as a wise one, I trust he will let it go to conference. The friends of the bill will be the conferees on the part of both Houses, and it can be dropped out if the Senator, upon examining it, does not think it is a wise amendment.

I will say simply a word in connection with it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 4, before the word "emergency," insert "extraordinary events or conditions of manufacture or to any," so that it will read:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture or to any emergency caused by fire, famine, or flood, etc.

Mr. GALLINGER. I will say to the Senator that the addition of the words I have suggested would provide for those unusual industrial emergencies which may arise in the execution of any contracts within a time limit. There may be an exceptional delay in the delivery of material, the plant of the subcontractor may be destroyed or so injured that he is unable to supply the chief contractor with material essential to the execution of his contract, or a railroad wreck might destroy essential material in transit, or important machinery may break down in the shop. These are "extraordinary events or conditions of manufacture" which should justify the remission of a penalty, since they are obviously beyond the control of the contractor, and in justice should be provided against.

The amendment is designed merely to recognize this condition, which is liable to happen and which, I think, is a proper protection to the contractor, so far as the rigid execution of the law is concerned.

I will repeat what I said: I hope the Senator will let the matter go to conference, and if in the judgment of the conferees it is not a wise provision, it can be dropped.

Mr. BORAH. May I ask that the amendment be again read, so that I may catch it?

The Secretary again stated the amendment.

Mr. BORAH. I am not going to ask for a vote upon the pending bill to-day, for the reason that a Senator who is absent desires to make some remarks upon it, and, if the Senator from New Hampshire would permit, I would just as soon that his amendment should go over with the bill.

Mr. GALLINGER. I am quite willing that that shall be done. I hope the Senator from Idaho will look carefully at it, and trust that in his wisdom he will think it a proper amendment.

Mr. BORAH. I will give it proper consideration.

Mr. HEYBURN. I desire to ask the Senator from Idaho whether it is his intention at 2 o'clock, now closely approaching, to lay aside this bill, or is it his intention to ask that the unfinished business be laid aside?

Mr. BORAH. A Senator who is absent from the Chamber desires to make some remarks on this bill. Therefore it was not my intention to press it to a vote to-day. And at 2 o'clock I expect that the unfinished business will be proceeded with.

Mr. HEYBURN. I prefer not to start what I have to say unless I can finish my remarks.

Mr. POMERENE. I offer an amendment and call the attention of the Senator from Idaho to it.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment, which will be stated.

The SECRETARY. On page 3, line 14, after "intelligence," insert:

Or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not.

And strike out the same words beginning with "or," in line 17, and ending with the words "or not," in line 19.

Mr. POMERENE. Mr. President, as this section is constructed it is open, in my judgment, to some doubt as to its true meaning. It is not intended, as I understand the chairman, that the 8-hour provision shall apply to the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not. Where this clause is inserted it might appear to be a part of the exception and it would be included in the class with armor and armor plate. I only offer the amendment in the interest of certainty in the construction of the language.

Mr. BORAH. In view of the fact that the bill is going over, would the Senator from Ohio object to offering the amendment and letting it lie on the table so that we can take it up on the next consideration of the bill?

Mr. POMERENE. I have no objection.

Mr. BORAH. I understand the Senator from Ohio offers it merely for the purpose of making more explicit the terms of the bill.

Mr. POMERENE. That is my only purpose.

Mr. BORAH. With no intention of changing it substantially.

Mr. POMERENE. It does not change it in the least, as I understand the construction of the language.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

THE METAL SCHEDULE.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, I believe I can to-day conclude what I have to say on the metal schedule if not interrupted.

FILES.

[Paragraph 29.]

The act of 1909 provides a specific duty on files of each class. These specific duties, based on importations for the year 1911, are equivalent to an ad valorem of 61.16 per cent. The proposed rate of duty under the pending House bill is 25 per cent ad valorem. The existing rates average 15 per cent below the rates of the Dingley law and the proposed rate of 25 per cent, according to the Ways and Means Committee's report, makes a further reduction of about 63 per cent.

Though files are made by machinery, the principal expense in their manufacture is the labor cost, as none of the machinery used is automatic. Every machine operation requires the attendance of an operator, so that practically the entire cost except the small expenditure for material is labor cost. In making every one of the files I have here no less than 91 definite, distinct, and separate operations of handling are required for each individual piece from the time the steel enters the factory until the finished files are placed in stock. In addition to these distinct operations, there are numerous minor operations which have not been included in the total which I have given. One company, which manufactures about 50 per cent of the files used in this country, informed the committee that it carried in stock regularly no less than 6,000 varieties of files, every one of which is a fine-edged tool which must be handled as a unit in practically every operation through which it passes.

Exhibit A of the samples I have here is a 2-inch ground file. In producing these files 1 pound of steel, costing 25 cents, will make 83 dozen files, having a net value of $68.06. In other words, the labor expended on this pound of steel enhances its value 272 times its cost.

Exhibit B is a 5½-inch metal file of which there are large importations. One pound of steel, costing 19 cents, will make 8 dozen files, having a net value of $6.72, or 35⅓ times the cost of the raw material.

Exhibit C is a 14-inch flat file. One dozen of these files require 21 pounds of steel, at a cost of 3½ cents a pound, or 73½ cents for one dozen files. These files are sold at about $2.91 per dozen. The labor cost involved in the making of these coarser files is much less than that required for the finer files.

American file makers pay their laborers and help from $1.40 to $1.80 and skilled workmen from $2.40 to $4.25 per day. In Germany laborers and assistants receive from 64 cents to $1.08 per day and skilled workmen from 85 cents to $2.14 per day. Switzerland, France, and Germany are cheap competitors of the United States in the manufacture of files. America, however, is the best market in the world for the sale of files. Within the past five years a number of foreign countries, including France, Germany, Japan, and Sweden, have materially increased their duties on files, which has restricted the field for the sale of American-made files. Are we now going to open up the American market to the cheaper-made files of foreign countries and destroy our own industry?

SHOTGUNS AND RIFLES.

[Paragraphs 30 and 31.]

Manufacturers of shotguns stated at the hearings held by the Senate Committee on Finance that the proposed reduction of the duty on shotguns to 35 per cent would be absolutely fatal to that industry in the United States. A former duty of 30 per cent on breech-loading shotguns utterly failed to protect American manufacturers, and that industry amounted to practically nothing as compared with its present output until the duty was raised to a point where it represented the difference between the cost of production at home and abroad. Belgium is the principal competitor of the United States in the manufacture of shotguns. In the better class of these guns practically 80 per cent of the cost is directly due to expenditure for labor.

Parker Bros., manufacturers of high-grade guns, informed the committee that European labor in their line costs about a third of what it does in this country. They stated that a gun costing $20 to manufacture represents $16 in labor and $4 in material. In Belgium the labor cost on the same gun could be reduced from $16 to $5.33, making the factory cost of the gun $9.33, which, after paying a duty of $5.39, would make its importation price $14.72 as compared with the American cost of $20.

Take the gun known as "Sauer, No. 1," which Schoverling, Daly & Gales, of New York, purchase abroad at $24 and on which the duty amounts to $14.40, making the importation price $38.40. Parker Bros. state that this gun could not be made in America for $50 owing to the geater labor cost here. The average wage paid to laboring men in the Belgium gun factory is from 2 to 4 francs per day—from 40 to 80 cents—as compared with from $2 to $3 per day in this country. The average Belgium wage is about 55 cents, a large number of women and children being employed in the assembling of guns and similar classes of work. No women or children are employed in American gun factories, and I do not believe such conditions as exist in Belgium would be tolerated in this country.

Practically all of the gun barrels used by American shotgun manufacturers are imported from Belgium. Several American manufacturers undertook to make these barrels, but finally had to give up the attempt, as they could not begin to compete with the product of Belgium factories, which are imported free under the present tariff. Parker Bros. Gun Co. erected an addition to its factory, put in up-to-date machinery, and brought men from Belgium to show their blacksmiths how to make gun barrels. This company soon had to give up the attempt, however, as they had to pay their blacksmiths from 32 to 40 cents an hour, while the highest wage paid Belgium blacksmiths for exactly the same grade of work is 11 cents an hour. American gun manufacturers are in considerable doubt as to whether the pending bill takes shotgun barrels from the free list of the act of 1909, and places them in the basket clause at a duty of 25 per cent, thus increasing the cost of raw material to the American manufacturer and at the same time decreasing the duty that protects American wage earners against the wage scale of Europe.

FISHING TACKLE.

[Paragraph 34.]

The Underwood bill reduces the duty on fishing hooks from 45 to 10 per cent, and on fishing tackle from 45 to 30 per cent. The specific duty on these articles varied to such an extent until the law of 1909 was passed that the industry can hardly be said to have been fairly established in this country until that year. Now it is proposed to destroy it by opening the market to competition from Japan and other countries. In making fishing flies, which require skilled and experienced help, a manufacturer stated before the committee that he paid women $1.50 a day, whereas the amount paid in England for the same work is 50 cents a day, and in Japan, where the business is growing, labor costs are very much less.

The fishing material of this kind is a luxury rather than a necessity, and the profits of retailers are so great that the reduced duty would not in the least affect the consumer. The imporations now, under the existing law, are equal to the home production. Fishing hooks are sold for 25 cents a thousand, while the retailer sells them in some cases two for a nickel. It is clear that there would be no advantage to the consumer in the reduction of the duty in this case.

The Japanese are now offering to sell in this country, duty paid, flies at 45 cents per gross, and a manufacturer testified before the committee that it cost him $3 to make a gross. The Chinese and Japanese have developed this business recently, and are seeking to export their goods.

If the duties are reduced as proposed by this House bill, it will simply stop the growth of this industry in the United States, if it does not eventually kill it. There is greater reason now for imposing 45 per cent tariff on these goods than there was in 1909. The wire for fishing hooks costs about the same now as then, but some of the other materials are much higher, while labor laws limit the working of girls and women, who were largely employed in this industry, raising the cost of production of artificial flies.

The following table gives a comparison of wages paid American and English labor engaged in making various kinds of fishing tackle:

Comparison of wages of English and American workpeople.

In the manufacture of—	English wages per day 1909.	American wages per day	
		1909	1912
GUT LEADERS.			
Forelady of tying leaders	$0.50	$1.25	$1.50
Tying of gut leaders (expert)	.35	1.00	1.35
Packing gut leaders (expert)	.35	1.00	1.25
SNELLED HOOKS.			
Forelady of snelled-hook department	.50	1.35	1.50
Tying snells, girls (expert)	.40	1.00	1.35
Forelady for packing snells	.50	1.25	1.35
Packers, girls (expert)	.35	1.00	1.25
FISHING FLIES.			
Forelady fly-tying department	.83½	2.00	2.00
Fly tyers (expert)	.50	1.50	1.65
Forelady of packing department	.50	1.35	1.50
Packers, sewing flies on cards, etc. (expert)	.40	1.25	1.25
FISHHOOKS.			
Foreman of hook-making department	1.75	4.00	4.00
Workman, hook-making department	1.25	2.50	3.00
Foreman of tempering department	1.75	2.50	2.75
Workman, tempering department	1.25	2.25	2.50
Foreman of tumbling department	1.25	2.00	2.25
Workman, tumbling department	1.00	1.75	2.00
Foreman of japanning department	1.25	2.50	2.50
Workman, japanning department	.75	1.75	2.00
Forelady of packing department	.48	1.35	1.50
Girls, packing department	.33	1.25	1.35

Miss C. J. Frost, of Stevens Point, Wis., advised the committee that the proposed reduction of the duty on fishing tackle would either compel her to reduce the wages of her 155 employees or else close her factory. Miss Frost said she had been informed that the best women employees in the Norwegian fishing-tackle industry receive 30 cents for 12 hours' work. She stated that the best help in her factory received $2 a day, and that she employed a good many girls from $4 to $8 per week.

SAWS.

[Paragraph 37.]

The House bill reduces the duty on saws from an equivalent ad valorem duty of 24.30 per cent in 1911 to 12 per cent. The testimony of saw manufacturers is to the effect that they could not compete with the foreign product unless they could obtain labor at the same rates. That can not be done unless all industries are treated alike. The large saw factories near Strassburg in Germany pay from 3 to 4 marks, or less than $1, for a day of 10 hours' work, which would be 9.6 cents an hour as compared with from 40 to 47 cents an hour for similar labor in the United States.

The proprietor of a large manufacturing establishment in Indiana, who has a factory in Canada, testified that he could not compete with the British manufacturers in Canada, and that led him to establish his works in that country. The proposed rate here is much lower than the British preferential rate in Canada. Even now English saws can be imported into the United States and sold in competition with the American products. With the rate cut more than one-half it is clear that the American producer could continue in business only by reducing wages all along the line to accord with the lower duty.

ALUMINUM.

[Paragraph 41.]

Aluminum was distinctively an American industry in its origin. The process of extracting this metal from bauxite or clay was invented by an American. Patents on the process have expired, however, and now the field for making aluminum is open to anyone. At first aluminum, owing to the difficulty of its manufacture, was a very expensive material. I have been informed that the aluminum top of the Washington Monument cost $16 a pound, and for a number of years aluminum sold for around $8 a pound. The expense of manufacturing aluminum has been so greatly reduced, however, that now it is, bulk for bulk, cheaper than any other metal except iron. In volume its cost

is 15 per cent that of tin, 40 per cent that of copper, and 90 per cent that of zinc. Aluminum is the most prevalent metal in the world, there being something like 8 or 10 times as much aluminum as there is iron.

Foreign manufacturers of aluminum, however, have important advantages over the American manufacturers, due to their cheaper labor, cheaper electrical power, proximity to raw materials, and a better quality of bauxite. In no metal does the cost of labor enter so largely as in the cost of aluminum. The mineral bauxite from which aluminum is made is a cheaper mineral, costing less than $1 per ton in the ground, but its transformation into alumina and thence into aluminum worth $360 per ton is an expensive process involving a great deal of labor.

Limestone, another mineral necessary in the manufacture of aluminum, is worth only a few cents per ton in the ground, but absorbs much labor in its service in the aluminum industry. Carbons, a highly wrought product made from petroleum coke, which is valued at less than $5 per ton, are essential in aluminum manufacture, and add to its high labor cost. Similarly the 5 tons of coal consumed in making a ton of aluminum and the soda ash required are costly, largely because of the labor required to prepare and handle them. From the cheap ore to the highly concentrated ingot, aluminum manufacture is primarily an unusually elaborate labor process. The European manufacturer pays only one-third as much for his labor as does the American manufacturer, or the American manufacturer spends three times as much in labor to produce 1 pound of aluminum—and labor is a large majority of the total cost of production—as does his foreign competitor.

The water powers of Europe generating electricity for aluminum manufacture are found, with one exception, in Norway, the Alps, and the south of France. The high heads there available make it impossible for American water powers to compete in cost of electricity developed. Our water powers require more labor to develop, our machinery is more expensive, our developed cost per horsepower installed is from two to four times the European cost. Here, again, the European manufacturer has an advantage over the American producer.

Of the 14 foreign manufacturers of aluminum, 10 are able to locate their plants within 150 to 200 miles of the bauxite beds, necessitating thus for the bauxite required a trivial transportation charge. The American manufacturers have a 1,500-mile rail haul, or approximately eight times the transportation charge of the foreign manufacturers. The remaining European manufacturers have plants located either on or close to tidewater, affording thus cheap water transportation.

The foreign bauxite employed by the foreign manufacturer contains 65 per cent of alumina, the essential ingredient, as against 55 per cent contained in the American ore. In the ore employed, therefore, the foreign manufacturer has an advantage over the American manufacturer expressed by the ratio of 6 to 5, or he uses four and a fraction tons of bauxite to make 1 ton of aluminum, whereas the American manufacturer uses 5 tons to accomplish the same result.

The are 14 foreign aluminum manufacturers, with a production capacity of 103,400,000 pounds of aluminum. The total consumption outside the United States is 55,000,000 pounds, leaving thus a capacity of 48,400,000 pounds in excess of the foreign demand. In France alone there are 7 aluminum manufacturers, producing 40,040,000 pounds, while France consumes only 6,600,000 pounds, which leaves 33,440,000 pounds surplus, or three-fourths of the total consumption of the United States, which the pooled French producers are prepared to dump upon our market from behind their own tariff wall, with its 7½ cents per pound duty. The United States consumes about 45,000,000 pounds of aluminum. In the year ending June 1, 1910, over 12,000,000 pounds were imported; in the following year, 6,500,000 pounds.

The framers of the pending bill evidently made a serious mistake in estimating that the duty on aluminum provided for was equivalent to about 4 cents a pound on crude and 6 cents a pound on sheet aluminum. In a letter dated February 5, 1912, addressed to the Treasury Department, Mr. Loeb, collector of customs at the port of New York, stated that the then price of aluminum ingot in the French market was 11 to 11¼ cents, whereas the price had been as low as 10.8 cents in the latter part of 1911; and that the price of sheet during the last six months had been from 16 to 20 cents per pound, or, say, an average of 18 cents. A 25 per cent ad valorem duty on aluminum, therefore, does not mean 4 cents and 6 cents, as stated by the framers of the proposed bill, but actually means 2¾ cents on ingot and 4½ cents on sheet, a cut of 4¼ cents and 6½ cents per pound, respectively, on ingot and sheet from the rates prevailing under the Payne law.

The Underwood bill estimates a revenue of $2,500,000 from importations of aluminum ingot at 2¾ cents per pound duty as a result of the passage of this bill. Over 90,000,000 pounds of aluminum would have to be imported to secure this estimated revenue. The United States consumption is only 45,000,000 pounds, so that double the present consumption would have to be imported to realize such a revenue. Assuming, however, that a 4-cent-per-pound duty were levied on aluminum ingot, to realize the revenue estimated in the Underwood bill 62,500,000 pounds would have to be imported, or nearly 20,000,000 pounds more than the present United States consumption.

In 1910, under the Payne-Aldrich bill, over 12,000,000 pounds of aluminum ingot were imported, with a resulting revenue of $875,000. Under the proposed Underwood bill, with its actual tariff on aluminum ingot of 2¾ cents per pound, 31,800,000 pounds would have to be imported to return the same revenue. This would mean an importation of two-thirds of the total domestic consumption.

The aluminum industry in the United States has an investment of $30,000,000 and gives steady employment to between 5,000 and 6,000 persons. If the Underwood bill is passed, with its invitation to the foreign aluminum manufacturers to dump their 48,000,000 pounds surplus on the American market, it will work great injury to the domestic producers, which will find expression in loss of employment to American workmen and destruction of American capital, with a corresponding benefit to the foreign manufacturers.

METAL LACE AND EMBROIDERY.

[Paragraph 49.]

I wonder if Democratic orators will dare tell the working people of this country how much the Underwood bill has benefited them by reducing the tariff on such luxuries as these gold metal laces I hold here in my hand? [Exhibiting.] The only person that has any interest whatever in the tariff on such finery as this, outside of the very rich, who are the only ones that can afford to deck themselves in such ornaments, is the workingman or woman whose livelihood depends upon the success of this industry in America. To them it is of vital importance whether the tariff is sufficient to maintain the American wage scale against the products of cheaper European labor. The industry covered by this paragraph employs directly about 35,000 people and represents an investment of nearly $15,000,000.

A representative of the Braid Manufacturers' Association of the United States, who appeared before the Senate Committee on Finance, stated that in Europe, where much of this class of goods is manufactured, labor and expenses are about one-third what they are in this country. He furthermore stated that for braid manufactured in the United States the cost of material used is approximately 40 per cent, while 60 per cent represents the cost of labor and other expenses.

This witness, Mr. Henry W. Schloss, president of the Castle Braid Co., of New York, stated that metal threads, laces, and embroidery trimmings, and so forth, are used chiefly for ornamental purposes. He called attention to the following "Daily hint from Paris," as published in the New York Herald, indicating the use that is made of the material my Democratic friends propose to reduce the duty on:

White velvet evening gown, brocaded in white and gold. Violet satin, covered with violet mousseline de soie, gold passenmenterie ornaments.

Even the Senator from Iowa seems to think that the present duty on this class of finery is unbearable, and he likewise proposes a reduction that will benefit no one but those rich enough to pay for these gold and dazzling trappings regardless of their cost. What defense is there in the world for reducing the duty on such luxuries as these? Certainly if the pending measure is a revenue tariff, then this paragraph is an excellent one on which to raise revenues. This paragraph is no place to reduce a duty to a point that will affect the employment of a single American wage earner. How is the Democratic Party going to explain its haste in reporting a bill reducing the duty on gold laces and embroideries and its delay in reporting a bill relating to the tariff on cotton laces, such as the vast majority of American women are content to wear? Why this favoritism for the wearers of gold laces and embroideries?

HOOKS AND EYES.

[Paragraph 50.]

Hooks and eyes furnish a good illustration of the effect of this proposed reduction of duty. Under the McKinley law the duty was 45 per cent, which was supposed to be approximately 49 cents for a great gross of hooks and eyes. But "dumping" and undervaluation greatly lowered that rate, and importations were larger. Under the act of 1897 a specific duty was imposed, and also part ad valorem, equivalent to a total of 37 cents per great gross. For the year 1898 the importations were 237,867

pounds. Domestic manufacturers rapidly developed the industry, and in 1909 the imports were only 11,436 pounds.

The act of 1909 reduced the tariff to approximately 35 cents per great gross, under which importations increased to the extent of 54,463 pounds in 1911, and have been coming in this year at double that amount. Now it is proposed to abolish the specific duty entirely and fix the duty at only 15 per cent ad valorem. This cuts the present duty about one-half, and naturally the American manufacturers assert that such a reduction will seriously interfere with their production.

The American and Star Pin Cos. stated to the committee that they sent a representative abroad last year to ascertain the labor costs of manufacturing hooks and eyes in foreign countries. The following is a comparison of the wages which they submitted to the committee:

For operators of automatic machinery, England pays $10 per week; Germany, $7.50 per week; and United States, $20 per week.

For women employed in packing the goods, or "bench" work, so called, England pays $3 per week; Germany, $2.70 per week; and United States pays $8 to $9 per week.

The tenders of automatic machines, both in England and in Germany, are women, who are paid not to exceed $3.50 per week, as against boy tenders in this country, who receive from $7.25 to $9 per week. We do not consider it safe to employ women for this work.

We wish to call the committee's particular attention to the item of mounting the hooks and eyes upon cards: In foreign countries this is done for from 4½ to 6 cents per great gross, while we actually pay in this country from 30 to 35 cents per great gross for the same operation.

One feature of the hook and eye industry in foreign countries, especially in England, is the employment of women and children, who work long hours for a mere pittance in the carding of hooks and eyes. An agent of the Department of Commerce and Labor found that in the Birmingham district women stitched 384 hooks and the same number of eyes linked together on a card for the munificent wage of 1 cent. This agent found that some of the women worked from 3 o'clock in the morning until 11 or 12 o'clock at night in the effort to earn enough to buy bread for themselves and their little ones.

The following is a quotation from the speech of Mr. Will Crooks, in the English Parliament, discussing the disgraceful condition of the hook and eye industry in England:

Carding hooks and eyes is another occupation which can not be described as lucrative. Our specimen woman begins her toil at 5 p. m., when the work arrives, and does not cease until 11 a. m. next day, when it has to go back. We are notified that for her the 24 hours includes "a few hours' bed." When work is plentiful she and her daughter earn between them 3s. 4d. a week. But the children are made to work, and it is stated that by "sticking as close as glue" to their breadwinning the entire family can earn 6s. a week. Fortunately, they have to pay only 3s. 6d. for their 3 rooms—a rent that would be higher but for the fact that there is "no water in the house."

It is such labor conditions that are confronting American men and women if they are forced into open competition with the products of foreign countries without the protection of an adequate tariff.

GAS MANTLES.

[Paragraph 53.]

There are about 50 manufacturers of gas mantles in the United States, whose combined output is approximately 60,000,000 mantles a year. The manufacturers' sales value of this product is estimated at about $3,700,000, an average of a little above 6 cents apiece. Of this sum there is expended about $1,000,000 annually for labor directly engaged in the manufacture and sale of the mantles. These mantles are sold to the consumer at fixed prices—10, 15, and 25 cents each. Such prices represent a profit in most cases of fully 100 per cent to the retailer and the jobber. It is apparent, therefore, that the proposed reduction in the duty on mantles will not in any way benefit the consumer, the only effect being to increase the middle man's profit.

As in nearly every other case of a tariff reduction, the persons who will feel its effect is the wage earner in the industry that will be forced to compete with the products of cheap foreign labor. The proposed reduction of the gas-mantle rate from 40 to 25 per cent would enable the foreign-made mantles to be imported at a saving in duty of from $4 to $6 per thousand. On an average of $5 per thousand the saving to the American importer would amount on the annual consumption of 60,000,000 to $300,000, or half a cent per mantle. No one will contend that this half a cent reduction will be of any advantage whatever to the American consumer of gas mantles. It simply means the taking of $300,000 out of the pockets of American wage earners, who would lose that much work, and placing it in the pockets of importers, representing foreign manufacturers. For my part I prefer that this $300,000 should go to American workingmen instead of to these importers, who would destroy an American industry for their own profit.

The manufacturers of gas mantles contend that the duties on mantle scrap, thorium salts, and monazite sand should be readjusted, so as to better represent their use in the manufacture of gas mantles. The present law and the pending bill placed the same rate of duty on the raw material as on the finished product.

PENS.

[Paragraph 55.]

There are six factories manufacturing steel pens in the United States. The total output of pens made by these factories is 2,800,000 gross annually. These factories employ 940 persons, and their wages amount to $400,000 a year. The capital invested in the American steel-pen industry is about $1,000,000. Despite the large production of American pens, great quantities of pens used in this country, such as the Gillott and the Spencerian, are manufactured in Birmingham, England. American manufacturers have experienced much difficulty in building up the pen industry against the popularity of some of the English products.

The United States Government itself is a very large user of metallic pens, its contracts requiring about 60,000 gross a year. Manufacturers are especially anxious to get the Government contract, owing to the advertising it gives their brand of pens, and for that reason they quote a lower price to the Government than to the general trade. The Eagle Pencil Co. is supplying the Government with pens at 12½ cents a gross. Ten thousand gross of Falcon pens at this price are purchased by the Post Office Department alone for what is called "lobby" use—that is, for the use by the public in the post offices throughout the country. Other departments of the Government purchase a better grade pen at 19 cents a gross. The price at which pens are sold the Government is not a fair indication, however, as to the cost of their production in this country, for, as I said before, manufacturers are anxious to get Government business on account of the advertising it gives their products or to dispose of surplus stock.

Manufacturers of pens informed the Finance Committee that it cost them from 20 to 42 cents a gross to manufacture pens in this country. The average price appears to be around 22 cents per gross. When you stop to think that pens are retailed at about 1 cent apiece, you can realize how great are the profits of the middleman. The committee was informed that the retailer's profits on pens averaged around 100 per cent. This being true, it is difficult to see how the proposed reduction of the tariff on pens would affect the consumer in any way. Undoubtedly the retailer would add that small margin to his already large profits.

The tariff on pens is of vital importance, however, to the wage earners employed by that industry in the United States. About 66 per cent of the cost of producing pens is in the labor employed. Owing to the energetic competition of foreign pen makers, American manufacturers have to sell their product on a close margin even under the present tariff. Undoubtedly any further reduction of the tariff would have to be met by a corresponding reduction in wages, as that is the only item in which American manufacturers can effect any further economy.

There are about 20 processes necessary in the manufacture of steel pens, in 8 of which each particular pen is handled individually. Mr. Alexander C. Wood, of the Esterbrook Steel Pen Manufacturing Co., of Camden, N. J., illustrated this process to the committee as follows: He said the work goes through their factories in units or lots of about 125 gross. That would be 18,000 pieces of steel, or blanks, in each lot of pens. In each lot that goes around there would be 144,000 pieces of steel that would have to be handled, each particular pen, each time it goes through those eight processes. Mr. Wood stated that his company paid for those eight processes $9.30, and that in England the same work is done for $3.92.

Mr. George E. Bartol, president of the Hunt Pen Co., of Camden, N. J., submitted the following table to the committee, showing the wages paid in the pen industry in this country and in England, the table being based upon six operations:

[Basis of scale is a quantity technically known as a "lot," averaging 120 gross of pens.]

Six primary and principal operations.	English scale.	Equivalent United States currency.	United States scale.	Excess paid over English scale.
	s. d.			
Cutting	9	$0.18	$0.47½	$0.29½
Piercing	1 9	.42	1.10	.68
Marking	1 0	.24	1.10	.86
Raising	2 2	.52	1.30	.78
Grinding	3 9	.90	2.15	1.25
Slitting	2 0	.48	1.30	.82
Total cost 6 operations	.....	2.74	7.42	.....

The Eagle Pencil Co., which has a large plant in New York City, built a factory in London a short time ago. Mr. F. W. Lilley, representing the Eagle Co., told the Finance Committee that the average wage per person for the 1,300 employees of the New York factory is $9.72, as shown by the actual pay roll of the factory. In the London factory of this same company the average wage per person for the 250 employees for that factory is $2.15. Mr. Lilley further stated that the London factory of his company is being operated at only one-third of its capacity, owing to the fact that they can buy other British pens too cheap to undertake to manufacture them in the London plant. Mr. Lilley said that the Eagle Co. bought pens of a Birmingham firm for 1⅞ pence (3⅞ cents) per gross. Other pens are bought at 4½, 5, and 6 cents per gross, respectively. The 3-pence pen, even at a 12-cent specific duty, can be laid down in New York for 18 cents, which is 2 cents a gross under the cost of making similar pens in the New York factory of the Eagle Pencil Co.

It is apparent from these comparisons of wages in the United States and England that the proposed reduction in the duty on metallic pens from 12 cents a gross, an equivalent in 1911 to nearly 50 per cent ad valorem, to 25 per cent would either have to be met by a corresponding reduction in the wages of American workmen or else the American pen manufacturers would have to go out of business.

According to estimates submitted to the Finance Committee, the profits in this industry have been very moderate, ranging from almost nothing to not more than 10 per cent. A duty of 25 per cent ad valorem on pens figures out 6 cents a gross, which amounts to forty-two one-thousandths of a cent per pen. On a 10-cent package of pens this would equal half a cent. It is absolutely certain that the consumer would never get the benefit of that half a cent, and that he would have to continue paying 10 cents a package for pens as he now does. The proposed reduction in duty would go into the pockets of the importer, the jobber, and retailer, just as it will in nearly every other instance in this schedule where the tariff is lowered.

The proposed reduction of half a cent a pound on steel used in the manufacture of pens is so infinitesimal that it would be of no value whatever either to the manufacturer or the consumer of American pens. This reduction would be about one-eighth of a cent to a gross of pens, or one ninety-sixth of a cent on 1 dozen pens, such as the ordinary consumer usually buys. It is equally certain that the consumer would not get the benefit of this reduction of one ninety-sixth of a cent on the steel used in the pen any more than he would the reduction of half a cent on the pens themselves.

WATCHES AND CLOCKS.

[Paragraph 60.]

The chief competition to the American watch industry comes from Switzerland, which country is noted for its cheap watches. In no other paragraph of the metal schedule does the cost of labor play any more important part than in this paragraph relating to watches. The American watch must compete with that of the Swiss factory, where the cost of labor is a third what it is in this country. The labor cost of a 7-jeweled American watch is 87.33 per cent, of a 15-jeweled watch 86.21 per cent, of a 17-jeweled watch 84.14 per cent, and grades above 17 jewels average 81 per cent of its total cost. The Elgin National Watch Co., of Elgin, Ill., one of the largest watch factories in America, reports the following wages paid its employees: Skilled labor (men), $4.19 average wages per day; males (entire force), $3.06 average wages per day; females (entire force), $1.65 average wages per day; total (entire force), $2.40 average wages per day.

The following table shows the average wages paid in watch factories in England, Switzerland, and Italy, as compared with wages paid by the Waltham Watch Co. in this country:

Wages.	England.		Switzerland.		North Italy.		South Italy.		Waltham.	
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.
Minimum per week	28/ $7.00	16/ $4.00	5 francs. $1.00	.....	.....	15 c.	(1)	(1)	.....	.....
Maximum per week	35/ $8.75	18 to 25/ $4.50	6 francs. $1.20	4 francs. 80 c.	.....	20 c.	(2)	(2)	$3.24	$1.52
Or, reduced to a uniform basis of daily wage in United States money: Average per day	$1.31	85 c.	$1.10	80 c.	33 c.	22½ c.	.....	.....	3.24	1.52

[1] Lower wages. [2] Longer hours.

The United States imports from 600,000 to 1,000,000 Swiss watch movements every year, even under the present tariff. The pending bill proposes to reduce by more than one-half the duty on watches not having more than seven jewels and makes a cut of about 10 per cent in the equivalent ad valorem on watches having more than seven jewels. Manufacturers of cheaper American watches believe that such a reduction will drive them out of business or else force them to adopt the wage scale of Switzerland. I have just pointed out what such a wage scale would mean to the American workingman.

In Switzerland watch and clock making is the national industry. Swiss municipalities maintain schools of watchmaking just as public schools are maintained in this country. The Swiss is the most skilled watchmaker in the world. American ingenuity in the way of watchmaking machinery is being made use of by Swiss factories, so that the United States no longer has any advantage over the little Republic in that regard. The Swiss watchmaker also has an advantage over his American rival in that he pays little or no duty on his raw material.

Most of the jewels used in the manufacture of American watches are imported, and these jewels, consisting of garnets, rubies, and sapphires, amount, in many cases, to 50 per cent of the material cost. By the act of 1909 the American watchmaker has to pay a duty of 10 per cent ad valorem on the jewels for his watches. Many American watchmakers also import their mainsprings, hands, cases, and hairsprings, and have to pay a duty of 40 per cent on these articles. Other manufacturers, especially of the lower grades of watches, import their dials and pay a duty of 3 cents on each dial, with 40 per cent ad valorem added.

The tariff act of 1909 increased the duty on the three lower grades of watch movements, leaving the duties on the two higher grades the same as under the Dingley law.

Comparing the importation of watch movements under the Dingley law, for the years 1898 and 1907, watches of 7 jewels and under showed an increase of 482 per cent; watches of 7 to 11 jewels decreased 19 per cent; those of 11 to 15 jewels increased 878 per cent; those of 15 to 17 jewels, 916 per cent; and those having more than 17 jewels, 366 per cent. Under the act of 1909 the importations of the three lower grades appear to have decreased. As a matter of fact, however, this decrease is not real. Importers are now evading the duty on watch movements by importing "knock-down" watches as material at the 40 per cent ad valorem rate. This is clearly shown by the increase of nearly $200,000 in the importation of watch material in 1911 as compared with 1910.

Recent investigations developed the fact that at least seven New York importers of watch movements are now engaged in importing the material for watch movements and having it assembled in New York. One importer is said to employ at least 75 men in assembling these movements, which have been brought in at a lower duty by having the works, hands, faces, cases, and other parts shipped separately.

The success of the Swiss watch manufacturers in selling their product in this country is attributed also to the fact that the retailers can make a larger profit on Swiss watches. The name of a local dealer is placed on the Swiss watch, which makes it more of interest to the dealer to sell them, whereas the American watches are marked with the manufacturers' name as a guaranty for their quality. American watches are largely sold on their reputation, which is not true of the Swiss product.

The protection that has been afforded American watch manufacturers by the tariff has not resulted in increasing the cost of watches to the American consumer. Prices of American watches have decreased considerably since 1898, while at the same time many improvements have been made in their quality. Nor has the tariff resulted in American watch companies accumulating unreasonable profits. The Waltham Watch Co., for instance, informed the Finance Committee that it had been able to earn a dividend of only 3.3 per cent on its tangible assets.

The United States watch production in 1910 amounted to $11,771,000. The exportation of watches from this country in that year amounted to $1,228,713. It is estimated that the importations under the pending bill would amount to $1,500,000.

American clock manufacturers also are greatly worried over the proposed reduction of the duty on clocks. Even under the present tariff German clock manufacturers are making serious inroads on the American industry in its home market. The Germans are fast taking the bulk of the foreign trade that American clock makers formerly enjoyed. There are now 10,000 employees of the clock industry in this country. They receive from double to three times the wages paid German clock makers.

German clock factories now possess duplicates of all the machinery used by American clock factories. Several years ago German clock makers secretly sent men to this country to obtain employment in New England clock factories and study their methods and machinery. These Germans made drawings of American machinery and movements, which they carried back to the Black Forest country, and now the German factories are as well equipped as any in the United States. With their lower labor cost the Germans can undersell the Americans in almost any market.

The German factories make a business of imitating successful models of American clocks. These imitations are made with cheaper labor and of cheaper material. Accordingly they can be placed upon the market at a price considerably under that which the American clock maker can afford to accept for his superior product. The consumer, however, can not tell the difference between the original clock and its imitation, so far as appearances are concerned.

A representative of the Seth Thomas Clock Co. told the committee that a few years ago his company put out what they called a "joker" clock, a pretty little timepiece, which proved very popular. German clock makers, however, copied it with inferior material and flooded the American market with these cheap imitations. The result was that the sale of both the Seth Thomas and the German clocks soon fell flat, people being unable to distinguish the difference between the good and the poor timepiece.

A New Haven company had a somewhat similar experience in Canada with its "Tattoo Intermittent" alarm clock. The Germans copied this clock, even to its name, which was printed in red letters on the dial. On complaint, the Canadian Government stopped the importation of the German clock with the same name. Then the Germans changed the name to that of "Identical New Haven." This cheaper German clock is now competing with the original New Haven product on the Canadian market. It is, of course, a very inferior timepiece to the American clock, but it is difficult for the average person to tell which is the genuine and which is the imitation clock.

By lowering the duty on clocks the American market will be the dumping ground for similar products of these German factories that are resorting to every trick of the trade to destroy an American industry.

In the last 20 years the price of an ordinary mantle clock has been reduced 50 per cent and the price of an ordinary alarm clock has been reduced 60 per cent. It is apparent, therefore, that the tariff has not fixed the price of American clocks beyond the point necessary to assure the workmen in those industries a living wage.

LEAD.

[Paragraphs 51 and 52.]

Lead miners and smelters of this country are fully aware of what the proposed reduction of the duty on lead means to them. They had a bitter taste of a Democratic tariff revision under the Wilson bill when the price of lead went down to 2.4 cents per pound in 1896. It is a fact well known to mining men that lead can not be mined in the United States for any length of time when the price goes below 3.5 cents. When that dead line is reached either the lead mines must shut down or they will have to reduce the wages of their miners to the basis of Mexico and Spain. Already American lead miners are being seriously affected by the agitation for a reduction of the duty on lead. Within the last few months the price of lead has dropped from 4.4 to 4 cents a pound. This is lower than it has been any time since the fall of 1907. At that time, with the price of lead down to 4 cents, a number of mines in Idaho had to close, while others continued in operation only by confining themselves to the output of the better grades of ore.

Mr. J. F. Callbreath, jr., of Denver, secretary of the American Mining Congress, informed the Finance Committee that the average lead mine of the United States could not operate at less than 5 cents unless it made a profit from associated metals. He stated that the mine in which he personally was interested had to cease operation when lead went below 5 cents. If it were not for the fact that Coeur d'Alene ores carried silver they could not be mined without a loss, even at 4.4 cents per pound, which has been the average price for the last three years. It takes part of the silver value and all of the lead value to produce and market the lead.

It is apparent, therefore, that even under present duty the price of lead is nearing the point at which American mines can not operate successfully in competition with lead from Mexico and Spain. With such a situation confronting us it seems to me all important that we should first make a most careful study of the conditions under which lead is produced in Mexico and Spain before we take any step that would force American miners to the level of the miners of those countries.

Any change in the tariff that would jeopardize lead mining in this country would affect 25,000 wage earners in the States of Utah, Colorado, and Idaho, and fully 7,000 miners in Missouri, not to mention men employed in other lead-producing States. It is estimated that, counting the families of the wage earners, fully 75,000 persons in the Rocky Mountain States are dependent for their living on the mining of lead ores, and fully 20,000 persons in the Missouri country to which I have referred.

The average wage paid lead miners in the Coeur d'Alene district is $3.60 per day of eight hours. Mr. John A. Rock, past president of the Miners' Union at Kellogg, Idaho, who appeared before the Finance Committee as the chosen representative of the Idaho lead miners, gave the committee the following schedule of wages paid men in the lead mining districts: Muckers, $3 and $3.50; machinemen, $3.50 and $4; timbermen, $3.50 and $4; all underground helpers, such as skip tenders, car trammers, nippers, and timber rustlers, $3.50 to $4; hoist men, motor men, and pump men, $4; millmen, blacksmiths, and machinists, $3.50 to 7. Mr. Rock stated that everywhere in the district the men underground are paid at least $3 a day, and that men underground work only eight hours a day. He stated that the lead miners are among the best class of citizens, 60 per cent of them being American born, and that present conditions in the lead-mining districts are as good as anywhere else in the United States. These miners have been able to establish comfortable homes for themselves and their families, and the stores in a number of towns are in the hands of men who have made their money by saving their wages while working for the mining companies.

If the mines are shut down, these men will be out of employment, as there is no other work that they can do in those mining regions. Idleness and starvation would soon succeed the industry and prosperity that now make happy and contented thousands of people in the intermountain mining regions.

Let us take a look at the miners in Mexico and Spain, to see whether we want to force any American miner to such a standard of living. In Mexico miners are compelled to work 12 hours a day for wages ranging from 26 cents to 78 cents a day. I do not believe any Member of this Senate wants to have American miners working for any such pittance. As soon as railroads are extended into Sonora and Chihuahua, Mexico will be able to open some of the greatest lead mines in all the world. It is but a matter of a short time when these mines will be in active operation.

Mr. A. W. North, of Salt Lake City, recently made a very careful study of the lead mines in Spain. He told the Finance Committee that the wages of pickmen in Almeria are from 39 cents to 52 cents a day, assistants from 30 to 38 cents, boys 21 to 28 cents, and that the maximum wage in the Linares and La Carolina districts was 73 cents a day. The average wage is between 45 and 50 cents a day, consisting of 9 hours in the winter and 11 hours in the summer. According to Mr. North, these Spanish miners live in poor, forlorn sort of homes, generally adobe houses built by the Moors centuries ago. A family lives in a single room. Their cooking arrangements are very meager, a couple of stones with a fire between or some old cooking apparatus of antique fashion. These shacks lack all the sanitary necessities of modern life and would hardly be used for mule sheds in an American mining camp. The Spanish hills and mountains, however, are rich with lead ore, and that country is only waiting the destruction of the protective tariff system of the United States to unload on this country the product of its 50-cents-a-day lead miners. It is not difficult to figure out how long American mine owners could afford to pay their miners $3.60 a day when forced to compete with the 50-cents-a-day labor of Spain.

Competition from Mexico and Spain is not the only cause for worry to the American lead miners. The Canadian bounty

system practically guarantees its miners a London price of £18. For instance, the London price of lead at present is £15 10s., so that Canada pays her producers a bounty of £2 10s. for every ton of lead produced. It is apparent, therefore, that the British Columbia miners are protected against Mexican and Spanish lead. They might easily find a profitable market in the United States if a lower tariff were put into effect.

The table following gives a comparison of domestic and foreign lead prices. I call attention particularly to the drop in the New York price and the rise in the London price for the years covered by the Gorman-Wilson Act, when the duty on lead ore was ¾ cent a pound against 1½ cents at present. During the last three years the average New York price of lead was 4.38 cents, while the average London price was equal to 2.88 cents, a difference of 1.5 cents or exactly the amount of the present duty on leading ores.

Comparison of domestic and foreign lead prices.

[From Metal Statistics, 1912.]

(Ex. $4.85—Price per pound.)

	New York.	London.	Difference.
1880	$5.04	$3.56	$1.48
1881	4.81	3.25	1.56
1882	4.91	3.13	1.78
1883	4.32	2.81	1.51
1884	3.74	2.59	1.15
1885	3.95	2.51	1.44
1886	4.63	2.87	1.76
1887	4.50	2.80	1.70
1888	4.42	3.02	1.40
1889	3.93	2.84	1.09
1890	4.48	2.91	1.57
1891	4.35	2.70	1.65
1892	4.09	2.34	1.75
1893	3.73	2.07	1.66
1894	3.29	2.05	1.24
1895	3.23	2.34	.89
1896	2.98	2.43	.55
1897	3.58	2.64	.94
1898	3.78	2.82	.96

Comparison of domestic and foreign lead prices—Continued.

	New York.	London.	Difference.
1899	$4.47	$3.22	$1.25
1900	4.41	3.69	.42
1901	4.36	2.72	1.64
1902	4.10	2.45	1.65
1903	4.26	2.51	1.75
1904	4.32	2.60	1.72
1905	4.70	2.98	1.72
1906	5.66	3.77	1.89
1907	5.35	4.15	1.20
1908	4.23	2.93	1.30
1909	4.30	2.83	1.47
1910	4.49	2.80	1.69
1911	4.46	3.01	1.45

Mr. Robert N. Bell, State mining inspector of Idaho, told the Finance Committee that past experience had taught Idaho miners that there was not much profit in lead below 4 cents, and that 3.5 cents would put them out of business completely under present conditions. Mr. Edward A. Rozier, representing lead producers of Missouri, declared that the cost of mining lead in that State was $3.60 per 100, without any charge for taxes or dividends, or anything of that kind.

The United States is the largest producer and the largest consumer of lead in the world. In 1910 this country produced 30.7 per cent of the world's lead supply and consumed 33 per cent. The production of refined lead in the United States for 1911 amounted to 486,976 tons, or 3.5 per cent increase over 1910. The consumption of lead in the United States for 1911 was 367,981 tons, or 26,607 tons less than the consumption for the preceeding year. It is apparent that lead mines in the United States are capable of producing all the lead used by this country and that we do not need to depend upon Mexico, Spain, or any other country for our supply of lead.

The following table gives a summary of lead statistics for the United States from 1907 to 1911, inclusive, based on reports of the Geological Survey:

Summary of lead statistics, 1907–1911, in short tons.

	1907	1908	1909	1910	1911
Production of refined lead in the United States	414,189	396,433	448,112	470,380	486,976
Production of desilverized lead in the United States	284,432	265,551	296,890	301,136	295,357
Production of soft lead in the United States (including desilverized soft)	129,757	130,882	151,222	169,244	191,619
Production of antimonial lead in the United States	9,910	13,629	12,896	14,069	14,078
Total production of lead from domestic ores	365,166	310,762	354,188	372,227	406,148
Production of secondary lead in the United States	25,498	18,533	41,149	55,323	52,500
Consumption of lead in the United States (disregarding stocks)	386,711	336,292	368,853	394,588	367,981
World production (approximate)	1,095,174	1,148,189	1,164,709	1,211,411	.....
World consumption (approximate)	1,095,270	1,164,335	1,177,608	1,196,842	.....
United States (domestic) percentage of world production	33.3	27.1	30.4	30.7	.....
United States percentage of world consumption	35.3	28.9	31.3	33.0	.....
World rank of United States in production of lead	First.	First.	First.	First.	.....
World rank of United States in consumption of lead	First.	First.	First.	First.	.....

Primary lead smelted or refined in the United States for the years 1906 to 1911, inclusive, are apportioned according to source of ore as follows by the United States Geological Survey:

Apportioned according to source of ore.

	1906	1907	1908	1909	1910	1911
Domestic ore:	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Alaska	8	.....	3	60	60	50
Arizona	2,884	2,340	1,464	1,465	858	3,450
Arkansas	.....	15	.....	14	.....	15
California	432	854	515	937	1,160	615
Colorado	50,497	48,876	28,728	29,326	35,685	30,621
Idaho	117,117	112,569	98,464	97,183	99,924	117,159
Illinois	572	498	363	273	262	308
Iowa	270	225	110	15	.....	.....
Kansas	1,932	1,798	2,293	2,764	1,308	2,522
Kentucky	44	75	.....	.....	50	.....
Missouri	111,075	122,856	122,451	142,650	161,659	182,207
Montana	2,485	2,035	2,320	1,376	1,790	2,499
Nevada	1,669	3,380	3,796	4,698	2,195	1,053
New Hampshire	.....	.....	.....	5	.....	.....
New Mexico	640	1,927	586	1,275	1,731	1,381
Oklahoma	.....	404	1,409	2,268	1,805	1,925
Oregon	.....	.....	7	6	.....	11
South Dakota	.....	.....	13	.....	7	33
Tennessee	11	16	.....	.....	.....	.....
Texas	25	10	42	42	33	57
Utah	56,260	61,699	42,455	64,534	57,081	55,198
Virginia	.....	82	13	.....	87	400
Washington	46	281	391	115	311	601
Wisconsin	1,753	3,551	4,013	3,238	3,884	3,967
Philippine Islands	.....	.....	.....	.....	.....	5
Undistributed	380	357	36	303	288	50
Zinc residues	2,053	1,318	1,290	1,641	2,049	1,991
Total from domestic ore	350,153	365,166	310,762	354,188	372,227	406,148

Apportioned according to source of ore—Continued.

	1906	1907	1908	1909	1910	1911
Foreign ore:	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Africa	.....	323	.....	3,227	3,499	509
Canada	7,238	5,793	341	71	44	119
Central America	112	.....	12	25	7	27
England	.....	.....	.....	.....	28	19
Mexico	21,435	36,749	38,729	69,100	70,159	61,978
South America	.....	911	1,186	1,574	3,168	2,339
Other foreign	18	149	4	38	.....	.....
Foreign base bullion:						
Canada	.....	.....	.....	1,816	.....	.....
Mexico	39,743	32,924	57,489	27,006	31,648	23,143
Total from foreign ore and base bullion	68,546	76,849	97,761	102,857	108,553	94,134
Grand total, derived from all sources	418,699	442,015	408,523	457,045	480,780	500,282

Any curtailment in the mining of lead in the United States would also reduce the output of precious metals. Gold and silver and a considerable portion of these metals are found with lead ore. As I have already pointed out, it requires both the lead and silver content of many lead ores to make such mining profitable. A reduction of tariff that would make lead mining unprofitable would put out of business many of the argentiferous lead mines of the Rocky Mountain country. A reduction in the world's supply of gold and silver would be accompanied by a corresponding rise in prices. I do not believe anyone wants to see the cost of living any higher than what it is at present.

Another most important function of lead ore is its use as a collector for precious metals. Nothing has been developed in

the smelting business that equals lead in the collecting of gold from siliceous ore. Siliceous gold and silver bearing ores prevail in all the western mining States. Without the advantage of lead in Utah and Colorado those ores could not be treated and the gold production of the United States would be materially affected.

The pending bill places the same duty on lead products as on the ore and pig lead itself. In other words, it offers no encouragement whatever for the manufacturer of lead in this country. It would therefore be more profitable to the foreigner to smelt his lead abroad and export it to the United States in pigs and bars or any other manufactured form, thus giving additional employment to cheaper foreign labor and throwing out of work thousands of Americans now engaged in the lead industries. This is another instance of the utterly indefensible plan of the pending bill to destroy whatever protection American industries may have had, while at the same time failing to make a reduction in the cost of raw material that might partially compensate for the loss of a protective tariff on their finished products.

In the fiscal year 1911 there were imported in bond and afterwards exported approximately 100,000 tons of lead. If the duty on lead is reduced undoubtedly this 100,000 tons, or about a fourth of the ordinary total production of the United States, will at once be dumped on the American market, as it would be more profitable to market that lead here than to ship it out of the country again.

A serious question has been raised also as to just what the pending bill means when it says that the duty on lead shall be "25 per cent on the lead contained therein." If it should be decided that the value of the lead should be the market price of the lead in the ore, deducting the freight from the port of entry to the American smelter and the cost of smelting, then the pending bill would result in the free admission of all ore containing 15 per cent or less of lead. The importation of such low-grade ore seriously competes with the lead ores of this country that are used in the smelting of siliceous gold and silver ores.

Mr. Callbreath, of the American Mining Congress, pointed out at the hearing of the Finance Committee that any injury of the lead-mining industry in the United States would not be confined to that industry alone. Large sums are spent by lead miners for coal, timber, machinery, tools, explosives, agricultural products, and freight, all of which would suffer from a tariff reduction along with the miners. Mr. Callbreath stated statistics to show that more than 60 per cent of the total expenditure in the production of argentiferous lead ores in the United States is paid for labor. Thousands of employees and their families depend upon the lead industry of the United States and would be the first to suffer from the proposed reduction of the tariff.

SPELTER AND ZINC ORE.

In this connection, Mr. President, I desire to discuss spelter and zinc ore as found in paragraphs 61 and 72. As is well known, the zinc and lead industries are closely related. Zinc and lead ores are largely found in the same districts. Therefore, what I have said in regard to the danger of foreign competition to lead miners is equally true as regards zinc miners of this country.

The principal competitor of the United States in the production of zinc ore is Mexico. The output of zinc ore in Mexico is increasing so rapidly that the imports from that country advanced from 2,000 tons to 115,000 tons in 8 years, as compared with the production of 300,000 tons which it has taken the Joplin district 50 years to reach. Before Congress should undertake to put zinc ore on the free list, as proposed by the pending bill, it is highly important that the country should know the wages that are paid Mexican zinc miners as compared with American wages. I submit the following table, giving the cost of labor in Mexico as compiled from the United States consular reports on the zinc-producing regions of Mexico and from a recent report of Frederick S. Cook, a mining engineer:

Labor in zinc mines.	Gold value of Mexican wages.	Usual wages, Missouri-Kansas district.
Ground boss	$1.42-$2.50	$4.00-$5.00
Shift boss	.85- 1.10	3.00- 4.00
Pump man	.25- 1.50	3.00
Drill man		2.75
Drill helpers		2.50
Shovelers	.50	2.50- 5.00
Hoist men	1.50	2.50- 3.00
Engineer	1.00	2.50- 3.50
Jig men	.75- 1.50	3.00- 5.00
Crusher feeder	.75- 1.50	2.50
Laborers	.15- .50	2.00
Blacksmiths	1.50	2.50- 3.50

Based on these wages, the following tables show the cost of ore production in the Joplin district and in Mexican mines, including the transportation of both ores to Kansas and Oklahoma smelters:

Cost of zinc-ore production in Joplin district.

Mines.	Mining cost.	Transportation to railroad.	Freight to Kansas and Oklahoma smelters.	Total cost.
Federated mine, soft ground, Alba	$42.81	$0.50	$0.66	$43.97
Federated mine, disseminated, Neck City	33.38	.50	.66	34.54
Federated mine, sheet ground, Webb City	39.47	.50	.66	40.63
Do	40.56	.50	.66	41.72
Diplomat mine, sheet ground, Galena	36.70	.50	.66	37.86
Mo-Ark Nemo, sheet ground, Webb City	33.44	.50	.66	34.60
Oronogo Circle, disseminated, Oronogo	41.56	.50	.66	42.72
Kramer mine, disseminated and soft ground, Joplin	41.71	.50	.66	42.87
Mattes Bros., sheet ground, Joplin	36.50	.50	.66	37.66
Averge, 9	38.45	.50	.66	39.61

Cost of zinc-ore production in Mexican mines.

Mine.	Mining cost.	Transportation to railroad.	Freight to smelters.	Total cost.
E. S. Tuttle, Nueva Leon	$2.00	$2.50	$5.33	$9.83
Picachos, in Chihuahua	3.75	1.50	7.07	12.32
Calera, in Chihuahua	5.50	2.50	5.57	13.57
Santa Eulalia, in Chihuahua	2.00	2.18	5.57	9.75
El Potosi	4.00	.....	5.57	9.57
Charcos, in San Luis Potosi	1.65	2.15	5.85	9.65
Mine in Tamaulipas	5.00	10.00	7.57	22.57
La Malinchi, near Monterey	2.00	2.50	5.45	9.95
El Moro	5.56	2.54	5.95	14.05
Saltillo, in Coahuilla	8.00	2.50	6.45	16.95
Refugio mine, in Nueva Leon	5.00	2.25	5.33	12.58
Average, 11	4.03	3.06	5.97	12.89
Freight rate raised Dec. 23, 1909	.....	.....	1.08	1.08
	4.03	3.06	7.05	13.97

The metal content of Joplin ore is approximately 60 per cent, while that of Mexican ore is in the neighborhood of 40 per cent. Therefore, taking 1½ tons of Mexican ore at $13.97 per ton, its cost at the smelter would be $20.96, which would be the proper amount to compare with the total cost of Joplin ore at the smelter, which is $39.61. It is evident, therefore, that a tariff of 1½ cents a pound on the metal content is necessary to equalize this difference in the cost of the two ores.

That the present duty is not prohibitive is shown by the fact that during the last two years there have been brought into the United States 87,406 tons for 1910 and 78,341 tons for 1911. The importation undoubtedly would have been much larger had Mexico not been in a state of revolution during these years. In 1909 the importation was 116,269 tons. As a revenue producer the duty on zinc ore has been a great success, bringing the Government since August 5, 1909, a total of $580,942.62.

Idaho is also becoming a large producer of zinc. Mr. H. F. Samuels, of Wallace, Idaho, stated to the Finance Committee that he believed the Coeur d'Alene district, if protected by a tariff duty, would be producing about 250,000,000 pounds of zinc in a few years. Without the duty on zinc he declared that every zinc mine in Idaho and a great majority of the lead mines, which also hold zinc ore, would be closed down. He pointed out that the expenditures for labor in the Idaho zinc mines amount to 65 per cent of the total cost. The lowest wage paid by the Success Mining Co. in Idaho is $3.50 a day. It is very apparent, therefore, that this country could not continue to operate its mines very long in competition with mines in Mexico which employ miners at an average wage of about 75 cents a day.

The average cost of Joplin ore (concentrates) and ores from other States expressed in the same units of zinc contents is $39.61 per ton in Joplin bins. The average ton of Joplin ore contains 57 per cent zinc metal. Under the general prevailing conditions at American smelters the average cost of smelting 1 ton of ore is $10.50, exclusive of interest on investment, and the average recovery in smelting is 87½ per cent of the metal contained in Joplin ores treated.

The average cost of Mexican ores f. o. b. railroad, Mexico, is $7.09 per ton, and the average zinc contents of these ores is 35 per cent zinc metal. The recovery in smelting of these ores is 85 per cent of the zinc contents of Mexican ores.

Fifty-seven per cent Joplin ore, produced at a cost of $39.61 and smelted at a cost of $10.50 per ton, produces spelter at a cost of $5.04 per 100 pounds, f. o. b. smelter. Thirty-five per cent Mexican ore produced at a cost of $7.09, f. o. b. railroad, Mexico, and smelted at a cost of $10.50 per ton produces spelter at a cost of $4.05 per 100 pounds f. o. b. smelters.

A comparison of these two costs shows an advantage in the production and smelting of Mexican ores of 99 cents per 100 pounds, assuming in both instances that there is no profit to either the Joplin or Mexican miner or to the American smelters.

If the American miner is entitled to a profit on his ore, it is necessary for the price to be higher than his cost of $39.61, and it will require a price of at least $42.61 per ton for 57 per cent zinc ore to give a reasonable profit to the American miner and allow a continuance of fair wages to the workingman. If the American smelter is entitled to a profit, he must receive more than $10.50 for smelting charges per ton of ore.

The following table shows in detail the cost of spelter made from 35 per cent Mexican ore and 57 per cent Joplin ore:

	Mexican, 35 per cent.[1]	Joplin, 57 per cent.[2]
Cost per ton at mines	$4.03	$39.61
Hauling to railroad	3.06	.50
Freight to smelters	6.50	.67
Smelting charges (at cost)	10.50	10.50
Profit to Joplin miner	.....	3.00
	24.09	54.28
Cost per 100 pounds spelter at smelter	4.05	5.44
Protection needed	1.39	.....
Final cost	5.44	5.44

[1] Spelter recovered, Mexican, 85 per cent, 595 pounds.
[2] Spelter recovered, Joplin, 87½ per cent, 998 pounds.

A combination of foreign zinc smelters has been formed recently to control the output of spelter and to maintain the price at a point so low that the building of additional smelters abroad will be discouraged by limiting the profit to a reasonable amount. If the excess spelter production by this foreign trust can be dumped into this country, it must necessarily injure our own smelting industry. American smelters are entitled, under the protective theory, to be saved from this possibility. The price at which these Australian ores can be produced allows the foreign smelters to produce spelter at a comparatively low cost, with a good profit to the smelter, and the danger that this country may become the dumping ground of the excess foreign spelter is not a mere idle dream.

The Mexican ore can be smelted in foreign smelters and laid down in New York for 51½ cents per 100 pounds less than these same ores can be smelted in American smelters and laid down in New York. This result is on account of the lesser freight rates from Mexico to Europe and return to New York by water instead of all rail from Mexico to New York and to better recoveries made by foreign smelters owing to their more expensively built factories and greater experience in zinc smelting.

The following table shows the difference in the cost of zinc smelted in the United States and Europe and the price at which spelter can be delivered in New York:

	American.[1]	European.
Cost per ton f. o. b. Mexico	$4.03	$4.03
Hauling to railroad	3.06	3.06
Freight to smelters	6.50	5.83
Smelting charges	10.50	10.50
	24.09	23.42
Cost per 100 pounds of spelter at smelter	4.05	3.72
Freight to New York	.285	.10
Cost of metal, New York	4.335	3.82
Difference	.....	.515
	4.335	4.335

[1] Spelter recovered, American, 85 per cent, 595 pounds.
[2] Spelter recovered, European, 90 per cent, 630 pounds.

New zinc mines in the States, other than Missouri and Wisconsin, are being opened, and it is now evident that with the present protection and with the new methods of treatment of refractory ores now in vogue enough zinc ore is being produced in the United States to supply all the spelter required in this country. Large bodies of zinc sulphide ore in Mexico and elsewhere have heretofore been impossible of treatment. New processes now well along toward a practical working basis have been discovered, which will bring this heretofore refractory zinc ore into the market, and it must be considered a serious factor in this discussion.

The increasing demand for spelter in this country necessitates the development of all of our zinc mines. A knowledge of these requirements has resulted in the installation of better machinery and the use of the best engineering practice to produce zinc ores from the lower-grade propositions at the cost of $39.61 per ton, and, naturally, in some instances at even a lesser, but not much lesser, cost. Forty-six per cent zinc ore is now being produced in Australia at a cost of from $4 to $7 per ton f. o. b. Broken Hill, Australia, at the rate of about 350,000 tons per year. The freight rate from Broken Hill to Atlantic and Pacific seaports is approximately $6.50 per long ton. These zinc concentrates are produced from huge dumps which are now already mined or on the surface, and also from immense known deposits of undetermined extent of zinciferous ores yet to be mined. These ores are bought under contract by foreign smelters at a price which, even without duty, prohibits their use in this country, owing to the fact that we have no zinc smelters located near the Atlantic or Pacific tidewater, and the freight rates to the interior prevent the purchase of these ores by the American smelters.

The cost of producing spelter from Australian ores with no profit either to Australian miner, European or American smelters, is as follows:

Table showing cost of spelter from Australian ores.

Cost of ore at mines (46 per cent zinc)	$7.00
Freight to United States or Europe, short ton	6.00
Smelting charges	10.50
	23.50
Cost per 100 pounds spelter at smelter	3.00
Freight to New York	.10
Insurance and entry charges	.25
Cost per 100 pounds spelter at New York	3.35
Protection needed to equalize	1.975
Cost of producing spelter laid down in New York from ore produced in American mines	5.325

Spelter recovered, 85 per cent, 782 pounds.

The difference in the cost of spelter laid down in New York made by American smelters from American ores, and by European smelters from Mexican and Australian ores, allowing the same profit to the miners of ore in each country and the same profit to the smelters, is shown by the following table:

	American.	European using Mexican ore.	European using Austrian ore.
Cost of ore at mines (profit of $3 per ton to miner)	$42.50	$7.03	$10.00
Hauling to railroad	.50	3.06	.....
Freight to smelters	.67	5.83	6.00
Smelting charges, including profit both to American and European smelters	15.00	15.00	15.00
	58.67	30.92	31.00
Zinc contents of ore used, per cent	57	35	46
Metal recovered, do	87½	90	85
Cost of metal at works	$5.88	$4.91	$3.74
Freight to New York	.285	.10	.10
Cost of spelter laid down in New York	6.165	5.01	3.84
Duty to protect American smelters	.....	1.155	2.325
	6.165	6.165	6.165

The difference in cost between spelter made from Mexican ore and spelter made from Joplin ore, at no profit either to miner or smelter, is at least 99 cents per 100 pounds, as I have pointed out. The difference in cost between spelter made from Australian ore and spelter made from Joplin ore, at no profit either to miner or smelter, is at least $1.975 per 100 pounds spelter laid down New York. The duty required to equalize these costs would be, maximum, 2 cents per pound of metal contents in ores; minimum, 1 cent per pound.

The difference in cost between foreign spelter and domestic spelter, New York, to allow a reasonable profit to both American miner and American smelter, is at least $1.155 per 100 pounds minimum and $2.325 per 100 pounds maximum. The present

duty of 1⅛ cents per pound is not too high. A duty should be maintained which will at least equalize the cost of Mexican and other foreign ores with the cost of Joplin ores, and will at least equalize the cost of foreign spelter produced from Australian and Mexican ore with the cost of domestic spelter produced from domestic ores, each laid down at the point of consumption, namely, at the smelters and at the Atlantic seaboard, respectively. The present duties on the zinc content of ores and on spelter are none too high and will protect the domestic zinc industry. Any less duties, as proposed in the Underwood bill, will fail even to equalize costs, and therefore fail to protect the domestic zinc industry.

The United States Geological Survey has prepared the following summary of spelter statistics for the United States for the years 1907 to 1911, inclusive.

Summary of spelter statistics for 1907–1911.

	1907	1908	1909	1910	1911
Production of spelter by United States	249,860	210,424	255,760	269,184	283,526
Consumption of spelter by United States (stocks considered)	226,969	214,167	270,730	245,884	280,059
Production of zinc by world	813,842	796,832	854,066	883,419	974,385
Consumption of zinc by world (stocks considered in United States)	795,315	812,114	879,200	882,573	.....
Excess of world production over consumption	18,527	.....	.....	846	.....
Excess of world consumption over production	.....	15,060	18,740	.....	.....
United States percentage of world production	30.7	26.4	29.9	30.5	29.4
United States percentage of world consumption (stocks considered in United States)	28.5	26.4	30.8	27.9	.....
Rank of United States among spelter-producing countries	First.	Second.	First.	First.	First.
Rank of United States among spelter-consuming countries	First.	First.	First.	First.	.....

This summary shows that the United States leads the world in the production and consumption of spelter, just as it does in lead. This production and consumption of spelter by the United States is about equal, the production for 1910 being 30.5 per cent of the world's supply and the consumption 27.9 per cent.

BASKET CLAUSE.

[Paragraph 66.]

Mr. President, the basket clause of the pending bill reduces the duty on all articles or ware made in whole or in part of metal and not specially provided for from 45 to 25 per cent ad valorem. This proposed reduction in the tariff affects hundreds of manufacturing industries throughout the United States and is of vital interest to thousands of wage earners. It is of special importance to many new industries whose only source of protection while getting their growth is under the duty provided for in this paragraph. Among the industries that had representatives before the Finance Committee to protest against the proposed reduction of the basket-paragraph duty were hardware manufacturers, metal-pattern makers, and manufacturers of electrical and textile machinery, coated zinc and tin, electric-light bulbs, and incandescent lamps. Machinery manufacturers of the United States, however, are the most largely interested in the proposed reduction of the basket-paragraph duty.

Representatives of the Westinghouse and General Electric Companies, both of which have factories in the United States and Europe, gave some exceedingly interesting and valuable testimony before the Finance Committee in regard to the costs of labor in this country and abroad.

Mr. Edwin M. Herr, president of the Westinghouse Electric & Manufacturing Co., which is interested in a number of foreign companies in England, France, Italy, Austria, and Russia, testified that American industries would be at a great disadvantage in foreign competition with any reduction of the present duties. Mr. Herr said that in England the companies in which he is interested pay just about half what they have to pay in this country for labor. In France the labor cost is below that of England, and Germany is even less than that of France. In Germany the rates do not exceed an average of 40 per cent of the American wage, and in many kinds of skilled labor the German wage is even less than 40 per cent that of the American wage.

If the American tariff is lowered to force direct competition with the products of Europe, Mr. Herr said his company would either have to reduce wages in its American plants to the level of European wages or else close its factories in this country and supply the American market with the product of its European factories. The Westinghouse Co. also has a factory in Canada, which is working under a protective duty against all countries, except England, of 27.5 per cent on electrical machinery. Even at that rate, according to Mr. Herr, the Canadian company is experiencing severe competition from the Germans, the Swedish, the French, and other exporters of electrical machinery. Exports of electrical machinery from this country are largely patented articles, which do not have to come in competition with the electrical machinery of foreign countries.

The Westinghouse Electric Co. employs between 18,000 and 20,000 persons in this country. Altogether there are between 75,000 and 100,000 men in the electrical industries of the United States. The General Electric Co. employs approximately 35,000 men, according to Mr. Francis C. Pratt, who appeared before the Finance Committee on behalf of that company.

Mr. Pratt stated that American wages are at least 100 per cent higher than foreign wages, taking as a basis of comparison the average paid by the General Electric Co. in its American and British factories for January, 1912. He stated that the General Electric Co. has a fairly complete means of comparing the cost of production in foreign countries and in the United States. That company has also found that the cost of material as well as labor is much lower abroad. A comparison of the cost of pig iron at the British factory of the General Electric Co. and its plant in Schenectady, N. Y., last summer showed that the company was actually purchasing pig iron delivered at its British factory for about 25 per cent less than it was paying in Schenectady.

In reply to the direct question as to whether the General Electric Co. would undertake to supply the American market from its foreign factories in case the present duty is lowered, Mr. Pratt declared that there was not the slightest doubt in his mind that if the duty is substantially reduced it would be an invitation to increase the amount of wages paid and the amount of new plants erected abroad and to make a corresponding decrease in this country. When asked further if this meant a complete substitution of the capital and the labor in this country by the labor abroad, Mr. Pratt declared he could see no other outcome than that the result would be an absolute substitution and a total loss of the industry in this country.

Explaining the difference between the cost of production in the United States and abroad, Mr. Pratt said:

> The great difference in the cost of production between the European countries and this country is wages. If we are going to reduce the cost of production in this country, there is just one thing in a broad way that we can do to get it down, and that is to revise our labor charge. Therefore we are protecting that labor charge with this protective tariff more preeminently than any other item that goes into the cost of production. You take the tariff in Germany. You do not hear talk there—at least I have not when I have been over—about protecting any particular class, protecting the labor. They are protecting German trade, and they are doing it very effectively. Their tariff is such that where they are good manufacturers—and they are rapidly becoming exceedingly good manufacturers in almost every line—their tariff is high enough so that with their very low labor others can not import there. They do not allow their domestic costs to go up so as to meet the limit of the tariff, but there is a concentrated effort to keep their cost of production down, so that they shall not only control their domestic market, but they shall control the export markets of the world. I think these statements in regard to the German wages being less than English wages are entirely sound. The result is that the cost of production in Germany is low, and it gives them an advantage in the export markets of the world which is tremendous, and at the same time they do control for their own manufacturers their domestic market.

HARDWARE.

American manufacturers of hardware complained to the committee that the reduction of the duty on their products from 45 to 25 per cent, as proposed by the basket paragraph, will seriously handicap that industry in this country. The American Hardware Manufacturers' Association fears that the proposed tariff reduction would force some manufacturers to remove their plants to foreign territory if they could not secure a reduction in the wages paid American workmen to correspond with the reduction of the duty on their products. As in other metal products, the principal difference in the cost of production of hardware in this country and abroad is the labor cost.

The average hourly wage paid in the Russell & Erwin plant, which produces locks, latches, keys, and other builders' hardware, is 20 cents for day workers and 19 and a fraction cents for pieceworkers. The average in England for those engaged in the manufacture of locks, latches, keys, and so forth, as published in Standard Time Rates of Wages in the United Kingdom, October 1, 1910, was the equivalent of 8.3 cents per hour.

A comparison of the foreign selling price of hardware shows that the French, German, and English manufacturers sell their products for even less than the American manufacturer can afford to make similar articles, with no allowance for profit in the American cost. It is apparent from these figures that the foreigner could well afford to pay 25 per cent, or even 45 per

cent, duty and then successfully compete with the American manufacturer in this country:

Article.	Foreign selling price.	American cost.
FRENCH HARDWARE.		
Escutcheons A.....each..	$3.28	$8.94
Bolts B.....do....	12.71	46.94
Drop handle C.....do....	2.67	7.39
ENGLISH HARDWARE.		
Chain door fast D.....do....	.60	1.08
Door knocker E.....do....	1.38	1.62
Door knob F.....do....	4.09	4.80
Knob, drop and rose G.....set..	2.58	3.07
Shop door lock H.....dozen..	1.76	2.33
Push plate I.....dozen..	.86	1.20
Push plate K.....do....	.78	1.44
Push plate L.....do....	.90	1.68
Push plate M.....do....	.40	.47
GERMAN HARDWARE.		
No. 3 trunk lock	2.26	2.45
No. 5 trunk lock	1.53	2.17
No. 7 trunk corner	.49	.57

The following table gives a comparison of the average hourly rates of wages in various occupations in plants of the American Hardware Co. and wages for the same trades in England, the latter figures being taken from the Standard Times Rates of Wages in the United Kingdom, October 1, 1910:

Hardware workers.	Wage per hour.	
	American.	English.
Iron molders	$0.25	$0.15.4
Iron molders' helpers	.16	.10
Iron coremakers	.21	.18
Iron grinders	.22	.14
Brass molders	.27½	.15.5
Brass molders' helpers	.17½	.10
Brass turners	.25	.17
Brass filers	.21	.15
Brass profilers	.24	.15
Brass grinders	.25	.15
Brass buffers	.25	.05
Lock assemblers	.25	.17
Lock fitters	.22–.28	.17
Lacquerers	.15	.05
Scratch brushing	.11	.05½
Chasers	.35	.20
Die and tool makers	.34	.19
Die sinkers	.38	.17
Machinists	.28	.18
Pattern makers	.30	.16
Laborers	.15	.11

I think the following statement, made to the Finance Committee by the American Hardware Co., is particularly applicable to the general tariff situation at this time, and I want to call it to the special attention of the Senate. The statement is as follows:

Our attitude in the entire matter of tariff revision is one of agnosticism—we simply do not know. We do not know, except in the most general way, what the European costs of production are; we do not know what our foreign competitors pay for raw material or for labor; we do not know what rate of duty measures the difference between the cost of production at home and abroad assures the present standard of wages in the industries in which we are interested and allows a reasonable profit without permitting the oppression of the consumer. Knowledge of all these facts should precede the fixing of any tariff rates either higher or lower than those now in force.

Therefore, in conclusion, we reaffirm our belief in the Tariff Board, or some similar governmental body, as the only agency able to collect and digest the requisite data, and we record our conviction that tariff changes should be based upon the findings of that body. We protest against the fixing of schedules arbitrarily and without foreknowledge of their effects, and we declare our readiness to accept as just and final rates of duty established in accordance with the conclusions of the Tariff Commission.

TEXTILE MACHINES.

A representative of the American Textile Machine Works stated to the Finance Committee that their rate of wages is 2½ times that paid in Saxony for the same class of labor and that it costs twice as much to build a textile machine in the United States as in Chemnitz, for instance. In addition to this handicap, the American manufacturers are put to the additional disadvantage by the frequency with which importers resort to undervaluation to avoid payment of the proper tariff duty.

Mr. Ferdinand Thum, representing the Textile Machine Works of Reading, Pa., presented affidavits to the committee from employees of his works who had also worked in Germany, showing that they are receiving in this country from 2¼ to almost 6 times the amount of wages that were paid them in Germany. These affidavits are to be found on pages 1032 and 1033 of the hearings before the Committee on Finance.

METAL PATTERNS.

Mr. James Wilson, president of the Pattern Makers' League of North America, appeared before the Finance Committee to protest against paragraph 66, which would reduce the duty on metal patterns from 45 to 25 per cent. Mr. Wilson asserted that if the duty is reduced pattern makers in this country will be up against the same condition that they had previous to the enactment of the Payne bill, when they had to compete with European pattern makers. He declared that there is not a country in the world which pays to its pattern makers one-third the wage the pattern makers in the United States receive, which is an average of about $24 a week. Even under the present duty, 22 per cent of all the pattern makers in the United States are unemployed at this time owing to the depression in that business. There are between 11,000 and 12,000 men employed in the pattern-making industry, all of them being highly skilled mechanics.

The rate of wages paid pattern makers in foreign countries is as follows:

Rate of wages paid pattern makers in foreign countries.

	Per week.
France	$10.80–$14.40
Great Britain	6.00– 10.00
Germany (Berlin)	10.50– 13.50
Holland	6.00– 7.50
Hungary	9.00– 12.00
Spain	6.00– 7.00
Sweden	8.00
Switzerland	6.00– 10.00
Russia	6.00

COATED ZINC AND TIN.

The reduction of the tariff on coated zinc and tin by the act of 1909 shows the effect of opening the American market to wider foreign competition. The importation of coated zinc sheet in 1905 was 36,000 pounds. In 1910, under a 50 per cent tariff reduction, this importation increased to 334,607 pounds, and 1911 to 434,310 pounds, or 30 per cent of the entire consumption of the country. Under the Dingley law the cost of delivering coated zinc from Peru, Ill., to the Atlantic seaboard was $10.72, as compared with the German cost of $11.31. Under the act of 1909 the German cost was reduced to $9.56, enabling the foreigner to undersell his American competitor. The tariff on coated zinc shows how seriously a change in the rates of duty affect even a small industry.

FREE LIST.

[Paragraphs 67 to 73, inclusive.]

Now I come to the free list. It is so utterly indefensible I am astounded that anyone who professes to have the interest of his country at heart should advocate a policy so ruinous to American industries. The pending bill proposes free trade for millions of dollars worth of products of American factories, while at the same time levying a tax upon raw material entering into those products. No industry can long survive in the United States under such conditions. The American manufacturer will have to do one of three things—either he will have to decrease his wage scale to correspond with that of the foreign manufacturer who is to have free access to the American market, or he will have to close his factory entirely, or else he will be compelled to move his industry to a foreign field, where he can get his labor and raw materials at the same price as his competitor.

The free list of the pending bill serves notice on every American manufacturer that as soon as his industry proves to be a success a similar fate is in store for him. It penalizes the American manufacturer for the success and prosperity which enables him to pay the American workman the highest wage in the world.

Already American manufacturers have invested millions of dollars for the establishment of industries in Europe owing to the cheaper cost of production abroad and the freedom there from the assaults of American politicians. The products of these expatriated industries are even now becoming serious competitors with the products of those American industries that have remained loyal to their country and their flag. Are we to place a premium on the removal of industries from the United States to foreign soil and reward those who desert their country at the expense of those who are endeavoring to withstand hostile tariff legislation in the hope that the American people will realize the fallacy of an unwise revision before it is too late?

Except for iron, zinc, and tungsten bearing ores, every item on the free list of the pending bill is the product of duty-bearing

raw material. How can the Democratic Party make satisfactory explanation to the American workmen for placing their products on the free list in open competition with the products of cheaper foreign labor?

Heading the column of manufactured products on the Democratic free list are cotton ties placed there for the sole benefit of the southern planter. I have searched the free list in vain to find any trace of agricultural implements, in which farmers throughout the entire country are interested. I remember with what great acclaim agricultural implements were included in the so-called "farmers' free list" last session. Why has the Democratic Party so soon lost interest in the American farmer and forgotten him in its free-list distribution under the pending bill? Is the southern cotton planter any more entitled to free cotton ties than the grain farmer of the North and West is to free harvesters and binders? So completely has the farmer been forgotten in this bill that there is serious question as to whether the 25 per cent basket clause duty does not include many agricultural implements that now pay a duty of only 15 per cent under the act of 1909.

MACHINE TOOLS.

[Paragraph 73.]

No greater injustice is done any American industry by the pending bill than that which it is proposed the machine-tool builders of this country shall suffer for their success and giving American-made tools a name and a fame throughout the world. The machine-tool industry is one of the oldest and most diversified in the United States. It is likewise one of the least organized industries in the country, there being no combinations or trusts that I know of which control any considerable part of this industry. In all, there are about 225 American concerns engaged in the business of building machine tools. This industry has an annual output valued at about $40,000,000. Machine-tool factories are located in 18 States, as follows: Ohio has 58; New York, 22; Connecticut, 22; Massachusetts, 39; Illinois, 15; Pennsylvania, 16; Rhode Island, 6; Michigan, 8; Wisconsin, 10; Indiana, 7; Delaware, 3; Vermont, 4; New Jersey, 7; Maryland, 1; New Hampshire, 2; Iowa, 1; Maine, 2; Missouri, 1.

The following tabulation of these companies, according to their capitalization, shows that the industry is not a monopolistic one in any sense: Only 9 out of the 225 machine-tool concerns have a capitalization of more than $1,000,000 each; 3 have a capital of between $750,000 and $1,000,000 each; 11 between $500,000 and $750,000; 19 between $300,000 and $500,000; 20 between $200,000 and $300,000; 26 between $125,000 and $200,000; 18 between $75,000 and $125,000; 17 between $50,000 and $75,000; 20 between $35,000 and $50,000; 21 between $20,000 and $35,000; 11 between $10,000 and $20,000; 6 between $5,000 and $10,000; 1 between $3,000 and $5,000; and 42 not rated.

Statistics gathered from 67 out of the 225 machine-tool concerns in the United States show that for the last 10 years their average earnings have been a little less than 9 per cent on the capital invested, which certainly is not an excessive profit. These 67 concerns represent a capitalization of $21,000,000, out of a total capitalization of $40,000,000, for the 225 machine-tool companies in the United States. It is evident, therefore, that the average earnings of less than 9 per cent is representative of the entire industry. No definite figures have been obtainable *as yet* concerning the earnings of German machine-tool builders, but representatives of the American industry declared to the Finance Committee that they had evidence that the Germans declared larger dividends than American machine-tool shops.

The fact that American machine-tool builders have been able by their superior ingenuity to build up an export trade of approximately four and a half to five million dollars a year has so excited free traders of the country that they now propose to tear down this wonderful American industry which has been made possible by a protective-tariff system.

Germany, with its cheaper labor, cheaper raw material, and lower freight rates, is already becoming a serious and most aggressive competitor of American machine-tool builders. In fact, American manufacturers are able to hold the foreign trade they now have only by specializing in certain tools that the foreign builders have not yet been able to duplicate to any considerable extent. As soon as the German manufacturer succeeds in reproducing an American machine tool he can undersell the product of this country and practically force it from the foreign market. It is only by keeping ahead of the foreign builders in inventions that the American manufacturer has been able to make any headway with his export trade.

Every report from abroad shows that German manufacturers are rapidly catching up with the American machine-tool builders and that in the near future there will be greater need for a tariff that will protect the American machine-tool builder in his home market than ever before. Confronted with this situation, it seems to me the heighth of folly to now place machine tools on the free list and open wide the American market to foreign products which are bound to flood this country and force into idleness thousands of American workingmen who are now receiving the best wage in the world.

Mr. Frederick A. Geier, who appeared before the Finance Committee as the representative of the 225 American machine-tool manufacturers, clearly pointed out that exports to Europe are now largely confined to highly specialized and highly organized machine tools, such as the German manufacturer can not make as yet. He declared, however, that Europeans are making excellent machines of the kind and type the American builder shipped abroad 10 years ago, and that those machines are being sold very much under the American cost. Comparatively few of the American machine-tool builders are engaged in the manufacture of the highly specialized machines that are now exported from this country.

The simpler types of American tools, such as planes, shapers, lathes, and drills, which are made by 85 per cent of the American companies engaged in the machine-tool industry, can not be sold in Germany now under normal trade conditions abroad, as German machine tools of similar type bought at a less cost have replaced those of American manufacture in the European market. Without the tariff the cheaper-made foreign machine tools could be dumped on the American market in direct competition with the products of fully 85 per cent of the machine-tool builders of this country.

The report made by Capt. Godfrey L. Carden, special agent of the Department of Commerce and Labor, fully corroborates the statement of American machine-tool builders that they have only been able to make any progress in foreign markets by specializing in their products. Capt. Carden, in his report on machine-tool trade in Germany, France, Switzerland, Italy, and United Kingdom (p. 11), says:

> Broadly speaking, the best grades of American machine tools excel both in design and workmanship, and in the accuracy of working results, the foreign-built tools. There are, however, a number of foreign machine-tool establishments which are approximating very closely to standard American work, and there are several plants where the designs and workmanship are of exceptionally high order. As a rule the medium size high-grade American machine tool brings more money abroad than does the foreign machine of the same size.

Capt. Carden then goes on to make this statement, which I want to call particularly to your attention:

> American machine tools are bought abroad, as a rule, only when possessing superior merit. The moment a foreign tool approximates in accuracy to an American machine tool the foreigner will buy the products of his own country; this is natural, and to be expected.

Again, on page 15 of his report, Capt. Carden says:

> If German machine-tool builders were able to specialize as do many American firms, the writer predicts that it would not be long before the Germans would be abreast of some of the leading designers of the United States. In the construction of machine tools the Germans have rapidly acquired technical knowledge, and already they can boast in many instances of possessing fine shop organization. The German builders have everything practically but territory, and with territory the ability to specialize. Their country is too circumscribed to make it possible for a new firm to hope to live on domestic trade. Export business is therefore the life of the nation, and every thought and every energy is accordingly directed in the interest of export.

In his report on the machine-tool trade in Belgium, Capt. Carden, who made a two years' study of that industry in Europe, says of a shop in Belgium:

> There is hardly any doubt but what the Remicourt shops are turning out 85 separators per day at a very much lower figure than would be possible at the present time in the United States. American manufacturers are able to hold their own in foreign competition so long as our technical knowledge is superior and our shop efficiency greater. * * * The Melotte equipment, composed as it is almost exclusively of American machine tools and operated on American lines, gives the Remicourt shops practically all the advantages of an American plant plus the further advantages afforded by a lower wage scale.

As Capt. Carden's report indicates, foreign machine-tool builders now possess practically every advantage that the American manufacturer has, with the additional advantage of cheaper labor. It is apparent, therefore, that the American manufacturer will be able to retain his home market and pay high wages to his workmen only so long as he has a tariff to protect him against the products of cheaper European labor.

In this connection I want to call your attention to the fact that the actual labor cost of machine tools is from 60 to 75 per cen of the total cost. This indicates how all important the wage scale is to the American machine-tool builders. Capt. Carden's reports show in detail the wages paid workmen in the machine-tool industry abroad. His reports give an average of 14¾ cents an hour for foreign machine operators. Reports from 67 machine-tool concerns of the United States show an average wage for their operators of 27.9 cents an hour, or practically double the wage paid foreign operators. Capt. Carden called attention to the fact that workmen in one of the highest grade machine-tool factories in Belgium receive less than $1 a day

for doing the same class of work that American machine-tool hands are paid $3.50 for doing.

The following table shows the average rate of wages in cents per hour paid in European countries and in the United States in 1908, since which time there has been an increase of from 8 to 10 per cent in some European works:

Machine-tool builders.	Machinists.	Tool-makers.	Handy men.
FOREIGN.			
Italy	8 to 12	12 to 16	9 to 10
Switzerland	15	20	10 to 12
Germany, Munich	13	17	10
Saxony and the Rhine Valley	15	20	11 to 12
Berlin	14.5 to 17	19 to 22	11 to 13
Magdeburg	14.5	19	8.5 to 10
Great Britain	15.5	20	9
France	(1)	(1)	(1)
UNITED STATES.			
New York City	33	39 to 44	16 to 28
Philadelphia, Pa	31 to 37	32	16
Providence, R. I.[2]	26	28 to 35	18 to 25
Hartford, Conn	32	37	20
Cleveland, Ohio	25 to 30	30 to 35	18 to 25
Cincinnati, Ohio	27	32	20 to 30
Milwaukee, Wis	25 to 40	30 to 40	17½ to 25

[1] Machine-tool industry still in its infancy.
[2] On piecework these rates may be increased 30 to 40 per cent.

Direct evidence that the cost of labor in American machine-tool shops is fully 50 per cent greater than that employed in foreign shops was submitted to the Finance Committee by Mr. Frank C. B. Page, vice president of the E. W. Bliss Co., which operates large machine-tool shops in this country and in Europe, the latter shops being located in Paris and London. Mr. Page submitted the following table of comparative wages paid in the Brooklyn and Paris shops of his company:

Average wage paid per hour.

	Brooklyn.	Paris.
Machinists	$0.29 5/16	$0.17 1/10
Die makers	.36 2/10	.18 3/16
Blacksmiths	.37 1/16	.22 1/10
Laborers	.20	.11

In showing that the cost of labor in this country is almost twice what it is in France, Germany, and England, Mr. Page stated that labor averages 70 per cent of the total cost of the products of his factories, and that therefore American companies could not compete with foreign makers if the present tariff is removed.

There could be only one condition on which we would be able to stay in business—

Said Mr. Page—

and that is the reduction of wages to the same level as prevails in European countries. We believe it would be a question of paying less for labor or not employing labor at all. Having factories in both France and England, we might be forced to do all of our manufacturing in these plants in order to get the benefit of the low cost of labor to enable us to compete.

Mr. Hugh V. Reilly, representing the machinists' unions of New Jersey, including 5,000 workmen, appeared before the Finance Committee to protest, in their behalf, against any reduction in the tariff that would force them to compete with cheaper European labor. The machinists of the country realize that placing machine tools on the free list will compel American builders to reduce their wage scale to meet foreign competition or else close their factories. In either event the American workmen will be the greatest sufferers.

We, as machinists, are not the only trade who are interested in this industry—

Stated Mr. Reilly—

there are molders and pattern makers; and naturally, as the orders come in, or the orders are stopped, in the offices of these companies, their work, or our labor market, is bound to be affected. We can not afford, therefore, to look at this question of taking off the tariff with any other than feelings of alarm. We have never before been bothered with a question of this kind. We do not come here asking you men to put a tariff on our skill. We are well able to take care of that in our different trade unions. We can always take care of that. But we do not want to have markets taken from our employers. * * * We do not want to see the general industry hampered in any way. As a general proposition we are opposed to it.

Another advantage that the foreign machine-tool builder has is the cheaper raw material. The German tool builder gets the same raw materials free of duty on which the American manufacturer, even under the pending bill, would have to pay from 10 to 25 per cent duty. For example, $1,000,000 worth of ball bearings are imported into the United States annually, a large part of which are used in machine tools. The pending bill proposes that the product of the foreign machine-tool builder, who has paid no duty on the ball bearings or other raw materials he uses, shall be put upon the free list in competition with the American-made machine tools that have had to bear the additional burden of a duty on ball bearings and other raw materials used in their manufacture in this country. How long does anyone expect an American industry to survive under this double disadvantage?

Another serious situation with which the American manufacturer has to contend is the skill and alertness with which foreign manufacturers imitate successful American products. No sooner does an American manufacturer place a new product on the market than the foreign manufacturers begin duplicating it. This is particularly true of American machinery, and more especially so of machine tools. Machines upon which American builders have spent years of study and thousands of dollars to perfect are speedily duplicated by German builders, who thus save great expense of inventing and developing these machines. It is conservatively estimated that 5 per cent of the total cost of producing American machine tools is due to the continuous work of inventing and developing machine tools. The foreign manufacturer expends little or nothing for that purpose, appropriating, as he does, the machine tools that American concerns have worked out to success.

American manufacturers complain that foreign patents give them little or no protection in the foreign field owing to the long litigations that result from any attempt to suppress foreign infringements. Patents are particularly of little avail in the machine industry, which is so old that practically all of its fundamental patents have expired. Only some of the elemental features of machine tools can be patented abroad, but it is especially difficult to obtain such patents, and still more difficult to protect them. In a number of European countries a patentee must establish a factory to manufacture his invention in the country where the patent is obtained within a certain time or else lose his right to such a patent in that country.

I have here several books illustrating the audacity and the extent to which foreign manufacturers go in their duplication of American machine tools. In these books the imitations are so perfect that you can hardly tell the difference between the machine manufactured in this country and the one manufactured in Germany. Page after page gives illustrations of American machines that have been copied almost exactly and to the smallest detail by foreign builders. To develop these machines American manufacturers have expended thousands and probably millions of dollars. At a minimum of expense the German manufacturer has succeeded in duplicating every one of these machines and placing them on the market in direct competition with the product of American ingenuity. So quickly does the German manufacturer adopt a successful American model that the manufacturer in this country now has little time in which to reap any benefits from his years of study and vast expense in perfecting his machines.

As soon as the German manufacturer reproduces an American machine he can drive the original American product from the market, owing to his cheaper cost of production. An instance of this is to be found in France, where German machines and tools already have taken the lead over American machines. In 1899 the United States exported to France machines and machinery to the value of 29,866,000 francs, while the German exports to France in the same year amounted to 23,815,000 francs. In 1910 the exports of machines and machinery by the United States to France amounted to 46,420,000 francs, while exports from Germany to France reached the vast sum of 111,931,000 francs.

The same is true of the exportation of American and German tools to Belgium. In 1906 the United States exported machine tools to Belgium weighing 487,497 kilos, while the German exportation to Belgium in that year amounted to 6,790,000 kilos. In 1908 the American exportations had advanced only to 659,584 kilos, while the German exportations had reached 10,497,000 kilos, the American trade in Belgium being less than 6 per cent that of Germany. Statistics show an increase in Germany's machinery exports of 1,000 per cent in 10 years.

It is true that American exports of metal-working machinery, including machine tools, have increased somewhat during the last three years. This has been due, however, as I pointed out before, to the success of American manufacturers in producing highly specialized machinery and to the fact that times have been exceedingly prosperous abroad during those years, while there has been a perceptible slump in the American market. Foreign manufacturers have been so overloaded with orders that they have been unable to take care of all the business that prosperity abroad has brought to them. American manufac-

turers have taken what advantage they could of this fact and have succeeded in increasing their exports by the fact that the dullness in the American market has given them the opportunity to fill foreign orders more quickly than could the overworked European manufacturers. This condition, however, is a temporary one, as everyone knows the foreign manufacturer will soon be able to take care of all his home trade, and then the American machine-tool builder will have to rely almost entirely upon the market of this country. If he is forced to meet the foreign manufacturer on free-trade terms in the United States, then the American market also will rapidly diminish to the American manufacturer.

The pending bill simply proposes to increase the market for European manufacturers by adding the United States to their territory without offering any compensation whatever in return to the American manufacturer.

There is not a paragraph in the entire bill that will add a single dollar in additional trade to the American manufacturer nor add a penny to the compensation of any American wage earner. Canada, for instance, would continue a tariff rate of 27½ per cent against American-made machine tools, while the markets of this country would be open free to the Canadian manufacturers of machine tools. American machine-tool builders submitted price lists to the Finance Committee showing that German manufacturers could sell machine tools in this country from 32 to 47 per cent less than the American builder could, if admitted free of duty.

Instead of the pending bill opening up the American market for free trade in machine tools to the amount of approximately $200,000 a year, it is more than likely that at least $10,000,000 worth of machinery, practically all of which may be classified as machine tools under recent interpretations of that term, will be brought into this country annually by this free-trade provision.

Ordinarily a machine tool has been interpreted to be a metal-cutting machine, but this has been broadened recently by Treasury decisions to include woodworking machinery and every type of machinery of that kind. Therefore the proposition is not simply one of putting $191,000 worth of foreign products on the free list, but is one to admit $10,000,000 worth of foreign products free of duty. Such a proposition alone would reduce the revenues of the country four and one-half million dollars.

Many machines that formerly were classed as machinery and imported at 45 per cent duty have been reclassified by customs officials as machine tools and admitted at the 30 per cent duty. With the increasing pressure that is being brought to bear to broaden the definition of machine tools it is quite possible that in a short time a greater part of the machinery imports even under the present law will be entered as machine tools.

The authors of the pending bill estimate that the reduction of the basket clause under which the great bulk of machinery is now entered from 45 to 25 per cent will increase the importations of machinery to $10,500,000. If machine tools are put on the free list, additional incentive will be given to foreign manufacturers to have their products entered under such classification. It is quite certain therefore that the estimate of $10,000,000 free importation under that classification is entirely conservative.

Let me read from an address which Dr. Ing. G. Schlesinger, professor in the Technical University of Berlin, delivered at the annual convention of German machine builders in Berlin on April 6, 1911. Dr. Schlesinger took for the subject of his address, "The position of the German machine-tool industry in the world market." I quote from these portions of his address which apply to the present discussion:

> For the most part, the competition is confined only between Germany and the United States. And therefore we are confining our present comparison between these two countries.
>
> The statistics of the last 10 years show that the German export of machine tools to the whole world was 11,000 tons in 1900 and has increased to 58,000 tons in 1910, while the imports from America, which were approximately 7,000 tons in 1900, were decreased to 2,000 tons in 1901 and increased again in 1906 to a maximum of 8,800 tons, averaging 5,500 tons per year.
>
> The reason for the present small export of German machine tools to America is the American tariff, which was formerly 45 per cent and is now 30 per cent ad valorem. The German machine-tool builder must, therefore, aim to build his machines so good and so cheap that they can climb over the American tariff wall, which is already happening in some instances.
>
> The comparison of export and import figures show that in the case of the German machine-tool builders in most types of machines they can claim equality with the American product, since most export markets welcome our machines and purchase them in big quantities.
>
> To-day the Germans are independent and stronger than their American competitors.
>
> A reawakening of the German machine-tool industry resulted from their following very closely the American example in the construction of their well-built and durable machines. Machine tools of large proportions, used especially by mining and rolling mills, also shipyards, because of their more scientific requirements, were the first to compete with American imports into the home market and have to-day eliminated this competition completely.
>
> No one can blame the German machine-tool manufacturers if they take a good thing wherever they find it. In the hard fight for existence the question of the origin of any idea or design fades into insignificance.
>
> In the case of boring machines, small and medium sizes, American competition was forced to completely withdraw.
>
> On those machines on which the German makers compete with American product the prices are insufficient, but they will not be increased until Germany increases her schedule of tariff on the import of American tools into Germany.

I believe the American tool industry will suffer more than any other American industry if the pending bill should become a law. I am utterly at a loss for a reason why the authors of this bill picked out the machine-tool industry as a victim of its free-trade fallacy. What reason is there for protecting the automobile industry with a duty of 40 per cent and at the same time taking away every vestige of protection that the machine-tool builder has had? These machine-tool builders voluntarily agreed to a reduction of the tariff on their products from 45 to 30 per cent under the act of 1909. Now it is proposed to take away even that 30 per cent protection, which is all that saves the American manufacturer from a ruinous competition with the cheaper products of Europe. Machine tools are made of the same raw material and by the same class of labor as practically every machinery product that is retained on the dutiable list by the pending bill. In addition to automobiles, the bill protects bicycles and motorcycles at 40 per cent and every kind of machinery used in the textile and rubber industries at 25 per cent. Here are some of the machines that the Underwood bill retains on its dutiable list, while putting machine tools on the free list:

> Machines for shoemaking, paper and pulp, leather working, confectionery, cotton, woolen, knitting, bottle making, steam pumps, electrical machinery, water meters, adding machines, sugar, rolling mill, rubber, road making, rock drilling, mining, pneumatics, hydraulic presses, cotton ginning, oil well, agricultural, dairy, laundry, traction engines, cement, brickmaking, metal molding, rotary blowers, ventilating, can making, hat making, straw braiding, steam shovels, barb wire, wire weaving, dredging cranes, jib cranes, traveling cranes, locomotive, hoisting machinery, elevators, conveyer, grain elevating, flour making, stone crushing, internal-combustion engines, metal drawing, tube drawing, wire drawing, pin making, windmills, hot-air engines, chain making, glass making, paper-box making, envelope making, weighing machines, scales, paint making, chemical machinery, goldsmith machinery, button making, butchers, coffee machinery, dental machinery, telescopes, microscopes, laboratory apparatus, fertilizer, filtering machinery, telephone machines, telegraph machines, flying machines, injectors, water wheels, ice making, vacuum cleaning, air compressors, bakers' machinery, cottonseed oil, cereal making, gun-making, nail making, nippers and pliers, and many others we have not had time to list.

As I said before, the definition of machine tools has become somewhat hazy, and it is almost certain that with the temptation of a free list there will be a tremendous effort made to have various other machines classed as machine tools along with metal-working machines.

The wonderful development of the machine-tool industry in this country has really been the basis for the great advancement the United States has made in all lines of manufactures. As a witness before the Finance Committee well said:

> You can not operate a railroad, you can not run a steamship, you can not have a telegraph or telephone or an electric light, you could not plow the fields in the West, you could not do any of the mechanical things that are now going on in this country, that would develop the United States to its present position, if you did not have machine tools. Take away the machine tools and America would be powerless to protect itself against foreign invasion. There is no battleship that goes out that is not fundamentally dependent upon the use of machine tools.

Is an industry that made all these things possible to be destroyed because it has made a successful effort to maintain a foreign trade?

German labor is not only cheaper than that of the United States, but is also rapidly becoming fully as efficient. Germany has a scientific system of industrial education that far surpasses the vocational education which is really just beginning in the United States. The little Kingdom of Prussia, with approximately a population of one-third of the United States and one-thirteenth of its area, has 400,000 young people between the ages of 14 and 18 attending schools for industrial training during the year 1908. This industrial school attendance is equal to 13½ per cent of the total population of Prussia. Compared with this, the United States Bureau of Education reports that for 1906 only 1¾ per cent of our population received a vocational education between the ages of 12 and 22. This vocational education of its young people in the trades has become a powerful factor in the wonderful advancement that Germany has made industrially during the last decade. It is a factor that soon must be met in the United States by a similar system of educating our young people along vocational lines as well as in professions. We must train our young people to work with their hands as well as with their heads. It is even

more important in the prosperity of the United States that the great majority of our young people should be given adequate industrial educations than that they be educated along nonproductive lines as lawyers, doctors, dentists, theologians, or even as statesmen. It is highly essential, therefore, that the American market should be adequately protected until the growing generations of this country are educated to compete successfully with the skilled European workmen who have had the advantage of a vocational education.

PRINTING PRESSES.

[Paragraph 73.]

The printing-press industry of the United States is in the same situation regarding foreign competition as is the machine-tool industry of this country. Foreign manufacturers are showing the same skill in their duplication of American printing presses as they are in the reproduction of American machine tools. I have here a book with illustrations of a large number of American printing presses that have been imitated to the minutest detail by foreign manufacturers, particularly those of Germany, where these presses can be made at a considerably less cost than in the United States.

The printing-press industry is one upon whose product at least 75 per cent to 80 per cent is spent for labor, and 20 per cent to 25 per cent for material, nearly all of which is subject to duty.

The American manufacturers of printing presses employ thousands of skilled mechanics, whose average wage per hour is 37 cents against 14 cents for the foreign mechanics of the same class; therefore, to abolish or reduce the tariff means a serious blow to this industry and must necessarily entail a great reduction in rate of wages paid to its workmen.

American manufacturers have spent vast sums of money and great skill and industry in experimenting, developing, and perfecting their presses, and this development, which adds so much to the welfare of the printing trade with its vast influence on our material and intellectual development, must stop if our market, the best in the world, is to be thrown open to our foreign competitors, who avail themselves of our designs without bearing any of their expense of development, and then, with this very low wage scale, threaten to invade our country with their presses. In fact, at the present time, they are beginning to introduce their foreign-made copies of American presses, and even with the duty and transportation against them, they are competing in price with us in our own country.

The following table shows the average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor, the foreign wages being taken from Capt. Carden's report:

Countries.	Foremen.	Vise men.	Lathe.	Milling machine.	Planers.	Drill.	Boring.	Grinding.	Erectors.	Pattern makers.	Carpenters.	Blacksmiths.	Molders.	Coremakers.	Average.	Unskilled labor.
United States.....average..	$0.52½	$0.34	$0.34	$0.32	$0.35	$0.29½	$0.34	$0.30½	$0.54	$0.40	$0.29½	$0.38	$0.37	$0.37	$0.37	$0.21
Belgium.....do....	.18	.13	.11	.08	.10	.07	.10	.11	.....	.....	.....	.....	.....	.....	.11	.03
Germany.....do....	.19	.16	.18	.14	.17	.14	.18	.15	.20	.17	.14	.18	.17	.14	.16½	.12
France.....do....	.....	.18	.15	.14	.14	.14	.....	.17	.....	.....	.....	.15	.....	.....	.15¼	.10
Switzerland.....do....	.....	.15	.13	.13	.13	.11	.....	.....	.....	.....	.....	.....	.....	.....	.13	.09
Italy.....do....	.21	.14	.12	.12	.12	.12	.....	.....	.....	.....	.....	.....	.....	.....	.14	.....
United Kingdom.....do....	.....	.....	.17	.17	.17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.17	.....
Holland.....do....	.18	.10	.09	.09	.10	.....	.09	.09	.....	.09½	.....	.10	.09	.09	.11	.....

General average in United States, per hour, 37 cents.
General average in foreign countries, per hour, 14 cents.

Exports of printing presses are largely confined to special machines which have not as yet been copied by the foreign builder, whose competition on standard machines, many of the designs of which have been copied almost exactly from American presses, is so sharp by reason of the low wage rate in foreign countries that the American builders can not compete at all as exporters.

SEWING MACHINES.

(Paragraph 73.)

Evidence submitted to the Finance Committee in regard to sewing machines shows clearly that the tariff has nothing to do with the selling price of those machines in this country. This is equally true of innumerable other items upon which a duty has been placed for the protection of American workingmen. Sewing-machine manufacturers frankly admitted to the committee that machines costing from $10 to $20 wholesale are retailed at from $45 to $75. With these enormous profits it is evident, therefore, that the tariff has nothing whatever to do with the selling price of sewing machines. The tariff is important, however, to protect American workingmen against competition with the cheaper labor of Europe. The committee was informed that labor in American sewing-machine factories receives practically double the wage paid similar employees in the foreign factories. The 30 per cent duty on sewing machines at present is hardly sufficient to represent the difference in labor cost between the United States and Europe.

The chief beneficiary of free trade in sewing machines would be the Singer Sewing Machine Co. Already this company has established a large factory in Glasgow and is reported to be preparing to erect the largest sewing-machine factory in the world in Russia. To remove the tariff on sewing machines would make an opportunity for the Singer Sewing Machine Co. to supply the American market with machines made by the cheaper labor in its foreign factories. It is absolutely certain that the removal of the 30 per cent duty would not result in any benefit whatever to the consumer, who has to pay three or four times the cost of manufacturing machines in this country owing to the great profits demanded by the sewing-machine companies. These large gross profits are due to their extravagant expenditures for selling and distributing sewing machines.

A removal of the duty on sewing machines would put out of business nearly all the independent manufacturers in this country, giving the Singer Sewing Machine Co. practically a monopoly on the American market owing to its opportunity to manufacture machines in its foreign factories.

TYPEWRITERS.

[Paragraph 73.]

The typewriter industry is purely of an American origin, and is not a little industry by any means. The Underwood bill places typewriters on the free list. A considerable proportion of the raw material used in their manufacture is imported, and a duty is imposed on all of this raw product, while the finished machine is put on the free list. There are 15 distinct types of high-grade typewriting machines manufactured in the United States by as many independent companies, having no relation with each other. The total capitalization of these companies is approximately $55,000,000, and their combined production about 450,000 machines, the retail value of which is approximately $40,000,000. The industry gives employment altogether to nearly 28,000 persons. These companies pay from $3 to $3.50 per 9-hour day for the skilled labor, and their unskilled labor averages $2.25. They pay out nearly $9,000,000 annually for labor. In Germany, which has become the chief competitor in the production of typewriters, in the Chemnitz district, where one of the improved typewriters is made, the average wages for skilled labor are approximately 84 cents for a 9-hour day, or $1.20 for a 10-hour day, which they are required to work, against the $3 to $3.50 per day in the United States. Some of the skilled laborers there only receive from 72 cents to 80 cents for a 9-hour day. At Dusseldorf $1.71 is paid for skilled labor.

When we take into consideration the fact that between 70 and 80 per cent of the cost of manufacturing a typewriter is paid out to the labor employed, it can easily be appreciated what would be the result of putting typewriters on the free list. The Germans have sent their men over here to learn how to make the typewriters, and they use the same machinery that is used in this country. The conditions prevailing in England and France are similar to those existing in Germany, and if the American field is opened to the free importation of typewriters it is fair to assume that impetus will be given to this industry in England and France, as well as in Germany, and it can not help to react against the American manufacturers. Moreover, it should be noted that, with the exception of England, practically all of the European countries impose duties upon typewriters which the American manufacturers have to pay in competition in the European markets. Hence, if typewriters are placed on the free list here it will result in discrimination against American manufacturers in favor of their European competitors.

A typewriter consists of over 1,000 parts. In that sense it is complicated, something like a watch, and requires skilled labor. American machines are copied in Germany and sold under different names. The Germans are selling their machines in South American markets to-day at from $43 to $47 each. The development of this industry in Germany has taken place in the last seven or eight years, and as a result they have excluded the importation of machines from the United States. In France they are making only one machine and that is the first experiment, and the same is true of England, but they will rapidly develop the industry, as has been the case in Germany.

In a few years Germany reduced the American exports to South America 42 per cent as a result of her competition. Until recent years the typewriters in this country have supplied the world, with little or no competition. Now, however, they are meeting with keen competition, particularly in Germany, which country is now manufacturing high-grade machines, and it is only a matter of time when the Germans will approach the same degree of perfection as the American manufacturers have reached. A representative of a typewriter company, speaking before the Finance Committee, declared that—

> there is not a single company that sells typewriters abroad for less money than in the United States.

And he added that there was not one to his knowledge that did not sell its product for more money abroad than it gets at home.

CUT NAILS, SPIKES, NUTS, WASHERS, AND HORSESHOES.

[Paragraph 70.]

The House bill puts spikes, nuts, and washers on the free list, with a duty of 15 per cent on bolts. All of the establishments manufacturing those items, with the exception of spikes, to some extent are small concerns as compared with the larger steel corporations. There are about 35 of these manufacturers, with a capital of about $50,000,000. Spikes are used altogether by the railroads, and the nuts and washers are also used principally by the railroads. Putting these nuts on the free list might benefit the railroads altogether at the expense of the manufacturer, and as one of the manufacturers stated:

> Coming at a time when there is practically no profit in the manufacture of bolts, nuts, and rivets, it seems like hitting a man when he is down.

Horseshoes are put on the free list by the Underwood bill. This would be no benefit to the consumer. A horseshoe now costs at wholesale about three and a half cents, and the usual price in the country charged by the blacksmith for shoeing a horse and furnishing the shoes is $1. The change in the duty from the present law would make a difference of about three-quarters of a cent on each horseshoe and would not benefit the consumer in the slightest. There are large factories for producing horseshoes in Canada, and they could easily market their surplus in the United States, whereas they have a protective tariff of 30 per cent. Putting horseshoes on the free list might help the jobber and the retailer and the blacksmith somewhat, but it would be no benefit to the ordinary consumer, which is plainly demonstrated by the fact that when horseshoes were sold for 50 cents a keg higher than they are now the charge for shoeing a horse was just the same. The existing price, according to Mr. Wheelwright, of the Old Dominion Iron and Nail Works Co., has not been changed for 25 years. Asked if he could not reduce the wages in the manufacture of horseshoes, Mr. Wheelwright replied:

> I would not be able to reduce the wages, and I would simply have to quit. The wages could not be reduced.

COTTON TIES.

[Paragraph 68.]

The provision of the House bill admitting cotton ties and strips of iron and steel for bailing purposes free of duty, strikes a blow at another branch of the iron and steel business. Those products are now dutiable at three-tenths of a cent per pound, or $6 per ton. The prosperous conditions abroad in the iron and steel business and the depressed condition in the United States have had a tendency to keep foreign producers from invading our markets to any great extent, because of the great demand at home for their goods. Some cotton ties were imported last year at a valuation of 1 cent per pound. Large manufacturers in this country state that they can not be produced here for that price, and they do not believe that they can be produced abroad either at such a figure, but they may be admitted at an undervaluation, which may account for it. The production of cotton ties last year was about 52,000 tons. They are very low now in price, which would appear to offer no excuse for placing them on the free list, and thus offer our markets as a dumping ground for foreign producers. Wages in this industry, as in other iron and steel industries, are two to three times greater than the rates paid in Europe, of which fact there can be no question. Hence to put an article of this kind on the free list simply means a great reduction in the wages or the closing of the mills.

Cotton ties are used almost exclusively in the Atlantic and Gulf States. They are manufactured nearly altogether in the north and central west. Comparing the freights available to foreigners with the freights available to American manufacturers, the inevitable result of placing them on the free list will be what it was under the Wilson tariff, and will close down all of the cotton tie mills and allow the foreigners to have a market to themselves. The ocean freights from Belgium, Germany, and Great Britain to Atlantic and Gulf ports is $2.50 per ton and less. The lowest rail-and-water freight rate obtainable from the Pittsburgh district to Galveston, Tex., on cotton ties, is $5.20 per net ton, and when shipped all rail the rate is $7.10 per net ton. Owing to the low sea freights available to foreign manufacturers, all the American manufacturers with few exceptions will be compelled to yield the seaboard markets to their foreign competitors, and the output of these commodities in our country will be proportionately reduced to such an extent as materially to increase the cost of the remaining output of American factories.

Mr. President, I have tried to take up every paragraph in this bill and call attention to the amount that is produced in this country of the items that fall under each of these paragraphs and compare the wages paid in foreign lands with those paid in this country, and I hope and trust that after the careful study and consideration of this bill by Senators they will hesitate to vote for a bill that on its face will work serious hardship on one million and a half American workmen and destroy the advancement of one of the greatest American industries.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. Does the Senator imagine that there is going to be any careful study of this question? Judging by the number of Senators who have been present and have listened to a most exhaustive and one of the best arguments that has ever been made in this Chamber upon this schedule, is it evident that it is going to receive any consideration or anything other than a mere vote upon it?

Mr. SMOOT rose.

Mr. BACON. Mr. President, before the Senator from Utah replies, I think it is not inapt to state the fact that we recognize the propriety of the criticism which has been made by the Senator from North Dakota, and I want the Senator from Utah to bear witness to the fact that we ourselves sought to arrange it that he would have the attention he is entitled to, but the Senator from Utah declined when the offer was made on our side. The Senator from Utah will remember that.

Mr. SMOOT. I do.

Mr. McCUMBER. I was not criticizing. I was simply stating the facts as they appear. If the Senate must be kept here by constant roll calls, it is evidence of itself that very little interest is taken in this bill. The Senator has spoken here this afternoon when there were not four Senators present in the Senate to listen to him. He has discussed the bill in a most thorough manner and in a most masterly effort, and I presume very little of it in the RECORD will ever be read.

I simply speak of it, Mr. President, not in the sense of criticism, but to indicate to the Senator who was speaking that while he was trusting that we might have a careful consideration of this question the evidence before us was that it would have mighty little consideration.

Mr. BACON. I do not wish to be understood as taking issue with the Senator from North Dakota. On the contrary, as to the lack of attention the Senator from Utah was entitled to, I entirely agree with him, that there has not been such attention as there should have been.

Mr. SMOOT. Mr. President, I think that perhaps many of the Senators will read the speech in the RECORD, and perhaps study the figures. That is why I expressed the hope that they would. I have given a great deal of study to this question. I have gathered these facts, and they have not been gathered in a few hours nor in a day, but it has taken many days and many nights. I tried to be absolutely fair, gathering the facts from the best sources it has been possible to gather them from, and I say now to the Senate that in studying this bill from beginning to end, taking into consideration the reductions proposed, I can not see where the ultimate consumer is going to be benefited. The only effect it will have will be to destroy the manufacturers of this class of goods in this country.

Mr. BORAH. Mr. President, it seems to me that the absence of Senators from the Senate Chamber is by no means a reflection of the interest which they might have in this discussion under certain circumstances, but it is due to the fact that, while there is a great deal of protest to the contrary, nobody really expects any tariff bill which may come before us at this session to become a law, and if both sides would join with equal candor in that proposition it would not be necessary to stay here and carry on this useless discussion. We should pass the bills which must be passed and ought to be passed, and some of which must be passed, and go home.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I do.

Mr. SIMMONS. I suppose the Senator from Idaho means that no tariff bill passed will become a law because the President would veto it.

Mr. BORAH. I mean to say that the Republicans do not expect that any bill will be framed by the other side which will meet the measure of protection that they want, and the other side is not, in my opinion, very anxious that any bill they pass shall become a law. I do not believe that either side has any expectation of any of these measures becoming a law. And one side is not very much more disappointed than the other.

Mr. SIMMONS. I do not know what the Senator means by "the other side." When he says "the other side," does he mean the Democratic side?

Mr. BORAH. Yes; I mean the Democratic side, as I am on the Republican side.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body, and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Mr. BORAH. It will be a great consolation to the Senators on the other side of the Chamber that it will go to a Republican President.

Mr. SMOOT. And also a great consolation if it is vetoed.

Mr. BACON. The statement of either of these Senators is not only without warrant but is absolutely wide of the fact.

Mr. SMOOT. Mr. President——

Mr. BACON. I think I have had a little better opportunity to judge in regard to the sentiment of the Democrats than either of the Senators, although they appear to belong to parties practically differing from each other.

Mr. BORAH. I do not——

Mr. BACON. I hope the Senator will not interrupt me until I finish my statement. Then I will be glad to hear from him.

Mr. BORAH. I will wait.

Mr. BACON. I have had a pretty good opportunity to know what are the attitude and desire of the Democrats, and I can say with the utmost confidence that the statement, whether made directly or by inuendo, that the Democrats are not in favor of this legislation which they are now proposing to pass is absolutely not only without foundation but incorrect. I have been in very close confidential relationship with my colleagues on this side of the Chamber; we have the opportunity for an interchange of views under circumstances where each can judge of the sincerity of the others, and I speak in the utmost confidence and in the sincerity which is due from one speaking in this place when I say that the purpose is to do all that is within our power to pass these tariff bills, and not only that, but we will be greatly disappointed if they do not become law.

Why should the Senator think we do not desire that this metal-schedule bill shall become a law, when it rests with such burden upon those whom we represent, when there is not a single Democratic Senator who does not represent constituents who rest under very great burdens on account of the present law? which burdens would be greatly relieved by this bill if it should be passed.

Not only so, but among the great body of the American people there is not a man who rides on a railroad who does not have to pay an increased cost on account of the cost of the iron rails which are made more costly by the tariff on rails. The Senator knows that, and to say that we are not sincere in this—I am astonished that the Senator should say anything of the kind, unless he can give us any authority for it. If the Senator knows of any single Senator on this side of the Chamber whom he can charge with insincerity in this matter, I hope he will not hesitate from any feeling of delicacy to mention his name.

Mr. BORAH. I am not going to name any individual Senator. Neither did I have any individual Senator in mind. I was speaking of what every one understands to be the method when it is determined to do or not to do a certain thing.

Mr. BACON. As the Senator does not know of any——

Mr. BORAH. I do not modify my views at all when I say that neither side of the Chamber has given any evidence at all during this session that they expected any tariff legislation to result in law, and every move has been in harmony with the theory that none of this legislation would ripen into law.

Mr. BACON. What are the devices?

Mr. SMOOT. Mr. President——

Mr. BACON. Of course if the Senator from Utah has the floor I will yield to him.

Mr. SMOOT. No; I have not the floor. I yielded the floor.

Mr. BACON. Then I wish to reply to the Senator from Idaho. What does the Senator from Idaho allude to when he says every device has been adopted looking to the direction of legislation which will result in a failure to accomplish anything?

Mr. BORAH. That would necessitate, to some extent, the discussion of the action of the other House, which I do not propose to discuss and which I have no right to discuss. But this bill was dragged out by the action of your great Democratic leader and was never brought to life until it was forced into life by the action of your great commoner, and the manner in which it has been formed, the rates which have been established, and the principle which is involved in the bill lead me to believe that nobody ever anticipated that the bill would pass or that the President of the United States would sign the bill. If it had been thought otherwise it would have been formed on a different basis, with different rates and schedules.

Mr. BACON. I will say, in response to the statement that the bill has been dragged out, that I think that is utterly unwarranted. It would have come out in due course. The only criticism is that it has not been given precedence, and everybody understands that and I am not going into it. I am speaking of what we have here.

Now, Mr. President, we have a bill—I say we have a bill; of course there are several propositions before us, but the bill which the Democrats are advocating, the steel bill which came from the House of Representatives, is one which would give great relief to the people in lessening the burden of taxation.

Mr. BORAH. Mr. President——

Mr. BACON. The Senator will pardon me for just a moment and then I will yield to him.

Not only that, but a distinguished Senator, the Senator from Iowa [Mr. CUMMINS], with whom the Senator from Idaho is regarded at least as in near affiliation, if not in perfect affiliation, has himself attacked the present law and has himself indicated his purpose to offer certain amendments which, while they do not meet our views, do not go as far as we think they should go, present a proposition to change the law in such manner as to give us a law infinitely better than the one now on the statute books, and which this side would accept in case we can not get our own.

Mr. President, how is Congress to legislate? Is it to be accused of insincerity when it proceeds in the employment of every device known to legislation to try to enact a law? Are Democratic Senators and Representatives to be accused of insincerity because, forsooth, they may have grave reason to apprehend that even if they should do their duty some one else may thwart their purpose?

I would not have said anything in reply to the Senator, but the Senator attacked the sincerity of this side of the Chamber, and I repel it, and say it is absolutely without warrant, and the Senator can not name utterance or put his hand on any fact which would justify such a statement.

Mr. BORAH. Mr. President, I did not attack the other side of the Chamber any more than I did this.

Mr. BACON. Well, I——

Mr. BORAH. And I repeat it is as clear to me as the noonday sun that the leaders in this Chamber, upon either side of the Chamber, never expected that any of the bills that they would pass at this session would become a law.

Mr. BACON. It will not be our fault if they do not become law.

Mr. BORAH. It is an easy thing to say——

Mr. BACON. It is not a cheap thing to say. It is the truth to say.

Mr. BORAH. Let me say just a word in justification of the position which I have taken, because I have not taken it impulsively, nor without a good deal of reflection, because I have watched this program for the last six months.

We came here last fall when the whole country was engaged in a discussion of the result of the decision in the Standard Oil case and the Tobacco case. It was believed that by reason of those decisions it had become incumbent upon Congress to enact some rule or some law providing for the manner of regulating and controlling of the great combines in full control of the American market place, some law which would free it of that form of combination which now makes it impossible for anyone except those in control to fix the price of our products. The whole country was engaged in the discussion, the newspapers in their editorials, men all over the country were writing and discussing this question through papers and magazines, and the thought of the American people had drifted to the question of the control of these few combinations, who, regardless of what we might do with reference to the tariff, had control of the market and still control the prices.

Within 30 days after we had met here, instead of taking hold of that question and dealing with it in a drastic way, so as to relieve the American people, so in case a tariff should be enacted the people would get the benefit, we drifted speedily to the proposition of discussing the tariff, when it was thoroughly understood that the other side of the Chamber and this side of the Chamber and the other House and this House would never in all probability be able to agree upon a tariff bill at this session.

Instead of taking up the proposition which had to do with relieving the burdens of the American people, instead of lifting from their backs that which is now fastened there by extortion and fraud, we took up the proposition wherein we knew we could not accomplish anything at this session. We knew this was purely a political question and both parties would simply be sparring for advantage in the campaign. I do not need to name individuals to prove a matter known of all men.

Mr. BACON. The Senator from Idaho says we proceeded with knowledge of the fact that we could not pass a tariff bill, and yet we did pass two or three tariff bills at the last session. I repeat, in order that it may have the attention of the Senator from Idaho, that the Senator, referring to the former session as well as to this, said that it was understood from the beginning that there could be no tariff bills upon which the two Houses could agree, and yet it is a fact that three or four tariff bills dealing with the most important subjects of customs regulations and the tariff did pass both Houses.

Mr. BORAH. At this session?

Mr. BACON, In this Congress. The Senator alluded to what occurred when we met here last year and the Senator said——

Mr. BORAH. I said last fall.

Mr. BACON. I beg the Senator's pardon.

Mr. BORAH. I said last fall.

Mr. BACON. In what way does the Senator differentiate? We proceeded when we met in the extra session immediately in the effort to enact tariff legislation, and the two Houses did agree on tariff legislation, and the two Houses did send tariff bills to the Executive which were vetoed.

Now, we are engaged in exactly the same process, and when the Senator says that it was manifest that the two Houses would not agree upon legislation the Senator is not speaking correctly. The Senator will find that the two Houses will agree on legislation—at this time—not only the extra session, but at this time—and the Senator will find that the tariff bills which have come from the House will be passed by the Senate in one shape or another. We will either pass them in the shape we prefer or, if we can not get them in the shape we prefer, we will take the next best we can get; one or the other will pass the Senate at this session.

Mr. BORAH. Does the Senator expect it to become a law?

Mr. BACON. That is another question. It is a different question altogether.

Mr. BORAH. That is precisely what I have stated.

Mr. BACON. It goes further than that. We can not say what the Executive will do. It is not within our province to say what he will do. It is our province to do our duty and to leave to others the performance of theirs as they may see fit.

Now, Mr. President, according to what the Senator says, what is to be the attitude of this country at any time when, in the election of the popular branch, it may see fit in the enactment of legislation to repudiate the views of the executive branch? Is it to be said that when a condition of that kind occurs—and that was evidently believed by the framers of the Constitution to be what might occur, because they provided there should be an election of the popular branch in the midst of the term of the Executive—is the position to be taken because there is a Democratic President in the Executive chair and a Republican House, the Republican House must sit supinely and not attempt to put into legislation its policy because it believes a Democratic President, if in the chair, would veto such measures?

Reversing it, if there is a Republican President in the Executive Office and the people elect in the popular branch in the midst of his term a House of Representatives of different politics, of different views on great economic questions, is it to be said that the House is to be charged with insincerity if it proceeds to enact legislation in accordance with the will of the people because, forsooth, there may be a defeat of their purpose by the interposition of a veto by a Republican President? Yet that is the argument of the Senator.

Mr. BORAH. Not at all.

Mr. BACON. Now, the Senator talks about what the purpose was when we came here, to free the country from the domination of the controlling trusts and interests of that kind. In reply I want to say two things. In the first place, I do not know of any measure that the distinguished and honorable Senator from Idaho has introduced into the Senate on that subject where we have refused to follow him. That is one sufficient reply. The Senator has not been inactive. Will the Senator say he has offered any legislation for the correction of the tremendous evil which he said was the dominant one when Congress assembled?

Then again, Mr. President, I say to the Senator, and not only to him but to those with whom he is affiliated, either in actual or near political relationship, that whenever the prohibitive feature of the protective tariff is relieved so that the people of the United States may be free to make their purchases wherever they see it to be to their interest they will find very much less opportunity for this domination by the trusts, of which the Senator speaks as the great and important duty of Congress to relieve the people of. Whenever you are going to do that, and we all desire that that shall be done, the first thing to be done is to take away from them the opportunity which the high protective tariff gives to barricade themselves against competition from without.

Mr. President, we hear much about trusts. What is the objection to a trust except that it is a monopoly? What is the great evil in trusts except that they monopolize the market? Yet the fundamental principle of the party with which the Senator is affiliated, and I repeat either in actual or near relationship, has as a fundamental principle the restraint of competition.

It is a curious thing that the Senator from Utah, I think it was, said the other day, not in words, but by necessary implication—no; it was the Senator from Iowa [Mr. CUMMINS]—that monopoly which entirely destroys competition is considered to be infamous, but monopoly which only partially destroys it is considered by the Republican Party to be highly commendatory.

Mr. President, this discussion grew out of the statement by the Senator that the Democrats in the Senate did not desire the passage of this metal bill, and the Senator from Utah echoed it, sotto voce, saying that Senators on this side of the Chamber were gratified at the prospect that it would not become a law. I say, Mr. President, that statement is utterly unwarranted, that I utterly repel it, and I challenge Senators to put their fingers upon a single act or indicate a single word from this side of the Chamber which would justify any such imputation.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. It is true that I echoed the statement made by the Senator from Idaho, and I did it for this reason. I am not going to mention Senators by name——

Mr. BACON. I think in an imputation of that kind the Senator ought to mention them by name.

Mr. SMOOT. I am not going to do that, but I am going to say that I have discussed the rates in this bill with some of the Senators who admit that they were not right. They say, What is the use of changing them, because it never will become a law. That is an indication, I take it, that they never expect the bill to become a law.

Mr. BACON. Now, the Senator in making that statement is trying to produce the impression that it is a statement which reflects the sentiment and views of the Senators on this side of the Chamber.

Mr. SMOOT. I have not so stated, nor do I know what are the views of the majority on the other side.

Mr. BACON. Very well.

Mr. SMOOT. Nor did I say so in the statement I made.

Mr. BACON. Nor does the Senator venture to say that that reflects the views of any considerable number on this side. Yet the Senator from Utah, when the Senator from Idaho made

the general statement to that effect, not speaking of individuals, the Senator from Utah standing in his place, gave it his assent, when he himself says now that he does not know it to be true, that he was speaking about what only one or two said to him.

Mr. SMOOT. I do not know how general the statement made by the Senator from Idaho was, but——

Mr. BACON. Let me say to the Senator——

Mr. SMOOT. I think if the Senator will read the RECORD he will see that the statement I made was in a very few words—that it would please some if the bill was vetoed by the President.

Mr. BACON. To do what?

Mr. SMOOT. If the President vetoed the bill.

Mr. BACON. What about it?

Mr. SMOOT. If the President vetoed it.

Mr. BACON. Who would be pleased?

Mr. SMOOT. Some Senators.

Mr. BACON. The Senator did not say that. I do not believe the Senator can find a Senator on this side who would be pleased if the President vetoed it.

It is very easy, Mr. President, for the Senator to say a thing of that kind and then shelter himself behind the assertion that he will not make the mention of somebody on this side of the Chamber. I care not who the Senator on this side of the Chamber is, I challenge the Senator from Utah to name him.

Mr. SMOOT. I have said exactly what I intended to say, and that is enough to——

Mr. BACON. The Senator, then, will excuse me for saying that unless he will give the names he must excuse me for not having confidence in the correctness of his statement.

Mr. SMOOT. As far as the Senator having confidence in the statement, I want to say I have said nothing but the truth in the matter, and so let it rest there.

Mr. BACON. I shall not let it rest there.

That is not all, Mr. President. The Senator from Utah, when called upon for specifications, mentioned the fact that when he pointed out certain items in the bill some Senators on this side said that they did not believe that particular item was correct. But the Senator does not say that from that he drew the inference they would like to have the bill vetoed. I challenge the Senator to stand in his place now and say that any Democratic Senator has ever said to him that he desired this bill to be vetoed. If he says yes, I intend to find out who the Senator was before I am through.

Mr. BORAH. The Senator asked if the Senator from Idaho has introduced any bills regulating these combinations; the Senator from Idaho replies that such bills have been before the committees for months.

Mr. SMOOT. I have never made that statement, and I do not make it now.

Mr. BACON. The Senator's statement implied that. I repeat if the Senator will stand in his place and say that any Senator on this side of the Chamber has made any such statement, I will find who that Senator is and give his name to the Senate; and until that is done I decline to give credence to his statement.

Mr. BORAH. Mr. President, the Senator from Georgia insists on doing two things wholly unnecessary in this debate or for the elucidation of my proposition; first, drawing a criticism, which might have been implied in the remarks I made exclusively to the Democratic side. I made no remark which should be so construed, and I would not be justified in making any such remark. I intend any criticism I am making, if you choose to call it a criticism, to apply to both sides—to the situation as it exists.

On the other hand, the Senator makes the mistake, it seems to me, of desiring one to put his finger upon the particular power which moves the machinery of this Senate.

Mr. BACON. No; I did not.

Mr. BORAH. I have been here for three or four years, and I have watched these things move. I do not say they do not move simply because I do not see and understand always what makes them move.

I have been here long enough to know that they are moving by reason of the fact that there is an understanding somewhere which, unfortunately, I can not always locate and reduce to writing. That situation has existed here long enough for the Senator from Georgia to be familiar with it, and I think he is. I would be surprised if at times, owing to his prestige and influence, he is not a part of the moving power.

But the statement which I made remains true to my mind, and that is that there was either by accident or design—I think by design—the taking up of a subject for legislation at this session upon which the two parties are unalterably divided and wherein it would be impossible, as was understood by everyone who understood legislation here, that final results could be accomplished at this session.

Does the Senator pretend to say that many in the Senate Chamber assume that this legislation with reference to the tariff can result in a law at this session? If he does not, then he admits everything that I have stated——

Mr. BACON. No.

Mr. BORAH. And that is that we have been spending some six months' time here doing that which must result fruitlessly, when there was a nonpartisan subject which ought to have been taken up and could have been successfully dealt with had we set about it.

Mr. President, I voiced this same sentiment the other day when my friend from Iowa [Mr. CUMMINS] was upon the floor, and I have voiced it repeatedly, not only here, but elsewhere, and privately to my colleagues, that this proposition of nibbling at the tariff until we make it possible for competition to exist in this country, by either destroying or regulating these combinations, is mere trifling with the interest of the American public. You can not regulate the trusts from the custom-house, and until you do deal with them, mere changes in duties will not help the consumer. I do not hesitate to repeat here, regardless of whom it may hit or hurt, that until the American Senate takes hold of this question, large as it is and important as it is, and bends its energies and its efforts to the successful solution of it, you can change a little upon the duty on hides or on iron or steel, but it will never reach the man in the street. No change which we effected in the tariff law at the previous session, no change which you will effect in this law, if you have your own way, will ever reach the man who is already overburdened.

The men who are controlling the market place, who fix the price of what we eat and what we wear, will fix it regardless of this play of politics here in the Senate of the United States on the tariff. They will fix it regardless of who is elected President of the United States, unless we elect some one with the courage and the statesmanship to take hold of this great question of the century, and that is whether the combinations will control us or we will control the combinations.

You told us when we were passing the Payne-Aldrich bill that if we would take the duty off hides we would have cheaper shoes. We took the duty off hides, hides went down, shoes went up, and two and a quarter million dollars of revenue went into somebody's pocket—that somebody whom we refuse or hesitate to attack because of their power. You said if we would take the duty off lumber the American home builder would get the benefit of cheaper lumber. A million and a quarter dollars of revenue from lumber went into the hands of the foreign dealer, and the American home builder never received one cent of benefit from it.

Now, what I say is this, and I do not hesitate to repeat it as often as I may have an opportunity, that we are shirking the responsibility which rests upon us when we undertake to make the American people believe that by dealing with the tariff we can bring relief to them when there stands imperious and unchallenged the power in the market place to fix any price they see fit to fix with reference to any article that comes under control. You may go to the free-trade countries, you may go to the protection countries, and these combines are extorting their millions while legislators shrink from taking hold of them. But the time is fast approaching when we will be compelled to act or, if we do not do so, others will be found to take our places.

Mr. BACON. Mr. President, I will try to take up the Senator's argument where he left it off. What means it when we see this great struggle in Congress on the question whether the tariff shall be high or shall be low? Why is it that those who are engaged in the industries to be affected by a change in the tariff are insistent upon a high tariff?

Mr. BORAH rose.

Mr. BACON. Pardon me; I heard the Senator through and I did not interrupt him. I hope the Senator will let me proceed.

Why is it? Simply because the effect of the tariff is to make high prices upon the articles where a high duty is imposed upon the importation of corresponding articles from a foreign country.

Now, why do they oppose the opportunity for the purchase of similiar articles from foreign countries? Simply because the importation of similar articles from foreign countries gives the opportunity for competition, and that competition necessarily results in the destruction of monopoly and in the lowering of prices.

Therefore, Mr. President, when the Senator stands here and says that the great imperative duty, that which is most im-

perative, is to relieve the people of those who are now in the enjoyment of these monopolistic advantages and opportunities, he frames the strongest argument which can be framed against the existence of laws which gives them the opportunity to do that which would be taken away from them if the tariff were reduced.

Mr. President, the argument of the Senator from Idaho is that the taking off the tariff from various articles does not relieve the people from high prices. If that were true, you would not find the Senator from Utah and those who are in affiliation with him and in sympathy with him insistent upon a high tariff. You would not find them insisting upon that if it was a matter of unimportance. It is true that occasionally, for certain reasons which may not operate directly in the manner in which they would do under ordinary circumstances, the taking off a tariff does not lower prices; but everybody knows, and none better than those who favor the high tariff, that the retention of the high tariff is the way in which to maintain high prices for those who manufacture articles similar to those upon the importation of which the tariff is imposed.

If the argument of the Senator from Utah is correct there is no necessity at this or any other time to reduce the tariff so far as the people are concerned.

So far as the burden resting upon the people is concerned, according to that argument it is just the same whether the tariff remains or whether it is taken off, yet we find those who are mainly interested in the maintenance of those prices insisting upon the policy which would retain this exorbitant tariff.

Now, Mr. President, I come back for a moment to the proposition, which the Senator and I could not very well now thrash out in all the details of the discussion, as to the influence of particular schedules upon prices in particular cases. There is the question as to whether or not the price of shoes is mainly influenced by the price of hides or whether it is mainly influenced by the fact that those who manufacture shoes have patents upon machines by which they are manufactured and get the monopoly in another way, and a great many other things which could be suggested in reply to the suggestions of the Senator as to certain articles which have not gone down in price, although the tariff has been lowered in regard thereto. That is too wide a field for present discussion.

But the main general proposition that the high tariff makes high prices lies at the very foundation of the Republican advocacy of a high tariff, and they even go to the extent that it not only makes a high price of a particular article, but makes the high price of everything else, even of raw cotton, upon which there is no duty. As the Senator from Utah contended on yesterday, even in the production of raw cotton, upon which there is no duty, the effect of the tariff was so great that the growers of cotton had their full benefit and an equal benefit in raising the price with the producers of the protected articles by reason of the tariff. If that were so, Mr. President, it is not necessary to have a tariff upon any particular article; you can, according to that argument, confer a benefit upon the producers of that particular article by taxing them in making them pay higher prices for other articles which they consume. That is the argument of the Senator.

But, Mr. President, I come back to this question——

Mr. BORAH. The Senator from Georgia stated that the Senator from Idaho stated with reference to the duty——

Mr. BACON. I meant to say Utah. The Senator will pardon me. The Senator from Utah was the Senator who made that argument. I am not surprised that the Senator from Idaho was unwilling that it should be attributed to him. I think the Senator from Utah is about the only one who would stand for it.

But, Mr. President, coming back to this general proposition, is it true when a President of one party is in power, and while he is in power a House of Representatives is elected of a contrary party, it is the duty of that House of Representatives to ignore the economic questions upon which it was elected, that it shall ignore the command of the people that they shall legislate in regard to those particular economic questions? And is it true that by reason of the apprehension that a Republican President will veto their legislation they are not only to sit quiet and do nothing, but if they attempt to do anything they shall be charged with playing politics and with being insincere?

Mr. President, it is a tremendous question, this question of high tariff or low tariff. It is a question which involves untold millions to the people of the United States. It is a question which involves every man, I care not how low he may be in the scale not only socially, but in a business way, the commonest laborer who wears clothes and who does not go barefoot, or who uses a pocketknife or wears a hat or sleeps under a blanket, each and every one of them is interested in this great question; and it is the duty of Congress when it shall be in power to do its part toward relieving the people of such grievous burdens. How does the Senator say that he knows there will be none of these tariff measures approved by the President?

Mr. BORAH. The Senator from Idaho did not say that he knew.

Mr. BACON. I will take the Senator's answer a little later on, and I will not object to his giving it.

The President vetoed the bills that were passed at the extra session, not upon the ground that they were improper in their rates, but mainly upon the ground that the Tariff Board had not reported. Now, the Tariff Board has reported upon some of these schedules.

Mr. SMOOT. On two of them.

Mr. BACON. On two of them—cotton and wool. We have a woolen schedule and we will have a cotton schedule from the House of Representatives.

Mr. SMOOT. The Senator states that we have a report on the woolen schedule. I ask him whether the Democratic House of Representatives took any notice of that report?

Mr. BACON. I am not talking about the House; I am talking about the President of the United States now.

Mr. SMOOT. I thought the Senator was talking about the bill itself as being based upon the Tariff Board's report, and I wished to call attention to the fact that the Democratic House paid no attention to it.

Mr. BACON. That is not the question. As is suggested to me by the Senator from North Carolina [Mr. SIMMONS] if the woolen bill which comes over from the House is not in accord or in harmony with the Tariff Board, the majority who sit on that side of the Chamber can offer an amendment and make it in accord with the report of the Tariff Board, and if we can not pass our bill we will take theirs.

Mr. SMOOT. I was just going to ask the Senator if a bill is framed by the majority of the Senators, and framed according to the Tariff Board's report, will the Senator vote for it?

Mr. BACON. I will say this to the Senator without hesitation: We, of course, will support our own bill, but if we can not carry through the bill that we favor and the Senator's party frames another bill which prescribes duties less than the rates of duty in the present law, we will vote for it.

Mr. SMOOT. The Senator has not changed his position. That is what he did at the last session of Congress, and said openly on the floor of the Senate that is what he would do.

Mr. BACON. Yes.

Mr. SMOOT. That was before any Tariff Board reported.

Mr. BACON. Now we have the Tariff Board's report, and the Senator from Idaho said that our work necessarily and obviously would have no result; that our own action in regard thereto could not be taken as serious or with any purpose or expectation to accomplish anything.

I am replying to that when I say that non constat the President of the United States will not sign a bill which may be passed by this Congress. In the first place, so far as the woolen bill is concerned, the House of Representatives has acted upon its own responsibility and has passed a bill such as was proper to pass; and the Democratic Members of the Senate approve of that bill and are in favor of its passage. If it is passed, we do not know what view the President of the United States may take of it, in view of the fact that the Tariff Board has acted. But if we can not pass the House bill, the Senators sitting on that side of the Chamber have it in their power to present another bill to the Senate, which, it is presumed, the President will approve; and if it lessens the cost to the consumer, and to the great mass of the consumers of this country, all of whom use wool in greater or less degree, we will vote for your bill, although it is not such a bill as we would desire. And the same is true of the steel bill. It will not be our fault if such bills are not passed at this session.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I do.

Mr. HITCHCOCK. I will remind the Senator from Georgia of the fact also that the President of the United States, in transmitting the Tariff Board report to Congress, has stated in rather strong language that the present tariff on wool is inexcusable.

Mr. BACON. Yes; and such utterances are innumerable all through the country, emanating not only from Democrats but from Republicans. We have not any guaranty that the veto of the last bill is meeting with the approval of the people of the United States.

But, Mr. President, here is the main question: The question raised by the Senator from Idaho is whether a Democratic House of Representatives and their Democratic colleagues in the Senate, although in the minority here, are to be charged with insincerity, are they to be charged with trifling, are they to be

charged with no purpose except to make or play politics, when they proceed in good faith to make laws in accordance with the will of the people as expressed at the polls, because, forsooth, of the apprehension, or even the strong belief, if you please—nobody can have a certainty—that it may not be enacted into law by reason of the opposition of the Executive?

I want to say this to Senators: So far as the Democrats of the Senate are concerned and so far as the Democrats of the House are concerned, we propose to do our part in the enactment of this tariff legislation. We propose to do it in the way that we approve if we can accomplish it. If we can not accomplish it in the degree that we approve, we propose then to join with you in anything which lowers the burden of tariff taxation at the present time. I wish to let the Senate know and to let the public know that we are not only sincere in the bills which we propose to enact into law, but we are still further sincere in the effort to relieve the people of this great burden of tariff taxation by saying that we will take your bill whenever you produce it if we can not pass ours, provided it lessens that burden.

Mr. BORAH. And neither of them will help the consumer a particle.

Mr. BACON. The Senator from Idaho suggests a new school of politics—a new school of economics.

Mr. BORAH. It is not so very new. It has been heard from during the last few months.

Mr. BACON. I presume that is the reason why in the last 11 years when both the executive and legislative branches of the Government have been Republican they have endeavored in every way to maintain the high protective tariff. It was because in so doing it was understood that they were helping the consumer. That is the only excuse that could be given for it. To help the consumer was the motive.

Mr. CLARK of Wyoming rose.

Mr. BACON. Does the Senator desire to interrupt me? If so, I yield to him for that purpose.

Mr. CLARK of Wyoming. I simply wanted to ask a question.

Mr. BACON. Very well; I yield to the Senator.

Mr. CLARK of Wyoming. I wanted to ask the Senator if he was in favor of and would vote for the House bills on sugar, wool, and steel?

Mr. BACON. I will say to the Senator that I am not prepared to answer on the sugar question, because the bill on that subject has not yet been reported, or if it has been, I have not had the opportunity to examine it.

Mr. CLARK of Wyoming. Of course I was referring to the House bill, which has been reported and has been passed by that body.

Mr. BACON. I am talking about the House bills. I will answer without hesitation as to the steel bill or the metal bill and the woolen bill; yes, absolutely, without the dotting of an "i" or the crossing of a "t." Whether I agree with all the details or not is not material. We can not expect hundreds of men to agree on all details, but only a general agreement as to general purposes can be expected.

So far as sugar is concerned—I am not endeavoring to evade that—I am very frank to say I have not yet made up my mind as to what is the best course to pursue in regard to that subject; but whatever the course is, there is one thing in regard to it about which I am entirely satisfied in my own mind, and that is that there ought to be a reduction and a very material one, and I have no doubt, when the time comes to give that matter careful consideration, I shall have as definite a view in regard to it as I have in regard to the metal bill or the woolen bill.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia further yield?

Mr. BACON. I do.

Mr. CLARK of Wyoming. I ask the Senator if he believes in the proposition that we ought to buy where we can buy the cheapest?

Mr. BACON. Well, the Senator is starting out now upon a very wide field of discussion, one that involves the whole question which is embraced in the protective-tariff doctrine, and if the Senator will wait until I get through——

Mr. CLARK of Wyoming. I hope the Senator will elucidate it.

Mr. BACON. I have not yet finished. I say to the Senator that I recognize as a fundamental proposition that, outside of the needs of government and such influence upon prices as the supplying of those needs may require, it is the right of a man to buy where he can buy the cheapest.

Mr. President, that involves going into the whole protective-tariff system. I utterly disagree with it, and I do not think that anyone can defend it who does not go the full length and say that it ought to be prohibitive of all importations. Whenever you make it a question of degree of prohibition, you have given up the argument. That, of course, I can not go into now; but the Senator from Wyoming does not in the least embarrass me when he asks me that question. I do not recognize the right of the Government to make any man pay one dollar more for what he needs to purchase than is required in order that the governmental purposes may be subserved. The Government, sir, has a right to require of me everything that I possess and that it needs. It has a right to take my time; it has a right to take my services; it has a right to take my property; it has a right to take my life for the Government's own needs; but the Government has not the right to take one dime from my pocket to give to the Senator from Wyoming. That is the doctrine on which I stand; and if that does not answer the Senator's question plainly, I will try to add to it, if he so desires.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of Order of Business No. 656.

Mr. SIMMONS. Will the Senator yield to me just for a minute before he takes that matter up?

The PRESIDING OFFICER. The unfinished business has not yet been disposed of.

Mr. HEYBURN. What I propose will not provoke any debate.

The PRESIDING OFFICER. There is a bill now pending before the Senate.

Mr. HEYBURN. I thought the unfinished business had been laid aside.

Mr. SIMMONS. No; the unfinished business is still before the Senate. I do not desire to interrupt the Senator. I thought the Senator merely rose to ask that the unfinished business be laid aside.

Mr. HEYBURN. No; I did not.

Mr. SIMMONS. Mr. President, when this bill came to the Senate from the other House proposing to reduce duties upon imports and was referred to the Committee on Finance, that committee took up the metal schedule in a way that indicated that it was in earnest about it, in a way that indicated that the members of that committee, representing the majority as well as the minority, expected that something would be done with reference to that schedule. It was announced that there would be hearings and that everybody who desired to be heard with reference to the metal schedule would be given an opportunity to come before the committee and to state his views about this proposed legislation. For nearly a month the committee sat day after day, beginning at 10 o'clock and sometimes, I believe, a part of the time sat until 1 o'clock. There appeared before the committee I should say, speaking generally, several hundred representatives of the manufacturing industries affected by this legislation; they seemed to be in earnest; they seemed to think that we were engaged in a serious business; they were interrogated by Members representing both political parties as if we were engaged in a serious business and as if it was expected that some legislation of some kind or character would be had during this session with reference to the duties upon the products of iron and steel and the manufactures thereof.

When that bill was reported to the Senate we entered upon a discussion of it. There have been, I believe, but two speeches made up to this time upon this side of the Chamber. On the other side of the Chamber we have been notified that it is the purpose of leading members of the Committee on Finance to discuss this question elaborately. The Senator from Iowa [Mr. CUMMINS] devoted, I think, nearly three days to a discussion of the question. He had the serious attention of the entire Senate. The Senator from Utah [Mr. SMOOT] has now spoken, I believe this is the fourth day, upon that subject. I regret to say, Mr. President, that during the last two days the Senator from Utah has had but very little attention; a part of the time he has spoken to two or three Senators upon the other side and to two or three Senators upon this side. For some reason—I do not know what—a lack of interest in this matter upon the part of the other side of the Chamber has developed, and now we are told by a Senator on the other side of the Chamber that this is not a serious business at all and that there is to be no legislation upon this subject at this session of Congress.

If that be so, Mr. President, something has happened. The interest that existed at one time in this schedule has disappeared. Senators upon the other side have probably learned that the Executive has made up his mind to veto any legislation that may be passed at this session of the Senate affecting this schedule or any other schedule. If that be so, if the Senator from Idaho is correct in his statement about this matter, if there is to be no legislation, if it is fixed, if it is settled that the Executive is going to veto it, if all interest on this measure as a result of that has disappeared on the other side

of the Chamber, then, Mr. President, it seems to me that we have reached a condition here when we might take a vote.

I desire now, in view of the statement by the Senator from Idaho and in view of the lack of interest on the other side of the Chamber in this matter, which the Senator from Idaho says is the result of the fact that it is known that there will be no legislation at this term, I now ask unanimous consent that we fix a day to vote upon this bill and all amendments. I suggest to Senators on the other side that, in view of this situation, the vote might be taken speedily, and I suggest to-day a week as the time for taking that vote.

Mr. CUMMINS. I could not hear the last suggestion of the Senator from North Carolina.

Mr. SIMMONS. In view of the situation that has been developed here, and in view of the statement of the Senator from Idaho, I suggest that we come to a unanimous-consent agreement that at an early date next week, say next Wednesday, we take a vote upon this bill and all amendments that may be offered to it.

Mr. CUMMINS. Mr. President, responding to the suggestion of the Senator——

Mr. SIMMONS. If the Senator will permit me, if there are any other Senators who desire to speak—and I understand that probably two other Senators on the other side do desire to do so—that will afford abundant time for them to deliver their speeches.

Mr. CUMMINS. Before the request for an agreement is submitted to the Senate, I desire to say that there is at least one Senator upon this side of the Chamber who takes the matter rather seriously. I was not able to hear the Senator from Utah [Mr. SMOOT] this afternoon, because I had an imperative engagement for a little while elsewhere. I listened to him with a very great deal of interest and a great deal of attention during the greater part of the three former days of his speech, and it was because the Senator from Utah had said that he preferred to get on with his speech and not suffer interruptions that I permitted myself to be absent for any time to-day.

Mr. SIMMONS. If the Senator will pardon me one suggestion——

Mr. CUMMINS. I may say when I sit here and listen to an array of figures, which I desire very much to question and feel that I can not interrupt, the temptation becomes so great occasionally that I am compelled to flee the Chamber lest I should yield to the temptation. The Senator from Utah, however, has made, from his standpoint, an illuminating and instructive speech. In my observations I confined myself to certain basic material of the manufacturers of iron and steel. I intend before this debate is finished, whether there is one Senator here or a hundred Senators here—if there could be that many—to give some attention to certain other items in the metal schedule in response to the argument that has just been made by the Senator from Utah.

I can not think that the Senator from North Carolina has correctly interpreted the attitude of Senators upon this side of the Chamber. Whether they are for a reduction or whether they are against a reduction, they must all consider that it is a serious question at least, and we must all vote upon the question in some form or other.

I do not rise to object to fixing a time for voting upon this schedule, but I do rise for the purpose of advising the Senate that before the debate is closed I intend to say something more with regard to certain of the items of this schedule; but if Senators will indicate how many of them expect to speak, we can very easily arrange for a time, I am sure.

Mr. SIMMONS. Mr. President, if the Senator from Iowa will pardon me just a moment——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. Yes.

Mr. SIMMONS. The Senator from Iowa was not in the Chamber when the Senator from Idaho made his statement. The Senator from Idaho accounted for the lack of interest in the able speech of the Senator from Utah—and it was a very able presentation of the subject from his standpoint—by the statement that this side of the Chamber was not sincere in desiring this legislation——

Mr. BORAH. Mr. President——

Mr. SIMMONS. And that not only this side, but the other side of the Chamber knew that there was to be no effective legislation at this session——

Mr. BORAH. What the Senator from Idaho said——

Mr. SIMMONS. Just a moment, if the Senator please—that there was to be no effective legislation at this time, and because it was known that this legislation was to fail, either in this Chamber or at the other end of the Avenue, there was no interest being taken in it. I have suggested that if that be true, if that is the situation, and the Senator from Idaho has correctly interpreted it; if there is to be a veto, and that is already settled, and because that is settled there is no interest here and there will be no interest hereafter, then why not let us have a vote? So far as the sincerity of this side of the Chamber is concerned, if we are permitted to vote we will testify by our acts, rather than our words, our sincerity.

Mr. BORAH. If the Senator has finished——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do if I have the floor.

Mr. BORAH. The Senator from Idaho said that, in his judgment, the reason there was so little attention being given to the discussion of this matter was because no one expected that any bill we were discussing would become a law at this session. I do not care to have any other interpretation put upon my statement; but spoken as it was spoken, the Senator from Idaho has no occasion in the world to modify it.

Mr. SIMMONS. I simply wished the Senator from Iowa [Mr. CUMMINS], who was absent when that statement was made, to be put in possession of the basis of the request which I have made.

Mr. CUMMINS. I think, Mr. President, that the Senator from Idaho had some reason for his statement. Unfortunately, there is a feeling in the Senate, for which I think certain members of the Finance Committee are responsible, that no schedule should be revised until it has received the investigation of the Tariff Board. I did my best to remove that feeling from the minds of Senators the other day. I do not know whether or not I had any success at all; but if we could drive out of this Chamber the conclusion that has been reached by certain Senators on this side that there ought to be no revision of a schedule until the Tariff Board has reported upon it, then I am sure that a larger number of Senators would listen to what is to be said upon the subject, in order to receive the information which they ought to have before they vote.

If the Senator from Utah—I look upon him as the leader upon this subject, at least—would publicly indicate that he believes that the Senate ought to take up the metal schedule and vote upon it according to the evidence accessible to all of us, and without regard to the report of the Tariff Board, which may come in a year and which may never come, I believe that interest would be instantly aroused. I therefore suggest to the Senator from Utah that he indicate what his views are upon that matter. Ought we to go on with the evidence that he has and that he has put before the Senate and the evidence that I have attempted to put before the Senate, and change those duties in accordance with the views of the Members of the Senate upon the strength of the evidence, or should we simply defer all action, no matter what information we have, until at some uncertain time in the future we may have the report of the Tariff Board? I believe that is responsible for the lack of interest or the lack of disposition upon the part of certain Senators to listen to the arguments.

Mr. SMOOT and Mr. CLARK of Wyoming addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Utah, inasmuch as I made a request of him.

Mr. SMOOT. Mr. President, I am in full accord with the Senator from Iowa when he says this is a very serious question. It has been a serious question to me; and it is for that reason that I have given it the study I have. As I have already said, there are 25,000 institutions in this country and a million and a half employees affected by this measure. If we had the information to make a revision of this schedule that I think we should have, I would gladly cooperate with the Senator from Iowa to make that revision. I say personally——

Mr. SIMMONS. Will the Senator please speak a little louder? We can not hear him on this side of the Chamber.

Mr. SMOOT. I say personally—not as a member of the Finance Committee—that it is because of the interest I have had in this schedule that I think we should have the fullest information possible. For the first two days of my speech I hardly touched a paragraph of this schedule. The time was given over to debate, and it was not because I objected to interruptions that after that I asked not be interrupted. For two days I objected to no interruption, and I cared not whether there were speeches made in my time or not; but I felt exactly as the Senator from North Carolina felt—I wanted to get through; I wanted a vote upon the bill. I do not think there is any intention on the part of any Senator on this side of the Chamber to defer voting upon these tariff bills. I believe if

the Senator will keep this bill before the Senate the speaking will be over at least by, and perhaps before, next Wednesday. I can not say that it will be, and I do not now want to agree to a vote upon that day, because the discussion has virtually just begun; but I do say to the Senator that I hope we will get a vote upon this bill and upon every other tariff bill that is before the Senate at the very earliest day possible.

I wish, further, to say to the Senator that I am one of those who would like to get away from here by the middle of June, but I do not know whether or not that can be done. We can not prevent any Senator discussing any question so long as he may please; but I know I can say to the Senator that there is no desire whatever upon the part of any Republican Member of this body to inaugurate a filibuster or to try to delay the consideration of the tariff bills.

Mr. SIMMONS and Mr. CLARK of Wyoming addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Wyoming.

Mr. SMOOT. I am not through. I should like to answer the question of the Senator from Iowa before taking my seat, if he does not object.

Mr. CUMMINS. Very well.

Mr. SIMMONS. If the Senator from Iowa will pardon me, I simply want to meet the suggestion of the Senator from Utah. That was the purpose of my interruption. I know of only two Senators on this side who desire to speak on this bill, and I have heard of but three on the other side who desire to speak.

Mr. CUMMINS. The Senator from North Carolina is not heard upon this side of the Chamber.

Mr. SIMMONS. I said that I knew of but two Senators on this side of the Chamber who desire to speak, and I have heard of but three or four on the other side of the Chamber who desire to be heard. If Wednesday next is too early, if it is thought that the five or six Senators who still desire to speak can not finish in that time, I suggest that we vote on Friday of next week. That will give us seven full legislative days.

Mr. SMOOT. Mr. President, I do not believe it will hasten matters any at this time to agree upon a day to vote. The Senator knows exactly what an agreement means. It would only provide for a vote upon the legislative day; everything else perhaps would be put aside; and then at that time we would consume the whole legislative day, as well as days to follow as the legislative day. It would only be postponing the consideration of the bill.

Mr. SIMMONS. I think that a bad practice.

Mr. SMOOT. I think it is a bad thing to do, and I believe the Senate will sooner arrive at a vote without an agreement than they would if a time were fixed.

Mr. President, I have not heard the Senator from Idaho, nor have I heard any other Senator, intimate that President Taft would veto any tariff bills, as suggested by the Senator from North Carolina. No such intimation has been made here by any Senator, and I do not believe there is any Senator here who knows what action the President will take. I am sure that the Senator from Idaho did not make such an assertion, or even suggest it.

Mr. SIMMONS. The Senator from Idaho stated that it was generally understood that there would be no tariff legislation; and I stated that I believed there could be some legislation on the part of the Senate and the House, and that if there was to be a failure of legislation, the apprehension of which he indicated as the reason for the lack of interest in the debate, it would have to be by a veto at the other end of the Avenue. I think everybody recognizes that to be the situation. I do not think there is anybody who doubts that a bill of some kind or character revising the steel schedule will be passed by the Senate and will likely be concurred in by the House.

Mr. SMOOT. Mr. President, answering the Senator from Iowa, I desire to say that I do not believe at this time, from the information we have at our command, the steel schedule can be revised as it should be revised. That is how I feel. I think I have given as much study to this bill and to each individual paragraph of it as almost any Senator, but for the life of me I can not say what the rates ought to be. If, however, the Tariff Board will make an investigation upon this subject not only in this country, but in foreign countries as well, I believe we could get together with such a report, revise the metal schedule, and revise it so that it will stay revised for at least a few years, and let the unsettled condition and unrest now prevalent in the country because of the agitation about tariff legislation cease for a while, and give business a chance to get in a settled condition.

Mr. CUMMINS. Mr. President, the Senator from Utah——

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. Just a moment, and then I will yield. The Senator from Utah has spent four days in demonstrating what the duties ought to be. He has shown us what, according to his view, the duties ought to be upon most of the items in the metal schedule; and, as I remarked to him the other day, I think if his proof is accepted instead of reducing the duties in the metal schedule we ought to multiply them by three or four in order to have a protective tariff. Therefore it is simply a question of weighing the evidence. I know the Senator from Utah is wholly sincere; but what I would like him to do would be to use his influence to lead this side of the Senate in the direction of taking the evidence and doing whatever good conscience and good judgment require us to do with it, and not to take the position that we ought to defer any revision of the schedule until some other body shall act upon it.

Mr. SMOOT. I have not suggested in all that I have said in the Senate that a single rate be advanced or increased.

Mr. CUMMINS. No; I said you——

Mr. SMOOT. Another thing. The reason I say it would be unwise to undertake this revision is this: As I look back on the three years past I find that the importations of many items have increased, and I think when importations have increased as they have under the present rate it is an indication, at least, that the rate is about what it should be; that if it was lowered very much—I do not say any, but lowered very much—we would then be reaching the danger point.

We have no testimony upon the bulk of this schedule that would in any way indicate to us whether there should be a lowering of rates or not. We have a report upon pig iron and steel rails and some of the basic articles by Herbert Knox Smith, but we have no report made by anybody upon the highly manufactured article coming.

Mr. CLARK of Wyoming. Mr. President——

Mr. SMOOT. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I am not willing to admit that the Members of the Senate have not had an opportunity and have not studied this schedule.

Mr. CUMMINS. I have never charged that.

Mr. CLARK of Wyoming. I know the Senator from Iowa has not, but others perhaps have.

I believe that the Senate is as well prepared this afternoon to vote on this schedule as it would be on Wednesday afternoon next, because I believe that every Member of the Senate has gone into this schedule sufficiently to form his own opinion upon the subject.

If the Senator from North Carolina will allow me, I will change his request for unanimous consent, and I will ask unanimous consent that on Monday next at 4 o'clock this schedule and all amendments pending be voted on, and that the bill be disposed of before adjournment on that day.

Mr. SIMMONS. This side of the Chamber will be glad to accept that proposition, Mr. President.

Mr. CUMMINS. I will do better than that. Inasmuch as it has now become a matter of exchange of good will, I suggest that the proposal of the Senator from Wyoming be modified in this way: That to-morrow, at 12 o'clock, we take up this bill and continue its discussion and consideration until it is disposed of, and that no other business shall intervene, and that we shall vote just as soon as the discussion ends, but not later than Monday at 4 o'clock.

Mr. CLARK of Wyoming. In view of the suggestion made by the Senator from Iowa, I withdraw my request for unanimous consent.

Mr. SIMMONS. Mr. President, this side of the Chamber will gladly accept the proposition of the Senator from Iowa.

Mr. GALLINGER. Mr. President, I have not either spent or wasted much time during this session in talk. I am not going to depart from a rule that I laid down some time ago in that respect. As a member of the Committee on Finance I naturally feel that I have a right to express an opinion, if not to make a so-called speech, but when I sat in the Chamber to-day and had for companions three other Senators when the Senator from Utah [Mr. SMOOT] was making what I considered a very able speech, it occurred to me that we have reached a point where we should get through the discussion of this bill and vote on it.

While I had thought I would make some observations on the question, I have entirely dismissed that from my mind, and I assure the Senator from Iowa that I cordially join in with him

in the proposition he has made. Let us take this bill up, consider it, stop unnecessary talk, and vote on it.

Mr. CUMMINS. I hope Senators will concur in the suggestion of the Senator from New Hampshire. I am not willing that an hour shall be fixed on Monday to vote on the bill. I am willing, however, to enter upon its consideration and the moment that consideration closes by reason of failure of discussion, to vote upon the pending proposition, whatever it may be, and to continue to vote until the bill is disposed of.

Mr. SMOOT. That is the reason why I suggested to the Senator from North Carolina that I thought he could get a vote sooner by not agreeing to a time.

Mr. CUMMINS. Yes.

Mr. HEYBURN. Mr. President, this matter is present. The proposition of the Senator from Iowa amounts simply to changing from 2 o'clock to 12 the hour when the Senate shall take up the unfinished business. If we are to conform to his suggestion it would mean that at 12 o'clock each day, after the prayer and the reading of the Journal, we would take up the schedule for consideration until voted upon. We would have to dispense with some of the rules of the Senate to do that, but it is within the power of the Senate to do it.

Now, I look upon this question too seriously to consider any such proposition. I will not charge any man with or suggest insincerity in any Senator who has made suggestions in regard to the taking of a vote, but it must be apparent to all that the Senate is not ready to vote upon this question.

The fact that Senators are not always present in the Chamber does not indicate that they do not entertain views in regard to the various items in this schedule, nor does the fact that Senators are not at all times present in the Chamber indicate that all Senators have fully expressed themselves in regard to this schedule.

The iron and steel schedule is one of the most important in tariff legislation, in all senses of the word, both as to capital involved and invested, as to the labor employed, as to the effect of the employment or the idleness of laborers on the general prosperity of the country and on the specific prosperity of each individual. I can not think that Senators upon due reflection would consider it wise to vote upon this question, either to-day or at any early period. We have listened to a very thorough and a very able presentation of the question, which amounted to spreading upon the table for consideration the subjects upon which we are to act.

The Senator from Utah [Mr. SMOOT] has not, as he says, undertaken to say what rates should be imposed. The Senate has not considered the question as to whether or not we should enact tariff legislation at this time or at any time. We have no command from the country to enter upon the consideration of tariff legislation. We have—and I speak now to the Republican side of this House—no command and no suggestion from the organized Republican Party of this country that there is a necessity to enter upon a revision of the tariff schedules.

Mr. CLARK of Wyoming. Mr. President——

Mr. HEYBURN. I will yield in a moment.

The last time the party spoke was in its last national convention, and it then expressed its views upon the question of tariff legislation, and a Republican Congress has acted upon that expression, and until we again hear from the Republican Party in council assembled I do not feel that we are at liberty, much less under the necessity, of taking up the question for consideration.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I want to ask the Senator if in his view his political obligations would not be fulfilled if he agreed to vote on a certain hour on Monday—the hour which, I think, the Senator from Iowa suggested—and he voted "nay."

Mr. HEYBURN. No, Mr. President; I would not feel that the obligation the Republican Party is under would be fulfilled by any such proposition. Until the party to which I belong again commands its representatives in Congress to take up this question, I am opposed to taking it up. That is organized government. That is not sensational——

Mr. CLARK of Wyoming. Of course, the Senator understands, as the Senator from Kansas suggests to me, that the question is up.

Mr. HEYBURN. Well, it is not up; it is only sought to be brought up, and the effort on the part of Republicans should be to drive it back whence it came. The question is not up for responsible action.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. Does the Senator from Idaho think that the duty of the Republicans in the Senate is a continuing one, and that if he is required by his platform to see that the duties are properly adjusted and measure the difference in cost of production at home and abroad, he can fulfill that obligation by passing a single tariff law, if he thereafter becomes convinced that the duty imposed is higher than is necessary to measure the difference in the cost of production at home and abroad?

Mr. HEYBURN. When you have acted upon definite policies expressed by your party, you are not at liberty to disturb the condition resulting from that action until the party directs you to.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. I do not believe we are at liberty here from day to day, because a change in market conditions or a change in the conditions of production or consumption happens to suggest that perhaps we might have enacted a different law when we were making up the tariff—I do not believe we are at liberty to disturb conditions at any interval that may suggest itself to any Senator.

Mr. CUMMINS. Suppose our party meets in convention, as I suppose it will, next month. It declares for protection, giving the proper definition, as I suppose it will, and adjourns. Then, according to the view taken by the Senator from Idaho, we must wait four years more before further entering upon the inquiry as to whether a schedule or an item needs revision.

Mr. HEYBURN. It is not a question of waiting. It is a question of the stability of the law under which the people shall perform their duties and obligations and enjoy the rights of citizenship and prosperity. The tariff should not be revised by the Republican Party so long as the conditions, in the judgment of that party, in council assembled, do not warrant it, and you can not have stability of Government under any other theory than that.

Mr. CUMMINS. Then I understand that it is inappropriate and improper for us to take up for investigation and examination and revision any schedule of the tariff until a political party in convention commands us to do it.

Mr. HEYBURN. Until the political party to which we owe allegiance tells us that the sentiment of the country, represented by those who compose the national convention, coming from every district in the United States—until they bring forth the views of their districts and say: "Our people or a majority of them belonging to the Republican Party"—not to some other party, but to the Republican Party—"consider that it is now time to take up for consideration again the measures that make for our prosperity"—not until then should we act.

Mr. CUMMINS. Is that rule applicable to every subject with which Congress ought to deal?

Mr. HEYBURN. No; I am talking of the one great business subject upon which the prosperity of the people rests. The tariff stands alone as the business organization of our country. It represents the profit or loss to the people of the country. I do not mean now the Government, but the people of the country. It is the people, speaking through a national convention, when their voice is ratified at the election following it, that commands us on that great question because it is the overruling governmental question.

Mr. CUMMINS. Just one question: Then I assume if in the last two years our experience and knowledge had demonstrated that the duty on steel rails was so low that a foreign country was filling up our market with its product, it would not be within our province to take up the subject and increase the duty.

Mr. HEYBURN. It would not be within the wisdom of political action to take up any schedule separate and apart from the great mass of the schedules that constitute the system of protection.

The Senator introduced at the beginning of the last session of Congress, or of the last Congress, a resolution declaring in favor of the revision of the tariff by schedules. He has never mentioned it since. I remember making some remarks at that time.

Mr. CUMMINS. I am just as much in favor of that as I ever was. Of course, by that I did not mean, as the Senator from Idaho well knows, that no more than one schedule could be considered at one session of Congress, but simply that the one schedule was to be considered independently of all other schedules, and that no amendment affecting other schedules could be introduced into the bill for the revision of the schedule under consideration.

I am happy to say that Congress is acting upon that resolution, although it did not adopt it. I am glad to say that my friends on the Finance Committee, or some of them, now believe that that is the way in which the tariff should be revised. I am glad to say the President of the United States is in favor of that way of revising our tariff, and it has come to be the

well-nigh universal opinion that we should consider these schedules entirely apart from each other. I do not want the Senator from Idaho to feel that I have in the least receded from the position I assumed in regard to that resolution.

Mr. HEYBURN. The resolution offered by the Senator from Iowa was practically, if not absolutely, in the language used by the Democratic platform, which declared for a revision of the tariff by schedules, and it was the language that the Republican platform in 1904, as I remember, repudiated as being destructive of the policy of protection.

Mr. CUMMINS. I do not remember the language of the platform of 1904, nor do I remember that there was any similarity between my resolution and the Democratic platform. If so, it is greatly to the credit of the Democratic platform.

Mr. HEYBURN. It is my intention to read——

Mr. CUMMINS. I am sure there is one element in the resolution that could not have been in any political platform, because it related to the practice of offering amendments when a bill was before the Senate. That resolution was referred to the Committee on Rules, where, I assume, it is enjoying a peaceful repose.

Mr. HEYBURN. Yes, Mr. President; I trust it will sleep in peace until the trumpet sounds.

Mr. GALLINGER. Mr. President, will the Senator from Idaho permit me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. I want to get to the Senator's exact position. Nearly four years ago the Republican Party in national convention made a platform. Some Republicans thought it was wise and some thought it was otherwise. I never thought it was a very wise pronouncement on the subject of the tariff.

The convention of that party is to meet on the 18th day of next month. The presumption is that about the 20th day of the month another platform will be announced, and adopted, I presume, by the convention. Now, does the Senator argue that we ought to remain quiescent so far as the proposed legislation is concerned until that platform has been announced?

Does the Senator further think that, in the event of a committee on resolutions, which committee is made up of one delegate from each State, being constituted so that it would contain a majority of low-tariff men, their views not corresponding with those of the Senator, and that convention in a moment of unwisdom should adopt that platform, that we ought to stand by that platform for the next four years?

Mr. HEYBURN. I am not going to prophesy evil at the hands of my own party.

Mr. GALLINGER. Well——

Mr. HEYBURN. And I am not going to anticipate any such action.

Mr. GALLINGER. But suppose it happens.

Mr. HEYBURN. I am going to assume that the Republican Party will always be wise.

Mr. GALLINGER. Does the Senator think it always has been wise?

Mr. HEYBURN. The Republican Party, in the summing up, has been wise.

Mr. GALLINGER. As a rule.

Mr. HEYBURN. It has been wise enough to bring to and maintain prosperity to the people of the United States. That is wisdom.

Mr. GALLINGER. I agree with the Senator on that point, but I want to repeat the suggestion as to the Republican Party. There is a line of cleavage in the Republican Party that we can not ignore, and it is barely possible that in the next convention there will be a majority on the committee on resolutions which would not agree with the Senator from Idaho or with me on the question of the tariff.

I agree absolutely with the Senator from Idaho on the question of the tariff. I am a high-tariff man, and have always stood for it, and always will, and I would not be bound by a declaration from my own party or any other party which violated that principle, and I would not be bound for four years by any platform that destroyed the protective policy, whether it was on the part of my own party or any other party.

Mr. HEYBURN. The principle of protection is not subject to the changing whims of men accidentally in position. The last national convention introduced an element into its declaration in favor of protection that did not meet and does not now meet my approval or concurrence, but I take the principle of the protective tariff from the Republican Party as a concrete proposition. It stands for a protective tariff, as declared for in the platforms of the past, commencing with that of 1864.

Mr. President, I am not going to anticipate evil or discomfort at the hands of the convention which meets next month. I am going to have faith in the Republican Party always. The platform of the last convention declared in favor of what I call a lead-pencil tariff—one that was based upon the shifting and varying differences in the cost of production at home and abroad. I am in favor of a protective tariff the walls of which are sufficiently high to protect the people against inundation as well as against drought. That is protection. The other may be protection to-day and it may not be protection to-morrow. The difference in the cost of an article in Germany to-day and the cost of the same article in this country to-day may be radically different from the difference that will exist three months from now.

Would the Senator from Iowa wait for these changing conditions and immediately upon a change occurring proceed to legislate to correct any discrepancies that might exist?

Mr. CUMMINS. As I said the other day, I regard the technical expression of the platform of 1908 as very unfortunate. I do not believe that there is any such thing as ascertaining the cost of production, either here or abroad; that is to say, the cost of production at one time will be different from that at another. The cost of production of one industry will be different in another of the same kind, and what is true here is also true abroad. But while the platform of 1908 is not, therefore, a formula, it is a guide. It indicates that we want a tariff wall high enough to enable, generally speaking, our industries to supply our own markets but low enough so that if our industries or producers raise their prices above the point of a reasonable profit that then competition or importation from abroad shall flow over the wall and correct and prevent the cupidity of our own people.

Mr. HEYBURN. No. What the Senator really wishes is that whenever we have differences at home we will call in the Hessians.

Mr. CUMMINS. No, Mr. President; the Hessians are not confined to other countries. We have Hessians, unfortunately, in our own land, and I am not willing to allow the avarice of a domestic producer to take from me what belongs to me, even though I must set against him the avarice of a foreign producer.

Mr. HEYBURN. The Senator loses sight of the fact that the greatest attribute of our country is opportunity in our own country. If a condition arises that is oppressive, the field is open to others to enter to correct the evil; but we do not want them to enter in foreign lands, nor do we want the foreigner to correct that evil. It will be corrected through the medium of opportunity in our own fields of industry and enterprise. That is the true science of government.

Mr. CUMMINS. That used to be so.

Mr. HEYBURN. It is so now.

Mr. CUMMINS. It is not true any longer. There are great fields of industry in which there is no competition at home.

Mr. HEYBURN. I did not say competition.

Mr. CUMMINS. Or substantially no competition. There are great fields of industry in which opportunity no longer exists.

Mr. HEYBURN. I can not conceive it. The opportunity does exist. It is equal to every man and may be taken advantage of. If they do not do it, then you want to inquire closely as to whether or not the evil exists, because wherever an evil exists in this country, under our system, the opportunity exists to cure it, for the people are supreme.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Now, just a moment.

Mr. CUMMINS. I do not concur in that conclusion.

Mr. HEYBURN. I know the Senator does not. I have heard him so express himself.

Mr. CUMMINS. But I do agree with regard to the other. I readily admit, if we had free, substantial competition at home, so that the price of every commodity manufactured here would be reduced to the fair American level, then high protective duties upon competitive products would not be a serious evil. But inasmuch as that competition has been driven out and inasmuch as we are told that the tendency of the times is toward combinations and trusts and big business that do not admit any rivals, we must not allow our tariff wall to be built so high that these combinations can exact whatsoever they please for their product.

Mr. HEYBURN. Mr. President, no Senator can discuss the tariff question with me who takes as his text monopolies and combinations. Those are evils that can be cured at home. We do not need to send the patient to the springs of some foreign country.

Mr. CUMMINS. Well——

Mr. HEYBURN. Now, a moment. There is another thought which comes to me. One of the greatest objects of protection in our country is our money. We want to protect the money that belongs in the aggregate to all the people, so that it may be available to develop enterprise and to maintain it, and that

any policy of government which results in sending out into foreign countries, never to return, millions and hundreds of millions of dollars needs to be closely watched and closely guarded.

One of the great assets of the people of this country is the money of the country; not of the individual, but the money in the aggregate in the country is a thing to be guarded and protected by our system of tariff legislation. It is a question of balance of trade. If we buy more abroad than we sell abroad, we are in the red, as bankers would say; we are on the wrong side of the ledger to the extent of the difference between the purchases.

Mr. CUMMINS. Now, Mr. President——

Mr. HEYBURN. Just a moment. If we sell more abroad than we buy, then the people—I do not mean the Government now, the Government has nothing to do with it—the people benefit to the extent of the difference between our sales abroad and our purchases abroad. To the extent of that difference we are ahead.

Now, that is keeping the money in this country, and money wherever it is is active; that is to say, it is available. Offer money and opportunity, and labor will get to work.

Now, we hear talk to-day about the poverty of the people and how they are going to lift the burden from them. The working people of this country have as much money in banks to their credit as have all the national banks and the State banks combined. In the savings banks alone—I will give you the figures exactly—the working people that you are pitying so much have $4,212,583,599. None of that belongs to the capitalists, none of that belongs to the trusts, none of that belongs to combinations of trade or business, but it is a surplus money that the wage earner had after he kept his family and educated it and paid the expenses of living and reserved a free margin for current business. He put that in the bank. He has it there.

The national banks had only $5,477,991,156. The State banks had $2,777,566,836. It is estimated by bankers—and it can be verified by anyone familiar with the subject—that 25 per cent of the money in those banks is comprised of the deposits of working people, who choose to put it in these banks rather than in savings banks.

So you see my statement is borne out by the figures when I say that the workingmen are richer than the capitalists in this country.

Mr. CUMMINS. Mr. President, may I interrupt the Senator?

Mr. HEYBURN. I want to complete the figures. There are twenty-nine million and odd hundred thousand workingmen in the United States, according to the census; individuals engaged in industrial occupation—29,000,000 of them. With a population of 90,000,000, one-third of them are children under the age of activity. Take that third from the 90,000,000 and you have 60,000,000, and out of that 60,000,000 there are 29,000,000 engaged in industrial enterprises. That does not mean that they are engaged in speculations. It means that they are engaged in earning something to be drawn from the general wealth of the country.

Now, that is to be protected. First, you must protect the country against the passage into foreign lands and foreign business of our money. Without the money, we are poor. With the money, opportunity is unlimited and unbounded; and the opportunity does not rest in trusts and combinations any more than it rests in the individual.

One Senator stood up here to-day and told about how once he was a common laborer and now he is a capitalist. That is true all along the line. The capitalist of to-day is the workman of to-morrow. The three generations of shirt sleeves regulate that. The workingman of to-day is a capitalist of to-morrow.

Mr. CUMMINS. There are always more workingmen, though, than capitalists.

Mr. HEYBURN. That is the reason why the workingmen demand that they shall have their share of protection. Where you protect one capitalist you protect a thousand workingmen under the protective tariff policy. If you take it by numbers you can count it that way. If you take it by dollars and cents then, I repeat, the workingmen and working women in this country are as rich as all the capitalists combined.

So I want to get rid of this talk about the workingman and the capitalist and about their being arrayed against each other, and about the capitalist who is spoken of as though the capitalists are combinations or trusts. They are not. Out of all the capitalists represented by the three billion dollars in the two classes of banks, I suppose there is not 1 per cent of them that could be identified or classed with monopolies.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I only reply because I would not have it understood that I disagree with very much that has just been said by the Senator from Idaho. He has never heard me express pity for the American citizen. I think he is to be envied the world over.

I have never put my insistence or demand for a reduction of these duties upon the ground suggested by the Senator from Idaho. Protection means, of course, that we shall do our work at home and supply our own markets; but whenever protection rises so high that those who are producing the protected articles can charge more than a fair price, then the persons who receive the unfair prices are enjoying all the benefits of monopoly and they are exacting from those who deal with them, unjustly, a part of that which they earn.

Mr. HEYBURN rose.

Mr. CUMMINS. Now, wait a moment. I do not want to encourage importations. I do not want to fix any duty that will increase importations, for I know that when the duties on some of these things are reduced, if there be a menace of importation the American producer will reduce his prices and in that way preserve his market just as fully and completely as he preserves it now, but he will be compelled to sell to those who use what he produces at a fair price lest his foreign competitor shall interfere with his market.

Mr. HEYBURN. Then the Senator would coerce the producer into selling at a price that in his judgment was below what the importer could sell it at?

Mr. CUMMINS. On the contrary, I have said repeatedly selling at a fair price.

Mr. HEYBURN. But who is to say whether it was fair or not?

Mr. CUMMINS. It is for the Congress of the United States to say——

Mr. HEYBURN. Oh!

Mr. CUMMINS. What duty is required to enable the producer to sell at a fair price.

Mr. HEYBURN. Just a moment.

Mr. CUMMINS. Just a moment, if you please. I will finish and I will not recur to the subject again. I know it has been the general custom heretofore to allow a producer to say what duty he should have, and of course no producer has ever named a sum that would subject him to any risk whatever.

Mr. HEYBURN. Why should he?

Mr. CUMMINS. I want to transfer that responsibility to Congress, and let Congress upon the evidence and knowledge it may have determine what duty ought to be given to the producer, so that he can make what he wants to make and sell it at a fair profit.

Mr. HEYBURN. Now, I desire briefly to say, because I am going to detain the Senate but a few minutes more, the Senator's proposition amounts to this: Congress has fixed the price and the profit in business. That was my objection to that peculiar phrase in the platform of the last Republican convention. It was to allow Congress to say what constituted a profit that should be satisfactory to the producer. If we had the people divided in two classes, with the line between them, the producers on one side and the consumers on the other, assuming that the producers consume nothing and the consumers produce nothing, we might possibly, in dealing with the two distinct classes of people, feel called upon to protect one from the other—that is, you protect one cat from another. Such is not the condition. There are as many consumers as producers and as many producers as consumers in this country. They are not separate and distinct individuals. They are the identical persons, one producing what another consumes, and that which he himself participates in the consumption of. The man who makes cloth in the mill for wages himself participates in the consumption of it. The man who buys it furnishes the person who produces it with his line of commodity.

I did not intend to enter upon an extended discussion of this question this evening. I was somewhat drawn into it without intending to do so. When the Senator was speaking I made some notes.

Mr. CUMMINS. I have not made any speech this afternoon.

Mr. HEYBURN. I think when the RECORD is printed it will show the Senator has covered some pages. I do not object to questions freely and liberally asked. I do not, however, desire to be placed in the position of circulating among my constituents the speeches of the opposition. On questions of this kind I have to rely upon the sending out of the remarks that are made in the interest of the people in the shape of documents.

The newspapers are liberal. I do not know whether they claim that they ever helped to enact any important piece of legislation or not. I know that they have spoken at times rather lightly and flippantly of the fact that the tariff bill was still

under consideration, and that Mr. So-and-so was speaking all day upon it, or that he was completely—I was going to use a commonplace—knocked out by some other person.

That is the class of information that the world gets in regard to the consideration that we give these great questions. I should think they would take a pride in assuming a position where they could say to the world and where it would be written in history that they took strong positions on great questions and contributed to the determination of them. That not being the condition existing, I want what I say here to go out just about as I say it, and with such interruptions in the way of questions or suggestions as Senators may desire to interpose.

I merely make that suggestion because I do not care to stand here and make a speech or read an address on it. I want to discuss it, argue it, and an interchange of thought and ideas to be embodied in what I say with the ideas and interchange with other Senators.

Now, I will submit to any question the Senator may ask.

Mr. CUMMINS. I must be under a misapprehension. I supposed the Senator from Idaho was speaking in my time.

Mr. HEYBURN. I think not.

Mr. CUMMINS. I proposed a unanimous-consent agreement.

Mr. HEYBURN. I objected to it.

Mr. CUMMINS. And thereupon before it was determined at all the Senator from Idaho arose to discuss it. I have been under the impression that all this time I was yielding him an indulgence, whereas he evidently thinks that I have been trespassing upon his time.

Mr. HEYBURN. I regret that there was a misunderstanding. When I rose and was recognized by the Chair I objected to the proposal of unanimous consent, and that of course ended it.

Mr. CUMMINS. I did not understand that the Senator from Idaho objected to it, and I am very sorry to hear it now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina as modified by the Senator from Iowa?

Mr. CUMMINS. I desire then to give notice, and I do this with deference to both the majority and the minority members of the Finance Committee, that in so far as I can control the matter by my objection, the metal schedule will be kept before the Senate during the time the unfinished business has a right to occupy the attention of the Senate. I do that in order that those who may desire to speak upon it will know that it is our purpose to vote upon the bill.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Chair understand the Senator from Idaho as objecting to the request for unanimous consent?

Mr. HEYBURN. I objected to all requests for unanimous consent.

The PRESIDING OFFICER. Objection is made.

Mr. GALLINGER. Will the Senator yield to me?

Mr. HEYBURN. Just a single word. I certainly should not have——

Mr. SIMMONS. Mr. President——

Mr. HEYBURN. Have I the recognition of the Chair this moment?

Mr. SIMMONS. I understand the Senator not only objects to the amendment offered to my request by the Senator from Iowa, but he objects to my request?

Mr. HEYBURN. Yes; I object to all requests made for proposing to fix a time to vote upon the question. I only want to say that at this late hour in the day and in this temperature I will not further indulge in making remarks that I thought opportune to fill up the time until adjournment. Otherwise I should not have opened the question at all.

Mr. OLIVER. I wish to give notice that to-morrow at the close of the morning hour I will submit a few remarks on the pending bill to revise the metal schedule.

SENATOR FROM ILLINOIS.

Mr. LEA. Mr. President, I desire to give a notice in regard to Senate resolution 315, and to state that it is regarded by the minority of the committee as a question of the highest privilege and that it is the purpose of the minority to hold it constantly before the attention of the Senate until an agreement is made for a date on which a vote upon the question can be had.

Mr. CULLOM. I have two communications which I desire to present to the Senate. One is a letter from Dr. Slaymaker, of Chicago, dated May 16, which I should like to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

3017 WASHINGTON BOULEVARD,
Chicago, May 16, 1912.

Senator S. M. CULLOM, *Washington, D. C.*

DEAR SENATOR CULLOM: I appreciated very much your reply to my letter in regard to Senator LORIMER. The Senator is improving, but quite slowly. He was thoroughly tired out when he came down with an attack of grippe and bronchitis. He had a most persistent and harassing cough. This was accompanied by an irregularity of the heart which caused me considerable apprehension. He is improving, but has very little reserve strength. A few moments of earnest conversation seem to thoroughly exhaust him and make his return to Washington on Monday, the 20th, quite out of the question.

I regret so much for his sake that the consideration of his case is to come up then, for he seems to feel very strongly the necessity of his being there. If he had a little more chance to accumulate strength, I believe that he can be there without harm to himself. At present it really would be almost suicidal for him to attempt it.

I believe he can safely return to Washington some time in June.

With great respect, I am, very truly,

S. R. SLAYMAKER.

Mr. CULLOM. I have also a telegram which I received from my colleague [Mr. LORIMER] on the day before yesterday, I believe, dated May 19, which I ask to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHICAGO, ILL., *May 19, 1912.*

Senator SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

I understand committee will report on Monday. My doctor says I am getting better, but will not consent to my leaving my home now. I do not want unnecessary delay. I am more anxious than anybody else could be to have the matter disposed of, but I think I should have the privilege of being in Washington when the date to vote is agreed upon and during the consideration of my case in the Senate. If you will object to the setting of a date for vote until I can return to Washington I will be very thankful to you.

WM. LORIMER.

Mr. CULLOM. Mr. President, that is all that I know about the case. I have no interest in the matter, except that this gentleman shall have a fair showing and be here, if he is able to be, when we dispose of the case.

Mr. LEA. Mr. President, I only desire to say that there is no disposition to set any time that will work a hardship on Senator LORIMER, but it is a matter of the highest privilege, a matter in which everyone is very much interested, a matter of great importance, and it has been before the Senate for a very long time. We therefore feel that it should be disposed of and that a date for a vote should be agreed upon at the earliest possible moment. We do not feel that it is necessary for Senator LORIMER to be here at the time when we agree upon a date, provided we can agree upon a date that will allow him in all probability, under the advice of his physician, to be present.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 23, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 22, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful Father, we approach Thee with renewed faith and confidence in the immutability of Thy character, in the overruling of Thy providence, and the precious promises of Thy word. Create within us clean hearts and renew a right spirit within, that we may go forward with patience, courage, and fortitude wherever duty leads; that we may make for ourselves a record upon which we may look back without regret in the closing hours of this life and pass serenely on to the great beyond fully prepared for whatever awaits us there. In the name of Jesus Christ our Lord. Amen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6174. An act for the erection of a public building at the city of Douglas, State of Arizona;

S. 6203. An act to establish a fish-cultural station in the State of Arkansas;

S. 6380. An act to incorporate the American Hospital of Paris;

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6174. An act for the erection of a public building at the city of Douglas, State of Arizona; to the Committee on Public Buildings and Grounds.

S. 6203. An act to establish a fish-cultural station in the State of Arkansas; to the Committee on the Merchant Marine and Fisheries.

S. 6380. An act to incorporate the American Hospital of Paris; to the Committee on the District of Columbia.

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

FREE AND EFFICIENT SEAMEN.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to file the minority views on the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen of the merchant marine of foreign countries while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen. (H. Rept. 645, pt. 2.)

The SPEAKER. Is there objection?

There was no objection.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 17756, respecting the friar lands in the Philippine Islands. When the House adjourned on Wednesday last the matter in controversy was the point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, if the Chair will permit, I should like to be heard somewhat further on the point of order.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the proper determination of the pending points of order is of more importance than the bill itself. The bill H. R. 17756, has been amended in only one particular. On Wednesday, May 8, it was amended on page 2, line 6, after the word "Islands," by inserting "unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts." This appears at page 6073 of the RECORD.

That amendment was, upon a roll call, deliberately adopted by a vote of 187 to 43. May 15, the previous question having been ordered on the bill, I moved to recommit it to the Committee on Insular Affairs, with instructions to report it back with an amendment adding at the end of the bill the words—

But nothing herein contained shall be construed to increase the amount of friar lands which any corporation may hold. [RECORD, p. 6522.]

Thereupon the gentleman from Colorado [Mr. MARTIN] offered as a substitute the following:

That the bill be recommitted with instructions to report the bill back forthwith with an amendment striking out the following language inserted as an amendment after the word "Islands," on page 2, line 6, to wit:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts."

I made the point of order "that the motion to recommit, offered by the gentleman from Colorado, attempts indirectly to do what could not be done directly by the House—to strike out an amendment already adopted." The Speaker said:

Of course this condition attaches to it, that the matter in the substitute must be germane; that it would have been germane or in order as an amendment when the bill was pending.

Thereupon the gentleman from Illinois [Mr. MANN] said:

I do not think the gentleman's substitute is germane to the motion of the gentleman from Pennsylvania to recommit, but I do believe it would be germane to move to recommit the bill with instructions to strike out all after the word "that" and insert the following; that is, insert the original bill.

The gentleman from Colorado [Mr. MARTIN] said:

I am offering the original bill as a substitute, with instructions that the original bill be reported back forthwith, and on that motion I move the previous question.

He withdrew his original substitute. His motion, as reported by the Clerk (RECORD, p. 6523), does not purport to amend my motion to recommit, but it is to "strike out all after the enacting clause in the original bill and insert the following," the following being the original bill itself, word for word, but omitting the amendment adopted by the House on May 8. In other words, it proposes simply to strike out the amendment of May 8, and to accomplish it by indirection.

Against that motion I made points of order, which, for convenience and conciseness, I will restate as follows:

1. The motion to strike out all after the enacting clause and insert is not germane to my motion to recommit nor to the instructions therein contained.

2. The motion to strike out and insert is not in order while a motion to perfect is pending.

3. The motion to strike out all after the enacting clause and insert certain matter is not an amendment to the amendment contained in my motion to recommit, but is a separate and independent motion, which could not in any event be voted upon until my motion proposing to perfect the paragraph shall have been disposed of. It would then have to be passed upon as a separate motion to recommit, whereas, the previous question having been ordered on the bill, the rule permits only one motion to recommit.

4 (and most important of all). The motion of the gentleman from Colorado proposes to accomplish indirectly what the House itself can not do directly, namely, to eliminate the amendment adopted by a yea-and-nay vote, making no other change whatever in the bill.

THE QUESTION OF GERMANENESS.

The question of germaneness can not be brushed aside with the mere suggestion that if my amendment is germane to the bill the bill must be germane to my amendment. The bill contains several distinct substantive propositions. It amends existing law by declaring—

(a) That all lands heretofore or hereafter acquired by virtue of the preceding section (friar lands) shall constitute a part and portion of the public domain of the Government of the Philippine Islands; and

(b) Shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public (Crown) lands in said islands;

(c) That deferred payments shall be payable "in money prescribed for the payment of principal and interest of the bonds authorized," etc.;

(d) That all moneys realized or received from sales or other disposition of said lands * * * shall constitute a trust fund;

(e) That "actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings."

As some of these occupants may be corporations, my amendment provides that this provision shall not be construed to increase the amount of friar lands which any corporation may hold. The amendment of the gentleman from Colorado makes no mention whatever of corporations or the amount of lands they may hold, or to anything whatsoever contained in my mo-

tion to recommit, but does embody all the other substantive propositions above mentioned.

"When it is proposed to refer with instructions, an amendment to the instructions should be germane thereto." (5 Hinds, 6888; ruling by Robert C. Winthrop, Speaker, Feb. 6, 1849.) That is to say, it must be germane, not merely to some part of the bill itself, but to the instructions embodied in the motion to recommit.

As the result of some investigation I am unable to find that any substitute for the original bill was ever admitted against a point of order by way of amendment to a motion to recommit with instructions, and certainly not after the previous question has been ordered upon the bill. The instructions may be amended, but the proposed amendment thereof must be germane to the instructions contained in the original motion to recommit.

Mr. MARTIN of Colorado. Mr. Speaker, may I interrupt the gentleman at that point with a question?

The SPEAKER. Will the gentleman yield?

Mr. OLMSTED. Mr. Speaker, I prefer not to be interrupted at this point, but to conclude my remarks, and then I will be very glad to yield to the gentleman.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. Mr. Speaker, this so-called substitute is not in any event in the form of an amendment to the amendment embodied in the instructions involved in my motion to recommit, those instructions being merely to perfect by an amendment the text which the so-called substitute proposes to strike out.

I do not contend that it is necessary that a substitute proposing to strike out an entire paragraph or section, or an entire bill, must be strictly germane to an amendment proposing to perfect the text of a paragraph, section, or bill. It must be germane to the subject matter of the bill, but not necessarily to the proposed amendment perfecting the text. The reason for this is that the substitute and the amendment perfecting the text are independent motions. The rule is (Rule XIX):

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

When there is an amendment and an amendment to an amendment, a substitute is not a further amendment to the amendment, for that would be in the third degree, but it is an entirely independent motion and can not be considered until after the amendment and the amendment to the amendment, if there be one, shall have been disposed of.

The SPEAKER. The Chair would like to ask the gentleman whether he is not making a mistake about what position this last amendment, the one that is in controversy, contained in his motion to recommit, sustains to the bill. What the gentleman has just said would indicate that he regards the amendment proposed in his motion to recommit, and to which the gentleman from Colorado [Mr. MARTIN] is offering a substitute, as an amendment to the amendment, but that is not correct, is it?

Mr. OLMSTED. No; if I so stated I did not intend that meaning. My motion to recommit asked that it be recommitted with instructions to report an amendment to the bill. There is no amendment pending to that amendment.

The SPEAKER. The proposition of the gentleman about the limitation of what a corporation may own is not an amendment to an amendment.

Mr. OLMSTED. No; it is an amendment to the bill.

The SPEAKER. The Chair is speaking merely of the germaneness of the matter. If the gentleman from Colorado [Mr. MARTIN] had offered this bill as an amendment to the gentleman's proposition, then it seems to the Chair it could not have been ruled out of order as being in the third degree. I do not see how the gentleman figures out that part of his argument.

Mr. OLMSTED. Mr. Speaker, I probably have not made myself clear. I do not think his amendment would be an amendment, if it was an amendment to mine at all, in the third degree; but it is not an amendment to my amendment. It is a substitute for the whole bill, and if treated as an amendment to my amendment it is not germane, because it is upon a subject entirely different from my amendment, namely, the amount of land which corporations may hold. His amendment inserting the whole bill is upon three or four different substantive propositions, related to each other, but not related to the matter proposed in my amendment.

The SPEAKER. The gentleman will proceed in his own way.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman now yield, inasmuch as he has been interrupted?

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MARTIN of Colorado. I would like to ask the gentleman a question bearing upon one of his positions, if I get it right, and that is this: I understand the gentleman to argue that my motion to recommit is not in order, upon the ground that it is not germane to his motion. The gentleman does not take the position, in other words, that my motion to recommit is not germane to the bill, but the gentleman argues, further, that it must be germane to his motion and be amendatory of his motion. Is that the position the gentleman takes?

Mr. OLMSTED. I take the position that if his motion can be treated as an amendment to my proposed instructions, then it is out of order because not germane to the amendment proposed in my instructions.

Mr. MARTIN of Colorado. The gentleman's position, then, virtually amounts to this: That while I might desire to offer a substitute, and I would be permitted to offer a substitute that would effect a change in the entire structure of the bill, yet if the gentleman obtained the floor first and moved to recommit on some trivial and inconsequential item in the bill I would be precluded, then, from offering my substitute, for he could raise a point of order against my substitute simply upon the ground that it was not germane to the item included in his motion. That is what his proposition amounts to.

Mr. OLMSTED. In the first place, my amendment is not trivial or inconsequential. In the second place, the gentleman has a right——

Mr. MARTIN of Colorado. Yes; but if it were trivial and inconsequential the rule would be the same?

Mr. OLMSTED. Just the same.

Mr. MARTIN of Colorado. The gentleman could absolutely shut me out or shut out any other Member.

Mr. OLMSTED. If the gentleman is shut out, it is by the rules and not by me. My proposition is that if you treat his substitute as an amendment to my amendment then it is not germane, because it is not germane to the subject matter of my amendment, but my position is that his amendment is not germane to mine. The gentleman proposes a substitute to my amendment, and on that point my proposition is that a motion to strike out and insert is not in order while a motion to perfect is pending.

Mr. MARTIN of Colorado. Suppose my motion to recommit also embraced the gentleman's proposition. What would the effect then be?

Mr. OLMSTED. A motion to strike out and insert is not in order at all while a motion to perfect is pending. If his motion had been offered first it would have had to be postponed until mine had been acted upon, and when mine has been acted upon then there has been action upon one motion to recommit, and the previous question having been ordered on the bill, the rule forbids that any other motion shall be made.

Mr. GARRETT. Mr. Speaker, will the gentleman yield to me there?

Mr. OLMSTED. Certainly.

Mr. GARRETT. I want to call the attention of the gentleman from Pennsylvania to the fact that his motion to recommit, as it appears in the RECORD, does not say to report forthwith.

Mr. OLMSTED. Yes, it does.

Mr. GARRETT. I was under that impression; I beg the gentleman's pardon, it does not so show in the RECORD, and I think that the gentleman ought to modify it so that may be done or we will have to vote it down.

Mr. OLMSTED. I have no objection at all.

This leads us to the next branch of the case.

A MOTION TO STRIKE OUT OR TO STRIKE OUT AND INSERT IS NOT IN ORDER WHILE A MOTION TO PERFECT IS PENDING.

My proposed amendment, as already stated, is to perfect the bill by adding certain words thereto. In Fifth Hinds, 5771, it was ruled that—

While amendments are pending to the section, a motion to strike it out may not be offered.

In section 5790 it was held that—

To a motion to insert words in a bill, a motion to strike out certain words of the bill may not be offered as a substitute.

But even had the motion of the gentleman from Colorado been made in advance of my own, it could not, under the rules and precedents, be considered until my motion perfecting the text had been disposed of.

When it is proposed to perfect a paragraph, the motion to insert or strike out, being already pending, must remain in abeyance until the amendments to perfect have been moved and voted on.

And again:

An amendment in the nature of a substitute may not be voted upon until the original matter is perfected. (5 Hinds, 5753.)

It thus appears that a motion to strike out or to strike out and insert is not an amendment to an amendment, but is an original, separate, independent, and distinct motion. A motion to perfect the paragraph is preferential. If the motion to strike out is first made, it must stand aside until the motion to amend has been disposed of, but if not previously made, a motion to

strike out or to strike out and insert can not be made while the motion to amend is pending. My motion is to perfect the bill by adding a certain provision thereto. The motion to strike out the whole bill is not only not germane to my amendment, but is not even in order while my amendment is pending.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Colorado?

Mr. OLMSTED. I do.

Mr. MARTIN of Colorado. The gentleman has continually referred to his motion to recommit as an amendment to perfect the bill.

Mr. OLMSTED. I think it is perfectly clear my motion to recommit is a motion to recommit with instructions to report an amendment perfecting the text of the bill.

Mr. MARTIN of Colorado. But suppose the so-called perfection of the bill was to be obtained by cutting something out instead of adding something to it, what would be the parliamentary difference in the situation? Is the gentleman seeking to strengthen his position merely by claiming his amendment is a perfection of the bill?

Mr. OLMSTED. I am seeking to sustain my point of order by reciting the rules and precedents. I proceed now to the next branch of the case.

THE MOTION TO STRIKE OUT ALL AFTER THE ENACTING CLAUSE AND INSERT CERTAIN MATTER, BEING A SEPARATE MOTION, CAN NOT BE VOTED UPON UNTIL THE MOTION PERFECTING THE PARAGRAPH HAS BEEN DISPOSED OF, BECAUSE, THE PREVIOUS QUESTION HAVING BEEN ORDERED, THE RULE PERMITS ONLY ONE MOTION TO RECOMMIT.

The motion of the gentleman from Colorado is a second motion, whereas the previous question having been ordered on the bill, the rule permits only one motion to recommit to be made. As the motion to strike out and insert can not be considered while my motion is pending, and even if made first, would have to stand aside until the disposition of my own; and it naturally follows that it is not in order at all. The rule is positive and distinct that, the previous question having been ordered, one motion to recommit, and no other, is in order. Whatever disposition shall be made of my motion, whether it shall prevail or shall be voted down, its final disposition will be the disposition of one motion to recommit. Ordinarily the motion to strike out all after the enacting clause would then be in order; but, the previous question having been ordered, it is precluded by the rule, for its consideration would be the consideration of a second motion, in violation of the rule.

AN AMENDMENT TO STRIKE OUT AN AMENDMENT ALREADY ADOPTED IS NOT IN ORDER, AND THE HOUSE CAN NOT BY INDIRECTION ACCOMPLISH WHAT IT CAN NOT DO DIRECTLY.

When the House has solemnly and deliberately voted an amendment into a bill, there is nevertheless a method provided by the rules whereby it may again be passed upon. Rule XVIII provides:

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn.

That highly privileged motion was not made in this case, either upon the day on which the amendment was adopted or upon the succeeding day. It is now substantially made by the gentleman from Colorado, one week after the adoption of the amendment and by a gentleman who did not vote in the majority.

An inspection of the papers discloses the fact that the gentleman's amendment to strike out the whole bill, including the amendment of May 8, and insert the original bill, omitting just the language of that amendment, neither amending nor changing any other part of the bill in so much as the crossing of a "t" or the dotting of an "i." Indeed, that is the avowed purpose of the author, as stated by himself.

I do not contend that when a paragraph has been perfected by amendment the entire paragraph may not still be stricken out, including the amendment. I do contend that such a motion is not in order here, because it would be a further motion after my motion to recommit had been disposed of; and I do contend that under no circumstances can any amendment be stricken out or eliminated unless the whole paragraph, section, or bill, as the case may be, shall be stricken out, or else changed in some part other than by leaving out the language of the amendment originally adopted by the House.

Words inserted by amendment may not afterwards be changed, except that a portion of the original paragraph, including the words so inserted, may be stricken out if in effect it presents a new proposition, and a new coherence may also be inserted in place of that stricken out. (5 Hinds, 5758.)

The gentleman from Colorado presents no new proposition, no new coherence, no new anything, except the elimination of the amendment heretofore adopted by the House.

In Fifth Hinds, 5759, we find that—

Words once inserted in a paragraph by way of amendment may not be stricken out by another motion to amend, but words on the same subject, even though inconsistent, may be added to the paragraph.

That ruling was made January 31, 1826, by John W. Taylor, of New York, Speaker.

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning. (5 Hinds, 5763.)

In the pending case it is not proposed to insert a new text of a different meaning, but merely to insert the old text with the omission of the amendment heretofore adopted.

April 12, 1828, the proposition having been made to amend by striking out a portion of the amendment already agreed to by the House, Speaker Andrew Stevenson, of Virginia, as reported in Fifth Hinds, 5764—

decided that the motion could not be received, as the amendment from which it was proposed to strike out a portion had been agreed to by the House. Although it was open to be amended by adding to it, it could not be altered by striking out any of the words to which the House had agreed.

February 25, 1837, James K. Polk, of Tennessee, Speaker, decided that—

It would not be in order to move to strike out any part of the adopted amendment, but it would be in order to add a paragraph or a proviso to it. (5 Hinds, 5765.)

Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words. (5 Hinds, 5766.)

It has been held, certainly for more than 80 years, that a proposition which has for its purpose the mere elimination of an amendment already agreed to is not in order. The authorities to the effect that that can not be accomplished indirectly are equally numerous and conclusive.

In Fifth Hinds, 5529, it is laid down that—

It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment.

This ruling was made in 1859 by James L. Orr, of South Carolina, Speaker, who, as reported by Hinds—

stated that inasmuch as it was not competent for the House to amend the bill in the manner proposed—the same not being germane—it was not in order for the House to instruct the committee to do what the House itself could not do.

This ruling was on a motion to recommit a bill to the Committee on Territories with instructions. An appeal was taken from the decision of the Chair, but it was laid on the table by a vote of 118 to 95.

February 13, 1851, Speaker Howell Cobb, of Georgia, passing upon a motion to recommit with instructions, said that—

It was also well settled that it was not competent for the House to instruct the committee to do what it could not do itself. He therefore sustained the point of order and decided the amendment to the instructions to be out of order. (5 Hinds, 5530.)

In Fifth Hinds, 5531, we find that in 1886 Mr. Hitt, of Illinois, moved to recommit a certain bill with instructions, and Mr. William M. Springer, of Illinois, made the point of order that this Senate bill was the text that the House had stricken out, and that it was not in order to direct the committee to report that which the House had just rejected. The Speaker, John G. Carlisle, of Kentucky, sustained the point of order, and held that it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not therefore in order to do indirectly by way of recommitment what it could not do directly by amendment. That was an attempt by recommitment to insert what the House had stricken out, which is the reverse of the pending case, but the principle is precisely the same.

In Fifth Hinds, 5532, a similar ruling is reported as made in 1890 by Lewis E. Payson, of Illinois, Speaker pro tempore, who sustained such a point of order made by Mr. Funston, on the ground that—

it was not in order to do indirectly by way of commitment what it was not in order to do directly by way of amendment, and that as the proposition submitted by Mr. Oates had been ruled out of order as an amendment it was not in order by way of recommitment.

On March 3, 1892, as reported in Fifth Hinds, 5533, Mr. De Armond, of Missouri, moved to amend a motion to recommit by adding thereto certain words. Mr. Thomas B. Reed, of Maine, and Mr. Julius C. Burrows, of Michigan, made the point of order that the amendment was not in order because the proposed additional instructions would amend the bill by changing existing law, which the House itself could not do because in violation of one of its rules. That most excellent parliamentarian, Charles F. Crisp, of Georgia, Speaker, in passing upon the point of order, said:

The Chair is of the opinion that it is not competent to do by indirection that which could not be directly done; that it is not competent

for the House to direct the committee to do something which the committee itself could not do by reason of a rule restricting it from such action. Therefore the question for the Chair to determine is whether this amendment would be in order in Committee of the Whole.

He held that the amendment did change existing law, but that as it reduced expenditures it was, nevertheless, in order.

On February 17, 1893 (5 Hinds, 5534), a motion of Mr. Cummings, of New York, to recommit a bill with instructions to report a certain amendment was ruled out of order by Speaker Crisp upon the ground that the amendment proposed in the instructions would be in violation of the rule.

On March 20, 1894 (5 Hinds, 5535), a motion having been made to recommit a bill with instructions to report a certain amendment, Speaker Crisp "sustained the point of order, holding that the House can not do indirectly, by means of a motion to recommit, what can not be done directly by amendment."

On June 16, 1894 (5 Hinds, 5536), Speaker Crisp made a similar ruling, from which Mr. JOSEPH G. CANNON, of Illinois, appealed. The appeal was laid on the table by a vote of 158 to 57.

On June 27, 1894 (5 Hinds, 5537), Speaker Crisp again ruled out of order a motion to recommit, which contained instructions to amend in a manner contrary to the rules of the House.

On January 20, 1898 (5 Hinds, 5538), a motion of Mr. JOSEPH W. BAILEY, of Texas, to recommit the diplomatic and consular appropriation bill to the Committee on Foreign Affairs with instructions was, upon a point of order made by Mr. Hitt, of Illinois, passed upon by Speaker Thomas B. Reed, who ruled that "the motion to commit with instructions was not in order, upon the ground that a motion to commit, which would not be admissible as an amendment was not admissible as instructions."

On February 16, 1899 (5 Hinds, 5539), Mr. Hepburn, of Iowa, moved to recommit with instructions a certain bill, and Mr. JOSEPH G. CANNON, of Illinois, made the point of order that it was not in order to accomplish by a motion to recommit with instructions what could not be accomplished directly by an amendment. The Speaker sustained the point of order.

This ruling was by Speaker Reed. Mr. Hepburn appealed, and on motion of Mr. PAYNE, of New York, the appeal was laid on the table by a vote of 158 to 95.

On February 26, 1904, Mr. Meyer, of Louisiana, made a motion to recommit the naval appropriation bill with instructions. The Speaker sustained the point of order made by Mr. FOSS, of Illinois, and in his ruling said:

The Chair * * * is of the opinion that several of the instructions in the motion cover legislation, and therefore, as you can not do indirectly that which you can not do directly, the Chair sustains the point of order.

This ruling was made by Speaker CANNON.

In Fifth Hinds, 5541, it is reported that on March 1, 1905, Mr. UNDERWOOD, of Alabama, moved to recommit a certain bill with instructions to be reported back with an amendment. A point of order was made against it, and Speaker CANNON sustained the same, in the course of his opinion saying:

The Chair reads from the Digest: "It is not in order to move to recommit a bill with instructions to a committee to report an amendment which is not germane." Many precedents are given, running through a period of substantially 50 years. And again, the House can not do indirectly what it can not do directly. Therefore, the Chair sustains the point of order.

In Fifth Hinds, 5889, a point of order having been made against a motion to recommit with instructions, Speaker Carlisle sustained the point, saying, in the course of his ruling:

It has been decided frequently that it is not competent for the House to accomplish indirectly, by reference to a committee with instructions, what could not be accomplished directly by offering an amendment on the floor—that is to say, if the bill which the proposed instructions direct the committee to report is not germane as an amendment it can not be brought before the House on a motion to recommit.

We have thus this long line of precedents, to which may be added the declaration of the present distinguished, able, and rigidly impartial occupant of the chair, Speaker CLARK, that to be in order now it must have been "in order as an amendment when the bill was pending."

The gentleman from Illinois [Mr. MANN], speaking of the original motion of the gentleman from Colorado to strike out the amendment of May 8, said:

I do not think the gentleman's substitute is germane to the gentleman's motion from Pennsylvania to recommit.

But the second proposition is just as bad; indeed, it is precisely the same thing. It seeks to accomplish by instructing the committee to do what the House itself could not do, namely, to eliminate the amendment of May 8 without making any other change in the bill. If this attempt should be sustained there would be no end of legislation. We see bills coming out here with 40, 50, and sometimes 100 amendments, the discussion of which may have consumed weeks of time. If the previous question were not ordered, we might have as many motions to recommit as there are amendments in the bill, and in any event one motion would be in order to recommit the bill with instructions to bring it back again in its original form with all the amendments eliminated.

The highly privileged motion to reconsider affords ample opportunity to the House to undo its work in case of hasty action or of a close vote, and of course it can always be done by unanimous consent.

The fact that a similar device was successful in the last session has no bearing upon the decision of this case; it does not establish a precedent. In that case no point of order was made against the motion to recommit, which was therefore necessarily considered as having been submitted by unanimous consent. This is, in effect, a motion to reconsider, made long after the lawful time and by a gentleman who, having voted with the minority, is not entitled to make such a motion at all. It is furthermore, as the gentleman from Connecticut [Mr. HILL] has well said, an attempt to get a vote upon two motions, whereas at this stage of the proceedings, the rule permits only one motion to recommit to be made.

I submit that upon consideration of the rules and of the long line of precedents, and also of what the gentleman from Tennessee [Mr. GARRETT] has so felicitously termed the "common sense of the proposition," the motion of the gentleman from Colorado must be ruled out of order.

The SPEAKER. This is one of the most troublesome and intricate questions that has been presented to be ruled on since the present occupant of the Chair was elected Speaker.

Mr. MARTIN of Colorado. Mr. Speaker, will the Chair allow me to interrupt with a question?

The SPEAKER. Yes.

Mr. MARTIN of Colorado. I was advised that some other Member had prepared a brief on this question.

The SPEAKER. Mr. GARDNER of Massachusetts prepared a very able brief on the other side of this question, and if the gentleman from Colorado will read it, the Chair will hand it to him, as the Chair thinks it ought to be incorporated in the RECORD. The gentleman from Massachusetts is not here. The Chair would like to have it read to the House, because it is a very able document on the other side of this question. Read the typewritten matter first and then read the telegram. The Chair desires to thank both the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Massachusetts [Mr. GARDNER] for carefully preparing a brief and giving it to him in advance.

Mr. MARTIN of Colorado. Mr. GARDNER's brief reads as follows:

Mr. OLMSTED raises two points of order against Mr. MARTIN'S motion.

1. That Mr. MARTIN'S motion is out of order because it seeks to accomplish by motion to recommit that which would be inadmissable as an amendment. Mr. OLMSTED'S position is that the House, having accepted an amendment, may not reverse itself and strike out this identical amendment.

2. Mr. OLMSTED maintains that Mr. MARTIN'S instructions are not germane to the instructions contained in his own motion to recommit.

First. With regard to the first point of order, it is true that the weight of authority seems to be on Mr. OLMSTED'S side; but I can not help feeling that the decisions on which he rests were rendered hastily, without a full examination of the situation. The general principle of parliamentary law has always been that an amendment once adopted might not be acted upon a second time in the same stage of the bill. In subsequent stages, however, it is clearly in order, under general parliamentary law, to reject an amendment adopted in a previous stage. This is the practice of the Massachusetts Legislature, and probably in many others, at the present day. The principle is admirably laid down in an opinion given by Mr. Speaker Stevenson, volume 5, section 6207, Hinds' Precedents. (This opinion cites Mr. Speaker Onslow.)

Formerly a bill had three readings in the House of Representatives. The rules call for three readings to-day, but in practice there are but two readings, and in practice it is only pending the third reading that amendments are in order. Obviously there is need for a greater opportunity for the House to correct its own errors. This opportunity has been given by a rule which permits a motion to recommit with instructions after the previous question is ordered and pending the passage of the bill. In the words of the report made when this rule was adopted, in 1880, it affords "the amplest opportunity to test the sense of the House as to whether or not the bill is in the exact form it desires." (See RECORD, 46th Cong., 2d sess., p. 202.)

This purpose of the rule is manifestly defeated, if the House may not correct its own mistakes. Moreover, it can not be gainsaid that any bill is in a different stage when the question of its passage is pending from the stage in which it finds itself when the question of its engrossment and third reading is pending.

Second. With regard to the question of germaneness, Mr. Speaker Reed said on the subject of germaneness:

"The Chair desires to call the attention of the House to the importance of the preservation of the rule which is expressed in the following language:

"'And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.'

"Originally the very greatest latitude was allowed, so that objects the most diverse were suddenly thrust upon the assembly. It was in order to correct that that there was established under general parliamentary law the doctrine that an amendment must be germane to the original or pending bill. The rules of the House of Representatives have embraced it in the form which the Chair has read." (RECORD, 51st Cong., 1st sess., p. 9101.)

But the subject before the House in this case is the Philippine bill. Mr. MARTIN'S motion thrusts no new question on the House. On the

contrary, it is the very question that the House has been discussing. The fact that the instructions proposed by Mr. MARTIN are not germane to the instructions proposed by Mr. OLMSTED has nothing to do with the case provided the instructions offered by Mr. MARTIN are germane to the subject matter of the bill. It is true that in Hinds's Precedents (Vol. V, p. 6888) appears this statement: "When it is proposed to refer with instructions, an amendment to the instructions should be germane thereto." An examination of the ruling to which this statement refers fails to disclose whether or not Mr. Speaker Winthrop ruled the instructions out of order because they were not germane to the bill under consideration or because they were not germane to the instructions which they sought to amend.

To hold that Mr. MARTIN'S amendment is out of order because it is not germane to the instructions contained in Mr. OLMSTED'S motion to recommit would create a precedent which would put the House in the matter of instructions completely at the mercy of the first Member who could secure recognition.

If the Speaker is inclined to sustain Mr. OLMSTED'S point of order against endeavoring to accomplish by a motion to recommit that which could not have been done directly by amendment, and if the Chair overrules Mr. OLMSTED on the question of germaneness, I invite his attention to a ruling made by Mr. Speaker Blaine to the effect that the change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House. (Hinds' Precedents, Vol. II, p. 1274.)

If the question of germaneness is settled in Mr. MARTIN'S favor, it ought to be a very easy matter for him to get a vote under the ruling made by Mr. Speaker Blaine.

During the reading the following occurred:

Mr. MARTIN of Colorado. Mr. Speaker, is it proper for me to make any comment that might be suggested by the brief of the gentleman from Massachusetts?

The SPEAKER. Why, certainly, but the gentleman had better read the whole document and then make his comments.

After the reading,

The SPEAKER. That telegram was sent by the secretary of the Massachusetts Legislature to Mr. GARDNER in answer to a telegram of inquiry which Mr. GARDNER sent. I am not certain that they call that legislative body a legislature; great and general court, I believe it is.

Mr. MARTIN of Colorado. The telegram reads as follows:

BOSTON, MASS., *May 20, 1912.*

Hon. AUGUSTUS P. GARDNER,
House of Representatives, Washington, D. C.:

Bills in first reading are not amendable under rules of Massachusetts Legislature. Parliamentary authorities recognized by rule allow amendment in second and third reading, and amendments adopted or rejected in second reading may be reversed in third without reconsideration. This is invariable practice. Not sure about Parliament or other States, but think yes.

HENRY D. COOLIDGE.

Now, Mr. Speaker, I do not care to argue the points of order raised by the gentleman. I am not prepared to argue them. I have not given and have not been able to give a moment of research to this question, but I understand that the parliamentarians of the House, the gentlemen who are recognized as competent upon parliamentary questions and experienced in them, would give some attention to the question which was raised just before adjournment last Wednesday on the motion to recommit made by the gentleman from Pennsylvania and the substitute offered by myself. But I want to comment upon a statement made by Mr. GARDNER of Massachusetts, which was just in line with the question that I asked the gentleman from Pennsylvania a moment ago when he was arguing his point of order, and that is this: Mr. GARDNER said:

To hold that Mr. MARTIN'S amendment is out of order because it is not germane to the instructions contained in Mr. OLMSTED'S motion to recommit would create a precedent which would put the House in the matter of instructions completely at the mercy of the first Member who could secure recognition.

Now, in harmony with that statement, without knowing Mr. GARDNER had advanced it, I interrupted Mr. OLMSTED and asked him substantially this question. I said, in the first place, it seemed to be conceded I have a right to offer a substitute—at least it is offered and pending, and I do not understand that there is any likelihood that the Chair will rule my substitute out of order on the ground that it could not be offered at all. So it is established that I am entitled under the rules to offer a substitute to the motion to recommit made by the gentleman from Pennsylvania. Now, my substitute might effect a complete reconstruction of the whole bill; it might alter it in a dozen material particulars. I might, for instance, ask that the provision that authorized the Legislature of the Philippine Islands to "temporarily" lease these lands to be changed so as to put in a definite period of five years, so that it would be clearly fixed by act of Congress that the Philippine Legislature could lease these lands but for five years. I might want to put into this pending act the provision, for instance, that is in section 13 in reference to public lands. Section 13 of the organic law of the Philippine Islands authorizes the Philippine Government to enact rules and regulations for the sale, lease, and other disposition of the public lands, but it also contains a provision that before these legislative acts shall have the force and effect of law in the Philippine Islands they shall be first submitted to the President of the United States and be approved by him and then be by him submitted to the Congress at the next ensuing session, and then, unless Congress during the next ensuing session shall disapprove these acts, after the expiration of that period—after adjournment—the acts have the force and effect of law in the Philippine Islands. I might, for instance, want to embody such a substantial and, I think, proper and beneficial safeguard as that in this act and surround this legislation with it. These are material particulars in which my substitute motion to recommit might materially effect the pending legislation.

But the position of the gentleman from Pennsylvania is, if he could get the floor first and submit a motion to recommit upon some immaterial item, no matter how trifling, no matter how apparently his motion to recommit might be a subterfuge to defeat a meritorious and substantial motion, I would be barred by the fact that but one motion to recommit was in order. That is the only feature of the brief of the gentleman from Massachusetts [Mr. GARDNER] that I care to discuss.

I want to say further, Mr. Speaker, that I feel justified and in good conscience able to take the position of pressing to the very limit the right of this House to act again upon this piece of legislation. The gentleman from Pennsylvania [Mr. OLMSTED] has shown an ingenuity, an industry, and persistence in this matter that is worthy of a far better cause. There is not any question but that the position of the gentleman from Pennsylvania [Mr. OLMSTED] is technical in the extreme. He is submitting a motion to recommit which says that nothing in this act shall be construed to authorize a corporation to acquire any more than 2,500 acres of friar lands. What is there in this act, in the name of heaven, to lead any man to even suspect that such a construction could be placed upon it?

Mr. OLMSTED. Will the gentleman permit right there?

Mr. MARTIN of Colorado. Yes.

Mr. OLMSTED. I should think the very words to which my amendment is added, that they may acquire without regard to the extent of their holdings, might afford some justification to such an amendment as mine.

Mr. MARTIN of Colorado. Then, Mr. Speaker, I want to congratulate the gentleman from Pennsylvania [Mr. OLMSTED]—and I think I know something about his views as to these land laws in the Philippines—I want to congratulate him at this time on showing the first evidence of solicitude that some corporation would get more than 2,500 acres of this land.

Mr. OLMSTED. I have always been in favor of that.

Mr. MARTIN of Colorado. It is the first time, Mr. Speaker, that I ever suspected the gentleman from Pennsylvania harbored any such ideas.

Mr. GARRETT. Mr. Speaker, I have no desire to cut the gentleman from Colorado [Mr. MARTIN] off from a discussion of the point of order, but I am very anxious to conclude this bill.

The SPEAKER. The Chair is ready to rule. The gentleman from Pennsylvania [Mr. OLMSTED] very correctly thinks this ruling is very important. I do not know whether I agree with him that it is more important than the bill itself. This question has returned to plague most of the Speakers who ever occupied the chair, and the House, too. In one way and another it has been ruled on ever since the days of Mr. Speaker Taylor, away back in 1826. The situation is this: On the 8th day of this month of May the gentleman from Pennsylvania [Mr. OLMSTED] made a motion to add a certain amendment to the bill, and it was so done, and it was done on a roll call, the bill being considered in the House as in Committee of the Whole. The amendment was adopted by a very large majority. Either on that day or the succeeding day any Member who voted in the affirmative could have moved a reconsideration. The gentleman from Colorado [Mr. MARTIN] could not do it, because he voted in the negative. So it remains in the bill. After the third reading of the bill the gentleman from Pennsylvania [Mr. OLMSTED] made a motion to recommit the bill containing an amendment to it. That is practically what it was. The gentleman from Colorado [Mr. MARTIN] offered a substitute for the amendment which had just been offered by the gentleman from Pennsylvania [Mr. OLMSTED] in his motion to recommit. After some discussion one way and another the gentleman from Illinois [Mr. MANN] suggested to the gentleman from Colorado [Mr. MARTIN] that there was a way for him to accomplish what he was after, provided the Chair ruled his substitute out of order, and that was to strike out all after the enacting clause and to insert the original bill, leaving out the Olmsted amendment which had been adopted on the 8th of May.

This all took place on the 15th of May.

Mr. MANN. In order to keep the record correct, I will say the motion was to strike out all after the word "that."

The SPEAKER. That is correct. Thereupon the gentleman from Colorado [Mr. MARTIN] accepted the suggestion of the gentleman from Illinois [Mr. MANN] and offered the original bill minus the Olmsted amendment, and thereupon the gentleman from Pennsylvania [Mr. OLMSTED] made two points of order at once. One was that it was not germane to his amendment and the other that it was an attempt to do indirectly what the House could not itself do directly, thereby contravening both the rules and the practice of the House. In addition to these two chief questions there are two or three others of minor interest involved.

The Chair rules against the gentleman from Pennsylvania [Mr. OLMSTED] on the first proposition, accepting the suggestion of the gentleman from Illinois [Mr. MANN] that the entire bill as offered by the gentleman from Colorado [Mr. MARTIN] must in the very nature of things be germane to any amendment that anybody could offer to the bill; that is, for purposes of a motion to recommit.

The contention of the gentleman from Pennsylvania [Mr. OLMSTED] on the subject of germaneness is not tenable. It has been held over and over again that a motion to recommit is amendable, and it has been held at least by one Speaker that a substitute for a motion to recommit is proper. There is no question whatever in the mind of the Chair that the bill itself minus the first Olmsted amendment, adopted on the 8th of May, is germane to the proposition of the gentleman from Pennsylvania [Mr. OLMSTED] incorporated in his motion to recommit. Therefore the Chair overrules the point of order made by the gentleman from Pennsylvania that it would not be germane.

The second point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED] is whether the thing can be done which the gentleman from Colorado [Mr. MARTIN] is attempting to do; that is, to do indirectly on a motion to recommit what the House can not do directly—because that is what it is, and all of us, who have paid any attention to this wrangle, know that there is only one thing involved in that substitute, and that is whether you shall cut out the Olmsted amendment adopted on the 8th of May. It might as well have been offered in so many words for all practical purposes.

This question of whether the House on a motion to recommit can do indirectly what the House itself can not do, has been ruled on by every Speaker, almost, beginning with Mr. Speaker John W. Taylor, of New York, on the 31st day of January, 1826. The question was not always exactly in the shape in which this question presents itself, but the substance has always been the same, and the decisions have always been the same. Mr. Speaker Taylor ruled on it, and later Mr. Speaker Polk, and in later days Mr. Speaker Carlisle and Mr. Speaker Crisp ruled on it. Mr. Speaker Reed, when he was in the chair, ruled on it, and when he was on the floor raised a point of order, referred to the same decision, and held on the floor what he held in the chair; Mr. Speaker Henderson ruled on it; Mr. Speaker CANNON ruled on it.

They all ruled the same way; that is, that the House can not do indirectly on a motion to recommit that which it can not do by amendment before engrossment and third reading.

The contention of the gentleman from Pennsylvania [Mr. OLMSTED] that you can not have two propositions in a motion to recommit is not tenable. The motion to recommit is intended to give the House an opportunity to express its opinion, upon roll call if needs be, upon any proposition or propositions which have not been inserted in the bill, provided always, of course, that the proposition is germane to the bill itself.

The most elaborate opinion that was ever rendered on the question whether the House can do indirectly on a motion to recommit what it can not do directly by amendment was rendered by Mr. Speaker Carlisle, which I will read in a minute, in lieu of all the rest. But on one occasion Mr. Speaker Blaine refused to pass upon a question of the sort and submitted it to the House, and by a vote of about two-thirds the House took the same position that these other Speakers have taken, and on at least two occasions an appeal was taken from the ruling of the Chair, and the House on both occasions sustained the decision of the Chair by a vote of about 2 to 1.

On July 27, 1886—

This is in the Fifth Hinds, section 5531—

the previous question had been demanded on the passage of a bill restoring to the United States certain lands granted to railroads, when Mr. Robert R. Hitt, of Illinois, moved to recommit the bill with instructions to report the Senate bill, for which this substitute had been adopted that had just been voted out. Mr. William M. Springer, of Illinois, made a point of order that the Senate bill was the text that the House had stricken out and that it was not in order to direct the committee to report that which the House had just rejected.

Of course, that was turning the question around.

The Speaker sustained the point of order, and held that it was not in order to move the recommitment of a bill with instructions to report matters which would not be in order if offered as an amendment in the House.

Nobody will contend, if some gentleman had arisen in his place and made a motion to strike out this Olmsted amendment which was inserted on the 8th of May, that the Chair would have entertained the motion.

Then, Mr. Speaker Carlisle continued:

The House had just voted to strike out the text of Senate bill and insert a new proposition, and it was not therefore in order to do indirectly, by way of recommitment, that which could not be done directly by way of amendment.

So, on that point the Chair sustains the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] that the substitute offered by the gentleman from Colorado [Mr. MARTIN] is out of order because the House can not by a motion to recommit do that which it can not do directly by amendment when a bill is in the amendable stage.

Mr. MARTIN of Colorado. Mr. Speaker——

Mr. GARRETT. Mr. Speaker——

Mr. MARTIN of Colorado. Mr. Speaker, I ask for recognition.

Mr. GARRETT. Mr. Speaker, I move the previous question upon the motion to recommit made by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. FOSTER. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] demanded recognition, and I think he should have been recognized before the motion of the gentleman from Tennessee [Mr. GARRETT] was made.

The SPEAKER. The Chair did not understand the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. I move, Mr. Speaker, the previous question upon the motion to recommit made by the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. The previous question has already been ordered.

Mr. MARTIN of Colorado. The motion to recommit had not been made.

The SPEAKER. The Chair will recognize the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the following substitute to recommit.

Mr. MANN. Mr. Speaker, I am quite sure that when the gentleman from Colorado offered his substitute he then moved the previous question on the motion to recommit. That is agreed to.

Mr. MARTIN of Colorado. No, sir; it was not ordered. The RECORD will show it. The RECORD will show that I am not even recognized. Gentlemen can not get up here and shout out, "I move the previous question," and without recognition claim that that establishes their proposition.

Mr. GARRETT. Mr. Speaker, I submit this: The gentleman from Colorado [Mr. MARTIN] had his opportunity to offer a motion, which was in order, for a substitute for the motion proposed by the gentleman from Pennsylvania. He offered such a motion, the point of order was made, the Chair has sustained that point of order, and the gentleman from Colorado therefore has had his day in court and lost his case; and I submit that it is proper for the Chair to recognize me, I being temporarily in charge of the bill in the absence of the chairman of the committee, the gentleman from Virginia [Mr. JONES], to move the previous question on a motion to recommit, and bring this matter to a conclusion. I submit that under the precedents I am entitled to that recognition. The House can, of course, vote it down if it chooses.

Mr. MARTIN of Colorado. Mr. Speaker, can I read from the RECORD what the status of the motion is?

The SPEAKER. We have already found out what the RECORD says. What was the suggestion that the gentleman from Illinois [Mr. MANN] made? The Chair did not hear it clearly.

Mr. MANN. My understanding was that the gentleman from Colorado [Mr. MARTIN], when he offered his substitute, moved the previous question. I know he moved the previous question.

Mr. MARTIN of Colorado. Yes; and the Chair refused to entertain it, and the RECORD so shows. The Chair said, "I will entertain that motion in a moment," but he never did entertain it.

Mr. MANN. The RECORD shows this, on page 6523, by the Speaker:

The gentleman from Colorado moves the previous question on his substitute, which the Clerk will report.

The SPEAKER. The Chair thinks under the practice of the House that the gentleman from Tennessee [Mr. GARRETT] has the right of recognition to make the motion of the previous question. If the House does not want to order it, the House has its remedy, and that is to vote the motion down. The gentleman from Tennessee moves the previous question on the motion to recommit. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GARRETT. A division, Mr. Speaker.

The House divided.

The SPEAKER. On this vote the ayes are 38 and the noes are 41.

Mr. GARRETT. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 122, answered "present" 11, not voting 141, as follows:

YEAS—118.

Adamson	Edwards	Humphrey, Wash.	Pou
Ainey	Ellerbe	Humphreys, Miss.	Rainey
Alexander	Evans	Jacoway	Ransdell, La.
Ames	Faison	Kahn	Redfield
Austin	Farr	Knowland	Richardson
Barnhart	Finley	Lafean	Rothermel
Bartholdt	Fitzgerald	Langham	Sells
Bartlett	Fuller	Lee, Ga.	Simmons
Bell, Ga.	Garner	Lewis	Sims
Bowman	Garrett	Lloyd	Small
Broussard	George	McKellar	Smith, Saml. W.
Burke, Pa.	Godwin, N. C.	McKenzie	Smith, N. Y.
Burnett	Griest	McKinney	Stedman
Butler	Guernsey	Madden	Sterling
Byrnes, S. C.	Hamilton, Mich.	Malby	Sulloway
Byrns, Tenn.	Hammond	Mann	Taylor, Ala.
Callaway	Hardwick	Matthews	Thistlewood
Campbell	Hawley	Mondell	Towner
Cannon	Hayes	Moon, Pa.	Tribble
Catlin	Heald	Moon, Tenn.	Tuttle
Clayton	Heflin	Moore, Tex.	Underhill
Cline	Henry, Conn.	Morgan	Underwood
Crumpacker	Henry, Tex.	Morrison	Vare
Dalzell	Higgins	Murray	Vreeland
Danforth	Hill	Neeley	Wedemeyer
Davis, W. Va.	Holland	Padgett	Whitacre
Denver	Houston	Page	Wickliffe
Dickinson	Howard	Parran	Young, Mich.
Dies	Hughes, Ga.	Payne	
Dodds	Hull	Peters	

NAYS—122.

Adair	Dupré	Kent	Roddenbery
Akin, N. Y.	Esch	Kinkaid, Nebr.	Rubey
Anderson, Minn.	Estopinal	Kinkead, N. J.	Russell
Ayres	Fergusson	Konop	Sabath
Beall, Tex.	Ferris	Kopp	Sherley
Blackmon	Floyd, Ark.	Korbly	Slayden
Boehne	Foss	La Follette	Sloan
Booher	Foster	Lawrence	Smith, J. M. C.
Borland	Fowler	Lee, Pa.	Smith, Tex.
Buchanan	French	Lenroot	Speer
Bulkley	Gallagher	Lindbergh	Steenerson
Burleson	Good	Linthicum	Stephens, Cal.
Candler	Graham	Lobeck	Stephens, Miss.
Cary	Gray	McCoy	Stephens, Nebr.
Collier	Green, Iowa	Macon	Stevens, Minn.
Connell	Greene, Mass.	Maguire, Nebr.	Stone
Conry	Gregg, Pa.	Martin, Colo.	Sulzer
Cooper	Gregg, Tex.	Martin, S. Dak.	Sweet
Covington	Hamill	Miller	Talbott, Md.
Cravens	Harris	Moss, Ind.	Talcott, N. Y.
Cullop	Harrison, Miss.	Nelson	Taylor, Colo.
Curry	Harrison, N. Y.	Nye	Thayer
Daugherty	Haugen	Oldfield	Volstead
Davidson	Hayden	Pepper	Watkins
Davis, Minn.	Helgesen	Powers	Wilson, Pa.
Dent	Hensley	Prince	Witherspoon
Difenderfer	Hobson	Prouty	Wood, N. J.
Dixon, Ind.	Howell	Raker	Young, Kans.
Donohoe	Hughes, N. J.	Rauch	Young, Tex.
Doughton	Jackson	Rees	
Driscoll, M. E.	Johnson, Ky.	Robinson	

ANSWERED "PRESENT"—11.

Browning	Gillett	McGuire, Okla.	Sisson
Davenport	Hamilton, W. Va.	McMorran	Weeks
Fornes	McCall	Olmsted	

NOT VOTING—141.

Aiken, S. C.	Burgess	Currier	Gardner, Mass.
Allen	Burke, S. Dak.	De Forest	Gardner, N. J.
Anderson, Ohio	Burke, Wis.	Dickson, Miss.	Glass
Andrus	Calder	Doremus	Goeke
Ansberry	Cantrill	Draper	Goldfogle
Anthony	Carlin	Driscoll, D. A.	Goodwin, Ark.
Ashbrook	Carter	Dwight	Gould
Barchfeld	Clark, Fla.	Dyer	Gudger
Bates	Claypool	Fairchild	Hamlin
Bathrick	Copley	Fields	Hanna
Berger	Cox, Ind.	Flood, Va.	Hardy
Bradley	Cox, Ohio	Focht	Hartman
Brantley	Crago	Fordney	Hay
Brown	Curley	Francis	Helm
Hinds	Loud	Post	Stack
Howland	McCreary	Pray	Stanley
Hubbard	McDermott	Pujo	Stephens, Tex.
Hughes, W. Va.	McGillicuddy	Randell, Tex.	Switzer
James	McHenry	Reilly	Taggart
Johnson, S. C.	McKinley	Reyburn	Taylor, Ohio
Jones	McLaughlin	Riordan	Thomas
Kendall	Maher	Roberts, Mass.	Tilson
Kennedy	Mays	Roberts, Nev.	Townsend
Kindred	Moore, Pa.	Rodenberg	Turnbull
Kitchin	Morse, Wis.	Rouse	Utter
Konig	Mott	Rucker, Colo.	Warburton
Lafferty	Murdock	Rucker, Mo.	Webb
Lamb	Needham	Saunders	White
Langley	Norris	Scully	Wilder
Legare	O'Shaunessy	Shackleford	Willis
Lever	Palmer	Sharp	Wilson, Ill.
Levy	Patten, N. Y.	Sheppard	Wilson, N. Y.
Lindsay	Patton, Pa.	Sherwood	Woods, Iowa
Littlepage	Pickett	Slemp	
Littleton	Plumley	Smith, Cal.	
Longworth	Porter	Sparkman	

So the motion for the previous question was lost.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. PALMER with Mr. WILLIS.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JAMES with Mr. MCCALL.

Mr. PUJO with Mr. MCMORRAN.

Mr. ALLEN with Mr. LONGWORTH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. GOEKE with Mr. HOWLAND.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. BURGESS with Mr. WEEKS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. KINDRED with Mr. PORTER.

Mr. FIELDS with Mr. LANGLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. HARDY with Mr. OLMSTED.

Mr. HELM with Mr. RODENBERG.

Mr. WILSON of New York with Mr. ROBERTS of Nevada.

Mr. WHITE with Mr. ROBERTS of Massachusetts.

Mr. WEBB with Mr. REYBURN.

Mr. TURNBULL with Mr. PRAY.

Mr. TOWNSEND with Mr. PLUMLEY.

Mr. SPARKMAN with Mr. PICKETT.

Mr. SHERWOOD with Mr. PATTON of Pennsylvania.

Mr. SHARP with Mr. WOODS of Iowa.

Mr. RUCKER of Colorado with Mr. WILSON of Illinois.

Mr. ROUSE with Mr. WILDER.

Mr. REILLY with Mr. WARBURTON.

Mr. RANDELL of Texas with Mr. UTTER.

Mr. POST with Mr. SWITZER.

Mr. O'SHAUNESSY with Mr. NEEDHAM.

Mr. MCDERMOTT with Mr. MURDOCK.

Mr. LEVY with Mr. MOTT.

Mr. LEVER with Mr. MOORE of Pennsylvania.

Mr. KITCHIN with Mr. MCLAUGHLIN.

Mr. HAY with Mr. MCKINLEY.

Mr. GOODWIN of Arkansas with Mr. KENDALL.

Mr. GOLDFOGLE with Mr. HUGHES of West Virginia.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. DANIEL A. DRISCOLL with Mr. HANNA.

Mr. CURLEY with Mr. GARDNER of New Jersey.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. CLAYPOOL with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. FOCHT.

Mr. CARLIN with Mr. FAIRCHILD.

Mr. BROWN with Mr. DE FOREST.

Mr. BRANTLEY with Mr. CURRIER.

Mr. BATHRICK with Mr. CRAGO.

Mr. ANSBERRY with Mr. COPLEY.

Mr. ANDERSON of Ohio with Mr. CALDER.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

From May 3 for two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

From 4 p. m. to-day until May 23:

Mr. PATTEN of New York with Mr. MCCREARY.

Beginning May 23 for two weeks:

Mr. CANTRILL with Mr. LOUD.

From May 15 until May 25:

Mr. STANLEY with Mr. ANTHONY.

Until June 1:

Mr. THOMAS with Mr. HUBBARD.

Until June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. OLMSTED. Mr. Speaker, I would like to inquire if the gentleman from Texas, Mr. HARDY, voted.

The SPEAKER. He did not.

Mr. OLMSTED. I am paired with him, and I will change my vote from "aye" to "present."

Mr. SISSON. Mr. Speaker, may I inquire if the gentleman from Connecticut, Mr. TILSON, voted?

The SPEAKER. He did not.

Mr. SISSON. I desire to change my vote from "no" to "present."

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the substitute motion to recommit, which is on the Clerk's desk, and on that I move the previous question.

The SPEAKER. The Clerk will report the substitute motion to recommit first.

Mr. MANN. The gentleman can not ask for the previous question until the substitute is reported.

The SPEAKER. That is what the Chair just stated.

Mr. MANN. I did not hear the Chair.

The Clerk read as follows:

That the bill be recommitted to the Committee on Insular Affairs with instructions to report the same back to the House forthwith with the following amendments, to wit:

After the word "legislation," in the amendment inserted in line 6, page 2, strike out the words "either generally or as to any specific tract or tracts" and insert the following:

"But such legislation shall not go into effect or have the force of law until it has received the approval of the President, and when approved by the President it shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session it shall at the close of such period have the force and effect of law in the Philippine Islands."

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my substitute.

The SPEAKER. The gentleman from Colorado moves the previous question on the motion of the gentleman from Pennsylvania to recommit and the amendment thereto.

Mr. OLMSTED. Mr. Speaker, reserving the point of order, I will ask to have the motion again reported, as it was quite difficult to catch it.

The SPEAKER. Without objection, the Clerk will again report the motion to recommit.

There was no objection, and the Clerk again reported the motion to recommit.

Mr. OLMSTED. Mr. Speaker, just a word. I would like the attention of the gentleman from Colorado. If the gentleman from Colorado is willing to leave in the words "either generally or as to any specific tract or tracts" there will be no opposition to his motion.

The SPEAKER. Of course this is not debatable. Whatever is said is done by unanimous consent. The question is on ordering the previous question on the motion of the gentleman from Pennsylvania [Mr. OLMSTED] to recommit and the amendment of the gentleman from Colorado [Mr. MARTIN].

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment of the gentleman from Colorado to the motion of the gentleman from Pennsylvania to recommit with instructions.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now recurs on the motion to recommit with instructions.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Is not the motion upon the motion of the gentleman from Pennsylvania as amended?

The SPEAKER. That is correct. The gentleman from Colorado called it a substitute, but it is not a substitute. It is an amendment. The question now is on the amended motion of the gentleman from Pennsylvania to recommit with instructions.

The question was taken, and the motion was agreed to.

Mr. GARRETT. Mr. Speaker, by direction of the House, I report herewith the following bill as amended.

The SPEAKER. The gentleman from Tennessee reports back the bill with amendments, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 65 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"SEC. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the Government of the Philippine Islands and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands, unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government without regard to the extent of their said holdings."

With the following amendment:

Add at the end of the bill the words:

"But nothing herein contained shall be construed to increase the amount of friar land which any corporation may hold."

Also, after the word "legislation," in the amendment inserted in line 6, page 2, strike out the words "either generally or as to any specific tract or tracts" and insert the following:

"But such legislation shall not go into effect or have the force of law until it has received the approval of the President, and when approved by the President it shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session it shall, at the close of such period, have the force and effect of law in the Philippine Islands."

Mr. GARRETT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on either one of these amendments? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARRETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWNING was granted leave of absence for one week, on account of important business.

BUREAU OF MINES AND MINING.

The SPEAKER. This exhausts the right of the Committee on Insular Affairs, and the Clerk will call the next committee.

Mr. FOSTER (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up the bill H. R. 17260.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the Chair will ask the gentleman from Colorado [Mr. MARTIN] to take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

Be it enacted, etc., That the act to establish in the Department of the Interior a Bureau of Mines, approved May 16, 1910, be, and the same is hereby, amended to read as follows:

"That there is hereby established in the Department of the Interior a bureau of mining, metallurgy, and mineral technology, to be designated the United States Bureau of Mines, and there shall be a director of said bureau, who shall be thoroughly equipped for the duties of said office by technical education and experience and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall also be in the said bureau such experts and other employees, to be appointed by the Secretary of the Interior, as may be required to carry out the purposes of this act in accordance with the appropriations made from time to time by Congress for such purposes.

"SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to increasing health, safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries, and concerning explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

"SEC. 3. That the director of said bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.

"SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed in the mining, quarrying, metallurgical, or other mineral industries; nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation: *Provided*, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

"SEC. 5. That for tests or investigations authorized by the Secretary if the Interior under the provisions of this act, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

"SEC. 6. That this act shall take effect and be in force on and after its passage."

Mr. FOSTER. Mr. Chairman, this bill is intended to more clearly define the work of the Bureau of Mines and also extend the work of this bureau to some parts of the mining industry of the country to which it is thought it may not now apply. In 1910, when the bill was passed establishing a Bureau of Mines, the great object of that bureau was to look after the questions of safety and health of those who work in the mines. Along about 1909 and 1910 we had in this country some very great catastrophes in mines, notably in Pennsylvania and West Virginia, which called the attention of the country to the dreadful loss of life which was taking place in mines scattered here and there throughout the land. Those who were here at that time are familiar with the passage of that bill through the House and through the Senate. We believe that the establishment of this bureau has been of great benefit in improving the condition of the methods of mining, and I believe the Committee on Mines and Mining fully believe that with this improved bill they will be able to go forward and do even better work in the future than has been done in the past. For years and years the metal-mining industry of the West, which has afforded so much wealth to our country, felt that it was not properly treated when this Bureau of Mines was established, and so in the Mining Congress in Chicago last October they asked and expected that some changes would be made in this law which would be of more benefit to that industry in the West. Then it has been discovered that in the quarrying industries wherever they may be located there has been little said and little done, so far as the National Government is concerned, for the protection of life and health of the people who work there. It is shown that in the metal-mining industry that there is almost as great a loss of life as there is in the coal-mining industry of the country. They do not meet with the great loss of life at any single mine, but each day when mines are in operation somewhere there is loss of life. I have here a long list of those who have lost their lives in the quarrying industries of a particular State in the Union, and so it is thought that there could be a great benefit brought about if this bureau was permitted to give some attention to the quarrying districts of the country and be the means of saving human life, and they would be able to show how better methods could be put in operation that would result in the saving of lives in such industries of the United States. It is a well-known fact that in the coal-mining industry tuberculosis is not especially prevalent among the miners there, but it is a fact that in quartz mining and in quarrying there is some peculiarity of the breathing of the dust that comes from the quarrying and from the mine so that there is more tuberculosis developed by that kind of mining than there is in the coal mining. Now, these problems can be looked into, they can be searched out by the Bureau of Mines by those who are trained in their especial work, who can go out into the different sections of the country and be able to show how it is possible to conserve human life.

The Mining Bureau, since it has been started, has purchased some cars; they have established those in different sections of the country where there are mine-rescue stations, and whenever a great catastrophe has occurred, like a mine fire or an explosion in a mine, these cars, with their assistants, have gone to those mines and rendered whatever assistance was possible to relieve those who were entombed in the mine. In the State of Illinois, when the great catastrophe at Cherry occurred, I think it will be remembered that the Mining Bureau attendants—those who were employed—went there and helped to save a number of miners.

They have not only gone to these places in times of disaster, but these cars have been taken to the mining centers, wherever it was possible to reach them, with the appropriation that they have had and there instruct the miners in first-aid work, in what to do in case of explosions, fires, or any accidents occurring about the mines. And I want to say this, with due respect to all the operators of the country: That I think very little opposition has ever been offered by any operator against the employees of the Bureau of Mines going into the mines and pointing out whatever improvements could be made in the way of saving human life.

Mr. POWERS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. POWERS. I want to state that the mining operators in the district I have the honor to represent are very glad to have this mining car come and instruct the miners.

Mr. FOSTER. I think that is the case in nearly all instances in which they have gone to any mining center of the country. It is well understood that the Mining Bureau has no authority to go into any of the mines without the permission of the owners.

In the matter of explosives, the Mining Bureau has taken these explosives and tested them in reference to their safety, so that now it has gotten to be a fact that hardly any mine in the country will use any explosive without it is called a "safety explosive," or one of those which is called a "permissive explosive." Many explosives that the Mining Bureau examines are rejected for one reason or another as not being safe to be used in mines. I am glad to say, when these rescue cars go to mining centers that usually the miners are enthusiastic to learn what they can in reference to this work, and it is to their credit that in case of accident, where their comrades and those who have worked with them have met with an accident down under the ground, it is usually the case that these men want to rush in in the face of death to rescue those who have met with accident. You remember that there is a certain apparatus which can be used whereby these employees can go safely to the rescue of these entombed miners. They use what is called an oxygen generator, and then can walk into the mines where there are poisonous gases without being overcome, where, without one of them, a person would be able to travel but a little way within the mine. They have shown how these may be used, and I am glad to say that many of the mine operators of the country have bought this appliance and placed it where it is convenient in case of accident.

There is another great appliance that has been brought prominently into use not only in the mine-rescue work of the country, but in cases of asphyxiation from gases, which is known as the pulmotor. Some of you may have seen it, and no doubt all of you have read about it. By the use of this appliance, when a miner has been overcome by these poisonous gases, they can pump out the poisoned air and pump the oxygen in and restore him to life. And there are instances on record where a person appeared to be dead, and yet was brought to life by the use of the pulmotor.

So this class of appliances that have been used in the mine-rescue work, all that it has been possible to manufacture, have been bought by the governments of the world and by the mine operators. It is a well-known fact, shown by statistics, that in our own country a greater loss of life occurs in mining than occurs anywhere else in the world, and until 1910 the Federal Government practically did nothing to help stop this great loss of life. The bill which we propose to amend at this particular time, if the House so agrees, will explain more fully what is meant by the original act. There are some clauses in the original act which were possibly left undefinable, or at least there was a question whether they could do certain things or not. We have changed some of these provisions of the bill, more particularly explaining what is meant by the provisions of the bill which was passed in 1910. But the main object of this bill, as it was in the original act, is that the Bureau of Mines should still give special attention to the safety of the miners, improving the health conditions, and increasing the safety and efficiency and the economic development and the prevention of waste in mining, quarrying, and metallurgy.

Now, this is the province of the Bureau of Mines as it will be constituted under this bill. When we speak of waste in the country, of course, so far as this generation of people is concerned, it might be well stated that we will have all the timber that we will want, and therefore there ought to be no conservation in the forests of the country; that there will be all the coal

that is necessary for several hundred years. Yet I desire to call your attention to the fact that in 1880, with the coal that was understood to be in sight in the United States, we had estimated enough to last the people in this country several thousand years, and this estimated supply has gone on down until the present time, when it is estimated, with the increased consumption, so far as the United States is concerned, it is practically known where all the coal is located. The area is pretty well defined, and it is estimated what the amount may be. And it is estimated now that with the increased consumption of coal, and with the gas, and with the oil that has been discovered, the use of water power, and all that, with the increase of population, the coal that is in sight will last possibly 200 years, or a little more.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MONDELL. Who has estimated that the coal of the United States could be consumed under any circumstances in 250 years?

Mr. FOSTER. That is the increased consumption of coal as we get the increased population of the country by those who have made the estimates.

Mr. MONDELL. That is, some one has assumed that if you admit a certain increase of use according to a geometrical ratio there will be consumed in a given length of time—in other words, if we consume enough coal in 250 years to consume all the coal there is in the country, we would consume it all? That is all there is to it?

Mr. FOSTER. Of course nobody could speak definitely of that, but we do know the increase of population that has occurred in the last 50 years, and know with that increased population there has been also increased consumption of coal per capita in the United States which has been very material.

Mr. MONDELL. I do not want the gentleman to misunderstand me. I agree with the gentleman as to the propriety and advisability of conserving our fuel and not wasting it. But it does not seem necessary to raise any ghosts in that connection in order to bring the people to do it. The gentleman knows that in the State I have the honor to represent here, for instance, according to the reports of the Geological Survey there is a sufficient amount of coal to supply all of the people of the United States at the present rate of consumption for nearly 800 years.

Mr. FOSTER. Well, of course, those are estimates. The gentleman understands that nobody actually knows that for a fact. It is but an estimate of the amount of coal in the United States to-day and a calculation based on what it was 50 years ago and the increase of the consumption that has gone along, and the deduction is drawn that if the increased consumption continues in the future at the same rate it would consume possibly that coal.

Mr. MONDELL. I have heard that general statement made, and yet I have never known anyone to state the exact geometrical ratio of increase that would bring about in 250 years the consumption of the estimated amount of coal existing in the country.

Mr. FOSTER. I have not the figures as to that, but I have the figures of the increased consumption of coal per capita which has occurred in the last 25 or 50 years.

Mr. MONDELL. We all agree that we should conserve our fuel, but it does not seem to me to be necessary to quote as a fact a statement or suggestion that unless we do differently from what we have been doing all our fuel will be exhaused in a short length of time.

Mr. FOSTER. I simply mention that as an estimate made by men who are dealing in these matters all the time and not a question of fact. Of course I do not know, and I do not think the gentleman from Wyoming could say that that is not so. When we speak about a great amount of coal, when we say that so many thousands of tons or millions of tons are under the ground, of course it is merely an estimate.

Mr. MONDELL. Yes.

Mr. FOSTER. Yet if we have estimated 100,000,000 tons or 500,000,000 tons that are possibly under the ground, we must remember that in mining that coal under the present conditions there is a probability that only from 35 to 60 per cent is gotten out, and if we continue the present conditions and the present methods of mining that is all we will ever get out.

Mr. MONDELL. My suggestion is based on the present average amount of recovery—that with the present average of recovery and the present consumption the estimate is that in one of the States of the Union there is enough coal to supply all the population of the United States at the present rate of consumption for eight hundred and odd years. I think that is a very reasonable and conservative estimate. That is less than a tenth of all the coal on the public lands, without taking into consideration the coal held in private ownership. Of course, gentlemen may assume any rate of increase that pleases their fancy to assume, and by assuming a rate of increase high enough they can absorb the billions of tons of coal in the country within a comparatively brief period of time—in their imagination.

Mr. FOSTER. Of course, it may be imagination, and the gentleman's statement with reference to the deposits in Wyoming may also be tinctured with imagination.

Mr. MONDELL. I think the estimate is a fairly conservative one.

Mr. FOSTER. But these matters are not always in accordance with the estimates. I think the gentleman from Wyoming will agree with me that possibly the area of coal, so far as it is controlled by the United States to-day, at least in continental United States, is pretty well understood.

Mr. MONDELL. I think that is true, and I think we ought not to waste it. But the amount that we understand that we have is so enormous that there is no necessity of anyone getting excited as to the danger of a coal famine.

Mr. FOSTER. Not in the gentleman's time, unless he should live to the age of Methuselah.

Mr. MONDELL. As to the gentleman's bill, I should not want to feel compelled to support it simply on the theory that if we did not enact it we would have a coal famine in a few years.

Mr. FOSTER. No; I was just mentioning the necessity for the conservation of the coal supply of the United States.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I want to say that geology itself is not an exact science, and when you speak about the amount of coal in any State being sufficient to supply the needs of the country for 800 years at the present rate of consumption it is simply an estimate based upon the outlines or outcroppings of the geological formation and is not necessarily an accurate estimate. In other words, those who make those estimates have to draw on their imagination to just as great an extent as those who make the estimates of what the consumption will be in a given number of years, and it is simply on these two estimates, based upon such information as is available, that you arrive at your conclusion.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. Is it not a fact that wherever estimates have been made by the Geological Survey with reference to the coal supply the supply has always overrun the estimate? Is there any instance known in history where an estimate has been made in advance of the amount of coal, and when mined it did not exceed the estimated amount?

Mr. FOSTER. I do not know that I could state that is a fact, and I think my colleague does not know it to be a fact.

Mr. GARNER. The gentleman from Illinois is not much of a historian.

Mr. WILSON of Pennsylvania. I do not think it is true generally. I know some instances where the estimates of the geologists have not been reached in actual operations.

Mr. MANN. That is in some particular mine.

Mr. WILSON of Pennsylvania. In some particular field locally, where the amount of coal calculated to be present by the geologists has not been present when it came to actual operations of mining. That it is liable to variation is apparent. The same vein varies in thickness at different points, and if the different outcroppings show the vein to be thicker than the actual vein is in the body of the coal field, then the estimates will be larger than the actual amount of coal. If, on the other hand, the outcroppings show the vein to be thinner than it is actually in the body of the field, the estimates will be smaller than what is actually there.

Mr. MONDELL. Now, where the vein continues to outcrop for a considerable distance, the probability is that the outcropping is a good average indication of the average thickness of the vein.

Mr. WILSON of Pennsylvania. That is true, provided you are able to get a complete average throughout.

Mr. MONDELL. Yes.

Mr. WILSON of Pennsylvania. But in making a survey based on the outcroppings, you are only able to locate the thickness of the vein at various points along the outcrop.

Mr. MONDELL. The outcrop is just as likely to be at a thin point as a thick, and just as likely to be at a thick as a thin point in the vein?

Mr. WILSON of Pennsylvania. Yes. Sometimes the estimates based on the outcroppings show a larger amount of coal

than actually exists, and it is very frequently the case—more generally than otherwise—that the blossom of coal is, on the average, of a greater thickness than the vein itself.

Mr. MONDELL. The gentleman from Pennsylvania suggests that the estimates of the amount of coal now in the ground are no more likely to be accurate than the estimates of the future consumption of coal. I do not think the gentleman quite meant that, for the gentleman is an authority on these matters. The estimates of future consumption are the merest guesses in the world; they can not be otherwise, and the gentlemen whose business it is to keep us alarmed in regard to these matters—and I am not criticizing them, because it is perhaps well that we should be kept alarmed—have never been accused of lacking in imagination. On the contrary, referring again to my own State as a matter of illustration, there is no considerable difficulty in estimating, I think, with considerable accuracy the contents of our coal lands, because our coals generally outcrop on the surface over very considerable areas, and the crop lines run through the country often for miles, the deposits are generally reasonably continuous, and the locality of the coal deposit is well known.

In addition to that there are undoubtedly deposits that are not indicated by outcroppings at all, and as to those there is no estimate made. As to these veins which do crop there is no considerable difficulty in making a fairly accurate estimate as to the probable tonnage, and therefore these estimates of tonnage in a country like ours, where the veins are exposed in croppings, are in the main accurate, whereas the estimates of the future use are merely matters of imagination.

Furthermore, all these suggestions about the existence of coal fields is on the theory that we are never going to use anything for the production of heat and light and power but coal.

Mr. FOSTER. Let me call the gentleman's attention to the fact that within the last 10 years there has been developed a good deal of heat and light from water power, and we are using power other than of coal—that of gas and oil.

Mr. MONDELL. And we ought to use more.

Mr. FOSTER. And with all that increased use of other materials the consumption of coal has increased very materially.

Mr. MONDELL. That is true.

Mr. FOSTER. Another thing. When you come to estimate the amount of coal in Wyoming, which is very large, if you estimate 500,000,000,000 or whatever number of tons it may be in the ground in Wyoming, we know that to get the coal out under present conditions it probably means only 35 or 50 per cent of the amount.

Mr. MONDELL. I think in stating the estimates of the tonnage they are based not on the actual estimate of coal in the ground but on the estimated amount on the recovery basis on present operations.

Mr. FOSTER. Of course, the gentleman will understand that I do not mean to give the gentleman these figures as facts, but to use the expression, "It is stated that such is the case." I do not know that as a matter of conserving the coal of the country it is a matter of importance, and there may be all that is necessary for all time to come, but we have seen our timber fast disappear, and one time it was thought there was no end to the supply.

There is another matter that might prolong that, I will say to the gentleman, and that is that now, under the present conditions, we get from 10 to 14 per cent of heat units out of a ton of coal, but with an improved way of burning that coal we might increase that very materially, which would save the coal of the world.

Mr. MONDELL. Ah, now the gentleman is discussing a very practical and very useful sort of conservation, which this bureau is endeavoring to inaugurate and encourage.

Mr. FOSTER. That is one of the problems of the Bureau of Mines.

Mr. MONDELL. I did not intend to break in on the gentleman's very interesting discourse——

Mr. FOSTER. That is all right; I am pleased to yield to the gentleman.

Mr. MONDELL (continuing). Further than to say that I want to assist in the passage of the bill. I do not care to have my support of the bill based on the assumption that we are facing a coal famine and that we must do it in order to save ourselves from freezing to death.

Mr. FOSTER. I am glad that my genial friend from Wyoming can find plenty of other reasons for his support of the bill.

Mr. POWERS. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. POWERS. For a proper understanding of the gentleman's bill it does not make any material difference as far as the purpose of the bill is concerned whether the supply of coal will last 250 years or 1,000 years; this bill is intended for other purposes?

Mr. FOSTER. It is. It is intended to find out a more economical use of coal and all matters connected with the mining industry.

Mr. POWERS. For the purpose of improving health conditions?

Mr. FOSTER. That is the principal object, and should continue to be so.

Mr. POWERS. The thing I would like to know is what real difference it makes between the bill as it stands and the law as it now is?

Mr. FOSTER. It makes changes in the language which makes more specific the things to be done, defines more clearly the objects than the present act, and it does add something more in reference to the metal and to the quarrying industry of the country.

Mr. POWERS. It broadens the present scope of the law?

Mr. FOSTER. It broadens the present scope of the law to some extent, changes the language of the old law so as to say clearly what is intended and adds new language to enlarge the powers of the bureau, and it puts in one place a provision that was placed in the sundry civil bill of last year.

Mr. POWERS. Does it make any additional alterations so far as the coal-mining industry is concerned?

Mr. FOSTER. Oh, I think that is very much the same.

Mr. MILLER. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. MILLER. I do not know whether the question is proper at this point or not, as I have not been here all the time. I had occasion to make use of certain publications from the Bureau of Mines last year. To my mind they are among the most valuable documents that the Government is issuing, not even excepting the farmers' bulletin. I find that they are handicapped by not having sufficient funds to pay for printing the bulletins. At times they have been seriously handicapped and have been obliged to decline requests for a large number of publications. Has the gentleman provided in this bill any additional means for publication?

Mr. FOSTER. This bill could not do that.

Mr. MANN. What does the gentleman from Minnesota mean by being required to decline to furnish bulletins? Of course these are always obtainable from the superintendent of documents.

Mr. MILLER. But they were not published.

Mr. MANN. They will publish them if you ask for them.

Mr. MILLER. Oh, you can buy them, of course. But while we are sending out publications gratuitously that will do no one on the face of the earth or under the earth or above it any good, when we do get a valuable publication we ought to make it available to the people who can use it and who need it.

Mr. MANN. Mr. Chairman, if the gentleman is correct and we are sending out publications on a thousand and one subjects which do nobody any good, the first thing we ought to do is to stop and find out what they are and then stop them. I dare say the gentleman can not name any.

Mr. MILLER. The gentleman is not going to take the trouble, but I think there would be a consensus of opinion that my statement is correct.

Mr. MANN. I do not agree with the gentleman.

Mr. FOSTER. Mr. Chairman, I think the gentleman will realize that there are a great many bulletins which are published which would be of no service to the people whom he represents or to the people whom I represent, but in another part of the country they are of a good deal of benefit. Under our way of assigning bulletins to Members, however, the gentleman and myself and other Members get bulletins that are of no value to us at all, although they are of value to some people especially interested in the subject upon which they are published. I would say that in this bill we could hardly provide any means of printing bulletins, because that is a matter that would properly come under the sundry civil bill.

Mr. MILLER. I understand that the actual expense required for paying the cost of the publication would come in another bill, but I was wondering whether this bill could not contain phraseology authorizing the publication of certain bulletins.

Mr. MANN. The gentleman does not know the Superintendent of Mines, Mr. Holmes, or he would know that a thing of that sort would not be left out of any bill that Mr. Holmes prepared.

Mr. MILLER. I have had a good many talks with Mr. Holmes.

Mr. DALZELL. It is mandatory. It says:

That the director of the bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations—

And so forth.

Mr. MANN. And in section 2 it says that it shall disseminate information in such manner, and so forth.

Mr. MILLER. It does not designate the investigations to be made or the kinds of publications that may be published. It gives him authority in a general way to do this class of work.

Mr. MANN. If the gentleman will permit, it is impossible to comprehend how any broader authority could be conferred in that respect. As I said before, paying a tribute to Mr. Holmes, in the first place the bill contains a provision that they may disseminate information concerning these subjects—all the subjects that are embraced in the bill—in such manner as will best carry out the purposes of the act; and having done that, then they specifically require the publication of bulletins on all the subjects mentioned in the act.

Mr. FOSTER. Let me say to my colleague this: There has been some question as to whether or not the use of the term "dissemination of knowledge" would permit of the use of funds for the purpose of instructing miners in the mining centers of the country—as to whether a really strict construction of that law would permit them to do that.

Mr. MANN. But it authorizes them to publish bulletins, and that is what we are talking about.

Mr. FOSTER. Yes; but the gentleman was speaking about the first provision mentioned, namely, the dissemination of knowledge.

Mr. MANN. I know what they want is to have authority to go along and conduct schools wherever they please at public expense.

Mr. FOSTER. Oh, no. This work is only temporary.

Mr. MANN. Oh, certainly. That is provided for in the bill.

Mr. FOSTER. Oh, no; the gentleman is mistaken. What they do now, and all they expect to do, is, when they take these mine-rescue cars and go into the mining centers, where they get several hundred miners together, that they may be able to teach those miners the means of first-aid work, and what to do to make their condition safer in the mines. That is the only object of it. This work is only for starting the instruction, and it will then be carried on by the miners and operators.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Mr. Chairman, I supported the bill two years ago providing for a bureau of mines and mining. It has been in operation now a little less than two years. It is not usual after creating a bureau to undertake to change the organic law for its creation within a year or two. It certainly ought not to be done without giving some reason for it. I have listened to every word that has been spoken by my distinguished colleague from Illinois [Mr. FOSTER], who is very eloquent, but up to the present time I have not heard him say a word as to why the existing law is not sufficient and why he needs a new law which repeals the existing law and enacts a new law. It being a very unusual thing for Congress to create something one year and then entirely remodel it the next year, there ought to be some reason given for it. I have no doubt that there may be a very good reason, but I think it ought to be shown in the RECORD.

Mr. FOSTER. I will state to my colleague that we have incorporated in the bill a provision put in last year's sundry civil act, which is now the law, but we put it into this bill. Then, as I have said before, we have enlarged the scope of the bill to apply to other mining industries and have more clearly defined the objects of the original act.

Mr. MANN. Of course that can not be the purpose of this bill—to stick in something that is already the law. What is the purpose of this bill? Can anybody explain it except Mr. Holmes? He can not come on the floor.

Mr. FOSTER. If the gentleman will wait a minute I will do the best I can to explain to him the proposed changes in the bill.

Mr. MANN. Oh, I have been waiting patiently and will continue to wait with interest.

Mr. FOSTER. I will state that the gentleman talks about Mr. Holmes——

Mr. MANN. I have not said anything derogatory of Mr. Holmes.

Mr. FOSTER. Oh, no; but the gentleman's phrase, I take it, is not particularly favorable to the gentleman who occupies the position of the Director of the Bureau of Mines.

Mr. MANN. I do not know anybody who is his equal.

Mr. CANNON. Suppose he should die?

Mr. MANN. Then, this bill would have died if he had died.

Mr. CANNON. Suppose he had "passed in his checks," had died, what would have become of the bill?

Mr. SABATH. What does the gentleman mean by "passed in his checks"?

Mr. CANNON. Oh, my dear colleague knows. [Laughter.]

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KOPP. I notice that the present law provides among other things that the duty of the bureau shall be to make diligent investigation of the methods of mining, with an idea to the improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances. Has this bureau conducted any investigations along any of the lines I have indicated in any mines other than coal mines?

Mr. FOSTER. I think very little.

Mr. KOPP. Why is it that they have been giving their "special" attention exclusively to coal mines when there are lead and zinc mines in Missouri, Oklahoma, Wisconsin, and many other States in which thousands of men are employed, where accidents are not perhaps so frequent as in coal mines but where hundreds of millions of dollars have been invested the same as in coal mines? Why is it their investigations have been conducted mostly in regard to coal mines?

Mr. FOSTER. When this bureau was first established it was the understanding of Congress and I think the understanding of the Secretary of the Interior and officials of the Bureau of Mines that their special duty was at that time to look particularly after the safety of the miners, so they have given more attention to that feature of the work than to any other. Then, of course, all the appropriations they have had have been used in that way. This Bureau of Mines, as you will understand, makes all the tests of the coal of the Government, some fourteen thousand a year now, and that has required all the money they have had, and it has been a question how far they can go so far as the examination of metal mines is concerned.

Mr. KOPP. Then the fact is they have never exercised the jurisdiction they have to make investigations of the methods of mining and the improvement of conditions under which mining operations are carried on other than so far as life is concerned, and in regard to the treatment of ores and other mineral substances they have made no investigation along those lines?

Mr. FOSTER. Very little.

Mr. KOPP. And the only reason has been they——

Mr. FOSTER. Well, it is a question of whether they have a right to go into that feature of the work.

Mr. KOPP. I am reading from the present law; it seems then it is useless to add to it.

Mr. FOSTER. They have not had sufficient funds to do that in the first place if they had all this authority.

Mr. KOPP. Is there any question about the authority they have, in the gentleman's judgment?

Mr. FOSTER. I do not know whether there is or not, but it has been thought there ought to be no doubt as to the right to do so.

Mr. KOPP. Does the gentleman seek to enlarge that authority in the present bill?

Mr. FOSTER. That is what we want to do.

Mr. TAYLOR of Colorado. If the gentleman will permit, I think I can possibly answer that question. I am a member of this committee, and that is really one of the principal objects of this bill, because now the Appropriations Committee and the Attorney General's Office and others have determined that the present law is not broad enough to take in an investigation of the zinc and lead mining industries and the metalliferous mining industries of the country, and if it is necessary to enlarge the law as it seems to be we should make this modification, giving the bureau that jurisdiction, and we hope hereafter to receive some recognition in the metal-mining industry of the country from this bureau.

Mr. KOPP. Is the gentleman from Colorado prepared to say what the Attorney General held in reference to metal mining?

Mr. TAYLOR of Colorado. No; I am not. If the gentleman will read the report of the Department of the Interior on that subject, I think it will virtually give you the idea—it is page 2 of the report—that the present law is hardly sufficiently broad to authorize the very object for which the bureau was created. That is one of the principal objects we are trying to accomplish.

Mr. SABATH. The chances are the investigations were not conducted in the zinc and lead mining industries because of the fact that most of the lead and zinc mines are in Democratic States, like Missouri, Kentucky, and Colorado and other States where the State legislatures have protected the miners better than in any of the other States. Is not that perhaps one of the reasons?

Mr. FOSTER. Oh, I would not think so; my colleague is hardly justified in thinking that way.

Mr. SABATH. I was under the impression that one of the reasons that those mines did not need to be investigated was

because the laws of those States protected all the miners better than in the rest of the States.

Mr. BOWMAN. Not to the degree that the State of Pennsylvania does.

Mr. POWERS. Not any great protection in the State of Kentucky, I am sorry to say.

Mr. FOSTER. I will say, Mr. Chairman, that we have changed the name from the Bureau of Mines to the United States Bureau of Mines simply as a distinction between the State bureaus and the United States bureau.

Mr. MANN. Of course that raises a very interesting proposition. Does the gentleman know of any other branch of the service that is named that way?

Mr. FOSTER. We now have the United States Geological Survey and the National Bureau of Standards.

Mr. MANN. Does the gentleman expect that we start in and call every bureau of the Federal service United States bureau so and so?

Mr. FOSTER. There can be no question about a United States Bureau of Mines in contradistinction with the State bureau of mines.

Mr. MANN. There is not now. All the bureaus of the Government that have a title usually put after the title, "Bureau of the United States," but this requires the name to be a part of the title, and that is not common and certainly ought not to become common.

Mr. FOSTER. That is the only reason it is put in, to make a distinction between Federal and State bureaus.

Mr. MANN. We have a Bureau of Chemistry, a United States Bureau of Chemistry, and we have 40 bureaus here in Washington, or more.

Mr. FOSTER. As I say, it is simply to make that distinction and, as far as I am concerned, I do not know that it makes much difference, except it does show the distinction.

Mr. MANN. There is nothing to prevent this bureau calling itself a Bureau of Mines and adding on of the United States. We might as well say House of Representatives, as there are houses of representatives in every State in the Union; then why should not we say United States House of Representatives?

Mr. KOPP. Be that as it may, I also call attention to the fact in the first section it is referred to as the United States Bureau of Mines, while in sections 2 and 4 and everywhere else it is referred to simply by the old name of the Bureau of Mines.

Mr. FOSTER. We simply used United States Bureau of Mines in the first section to give the bureau that name.

Mr. KOPP. If that is the complete name, does not the gentleman think it ought to be used all the way through the bill?

Mr. FOSTER. I hardly think so.

Mr. KOPP. They might think it is the bureau of mines of some State in sections 2, 3, and 4, as the gentleman suggested. They would have reason to think two different bureaus were being referred to if you put in section 1 the United States Bureau of Mines and subsequently a Bureau of Mines. According to the reason that the gentleman has given, it might be said that some other bureau was being referred to, and it seems to me he ought to use the same name in each section.

Mr. FOSTER. Possibly so, but I do not think it necessary.

Mr. MANN. Does not the gentleman think we should fix a United States Bureau of Mines in the United States Department of the Interior?

Mr. FOSTER. Oh, I should think not. The gentleman, I take it, is not serious in his criticism.

Mr. MANN. But they have departments of the interior in other places.

Mr. FOSTER. The gentleman may be right. I agree with the gentleman that that will not be necessary. I think the gentleman is possibly too hypercritical on that subject.

Mr. MANN. I maintain that we shall not undertake to change the bureaus in Washington. If we do it in one case, we shall have to do it in others.

Mr. FOSTER. I will say to the gentleman that is the only reason we put it in, that there might arise some misunderstanding as to the name "Bureau of Mines," on account of the States having established bureaus of mines.

Mr. MANN. I think these bureaus would be usually referred to as "Bureaus of Mines of the United States."

Mr. MONDELL. Will the gentleman allow a suggestion? As the object is to clearly differentiate this bureau from the State bureaus, would it not be proper to use the word "Federal," if any distinction is necessary? We have what is known as a "National Reclamation Service," and the word is used when there is any necessity of distinguishing it from State bureaus. If there is any necessity of using a distinctive word, it seems to me the word "national" would be the proper one, or the word "Federal," if the word "national" is not used.

Mr. FOSTER. That is the only reason that distinction was put in there.

Mr. CANNON. Will the gentleman allow me?

Mr. FOSTER. Yes, sir.

Mr. CANNON. I have been advertised as being one with other wicked men who have been against this service, and if the gentleman will allow me to state, I have never had anything to do directly or indirectly touching the opposition or the establishment of the Bureau of Mines. At the time it was established I was Speaker of the House and quite busy with the general duties that pertain to that position. Now, we have a great deal of public service touching public health. We have the Marine-Hospital Service and we have the Army and Navy Medical Service that make investigations through these various legally organized instrumentalities touching health. We have also a Geological Survey in the Department of the Interior. We have a Bureau of Standards under the Department of Commerce and Labor. We have a Mining Bureau. Let me say that I have a slight acquaintance with the director of that bureau, and I have rarely met a man who, in my judgment, is so efficient along the line of public service as he is. [Applause.] I have met others, and there will be others, when he and I and you are dead and gone, equally competent. So I make this remark as a basis for asking two or three questions. In a hasty reading of the bill, it seems to me that it authorizes largely a duplication of the work done by the Geological Bureau. It seems to me to duplicate the work done by the Bureau of Standards. Now, my colleague is not in favor, I feel quite sure from what I know of him, of duplicating work. For instance, in section 2, amongst other things, commencing with line 11, down to and including line 24—

Subject to the direction of the Secretary of the Interior, this bureau is authorized to conduct inquiries and scientific and technologic investigations concerning mining—

That authority already exists, as I understand it—

and the preparation, treatment, and utilization of mineral substances—

That is, all mineral substances. Perhaps there is no authority to go beyond coal mining under the present law. But now mark the words—

with a view to improving health conditions and increasing safety—

Now, all of us are in favor of health and in favor of safety. Further—

efficiency, economic development—

You see these are pretty general terms and cover the whole field practically so far. And there is still more to follow—

and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries.

That is pretty broad. Waste? That would authorize chemical laboratories. It would authorize the employment of experts. Further:

To investigate explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use.

That is already being done by the Bureau of Standards.

Mr. FOSTER. I will state to my colleague the work of this bureau is confined to the unfinished products.

Mr. CANNON. Will the gentleman allow me to complete my statement?

Mr. FOSTER. Surely.

Mr. CANNON. Because I am doing it in good faith.

Mr. FOSTER. Certainly.

Mr. CANNON. And it says:

And to disseminate information concerning these subjects in such manner—

And so forth. And then when you go to section 3 we have, in substance, the same thing, and part of section 3, I think, is already covered by the present law. Then, again, in section 4, touching health, touching all the metal industries, and so forth, it says:

Provided, That nothing herein——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. CANNON. I think the gentleman's time ought to be extended to such time as he may desire.

Mr. MANN. Mr. Chairman, I ask that my colleague be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois, Mr. MANN, asks that his colleague, Mr. FOSTER, be permitted to conclude his remarks. Is there objection?

Mr. AUSTIN. I wish to amend that suggestion by giving the gentleman from Illinois [Mr. FOSTER] an additional hour, if he needs it.

Mr. FOSTER. I do not need it.

Mr. AUSTIN. Then I withdraw my motion.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. There are those things in general terms that would authorize investigations—I was going to say in the legal world, but certainly in the medical world and the surgical world—and touching the waste in all mineral industries.

In fact, it is broad enough, it seems to me, to cover pretty much everything in the industries, including all mineral industries, quarrying, and everything else, and health generally. And then comes this proviso:

Provided, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

Now, in my judgment, with the broad authority there given if this legislation is enacted, the bill ought to go further and repeal the law authorizing the Bureau of Standards, a great plant, running into the millions, to transfer everything connected with the Bureau of Standards from the Department of Commerce and Labor to the Department of the Interior, and it ought also to abolish the Geological Survey, and I am not sure but that, so far as it duplicates a general investigation touching health—because that covers the whole field—the activities concerning health covered by the Bureau of Public Health and Marine-Hospital Service might also be transferred. We already duplicate in large part many of the matters that I have referred to, and this Bureau of Public Health and Marine-Hospital Service in that respect is analogous, as I understand it, to the existing law touching the Bureau of Mines. It may be that it would be wise to do that. About that I have no opinion and do not express any prejudice. But it seems to me that in giving that additional authority we ought to consolidate the various services that are being duplicated by this measure.

Now, to set everybody's mind at rest, I do not make the remarks, somewhat extended, in the shape of a question, through the courtesy of my colleagues, in a criticizing spirit, but in the best of faith, for the benefit, if it be a benefit, of anybody touching the public service.

Mr. FOSTER. I would like to say a few words in reply to my colleague. I want to say that I think my colleague has a wrong impression, a wrong idea, as to what the province of each of these bureaus are. I am sure that when he stops to think and consider concerning this bill he will see that there is not any duplication of work here. For instance, as to improving health conditions, I want to say that in the Bureau of Mines there is now detailed from the Bureau of Public Health and Marine-Hospital Service an expert surgeon, who is examining into the health conditions in reference to mines. For instance, in some States it has been determined that the hookworm is contracted by people who work in the mines; it has been found that that condition exists in the mines; so that this surgeon, who is detailed to the Bureau of Mines to examine into those matters, is not employed by the Bureau of Mines, although he is working under its direction. He is cooperating with the mining engineers of the Bureau of Mines. He is studying health conditions and the mining engineer is endeavoring to determine what changes in the mining methods and operations can be made to improve these health conditions and make the mine safer.

Again, by section 2, for instance, inquiries and investigations are authorized concerning the utilization of mineral substances with a view to improving health conditions. That comma should be taken out between the words "health" and "conditions." These inquiries are designed to increase "the safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical industries; to investigate explosives and fuels and unfinished mineral products belonging to or for the use of the United States." As to this section it has been suggested by the Secretary of the Interior that an amendment should be placed after the word "States," in line 22, page 2, in somewhat this form: "With reference to the mining treatment, preparation, and use."

There might be some difficulty there, as suggested by my colleague, but the Secretary of the Interior has suggested in a letter to Senator POINDEXTER that that language ought to be placed there, so that there could be no question about it, in reference to the mining, preparation, and treatment, because it is not the duty of the Geological Survey to have anything to do with the mining of ore. They have nothing to do with that. The language placed there, in line 22, "with a view to the most efficient use," might be stricken out and these words inserted in lieu thereof: "In reference to their mining, treatment, and use." That would obviate any possibility of the language being construed so that it would duplicate any work already being done by the Geological Survey. That is the opinion of the Secretary of the Interior, and it was the intention, so far as I am concerned, to offer such an amendment. The language of this bill is satisfactory to the Secretary of the Interior and the Director of the Geological Survey and they do not believe there would be any duplication of work.

Now, as to improving health conditions, the Bureau of Mines does not employ physicians, and will not under this bill, except as I have stated to the gentleman from Illinois, but it is expected that the employment of such experts might result in showing how to keep out gases and instituting better methods of ventilation and keeping down the dust that arises in the quarries and in the quartz mines, which has proven to be so injurious to the men who work there. It is not the intention to go and look after the general health or physical condition of all miners, but only such conditions of ventilation, and so on, as will improve the health of the miners. It will develop facts and principles, but it will not examine all mines. It will only examine enough mines to develop the principles and suggest remedies. That is the intention, so far as I understand it. The committee has endeavored to so word the bill so as to avoid duplicating the work of the Bureau of Standards. This bill would not authorize the Bureau of Mines to investigate finished manufactured products nor structural materials, nor any of the work authorized by the Bureau of Standards. There is no provision that permits any such duplication.

Mr. CANNON. I am in exact harmony with that intention, but I submit again to the gentleman the suggestion that the language on lines 24 and 25 on page 3 and on lines 1 and 2 of page 4 is pretty sweeping.

Mr. FOSTER. I will state that I desire to hear whatever just criticism can be made of this bill.

Mr. CANNON. I am acting in the best of faith, and I think my colleague from Illinois is.

Mr. FOSTER. I want this bill enacted into law in the best shape possible, so this bureau may do still better work, and I think my colleague does, too. The proviso, beginning on line 23 of page 3, is:

That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

Now, it was thought that in the original act this could be done by the permission of the Secretary of the Interior; but the restrictions placed in this section would prevent the bureau from employing any temporary help or one who owns any interest in any mine even in a consulting capacity for only a limited time. I think it is desirable to have the right to employ such assistance for a little time, but, of course, I would not want to see any abuse of this provision any more than any other Member and do not think there would be.

The Comptroller of the Treasury and auditor have decided that under this provision of the law now they have a right to do that, but for fear that there might be some question arise some time, we thought that there should be no doubt about it.

Mr. SHERLEY. Right there, did not this Congress within the last three years expressly prohibit the employment of such experts because of the abuse that grew out of it, and has it not been the policy of the Government that men that work for it should work for it alone and not pay special fees to men whose work was nine-tenths in some other business? The result of such employment was that the expert used his position to start a backfire on Members of Congress. You got hold of a professor in the State college who received a salary of $3,000 or $4,000 for doing work for the State college, and then he was called in in a consulting capacity and paid a few thousand dollars extra, and incidentally his whole influence was used to build a backfire. That practice was exposed on this floor.

Mr. FOSTER. I agree with the gentleman that there ought not to be any abuse of such a provision.

Mr. SHERLEY. But you are expressly providing for it here.

Mr. FOSTER. I know we are providing for the employment of temporary experts, but I want to tell the gentleman why we provide for it, so that I may conclude what I have to say on this bill.

Mr. SHERLEY. I not only want the gentleman to conclude, but I am willing to provide that he must conclude. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, there is a good deal of confusion in the House, and I have not been able to get the full force of everything that has been said on this subject in the colloquy over there that has been going on between the gentlemen now discussing it.

Mr. CANNON. Might not Mahomet come a little nearer to the mountain? There are lots of seats here. [Laughter.]

Mr. CAMPBELL. The gentlemen from Illinois all seem to have heard each other.

The CHAIRMAN. The Chair feels constrained to state that the gentleman from Kansas has caused the only disturbance that has come to the ear of the Chair since this debate began.

Mr. CAMPBELL. That means, I suppose, that what I have said is all that the Chair has been able to hear. [Laughter.]

The CHAIRMAN. The Chair means to say that the gentleman has made the only noise that has been made in the Chamber since the debate began.

Mr. FOSTER. Mr. Chairman, in the work of the Bureau of Mines it has been necessary sometimes to do some special work and to employ some outside help. For instance, there might be in Pennsylvania or West Virginia or Illinois some serious accident which they would want to specially investigate. There might not be in the department such a man who could go out and do that special work at that particular time. Now, the object was, and it has been held by the comptroller, that the Bureau of Mines might employ experts outside of the regular employees of the bureau—some one to do that special work. The committee has proposed to place an amendment in the bill making the compensation of this person not to exceed $10 per day. It is sometimes necessary to do that, and it has been done, especially in a new bureau like this, where it is more than necessary for the best interest of the work and for economical reasons.

Mr. SHERLEY. If the gentleman will permit, that was the device used for this particular extra compensation. The per diem was fixed, but the number of days was determined by the bureau employing the man, and there was not any way by which you could say how much work was done on these different days, and it simply resulted in giving some man who was doing nine-tenths of his work for some educational institution an opportunity for outside compensation, and, incidentally, enlisting him in the activities of the bureau. It developed in that case that correspondence went not only to Members of the House but to various other people, with the object of creating further activity in the department. It is a natural thing for a man that feeds on a bureau to see to it that that bureau is kept going.

Mr. FOSTER. I think the only object of this section is, as I have said, to make it possible that the Bureau of Mines for a little time might be able to employ some outside help, and I hardly think, with the limitation, it will be abused.

Mr. SHERLEY. I am not questioning the object, but pointing out the possible abuse.

Mr. FOSTER. They may want at times a special man for a special purpose, and I think the gentleman from Kentucky is unduly alarmed.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. In reference to that proviso, would that authorize the employment of these experts in the District of Columbia where the law otherwise provides that they can not be employed in the District unless specifically appropriated for? The gentleman will remember that we carried in the legislative bill the other day a provision which would render a man subject to fine and imprisonment and removal from office if he made a mistake in reference to the construction of a provision like this. I think it would be fair, therefore, if the gentleman in charge of the bill would express his opinion as to whether this does authorize the employment in the District of Columbia of one of these experts.

Mr. FOSTER. In view of that provision placed in the bill, I do not think that without the special appropriation it can be done.

Mr. MANN. This says that nothing shall be construed as preventing the employment by the Bureau of Mines. Does the engineer who is employed have to remain outside the District or can he come inside?

Mr. FOSTER. Under that provision of law I do not think he could, and, further than that, the Bureau of Mines investigates or tests coal for the Government. I think with this provision of the law that was placed in the legislative bill the Bureau of Mines, without special appropriation, will be unable to employ men in that work in the District.

Mr. SHERLEY. But there is an express provision that authorizes that.

Mr. MANN. That law is many years old. The legislative bill only fixed the penalty. As a matter of fact, has not the Bureau of Mines employed experts in the District of Columbia already out of the lump-sum appropriation?

Mr. FOSTER. I do not know that it has.

Mr. CULLOP. There is nothing in this bill that says anything about employing men outside of the District of Columbia. All this provides is that it shall not be a person connected with the bureau. The place of residence of the person is not fixed by the provisions of the act.

Mr. MANN. But there is a law that prohibits the employment of any person in the District of Columbia unless an appropriation specifically authorizes it. That does not mean that the appropriation has to name that person. It may be for something that requires employment in the District. We carried a provision in the legislative bill the other day requiring the officer in charge of an appropriation to determine at his risk—the risk of removal from office and of fine and imprisonment—to determine whether the appropriation authorized it or not. Now, does this act change the existing law and authorize employment in the District of Columbia?

Mr. CULLOP. With all due respect for the opinion of the gentleman from Illinois on the proposition to which he refers, I do not think it could ever be construed in such a drastic way as the gentleman has construed it.

Mr. MANN. I am afraid that the gentleman has not read it.

Mr. CULLOP. Yes; I have read it, but it could not be construed as broadly as the construction the gentleman has placed upon it.

Mr. MANN. The provision in the legislative bill the other day did not require construction. It plainly provided for removal from office, fine, and imprisonment.

Mr. CULLOP. Yes; but that would require it to have been carelessness, or a willful mistake. An honest mistake would not be visited with such a penalty as that.

Mr. MANN. That is not the opinion of the Department of Justice.

Mr. SHERLEY. Mr. Chairman, will the gentleman from Illinois [Mr. FOSTER] yield?

Mr. FOSTER. Yes.

Mr. SHERLEY. If this should be enacted into law, it becomes the latest law. You herein expressly provide, just as if you had written into it "any previous law to the contrary notwithstanding," that nothing shall be construed to prevent the Bureau of Mines from employing anybody not in the regular employment of the bureau to do special work. There is no provision limiting the employment as to person or to place, but provided that the man be employed for the purpose of special investigations, then he may conduct them, not only in the District of Columbia, but in the Directors Office of the Bureau of Mines in the District of Columbia, if need be, and you have made it just as wide as it is possible to make it by the use of the English language, in my judgment.

Mr. FOSTER. The only intention of this provision is that it would enable the Bureau of Mines at those special times when it may be necessary to employ an expert not connected with the bureau and this is only general and the special provision would apply.

Mr. SHERLEY. I am not questioning the good faith of the committee, or even of the bureau, in suggesting this, but I am calling to the attention of this Committee of the Whole the experiences that this House has had where Congress has heretofore on the same assumption that a thing would not be abused, given such powers, and after a few years it has developed that a particular bureau was abusing the power thus given to feed a lot of people out of the Government Treasury, who really belonged to other organizations.

Mr. FOSTER. I am sure I am just as strictly opposed to anything of that kind as the gentleman from Kentucky.

Mr. SHERLEY. I understand the gentleman is opposed to it, but opposition is of no value unless it is accompanied with a desire to restrict legislation so that the abuse can not take place.

Mr. FOSTER. But I want to say that it is absolutely necessary as a matter of economy to the Government that the Bureau of Mines be able to do this for a time. Whether such a thing would be abused is another question. I do not know and neither does the gentleman from Kentucky.

Mr. SMALL. Mr. Chairman, I should hesitate to differ with the gentleman from Kentucky [Mr. SHERLEY], but it seems to me that his construction of this language is not correct. The general statute to which the gentleman from Illinois [Mr. MANN] referred is the statute preventing the temporary employment of experts while, say, within the District of Columbia. This language authorizes the employment of experts in a consulting capacity or in a temporary way generally without specifying where they may be employed. Therefore, I think the construction of this language in connection with the existing statute would be this, that it would not in terms or by implication repeal the existing statute, but would be construed in connection with it and authorize the employment of experts outside of the District of Columbia.

Mr. SHERLEY. Mr. Chairman, speaking for myself, I am just as much opposed to employing them outside as I am here. I think it is a bad, vicious system. I believe we ought to have

men working for the Government only. They ought to have no divided allegiance. No man can serve two masters. It has been abused in the past, and in the future it will be the means for giving certain favors to a few people under the guise of getting special work done, and thereby getting certain local influences scattered over the country to work to build up a sentiment in regard to a particular kind of work. That has been its history in the past, and I believe will be its history in the future.

Mr. SMALL. That is a difference between the gentleman from Kentucky and the chairman of the committee as to the merits of the proposition. I understood that the committee had concluded it was important to permit the employment of experts in accordance with the provisions here. The gentleman from Kentucky thinks that it is an unwise provision. So far as the difference upon the merits is concerned, I would be inclined to follow the committee that had investigated the matter.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, it ought not to be lese majesty to differ with the committee, and, in the second place, the gentleman from Kentucky is not speaking altogether ill advisedly. I suspect that we have had as full, and certainly more recent, hearings from the Director of the Bureau of Mines before the sundry civil subcommittee than was had upon this bill.

Mr. SMALL. The thought I was addressing myself to particularly was the question of the construction of this statute which has been brought before this House, and, as I assume to say, I think the proper construction of this language in connection with the existing law would not in terms or by implication repeal the existing law, but this would be construed in connection with existing law and permit the employment of experts in the District of Columbia as the existing law provides.

Mr. CULLOP. Just on that point I would like to call the attention of the gentleman from Kentucky, because I am somewhat with his contention, why could not we limit it by some amendment which would avoid the very difficulty here and which might arise again under the provisions of this bill, such as the location of persons, designating a certain territory from which such person might be selected if one was required, and the conditions under which he should be called. For instance, if it were out in your territory—you have large mining interests there—some person could be designated from the agricultural college of that State; or if in Indiana, some person from the agricultural college of that State; or in Pennsylvania, some one from there; and by that means the very difficulty that the gentleman from Kentucky has spoken of might not occur in the administration of this measure.

Mr. FOSTER. I think the gentleman may be right about that. For instance, if an accident occurred in a certain part of the country, if a man could be selected who is doing special work there, it will find it much more economical for the Government to employ an expert that is acquainted with a given mine or with certain conditions, and he can do that work possibly in two or three days, than to have one of these experts kept continually in office. Now, usually these mining engineers who do this special work are not anxious to do it for $10 a day.

Mr. RAKER. As I understand the suggestion made by the gentleman from Kentucky, his principal objection is as to the policy of permitting anyone outside the bureau to be employed. He is not discussing, as I understand it, whether or not this could not be provided for, because it can be very easily and readily provided for by making an exception, except in the District of Columbia. I understand the opposition is to the policy of permitting any employees outside of those belonging to the bureau.

Mr. HOWELL. It seems to me that in this discussion there is one thing that has been overlooked, and that is there should be some modification of the language immediately preceding it:

> Nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation.

Now, in some cases it may be necessary to employ a man who is interested in a mine. He may be the very person who ought to be employed and who knows more about the conditions of the mine than anybody else, and this provision imposes a limitation upon the employment by the Bureau of Mines of anyone having an interest of that kind. The purpose of the modification merely is to permit the Bureau of Mines under some conditions to employ a person who might have an interest in a mine in some locality.

Mr. SHERLEY. Does the gentleman think we ought to employ a man who has an interest in a mine to make an investigation of that mine?

Mr. HOWELL. It might be necessary in some localities to employ an expert who has some interest, some stock or something of that kind, but he would be a man who understood the character of the mine and have such information that he would be the best man for the purpose.

Mr. FOSTER. It is not that they should employ some expert to examine a mine, but the provision is that no person who is employed by the Bureau of Mines shall own any stock of any kind or have any interest in any mine. Now, the intention of the provision is, for instance, one mining engineer might own stock, say, in a mine over in Pennsylvania, and if there was not some provision of that kind you could not employ him to work in the State of Alabama. This will simply give the right to employ an engineer who owned some stock in Pennsylvania to do some work, for instance, in the State of Alabama.

Mr. HOBSON. If the gentleman will read very carefully, it says:

> Nor shall the director nor any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation.

The expert temporarily employed would not, in my judgment, come under the definition provided here as a member of the bureau. He would be employed by the bureau temporarily, and he would not be prohibited under those words, in my judgment; and I do not see the obstacle suggested by the gentleman.

Mr. HOWELL. The proviso is intended to guard that, that no person in the employ of the bureau might be construed to be a member of the bureau.

Mr. HOBSON. I should not think so. I should not think a person employed should be a member, otherwise many of our bureaus here would have thousands and hundreds of thousands of members.

Mr. FOSTER. I think the law as construed means only those who are regularly employed by the bureau.

Mr. HOBSON. Designated in the appropriation.

Mr. FOSTER. Those only are members of the bureau.

Mr. HOBSON. I do not think the gentleman's objection is good.

Mr. LEWIS. Will the gentleman yield for a question? We have now something in the nature of a Bureau of Mines and Mining, I believe. Will the gentleman advise me as to whether in the past the agents of the bureau have investigated gas explosions that have occurred in the different States; and, if so, have they, as a result of their investigations, assigned the responsibility and the cause of those accidents?

Mr. FOSTER. I will yield to my colleague from Pennsylvania to answer that question, who has better knowledge on that particular subject on account of his large practical experience as a miner.

Mr. WILSON of Pennsylvania. Mr. Chairman, I will say to the gentleman that the bureau has investigated the conditions existing in mines after explosions have occurred, but they have never undertaken to place the responsibility of those explosions, the bureau assuming that that was a duty devolving upon the States and not upon the Federal Government; that their duty was to find out, so far as they could, the cause of the explosion so that they might devise methods of prevention, and that it was not their duty to place the responsibility for the explosion. I may say further, that in making investigations toward that end that there has been developed a different line of thought regarding the prevention of explosions, and prevention is very much more important even than this rescue-car service that the gentleman from Illinois has referred to. One of those methods which have been experimented with and found to be of considerable value in preventing explosions of fire damp has been the turning of steam jets from the plants at the mine into the intake of the ventilating current, so that there is a greater amount of moisture going into the mine than would normally go in if these steam jets were not there. That moisture continually going into the mine ultimately permeates the dust so that it does not rise as rapidly when the explosion takes place and does not ignite as rapidly when it is raised. The other method which has been developed, and which can be utilized where no steam jets are in existence, is to crush the shales and clays which are found where the coal measures exist into fine powder and distribute that over airways, traveling ways, and working places where it accumulates.

The dust being noninflammable and being heavier than coal dust—that is, the shale dust being less inflammable and heavier than coal dust—reduces the inflammability of the coal dust so that there is less likelihood of the ignition of coal dust from the blown-out shot or from a pocket of fire damp. Those are some of the things that have already been developed by the Bureau of Mines along the line of preventing accidents in mining. But the bureau has not yet undertaken, nor is it within the power of the bureau to undertake, to place the responsibility

for any accident that has taken place. Their policy is to find out the causes and develop the means of prevention.

Mr. LEWIS. Now, may I ask the gentleman from Pennsylvania [Mr. WILSON], through his courtesy, this further question: It is a matter, of course, of common information that conditions in Europe with reference to gas are more aggravated, and have been for the last generation, than here, and yet the number of accidents by way of explosion has been less there in recent years. Has the bureau collected information sufficient in reference to that matter in other countries for utilization here?

Mr. WILSON of Pennsylvania. To a limited extent only, because that is one of the things for which a sufficient amount of funds has not been provided. They have gathered some information relative to accidents abroad, but the Geological Survey has done more in that direction than the Bureau of Mines has done in the collecting of information relative to the accidents that have occurred, and the Geological Survey has from time to time reported upon the accidents occurring abroad and the accidents occurring in the United States. They have furnished considerable of statistics on that subject.

Mr. LEWIS. Have they furnished the mining regulations with reference to accidents where gas exists?

Mr. WILSON of Pennsylvania. They have not collated much of the information as to regulations to prevent accidents.

Mr. BOWMAN. The State of Pennsylvania has already furnished a great deal of information as to what has been done in foreign countries as to the prevention of these accidents.

Mr. WILSON of Pennsylvania. Yes.

Mr. HOBSON. Before the gentleman takes his seat I would say that I am greatly interested in this matter of the prevention of the danger in coal mines, and I would like to ask as to the probable effect of the introduction of shale dust or steam through jets on the conditions of life in the normal working of the mines, which conditions leave a great deal to be desired.

Mr. WILSON of Pennsylvania. That has been taken into consideration, but the practical effects have not as yet been demonstrated. There is a great deal of moisture in the atmosphere, it is true, that is absorbed gradually as the air passes into the workings, so that when it goes into the point in which the workmen are actually at work there is not much more than the normal amount of moisture in the air. Under the normal conditions of the current of air going into the mine, the absorption of the moisture from the air by the roof, the ribs, and the floor of the workings makes the air dry at the working place, so that there is not much danger to health from increased moisture.

So far as the shale dust is concerned, it is sprinkled in the traveling ways, the airways, and the working place at the time when the workmen are not at work, and the only time when that shale dust would be distributed and come into contact with the breathing of the workmen would be in the event of an explosion, and in that event the very fact that this dust is mixed with the coal has reduced the possibilities of danger from the explosion or the spread of the explosion. So there is not much chance of injury to the workmen through the spreading of fine shale dust through the workings.

Mr. FOWLER. If I understand you, the shale dust, in doing this, prevents the explosion of the coal dust?

Mr. WILSON of Pennsylvania. Yes.

Mr. FOWLER. Now, your injection of the steam has the effect to prevent the explosion of the coal dust. Does it also have the effect to prevent the explosion of gases?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. I did not think it did. That was the reason I was asking.

Mr. WILSON of Pennsylvania. The matter of handling gases and how to make them nondangerous was known long before the Bureau of Mines came into existence. The best method of handling fire damp is to furnish a sufficient amount of air to dilute the fire damp to such a point that it will no longer explode. Fire damp is more explosive at the points where there are 5 parts of air to 1 of gas up to that of 14 parts of air to 1 of gas, than any other condition under which gas exists. Now, if you furnish a sufficient amount of air in the ventilating current to reduce the amount of gas to a ratio of less than 14 to 1, then you have destroyed the danger of explosion from gas or fire damp in mines. That was known before the Bureau of Mines came into existence, and these other means that have been developed and worked out by the Bureau of Mines are means of dealing with explosions of coal dust, which frequently intensify gas explosion.

Mr. FOWLER. That is true as to gas explosions. Has any modern method been discovered to prevent the explosion, other than the air current, for the purpose of reducing the ratio above 14 to 1?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. Or a sufficient air current to drive out the gas?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. And so the Bureau of Mines in other countries have not made much improvement on that question?

Mr. WILSON of Pennsylvania. On that point, neither in this country nor any other country where the subject has been investigated, has there been any other method devised of dealing with fire damp as such, than by furnishing sufficient air to try to drive it out, as I have stated.

Mr. FOWLER. But you have made some progress in the way of saving life by the introduction of instruments, have you not, in the case of fire damp or explosions?

Mr. WILSON of Pennsylvania. Methods have been developed by which oxygen can be supplied to the helmets of workmen, so that they can pass through the dangerous gases, and by that means enable them to reach those who have been overcome by the gases.

Mr. FOWLER. The gentleman seems to be well equipped with information on the subject, and I would like to ask him if these instruments have been put into general use in any of the States.

Mr. WILSON of Pennsylvania. There is no law in any of the States requiring any of the coal corporations to furnish them, but as the result of the rescue cars having been sent to the different mining States by the Bureau of Mines and carrying with them this class of equipment and giving instructions to the workmen in various localities, there are a number of large corporations that have put in this apparatus at their own expense and who maintain a force of workmen who are continually training with the rescue apparatus. There are some in almost all the mining States of the Union.

Mr. FOWLER. About how far could a man travel with one of these instruments after the fire damp had pervaded the mine?

Mr. WILSON of Pennsylvania. About an hour or an hour and a half, or two hours of travel at the outside.

Mr. FOWLER. What are these instruments charged with, oxygen?

Mr. WILSON of Pennsylvania. Potash and oxygen, in order to generate the breathing material for the workmen. That is carried in compressed form on the back of the workman.

Mr. FOSTER. Section 1 of this bill changes the name United States Bureau of Mining in contradistinction to State bureaus of mines, and it is stated that it is to be a bureau of mining, metallurgy, and mineral technology, as this expresses more clearly the functions of the bureau, showing that it deals with the mining of coal, ores, and also extends the jurisdiction to quarrying. It is important to know the best conditions to be put into operation in the mining of coal, ore, and quarrying of stone and slate. It is also important to understand the treatment of ore so as to be able to secure the largest amount of returns in this industry. The original act provided that the Secretary of the Interior should provide such employees as necessary to carry out the purpose of this act. This bill proposes that the Secretary of the Interior shall provide such experts and other employees as are necessary in accordance with the appropriation made by Congress. This is so guarded that Congress at all times has the power to control this matter, and the appointments of employees must be made in accordance with the appropriation which Congress sees fit to make.

In section 2 there has been more change made in the language from the original act, and it specifies and defines more clearly the province of the bureau and gives power to investigate in a scientific way the different problems connected with the mining industry. The first object to improve health conditions of those who work in the mines and to increase the safety of miners, which is certainly an important thing to do, in view of the great loss of life in the industry. It is not intended that this bureau would look after all the conditions of the health of the miners, but only so far as those conditions exist in mining and quarrying.

It is certainly important to have a more efficient way of mining and the best way to secure the greatest efficiency is desirable. The economic development of mining is one of the problems which needs study, and under the provisions of this bill now proposed they will be carefully considered as Congress shall make appropriations from time to time to carry on this work. There is no doubt of the great waste that is going on in many branches of the mining industry. It will be the province of this bureau to study the means of preventing this loss. The study of explosives used in mines concerns those who are employed in the industry, and this is one of the prob-

lems now being considered by this bureau. The investigation of all the phases of the mining and treatment of ore will be limited to the unfinished products belonging to and for the use of the United States, and it is especially provided that no private property shall be examined except for the health of miners, and then only by the permission of the Secretary of the Interior. Your committee believes that with this restriction there could be no work done for private parties. The knowledge thus gained by the bureau should be disseminated among those to whom it would be useful, and the bill provides not only for the issuance of bulletins, but also that in the mine-rescue work instructions may be given to miners in order to prevent accidents and save the loss of life. In section 3 this matter of the publication of bulletins is practically the same as under the original act.

The changes in the organic law have been asked for and urgently requested by the American Mining Congress, so that the scope of this bureau might be enlarged, and especially that the metal-mining interests of the West might be given some attention. And the changes in the original act have been proposed with a hope that the bureau might be able to render greater assistance to this industry and that in time this bureau might be to the great mining interests of the country what the Agricultural Department is to agriculture.

Your committee does not believe under this proposed bill there will be any duplication or competition in the work of this bureau and other branches of the Government.

The Geological Survey makes investigations as to the topography and geology of the country, and this work does not belong to the Bureau of Mines. On the other hand, there are a group of investigations which more properly belongs to the Bureau of Standards, Bureau of Labor, and Bureau of Health.

We believe that there has been laid a good basis for reasonable cooperation between the Bureau of Mines and these other branches of the Federal service and that there will be no duplication, but that all these bureaus will work in harmony for the public good as Congress may from time to time direct.

Mr. AUSTIN. Mr. Chairman, the district I represent is a mining district, and, of course, very naturally this proposed legislation interests and appeals to the people of that district. We are not only extensively engaged in coal-mining operations in four or five counties, employing from five to seven thousand people, but we are perhaps the largest producers of marble of any district in the South.

Then we have for a number of years been engaged in the zinc industry. Under the increased duties carried in the Payne-Aldrich bill the zinc industry has improved and grown. Then we are also interested in the mining of barytes and iron ore, and in a near-by district, sixty-odd miles away, the largest copper-mine operations in the Southern States have been conducted for many years, the early operations there even beginning prior to the Civil War.

It is remarkable, when we study and consider the fact that we have so many million dollars invested in mining operations all over the Republic and countless thousands of wage earners employed in the mining industry, to think that Congress never, until two years ago, realized the importance of legislating to the extent of passing a bill creating a Bureau of Mines and Mining.

We have been losing by mine accidents alone in coal operations an average of five or six human lives in this country to one in the mines of the old country, and that difference is all the more remarkable because the mines of Europe are more dangerous of operation than ours. This difference is explained by the fact that every old country engaged in mining operations is far in advance of the New World in the creation of facilities for protecting those engaged in the mining industries, so that when it came to the creation of the Bureau of Mines and Mining two years ago we largely drew our information and secured mine-rescue plans from the old countries, which had them in use for many years.

Both political parties in this country realized the importance of legislation along this line and both carried strong and specific declarations in their platforms in favor of a Bureau of Mines and Mining. So one of the best acts in the interest of the protection of property and human life enacted in the Sixty-first Congress was the bill reported to this House by the chairman of the Committee on Mines and Mining, the late Col. Huff, of Pennsylvania, who passed away a few weeks ago. And I want to say that the wisdom of that legislation in creating this new bureau has been more than justified in the short period of that bureau's existence.

The President of the United States, Mr. Taft, has appointed many able and efficient men to public office. Though there was a long and a warm contest over the selection of the chief of this new bureau, the President did the right thing in selecting the present occupant of that office, Prof. Holmes. [Applause.] He was not only eminently qualified and equipped for this office, but in his brief administration of less than two years he has more than fully met the expectations of his numerous friends, scattered all over this country, and if there be a popular official in Washington, who carries the absolute confidence of the men that his bureau comes in contact with, it is Prof. Holmes. He has the confidence, the respect, the indorsement, and the backing not only of the mine operators of this country, but also of the men who work in the mines. [Applause.]

Now, this was a new law, and it is not surprising that in its administration there should be defects in it and the failure to come up to the full requirements of great mining industries, involving the investment of millions of dollars and the lives of thousands of working people. Hence, the present chairman of this committee, the gentleman from Illinois [Mr. FOSTER]—and a more conscientious, faithful Representative does not sit on either side of this Chamber [applause]—who has given this subject careful and conscientious consideration and study, brings in a bill here for the enlargement of the powers of this new bureau, backed up by every member of the majority and every member of the minority of the committee—a unanimous report. Then he has with it the unqualified indorsement of the Secretary of the Interior, and along with that comes the approval of the chief of this bureau, Prof. Holmes. I say that any proposition of this kind coming here with the unanimous indorsement of the committee, with the approval of the Secretary of the Interior, with the indorsement of the Bureau of Mines, and back of that the American Mining Congress, and, I assert, the indorsement of the mine operatives of this country from one end to the other, and the men who work in these mines, that we ought not to quibble or hesitate in the passage of this bill.

Let me give you a few instances that have come under my special notice in the operation of this bureau. We had a disaster in the district that I represent, in 1902, at the Fratersville mine, Briceville, Tenn., a disaster in which 184 men lost their lives; every one of them an American citizen, men of families, and every one who entered the mine on that morning lost his life. Among them were 15 or 20 boys. The majority of these miners were living at 2 o'clock in the afternoon, and the explosion occurred at half past 7 in the morning. They left behind them messages to their families, written on pieces of slate, stating that they were still alive at 2 o'clock in the afternoon. Had our Congress been progressive enough, active enough, ever awake to the interest of the miners of this country, we would have established many years ago a Bureau of Mines and Mining fully equipped to protect and care for the lives of these men imprisoned in the mines. Had we in 1902 what we have to-day we would have saved practically all of the men who gave up their lives in that mine, because with the oxygen helmets the trained men from the rescue station at Knoxville, established two years ago, could have entered that mine and saved the men and boys.

Now, we had a mine disaster in the same district within a few hundred yards of the original disaster, on December 9, 1911, where 84 men and boys lost their lives—83 native Americans and 1 foreigner.

The mine-rescue car stationed at Knoxville, Tenn., was absent in an adjoining mining district, where its men were giving instructions to miners in rescue work. Prof. Holmes was then in North Carolina. The car was hurried to this point, and Dr. Holmes joined his force and entered the mine and saved a number of these men that I later had the pleasure of talking with about their experience in this mine.

Two years ago we had a disaster in the copper mine at Ducktown, sixty-odd miles from Knoxville, where the miners were imprisoned. We used the mine-rescue men at Knoxville, Tenn., to rescue these men. There ought to be, and I hope the day is not far distant when Congress will see the wisdom of establishing a mine-rescue station in every mining district in the United States. [Applause.] With our immense amount of money and the wonderful resources of this country we hesitate to spend a few thousand dollars in every mining district for mine-rescue stations to protect and save the lives of the wage earners. It is a fearful responsibility. We have been spending for 100 years money on the seacoast for life-saving stations, and legislation of this kind should appeal to Congress for life-saving stations for the men that go into the mines and get fuel to run the machinery of this country and for the comfort of our homes.

Two years ago I took three of the men from the testing station at Pittsburgh, where Congress has authorized the testing of all kinds of material used in mines and mining—mining lamps, dynamite, powder, and explosions from gas and dust,

and so forth. I took three of their best men into the mining camps of the district I represent, and with stereopticon views and lectures we brought home to the miners important lessons in reference to the protection of life and the prevention of accidents in mines. In these meetings, largely attended by the superintendent, the foreman, and operators, miners and their families, we distributed bulletins from the department carrying full and explicit information in reference to powders, explosions, safety lamps, and so forth.

Then we have been taking the mine-rescue car to the mining camps and having lectures delivered to the men. We had a meeting and a public exhibition at Knoxville, Tenn., in the customhouse, and had operators, owners of mines, the superintendents, foremen, and as many of the miners as we could secure, and they saw the use of the oxygen helmet and listened to the lectures delivered along with the stereopticon views showing the mining work, the operations, and matters connected with mine explosions.

So it gives me special pleasure not only to approve this bill, but to call to the attention of Congress the deserving merits of this new bureau, which ought to grow and be aided, encouraged, and strengthened by this Congress and, in fact, every Congress. [Applause.]

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend some remarks in the RECORD by printing a memorial.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD.

Mr. BOEHNE. Mr. Chairman, reserving the right to object, I would like to ask the gentleman what is the nature of the article he refers to?

Mr. TRIBBLE. It is a memorial of ceremonies at the unveiling of the statue of Robert H. Long, who discovered the use of ether, and two or three speeches on that subject.

Mr. BOEHNE. Mr. Chairman, I do not like to pose here as an objector, but the CONGRESSIONAL RECORD has been loaded down with so much outside material of this character that I believe it is to the interest of the American Congress and the American people that it be curtailed, and I shall therefore have to object.

[Mr. POWERS addressed the committee. See Appendix.]

[Mr. RAKER addressed the committee. See Appendix.]

Mr. DIES. Mr. Chairman, I shall not tax the patience of the committee with a lengthy speech this evening, but there are one or two matters which I particularly want to call your attention to. One of these is the question of foreign immigration.

The status of that question before Congress can be briefly stated. In 1907 the friends of restriction proposed to enact a law against the admission of illiterate foreigners into the United States. By the illiterate is meant those foreigners over 14 years of age who can neither read nor write in any language. The illiteracy test was sidetracked by Congress in 1907 by appointment of a commission to look into the whole question and report to Congress. The commission spent something like four years' time and a million dollars of the people's money making the investigation. They reported in favor of the illiteracy test.

During this session of Congress a bill prescribing the illiteracy test has passed the Senate. A similar bill has been favorably reported to the House from its Committee on Immigration and Naturalization.

A majority of the Senate have already signified their approval of the bill.

No man doubts that the lower House is overwhelmingly in favor of it.

Then, in the name of common sense, why do we not pass the bill?

The farmers' unions and the labor organizations all over the country have demanded this very law year in and year out for a decade. A great majority of patriotic Americans in every walk of life are in favor of staying the tide of ignorant and vicious immigration.

What then, Mr. Chairman, is the matter that this bill to keep out 200,000 a year of the illiterate from the south and east of Europe is being strangled and smothered.

We hear a good deal about progression and progressives. Here, my brethren, is an opportunity for genuine progress. Where are the progressives?

We hear a flood of talk about giving more power to the people. It is undeniably true that the lower the percentage of a people's intelligence is the less power they can safely exercise and that the higher the rate of intelligence the more power they can safely exercise.

Here, then, is a chance for real progressives. Help me to keep out this annual 200,000 illiterates and thus make it possible for the people to exercise greater power.

I call to arms the real progressives of both parties. You are needed to-day to save this wholesome measure from being sandbagged behind the doors of the Rules Committee. We have had many progressive words and now we are in sore need of progressive works. Of progressive declamation we have been well supplied. To-day we need progressive deeds.

Mark you, Mr. Chairman, this literacy test has been recommended by the Immigration Commission appointed under the direction of Congress; a bill following that recommendation has passed the Senate; a similar bill has been reported to this House with a recommendation that it pass. And yet, sir, I am told that this measure is to be chloroformed to death in the secret conclaves of leaders who have fooled the people into the belief that they are struggling desperately for progressive legislation.

The simple truth is, Mr. Chairman, that it is the same old game of politics. The election is coming on. The foreign element in the great cities and elsewhere are very watchful; they are against restrictive immigration; they want the dumping to continue. That is, not all of them are of this way of thinking, but a very large majority are. On the other hand, the farmers' unions, the labor organizations, and patriotic Americans generally want this bill passed, but those who are for the bill are not watchful and active. They have neither threatened nor promised. But that is not the case with those who are opposing this measure. They are active, watchful, and ready to punish or reward, as the result inclines them.

The power of self-government is the power of intelligence, and yet we admit into this Republic every 12 months almost a million ignorant foreigners. They are being clothed with the ballot in largely increasing numbers.

They are congesting in the slums of the cities.

They are vexing and perplexing every social, economic, and political question.

They are incapable of self-government. Why do not we restrict this undesirable immigration?

Because we are a lot of vote-catching trimmers, and we are just now engaged in juggling the cards for an advantage in the November election.

This Congress—this progressive Congress—weeping and idolizing at the feet of Roosevelt, CLARK, or Wilson, is crying progress in a loud voice, and preparing to smother legislation to keep out of the United States illiterate foreigners who can neither read nor write in any language.

Strange it is, passing strange, that men crying that the people should have more power, that government should be brought nearer the people, should either actively conspire for or supinely submit to the strangling of this immigration measure.

Do you suppose the people of Italy or Russia are capable of free government? You know they are not, because if they were capable they would have free government.

And still you sit here unconcerned while the great steamship companies unload the worst element of those countries upon our shores by the million, to mix and mingle with you in the solution of the problems of free government. The strangling of this legislation is a cowardly piece of business. Cry progress. Cry that you are Democratic or Republican progressives, and yet you let a million from the south and east of Europe dump themselves upon our shores every 12 months, to depress the wages of our labor, debase the standard of living, and complicate every political problem that vexes our statesmanship. You need not tell me that this is not a serious matter. Nearly 200,000 of these foreigners were converted into qualified voters last year. For the most part these new-made suffragans live in the cities and their votes are controlled by the city bosses that we hear so much about.

Mr. Chairman, I believe in free government. I believe that it is possible for a virtuous, intelligent people to govern themselves. I believe such a people can get along without kings to govern them. But while I believe in the feasibility of free institutions amongst peoples who are enlightened and patriotic, I know that ignorance and vice are the death of free governments. Liberty can not live in an atmosphere of ignorance. History, ancient and modern, teaches the lesson that free governments can only endure among peoples who possess the intelligence to know the right and the virtue to do it.

SHAM PROGRESS AGAINST REAL REFORM.

Mr. Chairman, I am a progressive if that means progress, but I am disgusted with those who use the progressive movement merely for the purpose of making political progress for themselves. I have faith in the power of the people to separate the chaff from the wheat, the fustian from the good cloth, and in

this progressive movement the people must and will distinguish between words and works, declamation and deeds.

I have struggled for reform all my life, and I shall continue the fight. As an old reformer, as a progressive who has been in the cause almost a quarter of a century, I know that our worst enemies are the recent converts, who, in order to prove to the people that their conversion is genuine, feel called upon to advocate radical and extreme measures. I have in mind at this moment a certain Republican politician, who is now a candidate for the first office in the Republic, having heretofore held that office for seven and a half years. This gentleman, in the matter of mere sound, the volume of words, and vehement declamation, is the greatest of all progressives, living or dead. But in the matter of works, of actual performances, he is a snare and a delusion. During his incumbency of the office of President there were more trusts formed than during any other period of our history. This gentleman actually solemnized the articles of union between the Steel Trust and the Tennessee Coal & Iron Co.; he declined to have the Harvester Trust prosecuted; he dismissed Judson Harmon from office because Harmon took the position in a trust case that "guilt is personal"; and this gentleman is trying to convince the public that he is the foe of trusts.

For a hundred years the Democratic Party has struggled for an honest administration of the tariff laws. We are in the sight of victory. This so-called progressive steps in and by a mere volume of sound convinces lots of innocent tariff reformers that he is their champion. Why, in all the years Roosevelt was President he never said a word about reducing the tariff.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. DIES. Certainly.

Mr. BARTLETT. He did write something on the tariff in a message, but it is said the standpatters induced him to take it out, and he had to recall it from the various newspapers to whom the advance sheets had been sent in order not to have it printed.

Mr. DIES. The country does not know very much about what happened with Roosevelt behind the doors, but we do know that so far as the record is concerned he made no effort to reduce the tariff or the high cost of living, and that he dwelt in perfect peace and good will with all the trusts. [Applause on the Democratic side.]

IMMIGRATION THE MOST VITAL QUESTION.

But I am straying from my theme. The most vital question in American politics to-day is the proper restriction of foreign immigration. We are taking into the body of our citizenship a great mass of new population that is not fitted for the task of self-government. The primary object of those who boost this influx is to get cheap labor, and the primary effect is to reduce the wage rate. That is bad enough. You put labor on the free list by your laws of immigration and then in your tariff laws you tax the laborer in all he buys.

But there is another and an inevitable effect which is bound to follow this large immigration. We are beginning to feel it now. That effect will be to change the whole complexion of our political institutions. We are already observing a decrease of that patience, wisdom, and self-restraint which characterized the political conduct of our forebears. Respect for the Constitution and laws of our country are on the wane. Every magazine reader of a new idea wants it enacted into law. The craze is for change, for something new, for radical innovations.

You call me a pessimist, and I am afraid I am sometimes. But I think a little pessimism now and then is not so bad as indiscriminate optimism. The captain of the ill-fated *Titanic* was warned of icebergs ahead, but he saw only the bright side; he was an optimist, and he believed his ship could not sink. If he had been more of a pessimist, he would have slackened the speed of his vessel and kept a stricter lookout. And so it is to-day, my colleagues, with our great ship of state. History, experience, wisdom, all warn us that there is peril in this enormous influx of foreign immigration. The captain may laugh on the bridge; the first-class passengers may revel in unconcern at the banquet table; and the steerage may slumber away in ignorance and indifference, but as sure as history repeats itself and human experience affords a guide for our feet, this great mass of ignorant immigration will result in the detriment if not the destruction of our institutions. If this is pessimism, then I am a pessimist.

I confess, Mr. Chairman, that I am sorely disappointed about this matter. I have worked and waited for a long time to bring about this reform, and now that all is ready and victory is in sight, it sickens my soul to be cheated at the last moment by the cry of expediency.

But some day, and not far distant, I hope, the American people will become aroused over this question, and we will not stop at an illiteracy test, but the test will be capability for self-government.

Mr. Chairman, I want our party to succeed, but over and above that I want this Republic to succeed. The way for a party to succeed is to make itself worthy of success.

There is not room for more than one Socialist Party in this country, and I am willing for BERGER and Debs to have a monopoly of socialism.

All the Democracy needs to do in this hour is to stand for the principles of Democracy; for an honest revision of the tariff, an economical administration of the Government, control and regulation of the corporations, and a patriotic change of our immigration and naturalization laws. We do not need to seek out new and strange gods to follow, but it rather behooves us to return to the old-time religion of our Democratic fathers. Let others be led by fads and follies, if they will, but for the hosts of Democracy their paths are well marked and their duty is plain. [Applause.]

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17260, and had come to no resolution thereon.

COAL-MINING OPERATIONS ON LANDS IN WYOMING.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that Senate joint resolution 100 be recommitted to the Committee on the Public Lands for further consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that Senate joint resolution 100 be recommitted to the Committee on the Public Lands. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. An act to authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana; and

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. To authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River in the State of Missouri.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned to meet to-morrow, Thursday, May 23, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, reported the same without amendment, accompanied by a report (No. 749), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1 of Nez Perce County, Idaho, reported the same without amendment, accompanied by a report (No. 750), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RODENBERG: A bill (H. R. 24761) to add the village of National City to the cities named in sections 5191 and 5192 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. MILLER: A bill (H. R. 24762) to authorize James A. Gordon, Mark Gordon, Otis Gordon, Harry Gordon, and Alex Gordon, copartners, doing business as Gordon Bros. & Co., to construct a dam across the Little Fork River, in Koochiching County, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 24763) permitting suits against the United States for damages caused by vessels owned or operated by the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 24764) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. WICKERSHAM: A bill (H. R. 24765) to provide for the survey of public lands in Alaska, making appropriations therefor, and for other purposes; to the Committee on Appropriations.

By Mr. SULZER: A bill (H. R. 24795) to create the Alaska railway commission, to construct a Government railroad in Alaska, and for other purposes; to the Committee on the Territories.

By Mr. PETERS: Joint resolution (H. J. Res. 318) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 24766) granting an increase of pension to Albert A. Melvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24767) granting an increase of pension to George E. Butrick; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 24768) granting an increase of pension to William F. Knisell; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24769) granting a pension to Horace W. Durnall; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 24770) granting an increase of pension to William E. Armstrong; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24771) for the relief of the heirs of William B. Hall; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24772) granting an increase of pension to Anthony Krass; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 24773) for the relief of Eric Bergland; to the Committee on War Claims.

Also, a bill (H. R. 24774) granting a pension to Ella McGuigan; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24775) granting an increase of pension to George Shultz; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 24776) granting an increase of pension to John W. Fuller; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24777) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 24778) granting a pension to Jesse D. McGee; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 24779) for the relief of Jefferson Fox; to the Committee on Military Affairs.

Also, a bill (H. R. 24780) for the relief of William H. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 24781) for the relief of James Heiney; to the Committee on Military Affairs.

Also, a bill (H. R. 24782) for the relief of Isaac Miller; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 24783) granting a pension to Amanda Yeazell; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 24784) granting an increase of pension to Elizabeth Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24785) to remove the charge of desertion against Thomas McCarty; to the Committee on Military Affairs.

Also, a bill (H. R. 24786) to remove the charge of desertion against Alonzo Derrick; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 24787) granting a pension to Lucy A. Fay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24788) granting a pension to Mary E. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24789) granting an increase of pension to William D. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24790) granting an increase of pension to James M. Dixon; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 24791) granting a pension to Moses H. Enochs; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 24792) granting an increase of pension to Cornelius Bowne; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 24793) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 24794) granting an honorable discharge to Patrick Cassidy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of Twenty-third Assembly District Socialist Party, Brooklyn, N. Y., against passage of the Dillingham bill and Root amendment, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of Cratonas Lodge, Borough of the Bronx, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of National Lumber Manufacturers' Association, favoring passage of bill restricting importation of nursery stock, etc.; to the Committee on Agriculture.

By Mr. BARNHART: Petition of Indiana State Health Office Conference, favoring passage of the Owen health service bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. F. S., of Bristol, Ind., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BUTLER (by request): Petition of Pride of Chester Lodge, No. 413, at Chester City, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Petition of merchants of Faribault and Hastings, Minn., protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Red Wing, Minn., favoring legislation giving widows of Spanish-American War soldiers a pensionable status; to the Committee on Pensions.

By Mr. DYER: Petition of Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, containing literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Baxton & Skinner Stationery Co., St. Louis, Mo., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of members of the advisory board of the relief department of the Pennsylvania lines west, against passage of

Senate bill 5382, known as the employers' liability and workmen's compensation law; to the Committee on the Judiciary.

Also, papers to accompany House bill 24543, for relief of John A. Wanless, captain Company A, Fifteenth Kansas Volunteer Cavalry; to the Committee on Military Affairs.

By Mr. FAISON (by request): Petition of Farmers' Union, citizens of Philadelphia, Pa., and Tenth Biennial Convention of Brotherhood of Locomotive Engineers, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Resolutions of the Polish National Alliance of the United States of North America and other Polish societies of Chicago and the Polish colony in Hawthorne, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of Michael Zito, of New York, favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Rochester Chamber of Commerce, favoring the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Brotherhood of Railroad Trainmen, favoring passage of House bill 22527, for restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kaufmann & Strauss Co., New York, protesting against passage of the Webb bill (H. R. 17593) for prohibiting shipment of liquors from a wet State into a dry State; to the Committee on the Judiciary.

Also, petition of the Citizens' New York Harbor Improvement Co., New York, N. Y., relative to improvement of East and Hudson Rivers; to the Committee on Rivers and Harbors.

Also, petition of the American Thread Co., New York, relative to relief of flooded districts on the Mississippi, etc.; to the Committee on Rivers and Harbors.

Also, petition of I. Bender & Son, New York, N. Y., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. FULLER: Petitions of Augustus Cadigan, of Endicott, N. Y.; William A. Schafer, of Mount Ephraim, Ohio; and William H. Ainsworth, of Columbus, Ohio, favoring passage of House bill 1339, to grant increase of pensions to certain soldiers of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of National Lumber Manufacturers' Association, favoring legislation for relief to control floods in the Mississippi River and its tributaries, etc.; to the Committee on Rivers and Harbors.

Also, petition of Swedish Free Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Duncan McDougall, of Ottawa, and F. A. Marean, of Belvidere, Ill., against passage of the Oldfield and Brown bills, proposing amendments to patent law; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Wireless Association of Pennsylvania, against clause in House bill 15357, concerning radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of United Polish Societies of Brooklyn, N. Y., against the passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GALLAGHER: Petition of Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Polish colony of Hawthorne, Ill.; seventeenth ward, Chicago, Ill.; and Polish National Alliance of North America, all protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the Italo-American Alliance of United States of America, Chinese Consolidated Benevolent Association, certain citizens of Philadelphia, Pa., and National Liberal Immigration League, all protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Philadelphia, Pa.; Brotherhood of Railroad Trainmen; State Council, Junior Order United American Mechanics, of the State of New York; National Camp, Patriotic Order Sons of America; National Convention Farmers' Educational and Cooperative Union of America; and Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Lodge No. 154, Independent Order Ahawas Israel, of Lancaster, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HAMILL: Petition of Brotherhood of Railroad Trainmen of Jersey City, N. J., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Resolution of 800 delegates of Brotherhood of Locomotive Engineers, favoring passage of anti-injunction bill, etc.; to the Committee on Labor.

By Mr. HELGESEN: Petitions of 25 citizens of the towns of Leal, Bergen, and Haynes, of North Dakota, favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, resolutions of Woman's Christian Temperance Union of Jamestown; G. E. Bohme and 33 other citizens of the city of Cavalier; Rev. James Anderson and 400 members of the Epworth Methodist Episcopal Church, of Valley City; and various organizations of the city of Cando, N. Dak., favoring passage of an interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of Silk City Lodge, No. 122, Independent Order B'rith Abraham, Paterson, N. J., and Branch No. 2, Socialist Party, Paterson, N. J., both protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of Senate workmen's compensation bill and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of United Anglers' League, Brooklyn, N. Y., favoring passage of House bill 18030, relative to fishing around New York; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dennis Mahoney, of Philadelphia, Pa., and three veterans of Roaring Spring, Pa., all favoring passage of House bill 1339, granting increase of pension to soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of Daughters of Liberty of Writsville, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill, etc.; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of citizens of Baltimore, Md., favoring passage of the Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. MANN: Petition of Polish-American Organization and Parishes of Chicago, Ill., protesting against the passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Petition of Woman's Missionary Society of the Reformed Presbyterian Church of New Castle, Pa., and from Woman's Auxiliary of the Trinity Parish, New Castle, Pa., in support of bill for medical and sanitary relief of the natives of Alaska; to the Committee on Insular Affairs.

Also, resolution of Washington Branch of the Socialist Party of America, against passage of Root amendment to the Dillingham immigration bill, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

By Mr. McHENRY: Resolution of Columbia County Medical Society, Catawissa, Pa., favoring passage of the Owen bill, providing for the establishment of a bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Daughters of Liberty, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Otik Moley Lodge, No. 75, Independent Order Ahawas Israel, of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the officers of the ladies' auxiliary of the board of missions of St. Luke's Protestant Episcopal Church, Germantown, Philadelphia, Pa., favoring passage of the bill for

the medical and sanitary relief of the natives of Alaska; to the Committee on Insular Affairs.

By Mr. MORGAN: Petition of citizens of second district of Oklahoma, favoring passage of the old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of board of missions of St. James Protestant Episcopal Church, Pulaski, N. Y., relative to relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the Chamber of Commerce, Watertown, N. Y., relative to the improvement of East and North Rivers; to the Committee on Rivers and Harbors.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of citizens of Minnesota, favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. REDFIELD: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of the Maritime Association of the Port of New York and New York Board of Trade and Transportation, both favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Brotherhood of Railroad Engineers and the Patriotic Sons of America of Harrisburg, Pa., both favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Central Labor Union of Brooklyn, N. Y., protesting against passage of the Root amendment to the immigration bill relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of 500 members of the Workmen's Circle of New Haven and New Haven Lodge, No. 21, Order B'rith Abraham, of New Haven, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Petition of Freedom Lodge, No. 501, Independent Order B'rith Abraham, of Malden, Mass., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RODDENBERY: Petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of Senate workmen's compensation bill and anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce, and the New Grand Hotel, of New York City, N. Y., favoring passage of the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TALBOTT of Maryland (by request): Petition of Christian Endeavor Society of Methodist Protestant Church, Westminster, Ind., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Resolution of 806 members of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of the House anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. TILSON: Resolution of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., and 500 members of Workmen's Circle of New Haven, Conn., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petition of Otik Mohlev Lodge, No. 78, Independent Order Ahawas Israel, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Benjamin J. Kline Lodge, No. 569, Independent Order B'rith Abraham, of Van Sickles City, N. Y., and Central Labor Union of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of The Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) relative to cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of New York, favoring passage of Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of Socialist Party, Brooklyn, N. Y., protesting against passage of bill (H. R. 22527) for restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 23, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NOTICES ON SENATE CALENDAR.

Mr. LODGE. Mr. President, I desire to call attention to a change in the form of printing notices, which I observe on the calendar this morning. The introduction of headlines of subjects is something I have never seen before. I asked the chairman of the subcommittee on the *Titanic* disaster, and he said it was not done by his request, or even with his knowledge. It seems to me, if we are to change the form of printing notices and put headlines above the notices of speeches, at least that is a matter which ought to be recommended by the Committee on Printing or some proper committee of the Senate, for if we begin to print headlines for each speech, it will extend the notices on the calendar almost indefinitely.

Mr. SMITH of Michigan. The direction to print the subhead of the notice given yesterday for myself was a surprise to me. I had no conversation with anyone about it. I move that the words "*Titanic* disaster" as a subhead be stricken from the first page of the calendar.

The VICE PRESIDENT. Is there objection to such action? The Chair hears none, and that order will be made.

Mr. BACON. We could not on this side hear one word that was said. If it is anything requiring unanimous consent, we ought to know what it is.

Mr. SMITH of Michigan. I do not desire to discuss the question of the propriety of printing the heading over the notice I gave yesterday of my intention to address the Senate on Tuesday. I move that it be stricken from the notice.

The VICE PRESIDENT. The Chair was putting it as a request for unanimous consent rather than as a motion. Is there objection? The Chair hears none, and such an order is entered. The subhead will be stricken from the calendar.

RELIEF OF APACHE INDIANS (S. DOC. NO. 695).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of an appropriation for inclusion in the Indian appropriation bill for the relief and settlement of Apache Indians held as prisoners of war at Fort Sill, Okla., $250,000, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT. The Chair announces the erasure of his signature to the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, returned on yesterday by the President pursuant to Senate concurrent resolution No. 21. The Secretary will notify the House of Representatives of the action thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Chamber of Commerce of Richmond, Va., favoring the revision of the present currency system upon a permanent, sound, and scientific basis, which was referred to the Committee on Finance.

He also presented a resolution adopted by Hebrew-American Typographical Union, No. 83, of New York City, N. Y., remon-Typographical Union, No. 83, of New York City, remonstrating the immigration law, which was ordered to lie on the table.

He also presented petitions of the congregations of the Second Baptist Church of Selma; the Friendship Baptist Church, of Pine Apple; the First Baptist Church of Selma; and the Baptist Church of Pittsview; and of the Woman's Missionary Society of the Second Baptist Church of Selma, all in the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a telegram in the nature of a petition from sundry physicians of Potter County, N. Dak., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. ASHURST. I present two memorials adopted by the Legislature of the State of Arizona. I ask that they be incorporated in the RECORD, but I feel that I should ask that they be read so that Senators may have an opportunity to make an objection, if they see fit.

The VICE PRESIDENT. The Senator from Arizona does not ask that they be read?

Mr. ASHURST. I feel that I should ask that they be read that Senators may have an opportunity to object.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. They are memorials of the Legislature of the State of Arizona; the Chair does not understand upon what subject.

Mr. SMOOT. I should like to ask the Senator upon what subject.

Mr. ASHURST. One of the memorials asks that certain relief be granted to settlers who settled in the early days before certain reservations were made. The other memorial asks for the abolition of the so-called Commerce Court.

Mr. SMOOT. All right.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

The first memorial was read and referred to the Committee on Appropriations, as follows:

House memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the First Legislature of Arizona, in session convened, respectfully represent:

Whereas by an act of the Congress of the United States, passed June 18, 1910, an additional court was added to the already complex judicial system of the United States, the said court being officially known as the United States Commerce Court, and designed to hear a particular class of cases arising under the interstate-commerce act of the United States; and

Whereas we believe that the said Commerce Court is being used by the railroad corporations for the purpose of blocking the work of the Interstate Commerce Commission and preventing relief from extortionate freight rates, a notable example of which is seen in the treatment of the intermountain cases, wherein, by the action of said Commerce Court, the railroads are permitted to continue to charge extortionate freight rates, extorting the sum of $500,000 per month from the people of Arizona in excess of the amount they would receive under equitable rates established by the Interstate Commerce Commission; and

Whereas the said railroad companies have the right of appeal to the United States Supreme Court from the decision of the Interstate Commerce Commission, and the said United States Commerce Court does not occupy any needed or useful place in the judicial system of the United States; and

Whereas a bill has been introduced into Congress of the United States by the Hon. T. W. SIMS, Member of Congress from the State of Tennessee, looking to, and having for its purpose the abolition of the said Commerce Court; and

Whereas the State of Arizona is now represented in Congress by the Hon. MARCUS A. SMITH, the Hon. HENRY F. ASHURST, and the Hon. CARL HAYDEN: Now therefore be it

Resolved by the House of Representatives and the Senate of the State of Arizona, That we hereby call upon the Congress of the United States and petition it to pass said Sims bill, or in some other way to provide for the abolition of the said Commerce Court, to the end that the people may have relief from the oppressive freight rates, which the court, by its rulings, fosters and maintains.

Resolved, That a copy of this resolution be forwarded to our Representatives in Congress, and that they be requested to do all in their power to bring about the passage of the said Sims bill, or some other measure having for its purpose the abolition of the said Commerce Court.

SAM. B. BRADNER,
Speaker of the House of Representatives.
M. G. CUNNIFF,
President of the Senate.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 1, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

The second memorial was read and referred to the Committee on Public Lands, as follows:

House memorial 2.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the House of Representatives of the first Legislature of the State of Arizona, the Senate concurring herein, respectfully represent:

That between the years of 1878 and 1892 many pioneers settled in the southern part of Arizona, and with their wives and children, formed the nucleus of a community of bona fide citizens.

In the belief that they had settled upon lands that were part of the public domain, these hardy pioneers built their homes, cultivated the soil, and, always menaced by the ravages of the Apache Indians, reared their families amidst great hardships and privations.

Secure in the belief that the soil upon which their homes were built would sooner or later be allotted to them, these pioneers continued their brave struggle against the many adverse conditions and circumstances which confront the settler in a new and undeveloped country.

Now that it is too late for these worthy citizens of our new State to make a new start in life, it develops that the lands upon which they have built their homes are included in the Spanish or Mexican land grants, the holders of which have successfully maintained suits for confirmation of these grants and have dispossessed the settlers thereon and have confiscated the improvements which represent years of toil, hardship, and privation.

These people are poor, but are good citizens of this State, and great injustice has been done them, inasmuch as they settled upon these lands in good faith, not knowing that they were claimed as land grants, but believing that they were a part of the unoccupied and unappropriated public domain of the United States, open to the settlement and occupation under the laws of the United States.

In view of the foregoing facts, and in justice and equity, your memorialists respectfully petition this honorable body that a court be established in Arizona, in the vicinity of these lands, and that said court be empowered, authorized, and directed to inquire into the damages sustained by the locators upon the various land grants within the confines of the Gadsden purchase, and that when such damages have been determined and assessed the Government of the United States provide for reimbursement of these settlers to the extent of the damage actually suffered by them.

M. G. CUNNIFF,
President of the Senate.
SAM. B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona, now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 2, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

Mr. POMERENE presented memorials of sundry citizens of Massillon, Ohio, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Alliance, Ohio, praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Neffs, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SANDERS presented a petition of sundry citizens of Memphis, Tenn., praying for the enactment of legislation to regulate the method of directing the work of Government em-

ployees, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Methodist and Baptist Churches, of Copperhill, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented resolutions adopted by the Chamber of Commerce of Fulton, N. Y., favoring the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Men's Club of St. Paul's Church, of Rochester, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. SHIVELY presented resolutions adopted by the Indiana State Health Officers' Conference, in session at Indianapolis, Ind., favoring the establishment of a department of public health, which were ordered to lie on the table.

Mr. CULLOM presented petitions of the congregations of the Swedish Methodist Episcopal Church, the Zion Lutheran Church, the Free Church, the Swedish Baptist Church, and of sundry citizens, all of Rockford, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Stark County Medical Society of Illinois, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAYNTER presented a petition of sundry citizens of Bowling Green, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bowling Green, Ky., praying for the enactment of legislation to prohibit the interstate transmission of race gambling odds and bets, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas, and I submit a report (No. 786) thereon. I call the attention of the Senator from Arkansas [Mr. CLARKE] to the bill.

Mr. CLARKE of Arkansas. I desire to have the report printed. A similar bill is pending in the House, and this bill will await action on that bill for the present.

The VICE PRESIDENT. The report will be printed under the rule, and the bill will be placed on the calendar.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North (Rept. No. 787);

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky. (Rept. No. 788);

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended (Rept. No. 789); and

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky. (Rept. No. 790).

Mr. OLIVER. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, and I submit a report (No. 791) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I prefer that the bill should go over to-day.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it with an amendment and submitted a report (No. 792) thereon.

Mr. McCUMBER. I am directed by the Committee on Pensions, to which was referred the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 793) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 794) thereon.

He also, from the Committee on Finance, to which was referred the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder, reported it without amendment and submitted a report (No. 795) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2852) for the relief of the Title Guaranty & Surety Co. of Scranton, Pa., surety for David B. Wickersham, submitted an adverse report (No. 797) thereon, which was agreed to, and the bill was postponed indefinitely.

TARIFF DUTIES ON WOOL.

Mr. SMOOT. I am directed by the Committee on Finance to report back adversely the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool. (S. Rept. 840.)

In this connection I desire to state that at an early day the majority members of the Finance Committee expect to report a wool bill to be offered as a substitute for the one that is adversely reported.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Utah if that bill is accompanied by a written report of the views of the majority?

Mr. SMOOT. There is no written report, Mr. President. The bill is simply reported adversely, and I ask that it go to the calendar.

Mr. HEYBURN. Mr. President——

Mr. SIMMONS. If the Senator from Idaho will pardon me one moment, I will state that the minority will file its views in favor of the original House bill.

Mr. SMOOT. And the opinion of the majority of the Republican members of the committee will be, of course, expressed in the bill that will be offered as a substitute, if it shall be offered.

Mr. HEYBURN. Mr. President, I do not know of any authority given to promise legislation or submit proposed legislation in the nature of a new wool bill. Until the committee has prepared and agreed upon such a bill and has by a vote of the committee authorized it to be reported, I think no such promise as that should be made.

Mr. SMOOT. Mr. President, of course there will be no bill reported as a committee bill without a vote of the committee. If the Senator would prefer, then, I will say that I reserve the right personally——

Mr. SIMMONS. We on this side can not hear what is being said on account of the confusion in the Chamber.

The VICE PRESIDENT. Senators will please cease conversation.

Mr. BACON. Mr. President, I want to suggest that our inability to hear is not due simply to the fact of the confusion, but Senators are getting in the habit of talking in so low a tone that no one can hear them 20 feet away.

Mr. SMOOT. Mr. President, if there was not so much talk in the Chamber I do not think any Senator would have difficulty in hearing what has already been said.

I was saying that I did not claim that any wool bill would be reported to the Senate as the bill of the majority members of the committee until after the committee had voted upon such a bill. I will say that the majority members of the Finance Committee reserve the right to report a bill to be offered as a substitute for the bill that has been reported adversely, namely, the House wool bill.

Mr. BAILEY. There is no necessity for reserving that right.

Mr. HEYBURN. Mr. President, I do not think that it is prudent at this time to promise to the country a bill that is not yet formulated. I do not think it is wise to send out through the press of the country a promise to report a bill that is not yet formulated. I think the effect of it will be to cause an impression among the public that the Republican Party is going to enter upon a revision of the wool schedule.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had taken his seat. I will not interrupt him, but I will later take the floor in my own time.

Mr. HEYBURN. I thought I could be seen. I did not know that I was invisible.

I do not intend to do more than to say that, if I understood the Senator from Utah correctly, he did say that the committee—a majority of the committee—would report a bill. There is no one authorized to say that upon this floor.

Mr. SMOOT. The committee reserves the right, Mr. President, to offer a bill and to present it as a substitute for this bill.

Mr. HEYBURN. Mr. President, the committee do not need to reserve the right; they have the right under the rules of legislation. What I object to is the sending out to the country of a statement that the Republican Party is going to enter upon the revision of the wool schedule. Until a committee has acted there should be no promise of that kind from a committee.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. I do.

Mr. LODGE. Mr. President, I do not understand that any promise whatever has been made. The Senator from Utah made an absolutely correct announcement, the usual announcement where a substitute is being considered and may be offered, that the committee reserves the right to offer a substitute later. That is the understanding of the majority of the committee.

Mr. HEYBURN. I do not like to protract the consideration of a question of this kind, which is more a volunteer statement than a responsible one. I do not know that it is within the practice either of this body or of the committees of this body to forestall action or to prophesy as to the action of a committee. My objection is to having the party placed under a pledge or a promise that they will enter upon the consideration of such a measure.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. HEYBURN. The Senator from Utah made the promise—and I think a reference to the stenographer's notes will verify my statement—that the committee would do this, and then he modified it by the suggestion that he would do it on his own responsibility.

Mr. SMOOT. Mr. President, of course——

Mr. PENROSE. I believe I have been recognized, Mr. President.

The VICE PRESIDENT. The Senator from Pennsylvania was recognized.

Mr. PENROSE. I simply desire to state that the Senator from Utah is entirely correct, from what I know of the attitude of the committee. It is the hope of the majority of the members of the Finance Committee that we shall be able, if the limited time at our disposal will permit, to bring in a wool bill based on the report of the Tariff Board, and it is at least the hope of most of the Republican members that we shall be able to unite on a measure for the consideration of the Senate. Whether such a bill is likely to pass in the present condition of both branches of Congress, of course, is another question; but the Republican members will feel that they have discharged their duty in submitting a measure on the wool schedule based on the report of the Tariff Board.

Mr. HEYBURN. Of course it is obvious that there is some difference in opinion in regard to the action to be taken in reference to this measure. The Senator from Pennsylvania has just fortified the statement made—that is, the last statement made—by the Senator from Utah [Mr. SMOOT] by bringing into the consideration the report of some board and the credence or the credit that will be given to its action. Of course I am speaking upon the assumption that Congress is going to legislate and that we have no master nor have we any agent authorized to direct us how we shall legislate or upon what subjects we shall legislate.

Mr. PENROSE. Will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. PENROSE. I do not understand that the Republican members of the Finance Committee will be in any way controlled as to rates by the report of the Tariff Board. That board has been scrupulous and careful in not making any recommendations on that vital feature of tariff legislation. When I said that the bill would be based on the report of the Tariff Board I intended to say that the data showing the difference in the cost of labor and the cost of conversion and the other elements entering into the growing of wool and the manufacture of woolen goods between this country and Europe will be duly weighed and considered by the Republican members of the committee. They will supplement the omissions of the Tariff Board report, if any exist, by knowledge available and at hand, and they will use their own judgment, I take it, as Republicans to frame a bill which will be amply and adequately protective to the woolgrower in the West and the woolen manufacturer in the East.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Will the Senator from Idaho permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. BAILEY. I think a word will clarify this whole situation. The truth of it is that a majority of the Republicans of the Finance Committee are ready to confess that the Payne-Aldrich bill needs revision and the Senator from Idaho is not willing to join them in that confession. That is about the situation.

Mr. HEYBURN. Nor do I propose to be spoken for by anyone undertaking to make a statement in the nature of a promise as to the action to be taken by a committee upon a subject not yet acted upon by the committee.

Mr. BAILEY. But the Senator from Idaho does not, if he will pardon me——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I do.

Mr. BAILEY. The Senator from Idaho does not agree that the Payne-Aldrich tariff bill, with respect to the wool schedule, needs revision.

Mr. HEYBURN. The Senator from Texas states my position accurately. [Laughter.]

Mr. BAILEY. I was sure of that, and I also state the position of the other Republicans accurately when I say they confess that it does need revision by promising to revise it.

Mr. HEYBURN. Mr. President, I am consistent with the position which I took in voting upon the Payne-Aldrich bill. I do not change my mind on the policy or wisdom of legislation over night merely because some outsider suggests that we might possibly have acted more wisely at that time. [Laughter.]

The VICE PRESIDENT. The bill will be placed on the calendar.

DISTRICT POLICEMEN'S AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. Mr. President, on the 11th day of May the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was passed. Subsequently it was recommitted to the Committee on the District of Columbia. I desire to report the bill, having omitted the paragraph to which the Senator from Kansas [Mr. BRISTOW] objected and simply restoring one fund that had been inadvertently omitted from the former bill, and I submit a report (No. 796) thereon. The bill has been once read and acted upon, and I trust it may be passed without being read again. I ask unanimous consent that that may be done.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill, having once been read in full and he having stated what changes are now made in it, may be put upon its passage without further reading. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an

amendment to strike out all after the enacting clause and to insert:

That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members, on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 2 per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society; receipts from dog licenses; and receipts from insurance licenses; all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $100 per month; deputy chief engineer, a sum not to exceed $95 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $75 per month; deputy fire marshals and captains, a sum not to exceed $65 per month; lieutenants, a sum not to exceed $50 per month; assistant superintendent of machinery, a sum not to exceed $50 per month; engineers and drivers, a sum not to exceed $50 per month; assistant engineers and assistant drivers, a sum not to exceed $50 per month; inspectors and privates, a sum not to exceed $50 per month.

And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $100 per month; inspector and assistant superintendent, a sum not to exceed $100 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $100 per month; lieutenant, a sum not to exceed $100 per month; sergeant, a sum not to exceed $50 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 5. That a retiring board, to be composed of the surgeons of the police and fire departments, two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, and the health officer of the District of Columbia shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition or death is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 6. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

SEC. 7. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

GETTYSBURG NATIONAL MILITARY PARK.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3218) providing for the dedication of the Gettysburg National Military Park, at Gettysburg, Pa., to ask that the committee be discharged from its further consideration and that it be referred to the Commission on the Fiftieth Anniversary of the Battle of Gettysburg.

The VICE PRESIDENT. Without objection, an order will be made carrying out the desire of the Senator from Delaware.

Mr. HEYBURN. Mr. President, there is no committee on the fiftieth anniversary of the Battle of Gettysburg. That is a commission, and I do not know that we can refer anything to a commission.

The VICE PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Gettysburg Commission, if there be no objection.

Mr. HEYBURN. Perhaps I did not make my point plain. I suggested that we had not the power to refer a bill to a commission. A commission can not report a bill. It must come from a committee.

The VICE PRESIDENT. Does the Senator from Idaho object to the disposition made of the bill?

Mr. HEYBURN. Yes; on the ground of want of power to do it. The bill ought to lie on the table.

The VICE PRESIDENT. Without objection, the bill, then, will lie on the table.

MISSISSIPPI RIVER INTAKE TOWER AT ST. LOUIS.

Mr. REED. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River, at St. Louis, Mo., to report it without amendment, and I submit a report (No. 784) thereon. I ask unanimous consent for the present consideration of the bill. It is purely local.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., to report it without amendment, and I submit a report (No. 785) thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I ask that the by-laws of the association be printed in the RECORD in connection with the passage of the bill.

Mr. CLARKE of Arkansas. I am not advised as to whether they can be obtained at this time. This is an association which consists of a number of Jewish people——

Mr. GALLINGER. I know it is.

Mr. CLARKE of Arkansas. Who intend to erect a building at this place.

Mr. HEYBURN. I wish to avoid a question of sectarianism, and therefore I suggest that the by-laws be published.

Mr. CLARKE of Arkansas. If I can secure possession of them, they will be printed.

The VICE PRESIDENT. Without objection, when the by-laws can be obtained, they will be printed in the RECORD.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 6929) for the relief of the Wales Island Packing Co.; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 6930) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. CULLOM:

A bill (S. 6931) granting an increase of pension to Jesse A. Moore; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6932) increasing the cost of erecting a United States post-office building at Fairmont, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS:

A bill (S. 6933) for the relief of Reese K. Henderson; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 6935) for the relief of Frances Gurley Elderkin; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 6936) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE:

A bill (S. 6937) granting an increase of pension to Emma L. Tappan; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6938) granting an increase of pension to James Moynahan; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. JOHNSTON of Alabama submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

EIGHT-HOUR LABOR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

UNITED STATES DISTRICT COURTS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

DEPUTY COLLECTORS OF INTERNAL REVENUE.

Mr. CRANE submitted an amendment proposing that the positions of deputy collectors of internal revenue of the United States shall not become vacant by reason of a vacancy in the collectorship, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF NAVAL BOARD.

Mr. LODGE submitted the following resolution (S. Res. 318) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to transmit to the Senate the report of the board appointed March 13, 1903, to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor.

ECONOMIC ASPECTS OF IMMIGRATION (S. DOC. NO. 696).

Mr. PENROSE. I ask to have printed as a public document a pamphlet on the economic aspects of immigration, by Isaac A. Hourwich, which I am informed is a very important contribution to the subject.

The VICE PRESIDENT. Without objection an order therefor will be entered.

LAND AT MAGDALENA BAY (S. DOC. NO. 694).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, submitted in response to the Senate resolution of May 16, 1912, calling upon him "to send to the Senate copies of letters from the attorney or others for the American syndicate interested in Magdalena Bay, and copies of letters written in reply to the same by the department officials, referred to in the letter of the Secretary of State as published in Senate Document 640."

WM. H. TAFT.

THE WHITE HOUSE, *May 23, 1912.*

HOUSE BILL REFERRED.

H. R. 17756. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," was read twice by its title and referred to the Committee on the Philippines.

TERRITORIAL GOVERNMENT FOR ALASKA.

Mr. JONES. Mr. President, I should like to ask for some information from a member of the Committee on Territories. At the last session of this Congress I introduced a bill (H. R. 38) providing for a Territorial form of government for Alaska. Quite awhile ago the bill passed the House of Representatives by practically a unanimous vote. That bill has gone to the Committee on Territories. I should like to know whether the committee is giving these bills any consideration and what the prospects are for a report, either favorable or unfavorable, at an early date.

Mr. NELSON. In the absence of the chairman of the committee, I desire to say that the chairman of the Committee on Territories is chairman of the subcommittee of the Committee on Commerce which has been investigating the *Titanic* disaster. Since that investigation begun he has been exceedingly busy with the matter, but the committee is now considering its final report, and after that this matter will be taken up.

Mr. JONES. I certainly hope so, because I think this is one of the measures that Congress should act upon one way or the other before it adjourns. While I want to give the committee an opportunity to consider the matter, I hope action will be taken within a very short while. If not, I shall take whatever steps are necessary to have the measure passed.

ORDER OF BUSINESS

Mr. HEYBURN. There is a measure on the calendar which might be considered at this time——

Mr. BRISTOW. The Senator from South Dakota [Mr. CRAWFORD] gave notice that he would address the Senate at the close of the routine morning business to-day.

Mr. HEYBURN. I did not want to bring in anything ahead of him.

Mr. BRISTOW. It is not morning business, but it is not giving due courtesy to a Senator who has given notice that he would speak as soon as the morning business was concluded.

Mr. HEYBURN. I am quite capable of judging of the question of courtesy involved, and it seems to me unseemly that

there should be any Senator who would directly or indirectly——

Mr. BRISTOW. I object.

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate take up the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate resume consideration of the unfinished business. Is there objection? The Chair hears none.

Mr. HEYBURN. I merely want to remark, in order that it may not be overlooked, that the same objection would apply that is made by the Senator from Kansas.

Mr. SIMMONS. I do not understand the Senator to make any objection.

Mr. CRAWFORD. I object.

Mr. HEYBURN. I do not want to object, but I want to call attention——

Mr. SMOOT. The Senator from North Carolina will not insist upon asking for unanimous consent in view of the fact that the Senator from South Dakota gave notice that he would begin his speech immediately after the close of the morning business.

Mr. SIMMONS. I have no disposition to interfere with the speech of the Senator from South Dakota, and I did not understand it would interfere with him. The Senator can go on with his speech after this bill is before the Senate. I am not desirous of displacing him at all.

The VICE PRESIDENT. The Chair understands the Senator from South Dakota objects.

Mr. CRAWFORD. I am not going to address my remarks to that subject at all. I am going to speak to the joint resolution which I introduced and which lies on the table, and I ask that it be laid before the Senate, because my remarks will be directed to that joint resolution.

Mr. LODGE. The Senator's remarks are to be addressed to another matter, and he ought to have the privilege of proceeding. It has never been refused.

Mr. SIMMONS. For myself I will not object; but I will state that I conferred with the Senator from South Dakota this morning, and I understood him as not objecting to going on with his speech. Of course, if he objects, I will withdraw the request.

The VICE PRESIDENT. The Senator from North Carolina withdraws the request, and, without objection, Senate resolution 109 will be laid before the Senate for the purpose of discussion only.

THE JUDICIARY.

Mr. CRAWFORD. I ask that Senate joint resolution 109 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the joint resolution, which will be read.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the States, namely: Amend said section 1 to read as follows:

"SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

Mr. CRAWFORD. Mr. President, in that most remarkable opinion written by James Wilson, Associate Justice of the Supreme Court of the United States, in which he gave the reasons upon which the court based its decision in the case of Chisholm against the State of Georgia, rendered in 1792, he said the real question before the court was, "Do the people of the United States form a Nation?" He observes also that in all our study of government we should not forget that it is not the artificial persons called states, but it is men who think, and speak, and act. He further curiously observes that when Homer enumerates the other nations of Greece whose forces acted at the siege of Troy, he arranges them under the names of their different kings or princes, but that he distinguished the Athenians by always referring to them as "The People of Athens," and that Demosthenes stirred his countrymen most when he began his orations with the words, "O Men of Athens!"

The Constitution was ordained and established by the people of the United States, as declared in its preamble, and not by a group of artificial public corporate bodies called States. James Wilson, looking through these artificial structures, saw beyond them, and recognized that at the foundation of the great superstructure were human beings—men and women with warm, human blood in their veins—and that the Government was of them, by them, and for them.

He understood that the Constitution and laws of the new Republic were made for society and that society was not to be sacrificed by a construction which might follow the letter but which would destroy the spirit. Notwithstanding the fact that the decision in this early case was "recalled," in a sense, by the people by the adoption of the eleventh amendment, declaring that—

> The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or subjects of any foreign State—

The observations of the great jurist whose language I have just quoted are as true to-day as when he made them in 1792.

It is apparent to all that we have just entered upon a fierce struggle, which is to be waged between contending forces, not for the few months of a political campaign only, but for years—it may be for a generation—a struggle and controversy in which the American people will reexamine and pass upon questions of far-reaching importance involving the foundations and the structure of their Government. During this period of contention and controversy we shall all have occasion to recur again and again to the great charter of our Government and to those historic settings in which it was placed by our fathers. In approaching what I wish to say, I may be pardoned for dwelling for a minute, in passing, upon this familiar subject.

At many points the Great Charter of our Government was the result of compromise. The situation at the time of its making was full of difficulty. The small States were jealous of the large States. The slave States were jealous of the free States. Many people in all the States were jealous of centralized Federal power, while the believers in a strong Federal Government were jealous of the power of sovereignty claimed by the individual States. These difficulties were adjusted by concession and compromise. To win the support of the slave States that ill-fated clause was adopted under which representation in Congress was apportioned according to population, ascertained by adding to the whole number of free persons three-fifths of the slaves; also that other provision for the return of a fugitive slave to his owner. Thus recognized as a right of property by the Constitution itself, slavery in all its worse forms flourished in this land of liberty for more than 70 years—from 1789 to 1865—when the thirteenth amendment was ratified.

That amendment was a long time coming, and followed as the immediate consequence of one of the bloodiest wars in human history; and as the result of more than 70 years of controversy and contention, during which one party maintained that the Federal Union was a mere league, which could be terminated at any moment by the voluntary withdrawal of one or more of the States, while another party maintained that the Constitution was ordained by the people of a Nation and that the union which it created could not be dissolved except by force, violence, or revolution. It was, indeed, an angry and bitter controversy, which soon became sectional in character. Patrick Henry, Thomas Jefferson, John C. Calhoun, and Jefferson Davis on one side; Hamilton, James Wilson, John Marshall, Daniel Webster, and Abraham Lincoln on the opposing side; these, and others whom I can not take time to name here, are great figures standing in the foreground of any picture which truthfully represents that controversial and momentous period in the history of this Republic.

Although the question remained for so long a time unsettled, we now see clearly that the attempt to establish a permanent Federal Union of the States must have ended in utter failure within the first two decades which followed the adoption of the Constitution if the views so stubbornly urged by Jefferson, Calhoun, and Davis had found sanction in the decisions of the Supreme Court of the United States. It was, indeed, fortunate that the fathers established that court as a coordinate and independent department of the Government and made it the depository of its judicial power with provision that the tenure of office held by the judges should depend entirely upon good behavior and duration of human life; because in those earlier years of superheated and angry debate and division over questions relating to the power and jurisdiction of the Supreme

Court, in construing statutes and provisions of the Constitution, to nullify a statute, whether enacted by Congress or by the legislature of a State, whenever it clearly appears to the court that such statute is repugnant to the Constitution, judges, whose tenure of office depended upon public sentiment, would not have dared to meet the storms of denunciation and criticism and the howls of rage and bitterness which Chief Justice Marshall encountered with calmness and serenity after each of the great decisions by which, with supreme courage and convincing logic boldly expressed in clear and specific language, he established the supremacy of the Constitution so completely that nothing less than civil war could hope to overthrow it. Or had they been equal to the great responsibility and decided as Marshall did such judges would have paid the penalty by dismissal from office .

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from South Dakota yield to the Senator from Arizona?

Mr. CRAWFORD. I yield.

Mr. ASHURST. I esteem it a great privilege to listen to this learned address. I understood the distinguished Senator to make some reference to the Constitution of the United States, or some provision thereof, which authorized the courts to hold certain laws unconstitutional. Did I hear aright?

Mr. CRAWFORD. No, sir; there is no specific provision except that they are invested with the judicial power. I said they were made the depository of judicial power.

Mr. ASHURST. There is no specific provision?

Mr. CRAWFORD. No, sir; there is no specific provision, nor did I so assert.

Mr. President, our fathers wanted an independent judiciary. They created a system of government essentially different from that of Great Britain from which they had so recently declared their independence. In England there was no Federal union of States; no division of powers; all power—executive, legislative, and judicial—was vested in an omnipotent Parliament; there were no written constitutions, either State or Federal. The British constitution was a mass of unwritten precedents and traditions, subject to change by a simple act of Parliament—the result of an appeal to the country. Executive ministers and judges of courts were members of one or the other of the Houses of Parliament and subject to its supreme control. The whole fabric of British Government rested upon custom and practice not defined nor limited by any written charter. It was an evolutionary growth, described in this fashion by Lord Macaulay:

> To think nothing of symmetry and much of convenience; never to remove an anomaly merely because it is an anomaly; never to innovate except so far as to get rid of the grievance; never to lay down any proposition of wider extent than the particular case for which it is necessary to provide; these are the rules which have, from the age of John to the age of Victoria, guided the deliberations of our 250 Parliaments.

From that system of government by Parliament our fathers broke away and erected another, based upon written constitutions underlying the several States, and upon a *written Constitution* binding all the States into a Federal Union—a system which divided the power of government into three separate and specifically defined divisions, making of each a distinct, separate, and coordinate department—placing limitations upon it and permitting it to exercise no power except that expressly delegated to it. They declared that this written Constitution, ordained and established by the American people—and the laws made in pursuance thereof, and all treaties entered into by the United States—shall be "the supreme law of the land," and that the judges in every State shall be bound thereby, "anything in the constitution or laws of any State to the contrary notwithstanding."

They placed limitations upon the power of Congress by prohibiting it from passing bills of attainder or *ex post facto* laws; from levying a duty upon articles exported from any State; from enacting laws interfering with the free exercise of religion; from abridging freedom of speech or of the press; from depriving any person of life, liberty, or property without due process of law; from interfering with the right of the people peaceably to assemble and to petition the Government for redress of grievances.

They also placed prohibitions upon the States by declaring that no State shall coin money or emit bills of credit; or, without the consent of Congress, lay any imposts or duties on imports or exports; or enter into any agreement or compact with another State or with a foreign power. How were these prohibitions to be made effective if not by the courts?

I ask the question again: Here are limitations upon the States; here are limitations upon Congress; how are these limitations to be made effective if not by the courts? There is only one other way, and that would be by the exercise of military force.

Yet in those earlier years a great many people contended with much vehemence that the courts had no power or authority to declare a legislative enactment void even though that act were clearly repugnant to the Constitution or to a treaty of the United States with a foreign power.

Some people, even in our day, suggest that this power be taken from the Supreme Court. They apparently fail to realize that its withdrawal would mean the dissolution of the Union. Mr. Justice Wilson and Chief Justice Marshall saw clearly how necessary it was that the Supreme Court firmly recognize the supremacy of the Constitution over legislative and executive as well as judicial action if the United States was to become a *Nation*. Wilson took the first step when he announced the decision of the court in the great case of Chisholm against the State of Georgia. Marshall completed the work so well begun by Wilson when, in a series of ever-memorable decisions, he declared in behalf of the court that an act of Congress or an act of the legislature of a State or a decision of the highest judicial tribunal of a State is void when clearly repugnant to the Federal Constitution or to any treaty between the United States and a foreign nation. Had the court failed to so decide any one of these three propositions in favor of the supremacy of the Constitution and treaties, the union of the States under that Constitution would have gone down. Disunion would have come while Abraham Lincoln was yet a barefooted boy in the woods of his native Kentucky; but men can be found who will assert that John Marshall was a usurper. Let us suppose for a moment that the Supreme Court had played the coward and—quailing before the violent assaults made upon it—had declined to assume the great responsibility of upholding the paramountcy of the Federal Constitution. What would have been the result?

The State of New York would have successfully maintained exclusive control over navigation on the Hudson and Federal control of commerce between the States would have been defeated. New York could have closed her ports to New England and imposed duties upon imports from New Jersey and Pennsylvania; Maryland could have taxed the Bank of the United States and issued bills of credit and coined money; Rhode Island could have successfully enacted a State bankruptcy law, by which the obligations of contract could have been annulled and debts legally repudiated; Virginia and the Carolinas could have made agreements or compacts with each other or with a foreign power. On the other hand, Congress could have passed laws levying duties upon articles exported from one or more of the States; or interfering with State autonomy; or with the purely domestic affairs and local police regulations of the States; it might have passed bills of attainder or *ex post facto* laws, or laws which would deprive citizens of their lives, liberties, and property without due process; or laws which would take away the power and destroy the efficiency of the executive and judicial departments.

In other words, had it not been for the check put upon it by the Supreme Court in upholding the spirit of the Constitution, Congress might have usurped all governmental power.

These decisions made the Constitution a living instrument, expanding under the enlightened construction of the court and keeping pace with the needs of a growing nation. Otherwise it would have been a mere idle declaration upon paper, such as the constitution of Mexico is to-day; or like those paper constitutions of the French Republic in the days of the Revolution. Indeed, nothing less than the exercise of this power by the Supreme Court could have brought into harmonious relation all these State laws, State constitutions, and acts of Congress. It is idle to talk about the British system, in which Parliament is above the courts. To return to that system would be to abolish or abandon our own; it would mean nothing less than revolution and a wholesale destruction of the American scheme of Federal government. The British system may be better than ours—I do not think so—but it is only the wildest and most impractical dreamer who would seriously propose such a revolution, as the adoption of that system would cause in our form of government, which depends so largely upon the independence of the judicial department as the check and balance between the executive and legislative departments, and which provides the way by which to maintain the coordination of the States. Mr. Lincoln found ample justification for the use of force in preventing seceding States from withdrawing from the Union in the language of Chief Justice Marshall in Cohens against Virginia, where the great jurist declares:

> It is usurpation whenever a part undertakes to do what the whole can not be kept from doing. * * * The *people* made the Constitution and *they* can unmake it, but this power resides only in the *whole*

body of the people, not in any subdivision of them. The attempt of *any of the parts to exercise it is usurpation and ought to be repelled by those to whom the people have delegated their power.*

This was a clear declaration in favor of the power under the Constitution to coerce a State and against the right of a State to secede from the Union. Could the "recall of judges" have been invoked against Mr. Marshall at that time of intense feeling he would probably have been turned out of office.

In contending for the independence and fearlessness of the judiciary I do not wish to be misunderstood. There is much which calls for criticism in the administration of our courts. There are many defects in judicial procedure, both civil and criminal, which all admit should be remedied. While, as a rule, our judges have been and are men of the highest integrity and honor, singularly free from undue influence, there are exceptions, of course, where, unfortunately, powerful and selfish influences reach the judge and secure unfair advantage; but such cases are rare. When the court is a State tribunal and the term of the judge elective, the people can easily correct abuses if they earnestly desire by reforming the judicial procedure, shortening the term of the judges, and refusing to reelect the unworthy ones.

The written constitution of every State in this Union, in my opinion, should provide simple and comparatively easy means for proposing and submitting constitutional amendments to a vote of the people. The amendment of the constitution of a State is quite a different thing, both in character and effect, from an amendment of the great charter which binds together 48 States in bonds of Federal union.

The free exercise of police powers by the people of a State through the enactment and execution of State laws should not be hindered and delayed by narrow and technical restrictions imposed by State courts. It is easy to understand why a strong and vigorous demand is made for relief against the barriers which decisions of that kind put in the way of progress and the public welfare, and why it is proposed that some method be devised under which an amendment to a State constitution may be proposed and submitted to the people for approval which will have the effect of so construing or amending the constitution as to remove the evil effects of the decision complained of. But that, of course, is a matter for the several States to deal with. It does not concern the Congress of the United States. The States can deal with it effectively any time public sentiment is aroused sufficiently to really and earnestly desire to make such a change. But the remedy is more difficult where the judge is a Federal officer holding his position during life and good behavior, and where he can not be removed except by impeachment. The inferior Federal courts, however, are creatures of statute. Except as to tenure of office, Congress can control them. It may in its discretion abolish them or reduce their powers or limit their jurisdiction. The irritation and the uneasiness of the people and their hostility to the courts are directed largely against these inferior Federal courts, and should an amendment such as I have proposed, fixing the term of the judges of these courts at a period of 10 years, be submitted, it would, in my humble opinion, be ratified by three-fourths of the States because of a prevailing opinion that some of these Federal judges are too indifferent to the rights of the people and not sufficiently responsive to present-day needs and present-day conditions when passing upon issues between the people and special interests. The fact that at the expiration of a fixed term his conduct as a judge would come under review by the President and the Senate, both of them, when determining whether or not he should be reappointed, acting under the scrutiny and watchful eye of the public, would not destroy his independence, but it would operate as a wholesome restraint upon the judge, while the expiration of his term would furnish the opportunity to dispense with the service of an unworthy or incompetent man. I for one am inclined to believe that an amendment of this kind would improve the Federal judiciary. Congress has, perhaps, created too many inferior courts and been too liberal in granting to them powers of injunction, particularly in proceedings against the officers of a State attempting to enforce the statute of a State. It is a matter of doubt whether the new courts of customs and of commerce were wisely established.

These inferior and intermediate courts, anxious to enlarge their jurisdiction by interfering frequently with the orders and findings of administrative boards and commissions of the Government, are often the means of delaying rather than promoting justice; but Congress may abolish them whenever in its wisdom it chooses to do so. Our courts and the administration of justice must command the confidence and respect of the people if the Government is to endure.

It behooves us to heed the complaints that are being made on every hand in regard to glaring defects in the civil and criminal procedure of both the State and Federal judiciary. Mere technicalities, appeals based upon quibbles and taken for delay, unnecessary peremptory challenges of jurors and immaterial objections to their competency, adherences to worn-out precedents, and ancient rules not adapted to needs of the present must all be swept away if our courts are to retain their hold on the affections of the people. An effective and speedy method, judicial in character, but more simple and surer of results than proceedings by impeachment should be provided by which bad and unworthy judges may be dismissed from office. But, on the other hand, let us beware that in our eagerness to correct existing evils we do not adopt methods exposed to far greater evils than those we would remove. This, I fear, would be the case if the judiciary were subjected to what is known as the recall, and should that "sword of Damocles" be held over the heads of the judges? The honest and fearless judge must often decide cases against strong public prejudice and hostile public sentiment if he does his duty and applies the rules of law and justice. The tenure of office held by him should never be made to depend upon the decision of the majority of the voters in his district, expressed by ballot at the close of a heated campaign, *forced upon him by a minority petition signed ex parte;* a campaign in which the issue is whether or not he correctly weighed the testimony and applied the law in causes tried by him. We should commit a grave and serious error if we were to adopt so questionable a remedy as that. We should be equally unwise, in my judgment, if, because we disagree with the conclusion reached by the Supreme Court of the United States that a certain act of Congress is void because repugnant to the Constitution or because that court construed some other act of Congress differently from the way we would have construed it, we should deprive the court of its power or greatly cripple its power to declare those acts void which clearly violate the provisions of the Constitution. It is a matter of surprise that any reasonable and loyal citizen of the United States should propose the use of such revolutionary and destructive weapons as these. But suggestions of this kind are abroad in the land and must be met with courage by all who oppose them because they are dangerous and unsound. Everyone concedes that the decisions of the court should be and are open to the freest criticism. Judges are human, and to err is human. The judges as individuals are not entitled to special favor. They have not been set apart as more sacred than other human beings. The effect of fair and even sharp and merciless criticism of their decisions is wholesome. There is, however, a wide difference between free criticism of the courts and their decisions and the curtailment or destruction of the independence and vital power vested in them and necessary to the preservation of the Government itself. Some people do not seem to have discovered this truth. Abraham Lincoln criticized Chief Justice Taney and the decision of the court in the Dred Scott case unsparingly, but no man was more zealous than Mr. Lincoln in upholding each and every department of the Government created by the Constitution and in the preservation of the Union established by it, or who more firmly supported those canons of construction declared by Chief Justice Marshall.

You know what he said about his wish to save the Union without slavery if that could be done, but to save it even with slavery, and yet he is sometimes quoted as an authority to justify the attack upon the power of the court.

It is sometimes said that the Federal judges, holding office for life or during good behavior, are not subject to the will of the people, and that in our form of government no public officer should be entrusted with power who is not in some manner accountable to the people.

The Federal judges are accountable to the people. The Constitution was ordained by the people, and it provides that his tenure of office shall depend upon the good behavior of the judge, and that he may be impeached for wrongdoing. This makes him accountable to the people in the way which they themselves have provided in a Constitution which they ordained and established. So it is not true to say that these judges are not accountable to the people. If the method of procedure by which a bad judge may be impeached is too difficult, a way has been provided by which to amend that Constitution, and it should be resorted to for the purpose of adopting some easier and more effective method, but it should be by judicial inquiry and speedy trial with an opportunity to be heard, not a mere expression of public opinion after an excited and spectacular campaign for votes and by limiting the term of the judicial office to fixed periods of time. Mr. Hamilton correctly observed

that the judiciary, from the nature of its functions, will always be the least dangerous to the political rights guaranteed by the Constitution. He said:

> The Executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. * * * The judiciary may be said to have neither force nor will, but merely judgment. * * * Though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislative and executive.

Hamilton was right. Judges can not take the initiative; they can not go into the forum and advocate political doctrines as partisans, as executive and legislative officers are permitted to do.

When attacked in the public press and on the platform by bitter partisans, when their decisions are assailed, the lips of the judges are closed. The dignity of the judicial office does not permit them to reply. They do not make issues; they decide only the questions that the parties before them have raised. As Mr. Hamilton has said, they have "neither force nor will, but merely judgment." The courts can not go out and seek, nor can they create controversies; they can simply hear and determine the issues brought before them and enter judgment. The enforcement of their decrees and writs follows because there is universal respect for the majesty of the law—not because the courts command fleets and armies. When the authorities of the State of Georgia refused to obey a writ of habeas corpus in the case of the Cherokee Nation against that State, President Jackson refused the aid of the Executive Department, and declared that "John Marshall has made his decision, now let him enforce it;" the Supreme Court of the United States was powerless to proceed further. Jackson, as the Chief Executive, held the Nation's sword and Congress controlled its purse, without their cooperation the court could go no further.

This fact in the history of the Supreme Court proves how idle are the fears of those who manifest concern lest the courts endanger the liberties of the people by an abuse of its power, and vindicates the statement of Mr. Hamilton that the judiciary, from the nature of its functions, is the least dangerous to the political rights guaranteed by the Constitution. Congress, and not the Federal courts, is to blame for the present situation in which those courts have been placed in suits brought to enforce the Sherman Antitrust Act. Without their seeking it, the burden and the duty have been put upon these courts of not only dissolving vast combinations in restraint of trade, such as the Standard Oil Co. and the American Tobacco Co., and of permanently enjoining them from continuing in business and directing the division of their assets and the distribution thereof to shareholders in the several constituent and subsidiary corporations, but, in addition, the almost impossible task and the enormous responsibility have been put upon them of supervising, reviewing, directing, and consenting to some proposed plan under which several smaller concerns, owned chiefly by the same old stockholders, may severally and independently of each other conduct the vast business theretofore conducted by the unlawful combination.

If the Government is successful in the pending suits against the Harvester Trust and the Steel Trust, the courts will again be called upon to perform this task. It is work which no court should be asked to do. It properly belongs to some administrative tribunal. The nature and character of the work make it practically impossible for a court or judge to do it. It is put upon the courts because Congress has neglected to provide some other and more efficient method of regulation and restraint in the conduct of interstate business by corporations. The work which should be done by an administrative tribunal is forced upon the courts by the neglect of Congress to provide for such tribunal, and these courts are unjustly criticized for doing the best they can to render a service which, under no circumstances, should have been required of them. But a more efficient remedy will be provided soon, let us hope. The attention of the people is now directed to this problem, and they will not fail to find its solution. It is half solved when clearly and correctly stated. The point aimed at is special privilege. The American people have determined to destroy that. They have determined that the law shall not permit one class of citizens, as individuals or as corporations, to practice extortion or lay excessive burdens upon other citizens and make it harder for them to live; not only that the law shall not permit this thing, but that it shall go further and prevent this thing; that those in charge of the execution of the law shall enforce it. They have determined that special privilege shall be destroyed in this generation as slavery was destroyed in the last generation; that the wrongdoer, whether he be a malefactor of great wealth or a dynamiter pretending to represent organized labor, shall suffer the pains and penalties of the law; that special privilege shall be destroyed under the Constitution as it stands, or, if found necessary, that the Constitution shall be amended so as to permit it to be done.

In any event the die is cast. The personality, the iron will, and the resistless energy of an individual leader are only incidents—the issue is larger than the men engaged in the contest going on to settle it. The people have entered their decree. Because corporate wealth, amassed under special privilege, was not bearing its share of the public burden, Congress has already imposed an excise tax upon its right to transact interstate business, based upon net earnings. Because those who receive enormous incomes—far beyond their needs and the needs of those dependent upon them—do not bear their share of the expenses of maintaining the Government, and because that burden falls too heavily upon the man of small means—least able to bear it—the people will soon ratify the proposed amendment giving clear and unquestioned power to Congress to levy a tax upon incomes.

The people are also determined that the transmission of great inheritances shall be made to pay a toll to the Government under whose protection they are accumulated, thereby removing to some extent the burden now borne upon the backs of the poor. They are also determined that the *general welfare*, and not *special interests*, shall be the governing motive in determining the amount which shall be raised by duties on imports and the extent to which such duties shall protect the American market place.

More and more it is becoming necessary to invoke the use of the powers granted by our Federal Constitution to Congress in the solution of the growing problems which arise in our complex industrial and commercial life. These problems can not be solved by the States, because they are interstate problems.

Under modern conditions commerce knows no State lines. Yet many of the States, by unwise and improvident statutes, have permitted the organization of companies which, without restraint by the laws creating them, have proceeded to prey upon the people in all the States through the avenues of interstate commerce. They have allowed companies to be organized for any sort of business without reference to where it is to be carried on and without any limitation upon the capitalization; the charters granted are perpetual or may be renewed over and over again; consolidations and mergers are permitted; ownership in the stock of competing corporations may be acquired without limit; there is no requirement that any part of the capital shall be paid before the corporation begins business or afterwards; stock may be issued for property and for service and labor, the value of which may be arbitrarily fixed by the board of directors; the meetings of directors and of stockholders may be held beyond the limits of the State; no official report to the State is required; directors are not required to be residents of the State, and the same person may act as a director in two or more companies engaged in the same kind of business.

All the States do not grant all these privileges, but most of them are permitted by the majority, and none of them is prohibited in all.

It is under these lax *State* laws that trusts and combinations are formed which seek to monopolize and restrain trade and commerce between the States. It is very clear that the only adequate remedy we can hope for must be obtained from the Federal Government by the exercise of its power to regulate commerce between the States. As the Interstate Commerce Commission has brought the railroads engaged in interstate commerce under control, so should an administrative commission of the Federal Government bring all these industrial and commercial concerns engaged in interstate commerce under the control of the Federal Government. It should be complete and effective control based upon the firm purpose to protect the American people from the unjust burdens of special privilege and monopoly. Ours is a representative government. It is only representative in the true sense when the agencies selected by the people give expression to the well wrought out and temperate conclusions of the people. The man in public life who closes his ears to the appeals of the masses and listens only to the demands of those who seek for some personal and selfish advantage through the agencies of the Government is an enemy of representative government.

It is to dislodge him that more effective methods of securing the execution of the popular will, such as the direct primary, the initiative, and the referendum are devised; it is not for the purpose of changing the Republic into a pure democracy, but for the purpose of placing effective weapons of defense against special privilege in the hands of the people to be used when

the emergency requires. As a weapon in reserve to be used only when regularly chosen representatives have been guilty of a betrayal of their trust these innovations are a useful and wholesome restraint. Back of them all are the good sense and the permanent devotion of the American people to the principles of justice.

Mr. President, my view of these questions relating to the Federal judiciary is that along with perhaps some more effective remedy in the nature of impeachment, but still more simple and effective, we should be able to get rid of an unfaithful judge of one of these inferior Federal courts by having his term end some time; and that is the purpose I have in view in suggesting this amendment to the Constitution, fixing the tenure of the judges of these courts at terms of 10 years.

I ask that the joint resolution which I have presented and which is now on the table be referred to the Committee on the Judiciary, and I earnestly hope that the members of that committee will give it most serious consideration with a view to taking action upon it at some day within a reasonable limit of time.

I thank the Senate for its indulgence.

The PRESIDING OFFICER. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate resume the consideration of House bill 18642, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Jones	Perkins
Bacon	Culberson	Kern	Pomerene
Borah	Cullom	Lea	Rayner
Bourne	Cummins	Lippitt	Reed
Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	McCumber	Root
Bristow	Fall	McLean	Sanders
Bryan	Fletcher	Myers	Shively
Burnham	Gallinger	Nelson	Simmons
Burton	Guggenheim	Nixon	Smith, Ga.
Catron	Heyburn	Oliver	Smoot
Chamberlain	Hitchcock	Overman	Sutherland
Chilton	Johnston, Ala.	Page	Works

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH] has been called from the Chamber on account of public business.

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Senate by important public business.

I also desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called out on important business temporarily, but will soon be in the Chamber.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. OLIVER. Mr. President, before proceeding to the discussion of the measure before the Senate I want to say a few words of a personal nature. While the Senator from Iowa [Mr. CUMMINS] was addressing the Senate upon this bill the junior Senator from Missouri [Mr. REED] made a statement concerning something that I was supposed to have said during the course of that debate. The language of the Senator from Missouri was as follows—I read from the RECORD:

> Mr. REED. The statement was made by the Senator from Pennsylvania, who ought to be as well informed as the Senator from Utah upon the cost of iron and steel, because he comes from one of the great iron and steel producing States of the country. The statement was to the effect that the testimony two years ago was now utterly unreliable, because the cost has changed in the two years so greatly that the testimony of two years ago could no longer be used as a basis for determining to-day the difference between the cost of production abroad and the cost of production at home.

Mr. President, I never in the Senate or elsewhere made any such statement. The Senator from Missouri, either for want of sufficient attention to what was said misunderstood something that I did say, which I can not understand, or possibly something may have been said by another Senator which the Senator from Missouri mistakenly attributed to me.

I am a little careful, Mr. President, about statements of fact that I make, particularly with regard to conditions in the iron and steel business, with which I have all my life been somewhat familiar. I am disposed to resent the action of the Senator in attributing to me statements which I never uttered and which I not only never uttered, but which are without any basis of fact, because the conditions in the iron and steel trade to-day do not differ materially from what they were two years ago. In addition to which, I never, directly or indirectly, intimated that the testimony taken two years ago was unreliable; and I am at a loss to understand how the Senator from Missouri could attribute such a statement to me. I want to say here that I cheerfully acquit the Senator from Missouri of any intention to misrepresent me, but he has unwittingly done so, and I take this opportunity of placing myself right upon the record.

Mr. President, the platform of the Republican Party adopted at Chicago in 1908 contained the following words:

> The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the step already taken to this end in the work assigned to the appropriate committees of Congress, which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

This declaration has been the subject of much discussion, and it has been strenuously contended by the advocates of low duties that it meant nothing but a revision downward. For my part I have never been able to see that this plank was intended to be anything else than a firm and emphatic declaration in favor of a continuance of that protective policy which has been favored by the Republican Party from the day of its birth, and has been the chief cause of its many victories. It is probably true that in the minds of many of our people the change in conditions from those prevailing in 1897 seemed to warrant a reduction of duties in many of the schedules, but that the majority of the Republican voters in 1908 expected or wished for such a reduction as to enable foreign producers to compete in our markets with our own products I do not believe.

The law of 1909, which is now in force, was enacted in response to this tariff declaration, and was looked upon by its friends as a fulfillment of that promise. Whatever may be said of other schedules, no man who reads the schedule now under consideration and compares it with the law which preceded it can fail to acknowledge that in this schedule at least the revision was radically downward; for almost every item it contains carries a lower duty than the corresponding item in the Dingley law, and on many of them the duty was practically cut in two. It is strange, therefore, and utterly illogical that the first schedule selected for further downward revision by this Congress should be the one that was confessedly cut the lowest in the law enacted only three years ago, and this in spite of the fact that the Tariff Board, created by Congress for the express purpose of obtaining information concerning the cost of production at home and abroad, has reported its findings concerning two other important schedules, while it has not yet concluded its investigations as to Schedule C.

Mr. President, as a Republican and a protectionist I stand upon the platform declared by my party four years ago. I voted for the laws creating the Tariff Board and enlarging its powers and duties. I am ready to vote for a revision of all schedules just as fast as the Tariff Board furnishes us with the necessary information concerning them. Having created this board we should at least postpone action until the board furnishes us with the information necessary to form our conclusions. They have already reported on two schedules, and I contend that we should at least dispose of these schedules before we proceed to the consideration of others. This is the only logical position for a Republican and a protectionist to take.

I am opposed to this bill, because I do not believe it was conceived in good faith, or that it was ever intended to become a law. I have confidence enough in the patriotism of our Democratic friends to think that if they really believed that what they propose would be finally enacted they would never submit a measure so illy thought out and so full of menace to the greatest of our industries as this; and I venture to predict that if the entire responsibility of government ever comes to them, the measure they finally adopt will be far different and far less burdensome than the one now before us.

The great difficulty about this bill is that its proponents in reality have no kind of understanding about the subject in hand. The bill itself shows how little they understood the task that was assigned them. When they think of the steel industry they see nothing before them but the United States Steel Corporation. They forget that, while the steel corporation looms large in the public mind and while it originates nearly one-half of the tonnage of steel produced in the United States, its busi-

ness amounts in dollars and cents to less than a fourth part of the total value of the country's steel products. They also forget that while the bill proposes large reductions in the duties imposed upon the heavier steels, which are produced by the steel corporation, it hits still harder the man who with a small factory works the steel down into the smaller shapes and sizes which it takes when it goes to the ultimate consumer. I am speaking now of the bill as it came from the House. Later on I will have something to say of the substitute measure proposed by the Senator from Iowa.

As I have said, in their desire to weaken the steel corporation the fathers of this bill have lost sight of the man with the small shop and of the men whom he employs, but at the same time they are playing directly into the hands of the trust at which the measure is aimed. This bill in reality should be entitled "An act to confirm and perpetuate the power and dominance of the United States Steel Corporation in the steel business of the United States," for if we follow the arguments of those who have spoken in favor of this measure and of the substitute proposed by the Senator from Iowa to their logical conclusion, that corporation can survive its enactment, while many of its competitors must perish.

The Senator from Iowa, in his speech delivered some days ago, demonstrated to his own satisfaction that steel rails could be produced from pig iron at a labor cost of $1.86 per ton. The Senator's statement was based upon a report furnished by the Commissioner of Corporations, and I admit that, except that he allows nothing for waste in conversion, which amounts to considerable, his statement is borne out by what is contained in that report. That there is some flaw in it, I am absolutely certain. What it is, I confess that I can not discover. But I do not hesitate to say that, given a plant with the most modern equipment, with unlimited capital, and with every advantage known to modern times, if the Senator from Iowa or any other man would ever attempt to manufacture steel rails upon the basis of that report he would go bankrupt within six months.

There is but one isolated plant in the United States whose only finished product is steel rails, and that is the Edgar Thomson Steel Works at Braddock, near Pittsburgh. Feeling certain that there was something wrong with the Senator's statement, I asked the officials of the Steel Corporation, to which the works belong, for a statement of the pay roll of the Edgar Thomson works for some given period, and also for the tonnage of rails manufactured during that period, and I received in reply the statement that during the calendar year 1910 the total pay roll of the Edgar Thomson works was $3,301,031; deducting from this the amount paid for labor for and on account of pig iron produced in excess of that used for rails and all other products produced other than in the manufacture of rails, $978,000, leaves a balance of pay roll, including labor going into the manufacture of rails, of $2,323,031. There was produced during the year 460,000 tons of rails. On the basis of the amount of pay roll as above applicable to this production the average labor per ton of rails would be $5.05. According to the report of the Commissioner of Corporations the labor cost in producing a ton of pig iron is 77 cents. Deducting this from the above would leave the cost of labor entering into the conversion of a ton of pig iron into rails $4.28. Now, I give this statement simply as it was given to me. There may be something wrong about it, but I am certain that it is very much nearer the mark than the amount allowed by the Senator from Iowa.

I have listened with great interest to the argument of the Senator from Iowa, and I am free to confess that I agree with some of the conclusions he draws as applied to the Steel Corporation. There is no doubt whatever that so far as the corporation itself is concerned it would suffer but little from a reduction of duties on some of the heavier products it manufactures, and there is also no question but that it has an enormous advantage over many of its competitors and a considerable advantage over all of them in the manufacture of what is known as tonnage steel. It produces all of the ore and practically all of the coke which goes to its blast furnaces. I do not think this is true of any one of its competitors. It transports its own ore to the Lakes and a large part of it from the Lakes to its furnaces, an advantage enjoyed by no one else. Its plants are located in different parts of the country, so that it can deliver its products to all points at much less expense than those with single plants, thereby entailing a great saving in freight; and what is greater than all, its unlimited financial resources would enable it to survive a fierce competitive war, which would overwhelm individual manufacturers with disaster. So that while this bill, if enacted, will subject the steel corporation to foreign competition in many of its products, in the end it would probably survive, while most of its competitors would perish.

Mr. President, in the discussion of this measure I want to be absolutely fair; and in a spirit of fairness I admit that, so far as the United States Steel Corporation and perhaps one or two of its greater competitors are concerned, they have little to fear from this bill. In fact, the steel corporation officials are looking with great complacency upon this proposed legislation. I have seen none of them about Washington to oppose it, as was the case three years ago. If enacted, it will undoubtedly take away from them some, at least, of the markets which they now control; but at the same time it will force such a reduction in prices as to drive their smaller competitors out of business and give them that monopoly which from the first they have aimed at. With their integrated profits and their enormous resources they can drive the individual from the field. Having done this, they can and will arrange with the foreign syndicates for a division of the world's markets. This is no dream. It has happened before, and it will happen again. The whole steel business abroad is syndicate controlled, and the managers of the syndicates will be only too ready to join with the few who will then control the American market for the exploitation of the American people.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Is it not a fact that the reports show that the Steel Trust, so-called, is doing a decreasing percentage of the total steel business in the United States——

Mr. OLIVER. That is true.

Mr. HITCHCOCK. That year by year it is losing to its smaller competitors?

Mr. OLIVER. That is true.

Mr. HITCHCOCK. Now, if that be true, how can the Senator justify the statement he has just made as to their superior opportunities and advantages?

Mr. OLIVER. It is very easily explained, Mr. President. The policy of the United States Steel Corporation since its organization has been a very liberal one toward its competitors. It has followed the policy of sustaining the market rather than driving out competition. The very able men who control it have figured that it is much better for them to reap large profits and allow independent manufacturers to do the same than to exercise that power which they undoubtedly have of driving not perhaps all but many of their competitors out of the field.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania further yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Which means that the Steel Trust has pursued a policy of maintaining prices at such an exorbitant figure that not only is it able to make large profits, as the Senator says, upon the business it does, but its other competitors by its grace are enabled with their deficient resources also to make profits—all this at the expense of the American consumer under the protection of the American tariff.

Mr. OLIVER. Mr. President, if the Senator from Nebraska proposes to suggest that as my opinion I take issue with his conclusion. I will say that so far as my observation goes I would eliminate the word "exorbitant." I do not think that the prices charged for steel during the past 10 years could reasonably be called exorbitant. They have been such as to afford to a manufacturer with the advantages that the steel corporation has very large profits. There is no gainsaying that fact. Also I think many of its competitors have had very considerable profits. That it has been done at the expense of the American people I doubt very much. I believe, on the whole, taking the average of the 10 years, the consumers of iron and steel and iron and steel products have not paid more for what they bought than they would have done under competitive conditions, for the reason that during periods of scarcity prices have not gone up to the same extent that they did when there was unquestioned competition amongst manufacturers. In other words, the steel corporation has endeavored to maintain prices at a level. Some may call it a high level, and I am rather disposed to concede that, but it has been at a level, and they have prevented violent fluctuation upward as well as downward. That, I think, is a very fair statement of conditions.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. OLIVER. With pleasure.

Mr. SIMMONS. I understand the Senator, then, to say that under the present arrangement provided by the steel corporation the independents are not subject to competition.

Mr. OLIVER. Oh, no; I did not say that at all, Mr. President. I did not say anything about independents. I have not mentioned the word "independent." If the Senator from North Carolina desires to quote me, I want him to quote what I said, not what he thinks I might have said under certain conditions.

Mr. SIMMONS. Then, I will ask the Senator if the meaning of his statement is not that there is not under present conditions any competition in this country in the steel industry?

Mr. OLIVER. I said nothing from which that meaning could be taken.

Mr. SIMMONS. Then, I will ask the Senator if there is competition in prices in this country in the steel and iron industry?

Mr. OLIVER. There is at present, Mr. President. I would not term it fierce competition, but there is very hearty competition amongst all manufacturers. I do not believe that to-day——

Mr. SIMMONS. I was asking with reference to prices—if there is any competition in prices.

Mr. OLIVER. I am talking about prices. There could be no competition in the true sense if there was no competition in prices. If there is no competition in prices, there is no competition in anything.

Mr. SIMMONS. I have no doubt of it. I am trying to reach the point of the question I wish to ask the Senator. It is whether there is any competition in prices; that is to say, whether the prices that are arbitrarily fixed by the steel corporation are not the same prices charged by all the other steel manufacturers in this country?

Mr. OLIVER. Mr. President, that is a very frank question. So far as my observation goes I state that I think there is fair and open competition to-day between the steel corporation and all its competitors. As far as I can observe the situation, that is the case.

Mr. SIMMONS. Does the Senator mean to say that they charge different prices for the same article?

Mr. OLIVER. I should like the Senator to elaborate that question.

Mr. SIMMONS. Take any of the basic products—steel rails, for instance. Is there any difference between the price which the steel corporation charges for steel rails and the price other manufacturers of steel rails charge in this country?

Mr. OLIVER. I do not know anything about the steel-rail market, but I have had something to do within recent times with the purchase of other material. I have had something to do with the purchase of structural material, and I found a difference in the prices quoted by the steel corporation and its competitors, and a very considerable difference at that.

Of course, Mr. President, any man who has been engaged in the business knows, and those who have not been engaged in the business can easily understand, that where people are doing a competitive business prices will sooner or later seek the same level, because a man engaged in business, whether manufacturing or merchandising, finds out almost in a moment what his competitor is doing and he immediately proceeds to meet it. So if the Senator from North Carolina were about to put up a steel building and would ask for bids, while he would find a considerable variation in the bids, as a general proposition the variation would cover a very limited range, because these men have their salesmen and representatives out and it is their business all the time to find what their competitors are doing.

Mr. SIMMONS. I understand the Senator says there has been no difference in the price charged by the steel corporation and other manufacturers of steel rails.

Mr. OLIVER. It is common report that the price of steel rails is practically uniform. I have no doubt that is the case

Mr. SIMMONS. The Senator says there is a difference in the price of structural steel.

Mr. OLIVER. Yes; and all great lines of steel.

Mr. SIMMONS. I will ask the Senator if that is a substantial difference or is it just a slight difference?

Mr. OLIVER. Now, Mr. President, the Senator knows just as much about that as I do, because I have not come into personal contact with the business. I have not had occasion within recent months to buy anything or to be connected with any interest that was buying anything in that line, and I can not answer that question any more than the Senator from North Carolina can.

Mr. SIMMONS. I asked the Senator the question because, coming from the State of Pennsylvania, I supposed that he had great familiarity with these matters. I understood him to say in the beginning of his speech that practically all of his life he had had some familiarity with the iron and steel industry.

Mr. OLIVER. I have had.

Mr. SIMMONS. And I knew that the Senator would make a frank statement about it, and, I thought, a statement based upon knowledge. So I was anxious to find out whether or not, in the Senator's knowledge, the difference which he says exists in the price of structural iron and steel and some other products was a substantial difference or merely a slight variation in price?

Mr. OLIVER. I understand, Mr. President, that for a year past, perhaps more, there has been active and earnest competition amongst steel manufacturers, not only on structural steel but upon all other lines of iron and steel. I do not know whether or not that extends to rails, but I do not believe it does.

Mr. SIMMONS. I think the general impression is that there has been very little domestic competition in prices of any of the basic products of steel and iron in this country. The Senator says, however, that there is some in certain products.

Mr. OLIVER. I know that there is very active competition in pig iron.

Mr. SIMMONS. Following that statement, I understood the Senator to say that if this bill should pass the steel corporation would be able to survive, and I understood him to say further that they would be likely to enter into combinations or arrangements with foreign syndicates, and in that way keep up the price.

Mr. OLIVER. What I said, Mr. President, was that, in my opinion, after having exercised the power which they would have if protection were taken away from their competitors of decreasing the number of those competitors, they would then be in a position to enter into arrangements with foreign syndicates for the control not only of the markets of this country but of the markets of the world.

Mr. SIMMONS. Then, Mr. President, I ask the Senator what harm could come, if that is so, to the independents or other manufacturers who fear prices will be reduced by the result of this bill, if, in case it should pass, the steel corporation should make, and probably would make, such arrangements with foreign competitors as to prevent any such result following the passage of the measure?

Mr. OLIVER. No harm would come to them, except that they would be out of business; that is all.

Mr. SIMMONS. Now, I should like to ask the Senator how would they be put out of business if the steel corporation made these arrangements with foreign competitors, so that prices would be maintained in this country, notwithstanding the reduction of the tariff?

Mr. OLIVER. Because the steel corporation, by exercising the power which the Senator from North Carolina and his compatriots in their good will toward the corporation would give them, would have driven their smaller competitors out of business; and once out of business it is a very hard thing to get back again.

Mr. SIMMONS. Does the Senator mean that the steel corporation would not make this arrangement with the foreign syndicates to maintain prices in this country until they had first destroyed the independents?

Mr. OLIVER. I mean that the steel corporation would make their arrangements with whomsoever was competing with them, and by that time, by reason of the reduced duties which the Senator proposes, their competitors would not be the ones at home, but those abroad, represented by the German and English syndicates.

Mr. SIMMONS. But that arrangement, to be effective and to accomplish the purpose that the steel corporation would have in view in making it, would have to be an arrangement by which the foreign producer would keep out of this market.

Mr. OLIVER. Very likely; but leave that to the United States Steel Corporation.

Mr. SIMMONS. How long does the Senator think it would take the United States Steel Corporation to make that arrangement?

Mr. OLIVER. Mr. President, the United States Steel Corporation holds a charter which runs perpetually, and I am only outlining what I think would happen under this most vicious legislation, which is advocated by the Senator from North Carolina. I may be wrong in my prognostications. I am saying what I think and what I believe; and if unfortunately this legislation be enacted, I hope that I shall turn out to be a poor prophet.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I yield to the Senator from Iowa.

Mr. CUMMINS. Does the Senator from Pennsylvania mean, in comparing the United States Steel Corporation with the other companies engaged in the same business, that if the steel corporation were to be content with the same profits that are enjoyed by the independent companies it could very materially, very largely, reduce the price of its products?

Mr. OLIVER. Mr. President, if the steel corporation—and I think the Senator from Iowa will acknowledge that this is correct—were content with the same measure of profits that is enjoyed by the ordinary independent manufacturer, the ordinary independent manufacturer would not be in business.

Mr. CUMMINS. So that the ordinary manufacturer, or independent manufacturer, lives at the will of the United States Steel Corporation, and the latter is willing that its so-called rivals shall live, because the United States Steel Corporation thinks it is better to take a very large profit on half of the business than to excite the indignation of the people by absorbing all the business. That is about the situation, is it not?

Mr. OLIVER. Divesting the Senator's language of some of its phraseology, Mr. President, it is pretty nearly a good statement of the case, in my opinion.

Mr. CUMMINS. I only wanted to remind the Senator from Pennsylvania, who has up to this time treated the subject very frankly, that in the costs which I gave the other day of producing the various commodities with which I dealt, I did not take the costs of the United States Steel Corporation alone.

Mr. OLIVER. I understand that.

Mr. CUMMINS. But I took the average of costs of all the companies engaged in the business. The Senator from Pennsylvania recognizes that, I believe?

Mr. OLIVER. I understand; yes.

Mr. CUMMINS. One other thing, and I will not interrupt the Senator more at this time. The Senator from Pennsylvania began his speech by the suggestion that there was in 1909 a very great reduction in the duties of the metal schedule. I hope that before he has finished he will call the attention of the Senate to the fact that, although there was a great reduction in some of the items of the metal schedule, as a whole the metal schedule was reduced, I think, a little less than 1 per cent. So that the Senator may have that in mind, I will read from a publication prepared by the Senate Committee on Finance in 1909, in which, referring to Schedule C, being metals and manufactures thereof, it is said that the average duty, reduced to an ad valorem, under the Dingley law was 32.59 per cent—that is, upon imports for the previous year; that the average duty of the bill as it passed the Senate was 32.13 per cent; that the average duty of the conference bill, which was adopted by the Senate as well as by the House, was 31.35 per cent, about three-fourths of 1 per cent reduction, taking the schedule as a whole.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. OLIVER. I will yield to the Senator from Utah in a moment.

Mr. President, the percentage of reduction in duties is not to be measured by the percentage of reduction in the different articles which happen to have been imported. A great many of the items in the iron and steel schedule are manufactured exclusively in the United States and are not the subject of import duties at all. Very large reductions were made in those articles, which do not show in the report cited by the Senator from Iowa. With regard to that I will say that if you take the schedule item by item and show the percentage of reduction or increase in the different items there will be found a very different showing from that contained in the report of the imports. Now I yield to the Senator from Utah.

Mr. CUMMINS. Will the Senator from Utah allow me to respond to the suggestion just made by the Senator from Pennsylvania?

Mr. SMOOT. Yes.

Mr. CUMMINS. I recognize the accuracy of the statement just made by the Senator from Pennsylvania. It corroborates precisely what I said the other day when I was trying to convince the Senate of the fallacy of an argument which was then being made by the Senator from Utah. For instance, under the Dingley law—as we have spoken of steel rails I will mention them—the duty on steel rails in the paragraph containing rails was $7.84 a ton, and during the year of 1908, preceding the enactment of the Payne-Aldrich tariff law, the imports of commodities under that paragraph bearing a duty on steel rails of $7.84 a ton and upon fishplates of $10 a ton, were in value about $450,000. In 1909 we reduced the duty on steel rails to $3.92 per ton and upon fishplates and the like to $6 per ton, and in 1910 the imports of those commodities, under this duty cut in two, were only about $100,000. So one could easily see that the lower the duty the less will be the import upon the same theory that some of my friends reduce specific duties to ad valorems.

Mr. OLIVER. I now yield to the Senator from Utah.

Mr. SMOOT. I can not follow the logic of the Senator from Iowa [Mr. CUMMINS], nor do I think the Senator's comparison is a fair one. I desire to call the Senator's attention to a fact, and, after I do so, I believe he will agree with me. The comparison that he has made is made upon the amount of importations in a certain year—I believe the year 1908. The comparison would be reliable provided the imports were exactly the same in amount.

Now, let me illustrate: If there were no imports at all, we could have cut the duty from 100 per cent to 1 per cent, and in the comparison offered by the Senator no difference whatever would be shown. The comparisons I gave the other day in relation to transferring a specific duty to an equivalent ad valorem duty were upon actual importations, not as compared with any other year, but for the particular year of those importations. So, Mr. President, if I had compared them with the same amount of importations under the rate the Senator may have proposed then, of course, the comparison would have shown exactly what the difference was as to the items; but if there had been no importations at all, then the comparison of the whole schedule, as the Senator is doing here, would not give an accurate idea of the reductions; in other words, Mr. President—and I believe the Senator will bear me out in this statement—steel rails and many other items, such as bar iron, were reduced 50 per cent, and a great quantity of the heavy steel products were reduced from 25 to 50 per cent, but there were no importations of them.

Mr. CUMMINS. And have been none since.

Mr. SMOOT. I will admit, Mr. President, that there have been none since, and because of that fact a comparison of the equivalent ad valorem duties of the tariff act of 1909 and the duties proposed by the Senator would not show the result at all.

Mr. CUMMINS. The Senator from Utah is expressing in a better way just precisely what I said at a former time. When he attempts to take a whole bracket, comprising a half dozen commodities or the same commodity divided into classes by price, and attempts to convert a specific duty upon that bracket or those commodities into an ad valorem, it is an impossibility, and it must necessarily be inaccurate. I only wanted to show that, taking the whole metal schedule as passed in 1909, and applying it to the importations of the previous year, there was a reduction, converted into ad valorems, of less than 1 per cent.

Mr. SMOOT. Well, Mr. President, if there had been no importations at all——

Mr. OLIVER. There would not have been any reduction shown.

Mr. SMOOT. If there had been no importations at all on the items on which the duty was reduced, then, according to the Senator's logic, there would have been no reduction of the ad valorem duties at all; but, of course, we can plainly see that that would not be the case. As to the question that we were discussing the other day in relation to the brackets, putting two or three of them together and finding the equivalent ad valorem duty, the Senator's contention in that regard would be absolutely true, providing we did not know just exactly what the shipments were, the unit value of the shipments, and the amount of duty collected. With those items known, then without question the difference between the equivalent ad valorems can be ascertained.

Mr. OLIVER. I think the Senator from Iowa will acknowledge that the ratio of the reduction or the increase in duties in Schedule C is not necessarily to be measured by what the import records show. While I have never made it the subject of examination or study, my own impression is that the average reduction in duties in this schedule under the act of 1909 was not less than 20 per cent. I may be wide of the mark, but that is my impression. I am very glad to see, Mr. President, that there is some chance of the Senator from Iowa and the Senator from Utah getting together.

Mr. President, I join with many other thoughtful Americans in deploring the fact that so great a proportion of this, our greatest industry, has been concentrated into one management. I would much prefer to see the steel business as it once was, under the eye of the old ironmaster, who lived near his plant and spent his days and nights in watching its development—who came into daily contact with the men he employed and had a stake in the community in which he lived. In what may

be termed "the greater steel industry" the old ironmaster is but a reminiscence. His place has been taken by the high-class hired man, who acts under the direction of the financier; but in the finishing trades and the lighter lines, which involve thousands of plants instead of scores, and whose business aggregates many times that of the steel corporation, the individual proprietor still stands at the helm, and it is at him that this legislation is aimed and in his defense that I now speak.

Having said this much about the bill in a general way, I will now take up a few of the more glaring of the many mistakes it contains and which show the utter incompetency of the hands that framed it.

Mr. GALLINGER. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Lea	Pomerene
Bailey	du Pont	McCumber	Rayner
Borah	Fall	Martine, N. J.	Reed
Bourne	Fletcher	Myers	Richardson
Bradley	Foster	Nelson	Sanders
Bryan	Gallinger	O'Gorman	Shively
Burnham	Gronna	Oliver	Simmons
Burton	Guggenheim	Overman	Smith, Ariz.
Catron	Heyburn	Page	Smith, Ga.
Chilton	Hitchcock	Paynter	Smith, Mich.
Cummins	Johnston, Ala.	Penrose	Smoot
Curtis	Jones	Perkins	Sutherland

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called from the Chamber temporarily on public business.

I also desire to announce that my colleague [Mr. POINDEXTER] is temporarily detained from the Chamber on important business. I desire that this announcement stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. OLIVER. I will first refer to the article called ferromanganese.

Now, ferromanganese is an alloy used in the manufacture of steel. It is made in a blast furnace, in precisely the same manner as pig iron. It is, in fact, nothing but pig iron of a very high class. Owing to the scarcity of manganiferous ores in the United States most, if not all, of these ores are imported from abroad. Ferromanganese is manufactured in this country by just one concern, and that concern is the United States Steel Corporation. In the Payne bill the duty levied on ferromanganese is the same as on pig iron—$2.50 per ton. The framers of the Underwood bill reduced the duty on pig iron to 8 per cent ad valorem, amounting to about 90 cents per ton; but for some reason which passes human comprehension they place a duty on ferromanganese of 15 per cent, which amounts at the market price to-day to about $6 per ton. So that out of abundance of love for the United States Steel Corporation they have advanced the duty on this article, of which it is the only American manufacturer, from $2.50 to $6 per ton. There is only one explanation for this amazing provision, and that is that the framers of the bill did not know what they were doing. The Senator from Iowa knew too much to be led into this ambush, and his bill places the duty at $1 per ton on both pig iron and ferromanganese. For my part I see no reason why ferromanganese should not be admitted free of duty. The ore which forms the basis of its raw material comes from abroad, and it can only be made here under difficulties which are almost prohibitory. If any duty is imposed for revenue purposes, it should under no circumstances be higher than that which now prevails.

BAR IRON.

Thirty years ago, before it was supplanted by soft steel made by the Bessemer and open-hearth processes, bar iron was the basis of iron manufacture the world over. It should not be confounded with bar steel; it is a different article, made in a different way, and used largely for different purposes. Steel is made by melting the pig iron and casting it into ingots, while iron is made by reducing it to only a semimolten state, squeezing out the impurities, rolling it into a flat bar called muck bar, which is then allowed to cool, sheared up into small pieces, reheated, and rerolled into what is known commercially as bar iron. Steel is granular in its texture, while iron is fibrous. In its process of manufacture iron is made to-day in precisely the same manner as it was 50 years ago. The labor is all hand labor. Machinery has not supplanted it as it has in the manufacture of soft steel, and the wages paid for such labor in this country are uniformly just about double those paid in Europe. As an example, we find from Mr. Pepper's report that the maximum weekly wages at Dusseldorf for puddlers is $13.68. In this country puddlers are paid by the ton, and the present wage scale of the Amalgamated Association of Iron and Steel Workers calls for the payment of $5.37½ per ton for puddling. The product of a puddling furnace is 2,800 pounds, or 1¼ gross tons, per working day. The puddler's wages would therefore amount to $6.72 per day. Out of this, under the workingmen's scale, he pays to a helper one-third plus 5 per cent of his own two-thirds. Figuring the day's wages on this basis, the puddler in the United States would receive $4.25 per day, while the man who performs the same work at Dusseldorf receives $13.68 per week, or $2.28 per day—a difference between the two countries of $1.97 per day. It will be noted that in this country the puddler's helper receives $2.47 per day, or 19 cents more than the daily wage of the German puddler. I have not the detailed information which will enable me to analyze the wages of the other workers in the mill, but I am satisfied that they will bear the same proportion to each other as in the case of the puddler. The labor performed in each case is identical and there is no material difference in the equipment of the mills. Wrought iron is made in substantially the same way the world over. It is largely the product of manual labor, while in the manufacture of soft steel the man is only an incident and machinery performs most of the work.

Mr. James Lord, an iron manufacturer of Lebanon, Pa., testified before the Finance Committee of the Senate as follows:

> I am representing to-day, in company with eight gentlemen who have come from different parts of the East, 25 rolling mills that manufacture bar iron east of the Allegheny Mountains and that stretch from Knoxville, Tenn., to Portland, Me. These companies sell their products for the most part east of the mountains and largely to the Atlantic coast and Gulf points. Consequently this bill, if passed, would put the burden of foreign competition largely on these eastern mills, because the freight from our different mills to coast points is just about equivalent to the freight from European competing points. For instance, our freight to New York would be 10 cents, while practically the same rate could be obtained from Liverpool or from Antwerp.

The duty in the Payne bill on bar iron is three-tenths of 1 cent per pound, or $6 per net ton. The Underwood bill reduces this to 10 per cent ad valorem. The Cummins amendment places the duty at $3.50 per ton on square bars and $3.75 per ton on round; but I call the attention of the Senator from Iowa to the fact that in the latter clause, relating to round iron, he has inserted the word "steel," which might be construed as admitting round steel of high carbon and high value, which I do not think he intended to do. I have no hesitation in saying that the enactment of the Underwood bill into law would utterly destroy the mills turning out this product east of the Allegheny Mountains, and most of this iron is made in eastern Pennsylvania, New Jersey, and New England. The mills west of the mountains to a very large extent have abandoned the manufacture of iron and work exclusively on steel. And I further say that none of this iron is turned out at any of the plants of the great steel-producing companies. So far as I am aware, not a ton of it is made in any of the plants of the steel corporation, the Jones & Laughlin Steel Co., the Republic Iron & Steel Co., the Cambria Steel Co., nor, as I believe, in any other of the great plants.

But the most glaring case of injustice to a deserving industry, that to-day is literally struggling for life, occurs in paragraph 9 of the Underwood bill, corresponding to paragraph 131 of the Payne law, commonly known as the basket clause. Of all branches of the iron and steel industry the most difficult one to establish in the United States has been the manufacture of the finer grades of steel known as crucible cast steel. Since Huntsmen, of Sheffield, discovered the art of making crucible steel, in 1740, that city has been known as the center of the industry and has been noted the world over for the excellence of its product. It retains that supremacy to-day.

It was, I believe, more than a century later before any attempts to produce this kind of steel were made in the United States, and the pioneers in these attempts went down to repeated failures. By degrees, however, the American manufacturers obtained a foothold in this business, and for years preceding 1900 a very large part of the crucible steel—otherwise known as tool steel—used in this country was of home manufacture. But about 1900 or 1901 there appeared on the market a new product of English manufacture known as high-speed steel. It was so named because, owing to its peculiar composition, a tool made of this steel retains its temper even when red hot, so that the machine in which it is placed can be rushed at a high rate of speed instead of very slowly, with the result that the machine is capable of turning out many times as much work in the same time and with the same labor as it would when the ordinary steel was used. This steel was sold at first at 75 cents per pound and was cheaper at that price than the ordinary steel would be at even one-tenth of the price, as it outlasted the other and enabled a given machine to turn out an enor-

mously greater quantity of work with the same amount of labor. The introduction of this steel threatened to destroy the industry in the United States. Its merit was so apparent and its introduction into this country was so rapid that the imports of fine steel, valued above 16 cents a pound, the highest classification known to the Dingley law, which in 1898 had amounted to only 250,540 pounds, in 1901 reached 778,736 pounds; in 1902 jumped to 2,133,461 pounds; in 1903, 2,299,239 pounds; in 1904, 1,550,313 pounds; in 1905, 1,724,612 pounds; in 1906, 2,897,682 pounds; in 1907, 3,535,707 pounds; in 1908, 1,999,255 pounds; and in 1909, 2,083,672 pounds; and I may add that, notwithstanding the very liberal increase in duty allowed by the Payne law, the imports during 1911 were 2,870,267 pounds.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Yes.

Mr. SHIVELY. As I understand the Senator, this is a particular kind of steel out of which machinery is made to work exclusively in iron and steel.

Mr. OLIVER. Yes; generally for that purpose. Its use has since been extended to the making of cutlery and other articles of that sort.

Mr. SHIVELY. The Senator says that the process of making this particular kind of steel is an English process.

Mr. OLIVER. Originally it was a secret process.

Mr. SHIVELY. A secret process?

Mr. OLIVER. When invented or discovered. It first made its appearance in 1901 or thereabouts, and if the Senator will follow the figures I have given he will see that it has made very rapid progress.

Mr. SHIVELY. The figures are of the imports?

Mr. OLIVER. Yes. None of it was made in this country at the beginning.

Mr. SHIVELY. Those imports were induced by reason of the superior quality of the steel for this particular purpose.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was used in this country in the general iron and steel industry.

Mr. OLIVER. It was used in this country, yes; by all users of fine steel.

Mr. SHIVELY. That is, it was used in this country in the manufacture of machinery for use in the iron and steel industry.

Mr. OLIVER. Generally speaking; yes.

In the meantime, however, the American crucible steel manufacturers discovered the formula or mixture which was employed in producing this steel. It is composed of a mixture of the best class of Swedish bars, with about 18 to 20 per cent of tungsten, about 3½ per cent of chromium, and 1 per cent of vanadium. The tungsten enables the steel to retain its temper while at a red heat, while chromium imparts toughness and vanadium greater tensile strength and greater resistance to strains and shocks. The combination produces a steel of which one pound will do as much work as five or ten times its weight of any steel that was known fifteen years ago. The first effect of the American competition was to bring down the price of the English steel from 75 cents a pound to about 40 cents, at which price the home manufacturers could not compete, owing to the great additional labor involved in its manufacture and the expensive nature of the materials used.

As a result of the showing they made, the duty upon this grade of steel was advanced by the Payne bill on a sliding scale, based upon an ad valorem of about 20 per cent, and I am proud of the fact that I was to some degree at least instrumental in obtaining this advance. When the amendment proposing it was offered by the chairman of the Finance Committee it raised at once a storm of protest. Some of the Senators here will remember the debate that ensued. But so convincing were the facts that upon a fair presentation of the case the amendment was carried without a division. Since the act of 1909, notwithstanding the advance in duty, the American manufacturers have been barely able to hold their own. That the duty imposed by the present law is not too high to allow reasonable competition from abroad is shown by the increase of imports from $2,083,672 in 1909 to $2,870,267 in 1911.

I tried to get the imports for 1910, but was unable to do so. To give some idea of the nature of this business, and of the kind of men who are engaged in it, I will quote from the testimony of Mr. William Metcalf, jr., president of the Braeburn Steel Co., of Braeburn, near Pittsburgh. Mr. Metcalf, whom I know very well, inherited this business from his father, the founder, one of the pioneers in this branch of the industry. His plant is a small one, owned entirely by his family, and he says, and I believe, that if this bill becomes a law it will go directly to the scrap pile. I will quote liberally from Mr. Metcalf's testimony:

> Our product is the finer grades of steel, known as tool steel. It is a product into which the element of labor enters very largely and one that requires the utmost of skill, and it is a product that can not be made rapidly. The mere melting of the raw material in itself must be done slowly and carefully. The heating of the ingots after they are made is exceedingly important, and must be done slowly, or they will be destroyed. * * *
>
> Referring to the matter of mill labor, the average wage per day of all of the men in our employ during the year 1911 was $3.33⅓. That includes skilled and unskilled labor. The average wage per day of our skilled men, or what we call tonnage men—the rollers, hammer men, and others who work by the ton and employ their own labor—was $4.01 per day. These figures were taken from our pay-roll books, and are absolutely accurate as far as it is possible to make them. * * *
>
> During the year 1911 we had an average of 111 men employed. Of the 111, 56 were skilled men. There were 19 of what we might call intermediate men—that is, not common labor, but of the class of firemen, gas makers, and so on. * * *
>
> During the year 1911 the cost of labor in our mill was 50.7 per cent of the entire cost of production. The material charge was 31.1 per cent. This makes a total of 88.2 per cent, leaving only 11.2 per cent for all other expenses—the distribution of goods, the warehousing of goods, the salaries of the executive and administrative officers, and superintendence. * * *
>
> As to our material and supplies, the basis of all high-class tool steel is pure iron, and the maker of the best steel is the man who gets the purest iron into his steel. For that purpose we use two kinds of iron—the American-made iron and the Swedish iron. We are obliged to use the Swedish iron on account of the greater purity of that iron over the American iron. * * *
>
> It is better than our iron in this respect: It is lower in phosphorus and sulphur and it is freer from other impurities that are generally disregarded in the analysis of iron. * * *
>
> In addition to the iron we use metals for making our alloy steels, such as tungsten, vanadium, chromium, molybdenum, titanium, aluminum, etc. Of those elements there are two of which we use very little and one that we have practically discarded. * * *
>
> The plumbago for the manufacture of these crucibles comes from abroad. * * *
>
> The raw material is of such a nature that when it arrives at our plant the unloading of it is done by hand. If we are going to make good steel, the raw material must all be inspected—and it is all inspected—and that is done by hand by our own men. In addition to that, it must be analyzed in our laboratory. There is labor again. After it is put away in the bins in which it is kept the weighing up of the material for the crucible furnace is all hand labor. That material is hauled—and I am speaking only about our plant—by a little power dinky into the mill building, and the entire charge is lifted from the dinky up to the melting floor. Then the material must be packed in the crucibles by hand; otherwise we could not get it in. It must be properly distributed to get the best melting results. * * *

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Certainly.

Mr. SHIVELY. Do I understand that the material must be delivered by hand? I observe that in reciting the different processes it is always necessary to do it by hand. Is that true abroad as well as here?

Mr. OLIVER. What Mr. Metcalf means by delivering by hand is unloading and placing and distributing; that whereas material in the works involving larger tonnage is very largely handled by machinery—cranes and the like of that—the material for this tool steel must be handled by hand because each piece has to be inspected before it is used.

Mr. SHIVELY. Does the witness, from whom the Senator has been quoting, indicate what proportion of the annual product made in the United States is made in this factory?

Mr. OLIVER. No; but it is in reality not a very large proportion because it is a small mill. In fact, most of the mills in which this steel is turned out are small mills.

Mr. CUMMINS. We can not hear the Senator from Pennsylvania at this point in the Chamber.

Mr. OLIVER. I say I do not know what proportion of what is made in this country is turned out in this plant, but probably rather a small proportion, because it is only a small unit.

Mr. SHIVELY. I observe the Senator quoted this witness as saying that a very necessary article in the manufacture of this kind of steel is the product of that Swedish iron.

Mr. OLIVER. Yes.

Mr. SHIVELY. In what form does that come?

Mr. OLIVER. In the shape of bar iron.

Mr. SHIVELY. In the shape of bar iron from Sweden?

Mr. OLIVER. And it possesses peculiar qualities which render it especially fit for this use.

Mr. SHIVELY. And a quality that does not appear in the American product?

Mr. OLIVER. There are American-made irons that are also suitable for this purpose, but when manufacturers want to get a peculiarly good product they use the Swedish bars.

Mr. SHIVELY. Is that true generally in the manufacture——

Mr. OLIVER. Yes; in the making of this kind of steel.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. Does the Senator from Pennsylvania remember the domestic production of tool steel so that it can be compared with the importations of tool steel?

Mr. OLIVER. The domestic production of tool steel is from 75,000 to 100,000 tons.

Mr. CUMMINS. I think the Senator is in error about that. I think he said we imported several million pounds.

Mr. OLIVER. Yes; from 2,000,000 to 3,500,000 pounds.

Mr. CUMMINS. And we manufacture something like 100,000 tons.

Mr. OLIVER. Not of this very high-grade steel.

Mr. CUMMINS. There are, of course, many grades of tool steel; but it is true, is it not, that we manufacture in this country so large a proportion of it that the imports are really negligible?

Mr. OLIVER. No. I think the Senator is entirely in error in that. Of this fine steel, I think the proportion we manufacture is not a very great deal more than—not, say, more than two or three times as much. In all probability not as much as that, because it goes a long way, and if produced in large quantities the country could not use it.

There is another thing, Mr. President, about this grade of steel. It must be remembered that of this fine steel, each ton of it or each pound of it—because it is quoted in pounds and sold in pounds and used in pounds and not in tons—each pound of it displaces 5 to 10 pounds of the product that was made in America before its introduction.

Mr. CUMMINS. I understand there are many grades of what is known as tool steel.

Mr. OLIVER. Yes.

Mr. CUMMINS. And the value, as of silk or any other commodity, runs over a range.

Mr. OLIVER. Tool steel would run over a range of from probably 4 cents a pound to at least 50 cents.

Mr. CUMMINS. Taking the grades all together, it is true, is it not, that we make in this country nineteen-twentieths of all the tool steel we use?

Mr. OLIVER. I would not think so much as that, but we make a great deal of it. In fact, judging from the actual work of the Senator from Iowa, as shown in his amendment, to which I am coming later, I do not think there is much difference of opinion between him and me on this particular paragraph.

Mr. SHIVELY. Will the Senator allow me?

Mr. OLIVER. Certainly.

Mr. SHIVELY. What is the annual proportion of the steel to which the Senator is now referring to the cost of the product?

Mr. OLIVER. Mr. Metcalf says, taking his entire works, the cost of labor is 50½ per cent of the cost of the product. Taking the average of the works, the entire range, the pay rolls amount to 50½ per cent. The finer grades would amount to 60 per cent or more, because the finer steel requires much more careful handling and more labor than the coarser grades.

Mr. SHIVELY. Evidently I did not make myself clear to the Senator from Pennsylvania. The Senator has doubtless correctly represented this grade of steel as being peculiarly necessary in the general iron and steel industry, especially in making iron and steel tools. What I should like to know is what proportion the entire amount of this steel in this country bears to the annual output of the tools into which it is worked?

Mr. OLIVER. I can not tell the Senator that; I do not know. Anything I would say would be mere guesswork.

Mr. SHIVELY. If it is absolutely necessary to accomplish the highest results in some departments of iron and steel manufacture, then we raise the question how far we will go in sacrificing the general iron and steel industry to what the Senator himself admits is a rather slender proportion of the iron and steel industry.

Mr. OLIVER. I am not asking that any portion of the iron and steel industry shall be sacrificed. When the supply was entirely in the hands of the importers and foreign manufacturers this steel brought 75 cents a pound, and immediately upon the introduction of American competition it was reduced to 40 and 45 cents a pound. That is the inevitable effect of the protective tariff, and that is what I am arguing for.

Mr. SHIVELY. Was it possible that you needed a protective tariff against the product if the price was so high abroad? The Senator is stating a condition of affairs indicating that the price of this particular kind of steel was extortionately high abroad. If it was, did you need any protection against that price?

Mr. OLIVER. I beg the Senator's pardon. I said nothing of the kind. I said the price of this steel produced abroad was 75 cents a pound at home, and as long as they had a monopoly and were not faced by our competition they extorted that price from the American people.

Mr. SHIVELY. The Senator says at home——

Mr. OLIVER. I say at home, in the United States of America, where I live and where you live.

Mr. SHIVELY. It cost the manufacturer 75 cents a pound.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was so high?

Mr. OLIVER. It was.

Mr. SHIVELY. And afterwards it cost only 40 cents a pound?

Mr. OLIVER. Yes; after it was faced with the competition of our own people.

Mr. SHIVELY. Did you require a protective tariff to induce the American people to invest against such an extortionate price abroad?

Mr. OLIVER. But the minute we began to produce it and offer it in our markets, the importers reduced the price until they got it to a point where our manufacturers could not compete without additional protection, which was granted them under the Payne bill, by an amendment introduced in the Senate.

I am very willing to be interrogated by the Senator on any such subject. But to resume Mr. Metcalf's testimony——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Oklahoma?

Mr. OLIVER. I do.

Mr. GORE. I should like the Senator to state the value of the total output of this particular mill annually.

Mr. OLIVER. I can not. I have no testimony here to show it. To resume Mr. Metcalf's testimony, he said:

> After these pots are charged with 100 pounds of steel they are lifted from the floor and dropped into the furnace by hand. When I say "dropped" I do not mean that they are let go, either. The man has to straddle the furnace and let them down very gently to avoid breaking the crucible. During the melting process we have one gas maker for each of our two furnaces—a 24-pot furnace and a 36-pot furnace. We have one gas maker for each of those furnaces. * * *
>
> After the material is melted the pots are pulled out of the furnace by hand. That is not common, cheap, ordinary labor. It takes a very powerful and a very skillful man to do it. He has got to straddle the furnace, which is practically 3 feet wide, and reach with tongs almost down to the floor level, and get hold of the pot and pull it up; and he has got to get his tongs away up as high as his head to clear the floor, and then the crucible is swung aside. That is entirely hand labor. The skimming of any impurities off the top of the steel and the pouring are also hand labor. * * *
>
> After the ingots are taken from the furnace, after they are poured, they are shaken down by hand. In other words, the molds are taken apart and the ingots are taken out by hand. They are assorted, and they are then inspected. They are taken to an inspecting floor, and there they are very carefully inspected for imperfections in the casting of them, and inspected to determine the temper of the steel, as we call it. By "temper" I mean the hardness or the softness of it. * * *
>
> After these ingots are inspected they are assorted and marked and piled. That is largely hand labor, with the assistance of the crane. * * *
>
> When the orders are issued to the millmen for the material to be rolled, the ingots are taken to the furnace by crane, but the heating and charging and rolling over and the pulling out of the ingots from the furnace is all done by hand. We can not dump our crucible ingots into a furnace helter-skelter and trust to their heating evenly. They must be very carefully laid in the bottom of the furnace, in even rows, in order that we may get the same temperature all through the furnace. * * *
>
> After that is done it is not a question merely of shutting the furnace door and waiting until the furnace gets red hot. Our heater has to be continually opening the door, and if there is one ingot that is not getting its proper amount of heat, that is not heating fast enough or is heating too fast, we have to turn it over and put it in some other part of the furnace. * * *
>
> We must have a man who knows accurately the temperature of the steel from the color in the furnace. Then, when it is up to the proper temperature, the heater and the roller between them decide when they are ready to roll, and they go ahead with the rolling operation. The ingots are taken out of the furnace by hand labor, and the man who takes them out swings them onto a little trolley, that he pushes by hand—it is not a power trolley—and pushes them to the mill. * * *
>
> In such a mill as ours they change the rolls and the size and shape of the product very frequently, so that in addition to heating his ingots properly the roller must heat test pieces in the furnace, and run them through and try them out and carefully gauge them, to be sure that his mill is properly lined and that his guides are properly set, and that after the rolling is done he is going to get just what his order calls for. * * *
>
> Until the Payne bill was passed a very large proportion of the high-speed steel was made abroad. In our own business we attempted to make high-speed steel about 1902 or 1903, I think. The results were not satisfactory and it was abandoned. We took it up two years ago, and we have been making high-speed steel very successfully since. * * *

This, Mr. President, will give some idea of the manner in which this steel is made, and of the great amount of care and labor involved in its manufacture. Now, the Underwood bill proposes to allow all this steel to come in at a duty of 10 per cent ad valorem. The average invoice price of high-speed steel

imported during the year 1911 was about 33 cents per pound—that is, the foreign price—and the rate of duty averaged about 19 per cent. Under the provisions of the Underwood bill this steel would pay a duty of about 3.3 cents per pound. Now, in the manufacture of this steel there is used 18 per cent of tungsten, 3½ per cent of chromium, and 1 per cent of vanadium. All, or practically all, of these metals are imported. The Underwood bill levies a duty of 15 per cent on all of them. Therefore, on 100 pounds of this steel the American manufacturers will be compelled to pay duty on 18 pounds of tungsten, 3½ pounds of chromium, and 1 pound of vanadium. The market price of tungsten—I allude to the foreign price—is 55 cents per pound, of chromium 6 cents per pound, and of vanadium $3 per pound. Computing the duty on this basis, the duty on the tungsten used in the manufacture of 100 pounds of this steel would be $1.48½, of the chromium slightly over 3 cents, and of the vanadium 45 cents, making a total of approximately $2, or 2 cents for every pound of steel, without making any allowance whatever for waste in manufacture. In addition to this, the duty on the Swedish iron used in the manufacture of the higher grades, which takes up the remaining 77½ per cent of the mixture, would be at least one-fourth of a cent. making the total duty actually paid on the ingredients entering into the composition of a pound of high-speed steel a trifle more than 2¼ cents.

The duty on the steel itself under the Underwood bill would be from 3 cents to 3¼ cents per pound, leaving from three-quarters of a cent to a cent per pound as the only protection for the American manufacturer and the American laborer. None of the above ingredients is dutiable in England, from which country comes the chief competition in this steel. As I have before stated, notwithstanding the advance in duties provided for by the Payne bill, the imports of this kind of steel have increased in quantity—the amount imported last year being 2,870,267 pounds, as against 2,083,672 pounds in 1909. Even on the basis of a revenue tariff there is no excuse for a reduction of the duty upon this steel, while from the standpoint of even the most moderate protection it is altogether indefensible.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. At that point, where the Senator states the importations, will he state the American consumption?

Mr. OLIVER. I have no statistics relating to that.

Mr. HITCHCOCK. Can you state the American production?

Mr. OLIVER. I do not know that, either.

Mr. HITCHCOCK. It is rather important, to be able to gauge the relative importance of the imports, to know that.

Mr. OLIVER. I have carefully read the testimony before the Finance Committee, and that question does not appear to have been asked. I could find out something in the course of a week or two by an inquiry as to the approximate production. I say that from what I know of the demand for this very high grade of steel, the 2,800,000 pounds, or 1,400 tons, must be a very considerable part of the amount used in this country. It is not a negligible factor by any means. It is very considerable, and that is shown by the fact that the imports in 1907 and 1908, which ran from about 2,000,000 to 3,500,000 pounds, were heavy enough to drive a lot of our manufacturers out of business.

The Senator understands what I mean. The 3,500,000 pounds of importations in 1907 and those of the preceding years were so great as to discourage our manufacturers from proceeding with it. The 2,800,000 pounds now imported must be a very considerable part of the total amount consumed, notwithstanding the natural growth of use which would come with years.

Mr. HITCHCOCK. It seems important to have the statistics both as to the production and consumption in this country on most of these items, and I have wondered why those have not been furnished.

Mr. OLIVER. If the Senator will examine those statistics he will find that they are all in gross. He can find probably the production of open-hearth steel, he can find the production of crucible steel in some of the statistical reports, but where the matter of tool steel itself involves so many different sizes and kinds and uses, as a rule the production of any one of these particular kinds or sizes is not given.

Mr. HITCHCOCK. The Senator is not able to state what it is?

Mr. OLIVER. I have not the information. So that ends it as far as I am concerned.

The burden of the attacks made upon Schedule C of the Payne bill by the Senator from Iowa is based upon the assumption that, notwithstanding the reduction of duties, the tariff was still prohibitory and did not interfere with a monopoly of the business on the part of the American manufacturers. That this was not the case, so far, at least, as this one commodity is concerned, was apparent to the acute mind of the Senator, for in his amendment he interferes with these duties only just enough to show that he has been on the job.

Mr. CUMMINS. I could not hear the last statement.

Mr. OLIVER. I say, Mr. President, that so far at least as this one commodity is concerned, it was apparent to the acute mind of the Senator from Iowa that the duties provided for in this paragraph are reasonable, for in his amendment he interferes with these particular duties just enough to show that he has been on the job. Did the Senator hear that?

Mr. CUMMINS. I heard that, Mr. President, and I desire to reply to it just now. So far as the reduction of duties upon the heavier forms of duties is concerned, my amendment reduces them more than the Democratic bill.

Mr. OLIVER. The Senator is talking about one part of a horse's anatomy and I am talking about another. I am talking about this finer steel just now. In justice to the Senator from Iowa I will say that I believe he honestly thinks he is a protectionist. The difference between us is that I am always afraid that we will give too little protection, while he is afraid we will give too much, and in his zeal he is likely to take it away altogether.

Mr. CUMMINS. Mr. President, I admit that when the Senator from Pennsylvania thinks of this subject he always thinks of the man who is producing the commodity and the profit he is to receive. When I think of the subject I am thinking of the man who uses the commodity and must pay for it.

Mr. OLIVER. Following that argument out to its ultimate conclusion would make the Senator a free trader, and I know he is not a free trader.

The best way to judge of a tree is by its fruit, and we can best judge of the character of this bill by inquiring into its results as shown in the volume of imports since its enactment. Taking this paragraph 131 as an instance, we find that, lumping all the articles enumerated therein, the imports, which in 1909 amounted to only 28,285,124 pounds, in 1910 were 83,388,781 pounds, and in 1911, 85,716,478 pounds. In other words, in each of the years immediately following its enactment the imports were three times as much as in the year immediately preceding it. This increase in imports is not confined to the higher grades of steel which I have just been discussing, but extends to the lower grades as well. For instance, on the second item in the paragraph, articles valued at from three-fourths of a cent to 1.3 cents per pound, the imports, which in 1909 amounted to only 5,070,253 pounds, in 1911 were 48,947,148 pounds. And applying this test to other paragraphs of the schedule we find many instances of the same kind of result. Take structural steel, which is the favorite subject of attack on the part of the Senator from Iowa. The imports of structural steel for the last four years are as follows:

	Pounds.
1908	3,605,630
1909	11,905,034
1910	23,879,101
1911	24,907,259

And yet, if we take the fanciful figures presented by the Senator from Iowa as a basis, structural steel is manufactured in this country cheaper than in any other place in the world.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. I call the attention of the Senator from Pennsylvania to the fact that while we imported in 1911 structural iron and steel of the value of $325,018, we exported structural iron and steel in 1910—I have not the information for 1911—of the value of $5,800,551; in other words, we exported about 15 times as much as we imported. That seems to me to be a fair premise for the conclusion that we make it about as cheap as any other country in the world.

Mr. OLIVER. Mr. President, that may be so. I will allow the Senator all the comfort he can get out of that argument; but it does not at all disturb what I say, that the imports of this kind of structural steel increased very materially.

Mr. GORE. Mr. President——

Mr. OLIVER. I will yield to the Senator in a moment. The imports of this kind of steel increased after the imposition of these duties. That is one of the fruits of the Payne bill, and it shows that those duties were not prohibitory. Now I yield to the Senator from Oklahoma.

Mr. GORE. I wish to call the Senator's attention to the fact that the importations in 1908 were about 3,000,000 pounds, I believe, and in 1909, 11,000,000 pounds, as I remember the fig-

ures, an increase of threefold in one year, both years being higher than under the Payne-Aldrich Act.

Mr. OLIVER. Then they more than doubled the two following years.

Mr. GORE. There was an increase of 100 per cent instead of 200 per cent.

Mr. CUMMINS. May I, at this point, make a suggestion? I know the Senator from Pennsylvania will recognize that while we did import in 1911, solely on account of certain freight rates that could not be overcome, 24,907,259 pounds, we produced in this country during the year 1910, 2,124,000. If I can compare those two hastily, I would say that our imports were about one-tenth of 1 per cent, or less than that, of our production.

Mr. SIMMONS. Mr. President——

Mr. OLIVER. I will reply to the Senator from Iowa first, and then I will yield to the Senator from North Carolina.

I can not sympathize with the theories of Senators who argue that because our imports are a small proportion of what we produce, therefore legislation should be enacted that will enable us to increase them. That is what it means. I now yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, just for the purpose of emphasizing the statement that has been made, I think it would be well to reduce the imports and production to dollars and cents.

Mr. OLIVER. The Senator can do that when his time comes. I do not choose to put it in dollars and cents. I am putting it in pounds.

Mr. SIMMONS. Has the Senator any objection to my reading the imports in dollars and cents and the production in this country in dollars and cents?

Mr. OLIVER. At this time I do object, Mr. President, for I can not see that it affects the question and I want to proceed with my argument.

The schedules of the tariff bills, so far as phraseology is concerned, have followed the same line of construction since the act of 1883. They are the outgrowth of 50 years of experience. They are something that it is exceedingly dangerous to trifle with, and whatever may be the theory upon which bills are framed, whether on a protective or a revenue basis, changes in the construction of these schedules should not be idly entered upon and should only be made after a careful and intelligent investigation. Experience has shown that times without number advantage has been taken of ambiguous expressions used in the construction of these bills and has led oftentimes to frauds upon the revenue and to changes in duties, which were only corrected when the time came for the enactment of a new tariff. These paragraphs, as they now read, have for nearly 30 years been the subject of expert investigation and have been repeatedly construed from time to time by both the Treasury Department and the courts, so that their intent and meaning are now well understood; and their language and their classification should not be changed unless the necessity for such change be clearly shown and its effect be clearly understood. Both the Underwood bill and the Cummins amendment err greatly in this respect. They have shifted different articles from the places where they naturally belong, and in so doing have produced results which perhaps even the framers themselves did not intend and which would probably lead to results that would surprise their authors. A glaring instance of this is found in the recasting of this paragraph 131, about which I have talked so much, in the amendment proposed by the Senator from Iowa. This paragraph covers an enormous variety of subjects, running from the ingots to the highest-priced steel. The duties levied therein are graded according to the value of the product. The Underwood bill practically retains the language of the existing law, its intent evidently being to reduce the duties by half, but making them ad valorem instead of specific.

In the Payne law, which is substantially the same as in other laws preceding it, so far as language is concerned, it begins as follows:

> Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process of operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools—

and proceeds to levy duty on all of them graded according to value, the values beginning at less than three-fourths of a cent per pound and running up to steel valued above 40 cents per pound, which carries a duty of 20 per cent ad valorem.

In the Underwood bill the same general language is used, except that the duty levied is a uniform one of 10 per cent ad valorem, except upon crucible plate steel and saw plates, upon which the duty is 15 per cent ad valorem. The classification in both of these laws remains substantially the same. The Senator from Iowa, however, in the light of his superior knowledge, has located these articles in three separate paragraphs:

> First (par. 4). Steel ingots not advanced beyond casting, in all forms, $1.60 per ton.
>
> Second (par. 5). Billets, blooms, slabs, and other forms of iron and steel not herein specifically described and less advanced in manufacture than iron and steel in bars, $2 per ton: *Provided*, That if charcoal is used as fuel in their manufacture they shall pay an additional duty of $1 per ton.
>
> Third (par. 28). Tapered or beveled bars, etc.

From this point the wording and classification remain substantially the same as in the Payne bill with some change in duties.

Now, the Senator from Iowa in making this change was doubtless impressed with the idea that a steel ingot, being but little advanced in value beyond pig iron, should pay only a nominal rate of duty. In fact, he stated in his speech upon this subject that the ingot, so far as sales and shipment are concerned, was a negligible quantity, and in this he was correct as far as the term applies to the ingot turned out by the Bessemer and open-hearth processes and used in the manufacture of rails, billets, structural iron, and so forth. But the Senator forgot, or possibly he did not know, that all steel is the product of an ingot, and, in fact, the term was first applied in steel manufacture to the ingot or casting used in the production of crucible tool steel. These ingots weigh only from 90 to 100 pounds, and if this bill were enacted into law and the language retained as proposed by the Senator from Iowa, it would not be a month before the mills in Sheffield would be shipping to this country crucible steel ingots, varying in value from $50 to $500 a ton, all of which would pay a duty of only $1.60 per ton. These ingots could readily be rolled into bar steel in this country, and the cast-steel manufacturers of America would be out of business. The same objection applies to paragraph 5 of the Cummins amendment, which places billets, blooms, slabs, and other forms of steel less advanced in manufacture than steel in bars in a separate class at $2 per ton, with the addition of another dollar if charcoal is used as fuel in their manufacture. Under this paragraph crucible steel billets and slabs of high grade could be imported at a rate of $2 per gross ton and at a nominal cost could be hammered into tool steel worth from 30 to 50 cents per pound.

A manufacturer of tool steel has written to me as follows, referring to this paragraph:

> The effect of such a bill would be to compel this company to abandon the manufacture of all high-grade ingots, blooms, or billets, and to buy them abroad, or for us to establish works in England or other foreign countries to produce the ingots, which we would then ship into this country with only a nominal duty, and convert them into finished bars in our own mills, and while it would compel us to manufacture our ingots abroad or go out of the business, it would enable the foreigner to ship his ingots into this country at the nominal duty, finish them here, and thus create a ruinous competition. The effect is so horrible to contemplate that we feel sure that it is all a mistake, and only needs attention called to it to have it promptly and thoroughly corrected.

I know that the Senator from Iowa intended no such thing as this when he framed his amendment, and whatever I may think of other parts of his substitute, I give him full credit for a desire, in this paragraph, to afford reasonable protection to American manufacturers; but the fact is, Mr. President, that no man alone and unaided, no matter how gifted he be or how deep and extensive his knowledge of the subject, can prepare a bill for the revision of this important schedule that will stand the test of honest criticism. And I mention this most glaring instance to show how unwise it would be for us to incur the risks involved in hastily passing upon a measure so fraught with menace to our people.

I have before intimated that both the House bill and the Cummins amendment seem to have been framed upon the theory that the iron and steel business of the United States was centered in the United States Steel Corporation and a few other large companies, and the speeches of the Senator from North Carolina in advocacy of the one, and of the Senator from Iowa in advocating the other, were certainly aimed at these great industries. But, while aimed at them, my belief is that they will miss their mark. While the steel corporation may be greatly injured by this legislation, in my opinion it will still be able to withstand it, but it will do so very largely at the expense of the men it employs, who will be compelled to suffer for the wrongs done them by the American Congress.

The framers of these bills forget that the steel and iron of this country in the shapes in which they finally reach the consumer are largely the handiwork of a multitude of small manufacturers. It is in the shaping of these innumerable articles and forms that the foreign manufacturer, with his cheap labor and his less restrictive laws relating to labor, will underbid our manufacturers and unload his wares upon us.

To show the extent and the variety of these manufactures I will enumerate some of them. Take bar iron, for instance (not bar steel). There are 6 mills which manufacture bar iron in New England, 11 in the State of New York, 7 in New Jersey; there are 53 such mills in Pennsylvania, of which 44 are east of the Allegheny Mountains and depend altogether for a market upon the Atlantic seaboard, where their products will be open to European competition; there are 3 such mills in Delaware, 1 in Maryland, 4 in Virginia, 4 in West Virginia, 3 in Kentucky, 1 in Tennessee, 5 in Alabama, 1 in Texas, 13 in Ohio, 7 in Indiana, 8 in Illinois, 1 in Michigan, 1 in Wisconsin, 3 in Missouri, 1 in Kansas, 1 in Oklahoma, 2 in Colorado, 1 in Washington, 1 in Oregon, and 3 in California. These mills are in no syndicate or trust. Each of them, as a unit, is small, but as a whole they employ 20,000 men, whose living is menaced by this legislation. There is in the city of Pittsburgh a large plant which manufactures nothing but railroad spikes. It is owned entirely by the children and grandchildren of the man who founded it nearly 50 years ago. Their only customers are, of course, the railroads. Yet railroad spikes, for some reason which no man can fathom, are taken from the dutiable list and placed on the free list. There is another plant, in the same city, established by my own brothers in 1863, and still officered by their sons, whose chief products are bolts, nuts, and washers. Under this most marvelous bill the bolts carry a duty of 15 per cent, while the nuts and washers, which go with them, are on the free list. Can any plausible reason be given for this? Is it possible that some large user of nuts and washers had a latchkey to the door of the room in which this bill was prepared? It looks very much like it.

The Underwood bill places all fence and baling wire and wire nails on the free list. Outside of and absolutely independent of the United States Steel Corporation there are in the United States 83 plants producing fence wire. Two of them are in the State of Alabama, 14 in Illinois, 14 in Indiana, 10 in Michigan, 18 in Ohio, 4 in Pennsylvania, 4 in Nebraska, 4 in Wisconsin, 2 in Missouri, 2 in Massachusetts, 2 in Kansas, and 1 in each of the States of Colorado, Georgia, Iowa, Kentucky, Louisiana, Minnesota, and Texas. They are scattered over the length and breadth of the land and vary in size from a small plant employing not more than 30 or 40 men to that of the Pittsburgh Steel Co., of Pittsburgh, with its seventeen and one-half millions of capital and many thousands of workmen. Not one of these concerns controls the supply of its own ore or of its coal. The raw material of many of them consists of steel billets, and of most of them is as far advanced as wire rods. The abolition of the duty on these products will not enable the farmers throughout the great Central West to purchase their fence wire one cent below what they now pay for it, but, in my opinion, in the end will compel them to pay even more, and for this reason: It will—I think it must—deprive the American factories of the markets which they now control on the Atlantic, Gulf, and Pacific coasts. In doing this it will necessarily force the American manufacturers to reduce their output. The inevitable result of reduced output is increased cost, and with increased cost must necessarily come increased prices in the interior markets, which they will still control. The fact is that the competition of these 83 factories has brought the price of wire products in this country so low that they are now sold by the manufacturers at a profit which is very narrow indeed. Any excess price which the consumer pays for them is due to the exactions, whether justifiable or not, of the middlemen through whose hands they pass. I will give you an example of this.

Sometime ago I purchased a few pounds of wire nails at a hardware store in this city. I paid for them 4 cents a pound. The establishment from which I bought them buys these nails by the carload, and I ascertained that on that same day the open manufacturers' price of these nails was less than 2 cents per pound. It may be that the merchant from whom I bought them was justified in charging the price he did, but it does seem that if the much-reviled manufacturer can furnish the material, the factory, and the labor used in making these nails, and pay for transporting them over 300 miles for less than 2 cents, the merchant ought to be able to sell them to the consumer at considerably less than double that sum.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. Is it not a fact that the manufacturers of the United States are making more wire nails than are consumed in this country, and that they enjoy an export trade in wire nails, competing in other countries?

Mr. OLIVER. Mr. President, I have no doubt that that is the case with regard to one manufacturer in the iron and steel business. The export business is, I may say, absolutely in the hands of the United States Steel Corporation and its subsidiary companies. The reason why they have been enabled to increase their lines of export business to such an extent as they have is because they have systematically gone to work and sent their representatives into every country upon the face of the earth which uses or is likely to use any of the products of their manufacture. They have found out the exact shape in which these different countries want their goods put up and how they generally pay for them, and they have helped to finance them. As a result of that they have built up a very large export trade.

Mr. HITCHCOCK. Now, will the Senator right at that point——

Mr. OLIVER. If the Senator will allow me, I will complete what I have to say, and then I shall be very glad to once more yield to him.

The export business, not only in the steel industry but in all other lines of industry, depends not only upon the price at which the goods are sold to the consumer beyond the sea, but it depends also upon how much the man who is producing them knows about the consumer and the consuming countries. The United States Steel Corporation, with a largeness of vision which characterizes pretty much all of their acts, have set themselves about to find these things out. As a result of that they are having a growing export trade.

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. In addition to the fact that the United States steel manufacturers are making and exporting wire nails in competition with the world, is it not also a fact that they practically have a complete monopoly of the wire-nail market in this country, and that practically no wire nails, or such a very small quantity as to be negligible, were imported during recent years?

Mr. OLIVER. Imported?

Mr. HITCHCOCK. Yes.

Mr. OLIVER. Oh, I confess, Mr. President, that the present duty on wire nails is just about sufficient to maintain the American market for the American producer. I think that is what the framers of the tariff bill intended. I know, as one of the Senators who voted for it, that that is what I intended.

Mr. HITCHCOCK. Mr. President, it seems to me that the Senator from Pennsylvania must admit that if the present duty is prohibitory and has kept out competition it is too high.

Mr. OLIVER. I do not admit anything of the kind, Mr. President.

Mr. HITCHCOCK. And it seems to me the Senator must also admit that if American manufacturers are exporting wire nails and selling them in competition with foreign manufacturers in other markets they could sell them in this market if they were free.

Mr. OLIVER. I do not admit anything of the kind, Mr. President. The question of selling goods for export at lower prices than obtain in this country is one that I did not intend to touch on to-day; in fact, I will not touch on it, but I very much doubt that the wire nails which the steel corporation sells abroad are sold at lower prices than the average of prices which they obtain in this country.

Mr. HITCHCOCK. Well, does it not also follow, if that is the case, that no tariff is needed?

Mr. OLIVER. Not at all.

Mr. HITCHCOCK. If they are able to sell wire nails abroad at American prices, they could sell them in this country in competition with the foreign manufacturer.

Mr. OLIVER. It may be, and I have no doubt in most cases it is, the fact that they are not selling them abroad in competition with prices abroad. I have no doubt that they are putting large quantities of them into countries where the manufacturers of other countries have not the entrée. Another thing, knowing nothing about it whatever, but which I will venture, I would not be at all surprised if they are doing what the manufacturers of other countries do, but what the law forbids them to do in this country, and that is making agreements with foreign producers with regard to the division of the trade.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. I think the Senator from Pennsylvania stated, or I understood him to state, that substantially all the export business of commodities covered by the metal schedule was done by the United States Steel Corporation. I do not think he intended to say so. I think it is true that the exports of the United States Steel Corporation are really very much less in amount, less than one-half, I think not one-fourth, of the exports under the metal schedule; but what is true is that of

the articles manufactured by such concerns as the United States Steel Corporation that company is the chief exporter.

Mr. OLIVER. Oh, yes; that is true.

Mr. CUMMINS. But taking the whole schedule together, we export very largely in excess of the amount exported by the United States Steel Corporation, and export very largely in excess of our imports under the schedule.

Mr. OLIVER. I intended in what I said to refer only to the articles made by the United States Steel Corporation and its subsidiaries and similar articles.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. OLIVER. Certainly.

Mr. BAILEY. Mr. President, I have heard the retail merchant assailed in this Chamber, from the Republican side especially, and charged with all the burden of high prices, and nobody seems disposed to lift a voice in his behalf. So I am going to put in the RECORD now an explanation of why the Senator from Pennsylvania had to pay that merchant twice as much as the merchant paid for those 4 pounds of nails. The merchant paid 2 cents a pound, or 8 cents for 4 pounds, while the Senator from Pennsylvania paid 16 cents for the 4 pounds, because he made the merchant hitch up a wagon, take a boy, and send them to his house.

Mr. OLIVER. I did not do that, Mr. President.

Mr. BAILEY. Did the Senator himself take them home?

Mr. OLIVER. I took them right at the door. The fact of the matter is that I wanted them for the purpose of furnishing this example. [Laughter.]

Mr. BAILEY. Well, Mr. President, the merchant's customers so seldom do that that the merchant has to fix his prices upon the supposition that he must deliver the goods. The statistics of this country show that the retail merchants are not enjoying very princely incomes, nor are they the beneficiaries of very great fortunes. If they do charge high prices, they have been made necessary by the modern methods of purchase and delivery.

When I was a boy, if my folk wanted a ham, they sent me down to the town, and I bought it and carried it home, but nobody does that now. The merchant must provide a horse, a wagon, and a man, and deliver the goods, and for those things the consumers must pay. So long as the people make the merchants wait on them, not only at the store, but by delivering the goods, they must expect to pay and ought to pay the price. I am of the opinion that the retail merchants of this country are entitled fairly to an exemption from the general charge that they are the cause of high prices.

Mr. OLIVER. Mr. President, I realize the force of what the Senator says. In giving this example, I was not intending to reflect upon the merchant, but merely wished to demonstrate the fact that the price which the consumer pays for nails is more than double what the manufacturer receives; and yet, Mr. President, the average consumer would charge the high price, if he thought it was a high price, not to the merchant, not to the fact that a delivery wagon is required, and not to any intermediate agency, but to the manufacturer. The Senator from Georgia, I believe, rose.

Mr. BACON. I said nothing.

Mr. OLIVER. I thought the Senator desired to interrupt me.

Mr. BACON. No; but as the Senator has given me the opportunity, I will make a suggestion further on that line, and that is, that the retail merchant has to deal with a vast multitude of customers, and in all retail business, dealing in that way, there is a certain proportion of loss, occasioned by those who do not pay, and that loss has to be distributed in a general business so as to get from those who do pay that which will compensate for the loss occasioned by those who do not pay. A great many other considerations of that kind might be mentioned which add to the necessary increase in prices charged by the retailer when he disposes of his goods.

Mr. OLIVER. I realize that, Mr. President. I also realize, what the Senator doubtless knows, that the manufacturer never loses anything by bad debts. Every merchant who buys nails from him pays up promptly, of course. If the Senator had had the experience in his life that I have had, he would have found that losses in business are not confined to the mercantile class by any means.

I could cite many other industries, consisting of units small in themselves but important as they affect the general welfare of the country, all of which are brought face to face with ruin by this threatened legislation; but I will not take up the time of the Senate to enumerate them. I think I have said sufficient to show that the men to whom it means most are not the big men who control the policy of the United States Steel Corporation, but the more modest manufacturers among the rank and file of our people, and the multitudes whom they employ. The first of them to be affected will be the men who work with their hands, not only because their wages will be reduced, though that is inevitable, but also because great numbers of them will be deprived of employment.

In estimating the influence which even a partial opening of our markets to foreign competition would have upon the workingman, I was lately led to inquire as to the number of men who will be deprived of employment by the importation of even one lot of 1,000 tons of steel rails into this country; and from the best information that I could obtain I find that if one of our railroads would import 1,000 tons of rails it would deprive 5,200 American workingmen of employment for one day. In other words, the labor involved in the mining of the ore and the coal, the work at the furnace and the steel works on 1,000 tons of rails is equivalent to the labor of 5,200 men for a single day, and this includes only the labor of the men actually employed in and about the production of the rails themselves and does not include collateral labor, such as outside transportation, and so forth. Every pound of every substance that we can make which is imported from outside of our borders drives out of employment some certain number of American workingmen. You talk about protection being for the benefit of the manufacturer. I grant it, but the first and prime beneficiary is the man who works with his hands and who depends upon his labor for his living.

Mr. HEYBURN. Mr. President, there is some consideration being given to the propriety of having the bill read at this time, and it has been suggested that I defer any further remarks until the bill is read; but if the Senators present will give me a few moments of their attention I will proceed just a little further with the consideration of this question, and then, if it is desired, the reading of the bill can be begun.

Mr. SIMMONS. If the Senator from Idaho will pardon me for a moment, the suggestion about the reading of the bill was made upon the theory that the Senator did not wish to speak for more than a very short time this afternoon.

Mr. HEYBURN. I only desire to speak a short time.

Mr. SIMMONS. But if the Senator is able to speak, I would very much prefer that he would go on now, and the bill can be read at some other time.

Mr. HEYBURN. I only desire to speak a short time this afternoon. It is my intention to consider the bill by sections, according to the various questions involved.

Yesterday I dwelt at some length upon the two primary questions—that is, the relation that the money of the poeple bears to the business of the people and the necessity of providing occupation for the money. It is as necessary to the prosperity of our people that an occupation for their money should be furnished as that they be furnished with any other element that contributes to their prosperity.

I drew attention to the comparative volume of money belonging to the different classes of the citizenship—and I use the word "classes" in no invidious sense—but from the official records I called attention to the fact that the working people, those who work for wages, in financial strength are the equal of the people engaged in business who employ labor. It is not a surprising condition, but it is one that has been lost sight of. The amount of money held in the savings banks represents the wealth of the laborer. No part of it belongs to the Steel Trust or the Standard Oil Co. or any of that class of people. It is the surplus of the working people.

Mr. LODGE. Mr. President, in that connection—perhaps the Senator is going to make the statement I was about to call attention to——

Mr. HEYBURN. I have no objection to yielding to the Senator, even if he anticipates what I was going to say.

Mr. LODGE. Judging from my own State, the deposits in savings banks must represent the savings of people who are making small earnings. In my State the total amount of a deposit is limited to $1,000. According to the last statistics I have seen, the average deposit was $125, and the total was over $700,000,000. No capitalist invests a thousand dollars in one bank and then in another and lets it stay there at 4 per cent.

Mr. HEYBURN. That was in one State the deposits were over $700,000,000?

Mr. LODGE. In one State.

Mr. HEYBURN. The aggregate savings deposits now in the United States are about $4,000,000,000, and if the average deposit is the same as it is in Massachusetts it is not difficult to compute the number of prosperous working people in this country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. In just a moment—and the plea that is being made by our friends on the other side is that this legislation is sought in the interests of the destitute workingman. Now, I yield to the Senator.

Mr. CUMMINS. Mr. President, I hope that it is true that every penny deposited in the savings banks of the country represents the savings of a workingman. It is not, however, quite true in my part of the country. Our savings banks pay 4 per cent interest; there is no limitation upon deposits in our State, and therefore some of the money that is deposited there is deposited by others than the workingmen; but I do not want anybody to understand that I desire to paint a gloomy picture with respect to the condition of the workingmen. They are in this country, as I said yesterday, the best conditioned and the best situated of all the workingmen of the world, and I want to keep them so.

Mr. HEYBURN. That was the avowed purpose of the tariff legislation of 1896. The laboring people were not prosperous then.

Mr. GORE. I merely should like to remark at this place that, according to the statistics submitted, more than one-sixth of all the savings in the United States are in the protected State of Massachusetts, less than one-thirtieth of all the people in the United States reside in the protected State of Massachusetts, and more than 40 per cent of all the population of Massachusetts are foreign born, beneficiaries of protection against foreign labor, now transplanted to the United States.

Mr. HEYBURN. The statement just made by the Senator from Oklahoma is an argument in favor of the protective system. If the Senator from Oklahoma will refer to the statistics a little further, he will find that the savings are those of people who have employment at such wages as leaves them a surplus. I will make another statement—that this surplus or profit of the working people of this country is greater than any profit made by the business men or organizations. They have a volume of money sufficient to buy out the Standard Oil Co., if it is a company, or the steel corporation; in fact, they have capital in bank that would buy out the business of every business concern in the United States. So they are masters of the situation, and if they do not take advantage of that fact it reflects credit upon their conservative wisdom.

We are not hearing from the working people here in regard to these matters. We are hearing from the agitators. We are hearing from the people who farm the working people, who depend upon the working people to contribute to their livelihood and luxuries.

Mr. President, this is a strong point in favor of the existing conditions of the working people of this country and of the protective tariff. In 1896 when the present tariff system was again reasserted by the people of this country the workingmen were not employed. It was the admitted cry of both parties that there were starvation and idleness and distress. The Democratic Party at that time had a theory that by starting the printing press to work making money and by changing the financial system of the Government they could start the wheels of industry and the employment of wage earners. The Republican Party asserted that if you returned to conditions under which prosperity did exist, prosperity would exist. The people sustained the view of the Republican Party, whether as an experiment or not is not material, but the prophecy and the promise of the party were realized to the people. Industry was revived, there was no more cry of hard times for years and years until the agitators had become idle, and they were always idle, and were out of an occupation and probably in some discredit with those with whom they had lived for years. And the agitators, finding themselves out of a job, started in to make the people believe they were poor and destitute and wretched, and the political exigencies of the hour—of the oft-repeated hour—seemed to prompt a part of the people to insist that there was a necessity for the revision of the tariff laws under which this prosperity existed. They had no other job in sight, and that was rather an enticing one, because it carried with it position, office, salary, dominion, and so they apparently convinced some of the advocates of the policy of prosperity to believe there was something in their cry, that the garment needed repairing.

I am addressing my remarks now to those in the Republican Party who participated in bringing about this condition of prosperity, and I ask them to take another look over the field and see whether or not there is any reason why a system of law that produced prosperity in 1896 should not do it in this year 1912. Like conditions, as a rule, produce like results. Return to those conditions of governmental policy and you will hear no longer, except from the agitator, a cry of necessity for a change in the law.

I address these remarks to Republicans who have been persuaded or half persuaded of the necessity for revising the tariff. I do not address them to Democrats, because they represent a different school, and I have enough to do without burdening myself with undertaking to convert the Democrats. If we can keep the Republicans within the lines of Republican policy and system of Government, the Democrats afford a very nice audience, and can look on at the prosperity of the Republicans. Our difficulty is in keeping down not the discontent so much as the inclination on the part of Republicans who have stood for the same policies that we advocate to-day to accept the idea that there is discontent. They hear a great big noise, and they seem to be terrified by it, but it is the noise of the Democracy, and a Republican wants to keep his political nerves in such good order that he will not be terrified by the noise of the Democracy. So that I address my remarks—and I will not look when I say it—to the Republicans inclined to be scared by this false noise.

Mr. President, the people who are interested in this are not any more the producers than the consumers. They are about equally divided in this country I find upon looking at the statistics. The producer must have a market. If he does not, two things will happen. He will become bankrupt or he will cease to attempt to produce. Suppose, for instance, the producers of the country were to go on a strike and say, "If you insist upon putting us on a par with the producers of other countries, where the people live under other laws, where the relation of the people to the government is different from that occupied here, we will not play, we will not raise the wheat, we will not cut the timber, we will not mine the ores nor smelt them; we will all buy bread and meat until our pocketbooks are empty and our credit gone."

In the meantime the means of production in this country would have fallen into ruin. The farms would have grown up with weeds and the fences would have strewn themselves over the fields; the machinery would have rusted; the buildings would have become unfit for use. And then the people would say, "Why is it we are paying under this system more for things purchased abroad (even if they had the money to purchase them) than we used to pay when they were produced at home?" The reply would be, "The foreign producer is looking for the best market in which to sell his goods, and as long as you have money and are not producing these things he will fix the price."

To-day we fix it. He, then, would fix it. His mills would be kept bright and in working order. His fields would be raising grain and other food products, and we would either pay for them at his own price or adopt some other remedy, or the surplus of our people would go to foreign countries in order to share in their prosperity, like people are talking about going to Canada. They would go to Germany or England or to whatever country was getting such good prices for the products we had to have in order to make a semblance of existence. You are playing right into the hands of the foreign producer when you are diminishing the inducement to produce at home.

Now, you can take that as the gospel of government. More than half the people of this country live in the country. The percentage, I am sorry to say, between the urban and country population, is growing the wrong way. More than half the people live in the country. They produce all that is produced that goes to make up or meet the necessities of the human family in this country except what we may import. They produce all that the city buys to sustain life. The city produces nothing, contributes nothing to the necessities of life, so far as concerns food products or clothing or the raw material out of which these things are concerned. Some shops are in the city, and they card and spin the wool and make the cloth and convert it into clothing, but those are unproductive wage earners. They contribute nothing to the necessary supplies of the people—not even to their own.

You can starve any city in the United States within 10 days by cutting off its transportation. If the country were to withdraw from the business of supplying the cities with their absolute necessities for 10 days, the people would either have to leave the cities or engage themselves in small industrial enterprises or starve. Two days will deprive New York City of the supply of milk and butter that it consumes, and the country holds the prices within the grasp of its own hand. A few days would deprive the cities of all their meat supplies, and in doing that you would shut down every workingman in the cities. You would put every occupation out of business in the cities.

Now, are you going, by a policy of government, to impoverish the country and make it either resentful or unable to contribute to the existence of the cities when the balance of population is so close between them? The country people can eat enough of

their products to sustain their lives. They can equip themselves to make their own clothes, just as their ancestors did. Some of us remember when the spinning wheel was still an active factor in the household; and I saw the other day, in passing through a near-by country, the old weaver's house and the looms in it that were an active factor in contributing to the make-up of the daily life when I was a boy.

Now, if these things are silenced or put out of business, what becomes of the city population in this country; and that is where poverty counts most? A man may be very poor in the country and still not be destitute. There are resources for the man living in the country that do not exist to the man living in the city, and when I say man I mean man, woman, and child. The country finds the market for its surplus only in the cities. It consumes just what it needs and then it sells its surplus to the cities.

There is the relation that exists between the two elements of our own people. That is just as true when applied to our Nation in its dealings abroad. We consume a proportion of our products equal to our necessities, our comforts, or our luxuries, and when we have consumed that much of it we look out for a market for the surplus.

Neither this country nor the people of this country gain a dollar in wealth by what they consume. The people of the United States, taken as a whole, do not add a dollar to their wealth by what they consume. One man may get a little the better of another in a trade when he trades one commodity for another, but the people as a whole—and I am dealing with the question of the people, for we are here legislating for the people in the aggregate—are not a dollar richer by what we produce if we consume it, but the addition to the wealth of the country comes solely from the sale of our surplus abroad—the sale of our surplus and the acquisition of new money that represents the price of it. That is our added wealth. That is the balance of trade.

The Government is not interested in the balance of trade as a political body. The customhouse does not add to the wealth of the people. It is the difference between the sale and the purchase abroad that represents the increase or the decrease of the wealth of the people. That is where the tariff legislation begins. The tariff has no application whatever, except to the surplus of our products, and that surplus depends upon whether or not we produce more than we need; whether or not our people are profitably engaged. There would be no surplus if we were to allow more to be imported than we exported. The purpose of tariff legislation as it was originally applied to our Government is that we may keep out of our market the stranger so long as we ourselves desire to occupy that market.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I may not have understood the Senator from Idaho correctly. I will repeat it, and he will tell me whether I understood it as he meant it. I understood him to say our wealth is measured by the difference between our exports and our imports.

Mr. HEYBURN. Our income is measured by the difference. That is, the question whether we are making or losing money is measured by the difference. What I call the still wealth is the wealth that stays at home. I was not speaking of that.

Mr. CUMMINS. I misunderstood the Senator. I understood him to say that we grew richer only in the proportion of our balance of trade.

Mr. HEYBURN. The Senator misunderstood me. I said the increase in our wealth as a Nation depended upon the difference between our purchases and sales abroad.

Mr. CUMMINS. It seems that the Senator from Idaho is repeating it just as I understood him to say it originally. I saw a map on the wall here the other day, introduced by the Senator from Utah [Mr. SMOOT], which stated that in 1897 the national wealth was, as I recollect the map, $77,000,000,000.

Mr. HEYBURN. That has nothing to do with the exports and the imports.

Mr. CUMMINS. And our national wealth now, according to that map, is $140,000,000,000.

Mr. HEYBURN. Yes.

Mr. CUMMINS. An increase of $63,000,000,000 since that time.

Mr. HEYBURN. That might be at home.

Mr. CUMMINS. I call attention to the fact that our balance of trade has not been even a small tithe of that increase.

Mr. HEYBURN. That wealth to which the Senator from Iowa refers might be at home. I was speaking of the balance of trade as business men understand it—the difference between the outflow and the income. I was speaking of it from the standpoint of all the people constituting a nation and not taking into consideration at this time individual fluctuations. That is the rule of profit and loss in individual transactions as it is in national transactions.

Mr. CUMMINS. The Senator agrees that the country might be very rich and yet suffer a balance of trade against it for years and years.

Mr. HEYBURN. For a certain time.

Mr. CUMMINS. And all the time for that matter.

Mr. HEYBURN. No. An unfavorable balance of trade long continued would, of course, mean that the people would ultimately be bankrupt, just as it would with a business man. If at the end of every year a business man, in casting up his balances for the year, finds that he has paid out more than he has taken in, of course it is only a question of time until he will be bankrupt. The same is true of the whole people as it is of an indivdual. It is to that I am looking in all this tariff legislation. I am looking to the conditions that control the question of the balance.

Now, if we do not manufacture or produce upon the farm or from the mine or wheresoever it may be a surplus over our own consumption at home that we may sell abroad, we have no other way of making money. There is no way by which the whole people can add a dollar to their wealth except by producing and disposing of a surplus. That depends upon whether the people are in a positon to continue production.

Mr. CUMMINS. It would follow, if all the people in the world were citizens of one nation, that no matter what they might do or how diligent or industrious they might be or how great their resources, they would continually grow poorer.

Mr. HEYBURN. No; they would consume what they produced and probably would produce what they consumed, but I never would deal with the question from that standpoint. We are a great, big, wealthy Nation, with boundaries about it, and within those boundaries we do business. No man does business in his neighbor's store—that is, on his own account. We are not transacting business in other countries. We may do business with other countries, but our great field of production lies at home. We do not produce our wheat in any other country than our own, nor our cattle nor our forests nor our manufactured products. We must produce them here, under the jurisdiction of our own Government. That fact is settled.

I have heard the utopian idea of wiping out the boundaries between nations and then devising some scheme of government by which the people thus constituted and situated might live. I have never spent a moment's thought about it, because it is an impossibility and will always remain one. So why waste our time in the consideration of a real question by conjuring up a condition or a situation that can not ever confront us?

Mr. President, I wish to have the attention of the Senator from North Carolina. I understood he suggested that about this time the bill would be laid aside, so far as concerns discussion. I am not through at all, but I am willing, if the Senator in charge of the bill has any such suggestion, to acquiesce in it.

Mr. SIMMONS. I think we ought to go on with it until at least half past 5, but if the Senator prefers to discontinue now I suggest that we proceed to the reading of the bill.

Mr. HEYBURN. I will say to the Senator that there have been times when I have felt physically better able to continue than I do this afternoon.

Mr. SIMMONS. The Senator understands I do not wish to press him at all.

Mr. GORE. I intended to propound a question to the Senator, but if he is indisposed I will defer it to some other time.

Mr. HEYBURN. If I am to go on, certainly the Senator can propound any question, but I thought we had a tacit understanding that at about 5 o'clock we would proceed to other business.

Mr. SIMMONS. I ask that the bill be read.

The PRESIDING OFFICER. Without objection, the bill will be proceeded with.

Mr. CUMMINS. I ask if the bill is now being read for amendment?

Mr. SIMMONS. No; not for that purpose.

Mr. CUMMINS. I want a clear understanding. I propose at the right time to offer an amendment by way of a substitute for the bill.

The PRESIDING OFFICER. The Chair will suggest that after the reading of the bill any amendment or substitute will be in order.

Mr. SIMMONS. There has been no amendment pending, I understand.

Mr. HEYBURN. I merely again call attention to the fact that this is not one of the prescribed readings of the bill. This

is a reading as in Committee of the Whole. It does not take the place of any other reading, nor does it cut out——

Mr. SIMMONS. It is to save time; that is all.

Mr. HEYBURN. It does not cut out amendment.

Mr. CUMMINS. Then it is an unnecessary and useless performance.

Mr. SIMMONS. The bill has to be read at some time, and I suppose we had just as well go on with the reading now.

Mr. HEYBURN. It will have to be read when it comes into the Senate. That is the only time when it must be read.

Mr. SIMMONS. If it will not facilitate business, I see no reason for reading it.

Mr. HEYBURN. I do not, either.

Mr. LODGE. I suggest that it is usual to have a reading as in Committee of the Whole for the information of the Senate.

Mr. SIMMONS. I had understood that to be the usual practice, and therefore I suggested that it be read this evening in order to save time, as no other Senator was ready to go on.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

Mr. McCUMBER. I wish to give notice that at 2 o'clock to-morrow, or if the 8-hour bill shall have been disposed of before that time, immediately after the disposition of that bill I shall ask permission of the Senate to submit some remarks on the pending metal schedule bill.

INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE, ETC.

Mr. LODGE. I ask unanimous consent for the consideration of the joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of Whole, proceeded to its consideration.

The joint resolution had been reported from the Committee on Foreign Relations with an amendment, on page 2, to strike out lines 1 to 8, inclusive, in the following words:

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

So as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America, and suggest their cooperation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 139) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes. It is a matter that the Senate has passed twice and we might as well dispose of it to-day.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 3, page 2, line 24, before the word "million," to strike out "ten" and insert "fifteen," so as to make the bill read:

Be it enacted, etc., That in order to make present and future provision for the erection and maintenance of public buildings for the accommodation of the Government of the United States within the District of Columbia, the following parcels of land shall be purchased, under the direction of the President of the United States, or taken for public use by due process of law, namely:

All of blocks Nos. 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, Reservation A, Reservation B, Reservation C, Reservation D, Reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

SEC. 2. That any and all streets and alleys intersecting the said lands so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by executive order vacated and become and constituted a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the sum of $15,000,000, or so much thereof as may be necessary, to be used for the payment for or on account of the price of said lands or acquiring the title thereto, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury, subject to the executive order of the President, shall be authorized to purchase or acquire said land or any part thereof as soon as practicable at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney General of the United States.

SEC. 5. That in the event of a failure to agree upon the price of said land or any part thereof between the owner of said land and premises and the Government of the United States, the Attorney General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the Supreme Court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinbefore provided to be appropriated for such purposes.

SEC. 6. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVY RETIREMENTS.

Mr. CURTIS. I ask unanimous consent to call up the bill (S. 473) relating to Navy retirements.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 8, after the word "service," to add the following proviso:

Provided, That no increase of pay or allowance shall accrue prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That any officer of the United States Navy who served creditably during the Civil War and whose name is now borne on the list of retired officers of the Navy shall have the benefit of all laws in the same manner and to the same extent as though such officer had been retired for disability incident to the service: *Provided*, That no increase of pay or allowance shall accrue prior to the passage of this act.

Mr. CURTIS. I wish to offer an amendment to the amendment. The bill applies to only six officers. There are two officers provided for who are not cared for by private acts. The other four have been provided for. I move to amend the amendment by striking out the words "the passage of this act" and inserting "June 29, 1906," so as to make the proviso read:

Provided, That no increase of pay or allowance shall accrue prior to June 29, 1906.

That will cover the case of two officers who have not heretofore been taken care of by private bills.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 24, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1912.

COLLECTOR OF CUSTOMS.

Cornelius O'Keefe, of Arizona, to be collector of customs for the district of Arizona, in the State of Arizona. (Reappointment.)

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine. (Reappointment.)

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for Oregon. (A reappointment, his term having expired.)

UNITED STATES MARSHALS.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana. (A reappointment, his term having expired May 18, 1912.)

Henry L. Fassett, of New York, to be United States marshal, western district of New York, vice William R. Compton, deceased.

REGISTER OF THE LAND OFFICE.

Frank C. Bramwell, of Oregon, to be register of the land office at La Grande, Oreg., his term expiring January 13, 1912. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. William T. Littebrant, Fifteenth Cavalry, to be major from May 21, 1912, vice Maj. George E. Stockle, Ninth Cavalry, detailed as quartermaster.

First Lieut. Richard B. Going, Fifteenth Cavalry, to be captain from May 21, 1912, vice Capt. William T. Littebrant, Fifteenth Cavalry, promoted.

COAST ARTILLERY CORPS.

Second Lieut. George F. Moore, Coast Artillery Corps, to be first lieutenant from May 21, 1912, vice First Lieut. Allison B. Deans, jr., detached from his proper command.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain in the Navy from the 27th day of April, 1912, to fill a vacancy.

Gunner James A. Martin to be a chief gunner in the Navy from the 22d day of March, 1912, upon the completion of six years' service as a gunner.

Lieut. Commander Powers Symington to be a commander in the Navy from the 10th day of May, 1912, to fill a vacancy.

Lieut. (Junior Grade) Robert A. White to be a lieutenant in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant in the Navy from the 10th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant in the Navy from the 16th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant in the Navy from the 2d day of March, 1912, to fill a vacancy.

Capt. Frank E. Beatty to be a rear admiral in the Navy from the 27th day of April, 1912, to fill a vacancy.

Second Lieut. Nedom A. Eastman to be a first lieutenant in the Marine Corps to fill a vacancy occurring on April 28, 1912, and to take rank from March 25, 1912.

Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps from the 10th day of May, 1912, to fill a vacancy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from May 2, 1912, in place of First Lieut. of Engineers Frank Gerome Snyder, resigned.

Cadet Carl Herbert Abel, of Indiana, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Frederick J. Birkett, of Washington, to be a third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet James Marsden Earp, of Maryland, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Joseph Francis Farley, jr., of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet William Patrick Kain, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet David Patterson Marvin, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Floyd Jesse Sexton, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Gustavus Urban Stewart, of New Hampshire, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Clement Joseph Todd, of Colorado, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Edward Mount Webster, of the District of Columbia, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

POSTMASTERS.

ALABAMA.

William B. James to be postmaster at Evergreen, Ala., in place of G. Cullen Dean. Incumbent's commission expired February 27, 1912.

GEORGIA.

William T. Rudolph to be postmaster at Thomaston, Ga., in place of William T. Rudolph. Incumbent's commission expired February 27, 1912.

William M. Wakeford to be postmaster at Adel, Ga., in place of William M. Wakeford. Incumbent's commission expired February 27, 1912.

Robert L. Williams to be postmaster at Griffin, Ga., in place of Robert L. Williams. Incumbent's commission expired April 22, 1912.

MICHIGAN.

James B. Haskins to be postmaster at Howard City, Mich., in place of Sid V. Bullock. Incumbent's commission expired December 11, 1911.

Frank N. Wakeman to be postmaster at Paw Paw, Mich., in place of Bangs F. Warner. Incumbent's commission expired May 23, 1912.

MISSOURI.

Edward Gloshen to be postmaster at Mercer, Mo. Office became presidential January 1, 1912.

NEW YORK.

George F. Odell to be postmaster at Congers, N. Y. Office became presidential July 1, 1911.

OHIO.

Charles H. Huffman to be postmaster at Richwood, Ohio, in place of Charles H. Huffman. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Marion Henderson to be postmaster at Pauls Valley, Okla., in place of John McL. Dorchester. Incumbent's commission expired May 9, 1910.

PENNSYLVANIA.

John F. Fenstermacher to be postmaster at Mount Joy, Pa., in place of John F. Fenstermacher. Incumbent's commission expired April 28, 1912.

TENNESSEE.

William J. Walker to be postmaster at Tiptonville, Tenn. Office became presidential January 1, 1912.

WISCONSIN.

Charles Pfeifer to be postmaster at Plymouth, Wis., in place of Charles Pfeifer. Incumbent's commission expired April 24, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1912.

POSTMASTERS.

CONNECTICUT.

Samuel E. Louden, Riverside.

INDIANA.

Charles T. Benton, Brownstown.
Addison M. Catterson, Shoals.
William R. Elrod, Orleans.
John W. Foland, Frankton.
John O. Motto, Winona Lake.

KANSAS.

George W. Rains, Galena.

MICHIGAN.

Frank N. Wakeman, Paw Paw.
James B. Haskins, Howard City.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 23, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great thoughts, noble deeds, and splendid achievements which link the past to the present, making us rich in scientific, literary, art, governmental, and religious attainments, which make the world a better place in which to live, affording greater fields of endeavor, opening the way to larger life and nobler attainments. Help us to add something to coming generations which will enlarge their opportunities and hasten the coming of Thy kingdom to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL PRIVILEGE.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARDWICK. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Mr. Speaker, I rise to a question of personal privilege.

The leading editorial in the Washington Herald of yesterday, entitled "The Lodge amendment joker," among other statements, contains the following statement, which is not only absolutely untrue, but also reflects, in my judgment, upon the integrity of every member of the select committee appointed by this House at its last session to investigate the American Sugar Refining Co. and others.

The portion of the editorial to which I invite especial attention reads as follows:

THE LODGE AMENDMENT JOKER.

Those who are endeavoring to steer sugar legislation in Washington must be well-nigh distracted over the outcome of a year and a half of sugar agitation. Here is the result:

1. Hardwick report favoring the refiners and standpatters.
2. Underwood bill against the refiners and antistandpatters.
3. Senate finance report favoring the beet-sugar industry, but against the sugar refiners.
4. Lodge amendment, reported from the Senate Finance Committee, for the cane-sugar refiners and against the beet-sugar industry.

The Hardwick investigating committee reported that the value of the listed sugar-trust stocks was not inflated and that there was no "joker" in the law in favor of the cane-sugar refiners. In other words, it was a whitewash. The Democratic "steam roller" in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

It will be observed that this editorial states, so far as the special committee is concerned—

The Hardwick report favors the refiners and standpatters.

Exactly the reverse is true. When the report was made its most bitter criticism came from the trust—the American Sugar Refining Co.—which company, in a statement issued by its counsel, Mr. James M. Beck, of New York, on the day after the report was made to the House, bitterly and, I believe, unjustly assailed the report as unfair to the greatest of the refiners. In what possible way the report could have given comfort to any so-called "standpatter" I challenge any mortal man to state. If the assertion of the Herald means that the report favored the standpatters because it contained no recommendation as to tariff legislation on sugar, then that paper stands convicted of crass ignorance. It must acknowledge that it has never even read the resolution under which the committee was raised—under which it acted—and in which resolution no jurisdiction whatever of the tariff question was given the committee. The committee did not report on the tariff, because in the unanimous opinion of every Member, Democrat and Republican alike, the House had given it neither instructions nor authority to so report. That this House and the public may see how unfounded is this criticism, I will read to the House the terms of the resolution under which the committee was raised:

Resolved, That a committee of nine members, to be elected by the House, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 10, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the following results:

First. The restriction or destruction of competition among manufacturers or refiners of sugar.

Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof.

And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable.

And said committee as a whole, or any subcommittee thereof, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

So far, the editorial criticism of the Herald upon the committee is so weak and trifling that if it went no further I could well afford to disregard it, but the editorial continues:

The Hardwick committee reported that the value of the listed Sugar Trust's stocks was not inflated.

The truth is that the report was exactly the reverse. I read from page 25 of the report:

Your committee confidently submits from the above instances that its estimate in an earlier part of this report that of the nominal fifty millions of capital of the old refineries company not over twenty to twenty-five millions was real value, the balance being "water."

The capital of the American Co., organized in 1891, was also fifty millions, half common and half preferred. It appears to have taken over the properties of the Sugar Refineries Co. at a ratio of par, or somewhere near that figure. At par, according to the testimony of Mr. Heike. (Hearings, p. 187.) At something a little less than that figure, according to Mr. Atkins (hearings, p. 118), issuing, pro rata, about forty-two millions of its stock in place of the forty-seven millions actually issued by the refineries company.

So that the American inherited from its predecessor, the Sugar Refineries Co., most, if not all, of the water that had been so liberally pumped into the stock of the latter company.

In 1892 the American increased its capital stock from fifty to seventy-five millions, using the increase to purchase its Philadelphia and Baltimore competitors, as already outlined in this report.

It paid, in stock, $10,000,000 for the Spreckels plant that had cost only four and a half millions in cash. (Hearings, p. 2347.)

The Franklin, that was not worth over five millions at the outside, and probably less (hearings, pp. 1377–1378), was bought for ten millions in stock. It is worthy of note that at the time of these transactions, or during the same year at least, common stock of the American sold as high as 114 and preferred as high as 107. So it appears that up to its seventy-five millions capital mark the American Co. easily maintained its inherited ratio of two dollars of stock to one of real value.

So far as we have been able to discover, the further increase of stock of the American in 1901 from seventy-five to ninety millions was not marked by anything like the same degree of overpayment by the American. The mania for overcapitalization seems to permeate the sugar industry in every direction. The American, with its stock originally 40 to 50 per cent water, has paid the following dividends since its organization.

On preferred stock (one-half of whole) 7 per cent from 1891 to date. (Hearings, p. 2523.)

On common stock (one-half of the whole):

	Per cent.
1891	8
1892	9
1893	23
1894–1899	12
1900	6½
1901–1910	7

In other words, from 1891 to date the preferred has paid 7 per cent and the common has averaged 9.4 per cent, or both have averaged 8.2 per cent on the whole stock issue—at least 15 per cent to 16 per cent on a fair valuation of the properties and business.

Now, take the two largest competitors of the American—Arbuckle Bros. and the Federal.

Let me again cite the report (pp. 31–32) on this subject:

To summarize this portion of our report, we find strikingly developed in the sugar industry several evils, aside from the primary one of stifling competition, which seem to demand careful consideration and remedial legislation by Congress.

1. Original overcapitalization of great industrial corporations, resulting in increased cost of production if a profit is to be made (as is always insisted upon) on the inflated capitalization, and higher prices of the product to the consuming public.

2. The temptation of the persons who organize and control these large corporations to earn dividends on watered stock as soon as possible, so that such stock may be unloaded in the open markets upon the investing public. These dividends can rarely, if ever, be made without increasing prices to the consumer.

3. Exploitation not only of the consuming public and of the investing public, as already set out, but also of the corporations themselves, by their officers, directors, and trustees, who do not hesitate to overburden the consumer, to deceive the investor, and to take advantage of the corporations that have trusted them whenever it will line the pockets of such individual trustees.

Again, the editorial states the committee found "there was no joker in the law in favor of the cane-sugar refiners."

There is no such finding anywhere in the report, direct or indirect, express or implied. The man who wrote this editorial charge must have been either grossly careless or densely ignorant, or probably both. Having finished its specific misrepresentations of your committee, this intelligent and well-informed journal, published here in the Capital City, where its opportunities for acquiring accurate knowledge are great and its excuse for misstatements about matters of this kind small, undertakes to make a few general statements, or rather misstatements, on its own account.

Generalizing, it exclaims, "In other words it (the report) was a whitewash."

Mr. Speaker, I prefer to be charitable in my answer to such libels as this. I rarely notice them and only do so when the injustice is intolerable. Even then, unless I know the motive of the critic to be bad, I prefer to ascribe his misstatements to ignorance rather than malice. But I must say, Mr. Speaker, in justice to myself, in justice to every member of that committee, that a grosser misrepresentation was never made to the public than the statement that this report was a "whitewash" of any kind of anybody. No intelligent man can read it and say so. The report speaks for itself.

Let me inquire how or from whom did the Herald obtain the idea that the report was a "whitewash"? Not from the report itself. Then was it from the Sugar Trust, that protested most vigorously that the report was so far from a "whitewash" that it did the trust grave injustice? Or was it from the beet-sugar manufacturers, whose Washington agent, Mr. C. C. Hamlin, published columns in denunciation of it? Or from the Louisiana cane planters, whose papers and associations were most bitter in their condemnation of it?

But, Mr. Speaker, after having been so unjust to the men who devoted almost a year of their time to laborious and faithful work in an earnest and honest effort to carry out the mandate of the House on this question, the Herald continues:

The Democratic steam roller in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

Not only is the above statement untrue in word, in letter, in substance, and in spirit, but the exact reverse is true, and no one knows it better or will bear witness to it more willingly than the gentleman from Alabama [Mr. UNDERWOOD] and every one of his Democratic associates on the Ways and Means Committee. So far from the work of the special committee being disregarded, the truth is that the facts disclosed by the hearings of the special committee were the principal weapons employed by the Ways and Means Committee in making up its report in favor of free sugar, and but for the work done by the special committee we would have no free-sugar bill in all probability.

Mr. Speaker, I do not desire to make any further remarks on the gross injustice that this editorial, evidently born of careless ignorance, does to every member of the committee. This whole House, Democratic and Republican Members alike, knows the truth. Your committee needs no vindication at its hands. Nor will it lack any at the hands of any honest man who will examine the work of the committee, read its reports, and read the debates of this House on the free-sugar bill. [Applause.]

EXTENSION OF TIME FOR COMPLETION OF DAMS ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The unfinished business is the bill H. R. 21969, on which the previous question has been ordered.

Mr. ADAMSON. Mr. Speaker, my object in rising was to finish a conference report we had up the other day. I understood from the Speaker I could do so at this time.

The SPEAKER. How long will it take?

Mr. ADAMSON. Just a minute. The gentleman from Illinois [Mr. MANN] wanted time to examine it the other day, and I will ask him if he is ready to dispose of it. It is Senate bill 5930. He makes no objection, and I ask that the conference report be adopted. The report was read the other day.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 729).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, as follows:

Strike out all of the proviso beginning with the words "*Provided further,*" page 1, line 13, down to and including the word "Engineers," page 2, line 8, so that the bill will read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided,* That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two.

"SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And the House agree to the same.

W. C. ADAMSON,
F. C. STEVENS,
Managers on the part of the House.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The Senate, in passing S. 5930, amended the same by adding in and after line 13, page 1, a proviso subjecting the extension asked for to the amendment of the general dam act approved June 23, 1910, the Senate being unaware that, in reliance upon the original grant, the grantees had made expenditures of money to a large amount, some two or three hundred thousand dollars, which, by the express provisions in the said amended act, exempt the extension from such limitation. The House amended that Senate amendment by excepting and exempting the extension from the proviso fixing the limitation of 50 years, which is really the principal provision in the amendment of June 23, 1910. The other provisions of that amendment have no application to the enterprise in question; therefore your conferees have thought it wise, in agreeing to the House amendment, to amend it further by striking out the whole proviso, beginning on page 1, line 13, so as to leave the bill as originally introduced by its author and leaving the dam to be constructed in accordance with the original grant, subject to the terms of the general dam act approved June 21, 1906.

W. C. ADAMSON.
F. C. STEVENS.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PANAMA CANAL.

The SPEAKER. The unfinished business is the bill H. R. 21969, and the previous question has been ordered on the bill and amendments to final passage.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois place his amendment where he wants it in this bill.

Mr. MANN. I have an amendment pending to insert as a new section, I think to follow section 10, and the gentleman from Georgia desires to have it inserted at the end of section 5, and I ask unanimous consent that instead of going in as a new section the amendment may be offered to come in at the end of the Doremus amendment, if that be agreed to, or at the end of the original section 5, if that should be agreed to.

Mr. ADAMSON. That is agreeable.

The Clerk read as follows:

Add as a new paragraph at the end of section 5:

"That the President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the

Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Georgia is agreeable to this amendment. The amendment of the gentleman from Michigan [Mr. DOREMUS] is to strike out, I believe, section 5 and substitute. Now, if this is to be added at this time to section 5, I take it that would not be covered by the motion of the gentleman from Michigan to strike out so as to include this item.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent, whatever the result may be, that the gentleman's amendment may follow the section.

Mr. MANN. As a part of the section?

Mr. ADAMSON. As a part of the section.

The SPEAKER. Is the section this follows one that is involved?

Mr. ADAMSON. Yes, sir; but it follows as a result no matter which is adopted, because both the substitute and the original end just alike in the same language.

The SPEAKER. It is necessary to vote on this amendment.

Mr. ADAMSON. I understand, but we are placing it, that is all.

The SPEAKER. The gentleman asks unanimous consent that no matter what happens to the Doremus amendment that the amendment of the gentleman from Illinois shall follow the section.

Mr. ADAMSON. Whichever one is adopted this follows.

Mr. MANN. This goes as a part of the section.

The SPEAKER. Does it follow it to its fate or in the bill?

Mr. ADAMSON. No, sir; the issue is not involved in this; this should follow whichever one is adopted.

The SPEAKER. That is, in the bill?

Mr. ADAMSON. Yes, sir; whichever one is adopted this stays in and follows it.

The SPEAKER. There is a good deal of difference in the two propositions. The gentleman from Georgia asks unanimous consent that no matter which way the House votes upon the Doremus proposition the Mann proposition shall in the bill follow the Doremus substitute or the original section in the pending bill.

Mr. CRUMPACKER. Reserving the right to object, let me ask the gentleman why we could not avoid the confusion by acting upon the Doremus amendment first and then letting the Mann amendment come in independently?

Mr. ADAMSON. We can, but there is not any confusion about it. The Doremus amendment ends just exactly like the present section ends, and all we have to do is to add this as an additional paragraph to the section, no matter which one is adopted.

Mr. CRUMPACKER. A confusion may arise in the minds of the Members of the House in voting upon the Doremus amendment as to whether the vote would not include the Mann amendment also, and if the Doremus amendment were acted upon separately, and as the Mann amendment follows it, there would be no possible confusion in the mind of any Member of the House.

Mr. ADAMSON. It is clear the Mann amendment has nothing to do with the issue on the part of section 5.

Mr. CULLOP. Mr. Speaker, why would it not be better to number this section 5½?

Mr. ADAMSON. It is exactly in keeping with the latter part of section 5.

The SPEAKER. The Chair will state this proposition, so that the House will know what it is doing. The gentleman from Michigan [Mr. DOREMUS] offered a substitute for a certain portion of the text of the bill, and it was adopted. And it is a matter of common rumor that somebody is going to call for a separate vote on this Doremus substitute. The proposition of the gentleman from Georgia [Mr. ADAMSON] is that, no matter whether the Doremus substitute is voted in or voted out, the Mann amendment follows immediately after the Doremus amendment if it is voted in, and follows after that portion of the original text if the Doremus amendment is voted out. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. ADAMSON. I suppose that we can have a vote on all of them in gross, except one.

The SPEAKER. The Chair will put that question as soon as we get through with this. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ADAMSON. I demand a separate vote on the Doremus substitute to section 5.

The SPEAKER. The gentleman from Georgia demands a separate vote on the Doremus substitute to section 5. If there is no similar demand as to any other amendment, the other amendments will be voted upon in gross. The question is on agreeing to the other amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the Doremus amendment.

Mr. ADAMSON. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the Doremus amendment will, as their names are called, answer "yea" and those opposed will answer "nay," and the House will be in order.

The question was taken; and there were—yeas 147, nays 128, answered "present" 8, not voting 109, as follows:

YEAS—147.

Akin, N. Y.	Foss	Langham	Sells
Alexander	French	Lawrence	Simmons
Ames	Fuller	Lee, Pa.	Small
Austin	Garner	Lewis	Smith, J. M. C.
Barchfeld	George	Linthicum	Smith, Saml. W.
Bartholdt	Goldfogle	Lloyd	Smith, N. Y.
Borland	Greene, Mass.	Lobeck	Speer
Bowman	Gregg, Pa.	McCreary	Stephens, Cal.
Broussard	Gregg, Tex.	McGillicuddy	Stone
Burke, Pa.	Griest	McKinley	Sulloway
Burnett	Guernsey	McLaughlin	Sulzer
Butler	Hamill	McMorran	Sweet
Campbell	Hammond	Maher	Taggart
Cannon	Harris	Mann	Talbott, Md.
Catlin	Harrison, Miss.	Matthews	Talcott, N. Y.
Clayton	Harrison, N. Y.	Morgan	Taylor, Ala.
Connell	Hartman	Murray	Taylor, Colo.
Conry	Hawley	Needham	Taylor, Ohio
Cooper	Hayden	Neeley	Thayer
Covington	Hayes	Nelson	Thistlewood
Crago	Heald	Padgett	Tilson
Curry	Heflin	Parran	Towner
Dalzell	Henry, Conn.	Patten, N. Y.	Tribble
Danforth	Higgins	Payne	Tuttle
Davidson	Hill	Pepper	Underhill
Davis, W. Va.	Hobson	Peters	Underwood
Difenderfer	Howell	Pray	Utter
Dodds	Humphrey, Wash.	Pujo	Vare
Donohoe	Jackson	Raker	Warburton
Doremus	Kahn	Ransdell, La.	Watkins
Dupré	Kindred	Roberts, Mass.	Wedemeyer
Dwight	Kinkead, N. J.	Roberts, Nev.	Wickliffe
Estopinal	Knowland	Robinson	Wilson, N. Y.
Fairchild	Konig	Roddenbery	Wilson, Pa.
Fergusson	Lafean	Rodenberg	Wood, N. J.
Fitzgerald	Lafferty	Rothermel	Young, Mich.
Fornes	La Follette	Rucker, Colo.	

NAYS—128.

Adair	Daugherty	Gray	Littlepage
Adamson	Davis, Minn.	Green, Iowa	McCoy
Anderson, Minn.	Dent	Hamilton, Mich.	McDermott
Ansberry	Denver	Hamilton, W. Va.	McKellar
Barnhart	Dickinson	Hamlin	McKenzie
Bartlett	Dies	Hardwick	McKinney
Beall, Tex.	Dixon, Ind.	Haugen	Macon
Bell, Ga.	Driscoll, M. E.	Helgesen	Madden
Blackmon	Edwards	Henry, Tex.	Maguire, Nebr.
Boehne	Ellerbe	Hensley	Martin, Colo.
Booher	Esch	Houston	Miller
Brantley	Evans	Howard	Mondell
Buchanan	Faison	Hughes, Ga.	Moon, Tenn.
Bulkley	Ferris	Hughes, N. J.	Morrison
Burke, Wis.	Finley	Hull	Morse, Wis.
Burleson	Floyd, Ark.	Humphreys, Miss.	Moss, Ind.
Byrnes, S. C.	Foster	Jacoway	Norris
Byrns, Tenn.	Fowler	Johnson, Ky.	Nye
Callaway	Gallagher	Kent	Oldfield
Candler	Gardner, Mass.	Kinkaid, Nebr.	Page
Cary	Garrett	Konop	Pou
Cline	Godwin, N. C.	Kopp	Powers
Collier	Good	Korbly	Prince
Cox, Ohio	Goodwin, Ark.	Lee, Ga.	Prouty
Crumpacker	Gould	Lenroot	Rainey
Cullop	Graham	Lindbergh	Rauch

Rees	Sisson	Stephens, Miss.	Whitacre
Richardson	Slayden	Stephens, Nebr.	Willis
Rubey	Sloan	Stephens, Tex.	Wilson, Ill.
Russell	Smith, Tex.	Sterling	Witherspoon
Sabath	Stedman	Stevens, Minn.	Young, Kans.
Sims	Steenerson	Volstead	Young, Tex.

ANSWERED "PRESENT"—8.

Dyer	Longworth	Martin, S. Dak.	Sherley
Gillett	McGuire, Okla.	Riordan	Weeks

NOT VOTING—109.

Aiken, S. C.	De Forest	Kennedy	Redfield
Ainey	Dickson, Miss.	Kitchin	Reilly
Allen	Doughton	Lamb	Reyburn
Anderson, Ohio	Draper	Langley	Rouse
Andrus	Driscoll, D. A.	Legare	Rucker, Mo.
Anthony	Farr	Lever	Saunders
Ashbrook	Fields	Levy	Scully
Ayres	Flood, Va.	Lindsay	Shackleford
Bates	Focht	Littleton	Sharp
Bathrick	Fordney	Loud	Sheppard
Berger	Francis	McCall	Sherwood
Bradley	Gardner, N. J.	McHenry	Slemp
Brown	Glass	Malby	Smith, Cal.
Browning	Goeke	Mays	Sparkman
Burgess	Gudger	Moon, Pa.	Stack
Burke, S. Dak.	Hanna	Moore, Pa.	Stanley
Calder	Hardy	Moore, Tex.	Switzer
Cantrill	Hay	Mott	Thomas
Carlin	Helm	Murdock	Townsend
Carter	Hinds	Olmsted	Turnbull
Clark, Fla.	Holland	O'Shaunessy	Vreeland
Claypool	Howland	Palmer	Webb
Copley	Hubbard	Patton, Pa.	White
Cox, Ind.	Hughes, W. Va.	Pickett	Wilder
Cravens	James	Plumley	Woods, Iowa
Curley	Johnson, S. C.	Porter	
Currier	Jones	Post	
Davenport	Kendall	Randell, Tex.	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. SHERLEY with Mr. MALBY.

Mr. HOLLAND with Mr. BROWNING.

Mr. HARDY with Mr. OLMSTED.

Mr. BROWN with Mr. CURRIER.

Mr. FIELDS with Mr. LANGLEY.

Mr. BURGESS with Mr. WEEKS.

Mr. GOEKE with Mr. HOWLAND.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. ALLEN with Mr. LONGWORTH.

Mr. JAMES with Mr. MCCALL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. LITTLETON with Mr. WOODS of Iowa.

Mr. WHITE with Mr. SWITZER.

Mr. WEBB with Mr. PORTER.

Mr. SPARKMAN with Mr. PLUMLEY.

Mr. REILLY with Mr. REYBURN.

Mr. LEVY with Mr. MOTT.

Mr. KITCHIN with Mr. PICKETT.

Mr. HELM with Mr. MOORE of Pennsylvania.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. DANIEL A. DRISCOLL with Mr. WILDER.

Mr. CURLEY with Mr. HANNA.

Mr. CARLIN with Mr. FOCHT.

Mr. BATHRICK with Mr. FARR.

Mr. ASHBROOK with Mr. DE FOREST.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. ROUSE with Mr. BRADLEY.

Until June 1:

Mr. THOMAS with Mr. HUBBARD.

From May 15 to May 25:

Mr. STANLEY with Mr. ANTHONY.

Two weeks, beginning May 15:

Mr. CANTRILL with Mr. LOUD.

Two weeks, beginning May 3:

Mr. SHACKLEFORD with Mr. DRAPER.

Upon this vote:

Mr. PALMER (for tolls) with Mr. REDFIELD (against).

Mr. MURDOCK (in favor of Doremus amendment) with Mr. CRAVENS (against).

Mr. HAY (for tolls) with Mr. MOON of Pennsylvania (against).

Mr. TURNBULL (for tolls) with Mr. SAUNDERS (against).

Mr. DOUGHTON (for tolls) with Mr. SCULLY (against).

Mr. KENDALL (against free tolls) with Mr. KENNEDY (for free tolls).

Mr. MARTIN of South Dakota (for section 5 of bill) with Mr. CALDER (against).

Mr. POST (against free tolls and in favor of section 5) with Mr. O'SHAUNESSY (for free tolls).

Mr. FORDNEY (against) with Mr. VREELAND (for tolls).

Mr. COPLEY (in favor of Doremus amendment) with Mr. LEVER (against).

Mr. MCGUIRE of Oklahoma. Mr. Speaker, I voted "yea" and I desire to change that vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MCGUIRE of Oklahoma, and he answered "Present."

Mr. DYER. Mr. Speaker, I desire to ask if Mr. RUCKER of Missouri has voted?

The SPEAKER. He has not.

Mr. DYER. I am paired with Mr. RUCKER of Missouri. I voted "yea" on this amendment, but I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DYER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Proceedings under the call will be suspended and the Doorkeeper will open the doors. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SIMS. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back with the following amendment added to section 5 as amended by the Doremus amendment.

Mr. BROUSSARD. Mr. Speaker, I move to recommit the bill to the Interstate and Foreign Commerce Committee with instructions to forthwith report it back to the House, striking out section 11 and inserting in lieu thereof the provision which I offer.

Mr. SIMS. Mr. Speaker, I made a motion to recommit, and I ask consideration of that motion.

The SPEAKER. The Chair will state what the situation is. The gentleman from Louisiana [Mr. BROUSSARD] and the gentleman from Michigan [Mr. DOREMUS] and other gentlemen made a minority report against this bill. Evidently it is intended for the motion to recommit to be construed fairly.

The rule provides that the Chair shall give preference in recognition to some Member who is against the bill. These gentlemen made a minority report, and the Chair thinks in ordinary fairness in the construction of the rule that the gentleman from Louisiana should have precedence.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The statement of the Chair is undoubtedly accurate, but the minority report having been adopted by the House, the amendment embraced in the minority report is a part of the bill. Therefore I am absolutely against the bill with the minority views carried into it, and the gentleman from Louisiana is for it.

The SPEAKER. The Chair can settle that very easily. Is the gentleman from Louisiana opposed to the bill?

Mr. BROUSSARD. I am.

The SPEAKER. The Clerk will report the motion of the gentleman from Louisiana.

The Clerk read as follows:

Mr. BROUSSARD moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with the following amendment to section 11:

"SEC. 11. From and after the opening of the Panama Canal it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water engaged in interstate commerce through the Panama Canal. And it shall be the duty of the President to exclude any such ship of commerce from the canal.

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities, shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation, or any officer or agent of any ship or shipping company or any other person whatsoever, who is a party to any violation of this section or who knowingly violates or who permits any violation thereof, shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment in the discretion of the court having jurisdiction thereof."

Mr. ADAMSON. Mr. Speaker, I make a point of order against that.

Mr. BROUSSARD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Georgia will state his point of order.

Mr. ADAMSON. I do not think it is germane either to the section or to the bill. It proposes an entirely different system of dealing with these things. It is not the purpose of the bill to place on the management of the canal the burden of determining all questions about ships. It is the purpose of the bill to let the United States Government control the whole matter in connection with the coastwise trade and interstate commerce. This motion changes the system entirely and is not germane.

The SPEAKER. The Chair stated yesterday in an opinion that was as carefully drawn as possible after great investigation, with the help of two of the best parliamentarians on the floor of the House, one on each side, filing a brief, that a motion to recommit does not have to be germane to any particular section if it is germane to the bill. The motion to recommit ought to be construed liberally so that it will do what it was intended to do. The Chair will state to the gentleman from Georgia that his inclination is to rule against the gentleman, but if he has any authorities to offer or any argument to submit the Chair will hear it with an open mind.

Mr. ADAMSON. Mr. Speaker, I have nothing to offer on it; I simply suggested that it was such a radical change of the matter in the bill——

The SPEAKER. The Chair has nothing to do with the question of whether a proposition is radical or not.

Mr. ADAMSON. I understand that, but the provision pertains to the method of regulating the coastwise trade and interstate commerce.

The SPEAKER. The subject matter of this bill is treating with the tolls of the Panama Canal, is it not?

Mr. ADAMSON. That is one verse only of a very long bill containing many important provisions.

The SPEAKER. And the passage of ships through the Panama Canal?

Mr. ADAMSON. The subject of the bill is the operation of the canal with or without tolls and the sanitation and government of the Canal Zone. The tolls make a very small part of it. One section in the bill deals with the interstate commerce, to improve the coastwise trade, and this proposes to change the whole system, eliminate all of these beneficial things, and in lieu thereof place upon the officers of the canal the administrative burdens of determining these questions.

Mr. MANN. Will the Speaker indulge me for a moment?

The SPEAKER. Certainly; but the Chair first wants to ask the gentleman from Georgia a question before the gentleman from Illinois begins. This bill treats of the subject of ships passing through the Panama Canal and the tolls, and changes somewhat some statutes?

Mr. ADAMSON. That is part of it; yes.

The SPEAKER. Does not the amendment included in the motion treat of the very same subject?

Mr. ADAMSON. It deals with that particular subject, but it changes the whole system.

The SPEAKER. That may be true, but the Chair has nothing to do with that. It might be the intention of the House to change the whole thing on a motion to recommit. The Chair can not pass on that.

Mr. MANN. Mr. Speaker, the bill first introduced as reported contained section 11 entirely apart in its theory from the balance of the bill and wholly unrelated to the matter of tolls in the Panama Canal. The committee reported a substitute for section 11 in the Committee of the Whole House on the state of the Union, and I made a point of order that the substitute reported by the committee for section 11 was not in order, because it was not germane to the bill and not germane to section 11.

The Chairman of the Committee of the Whole, after examining the substitute and original provision in the bill, overruled the point of order and held that the substitute was in order. Now, it is very plain to any gentleman who has examined the bill, the substitute, and the motion to recommit, that the motion of the gentleman to recommit is far nearer germane to the original section 11 of the bill than was the substitute held in order by the Chairman of the Committee of the Whole House on the state of the Union, and I do not deny that his decision was correct. So that clearly the motion to recommit now offered by the gentleman from Louisiana is germane to the provisions in the bill.

Mr. SIMS. Mr. Speaker, I wish to move to substitute for the motion to recommit the amendment which I send to the Clerk's desk.

The SPEAKER. The way to get at that is to vote down the motion for the previous question.

Mr. SIMS. The motion for the previous question has not been made.

The SPEAKER. Yes; the gentleman from Louisiana made a motion for the previous question, and then the gentleman from Georgia made a point of order against the motion to recommit.

Mr. SIMS. I did not know that the Chair had entertained the motion for the previous question. I hope it will be voted down.

The SPEAKER. It is not debatable.

Mr. SIMS. I am only expressing a hope. [Laughter.]

The SPEAKER. The Chair overrules the point of order made by the gentleman from Georgia. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SIMS) there were 149 ayes and 61 noes.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Louisiana to recommit with instructions.

Mr. BROUSSARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL of Texas. Mr. Speaker, I request that the amendment in the motion to recommit be again reported.

Mr. MARTIN of Colorado. I object.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent that the motion to recommit be again reported. There has been so much confusion in the Hall that we have been unable to hear it.

The SPEAKER. The gentleman from Texas [Mr. BEALL] just made that request, and it was objected to.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that section 11, as adopted in the Committee of the Whole, to which the substitute may be offered, may be read, in order that Members may understand upon what they are voting.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have section 11 read. Is there objection?

Mr. BROUSSARD. Mr. Speaker, reserving the right to object——

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 205, answered "present" 10, not voting 114, as follows:

YEAS—63.

Ames	Graham	Lee, Ga.	Sweet
Austin	Greene, Mass.	McGillicuddy	Talcott, N. Y.
Bartlett	Gregg, Pa.	McKinley	Taylor, Ala.
Borland	Guernsey	McLaughlin	Taylor, Colo.
Broussard	Hamill	Macon	Thayer
Clayton	Hammond	Murray	Tilson
Cox, Ohio	Hardwick	Patten, N. Y.	Tribble
Curry	Heflin	Peters	Tuttle
Davis, W. Va.	Higgins	Pujo	Utter
Dent	Hill	Ransdell, La.	Watkins
Dies	Humphrey, Wash.	Richardson	Wedemeyer
Doremus	Johnson, Ky.	Roddenbery	Whitacre
Dupré	Kindred	Rothermel	White
Estopinal	Konop	Rucker, Colo.	Wickliffe
Fairchild	Lafferty	Sells	Young, Mich.
George	Lawrence	Smith, J. M. C.	

NAYS—205.

Adair	Campbell	Edwards	Gould
Adamson	Candler	Ellerbe	Gray
Akin, N. Y.	Cannon	Esch	Green, Iowa
Alexander	Cary	Evans	Gregg, Tex.
Anderson, Minn.	Catlin	Faison	Griest
Ansberry	Cline	Farr	Hamilton, Mich.
Barchfeld	Collier	Fergusson	Hamilton, W. Va.
Barnhart	Connell	Ferris	Hamlin
Bartholdt	Conry	Finley	Harris
Beall, Tex.	Cooper	Fitzgerald	Harrison, Miss.
Bell, Ga.	Covington	Floyd, Ark.	Harrison, N. Y.
Blackmon	Crago	Focht	Hartman
Boehne	Cullop	Fornes	Hawley
Booher	Dalzell	Foss	Hayden
Bowman	Danforth	Foster	Hayes
Buchanan	Daugherty	Fowler	Heald
Bulkley	Davidson	French	Helgesen
Burke, Pa.	Davis, Minn.	Fuller	Henry, Tex.
Burke, Wis.	Denver	Gallagher	Hensley
Burleson	Dickinson	Gardner, Mass.	Hobson
Burnett	Difenderfer	Garner	Houston
Butler	Dixon, Ind.	Garrett	Howard
Byrnes, S. C.	Dodds	Godwin, N. C.	Hughes, Ga.
Byrns, Tenn.	Donohoe	Good	Hughes, N. J.
Callaway	Driscoll, M. E.	Goodwin, Ark.	Hull

Humphreys, Miss.	Madden	Pray	Stephens, Tex.
Jackson	Maguire, Nebr.	Prince	Sterling
Jacoway	Maher	Prouty	Stevens, Minn.
Kahn	Mann	Rainey	Stone
Kent	Martin, Colo.	Raker	Sulloway
Kinkead, N. J.	Martin, S. Dak.	Rauch	Sulzer
Knowland	Matthews	Rees	Taggart
Konig	Miller	Roberts, Mass.	Talbott, Md.
Kopp	Mondell	Roberts, Nev.	Taylor, Ohio
Korbly	Moon, Tenn.	Robinson	Thistlewood
Lafean	Morgan	Rodenberg	Towner
La Follette	Morrison	Rubey	Underhill
Lamb	Morse, Wis.	Russell	Underwood
Langham	Moss, Ind.	Sabath	Vare
Lee, Pa.	Needham	Simmons	Volstead
Lenroot	Neeley	Sims	Warburton
Lindbergh	Nelson	Sisson	Willis
Linthicum	Norris	Slayden	Wilson, Ill.
Littlepage	Nye	Sloan	Wilson, N. Y.
Lloyd	Oldfield	Small	Wilson, Pa.
Lobeck	Padgett	Smith, Tex.	Witherspoon
McCreary	Page	Speer	Wood, N. J.
McDermott	Parran	Stedman	Young, Kans.
McKellar	Payne	Steenerson	Young, Tex.
McKenzie	Pepper	Stephens, Cal.	
McKinney	Pou	Stephens, Miss.	
McMorran	Powers	Stephens, Nebr.	

ANSWERED "PRESENT"—10.

Dwight	Goldfogle	Riordan	Weeks
Dyer	Longworth	Sherley	
Gillett	McGuire, Okla.	Smith, Saml. W.	

NOT VOTING—114.

Aiken, S. C.	Davenport	Kendall	Post
Ainey	De Forest	Kennedy	Randell, Tex.
Allen	Dickson, Miss.	Kinkaid, Nebr.	Redfield
Anderson, Ohio	Doughton	Kitchin	Reilly
Andrus	Draper	Langley	Reyburn
Anthony	Driscoll, D. A.	Legare	Rouse
Ashbrook	Fields	Lever	Rucker, Mo.
Ayres	Flood, Va.	Levy	Saunders
Bates	Fordney	Lewis	Scully
Bathrick	Francis	Lindsay	Shackleford
Berger	Gardner, N. J.	Littleton	Sharp
Bradley	Glass	Loud	Sheppard
Brantley	Goeke	McCall	Sherwood
Brown	Gudger	McCoy	Slemp
Browning	Hanna	McHenry	Smith, Cal.
Burgess	Hardy	Malby	Smith, N. Y.
Burke, S. Dak.	Haugen	Mays	Sparkman
Calder	Hay	Moon, Pa.	Stack
Cantrill	Helm	Moore, Pa.	Stanley
Carlin	Henry, Conn.	Moore, Tex.	Switzer
Carter	Hinds	Mott	Thomas
Clark, Fla.	Holland	Murdock	Townsend
Claypool	Howell	Olmsted	Turnbull
Copley	Howland	O'Shaunessy	Vreeland
Cox, Ind.	Hubbard	Palmer	Webb
Cravens	Hughes, W. Va.	Patton, Pa.	Wilder
Crumpacker	James	Pickett	Woods, Iowa
Curley	Johnson, S. C.	Plumley	
Currier	Jones	Porter	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARLIN with Mr. CALDER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. GOLDFOGLE with Mr. DE FOREST.

Mr. LEGARE with Mr. HUGHES of West Virginia.

Mr. LEVER with Mr. GARDNER of New Jersey.

Mr. MCCOY with Mr. CRUMPACKER.

Mr. RANDELL of Texas with Mr. REYBURN.

Mr. TURNBULL with Mr. SWITZER.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. HAY with Mr. MOON of Pennsylvania.

Mr. HOLLAND with Mr. MURDOCK.

Mr. DOUGHTON with Mr. KENNEDY.

Mr. BRANTLEY with Mr. KENDALL.

Mr. BATHRICK with Mr. HOWELL.

Mr. ANDERSON of Ohio with Mr. COPLEY.

On this vote:

Mr. FORDNEY (against) with Mr. SAMUEL W. SMITH (to recommit).

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIOLATION OF CERTAIN RULES.

The SPEAKER. The Chair wishes to call the attention of Members to two or three rules that are constantly violated, thoughtlessly, no doubt, but the violation of them works absolute confusion. The Chair does this now when nobody is doing the particular thing that Members complain of.

Some of the Members are in the habit of crowding about the desk when a roll is being called. That is absolutely forbidden by the rules. We got into a considerable row at the beginning of the Sixty-first Congress about that very same thing.

There is a rule against smoking in the House. That ought to be enforced. [Applause.]

Further, the proper method of procedure when a gentleman has the floor and another gentleman desires to interrupt him is for that other gentleman to first address the Chair. Of course, the Chair cares nothing about that, except that that is the way to preserve order and keep down quarrels and fusses in the House. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LOBECK, for 2 days, on account of important business.

To Mr. BROWN, for 3 days, on account of sickness in family.

To Mr. GRAY, for 10 days, on account of important private business.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO., STATE OF WASHINGTON.

The SPEAKER laid before the House joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, with Senate amendments thereto.

The Senate amendments were read.

Mr. ROBINSON. Mr. Speaker, I move to concur in the Senate amendments with an amendment which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Arkansas moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

The SPEAKER. The question is on concurring in the Senate amendments with the amendment of the gentleman from Arkansas.

The question was taken, and the Senate amendments, with the amendment of the gentleman from Arkansas, were agreed to.

Mr. ROBINSON. Mr. Speaker, I desire to put in the RECORD a letter from the Department of Justice and one from the Secretary of the Interior to me in relation to this matter.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 15, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: Acknowledging your letter of the 13th instant, and responding to your request for a report concerning Senate substitute for H. J. Res. 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), I have to say that the legislation in its present form appears to be subject to the objection that it does not provide adequately for the protection of the Indian allottees, and makes no provision, in the interest of the public and the Indians, for the resumption of the rights of way in default of due diligence by the grantees in the construction of their respective railroads.

These objections, I think, would be removed by the addition of the following:

"Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture."

As originally introduced the object of the resolution was solely to remove any doubt as to the authority of the Attorney General to maintain certain proceedings in Washington brought for the purpose of obtaining a judicial declaration of forfeiture of the grant made to the Washington Improvement & Development Co. As metamorphosed by

the legislative process the measure now presents a subject of peculiar interest to the Department of the Interior but with which this department has little or no concern. The foregoing suggestions are therefore made subject, and in subordination, to such views as the Secretary of the Interior may see fit to express to your committee regarding the resolution.

The opening sentence of the resolution is not all that could be desired in the matter of form, but suffices, I think, to express without obscurity the sense intended to be conveyed.

Respectfully (for the Attorney General),

ERNEST KNAEBEL,
Assistant Attorney General.

—

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1912.

Hon. JOS. T. ROBINSON,
Chairman Committee on Public Lands, House of Representatives.

SIR: I have this day received letter from Mr. Ernest Knaebel, Assistant Attorney General, Department of Justice, enclosing me a copy of his report furnished you, dated to-day, concerning Senate substitute for sistant Attorney General, Department of Justice, inclosing me a copy of House resolution 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), authorizing and directing the Great Northern Railway Co. and the Spokane & British Columbia Railway Co. in the matter of their conflicting claims of rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil Valley, and after careful consideration of the matter I approve of and earnestly recommend the adoption of the amendments, suggested in his said letter, to the pending resolution.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up House bill 20586, and to concur in the amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, there is one item in the bill where the beneficiary, Ada Mercer, has died and I would like to strike it out, but I do not know what page it is on.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is this a motion or a request for unanimous consent?

The SPEAKER. It takes unanimous consent——

Mr. RODDENBERY. I desire to reserve the right to object.

The SPEAKER. The gentleman from Missouri will hunt up that matter.

Mr. RUSSELL. Just let it go, as it will have to go back to the Senate if it is amended. The pension can not be paid, for the party has died. I ask to concur in the amendments.

The SPEAKER. The gentleman moves to concur in the Senate amendments. Has this bill been referred to the committee?

Mr. RUSSELL. It has been referred.

The SPEAKER. It takes unanimous consent. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Missouri why he desires to take the bill up at this time?

Mr. RUSSELL. Just to get through with it and get rid of it. The House Pensions Committee has agreed to concur in the amendment, and asked me to try to get it passed.

Mr. RODDENBERY. Mr. Speaker, I shall object for the present.

The SPEAKER. The gentleman from Georgia objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

Mr. PADGETT. And pending that I ask unanimous consent that the time for general debate may be controlled by the gentleman from Illinois [Mr. Foss] and myself, one-half to each.

The SPEAKER. And pending the motion the gentleman asks unanimous consent that the time for general debate be controlled one-half by himself and one-half by the gentleman from Illinois [Mr. Foss]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, with Mr. HULL in the chair.

Mr. HULL assumed the chair amid applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I shall consume very little time in an explanation of this bill, as I think it unnecessary. The bill has been upon the calendar for several days, and the committee accompanied the bill with a report explaining fully and in detail the several provisions of the bill. I am in hearty sympathy and accord with the sentiment which I feel prevails largely in the body, that the supply bills should be expedited and gotten through the House and pass the Senate in order that legislation relating to supply bills may be gotten out of the way in order to expedite the general business and the final adjournment of the Congress. [Applause.] With that in view, I shall occupy but a few minutes' time. The bill carries an appropriation of $118,819,837.76, being $7,658,500.48 less than the appropriation bill as it became a law in the last Congress. [Applause.] The total estimates, regular and supplemental, and as contained in the hearings of the Secretary of the Navy, made the total estimates submitted to the committee $134,415,027.76, and, after mature consideration, the committee, as they have reported the bill, reduced the estimates $15,595,190. It will be noted that the amount recommended in the bill for the Naval Establishment, exclusive of the increase of the Navy, carries $112,872,137.76, as against an appropriation of the last Congress for the same purpose of $110,322,581.24, making the appropriation this year for that portion of the bill $2,569,556.52 greater. But I desire to call the attention of the committee to the fact that the Committee on Naval Affairs have included some new items in the bill which they thought very essential to have and very much needed, and which would be of great benefit not only to the Naval Service but to the country. They have reported 4,000 additional enlisted men, at an increased cost of $2,446,688.60; 400 marines, at a cost of $171,640; 13 Marine officers, at a cost of $22,630; enlarging the dry dock at Pearl Harbor, Hawaiian Islands, $650,000; a world-wide wireless-telegraph system, limiting the cost to $1,000,000 and carrying an appropriation in this bill for the first year's work, $400,000; to reimbuse enlisted men on U. S. S. *Georgia*, $4,300. This money was stolen by an assistant pay clerk, and we carry an appropriation to reimburse them. Ammunition for the new ships, we have added an additional $1,000,000 to this appropriation; modernizing the turrets, putting in a new system of hoisting apparatus for the ammunition for the ships, $250,000; modernizing projectiles, making the old projectiles equivalent to new ones and up to date, $300,000; battleship compasses, a gyroscopic compass, which is entirely new, $120,000; making a total for these new items of $5,365,188.10. Deducting the increase and crediting the bill with these new items in order to have a fair comparison with the appropriations of last year, it will show a reduction in the present bill of $2,795,632.08 in the Naval Establishment, exclusive of the increase of the Navy. These are the principal items.

There are some matters of legislation that the committee thought were proper and necessary. They are inserted in the bill in italics, and I think it would answer all purposes when they come up for consideration that the committee should make such explanation as may be needed. Unless some one desires to ask me some questions, I shall yield the floor to the gentleman from Illinois [Mr. Foss].

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. PADGETT. Certainly.

Mr. TRIBBLE. Mr. Chairman, in the estimate the gentleman has presented in his statement of $118,000,000, that does not include any battleships?

Mr. PADGETT. No, sir; there are no battleships provided for in the bill.

Mr. TRIBBLE. I understand that. In the estimate that you gave the House a few minutes ago of what the House appropriated last year, how many battleships were included?

Mr. PADGETT. None whatever. I said exclusive of the increase of the Navy, so that the comparisons were exactly on a parity, and then I mentioned the new items which this committee has included which were not in the bill of last year. The total appropriation of the bill of last year was $126,405,509.24.

Mr. TRIBBLE. And that included no battleships?
Mr. PADGETT. That included battleships.
Mr. TRIBBLE. Your bill does not include any battleships?
Mr. PADGETT. No.
Mr. TRIBBLE. Now, as a matter of truth, then, the expenditures of the Navy, according to this bill, have not been reduced?
Mr. PADGETT. I stated they were increased, exclusive of the building program; that they were increased $2,569,556.52; but I stated that of that amount $5,365,188.60 was for new items and an increase of the enlisted force.
Mr. TRIBBLE. I understood that thoroughly; but I do understand, furthermore, that you are giving this Congress an increase over the bill of last year, without regard to the battleships.
Mr. PADGETT. In certain items; yes, sir.
Mr. TRIBBLE. You are giving the Congress an increase in the appropriation, and yet you give no battleships?
Mr. PADGETT. Yes; for the service, exclusive of the increase of the Navy, but in the total bill a reduction of more than $7,000,000.
Mr. TRIBBLE. You increase the land appropriations. You increase all the appropriations that are land, and when you consider the sea you do not give any appropriation for fighting ships. Where is the fighting done, on the land or on the sea?
Mr. PADGETT. The biggest item of increase we are giving——
Mr. TRIBBLE. The gentleman does not answer my question. Is the fighting on the land or on the sea?
Mr. PADGETT. The Navy fights on the sea.
Mr. TRIBBLE. Is the purpose to increase the capacity of the Navy to fight on the land or on the sea?
Mr. PADGETT. We are increasing it here to fight on the sea, because we are providing for 4,000 additional men.
Mr. TRIBBLE. Where are you proposing for them to fight—on the land or on the sea?
Mr. PADGETT. On the sea. The enlisted men naturally belong to the ships.
Mr. TRIBBLE. I want you to explain to this House how you propose to increase the efficiency of the Navy by increasing the land force and cutting off everything on the sea.
Mr. PADGETT. We have not proposed that. I propose to increase it by enlisting 4,000 men for the Navy and 400 marines, every one of whom will be fighting men on the sea.
Mr. TRIBBLE. What necessity for all of this increase on the land, there being no increase of ships for sea service?
Mr. PADGETT. We have many ships. We are 20,000 men short now in the ships we have authorized and are under construction and built.
Mr. TRIBBLE. Permit me to say I am not favoring battleships at this time. You say you have not men enough and have not officers enough? I insist we have enough and more than enough. What do you say?
Mr. PADGETT. No, sir; we are short both in officers and in men.
Mr. TRIBBLE. Have you not got to take officers out of the Navy, because you have not room for them, and place them on the retired list?
Mr. PADGETT. According to the statement of Capt. Usher, last year, I believe it was, we were 30,000 men short, but by eliminating 97 of the small vessels from the Navy Register and bringing it down to date we are 19,500 men short. And we are proposing to increase the enlisted force by 4,000 in order to provide for the six monster battleships that are now under construction, so that when they are commissioned we will have some men with which to man them.
Mr. TALBOTT of Maryland. And they will fight on the sea.
Mr. TRIBBLE. I will ask you if it is not a fact that you are asking this House to increase the official force of the Navy, and at the same time you are providing year by year to eliminate men and eliminate officers who are capable of fighting, who are competent to fight, and whose age does not prevent them from staying on the active list?
Mr. PADGETT. There is no provision whatever in this bill for eliminating anybody. There is nothing about the retirement except the provision with reference to the modifications of sections 8 and 9 of the personnel bill of 1899 under which officers retiring, either by selection or by voluntary retirement, would be promoted into the next higher grade and retired. This bill contains a provision that they shall retire in the grade in which they served and not in the promoted grade.
Mr. TRIBBLE. That is true; but you have a provision here giving more officers.
Mr. PADGETT. Thirteen; yes, sir.
Mr. TRIBBLE. Thirteen more officers?
Mr. PADGETT. Marine officers.
Mr. TRIBBLE. How many officers are eliminated by the laws which you have on the statute books, every year?
Mr. PADGETT. I do not know the number.
Mr. TRIBBLE. Well, 30, 40, 50, or 100?
Mr. PADGETT. I do not know. I have not looked over the list as to the number.
Mr. TRIBBLE. There are a number, are there not?
Mr. PADGETT. Yes.
Mr. TRIBBLE. And what efforts are being made to keep on the active list in actual service those officers that are competent but are being retired frequently?
Mr. PADGETT. None whatever, because the law provides they shall retire at the age of 62——
Mr. TRIBBLE. I have reference to men younger than that.
Mr. PADGETT (continuing). And that has been the law for generations.
Mr. TRIBBLE. Generations? Is the committee responsible for what the Republican Party has done for generations previous? Are we not responsible for what we do and not for other people?
Mr. PADGETT. I do not think the question of the Republican Party or the Democratic Party has anything to do with the Navy. It is a nonpartisan and a nonpolitical question. [Applause.]
Mr. TRIBBLE. I agree with the gentleman that it ought to be.
Mr. PADGETT. It is. [Applause.]
Mr. SLOAN. Mr. Chairman, will the gentleman yield for a question?
The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Nebraska?
Mr. PADGETT. Yes.
Mr. SLOAN. I noted the gentleman's comparison between the appropriation which he submits and the bill of two years ago.
Mr. PADGETT. One year ago.
Mr. SLOAN. Has the gentleman a comparison with the similar bill at the same stage of the proceedings one year ago?
Mr. PADGETT. No; I compared it only with the bill as it became a law.
Mr. SLOAN. After it had passed this House, and then passed the Senate with such additions as the Senate saw fit to attach?
Mr. PADGETT. Yes.
Mr. SLOAN. But the gentleman has not a comparison of the amount submitted now with the amount of the bill that was passed by the House one year ago?
Mr. PADGETT. No; I have not. I have not looked that up. It was something like $125,000,000. I do not remember the exact amount, however.
Mr. AUSTIN. Mr. Chairman, may I ask the gentleman a question?
The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?
Mr. PADGETT. Yes.
Mr. AUSTIN. Can the gentleman give us the type of vessels enumerated, covering the new expenditures which the gentleman has mentioned?
Mr. PADGETT. We provided for two fuel ships, six torpedo-boat destroyers, and four submarines, at an estimated cost of $12,713,440, and then we provide also for the conversion of one of the colliers, the *Prometheus*, as named in the bill, into a repair ship at a cost of $350,000.
Mr. AUSTIN. Now, is it the opinion of the committee that the ships that the gentleman has just enumerated would be of more service to the country than an additional battleship?
Mr. PADGETT. Well, sir, I will say that not only the committee, but also the department thinks that we are very much in need of these auxiliary vessels. The department lays its emphasis upon battleships. The committee did not follow it in that matter for reasons that I suppose the gentleman is well aware of.
Mr. HOWARD. Mr. Chairman, I would like to ask the gentleman a question.
The CHAIRMAN. Does the gentleman yield?
Mr. PADGETT. Yes.
Mr. HOWARD. It is in connection with the question propounded by the gentleman from Georgia [Mr. TRIBBLE]. I notice a provision carrying an additional 400 men for the Marine Corps.
Mr. PADGETT. Yes, sir.
Mr. HOWARD. Now, the provision for carrying 13 officers necessarily follows if these men are added to the Marine Corps?

Mr. PADGETT. Yes.

Mr. HOWARD. And that is the reason why these officers are asked for?

Mr. PADGETT. Exactly so.

Mr. HOWARD. One other question I would like to ask the gentleman now, because I would like to get the information. There is a provision in this bill to retire officers in the grade in which they come up for retirement. I understand the practice heretofore in the Navy has been that when an officer came up for retirement he was advanced one grade higher and then came in for three-fourths pay?

Mr. PADGETT. Yes; that is the law of 1899.

Mr. HOWARD. As a matter of fact these officers have practically nothing to do with their retirement, especially in the Navy. They are plucked by a plucking board, as I understand it.

Mr. PADGETT. That is hardly an accurate statement. Under the law they retire when they reach the age of 62 years. Then some few are plucked and others voluntarily retire.

Mr. HOWARD. After 30 years' service?

Mr. PADGETT. Yes.

Mr. HOWARD. What does the gentleman think about the fairness of that proposition to those officers who are involuntarily retired, who have been plucked? They are probably as good officers as many others in the service. Does the gentleman think that is a fair proposition—to retire those officers in that grade without giving them this advanced rank?

Mr. PADGETT. The theory of the involuntary retirement is that there must be retirement if there is to be any promotion.

Mr. HOWARD. That is to help the "healthy" flow in promotion? That is what they term it?

Mr. PADGETT. Yes. There must be promotion if you expect any young man to enter the Navy and devote his life work and service to the Navy. He must have some door of opportunity, and in order that there may be a door of opportunity to him there must be a flow of promotion, as in any business.

Mr. HOWARD. I agree with the chairman of the committee on that proposition.

Mr. PADGETT. Now, then, in order to make that promotion it has been found that the death rate is not sufficient to afford adequate promotion. Therefore the law provides that those who wish to retire may, under certain conditions, voluntarily retire, but if the number of deaths and the number of applications for voluntary retirement do not reach the number necessary to make this promotion, the law authorizes what is called, in common parlance, the plucking board to select, and the theory of that is that they should select those least efficient; not that they are inefficient, but that they are less efficient than some one else.

Now, as to whether or not in the administration of human agencies mistakes may not be made, that is a matter not the fault of the law but the fault of human nature. I am not here to argue or to say one way or the other as to whether there is or is not favoritism and whether there are not mistakes made, but the theory of the law is that they shall select the least efficient in the grades in order to make this promotion.

Mr. HOWARD. But, as I understand it now, Mr. Chairman, if the gentleman will permit——

Mr. PADGETT. Yes——

Mr. HOWARD. Under the present rule and under the present law there are two beneficiaries: The man who retires receives the benefit, in that he is advanced a grade at the time of retirement, and the other beneficiary is a class of younger officers of the Navy who have to resort to this method in order to get promotion.

Mr. TALBOTT of Maryland. No; the young officers do not resort to it.

Mr. HOWARD. Of course they do not resort to it, but the department resorts to it to give these young officers promotions.

Mr. PADGETT. It is the method provided by law for promotion.

Mr. HOWARD. That is all.

Mr. McKENZIE. Before the chairman takes his seat I wish he would make a statement giving us the reason why the committee changed the policy that has been in force for a number of years requiring the construction of one or two battleships each year. I would like to have him state to us the reason for not continuing that policy, whether, in the judgment of the committee, they felt that the Navy is now strong enough and that we did not need any more battleships, or whatever the reason might be that caused them to take this action.

Mr. PADGETT. The committee did not discuss the question of battleships. A motion was made and voted down. There was no discussion as to why it was done. I suppose the gentleman knows that there was a satisfactory reason.

Mr. ROBERTS of Massachusetts. A reason, but not a satisfactory one.

Mr. MADDEN. The unanimity of the committee was largely due to the Democratic caucus instructing the Democrats of the committee not to vote for a battleship, was it not?

Mr. PADGETT. The gentleman from Illinois can form his own conclusion on that matter; it was not discussed in committee.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. TRIBBLE. The gentleman stated that an inducement must be given to the young officers in order to get them and keep them there; that is, to eliminate the old officers and make places for the younger ones.

Mr. PADGETT. Yes; and in the general policy there must be an age limit fixed after which it is not proper that a man should be kept in the service. Of course there may be individual cases where a man at 65 would be amply competent physically and mentally, and there might be others at 50 or 55 where a man would be less efficient than the man at 65, but the law fixes the general average at 62 and adopted that as a policy, and that has been in force for many years.

Mr. TRIBBLE. Let us leave the age limit and come back to the first proposition—that to which I am trying to hold the gentleman. Was it not testified before the Naval Affairs Committee by Capt. Smith that a man could be plucked after 12 years' service?

Mr. PADGETT. Yes; but they are not.

Mr. TRIBBLE. They are all along the line, are they not, at all ages?

Mr. PADGETT. Under the regulations they have to have 30 years' service for voluntary retirement.

Mr. TRIBBLE. I know that is true in case of voluntary retirement, but I am speaking of the plucking board.

Mr. PADGETT. The number selected by the plucking board is usually small in proportion to the total number of retirements.

Mr. TRIBBLE. Let us see about that question a little. Every boy who goes through the Naval Academy costs this Government $18,000. Is not that true? Eighteen thousand dollars is the expense of a boy at the Naval Academy who graduates.

Mr. PADGETT. That has been stated in a number of ways.

Mr. TRIBBLE. Is it not a fact that there are thousands upon thousands of boys who would like to go to the Naval Academy? There is no trouble about a man going there and going through if he can get in.

Mr. PADGETT. There are a great many that want to go there; there is always a small per cent that pass the examination—I think 37 to 45 per cent pass examination successfully. Then after they enter I think there is about 60 per cent graduate.

Mr. TRIBBLE. They are there, and you have put into a man that is there $18,000, and then you pay him a good salary from the day he leaves there until the day you decide to pluck him. He is a good, capable man, no charge against him, age 45, as an illustration. Will you give us any reason for taking this man out of the service, except that you want to make a place for somebody else who wants to be promoted?

Mr. PADGETT. That is all.

Mr. TRIBBLE. Now, is there any business concern in this country, any bank, any manufacturing concern, any enterprise, that would eliminate a good, capable man on large retired salary for the purpose of making a place for someone else who simply wanted to be promoted?

Mr. PADGETT. The comparisons between a bank and the Navy are so diverse and different that it will be impossible to make a fair and just comparison. As I stated a moment ago, if you get young men to enter the Navy, if you expect desirable young men to enter the Navy, they must have an opportunity to do something, to accomplish something, and to have somewhat of a career. If you arrange it so that a man who enters the Navy, a bright boy, an intelligent boy, an energetic and desirable boy, if he is to remain an ensign all his life he will not go into it. If he could not have the prospect of promotion and have a career and accomplish something, you might as well give up the Navy.

Mr. TRIBBLE. The testimony was before the committee, and does not the gentleman admit it to be the fact, that there are many officers in the Navy capable and ready to fill all official positions and many more without providing for new enlistments at the expense of the people?

Mr. PADGETT. But what if they can not get the higher position?

Mr. TRIBBLE. They are not quitting, are they?

Mr. PADGETT. There is an open door and a prospect for promotion.

Mr. TRIBBLE. You have got more than you can use?

Mr. PADGETT. No; we are short in the Navy.

Mr. TRIBBLE. Why are you short?

Mr. PADGETT. Because we have not authorized the number necessary to man the complement of ships which we have.

Mr. TRIBBLE. Have you not a great many officers in the Navy, thousands of them?

Mr. PADGETT. No; we have about 1,800, and that would hardly come within the class designated by thousands.

Mr. TRIBBLE. If you are short, why eliminate good men; why take out good men and put them out into active life and pay them out of the Treasury of the United States—retired officers, living on the bounty of the Government—doing nothing?

Mr. PADGETT. Because it is a part of the general policy to effect promotion, to afford the bright young men inducement to enter the Navy. If they did not have that opportunity you would have no Navy.

Now, Mr. Chairman, I will yield the floor to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, I expected to submit a few remarks on this bill at this stage of the proceeding, but I shall defer them in order to accommodate my friend from Missouri [Mr. BARTHOLDT], who is obliged to leave the city. I will yield to him 30 minutes.

Mr. BARTHOLDT. Mr. Chairman, this year the battleship qustion finds me in a state of mind bordering on equanimity, if not indifference. The reason is, probably, that everyone knows in advance what its final disposition will be. The majority in the House will uphold the action of the Democratic caucus by refusing new authorizations, the Senate will insist on at least one new battleship, and the House will finally yield to a program, so wisely limited, in order to keep the Navy at its present efficiency.

Now, if my friends on the other side were actuated by a higher motive than that of mere economy I could probably get up some enthusiasm. If they had said the United States is in the best possible position to set the world an example by calling a halt to the mad rivalry for excessive armaments, I would be tempted to take my hat off to them, but as it seems to be a question not of principle but of parsimony with them, a desire merely of making a showing, at the end of the session, of surplus cash rather than investments in behalf of the Government, I can not help but feel more or less unconcerned, although I must say that the action of the Democratic caucus has served one good purpose, it has saved us from the annual Japanese war scare. But, Mr. Chairman, there is another and more cogent reason why the friends of peace and arbitration view the question of naval armaments with less concern now than they did even a few years ago. They have seen the light break in. An antidote has been found for the folly of the nations, and it may now safely be predicted that it is only a question of a short time when, through the force of public sentiment, arbitration will take the place of war in the settlement of international differences and when the nations will march, figuratively speaking, from abandoned battle fields to the temple of justice, there calmly to await the verdict of impartial judges in every case which threatens to disturb their peace. While it is true that Governments can not be persuaded to discard their implements of war so long as they actually need them for purposes of defense and national security, it is just as certain that no nation would maintain them much beyond the period when their absolute uselessness, except for police purposes, has been demonstrated. Hence, I hold that the question of armaments will solve itself. Its proper solution will be the natural sequence of the perfection of the legal machinery for the administration of international justice.

It is this question which I desire to discuss to-day. If above premises are correct, then it becomes the patriotic duty of every good citizen by his vote and influence to hasten the day when in the intercourse of the nations judicial decisions will be recognized as the proper substitute for the arbitrament of the sword, proper because more humane, more civilized, and infinitely more economical.

Fortunately we are no longer in doubt as to how this great purpose can be accomplished. The consensus of opinion of the world's best thinkers is fixed upon three postulates, namely, general arbitration treaties, a high court of nations, and a code of international law to be sanctioned by all the national legislative bodies and enforced by the combined police powers of the world.

Thanks to the two Hague conferences, this plan is no longer a dream of visionaries or a vision of dreamers, nor is it the half-baked scheme of progressives who are overestimating the speed of rational advance. It is much more than that. It has become the concrete project upon which the Government of the whole world have concentrated their official minds ever since a President of the United States has had the courage and the foresight to propose the settlement by arbitration of all justiciable questions. [Applause.]

Before I discuss President Taft's arbitration policy let me show you how far the plan of a high court of nations has progressed. Such a court has been a reality ever since 1899, when the first Hague conference created it in the shape of a panel from which a court was to be organized in each given case. While this court has officiated in a number of important cases to the full satisfaction of the world's opinion, yet there was a general demand for a tribunal with real judicial powers, and this led to the unanimous declaration by the second Hague conference in favor of a court of arbitral justice. All the signatory powers represented at that conference assented to its immediate establishment, and only the question of the appointment, or, rather, the distribution, of the judges caused disagreement and has been the stumblingblock up to the present time in the way of its actual creation. There is no question, however, that the next conference of the powers, which will meet in Holland's capital in 1915, will remove this obstacle and crown its labors with what, in my judgment, will be the most glorious achievement of modern times. A code of international law to apply to the cases which may be brought before the court the same as an agreement as to the executive power to enforce, if need be, the decrees of such a world tribunal will follow its establishment just as surely as the lex scripta and the sheriffs became the creatures of domestic courts. It is needless to say that every arbitration treaty negotiated between two or more governments will form an integral part of the international code.

After this brief review of past achievements and aspirations for the future, let me discuss the most important event in the history of the modern peace movement, namely, President Taft's proposition to arbitrate all justiciable questions. I need not recount how this progressive plan electrified the world and how, through it, the United States suddenly assumed leadership in fact, and not in name only, in the great movement for international justice. The first to criticize was Theodore Roosevelt, and it is my purpose to answer, on behalf of the supporters of the arbitration treaties, the objections he raised against the President's great conception. I shall do so, of course, with entire disregard of the present political situation.

The former President insists that questions of honor and vital interest should always be excepted from the scope of arbitration treaties, because not to do that is to waive at the outset a possible arbitrament by the sword—would be hypocrisy and cowardice. No self-respecting nation, he says, would resort to arbitration when its honor is at stake, and, besides, such an agreement could not be enforced when a nation believes it has real cause for war.

This sounds good, and the unthinking, no doubt, will applaud the argument. But if it were to prevail, the world would forever be where it is to-day. Here Mr. Roosevelt is plainly the standpatter or reactionary, while the President is the progressive. The fact is that hypocrisy and cowardice are the characteristics of the present system rather than of the newly proposed. Under our present feeble treaties every controversy can easily be magnified to the proportions of a question of honor or vital interest; hence these old treaties making such exemptions are not worth the paper they are written upon, and therefore it was hardly compatible with upright and honorable conduct for nations to pretend favoring arbitration when in fact they knew they could open the door to war at any time they saw fit to do so.

In comparison with this hypocritical system which Mr. Roosevelt upholds, President Taft's proposal is the very embodiment of honesty. It presupposes honorable conduct on the part of nations, and is based on the rightful assumption that no nation conducting itself honorably need ever fear the verdict of an impartial tribunal. It is this consideration which prompted the President to say that questions of honor are really the easiest to arbitrate. The time is happily past when one civilized nation will wantonly insult another, and it is also true that in this time and day monarchical rulers can no longer use an alleged insult as a subterfuge to arouse, by appeals to the national honor, the furor of the people. A more frequent intercourse and more rapid communication between the people of different nations, and the growth of popular education and of a better understanding among them have become the reliable safeguards against such tricks. We must also remember that the great nations, in spite of their armaments, are no longer independent and hostile military camps frowning upon each other as implacable enemies, but they have gradually come to

regard each other as interdependent parts of the great family of nations ready and willing to investigate, before cutting throats, whether an insult is real or fancied, or whether it was offered intentionally or not. And we know that war is always as good as prevented when consent is once obtained for an investigation.

Mr. Roosevelt justifies war from the feelings of an individual saying in so many words that nations should act just as a man would when his wife is assailed and has her face slapped. "Such an individual," he says, "who went to law instead of forthwith punishing the offender would be regarded with derision." This case belongs clearly in the category of self-defense, and no friend of peace has ever denied this to a nation. Defense presupposes an attack, but we must be sure that there is an attack before we are allowed to take the law in our own hands. If domestic law permits no exception to that rule, except in case of a physical attack, why should an exception be permitted in international law merely to continue the bloody business of war? We know full well that many cases of law violation occur because human passion is often stronger than respect for law, but surely this is no reason why there should be no law against certain offenses, nor is it a reason why exceptions should be recognized in international law framed, as it is, to safeguard the peace. To leave it to individual judgment when to resort to law or to force will lead to anarchy just as surely as it will lead to war if we leave such discretion to governments and nations. The prohibition of violence is the universal rule of law. The breaking of that rule, no matter how justifiable, is the breaking of law, and President Taft simply aims to apply this principle to international relations. The doctrine preached by Mr. Roosevelt of permitting exceptions would lead to the same intolerable conditions in domestic affairs as now exist in foreign relations, namely, that the arbitrary will of the individual can menace the peace of society. As the ruler can declare war at will on the plea of an injury to honor or vital interests, so could the individual citizen justify acts of violence because of want or hunger or misery or of personal insult. President Taft's proposition, therefore, to make the law of nations conform to domestic law is a step in advance from dangerous conditions of anarchy to a higher plane of international law and order.

Moreover, a resort to violence is the poorest possible way to resent an insult. War never settles a question of right or wrong; it only determines which side is the strongest, and might is not right. Therefore a trial by battle would be wrong even if all nations were equally strong. But how would it be if a weak nation would be insulted by a big and powerful one? Suppose Great Britain would offer an insult to little Holland, and to save their honor the Dutch people would decide to fight. What would be the result? We should see injury added to insult, and an unequal war between the two would most likely result in the complete annihilation of Holland. Would we be justified with charging the Dutch with cowardice when they prefer judicial decisions to a war which would inevitably wipe them from the map? The fact is they are just as brave as we are, but that does not carry with it the obligation to commit national suicide. Still less justifiable is the reproach of cowardice when a great and powerful country like the United States at a time of profound peace proposes to other great countries that all their future controversies shall be settled by arbitration. Such a proposition, on the contrary, seems the very acme of dignity, honor, and manhood, and every Government which values justice and is willing to forego illegitimate gain by force will so regard it.

Mr. Roosevelt cites the hypothetical case of an English or German or Japanese fleet "firing into our coast towns and killing and wounding citizens," and says, in such an event, "this Nation would immediately demand not arbitration, but either atonement or war"; but surely this is no argument against arbitration. In fact, our Government proposes arbitration to prevent just such contingencies. When a hostile fleet once bombards our coast towns, then the stage of arbitration is passed, and such bombardment would simply be a declaration of war as an evidence that arbitration has failed. But you notice that here again the ex-President cites a case calling for legitimate self-defense which has no application whatsoever to President Taft's plan. No nation will forfeit, by arrangements to settle its controversies peacefully, its inherent right of self-defense.

The importance of President Taft's initiative may not as yet be fully appreciated by the people. It will not come home to them until, as a result of such a policy, hundreds of millions will be annually saved to the taxpayers. All thinking men and women regard it even to-day as one of the greatest world reforms ever undertaken, and no one doubts its entire practicability. We may thoughtlessly repeat the phrase, "There must always be war," but I sincerely believe Taft's arbitration policy to be the beginning of its end, and we should all be happy to have lived to see the day of this great beginning through the initiative of an American President. Neither the Senate, which mutilated the arbitration treaties, nor Mr. Roosevelt, who has opposed them from the beginning, will be able to halt the triumphant progress of evolution. It is the manifest destiny of human civilization to found the world's peace on the rock of law and render it secure against the passion of the masses as well as against the arbitrary will of rulers. To popularize this great purpose through the sheer force of its own merit and to fructify it as a fixed policy of government I earnestly believe to be America's greatest mission in the politics of the world, and no good American will ever recognize either the Constitution or the Senate of the United States to be a lasting obstacle in the way of its accomplishment.

The friends of arbitration do not hug the delusion that war can be abolished with one fell swoop. They know that the idols of the tribe will prevail for a time against the ideals of humanity. It seems to be man's way to exhaust the possibilities of every folly and every iniquity before he will fall back upon the methods of wisdom and goodness. But even to-day the philosophy of history is able to characterize war as a blunder, ethics as barbarism, law as a crime, and religion as a sin. The world's hope is not a lie, and, in the language of America's greatest poet, "Man will not forever be the slave of his own passions." Moltke, it is true, declared that "Eternal peace is only a dream, however beautiful it may be." Yet a giant thinker of the same nation wrote an immortal treatise on the same "perpetual peace," and came to the conclusion that it is—

> No mere empty idea, but rather we have here a problem which gradually works out its own salvation, and as the periods in which a given advance takes place toward the realization of the ideal of perpetual peace will, we hope, become shorter and shorter, we must approach ever nearer to this goal.

Yesterday—

Says Walter Walsh in his great book "The Moral Damage of War"—

> Yesterday the saint aspired, to-day the poet dreams, to-morrow the sage will expound, and on the fourth day the statesman will embody in a bill.

At every rung on the ladder humanity has been assured the next step up will be impracticable, impossible, but the only prophesies that remain unfulfilled are those of pessimism and unfaith. Mr. Wiseman assures humanity she can never cross the red sea of war, but she kindles her flaming enthusiasm and comes to her new world, her Columbia, her land of peace. Faith is not a fool. She surveys all the obstacles, ponders all the difficulties, counts all the opponents, measures all the "impossibilities," and then sings serenely with Scotia's great national bard:

> For a' that and a' that,
> It's coming yet, for a' that,
> That man to man, the world o'er,
> Shall brothers be, for a' that.

[Applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. HOBSON. Will the gentleman, before he takes his seat, permit me to say that it is a source of great pleasure to me to have listened to his treatment in such an able way of the question of arbitration without mixing it up with the question of armament, and to say that I am happy to be able to agree with him thoroughly upon his speech to-day. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, it affords me great happiness, indeed, to discover that the gentleman from Alabama [Mr. HOBSON] and I have ever been able to agree upon a question of this kind. [Laughter.]

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. BOWMAN. As an observation in connection with the gentleman's remarks, does he recall the expression used by Andrew Carnegie, "No man ever touched another man's honor. All honor's wounds are self-inflicted"?

Mr. BARTHOLDT. I do not recall those words.

Mr. BUTLER. Are they Andrew Carnegie's exact words?

Mr. BOWMAN. They are quoted as his words.

Mr. PADGETT. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the inclusion therein of the ceremonies and the addresses at the unveiling of the tablet as a memorial to Dr. Crawford W. Long, the discoverer of ether, at the University of Pennsylvania.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by insert-

ing certain remarks referred to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[The addresses referred to will be found in the Appendix.]

Mr. PADGETT. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. GREGG]. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I shall try to-day to correct the statement circulated throughout the country by those afflicted with the battleship mania that the Democratic caucus, by deciding against any battleships this year, has placed the party in opposition to a Navy, and that a failure at this session to provide for two is a neglect of our national defense.

This is untrue, and those who make the statement, with the exception of those whose soul and interest are so absorbed in the Navy that they can not look at the matter fairly, do so unadvisedly or for partisan political purposes or in the interest of armor-plate and shipbuilding concerns, for we all know that these large concerns never fail to look after their own interests, and we further know that they can always find, both in individuals and newspapers, willing tools to serve their purposes. [Applause.]

We believe in an adequate and efficient Navy, but we do not believe that a Navy composed of battleships without officers or men and without the necessary auxiliaries is either adequate or efficient.

We favor correcting the folly of the past, in which everything has been subordinated to the battleship, and in adopting a rational, sensible course of suspending temporarily their construction, so that we can, without unduly burdening the people and without creating a deficiency in our Treasury, provide officers and men and auxiliaries sufficient to make every battleship a fully equipped fighting unit.

We believe that it is time for Congress to use a little practical, common sense and act on its own initiative, and not be governed exclusively by the opinions of naval boards and officers, whose education and training lead them into the error of supposing that every interest should be subordinated to the Navy and to their ambition to command and for promotion.

They naturally want these great floating palaces and look with disfavor upon torpedo-boat destroyers, commonly called destroyers, submarines, and other necessary auxiliaries—I do not blame them—it is the result of their education and environments. As said by Rear Admiral Mahan in a paper from which I shall quote later—they have been taught to place their trust in bigness and nothing but bigness.

Those who claim to be overwise on naval needs say we should construct 2 battleships a year. Why 2 rather than 1? Why 2 rather than 10? Two may be a program, but not a policy. They say we should have a Navy large enough to insure our peace.

If, by insuring peace they mean, and that is what they mean, that we should have a Navy so large that other nations will not dare attack us, then 10 is more logical than 2, for the sooner we obtain an intimidating Navy the better, if we are to rely solely upon the Navy. Our critics do not tell us what policy we should adopt as to the size of our Navy compared with those of other countries in order to be able to insure our peace by means of the Navy.

They preach and preach, but when their sermons are finished they have not told us what we must do to be saved.

The trouble heretofore has been that we have had no fixed naval policy, by which I mean that we have not decided what should be the relative size of our Navy to that of the other nations of the world.

If we should decide that it should be the largest in the world—however wild the idea may be—we would have an ultimate object in view and could gradually work up to it and do it systematically. If we decide that it should be next in size to that of England, then with that definite purpose in view we could work up to it.

The political party which believes we should burden the people with a Navy so large that it will intimidate other nations, and which believes in "securing our peace" by means of a Navy rather than by treaties, arbitration, and diplomatic negotiations, should have the courage to say so in its platform and take the responsibility before the people, who will have to bear the burden.

There are but two rational policies. If we are to look at it from an aggressive and world-power view—that is, if we are ready to say that it is our purpose to dominate the seas of the world and to intermeddle in all international affairs, and we are ready to seek, instead of avoiding, entangling alliances—then the proper policy to adopt is to construct a Navy larger than that of any other nation. That is what our critics want to do.

If, on the other hand, we want to give some assurance of sincerity in our professions that we prefer law, arbitration, and diplomacy to gunpowder and dynamite as a means of adjusting international differences; if we prefer by example to teach and induce other nations to call a halt in the construction of these floating monsters, rather than encourage them in it; if we would rather be the leaders in peace than in war; if we prefer the hum of industry to the rattle of musketry and thunder of cannons, then our policy should be the one we have followed so long, without danger to our national defense, and the one laid down in the last Democratic national platform, which declares:

> We believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

This means a defensive and not an aggressive Navy. We should amply protect our coasts and harbors with comparatively inexpensive submarines and shore batteries, and have enough large fighting ships to "protect American citizens wherever their rights may be jeopardized," as we have so often done in cases of internal uprisings and disturbances in China and other nations.

Mr. Chairman, I know that the Constitution and Washington and Jefferson, like the battleship after a few years' use, are considered obsolete, but I like occasionally to recur to them like the old-time Christian, who is bewildered and confused by the new theologies of the day, loves to return to his Bible and get new courage for the battle of life and have renewed his hopes for the future. [Applause.]

So I will quote from Thomas Jefferson in regard to the first policy. He said:

> Wars must sometimes be our lot, and all the wise can do will be to avoid that half of them which would be produced by our own follies and our own acts of injustice, and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offense and not the best nor safest instrument of defense. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense which makes the European laborer go supperless to bed and moistens his bread with the sweat of his brow.

If to secure our peace it is necessary to adopt a policy of building such a navy as the greater nations of Europe possess, and thereby "foolishly and wickedly waste the energies of our countrymen and pull on our own heads the load of military expense which makes the European laborer go supperless to bed," the people should be put on notice that such is our intention, and should be fully informed as to the ever-increasing burden they are expected to bear.

The cry, "In time of peace prepare for war" may be a catchy slogan, but in its ultimate analysis it means that all nations at all times should be in a state of preparedness for war, which further means a mad rush to insolvency for every nation of the earth. [Applause.]

The appeal is made to the pride and martial spirit of our people in support of an aggressive Navy; but the appeal is never accompanied with a statement showing the enormous increase of expenses, nor with the suggestion that all this money is extracted by taxation from the pockets of the people.

To show how, even under our moderate program, these expenses have increased, I cite that such expenses have been as follows:

In 1880	$13,536,985
In 1900	55,953,078
In 1910	123,173,717
In 1911	126,478,338

If this money was raised by direct taxation, whereby every taxpayer would know just how much he was contributing to the payment of this gradually and immensely increasing expense, you would not find as many Navy jingoes on the floor of this House as you now find.

As said before, we have had no definite, well-defined policy, neither has our program of construction been rational and well balanced or symmetrical, but it has been to construct a spectacular rather than an efficient and homogenous Navy—a Navy for display rather than for fighting purposes.

Our policy is not to cripple the Navy, nor to be niggardly in providing for it, but we wish to make our Navy adequate and effective, which it is not to-day.

We are not opposed to battleship construction, when it shall have been settled what type is the most formidable, but we do object to building them even then out of all proportion to the auxiliaries which are necessary to the efficient and effective use of the battle fleet. We are sadly deficient in these auxiliaries, and we believe that wisdom dictates we should supply some of

them and supply men to man what battleships we have before building more.

Mr. Meyer, Secretary of the Navy, on page 37 of his last annual report, shows that we have 33 battleships, and says with this number we are short of auxiliaries as follows:

8 battleship cruisers which will cost	$119, 822, 288
18 scout ships which will cost	64, 968, 200
82 torpedo-boat destroyers which will cost	88, 452, 600
6 tenders to destroyers which will cost	8, 616, 000
3 repair ships which will cost	3, 705, 750
5 supply ships which will cost	7, 125, 000
3 hospital ships which will cost	5, 100, 000
4 ammunition ships which will cost	4, 901, 000
12 fleet fuel ships which will cost	14, 487, 840
22 submarines which will cost	12, 852, 460
10 tenders to submarines which will cost	11, 710. 000

Notice that the Secretary of the Navy, when speaking of our own Navy, classes battleship cruisers as auxiliaries, but in his recent articles in the newspapers, when he desires to make an unfavorable comparison between our Navy and that of Japan, he classes battleship cruisers that Japan has as battleships. I think that is hardly fair. According to him, these cruisers in one case are auxiliaries and in another case they are battleships.

To supply the above-named deficiencies will cost $341,741,078. These figures as to cost are obtained from the Bureau of Construction and Repair of the Navy and are the cost if constructed under the eight-hour law. These deficiencies are based on 33 battleships. We are now building four more which, when completed, will call for 16 destroyers which will cost $16,686,800 and 4 scout cruisers which will cost $15,237,600, and they will need about 4,000 men to man them, at an additional annual expense of $2,180,224. These items are mentioned in connection with the deficiencies, but they are not the only additional expense, for each battleship built increases the expenses in numerous ways, such as $1,000,000 for annual maintenance and many other ways.

Now, when you consider that the auxiliaries mentioned are absolutely necessary to make our battleship fleet efficient and to protect it from torpedo attack, does it not seem the part of wisdom to provide at least a reasonable number of them before we build more battleships, every one of which increases the deficiency? It is no excuse to neglect their construction because, as the Secretary of the Navy says, "These small vessels require less time to build than a battleship, and some of them may under stress be acquired by purchase," because even if the time to construct is less, they can not be constructed within the period of the probable duration of a war, as it takes about two years to build any of them. We might not be able to purchase any of them, and we can not afford to let our fleet of battleships be exposed to the torpedoes of an enemy while we are building torpedo craft to protect them, nor remain inactive until we can build colliers and supply ships to furnish them with fuel and ammunition.

During the last 20 years we have spent more than $1,600,000,000 for the construction and maintenance of our Navy, yet the Navy we have is not adequate and efficient, and will not be until we supply the above auxiliaries at a further cost for construction of $341,741,078, and without the addition of other men and officers, the shortage of which I shall discuss later.

Our mistake has been that we have expended vast sums of money upon the upbuilding of a top-heavy and spectacular Navy and have neglected the cooperative naval units, and the splendid battleship without these is, in the opinion of nearly all experts, almost absolutely useless. The policy of building expensive vessels and placing 1,000 men on each without taking the necessary precaution to protect them with torpedo craft, such as destroyers and submarines, is not only foolish but actually criminal.

On February 22 of this year the Navy League held its annual banquet at the New Willard Hotel. The main target at which all their shafts were directed was the action of the Democratic caucus in deciding to build no battleships at this session. They were not fair in their criticisms, for they assumed that we had stopped such construction. They were not fair enough to say that we contemplated only a temporary suspension until we could supply some of the necessary auxiliaries

I pause here long enough to call attention to the fact that we have leagues and service journals whose object is to impress upon Congress the necessity of spending large sums of money in building a Navy—and they mean *Dreadnoughts* when they say Navy—but there is no league or organization to protect the Treasury against such raids. [Applause.] Those who would further oppress the taxpayer have their organizations to accomplish that purpose, but those who foot the bills have no organization to protect themselves. This makes it our duty as their representatives to do it.

Most of the thought which has been given to the Navy heretofore has been in the interest of the personnel and matériel. It is high time some thought should be given it from the viewpoint of the taxpayer. [Applause.]

At this banquet of the Navy League one of the soul-stirring, applause-raising speeches contained the following:

> There is little danger of the United States being invaded, but she now has a larger rôle to play than merely the protection of her own territory. She can not remain passive while injustice is being done in any part of the world. She should announce to the world that she stands for justice to all, particularly the weak, and should be ready to stand back of her announcement.

There we have the real purpose of the Navy jingoes. It is to build a Navy not for the protection of our country, but to bully the rest of the world.

Lo! a greater than Washington has arisen. The substance of his Farewell Address was to advise us to mind our own business and keep out of all entangling alliances, which has for years been found safe and sound, but this greater than Washington advises us to build a Navy sufficient to mind everybody else's business and to carry by force to all parts of the world our own particular ideas of justice.

Every year, just at the time the Navy bill is being considered, with surprising regularity, certain inspired articles appear in some of our newspapers warning us of the danger of war, imminent war, with some other nation, and predicting dire calamities to us if we do not build more battleships. Germany was used as the bogieman after the close of the Spanish War up to 1905. This became so absolutely ridiculous that men with any sense became ashamed to use it, and it was dropped.

But their zeal was so great and the necessity so urgent to have some supposed enemy they went 5,000 miles across the Pacific and found Japan. They have been so insistent in their contentions that Japan is anxious and willing to pounce down upon us that they have actually frightened some of the timorous.

On February 25 of this year there appeared in the New York Herald an article from Capt. L. Persius, one of the most capable and best known of the German retired naval officers, in which he says:

> The Japanese Navy, far from being equal to that of the United States, is weaker than at the outbreak of the Russo-Japanese War. The then modern battleships are now obsolete. The ships captured from the Russians, rebuilt at a cost of more than $30,000,000 have very small fighting value, and the increment through new battleships is extraordinarily small.
>
> Only the battleships *Aki* and *Satsuma*, completed with almost record breaking slowness of construction in five years, can be considered modern ships, though they carry only four 12-inch guns instead of the usual *Dreadnought* armament, and it is extremely doubtful whether Japan's first two ships of the *Dreadnought* class, the *Setsu* and the *Kawachi*, will be finished in time to join the fleet this year.
>
> A first-class battleship cruiser is under construction in England, another has recently been started in Japan. These, with small cruisers, destroyers, and submarines, represent the total increase since the War with Russia.

The attempt to construct battleships in Japan has proved, according to Capt. Persius, a failure, due to the deficiencies of the Japanese steel works and the lack of technically trained workmen in the yards. In confirmation of this he cited the Japanese minister of marine, who, in a speech before Parliament, admitted that the foreign-built ships were superior to the Japanese built, and that the Government steel works were not up to requirements.

Comparing the Japanese and the American fleets, he finds that Japan has only 13 battleships, with a tonnage of 184,800, to oppose 31 American battleships, of 498,200 tons, with 6 more American *Dreadnoughts* under construction.

The financial weakness of Japan will, he holds, bar any extensive appropriation for naval purposes for years to come, and the United States need no longer fear for its Pacific possessions.

This statement, coming from such a naval authority and from such a disinterested source, completely controverts the idea that we are in any danger from an attack by Japan and puts to confusion those who have been urging it.

Some other bogie man had to be found, and a very enterprising reporter took up Germany again, and there was, on March 11, 1912, sent from Washington to the New York Tribune, the Philadelphia Press, and other newspapers, a sensational dispatch to the effect that Germany was attempting to violate the Monroe doctrine by negotiating with Colombia for the purchase of coaling stations. The story was avowedly based on the assertions of anonymous naval bureau chiefs. It was made a sensational first-page story. To show how thoroughly ridiculous this was to those who are able to restrain their fears so they can bestow a little sober thought on the matter, I will read the

following caustic editorial from the New York Evening Post of March 12, 1912:

All England will breathe a sigh of relief this morning when there is cabled to its newspapers the discovery made known by the Tribune's Washington dispatches. On authority of some nameless persons in the Navy Department they announce that "the steady increase in the German fleet has been aimed at the United States, and that it is not Japan in the Pacific that we need to watch most closely but Germany in the Atlantic; that it is with her rapidly increasing battleships that we shall eventually have to try conclusions." So it is all for nothing that old England has been striving to hold her own with Germany's naval expansion, while her population, from Lord Roberts down, has given way to one panic after another lest under the cover of a fog a German army corps descend upon her coasts. It thus appears that Kippling has been warning his nation in vain, and the very British babes have left their cradles for nothing to take up arms. Why, this profound discovery will revolutionize European diplomacy in a moment, make possible the limitation of armament, and relieve the military strain of the whole Continent. Fortunate Tribune! Glorious news! But what becomes of our friends the Japanese? Ever since they supplanted the Germans after 1905 as the bogey man to be trotted out on every occasion as a means of boosting the big Navy appropriations they have served our Navy jingoes faithfully and well. Is it possible that as bogey men they have lost their value and we are again to have a series of German scares?

Like all false prophecies, these prophecies of war, "When they hit, it is history; when they miss, it is mystery." [Applause.]

It is asserted by some that the resolution of Senator LODGE inquiring of the administration whether Japan has acquired a naval base on Magdalena Bay, Mexico, was introduced for the purpose of affecting the naval program at this session and aiding his friend, Secretary of the Navy Meyer, to secure two battleships. Suppose it had developed that Japan had acquired it, what would we have done? Authorized the building of more *Dreadnoughts*, at this session and wait about three years until we could build them? No. We would have at once declared it an invasion of the Monroe doctrine and proceeded to enforce that doctrine.

The Magdalena Bay bubble has burst. On April 6 there appeared in the daily press of this country a telegram from Tokyo, dated April 5, that the foreign office denied that Japan ever dreamed of procuring a foothold in America. The only basis for the alarm seems to be that a New England syndicate—that section of our country which is clamoring loudest for the battleships—has tried to unload a bad bargain upon a Japanese steamship company, not the Japanese Government. What contemptibly flimsy things are seized upon to get up a war scare, to influence Congress on the Navy program! In its issue of April 8 the Washington Post, which is strongly advocating two battleships at this session, in an editorial, is forced to admit that there is no ground for this Magdalena Bay nightmare, and says:

The ease with which the people of the United States are hoaxed as to Japan's designs belies the vaunted coolness of the Yankee in face of peril.

We should have the pose and deliberation of courage at least.

This editorial has a most significant suggestion when it further says:

But the tendency to show trepidation is not all on one side. The sentiment of fear and distrust is mutual. What we are going to do to Japan keeps the little brown man in a shiver.

Is it unreasonable for the Japanese to be suspicious of us? Is it unnatural that they should be irritated? Have we not for years, in some of our newspapers and in speeches on the floor of this House, been predicting war with them? Have we not impugned their motives and accused them of having designs upon us and of trying by intrigue to get a foothold in America?

Those who claim they desire a Navy for the purpose of securing peace are usually the ones who do the most talking about Japan. They could serve the interests of peace better by keeping cool heads and silent tongues. If they were deliberately planning to bring on war they could not pursue a more certain course. Nations, like individuals, soon tire of and become irritated by continual nagging, and soon turn to retaliatory measures. Let me warn them that a continuance in the course they have been pursuing is more likely to bring on a war than our failure to build battleships.

One of the arguments frequently used by the big Navy advocates is that the Monroe doctrine is no stronger than the Navy.

History completely refutes this contention. During the Civil War Louis Napoleon placed Maximilian upon the throne of Mexico and maintained him there by his army. After the close of the war in 1865 the United States, considering a foreign sovereign in Mexico, upheld by a foreign army, as an infraction of the Monroe doctrine, began to take steps to secure Maximilian's removal. We then had a large Army and a large Navy. Did we resort to them to defend that doctrine? No. We gradually disbanded our Army and naval forces, and Mr. Seward, then Secretary of State, persistently pressed on Louis Napoleon the withdrawal of his troops, which he finally did in 1867. Pending these negotiations between Mr. Seward and Louis Napoleon, in 1866, Congress enacted a law reducing the Army to 54,000 men. The total number of ships of all classes in our Navy in December, 1864, was 671. After the close of the war the Navy was so reduced that in the fall of 1866 we had in commission only 115 ships of all classes. This reduction of Army and Navy was being carried on during our negotiations with Louis Napoleon for the removal of his army in support of Maximilian. What would the present critics of the Democratic caucus action have done had they been to the front then? To use a slang expression, they would have thrown one fit after another.

This doctrine has been several times threatened. We have never been compelled to use either our Navy or Army to prevent the infraction. We have always been able to accomplish it by diplomacy and arbitration.

It was threatened by England on the Venezuelan boundary-line issue. On December 3, 1895, President Cleveland, in his annual message, called attention to this controversy between England and Venezuela and what representations had been made by our Government to England looking to its settlement by arbitration. On December 17 he sent a special message to Congress giving the answer of England to these representations looking to a settlement by arbitration, and as the answer was not satisfactory he recommended that Congress authorize the appointment of a commission to determine the division line between England and Venezuela. This message created intense excitement throughout Europe as well as in America. In December Congress passed a bill authorizing the commission. In all this we were vigorously asserting the Monroe doctrine.

On January 1, 1896, the President appointed the commissioners, composed of eminent Americans and jurists. This commission invited the two Governments to formulate and present to it their respective claims and contentions. This invitation was complied with by both Governments. The commission proceeded with the collection of evidence until February 27, 1897, when the two Governments signed a treaty providing for the submission of the matter to arbitration. This arbitration tribunal was appointed and the controversy was settled by it. Thus England acquiesced in the Monroe doctrine and its integrity was maintained by firm but peaceful methods.

One of the most notable cases involving the doctrine was in the latter part of 1902 and the first part of 1903, when the Venezuelan ports were blockaded by the allied powers—England, Germany, and Italy—to enforce the collection of certain claims held by citizens of their respective Governments against Venezuela. In this controversy the position taken by President Roosevelt was that the Monroe doctrine was not intended to protect American States from the fulfillment of their legal obligations; therefore he made no objection to the occupation and bombardment of the port, but it was understood that the United States would under no circumstances permit the occupation of the interior territory even for a short time. On February 13, 1903, the allied powers and Venezuela signed protocols, under which Venezuela was to pay a small sum and submit the bulk of the claims to arbitration, and the blockade was raised. The question was afterwards settled by arbitration.

Thus in the only case in which the doctrine was violated—the case of France in Mexico—and the two most notable cases of threatened violation mentioned by me above, to wit, by England in the Venezuela boundary question and by England, Germany, and Italy combined in the case of collection of debts from Venezuela, we have maintained it in the case of actual violation and prevented its violation when threatened by diplomacy, negotiations, and arbitration.

At the time Louis Napoleon yielded, in 1867, we had comparatively no Navy or Army, and when we were involved over the doctrine with England and with the allied powers of England, Germany, and Italy our Navy was far inferior to theirs. So the contention by some that we succeeded by peaceful methods because we had the power to enforce our demands is absolutely untrue.

It is asserted that we have so much coast line it is necessary to have a large Navy to defend it. Did we not have the same coast line from 1820 to 1860, and from 1870 to 1890? During those years we had comparatively no Navy.

It is also contended that we need it to defend our over-sea commerce. Unfortunately for this contention the fact is that when our mercantile fleet was at its maximum our Navy was at its minimum.

To fully appreciate the wisdom of the action of the Democratic caucus in deciding to temporarily suspend the building of battleships until other necessary units of an efficient Navy can be supplied, you must bear in mind that we have not the money

available at this time to build more battleships, and also supply a reasonable number of the smaller craft, which are as necessary as the large fighting ships.

The Secretary of the Navy in his last annual report says:

Destroyers in proper number (4 to 1) are absolutely necessary for the protection of the battle fleet against torpedo attack (p. 38).

Admiral Lord Charles Beresford, retired, one of England's greatest naval experts, says:

No guns, heavy or light, will protect a battle fleet from torpedo attack at night. The only effective method of protection is to employ a large number of small cruisers to clear a wide area about the battle fleet at sundown.

The small cruiser force must be disposed so that they form a protective screen distant 120 to 140 miles on all sides from the battle squadron. By no other means is it possible to move a battle squadron at night without risking its destruction by the attack of torpedo craft. No antitorpedo armament can effectually protect a fleet of battleships attacked at night by torpedo craft.

And in further support of my contention that we have been guilty of almost criminal negligence in expending all the available money upon battleships, thereby rendering it impossible to supply our fleet with the necessary torpedo craft, I quote from Rear Admiral Bacon, the director of naval ordnance of Great Britain. He says:

The enemies of the battleship have multiplied and include every vessel carrying a torpedo, such as cruisers, destroyers, submarines, and under certain conditions mine layers. In fact, the introduction of the torpedo has brought about a very considerable limitation in the powers of the battleship. Not only is the battleship itself open to attack by small craft which it can not engage on equal terms, but it is powerless to protect any form of vessel against the attack of such craft.

Rear Admiral Osterhaus, commander in chief of our Atlantic fleet, recently, in discussing the winter maneuvers of that fleet, says:

While British talk of effective torpedo exercise at 10,000 yards has not been confirmed, the accomplishment of this range is probable within the next few years. This means that the torpedo fire will be effective far beyond the distance at which searchlights can pick up torpedo craft. The fleet accordingly must depend on its torpedo destroyers forming a screen to engage the attacking torpedo fleet and prevent its coming within torpedo range.

And in further proof of the great danger to which a battleship fleet is exposed as against torpedo craft, I refer to the mimic war on July 19, 1911, in Block Island Sound, between the battleship fleet of 17 ships under command of Rear Admiral Hugo Osterhaus and a fleet of destroyers and submarines, in which the submarines and destroyers theoretically destroyed the whole battleship fleet.

In further support of what I have said in regard to the importance of our supplying the needed auxiliaries before building more battleships, I will read a telegram from London of date Saturday, March 6, and which appeared in the New York Herald of Sunday, March 7, 1912, which is as follows:

The board of admiralty is at present paying a great deal of attention to the improvement of the smaller units of the British fleet, the submarine and torpedo-boat destroyers, vessels which many experts believe would be of greater use in case of war than even the big modern battleships and battleship cruisers.

It is admitted by all naval experts that there are needed for each battleship 4 destroyers or submarines, which are torpedo craft. These are to be thrown out around and distant from the battle fleet, to protect it against surprise attacks of the torpedo craft of the enemy—a cordon of protection—both offensive and defensive.

No general of sufficient ability to command an army would think of lying in front of the enemy without throwing out his picket lines as a precaution against a surprise attack. Is not the Navy entitled to the same protection?

So far as I have seen, the Secretary of the Navy has made no excuse for not asking for these, further than to say that they can be built in a shorter time than battleships or obtained by purchase in case of necessity. I ask him where he could purchase 8 battleship cruisers, or 18 scout ships, or 82 torpedo-boat destroyers, or 6 tenders to destroyers, or 3 repair ships, or 5 supply ships, or 3 hospital ships, or 4 ammunition ships, or 22 submarines, or 10 tenders to submarines? All of these he states in his last report are needed for our present battleships. I also ask him if it will not take about two years to construct any one of these auxiliary vessels?

All through his last report the Secretary admits the necessity for all these, but it is evident that he fails to recommend anything but 2 battleships and 2 colliers, because he fears it will jeopardize the chance of securing the 2 battleships.

The whole Navy and Navy Department are hypnotized on the subject of battleships, and to secure these they are willing to sacrifice everything else needed.

Mr. Henry Reuterdahl, who is an expert and critic of such ability as to entitle his criticisms to grave consideration, in an article in Collier's of November 18, 1911, just after the naval display in Hudson River, says:

What if I tell you that should this fleet—the one assembled at the display—go to war to-morrow, the biggest part of it might be crippled, perhaps sunk, before it got very far. It might be torpedoed by the enemies destroyers even before it had met its main force.

Why? Because we have not sufficient destroyers or submarines to protect them against such torpedo attacks. He further says:

The destroyer is the battleship's worst enemy; on a stormy or foggy night searchlights do not protect the battleship, so a swarm of destroyers may easily get the big fellow at their mercy. A fleet can only be protected against torpedo attack by its own destroyers, which in daytime scout and search and at night maintain a screen against the onslaught of the enemy's craft. Each of the great navies has a large number of these eyes of the fleet, but not the United States.

How criminal to send these battleships out, to be preys to torpedoes, without the necessary protection!

Mr. SLAYDEN. Will my colleague permit a question?

Mr. GREGG of Texas. Yes, sir.

Mr. SLAYDEN. Is it necessary to protect our battleships when they go out?

Mr. GREGG of Texas. Yes, sir; it is absolutely necessary. Right in that connection I should say if war should break out to-morrow we would have to hide our battleships under the shore defenses of this country. We could not go out with them. We could not use them without running the greatest risk.

He further says:

Naval battles are not fought in harbors, but far out at sea. Before they meet the enemy our vessels may have to cruise thousands of miles. They will need coal. For want of a sufficient number of colliers this great American fleet of ours is tied to its coal piles. What about repair and ammunition ships? Suppose in its first action the fleet's supply of powder and shell is exhausted; it must run to base.

What a pitiable spectacle!

Secretary Meyer, in his last report, says:

Destroyers in proper number are absolutely necessary for the protection of the battle fleet against torpedo attack.

He further says that we are 82 short of these absolutely necessary protectors of the battleships we have. Yet he recommends none of these in his building program for this year, and our critics insist we are unfriendly to the Navy because we want to supply some of them to protect the battleships we have before building more.

Commander E. W. Eberle, commanding our Atlantic torpedo fleet, says:

Four destroyers to a battleship is the proper proportion in a well-balanced fleet, in order that there may be always an efficient, elastic, and cooperative scouting, screening, and offensive torpedo force with the main fleet.

According to him a properly protected fleet requires 4 destroyers to every battleship. We have 33 battleships and 50 instead of 132 destroyers. Still they say our Navy is not topheavy.

Suppose our 33 battleships had no armor-plate protection, what would you think of the sanity of a man who would advocate building more which would be equally unprotected instead of providing armor-plate protection for those we have? Protection by torpedo craft is almost, if not altogether, as essential as armor-plate protection. Secretary Meyer, in his last annual report, says that this protection is absolutely necessary.

Mr. HOBSON. Is the gentleman yielding to questions now?

Mr. GREGG of Texas. Yes, sir.

Mr. HOBSON. Mr. Chairman, I wanted to ask the gentleman if he is in favor of a program of building torpedo-boat destroyers? I want to say I am in thorough accord with him in dealing, as he has so ably, upon the need and necessity for these destroyers; but I find—and I will not take his time—that those who are opposing battleships will not vote for the destroyers when the time comes.

Mr. GREGG of Texas. I was speaking of the necessity for this torpedo-craft protection. I am willing to supply them as fast as we can.

It will cost $103,331,400 to provide this torpedo-craft protection for the 33 battleships we have and the 4 we are building. The annual pay of the Navy and cost of administration is $101,000,000, so the Navy bill each year must carry that sum to start with. If we should undertake to supply in one year the torpedo-craft protection necessary, the bill would carry $204,331,400. If we undertook to do it in two years the bill would carry $152,665,700. If we undertook to do it in three years the bill would carry $135,443,800. This would be without any new battleships or any other new construction. Do you not think the taxpayers will be staggered when they see where we are going?

Commander Eberle says:

Submarines may well be termed the pirates of the sea, for they are peculiarly offensive weapons. I firmly believe that the submarine is to-day the most vital force in naval warfare and will prove a vital force toward the peace of maritime nations.

According to Secretary Meyer we are short 22 of the requisite number of submarines. Still, in the naval program for this year we are not asked to provide for any of these—

most vital forces in naval warfare, and vital forces toward the peace of the maritime nations.

Everything is subordinated to two battleships. The policy is let everything else go. Just so we get the *Dreadnoughts* and super-*Dreadnoughts*—it makes no difference whether we have officers to command or men to man them or coal to make them go or destroyers or submarines to prevent them from being mere targets for our enemies' torpedoes.

Admiral Lord Charles Beresford, retired, of the British Navy, says that the British fleet is like an army which is all heavy artillery; that the *Dreadnought* policy was introduced to the public by means of an organized system of advertising in the press. He further says:

The public were and are hypnotized by the *Dreadnought* policy. The excessive and vulgar advertisements lavished upon this experimental vessel were by no means justified. To the building of these great ships has been sacrificed every other naval requirement. Without an adequate provision of these essentials—

Meaning auxiliaries—

the battle fleet is useless for fighting purposes, and the money spent on it is a present to the future enemy.

The British Navy is much better supplied with auxiliaries than is ours, but he says that the failure of the British admiralty to supply more is a betrayal of the people. If this criticism can be made of their conduct, how much more blamable are those who are responsible for our much greater deficiencies.

Another reason why I think it wise to temporarily suspend the construction of battleships and proceed to supply some of the deficiencies as to auxiliaries is that the battleship is now in an experimental stage and naval construction is in a state of evolution and there may be in the near future such a change in such construction as to render obsolete and useless the present *Dreadnought*.

Admiral Lord Charles Beresford, in the extract which I have read from his book entitled "The Betrayal," says that the *Dreadnought* is an experimental vessel.

Germany now has on the stocks a ship which is to be equipped with internal-combustion engines, and it is said that the use of such engines will render obsolete all our battleships. We are told that these engines are only experimental. Concede it, but Germany will soon launch its ship and then the practicability of the engine will be demonstrated.

If it is shown to be serviceable, we will then be compelled to practically abandon what we have built and begin to build with those engines. If it proves unworkable, we will only have lost a little time.

What battleships are authorized at this session will be built on the super-*Dreadnought* style, probably larger than any we now have. Already that style is being severely criticized, and able naval constructors are advocating returning to ships of smaller size and greatly reduced unit cost.

On November 16 last the Society of Naval Architects and Marine Engineers held its annual meeting in New York. At this meeting Sir William White, formerly chief constructor of the British Navy and who is an honorary member of that society, said:

My personal conviction, built upon long-continued study of the problem, is that the wiser course in warship building could be found in a return to more moderate dimension and a reduced unit cost for capital ships.

Experience has established the fact that without having resort to the extreme dimensions which have recently found favor it is possible to produce capital ships, which shall be powerfully armed, well protected, steady gun platforms, capable of fighting their guns in all weather when actions could take place, and able to retain their speed in rough water.

Rear Admiral A. T. Mahan, of the United States Navy, in a Navy paper written a few years ago, and which was made a Senate document, says:

Our present condition is that of abandoning all attempt at a guiding conception of types or standards, except the crude one that each ship must be larger than the last. The ultimate tendency of this, of course, will be to make ships after too short a time unequal to a place in the line. The moral effect is still worse, for it is inducing in the Navy, as in the public, a simple trust in bigness, and, what is worse, an absence of trust in anything but bigness.

In an article published in the Cosmopolitan in December, 1909, Sir Edward Seymour, an admiral in the British Navy, warned the naval authorities of the world against building ever-increasing larger types of battleships. He said:

Another reason that should seriously interfere with construction of larger ships than we now have is the limitation of harbors. There are in the whole world only a few harbors in which a great battleship can anchor with ease.

Another limitation on the size of battleships is the navigable width of the Suez Canal and Panama Canal. The width of the Suez Canal locks is 108 feet. The width of the Panama Canal locks is 110 feet.

The rule of safe and commodious navigation is that on both sides of a vessel there shall be a leeway of 5 feet. The *Oklahoma*, *New York*, and *Texas* have a breadth on load water line of 95 feet 2½ inches. Neither of these vessels could pass through the Suez Canal with ease. They could pass through the Panama Canal probably expeditiously and safely. If, however, a super-*Dreadnought* of 31,000 tons displacement should be constructed and its width should bear the same proportion to its displacement as that of the others I have mentioned, it will have breadth on load water line of over 100 feet and could not be carried at all through the Suez nor through the Panama Canal safely.

Knowing that whatever battleships we may authorize at this session will be built on the present slow *Dreadnought* style, another very strong reason for temporarily suspending such construction is that a modern development in the British, German, and Japanese Navies is a vessel equal in size to the battleship, which carries the battery of the battleship, but some of its armor protection is sacrificed for greater speed.

There is a sharp controversy between naval experts as to whether the present type of slow *Dreadnought* or the fast cruiser with the same armament, but with much greater speed, is the most formidable. Let us not stop Navy construction, but delay for a breathing spell until this controversy is settled.

Rear Admiral Bacon, the director of naval ordnance of Great Britain, in speaking of the inefficiency of the present type of slow battleship, says:

This is probably best shown by the consideration that if a country possessing a battle fleet were fighting another country which did not possess a battle fleet, and as regards other classes of vessels the two countries were more or less on an equality, the value of the battle fleet would be so small compared to the risk of its loss that in all probability it would never be used during the war, and its possession would in no way increase the fighting power of that country during such war. In fact, in these days the battleship has developed merely into a vessel for fighting other battleships, and it shuns as far as possible encounters with most other classes of vessels.

By this he means that the nation with the slow battleship fleet would need its fast cruisers and torpedo craft to accompany and protect the battleships, and the speed of the whole would be limited by the speed of the battleships; therefore it could not force a battle with the enemy's fast cruisers and torpedo craft.

The enemy could choose its own time, place, and conditions for the fight; and the cruisers and torpedo craft with the battleships could not go out to attack the fleet of the enemy nor maneuver to protect themselves, but their maneuvers would be governed by consideration of protection of the battleships.

The British Naval and Military Record, published by Capt. J. A. Cuffe, which has been largely advertised in the German service journals and the substance of which was reproduced in The Navy, an American service journal, in the November, 1911, issue.

In this article, Capt. Cuffe lays great stress on speed, as it always gives the power of initiative. He says:

The superiority of artillery can not be effective without superior speed, as the speediest fleet can always keep out of range. The slower fleet is powerless.

The present program of two battleships a year is predicated on the presumption that two will become obsolete each year as the result of successive steps in the development of such ships. If this presumption is correct, there is something wrong, radically wrong, in naval construction. Rear Admiral Mahan, in the paper to which I have referred elsewhere, says:

This willful premature antiquating of good vessels is a growing and wanton evil. It is true, indeed, that this obsolescence is more in idea, in crude impression, than in fact.

It is said that the *Oregon* is obsolete. Why? Is it because of her speed? If so, why are those we are building given an increase of speed of only a little more than 20 per cent over hers? Why not give them an increase of 50 per cent, thereby delaying for a longer period their obsolescence on this account? Is it because her armor protection is deficient? Her armor is thicker than that on ships of later date. Is it because she carries only 13-inch guns? If so, the 14-inch guns on our latest ships will soon make them obsolete. Why not at once adopt guns with a range extending to the limit at which a ship can be seen? This would forever prevent the obsolescence of ships because of the guns.

The time has come for the investigation of this matter, with a view of finding out why ships that are apparently in perfect condition are antiquated, and of ascertaining whether they are in fact obsolete; and if so, of finding out the remedy. Pending this investigation no more should be authorized, because what

we authorize will be constructed with the same defects and with the same idea of their becoming obsolete within a very short time.

It is claimed by some that because of the character of shells we are using, which employ such excessive powder charges, that the accuracy of the guns is destroyed by erosion in a little more than an hour of continuous firing. Those who make this claim contend that in other countries, by the use of a different shell, the guns are given a destructive range limited only by the distance at which a ship can be seen, and the gun is given a longer life and may be expected to last through a war of ordinary duration.

Now, had we not better wait long enough to make such tests as will demonstrate the correctness of this contention? If found to be correct, we will have to build differently from the manner in which we are now building, so as to use these shells to the best advantage.

But another reason which makes it proper and safe for us to suspend temporarily the construction of battleships, and which not only makes it proper and safe, but which makes it imperative, is that we have not the officers and men for those we have.

It has been recently announced that the armored cruisers *North Carolina* and *Washington*, both comparatively new, and all of the scout cruisers are to go into reserve, in order to be able to man the battleships nearing completion.

In the case of war we should have all the officers and men necessary. In this respect we are lamentably deficient. To man our present complement of ships on a peace basis we are short 350 officers and 4,000 men. To put our present number of ships on a war basis would require 1,424 officers and 18,000 men, in addition to the officers and men we have.

Owing to this great shortage we are compelled to keep out of commission or in reserve a large number of our ships. We might in time of war raise lubberly crews for these ships, but to put an untrained crew upon our fighting vessels to go out to meet in battle the trained crews of an enemy would be the height of folly.

If the officers and men are not thoroughly skilled and trained in their duties it would be far better to keep our ships under protection of our shore batteries, than to send them out to destruction or capture.

I think it high time that we should provide for the enlistment of men enough to man our present ships, and I would rather provide for that, than build more ships for which we will have no men. I would rather have 33 battleships fully equipped with competent officers and skilled crews and with the necessary torpedo craft protection and the necessary auxiliaries, than twice as many without them.

In the position I take, I do not feel that I am taking a backward step in our national defense. On the contrary, I feel that I am taking a forward step, and if I can aid in any way in calling a halt upon our present big-ship mania, until we can supply the officers, men, and auxiliaries absolutely necessary to make every ship a complete, efficient fighting unit, I will feel that I have done something for the good of the service as well as the good of the country.

My policy instead of being inimical to national defense is in the interest of such defense. I would have fighting ships completely equipped fighting units, and as expressed by some naval experts I would not have them sent out "little more than palatial, floating arsenals, affording targets for foreign-torpedo craft to destroy."

I am not opposed to reasonable battleship construction, when such construction does not go to the extent of making their number out of all proportion to the necessary auxiliaries to make them effective.

When we build I favor building the very best that can be constructed, the fastest and most deadly fighting ships, the fleetest destroyers, the best submarines, the best and most modern colliers, ammunition, supply and hospital ships. But I would not waste the public money in building *Dreadnoughts* which could not proceed far from base without ships to supply them with ammunition and coal and without sufficient torpedo craft, such as destroyers and submarines, to protect them.

I would, when each battleship is authorized, at the same time provide the necessary auxiliaries and also authorize the enlistment of enough men to man it when completed, thus we would build up a homogeneous, workable, efficient Navy, and every fighting ship would at short notice be ready to go out to meet the enemy fully manned, protected from torpedo attack, and supplied with fuel and ammunition. This is my idea of an ideal Navy, whether large or small. This is the kind of Navy I want us to have.

We can not at once supply all the men and the auxiliaries needed for the fighting ships we have, but I favor doing this as fast as we can and thereby relieve our present top-heavy condition.

The criticism from interested officials and service journals that we are abandoning preparation for our national defense is neither true nor just.

We favor, owing to the necessities of our Treasury, at this session building no battleships, but using the money available to build the adjuncts necessary to make what we have thoroughly efficient.

Not to build any this year does not mean that we abandon their building, it is only suspension for a short time that we may supply the other necessary naval units.

Instead of being enemies of the Navy we are its friends. We are trying to improve and correct the errors of the past. For the spectacular we would substitute the practical and efficient. Instead of sending out a $12,000,000 or $14,000,000 ship to be torpedoed and sunk we would send it out with a cordon of protection around it. Instead of sending out the 1,000 men and officers on it to an almost certain watery grave we would send them out with a chance for their lives and with the same chance for victory as the enemy would have. [Applause.]

Our critics have not dared to state fully or fairly our position in their effort to prejudice us before the public. They say the *Dreadnought* is the Navy, therefore build more of them at the expense of everything else. We say that even if more battleships are needed it is absolutely certain that we need torpedo craft to protect what we have, and the fast cruisers, tenders to destroyers and submarines, repair ships, and hospital ships to make effective the battle fleet we have, and that, as it will take $341,741,078 to supply them, and as there is not money enough to provide them and build more battleships now, we think it wiser, having in view an efficient Navy, to supply them and temporarily suspend the construction of battleships, particularly since this country is outstripping the world in the construction of huge *Dreadnoughts*. We now have six built and building that range from 26,000 tons displacement to 27,500 tons displacement. The largest British battleship building is of 25,000 tons displacement. We leave it to the sane judgment of the American people if we are not right.

The hidden but real purpose of our critics is to drive this Nation into the construction of such a Navy as will overawe the other nations for the purpose of world powering and dominating the seas.

We favor building a Navy for the defense of our coasts and protecting American citizens wherever their rights may be jeopardized.

They preach the doctrine of force; we preach the doctrine of arbitration. They would encourage and stimulate the mad rush of nations to greater military power and lay heavier burdens on the backs of the people, while we would welcome the day when nations "shall beat their swords into plowshares and their spears into pruning hooks, when nation shall not lift up sword against nation, and neither shall they learn war any more." [Applause.]

Mr. PADGETT. Mr. Chairman, I ask the gentleman from Illinois [Mr. Foss] if he will not use some of his time.

Mr. FOSS. Mr. Chairman, I desire to make a few remarks upon the bill which is now before the House.

As the chairman of the committee stated in his remarks, this bill carries appropriations to the amount of $7,650,000, in round numbers, less than last year. So far as the bill is concerned, speaking generally, I am heartily in favor of it, and I desire to commend the new chairman of the committee for the able manner in which he has framed this bill, with the assistance, of course, of the members of the Naval Committee. I find nothing to criticize except when it comes to the naval program, and I shall confine my remarks on this occasion largely to a discussion of this naval program. The reason why this bill carries less money than the bill of a year ago is because we have a smaller program. The bill of a year ago authorized two battleships. In this bill there are no battleships authorized. It is the smallest, the weakest, the most uninspiring naval program submitted to the House of Representatives for a great many years. The committee distinctly raises the issue here whether we propose to maintain the efficiency of the American Navy or whether we propose to let it go down. That is the real question which is presented by this weak and insipid naval program. Last year we appropriated some $16,000,000 toward the naval program which we authorized, but this year we appropriate, because we do not need any more for this little naval program, $5,927,000, and that is the reason why the naval appropriation bill this year is so much smaller than it was last year.

What is the naval program this year? Two fuel ships, six torpedo-boat destroyers, and four submarine boats. What inspiration is that to my friend the gentleman from Alabama

[Mr. HOBSON]? I have been wonderfully amused this afternoon to see my friend from Texas [Mr. GREGG] justify the action of the Naval Committee, because I know at heart he is not in favor of the proposition for a weak naval program.

But he says we do not want to have it understood that the Democratic Party is opposed to the Navy. We would like to have it understood that this is merely a suspension for this year, and that in the future we propose to authorize battleships. And then he goes on and makes an argument in favor of auxiliaries for the Navy. He says we need to round out the Navy. Well, if the Committee on Naval Affairs, which is controlled by the Democratic majority, was in favor of auxiliaries this year, why did they not put some in the bill? All they put in were two fuel ships. If they thought we were short of them, why did they not increase them? Last year in our naval appropriation program we put in as many auxiliaries as they have this year.

Mr. ROBERTS of Massachusetts. More.

Mr. FOSS. Yes, more, because there were some tugs that went in.

Now, my friend from Texas [Mr. GREGG] says we are short on torpedo destroyers and that we ought to have more of them. Then why do they not put in more this year? Last year we authorized eight, and this year you have only authorized six. If we are so short on these smaller craft, why do you not justify your position by authorizing a larger naval program in respect to these smaller boats?

The gentleman makes an attack upon the battleships, and says we ought not to appropriate for battleships or authorize them until we get a fixed, standard battleship. When every other nation has got that kind of a battleship, then he thinks we ought to build battleships of that kind. When we arrive at a fixed standard, then let us build battleships. What a ridiculous proposition! What we are trying to do is to get something that the other nation has not got; and so long as there is progress, so long as there is improvement, so long as there is invention in the world, and mankind is moving upward and onward, there will not be any fixed standard in the world. The standards will move as with the progress of mankind. And so it will be in the construction of navies and the construction of everything else. What was the trouble with our friends upon the other side? Why, the real trouble was that this whole question of a naval program was settled in a Democratic caucus, and the members on the committee, under pressure, would not vote their real opinions, but abided by the action of the caucus.

I know the sentiment upon that side, I think, to some extent. Last year between 30 and 40 Democratic Members voted for the naval program of two battleships. I wonder whether this year we will have as large a vote from that side when the proposition comes before this House, as it will come before this House, because I propose to offer an amendment for two battleships. I hope we will have as large a Democratic vote this year as we had two years ago, notwithstanding the action of the Democratic Party.

My friends, I regret more than anything else that our Democratic friends upon the other side saw fit to make the naval program subject to party action in a party caucus. In all the years that I have been a Member of this House I have never known a naval program to be taken into a Republican caucus and settled by party vote. Here we have thought that the Navy was out of politics; we tried to keep the Navy out of politics; and we have tried to keep politics out of the Navy, and yet you by your action have introduced politics in the formation of the naval program for this year. Our policy has always been that the Navy was nonpartisan. Parties might differ if they pleased about questions of tariff, monetary questions, financial questions, and all other questions relating to party policy, but when it came to the Navy, as Daniel Webster once said a great many years ago, "when it comes to the water's edge all politics cease." And that has been the policy ever since I have been in Congress. There has been no party action on the subject of the naval program, but every man upon that side, as upon this, has felt free to vote for one battleship, two battleships, three battleships, or four battleships, and yet you for the first time that I know of in history have made it party politics.

And why? Oh, to show economy, some one says. Well, that is not real economy. If you will introduce some reform in the administrative law by which thousands or millions of dollars shall be saved, that will be economy. But to strike down a naval program, to strike down the demand for public buildings, or river and harbor improvement, such as the country really needs, there is no economy in it, and the people will understand it so, even though you should do it in the face of a political campaign.

The battleship is recognized as the fighting ship of the Navy. A navy without battleships is of little good, and a naval program without a battleship upon it, without a fighting ship in it, has very little standing among the naval authorities.

Now, I propose to briefly discuss this matter from a party standpoint. Heretofore in all my discussions on naval affairs before this House I have treated the subject from a nonpartisan standpoint. But inasmuch as your action in party caucus gives me an excuse to do it, I propose to show here what party has been building up the American Navy after all.

I wish to say that we have had what might be called a naval policy in this country for a number of years. It began way back in 1883, in the administration of President Arthur, when Secretary Chandler was Secretary of the Navy, when we authorized the first ships of the new and modern Navy. Before that time during all the history of our country we never had really a naval policy. Whenever we had a war we would improvise a navy, and after the war was over we would allow it to go to pieces. That was so after the War of the Revolution, it was so after the War of 1812, and it was so after our great Civil War.

But in 1883, under Republican administration and under a Republican Secretary of the Navy, at a time when the distinguished father of the distinguished son [Mr. HARRIS] of Massachusetts was chairman of the Naval Committee, we started in on a policy of building up the American Navy, and we have been building it ever since. [Applause on the Republican side.] Since 1883 we have had 15 Congresses; 5 of them have been Democratic Congresses, or Congresses where the Democratic Party controlled in this House, and 10 of them where the Republican Party was in control.

During these years, from 1883, from the Forty-seventh Congress down to the Sixty-second Congress, we have been engaged in building up the American Navy, and Congress has authorized in that time 1,211,576 tons of ships of all kinds. During the 5 Democratic Congresses only 154,598 tons were authorized. But during the 10 Republican Congresses there were authorized 1,056,969 tons. That shows what proportion of the part the Democratic Congresses have played in the building up of the American Navy.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOSS. I want to conclude this first. Every year we have passed appropriation bills, and I am not taking into consideration the deficiency bills, but simply the annual appropriation bills, and they have amounted to $1,670,000,000.

Comparative statement of the building of the new Navy under Republican and Democratic Congresses.

	Year.	Republican Congresses.		Democratic Congresses.	
		Tonnage.	Appropriations.	Tonnage.	Appropriations.
Forty-seventh Congress	1883	11,986	$15,894,434.23		
Forty-eighth Congress	1884				$14,980,472.59
	1885			10,053	15,070,837.95
Forty-ninth Congress	1886			36,475	16,489,907.20
	1887			19,087	25,767,348.19
Fiftieth Congress	1888			27,436	19,942,835.35
	1889			5,325	21,602,510.27
Fifty-first Congress	1890	38,334	24,136,035.53		
	1891	7,350	31,541,654.78		
Fifty-second Congress	1892			20,561	23,543,385.00
	1893			4,155	22,104,061.38
Fifty-third Congress	1894			781	25,327,126.72
	1895			29,825	20,416,245.31
Fifty-fourth Congress	1896	36,317	30,562,660.95		
	1897	2,050	33,003,234.19		
Fifty-fifth Congress	1898	59,380	56,098,783.68		
	1899	105,084	48,099,969.58		
Fifty-sixth Congress	1900	100,036	65,104,916.67		
	1901		78,101,791.00		
Fifty-seventh Congress	1902	63,030	78,856,363.13		
	1903	77,600	81,876,791.43		
Fifty-eighth Congress	1904	82,930	97,505,140.94		
	1905	32,000	100,336,679.94		
Fifty-ninth Congress	1906	22,100	102,091,670.27		
	1907	21,400	98,958,507.50		
Sixtieth Congress	1908	123,480	122,663,885.47		
	1909	75,085	136,935,199.05		
Sixty-first Congress	1910	94,452	131,350,854.38		
	1911	103,755	126,478,338.24		
Total		1,056,969	1,459,596,910.96	154,598	214,334,720.96

During the five Democratic Congresses the appropriations, all told, amounted to $214,000,000. In other words, under the Republican Congresses we have appropriated $1,450,000,000 for the maintenance and upbuilding of the American Navy since the time when we started in to build it in 1883. The fact of the matter is, notwithstanding the closing appeal of my friend from Texas [Mr. GREGG], urging us not for a moment to think that the Democratic Party is not really a true friend of the Ameri-

can Navy, that the Democratic Party has never been strong on the Navy. When their great leader, William Jennings Bryan, was a Member of this House he made his speech on the naval appropriation bill on July 9, 1892, and it can be found on page 5956 of the RECORD of the first session of the Fifty-second Congress. He made this declaration of his own opinion as to the size of a Navy:

Mr. Speaker, I believe in a sufficient Navy. We have it now, either in existence or in construction. We do not need more.

That is what he then said. At that time we had built and building 3 first-class battleships, a couple of second-class battleships, 1 armored cruiser, 13 protected cruisers, 3 unprotected cruisers, 8 gunboats, 2 torpedo boats, and 6 monitors. That was his idea of a sufficient Navy, and if we had carried out that idea, where would we have been in the Spanish-American War? It was a good thing that we went on and built up the American Navy when the Republican Party came into power in the Fifty-fourth Congress.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman right there what the Republican Party appropriated in the Fifty-fourth Congress for the Navy. Was it not $29,000,000?

Mr. FOSS. It is right in the report of the chairman of the Committee on Naval Affairs. Just the exact amount I do not know.

Mr. TILSON. Mr. Chairman, I will ask if the condition of the Treasury would have afforded a very large appropriation at that time—1894?

Mr. FOSS. The condition of the Treasury has always been all right whenever the Republican Party has been in power.

Mr. BARTLETT. Yes; in 1893, when it issued bonds to fill it up.

Mr. FOSS. What is the gentleman talking about—the Cleveland bonds?

Mr. BARTLETT. No; the Harrison bonds.

Mr. CONNELL. Mr. Chairman, will the gentleman tell us in this very interesting political view of the Navy——

Mr. FOSS. Oh, you have given it the political aspect.

Mr. CONNELL (continuing). Just what effect President Cleveland's Venezuelan message and the work of Secretary Whitney had to do with building up the American Navy, and making it ready for the Spanish-American War, when the Democrats came in after a Republican domination of years.

Mr. FOSS. Mr. Chairman, I will place in the RECORD, in connection with my speech, the naval program of each session of Congress from the time we built up the American Navy, and the gentleman will see just what the size of the Navy program was at that time—at Whitney's time—as well as the size of the naval programs immediately after and prior to the Spanish-American War.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. FOSS. For a question.

Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the Republican Party did make a campaign document of the naval accomplishments of the Republican Party, and did they not publish a speech of the gentleman who then was the chairman of the Committee on Naval Affairs as one of their campaign speeches, in the campaign book of the Republican Party, during the last campaign?

Mr. FOSS. I am not aware that they published any of my speeches.

Mr. BARTLETT. Oh, yes; both in the book of 1908 and the book of 1910.

Mr. FOSS. I admire their good judgment and taste. [Laughter.]

Mr. BARTLETT. So do I.

Mr. FOSS. I never knew that any of my speeches were ever published either in one campaign book or the other.

Mr. BUCHANAN. Then the gentleman is being informed by a very inexperienced Member.

Mr. FOSS. Mr. Chairman, that has been the policy of the Republican Party during these years. We have built up the American Navy, and this is our record, and I want to say that our policy has been consistent.

In relation to battleships, as that is the principal issue here before the House, we have on the average for a great many years authorized two battleships every year. Go back over the last 16 years and you will find that we have authorized 31 or 32 battleships, an average of 2 ships a year. Our policy has been consistent, and when my distinguished friend from Texas [Mr. GREGG] says that we have not had any fixed policy, it is because he has not been able to see it from his Democratic viewpoint. The policy has been there, however.

Of course we have also built other kinds of ships, 10 armored cruisers, a great many torpedo-boat destroyers, torpedo boats, and submarines, and our policy has been not only consistent, but it has been a moderate policy. We have never sought to rival England in our naval program or any other country on the face of the globe. England's naval program last year authorized five battleships. What its program will be this year it is a little too early to find out. Germany's program last year was three battleships. We have never sought to rival any of those great powers, but we have gone on in a consistent way, and I remember at one time when the President of the United States was very anxious for four battleships, yet the Committee on Naval Affairs reported against his wishes and authorized the regular number of two battleships. And during all this period, under pressure and not under pressure, the Naval Committee on the floor of this House has maintained a consistent and moderate policy of two battleships a year on an average. Now, we have not tried to rival the foreign powers in the size of it. England to-day, as this report shows, has a tonnage of fighting ships amounting to 2,324,000 tons. Germany comes second with 1,087,399 tons, and the United States third with 885,000 tons. This is based upon the ships built and in process of construction. On ships already built the United States just happens to stand second, but on ships authorized and building we stand third, and even if we should authorize two battleships this year, as I trust we may, our position will go down another point, and we will rank fourth among the nations of the world, and if we should authorize but one battleship this year and then for the next two or three years authorize two ships a year our position will go down to fifth, so that at the time of the opening up of the Panama Canal in 1915 we will rank fifth among the naval powers of the world, having gone from third place down to fifth.

Why, the wear and tear upon ships every year upon this 1,200,000 tons is at least 5 per cent, probably nearer 10 per cent, and if we authorize two battleships a year we would only simply be replenishing or providing for the wear and tear, and when we authorize no ships per year we are simply permitting our Navy to go down, to lose its efficiency, and lose its standard as a great national force of defense to our country. Therefore the issue comes to us this year as presented by our Democratic friends upon the other side not whether we propose to go on and build up a navy but whether we propose to keep it to its present state of efficiency. That is the issue and that is the question that will have to be met when the vote comes. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. FOSS. Mr. Chairman, a good deal of this discussion here this afternoon has related to peace. In times of peace I notice we all talk peace, but in times of war we all talk war. I have seen the sentiment in this House change from peace to war. It is very easy in these piping times of peace when no nation on the face of the globe seems to be bothering us, especially in this springtime when all nature is in love with herself and when we are in love with nature, when the birds are singing and the trees are flowering, when everything suggests peace, it is very easy and very pleasant to talk about peace, and we all wish for it, but I want to say to you here to-day that I do not believe that we have reached the period in the progress of mankind when we can say that all the days from now on will be peaceful, and there will be no war. We did not expect to go to war with Spain and yet war came very quickly, and, if I remember rightly, the peace dreamers were more anxious for war than others, and, if I remember correctly, after we got into war the peace dreamers were the men who criticized most vigorously the administration because we were not prepared and ready for it.

Human nature is the same the world over. We have got to change human nature before we will be able, I fear, to utterly abolish all strife and all war. Some people think that the peace conferences of the world will settle everything. I hope they may, and yet we have had two peace conferences, and I would not for one moment attempt to belittle the worth of those great conferences—the first peace conference of 1899 and the second peace conference of 1907. I think they have done great work. In the last peace conference 44 representatives from 57 of the world powers got together and discussed questions provoking war and questions relating to the conduct of war, and it was a great thing to bring together so many representatives from so many countries of the world simply for the purpose of discussing such subjects. These peace conferences have done a great deal toward ameliorating the conduct of war, making war, as it were, more humane, if it is possible to make cruel war humane, and these peace conferences have done a great work in establishing an international prize court. But the peace conferences have not yet abolished war. During the last 15 years every nation of any size on the face of the globe has been at war—Russia, Japan, England down in Africa, the French, Italy, Turkey, and the United States have been at war. Not only that, but the peace conferences have not yet

been able to limit military expenses or to reduce armament. The first peace conference passed a resolution recommending the limitation of armaments and the decrease of military expenses, and the second peace conference also adopted the same resolution, but between the first peace conference and the second peace conference the nations of the world built more battleships than they ever did before, and between the second peace conference and the present time they have built even greater than they did between the first and the second peace conference.

So when you come to measure and discuss the question as to whether peace conferences will be able to do away with all wars, it is wise enough for us to consider what they have already been able to do up to date. A great many arbitration treaties have been made between different countries of the world. But no country of any importance yet has been willing to submit in an arbitration treaty all questions affecting its national life. They have always excluded and excepted those relating to independence, to vital interests, to national honor, and domestic policy. It is easy enough to make a difference of opinion a matter of national honor. While it has been proposed to establish a court of arbitral justice, yet, nevertheless, it has been impossible to determine the personnel of that court. The success or failure of arbitration depends fundamentally upon one thing, and that is the confidence of the parties in the arbitrators. The nations of the world have not been able to agree upon the arbitrators—upon the personnel of the court. Is there any question which has provoked war into the United States in all our wars which we as a Nation would have been willing to have left to a court of arbitration, the majority of whose members would necessarily have been representatives of the monarchical powers of the world? Would we have left the questions which provoked the war of the American Revolution to a court, or would we have left the questions which provoked war with England in 1812 to a court of arbitration? Or would we have left the question which caused the great Civil War to a court of arbitration, a majority of whose members, as I said a moment ago, would necessarily be representatives of monarchical countries?

And so it is no wonder that nations stop, and hesitate, and wait, and reflect upon this great question as to whether we will submit our differences, questions of honor, of vital interests, of independence, to a court of arbitral justice.

My friends, a navy does cost something. In time of peace, when we do not need it, it seems a great luxury; but in time of war it is an indispensable necessity, and when war comes we must have it. Every ship must be ready and every man at the gun. There is no time then to build ships and no time to train men, but we must have a navy ready and prepared for action to defend the interests of our country whenever those interests are assailed. It costs a good deal to maintain it—we will say $125,000,000, a large sum of money—but after all, the cost of preparation would be but a very small percentage of the cost by lack of preparation, if by that lack of preparation we were defeated in time of war. One hundred and twenty-five millions of dollars with our population of 90,000,000 is $1.50 per capita. When you come to compare it with our foreign commerce, which has been increasing with leaps and bounds, it is only a small percentage. When you come to compare it with our great national wealth, which to-day amounts to $120,000,000,000, it is only about one-tenth of 1 per cent—the cheapest insurance on the face of the globe. [Applause.]

Now, I say to you that it is a part of our national duty to maintain a strong and efficient navy to protect our interests. We have great interests to protect. If we have any navy at all, we want a good one, and we want battleships in the naval program. A small or a weak navy is of no use whatever; but we want a strong and efficient navy for the protection of our interests, which are many, upon this hemisphere and also upon the other. The gentleman from Texas [Mr. GREGG] a short time ago spoke about the Monroe doctrine and said it had not been settled by an appeal to arms. In the instances to which he referred in the history of this country he referred to the attempt of Napoleon the Third to set up a government upon this hemisphere; but he failed to remember that our Army at the close of the Civil War marched down to the Rio Grande, and soon after that Maximilian left. Then he spoke of the time of our disagreement with Great Britain, when the dispute was over Venezuela, and there was no appeal to arms.

It is true there was no appeal to arms, and there never, in my judgment, will be another contest between Great Britain and this country. So long as Canada is situated on the north she will always be the hostage of peace. But, my friends, while the Monroe doctrine may not have been assailed very often in the 100 years that have passed, my candid judgment is that in the 100 years to come it will often be appealed to.

We are constructing a great Panama Canal, which is soon to be completed. That Panama Canal will be the great commercial thoroughfare for the nations of the world, and a part of the sea which heretofore has been isolated will be covered with merchant ships of the world. The Caribbean Sea will be another Mediterranean, and my judgment is that by reason of these things the Monroe doctrine will oftener be called into question in the years to come than it has been in the years that have passed. In this connection I would like to read to you just a word from our great naval authority, Capt. Mahan, upon this subject. Says he:

> The chief political result of the Isthmian Canal will be to bring our Pacific coast nearer, not only to our Atlantic seaboard, but also to the great navies of Europe. Therefore, while the commercial gain through an uninterrupted water carriage will be large, and is clearly indicated by the acrimony with which a leading journal, apparently in the interest of the great transcontinental roads, has lately maintained the singular assertion that water transit is obsolete as compared with land carriage, it is still true that the canal will present an element of much weakness from the military point of view. Except to those optimists whose robust faith in the regeneration of human nature rejects war as an impossible contingency, this consideration must occasion serious thought concerning the policy to be adopted by the United States.

And, then, further he says:

> If the decision of the Nation, following one school of thought, is that the weaker we are the more likely we are to have our way, there is little to be said. Drifting is perhaps as good a mode as another to reach that desirable goal. If, on the other hand, we determine that our interest and dignity require that our rights shall depend upon the will of no other State—

And, mind you, under our treaty we are obliged to guarantee the neutrality of the Panama Canal—

> but upon our power to enforce them, we must gird ourselves to admit that freedom of interoceanic transit depends upon predominance in a maritime region—the Caribbean Sea—through which pass all the approaches to the Isthmus. Control of a maritime region is insured primarily by a navy; secondarily, by positions, suitably chosen and spaced one from the other, upon which as bases the navy rests and from which it can exert its strength.

And so I might read from another authority which I have here on the subject—Homer Lea, in his interesting book, The Valor of Ignorance:

> With the exception of the Monroe doctrine no undertaking since the formation of this Republic is more fraught with possibilities of warfare or calls for greater military and naval expansion than the building of the Panama Canal. Unless the United States is willing to increase the military and naval strength proportionate to the dangers that at once become existent with its completion, it is a mistake to proceed with its construction.

Let me quote again briefly from the same writer:

> The eventual control of the Panama Canal is foretold by the history of the Suez, which, diminishing the distance between Europe and the Orient to one-half, became the main channel of communication between the West and the East. Built by France, it soon passed into English possession. The control of the Suez by England resulted from her masterful position in the Mediterranean and the Red Sea—the strategic possessions of Gibraltar, Malta, Egypt, and Aden. That France built the canal determined in no way its final ownership. The possessions of Gibraltar, Malta, Cyprus, Egypt, and Aden, together with a navy maintained on a basis of being equal to the navies of any possible coalition, determined to whom, in time of war, the canal would belong. Great Britain not only controls by means of it the oriental trade, but dominates the political relationship that Europe bears to Asia. What has brought about English commercial supremacy throughout the world has been, not alone the supremacy of the English Navy, but the possession of strategic bases. The existence of a great navy is entirely dependent on the ownership of strategic positions in different quarters of the globe and maintained by force.
>
> The Panama Canal is as important to the world as the Suez and not less so to European nations than to the American Republics. The control of it is as vital to the nation that desires to command the commercial as well as political destiny of the eastern Pacific as the Suez is to England in the control of Asiatic hegemony.

So there are two things which, to my mind, in connection with the building of the Panama Canal make it essentially necessary that we should maintain the efficiency of the American Navy: First, the bringing of this great isolated sea, as it were, into the commercial mart of the world, with the liability of differences of opinions, of altercations, of disputes of one kind and another, among the nations of the world; and, secondly, as I understand it, under our treaty we must guarantee the neutrality of the Panama Canal. Now, if we are to do that we must have a force, necessarily, to do it. So, to my mind, these great interests of our country demand the continuance of the policy of building up the American Navy.

We are an isolated country no longer. We have our possessions upon the seas—Hawaii and the Philippine Islands and Porto Rico and Guam—and it is necessary, if we are to protect these and hold them as our own, that we should continue the policy of building up the American Navy. I trust that when we come to vote on this question of two battleships, which has been the policy of the last 16 years, reported by the Naval Committee under Republican administrations, our Democratic friends upon the other side will raise the flag of country higher than the banner of party and vote for the efficiency of the American Navy and the American flag. [Applause.]

The following is inserted as an appendix to Mr. Foss's remarks:

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive.

1883 (47th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Atlanta	Protected cruiser	3,000	15.60	16 10
Boston	do	3,000	15.60	17 0
Chicago	do	4,500	18	19 0
Dolphin	Dispatch boat	1,486	15.50	14 3
Total		11,986		

1885 (48th, 2d).

Charleston (destroyed)	Protected cruiser	3,370	18.2	18 7
Newark	do	4,083	19	18 9
Petrel	Gunboat	890	11.4	11 6
Yorktown	do	1,710	16.14	14 0
Total		10,053		

1886 (49th, 1st).

Amphitrite	Monitor	3,990	10.5	14 6
Baltimore	Protected cruiser	4,413	20.1	19 6
Cushing	Torpedo boat	105	22.5	4 10
Maine (destroyed) [1]	Second-class battleship	6,682	17.45	21 6
Monadnock	Monitor	3,990	12	14 6
Puritan	do	6,060	12.4	18 0
Terror	do	3,990	10.5	14 6
San Marcos (formerly Texas).[1]	Second-class battleship	6,315	17.8	22 6
Vesuvius	Dynamite gun cruiser	930	21.42	10 7
Total		36,475		

1887 (49th, 2d).

Bennington	Gunboat	1,710	17.5	14 0
Concord	do	1,710	16.8	14 0
Miantonomoh	Monitor	3,990	10.5	14 6
Monterey	do	4,084	13.6	14 10
Philadelphia	Protected cruiser	4,410	19.68	19 6
San Francisco	do	4,083	19.52	18 9
Total		19,987		

1888 (50th, 1st).

Bancroft	Gunboat	839	14.37	12 2
Cincinnati [1]	Protected cruiser	3,183	19	18 0
Detroit	Unprotected cruiser	2,072	18.71	14 6
Marblehead	do	2,072	18.44	14 6
Montgomery	do	2,072	19.06	14 6
Olympia	Protected cruiser	5,865	21.69	21 6
Raleigh [1]	do	3,183	19	18 0
Saratoga (formerly New York).	Armored cruiser	8,150	21	23 3
Total		27,436		

1889 (50th, 2d).

Castine	Gunboat	1,177	16.03	12 0
Iwana	Tug	192	11.58	8 0
Katahdin	Ram	2,183	16.11	15 0
Machias	Gunboat	1,177	15.46	12 0
Narkeeta	Tug	192	11.22	8 0
Triton	do	212	13	9 0
Wahneta	do	192	11.58	8 0
Total		5,325		

1890 (51st, 1st).

Columbia	Protected cruiser	7,350	22.8	22 6
Ericsson	Torpedo boat	120	24	4 9
Indiana	First-class battleship	10,288	15.55	24 0
Massachusetts	do	10,288	16.21	24 0
Oregon	do	10,288	16.79	24 0
Total		38,334		

1891 (51st, 2d).

Minneapolis	Protected cruiser	7,350	23.07	22 6

1892 (52d, 1st).

Brooklyn	Armored cruiser	9,215	21.91	24 0
Iowa	First-class battleship	11,346	17.09	24 0
Total		20,561		

[1] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1893 (52d, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
A-1 (formerly Plunger)	Submarine torpedo boat			
Helena	Gunboat	1,392	15.50	9 0
Nashville	do	1,371	16.30	11 0
Wilmington	do	1,392	15.08	9 0
Total of tonnage given.		4,155		

1894 (53d, 2d).

Foote	Torpedo boat	142	24.53	5 0
Rodgers	do	142	24.49	5 0
Unadilla	Tug	355	12	9 11
Winslow	Torpedo boat	142	24.82	5 0
Total		781		

1895 (53d, 3d).

Annapolis	Gunboat	1,010	13.17	12 0
Dupont	Torpedo boat	165	28.58	4 8
Kearsage	First-class battleship	11,520	16.82	23 6
Kentucky	do	11,520	16.90	23 6
Marietta	Gunboat	990	13.02	12 0
Newport	do	1,010	12.29	12 0
Porter	Torpedo boat	165	28.63	4 8
Princeton	Gunboat	1,010	10.64	12 0
Rowan	Torpedo boat	210	27.07	5 11
Samoset	Tug	225	12	8 9
Vicksburg	Gunboat	1,010	12.71	12 0
Wheeling	do	990	12.88	12 0
Total		29,825		

1896 (54th, 1st).

Alabama	First-class battleship	11,552	17.01	23 6
Craven	Torpedo boat	146	30	4 7
Dahlgren	do	146	30	4 7
Davis	do	154	23.41	5 10
Farragut	do	279	30.13	6 0
Fox	do	154	23.13	5 10
Gwin	do	46	20.88	3 3
Illinois	First-class battleship	11,552	17.45	23 6
McKee	Torpedo boat	65	19.82	4 3
Mackenzie	do	65	20.11	4 3
Morris	do	105	24	4 1
Pawtucket	Tug	225	12.2	8 9
Penacook	do	230	12	9 0
Talbot	Torpedo boat	46	21.15	3 3
Wisconsin	First-class battleship	11,552	17.17	23 6
Total		36,317		

1897 (54th, 2d).

Bailey	Torpedo boat	280	30.20	6 10
Goldsborough	do	255	27.4	6 10
Severn (formerly Chesapeake).	Training ship	1,175		16 6
Stringham	Torpedo boat	340	25.33	6 6
Total		2,050		

1898 (55th, 2d).

Bagley	Torpedo boat	175	29.15	4 11
Bainbridge	Torpedo-boat destroyer	420	28.45	6 6
Barney	Torpedo boat	175	29.04	4 11
Barry	Torpedo-boat destroyer	420	28.13	6 6
Biddle	Torpedo boat	175	28.57	4 11
Blakely	do	196	25.58	5 11
Chauncey	Torpedo-boat destroyer	420	28.64	6 6
Cheyenne (formerly Wyoming).	Monitor	3,225	11.80	12 6
Dale	Torpedo-boat destroyer	420	28	6 6
Decatur	do	420	28.10	6 6
De Long	Torpedo boat	196	25.52	5 11
Gunboat No. 16	Gunboat			
Hopkins	Torpedo-boat destroyer	408	29.02	6 0
Hull	do	408	28.04	6 0
Lawrence	do	400	28.41	6 2
Macdonough	do	400	28.03	6 2
Maine	First-class battleship	12,500	18	23 10
Missouri	do	12,500	18.15	23 11
Nicholson	Torpedo boat	218	25.74	6 5
O'Brien	do	220	25	6 6
Ohio	First-class battleship	12,500	17.82	23 7
Ozark (formerly Arkansas)	Monitor	3,225	12.3	12 6
Paul Jones	Torpedo-boat destroyer	420	28.91	6 6
Perry	do	420	28.32	6 6
Preble	do	420	28.03	6 6
Shubrick	Torpedo boat	200	26.07	5 2
Stewart	Torpedo-boat destroyer	420	29.69	6 6
Stockton	Torpedo boat	200	25.79	5 2
Tallahassee (formerly Florida).	Monitor	3,225	12.4	12 6

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1898 (55th, 2d)—Continued.

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Thornton	Torpedo boat	200	24.88	5 2
Tingey	do	165	24.94	4 8
Tonopah (formerly Nevada).	Monitor	3,225	13.4	12 6
Truxtun	Torpedo-boat destroyer	433	29.58	6 0
Whipple	do	433	28.24	6 0
Wilkes	Torpedo boat	165	25.99	4 8
Worden	Torpedo-boat destroyer	433	29.86	6 0
Total		59,380		

1899 (55th, 3d).

California	Armored cruiser	13,680	22.2	24 1
Chattanooga	Protected cruiser	3,200	16.65	15 9
Cleveland	do	3,200	16.45	15 9
Denver	do	3,200	16.75	15 9
Des Moines	do	3,200	16.65	15 9
Galveston	do	3,200	16.41	15 9
Georgia	First-class battleship	14,948	19.26	23 9
Nebraska	do	14,948	19.06	23 9
Pennsylvania	Armored cruiser	13,680	22.44	24 1
Tacoma	Protected cruiser	3,200	16.58	15 9
Virginia	First-class battleship	14,948	19.01	23 9
West Virginia	Armored cruiser	13,680	22.15	24 1
Total		105,084		

1900 (56th, 1st).

Charleston	Protected cruiser	9,700	22.04	22 6
Colorado	Armored cruiser	13,680	22.24	24 1
Maryland	do	13,680	22.41	24 1
Milwaukee	Protected cruiser	9,700	22.22	22 6
New Jersey	First-class battleship	14,948	19.18	23 9
Rhode Island	do	14,948	19.01	23 9
St. Louis	Protected cruiser	9,700	22.13	22 6
South Dakota	Armored cruiser	13,680	22.24	24 1
A-2 (formerly Adder)	Submarine torpedo boat			
A-3 (formerly Grampus)	do			
A-4 (formerly Moccasin)	do			
A-5 (formerly Pike)	do			
A-6 (formerly Porpoise)	do			
A-7 (formerly Shark)	do			
Holland	do			
Total of tonnage given.		100,036		

1902 (57th, 1st).

Connecticut[1]	First-class battleship	16,000	18.78	24 6
Dubuque	Gunboat	1,085	12.90	12 3
Louisiana	First-class battleship	16,000	18.82	24 6
Paducah	Gunboat	1,085	12.85	12 3
Pentucket	Tug	230	12	9 0
Sotoyoma	do	230	11.10	9 0
Tennessee	Armored cruiser	14,500	22.16	25 0
Washington	do	14,500	22.27	25 0
Total		63,630		

1903 (57th, 2d).

Cumberland[1]	Training ship	1,800		16 5
Idaho	First-class battleship	13,000	17.12	24 8
Intrepid	Training ship	1,800		13 5
Kansas	First-class battleship	16,000	18.09	24 6
Minnesota	do	16,000	18.85	24 6
Mississippi	do	13,000	17.11	24 8
Vermont	do	16,000	18.33	24 6
Total		77,600		

1904 (58th, 2d).

Birmingham	Scout cruiser	3,750	24.33	16 9
Chester	do	3,750	26.52	16 9
Montana	Armored cruiser	14,500	22.26	25 0
New Hampshire	First-class battleship	16,000	18.16	24 6
North Carolina	Armored cruiser			
Patapsco	Tug	755	13	12 3
Patuxent	do	755	13	12 3
Prometheus	Collier	12,585	16	26 0
Salem	Scout cruiser	3,750	25.95	16 9
Vestal	Collier	12,585	16	26 0
B-1 (formerly Viper)	Submarine torpedo boat			
B-2 (formerly Cuttlefish)	do			
B-3 (formerly Tarantula)	do			
C-1 (formerly Octopus)	do	14,500	22.48	25 0
Total of tonnage given.		82,930		

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1905 (58th, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Michigan	First-class battleship	16,000	18.79	24 0
South Carolina	do	16,000	18.86	24 6
Total		32,000		

1906 (59th, 1st).

Delaware	First-class battleship	20,000	21.53	26 11
Lamson[1]	Torpedo-boat destroyer	700	28.61	8 0
Preston[1]	do	700	29.18	8 0
Smith[1]	do	700	28.35	8 0
C-2 (formerly Stingray)	Submarine or subsurface torpedo boats (not exceeding $1,000,000;[2] $500,000 appropriated).			
C-3 (formerly Tarpon)				
C-4 (formerly Bonita)				
C-5 (formerly Snapper)				
D-1 (formerly Narwhal)				
D-2 (formerly Grayling)				
D-3 (formerly Salmon)				
G-1 (formerly Seal)				
Total of tonnage given.		22,100		

1907 (59th, 2d).

Flusser	Torpedo-boat destroyer	700	30.41	8 0
North Dakota	First-class battleship	20,000	21.01	26 11
Reid	Torpedo-boat destroyer	700	31.82	8 0
	Limit of contract for submarine and subsurface torpedo boats, act June 20, 1906, increased to $3,000,000; $500,000 appropriated.			
Total		21,400		

1908 (60th, 1st).

Burrows	Torpedo-boat destroyer	742	30.67	8 4
Cyclops	Collier	19,360	14	27 8
Drayton	Torpedo-boat destroyer	742	30.83	8 4
Florida[3]	First-class battleship	21,825	20.75	28 6
Hector	Collier	11,230	12.87	24 8
Jupiter	Collier (amended 1910, 61-2)	19,360		
McCall	Torpedo-boat destroyer	742	30.66	8 4
Mars	Collier	11,230	12.65	24 8
Mayrant	Torpedo-boat destroyer	742	30.22	8 4
Paulding	do	742	30.80	8 4
Perkins	do	742	29.76	8 4
Roe	do	742	29.6	8 4
Sterett	do	742	30.37	8 4
Terry	do	742	30.24	8 4
Utah	First-class battleship	21,825	21.09	28 6
Vulcan	Collier	11,230	12.82	24 8
Warrington	Torpedo-boat destroyer	742	30.12	8 4
E-1 (formerly Skipjack)	Submarine torpedo boats. Limit of contract, $3,500,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
E-2 (formerly Sturgeon)				
F-1 (formerly Carp)				
F-2 (formerly Barracuda)				
F-3 (formerly Pickerel)				
F-4 (formerly Skate)				
G-2 (formerly Tuna)				
G-4 (formerly Thrasher)				
Total of tonnage given.		123,480		

1909 (60th, 2d).

Ammen	Torpedo-boat destroyer	742	30.48	8 4
Arkansas	First-class battleship	26,000	20.5	28 6
Monaghan	Torpedo-boat destroyer	742	30.45	8 4
Patterson	do	742	29.69	8 4
Trippe	do	742	30.89	8 4
Walke	do	742	29.78	8 4
Wyoming	First-class battleship	26,000	20.5	28 6
Neptune	Collier	19,375	14	27 7
G-3 (formerly Turbot)	Submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
H-1 (formerly Seawolf)				
H-2 (formerly Nautilus)				
H-3 (formerly Garfish)				
No. 1	Torpedo-boat destroyer (subsurface).			
No. 2	do			
No. 3	do			
Total of tonnage given.		75,085		

[1] Limit of cost increased from $750,000 to $800,000, act Mar. 2, 1907.
[2] Limit of cost increased to $3,000,000, act Mar. 2, 1907.
[3] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1910 (61st, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
New York	First-class battleship	27,000	21.0	28 6
Texas	do	27,000	21.0	28 6
Beale	Torpedo-boat destroyer	742	29.5	8 4
Fanning	do	742	29.5	8 4
Henly	do	742	29.5	8 4
Jarvis	do	742	29.5	8 4
Jenkins	do	742	29.5	8 4
Jouett	do	742	29.5	8 4
K-1 (formerly Haddock)	Torpedo-boat destroyer (subsurface). Appropriation of $445,000 upon condition of compliance with terms of naval appropriation act of Mar. 3, 1909, p. 648.			
K-2 (formerly Cachalot)	4 submarine torpedo boats. Limit of contract, $2,000,000. Appropriations made of $800,000.			
K-3 (formerly Orca)				
K-4 (formerly Walrus)				
Proteus	Collier	19,000	14.0	27 6
Nereus	do	19,000	14.0	27 6
	Fleet collier (to be built on Pacific coast) provided for in act May 13, 1908, p. 619. Limit of cost increased to $1,000,000.			
Total of tonnage given.		94,452		

1911 (61st, 3d).

Nevada	First-class battleship	27,500	20.5	28 6
Oklahoma	do	27,500	20.5	28 6
Jason	Collier	19,132	14.0	27 6
Orion	do	19,132	14.0	27 6
Aylwin	Torpedo-boat destroyer	1,036	29.0	9 3
Balch	do	1,036	29.0	9 3
Benham	do	1,036	29.0	9 3
Cassin	do	1,010	29.0	9 3
Cummings	do	1,010	29.0	9 3
Downes	do	1,073	29.0	9 3
Duncan	do	1,014	29.0	9 3
Parker	do	1,036	29.0	9 3
K-5 (formerly No. 36)	4 submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $800,000.			
K-6 (formerly No. 37)				
K-7 (formerly No. 38)				
K-8 (formerly No. 39)				
No. 1	Submarine tender			
No. 12	Tug	1,120	14.0	12 6
No. 13	do	1,120	14.0	12 6
Monocacy	River gunboat			
Sacramento	Gunboat			
Total of tonnage given.		103,755		
Grand total of tonnage given from 1883.		1,213,567		

Mr. PADGETT. Mr. Chairman, I desire to ask if the gentleman from Illinois [Mr. Foss] will use some more time. Does the gentleman desire to use some more of his time at this moment?

Mr. FOSS. I will yield, if the gentleman desires me to, to the gentleman from Massachusetts [Mr. HARRIS]. I will yield half an hour to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. HARRIS] is recognized for 30 minutes.

Mr. HARRIS. Mr. Chairman, I should not have intruded myself on this debate but for a suggestion made to me, that possibly I, one of the new Members of the House, could join memories with the oldest Member of the House and say a word upon the matters which led to the formation of the national policy of naval defense.

I am looking back now for a few moments to a period 36 years ago, when my late honored father came to this House as a Member from Massachusetts, from the district which I now represent. He came in the Forty-third Congress, and in the Forty-fourth Congress, as I recall the number, he was given a place on the Committee on Naval Affairs. At that time the question of rehabilitation of the Navy was beginning to be agitated by some people. Talk of more war was not pleasing to the ears of a people who were anxious to reengage in the industries of peace rather than the arts and stratagems of war; but there were those who were able to look through the fog of uncertainty and doubt and see that this country was to be in the future a great, united, and powerful people, and that it must have adequate instrumentalities of defense, and, if necessary, of offense.

Singularly enough at that period, as in this one, it was a time of investigation rather than of construction. For six years a member of that committee, he and those who believed as he did labored hard upon the work of rehabilitation of a Navy, or rather the creation of a Navy, because after the Civil War we had no Navy worthy of the name. The nations of the earth had taken lessons from some of the incidents of that war, and the *Monitor* had been a monitor to all the world that if there were to be navies there must be new navies, and all the foreign powers started upon the construction of entirely new navies.

In those days Members of Congress did not have comfortable offices or personal clerks, and most of them then, as many of them now, could not afford to pay for a large force out of their own pockets. It happened that I was a young man in college, and for a while just before and after I graduated I was able to spend some time here and help my father in his clerical work. I had occasion to write and rewrite a list of the old ships and their armament so many times that I could do it in the dark, almost, and I saw the men who came here and I heard the arguments pro and con upon the question of a navy. The country at that time had not arrived at the period of the resumption of specie payments, but was discussing it with great earnestness and dread. The old officers of the Navy were still wedded to wooden ships. The era of seel or iron shipbuilding had only just begun. The nations of the earth were afraid of the great steam vessel, with its consumption of coal. The problems before that committee were, What shall be built and what shall be done? Finally, in the Forty-seventh Congress, my father was made chairman of that committee, and after his six years of labor he commenced upon the policy of building a new steel navy. The questions of steel versus wood, sails versus steam, sails with auxiliary steam, ram construction, torpedo equipment, and all those things had been worked through for a period of six years. In 1883 the committee finally drafted a bill and reported it to this House calling for the construction of two steam steel vessels. Old Admiral Porter, who had been much interested in it, was at first averse to steel. He then became converted to it, but said its cost was prohibitive. The steel makers of this country, that industry being then in its beginning, were invited to come here to Washington and say how much steel they could make, what sort of steel they could make, at what price they could produce it, and all those things pertaining to the steel industry.

In the old Naval Committee room, which is now the room of the gentleman from Illinois [Mr. CANNON], the senior Member of this House, I have seen all the steel makers and shipbuilders of that day—the Cramps, old John Roach, the Hunts, representatives of the Norway Iron Works, of the Thomson Steel Works, and others—with specimens of flange steel and angle steel and all the things that they brought here, until the committee room looked like a boiler shop. Finally, in the closing days of that session, Admiral Porter, convinced of the wisdom of the new Navy and of the practicability and possibility of steel construction, went before the Appropriations Committee of this House, indorsed the new policy and the Republican program, and advised the passage of that bill.

Two ships were laid down, the *Boston* and the *Chicago*. The keel of the *Boston* was laid first. The *Chicago* was finished first. Now, what changes came between that time and the first time that the battleship *Chicago* ever had to engage in a contest? Begun in 1883, she never was in a battle until 1898. She had been outbuilt and outclassed in pursuance of the national policy adopted in 1883; and yet 15 years after the adoption of that policy she was with Dewey in Manila Bay, useful and efficient, and on a single day in her existence justified the expense and the national policy which had been adopted and which had then steadily been followed and has been since, from that day to this. [Applause.]

There are some things in my mind and heart that are lessons to me. On the day when the news came over the wires to the little village in which I lived that Dewey had been into Manila Bay and had done well the task that he was sent to do, I walked across my lawn to the house of my aged father, then grown old and feeble, and I read to him the news that came to me, and that aged man made no reply but this. He looked at me and said:

Well, boy, it looks as if eight years of hard work had at last been of some use to my country.

[Applause.]

But it was 23 years from the time when he commenced the work until the day that proved its value.

Can we afford to abandon a policy of preparedness? Why, the gentleman from Texas says we must wait until all the world experiments and finds the standard vessel and then build. If

we had not built in 1883, we would not have been ready in 1898, and we know that in 1898, prepared as we were, we were yet scared to death to know where the Spanish fleet was going to turn up and whether we were ready for it.

Mr. BARTLETT. Scared in Boston as well as Savannah.

Mr. HARRIS. Yes; Boston and Savannah both scared to death. Now, in the active lifetime of the oldest Member of this House, the gentleman from Illinois, Mr. CANNON, what things have come to pass? He is perennially young, but he has to admit that his years are more than those of some others. He has seen men who were young officers in the Civil War, who met the encounter and shock of war, grow to fame and then retire. Some are still with us, some of them have traveled the road that we all must travel. Dewey, Sigsbee, Sampson, Schley, and Evans, all those men were young officers in my father's time, and were all for the steel naval program, and all in consultation with him, and much of the correspondence of that day is now preserved by me with great respect and honor in my library at home. They had an equipment which was of that time, and splendidly they met their duties. They could not have done it if they had not had the means and instruments to meet and overcome the enemy. But it took time to build, to maintain, to equip, and the policy has been interfered with seldom.

My friend from Georgia asked a question about Secretary Whitney, who undertook to get his models from abroad at one time. He sent to England for the model of the *Texas*, and when he got her over here and built she would hardly stand upright until the American naval architect went to work and fixed her over, and then she proved to be a good ship at Santiago.

Mr. BARTLETT. The gentleman is mistaken; I did not ask any such question.

Mr. HARRIS. Very well, it was some other Member. I have seen the day of experiment. We are always experimenting and have always got to. We first built the *Ammen* ram, which had a great steel prow with which we calculated to run the enemy down. But when we got the ram done we could not get her out of her own way. After that we had a torpedo boat *Alarm*, with wings on each side, and she was going to get opposite the enemy, run a bar underneath her, put torpedoes under her, and blow her up. I went down on the Chesapeake to see the operation of the torpedo, and I never got such a ducking in my life as I did when a torpedo went off. We have erected torpedo stations and all sorts of things, all in the process of experiment and evolution, and no one ship has been built that has not been an improvement on the other—it always must be so—until to-day we not only have a splendid fleet of ships, not large enough, but we have taught some lessons to others, and there are some lessons that we have learned from them.

To-day we are talking about a greater traffic on the great ocean. To-day we have warships carrying the names of inland as well as seaboard States, advertising the extent of the territory and the greatness of this country, and we hope to pave the way to put onto the ocean where they go a traffic which shall be that of commerce and leading to a world-wide peace. [Applause.]

Why not protect it? We talk about the expense. Gentlemen, when we first commenced to use kerosene oil we had the little flat-wick lamp, that would hold perhaps, a pint of oil and burn for three or four evenings. Then we got the big round-wick central-draft lamp, that would burn a quart or two of oil in an evening. Folks said they were too expensive to use, but by and by we all woke up to the fact that it was not oil we were after, but light. Any man who wants to may use the old lamp, but he wants electric light now. He wants light, and in this development of our Navy we can remain in the semiobscurity, or complete obscurity, of the old sailing ship, or we can come out in the broad light of the modern battleship, which gives us that which we want—safety and insurance for safety.

To-day we have upon our battleships men from the North and the South and the East and the West, from every section of this great united country; young men, to be officers, ultimately commanders, perhaps; men who will officer, command, and sail those ships. Do we want them to go out into the ocean and possibly into contest, if unhappily it shall come, without the equipment of their day and time, as Dewey and Schley and Sampson had the equipment of their time, doubtful of it as we were? I think not. Those men will vie with each other to prove their devotion to a beloved and united country. We have the men, and whether it is a case of ship to ship, or whether it is a case of desperate individual enterprise, like that of Cushing or of the gentleman from Alabama [Mr. HOBSON] in the *Merrimac* incident at Santiago Harbor, we will have the men, and all we want for insurance of our safety is to give them the ships.

Let not this House be deterred from making proper appropriations from any mistaken notions of economy. Such appropriations are but the premiums upon the insurance of our national safety and honor. Without them we are in peril. We may meet with shame and ultimate humiliation. In my judgment, the people of this country in that department want nothing called or spelled economy, but which means peril and humiliation possibly, and any action of this House making appropriations insuring the honor and safety of this country, appropriations guided solely by the motive of securing those, will not meet with criticism, but with universal approval. [Applause.]

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. Certainly.

Mr. McKENZIE. Does the gentleman understand that what is known as a naval program contemplates a maximum number of battleships?

Mr. HARRIS. What does the gentleman mean by maximum? I understand the naval program has been ever since 1883 to increase our strength all of the time, offsetting that which comes by mere outclassing or by becoming obsolete—building enough to meet depreciation and making always some advance. We have not undertaken to overtake or outstrip England or the countries that had the start of us, but we are trying to get somewhere near them and insure the national defense.

Mr. McKENZIE. The point I would like to have made clear in my mind is as to whether or not we are working to an end to have a Navy of a certain size, and that the policy is to build so many ships each year until we arrive at that maximum and then keep our Navy at that strength.

Mr. HARRIS. Of course I can hardly answer what may be the policy of a Naval Committee which is charged with the duty of preparing the yearly budget, but I have stated in this way that I saw the shaping of a policy of creating and maintaining and increasing the Navy, and to-day, after 36 years, when that policy was commenced upon, I find myself, singularly enough, confronting the situation that my father did when we had a Congress opposed to the Navy. The policy was then adopted, and I do not want to see it abandoned. Just what the framework of it may be I can not tell, except to maintain and increase.

I yield back the balance of my time, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAHER].

Mr. MAHER. Mr. Chairman and gentlemen of the committee, I have carefully studied the bill reported from the Committee on Naval Affairs, which is now under consideration, and on page 63 provision is made for the increase of the Navy. In that provision no allowances are made for battleships.

Mr. Chairman, I am here as a Representative in part of the great State of New York, and believe I am voicing the sentiment of a majority of the people of that State by advocating the building of battleships. The United States of America is considered to-day as a world power, and we must maintain that position. I have spoken to several people in reference to this question, and it is not my intention to adversely criticize their opinion, although I disagree with them. There are some who will argue that at this session we should dispense with the appropriation for battleships and increase our naval strength by building more fast cruisers, torpedo boats, torpedo-boat destroyers, and submarines. I believe smaller vessels are necessary to our Navy. However, recent wars have demonstrated that it was the battleships that did the fighting and settled the question of supremacy. I was surprised to learn that others take the position that this country has won great victories when we had no Navy to speak of. Mr. Chairman, that was almost a century and a half ago, and I am certain that if we had had a first-class Navy at that time there would have been no Valley Forge, and the sufferings of the patriots there would have no place in our history. The nations of the world are sparing no effort to increase their navies; in fact, they are going to the extreme limit of their treasuries in some cases.

From time to time we hear of The Hague peace meetings. There, if I am not misinformed, representative men from the various nations assemble for the purpose of devising some means to establish a world's peace. Their work is to be encouraged; their object is a laudable one; but we must not forget the fact that while they are holding out the olive branch of peace to each other their Governments at home are insisting upon the building of battleships. This state of affairs makes it imperative that the United States Government should continue to increase our Navy. No sane man wants war. We want peace. But it must be a peace with honor. With that thought

in mind, let me read a few lines from Washington's Farewell Address to the American people. I read:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it.

Mr. Chairman, this quotation from our first President's address can be applied to the present situation in this House. No doubt the principle of economy practiced by the majority party in this House will receive public approval, as they have demonstrated that there was room to curtail expenses in several departments of the Federal Government without interfering with their efficiency. Although I realize the necessity for economy at this time, I believe it would be unwise to extend it to the Navy Department. In discussing the question of economy it recalls to my mind an old but true saying, "Be careful lest you be a penny wise and a pound foolish." At this time I wish to read some figures relative to the warship tonnage and naval budgets of the principal foreign powers:

Relative order of warship tonnage.

	Tons.
Great Britain	1,896,149
United States	757,711
Germany	749,699
France	630,705
Japan	421,369
Russia	297,819
Italy	203,812
Austria	167,993

The case were vessels now building completed.

	Tons.
Great Britain	2,324,579
Germany	1,087,399
United States	885,066
France	741,425
Japan	590,119
Russia	473,879
Italy	312,122
Austria	267,442

Naval budgets of the principal foreign powers.

	England.	Germany.	France.
1901–1902	$169,741,811	$46,362,400	$67,168,728
1902–1903	171,436,269	48,861,400	59,296,760
1903–1904	194,669,076	50,598,800	59,820,128
1904–1905	199,828,588	49,147,000	60,259,110
1905–1906	180,835,417	54,978,000	61,648,121
1906–1907	168,378,666	58,405,200	59,593,894
1907–1908	159,308,733	69,210,400	60,766,979
1908–1909	163,084,781	80,444,000	62,278,099
1909–1910	175,484,297	97,722,800	64,986,404
1910–1911	199,963,376	106,981,000	73,109,522
1911–1912	218,418,482	107,314,200	80,371,109
1912–1913	[1] 214,882,788	[1] 111,254,589	[1] 82,364,302

	Russia.	Italy.	Austria.
1901–1902	$45,549,301	$23,913,041	$8,866,179
1902–1903	50,737,367	23,553,000	9,512,144
1903–1904	60,099,168	23,553,000	9,973,444
1904–1905	58,154,218	24,332,500	12,728,136
1905–1906	60,308,996	24,527,160	18,682,372
1906–1907	60,783,894	25,900,262	11,670,952
1907–1908	43,069,693	27,553,549	13,205,442
1908–1909	49,743,930	30,494,428	12,057,586
1909–1910	46,962,538	31,812,884	19,798,542
1910–1911	49,769,359	40,595,204	17,255,280
1911–1912	73,368,435	40,780,978	25,074,067
1912–1913	[1] 84,571,240	[1] 41,859,030	[1] 28,318,500

[1] Estimates.

Russia: Special additional credits as follows: 1902, amount not known; 1904–5, special war fund, amount not known; 1904–1907, $8,748,000, voluntary contributions.

Italy: Also, $3,110,400, divided between 1900–1901 and 1901–2.

Japan.

1901–2	$21,830,593
1902–3	18,031,701
1903–4	17,928,288
1904–5	10,221,050
1905–6	11,621,290
1906–7	30,714,525
1907–8	35,874,753
1908–9	40,187,956
1909–10	35,753,587
1910–11	37,608,156
1911–12	43,231,235
1912–13	46,158,216

In some cases, notably Germany and Japan, the above does not necessarily represent the actual expenditures. Money is undoubtedly transferred to the Navy from other appropriations and does not appear as naval expenditures.

The expenditures during the Russo-Japanese War are additional to the budgets given for these years for Russia and Japan, the amounts not being known.

There are some who say that my great interest in this question is caused by the fact that there is a Government navy yard in my home city. I am looking upon this question as one of national importance. It is not a local issue, nor a partisan one. I am not unmindful of the interest of the Brooklyn Navy Yard. If the question were where to build battleships, the Brooklyn Navy Yard would need no champion on the floor of this House, for they have clearly demonstrated their ability, skill, and facilities to build the very best battleships afloat; and at this time I wish to read into the RECORD an article from the Scientific American:

WARSHIP CONSTRUCTION AT OUR NAVY YARDS.

[From the Scientific American, Jan. 11, 1908.]

Popular fallacies die hard, especially when they are kept alive by persistent and interested misrepresentation. A notable instance of this is the statement so often made and too widely believed that it costs a great deal more and takes considerably longer to build a battleship at a Government navy yard than it does at a private shipyard. There was a time, it is true, when navy-yard ships were very costly and took an unconscionable time to complete; but that was over 20 years ago, when political control of navy yards was rampant and before a certain courageous young naval constructor, who later became Chief Constructor of the Navy, undertook the task of rescuing our navy yards from political control, reforming their many abuses, and putting them in first-class working shape. It was the regeneration of these yards which rendered it possible for them to take hold of the highest class of naval work and complete it in the same time and for only slightly more cost than the best of our private yards. This was clearly proved some years later in the construction of the large modern battleship, the *Connecticut*, at the New York Navy Yard, when the work was carried through so expeditiously that the private yard which had taken the contract for the sister ship had to extend itself to the utmost to keep pace with the Government-built ship. One of the main objects of giving work of new construction to the navy yards was to spur the private builders to greater activity, for up to that time it was a notorious fact that the Government contract work was treated as a kind of standby in the private yards, the first attention being given to orders for private firms. The record made by the *Connecticut* for rapid construction has acted as a most effective spur to the private yards, and our latest warships, in spite of their greater size, are being built in from 50 to 60 per cent of the time taken to build the earlier ships.

The agitation in favor of navy-built ships originated within the Navy itself, and its most effective advocate was the naval constructor above referred to, Mr. Francis T. Bowles, who subsequently left the Navy and is now the president of one of the great shipyards upon which the Government depends mainly for the construction of its new Navy. The most complete and convincing presentation of the arguments in favor of navy-built ships is that made by Mr. Bowles in the year 1900 before a congressional committee on naval affairs appointed to consider the question. Just now, when the question is again being agitated, it would be impossible to find a better brief for the case than this testimony of the former constructor.

In his evidence before the committee Mr. Bowles stated that the first advantage of building ships in navy yards is that it maintains the efficiency of the mechanical force and of the plant and shops.

"The reason that we have navy yards is to provide ourselves with the means of equipping and keeping our ships in good order for purposes of war; and, with that end in view and in the light of our recent experiences, it is essential that the organization of a mechanical force and the equipment should be kept in efficient condition.

"Now, if in these yards, which are essential to the object of the Navy, we should keep a vessel or two vessels building all the time, we would have a nucleus of a complete force, and it would be necessary, in order to do that work with a reasonable degree of economy, that our yards should be kept in good order.

"The fact that a vessel is building in a navy yard makes it possible to conduct the repair work of the fleet economically and rapidly, because if a vessel comes in for repairs, as soon as it is determined what it is necessary to do the force is available and every shop is in working order, and the chances are that there is a stock of material on hand of every kind that would be needed to make these repairs. The matter of having the material on hand is one of the most essential items in carrying work on rapidly.

"The third advantage is that the amount expended for repairs will be reduced by the fact of having shipbuilding in the yard. That may seem a curious thing, but it is perfectly true that if you have got enough to do to keep an efficient force at work there will be no tendency whatever to magnify repair work or even to devote attention to considering what improvements can be made in existing ships.

"The fourth advantage in carrying on new work in the navy yards is that it enables the Government to maintain a high standard of workmanship and design, by which the contractors can be made to conform to what is necessary under their contracts, and I consider this a great advantage.

"I will combine that with the fifth item on my list—that building ships in navy yards provides a training for those who must inspect the contract work. I maintain that a man is unfit to be a Government inspector, to tell the contractor how his work shall be done and what is acceptable and what is not acceptable, unless he has had that kind of work himself.

"The next advantage to the Government in doing the work is that no profit has to be made. The cost of inspection can also be saved. When a ship is built by contract the Government maintains a force of inspectors and draftsmen, who inspect the work in progress and make the projected plans. The cost of a trial trip is another item saved, for it is the custom to remunerate the contractor, either in his contract or fairly as an extra bill, for all the expenses of the trial trip."

Now, since the above telling arguments were presented—and they are just as valid to-day as when they were made—the question, as we have noted above, has been put to the test by the construction at Brooklyn of one of a pair of the largest battleships so far built for our Navy; and the question naturally arises, How far have the predictions of the former chief constructor been verified? In answer, it can be said that the *Connecticut*, in spite of the strenuous efforts of the private firm which was building the sister ship *Louisiana*, was completed within the same time as that ship and within two or three months' less time than called for by the contract. Because of the fact that hours are shorter and the pay somewhat higher in the Government yards, no claim was ever made that the *Connecticut* could be

built as cheaply as the *Louisiana*. It was estimated that she would cost about 10 per cent more than the other ship. As a matter of fact, in the final summing of the costs it was found that she cost only 5 per cent more. The latest official report of the Navy Department gives the total cost of the two ships to September 30, 1907—the figures including the expense of alterations chargeable to original construction, and also of armor and permanent ordnance fittings—as follows: For the *Connecticut*, $6,367,308.22; for the *Louisiana*, $6,037,344.47.

The question may be raised as to whether as good a ship can be built at our navy yards as at private yards. Perhaps the most conclusive test of this point is to compare the actual cost of repairs on these two ships since their completion. Fortunately, the figures are available; for the same report gives the cost of such repairs for the *Connecticut* as $94,314.56, and for the *Louisiana* as $110,500.19, a difference of about 17 per cent in favor of the *Connecticut*. As a matter of fact, the comparison is more favorable than appears on the face, and this for the reason that the totals for the *Connecticut* include repairs made necessary by her having been run aground during the past summer, an accident which, of course, is in no sense chargeable to the work on the ship itself.

In regard to the 5 per cent increased cost of the *Connecticut*, it is but fair to draw attention to the fact that this being the first large battleship to be built at the Brooklyn Navy Yard, there are several items of cost charged to her which would not appear against any subsequent battleship built upon the same ways. These are expenses due to work of a preparatory kind; to the provision of special tools in the machine shops and special appliances in the yard, which, once built, will be available for subsequent ships.

Thus, the preparation of slip, cribbing, and scaffolding cost over $39,000 for the *Connecticut*, as against $12,000 for the *Louisiana;* so also the cost of preparing launching ways and launching the ship cost over 100 per cent more for the navy-yard ship. There would be no such difference in the cost of the next battleship to be built on these same launching ways. Again in the preparation of beds and erecting, the list shows a cost of $12,000 or about 100 per cent for the *Connecticut*. This item probably refers to the beds on which the engines were built; yet these beds are now a part of the permanent plant of the erecting shop, and indeed are now being used for building the engines for the collier *Vestal*. It would be possible to follow the comparison further if we had time, and show that if the cost of these preliminary preparations and of special tools and appliances were charged to the plant of the yard, to which they properly belong, the difference of 5 per cent between the *Connecticut* and the *Louisiana* would be not a little reduced.

TIME TAKEN TO BUILD OTHER SHIPS.

The official record of the building of the other 21 best-known ships in the Navy shows that not one of them was built in contract time. The *Nebraska*, built by Moran Bros., of Seattle, and the *Georgia*, built by the Bath Iron Works, of Bath, Me., were over three years longer building than the *Connecticut*.

The *New Jersey*, built by the Fore River Shipbuilding Co., at Fore River, Mass., and the *Virginia*, built by the Newport News Co., at Newport News, Va., were over two years longer building than the *Connecticut*, although the *Connecticut* is larger than any of these ships by 15 feet in length, and by 7½ inches in beam, 9 inches in draft, and the displacement 1,000 tons greater, the coal capacity being larger by 500 tons.

I am in favor of an appropriation for the building of battleships. [Applause.]

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, Congress, on May 30, 1908, created what was known as the National Monetary Commission and charged it with the duty of inquiring into what changes are necessary or desirable in our monetary system and in the laws relating to banking and currency. This commission made its report last January, in which it recommended very radical changes. To its report it appends a proposed bill embodying these changes. I desire to call attention to some of the provisions of this bill. I approach this subject with considerable hesitation. I am aware that the recommendations have the approval of the entire commission, a commission made up of men for whom I have the highest respect and with whom I regret very much to differ, but I fear that the commission must have felt constrained to shape its proposed legislation so as to avoid the opposition of certain banking and financial interests, who are now strenuously supporting its recommendations by organizing bankers and business men to push this plan through Congress. They are very impatient of any criticism. Let me say, however, that if this plan can not stand criticism, it should not pass.

In brief, the plan is this: A corporation is to be formed with a capital stock of not less than $100,000,000, which is to be owned by the banks of the country in proportion to their capital stock. This corporation is to have 1 central office and 15 or more branch offices. It is to be invested with the usual powers of a bank; it may receive deposits, make loans, buy and sell bonds, notes, and bills of exchange, and is to have the exclusive power of issuing bank notes. In other words, the plan is to create a great central bank of issue like the European central banks. Instead of calling it a bank, as such an institution would be known in Europe and elsewhere, it is to be called the National Reserve Association. This name is not descriptive. No one can miss the fact that the overshadowing function of the bank is to issue currency. Pages of the plan are devoted to that feature, while it almost fails to mention bank reserves at all. Scant place is found for a line or two, just enough to say that deposits placed with this central bank may be counted as a part of the reserves of the bank making the deposit. The reading of the plan certainly never suggested the name. Was it not for fear that a central bank would be unpopular that the commission called its creation a National Reserve Association? If so, will not this lack of courage and candor do more to defeat the plan than a frank avowal of its real nature? The American public demands fair and frank treatment. It has no patience with any scheme, no matter how meritorious, that dreads the light of day. If a central bank is what we need, we ought not, however, allow prejudice to prevent us from securing one. In almost every European country there is a central bank. It is also true that there has been less danger of bank panics in those countries than has been the case with us; but it does not follow as a consequence that security against panics is due to the central banks or that it is necessary to establish one in this country. If banking in this country was carried on in as conservative a manner as in Europe, there would be but very little danger of panics. So long as banks permit their funds to be used in reckless speculation, and so long as law and public opinion will tolerate the issue of untold millions of fictitious or inflated stocks, bonds, and other securities, upon which bank credits rest, we shall have panics with or without a central bank. No banking system can save a bankrupt bank or prevent runs upon it.

Should we create this proposed central bank we must not deceive ourselves with the idea that it will serve us as well as like institutions serve people in Europe. Henry Clews, the great New York financier, in his book, Fifty Years in Wall Street, says:

> Such a bank as the Bank of England, or the Bank of France could not be created, either in a day or a generation, for those time-honored institutions are the growth of ages. They are very much older than any of the other banks there, and, under the control of their respective Governments, they have grown up with their countries and become practically, although not by ownership, Government institutions. Hence their prestige and power and the impossibility of other banks superseding them.

This statement of Mr. Clews may be applied generally to the other state banks of Europe.

If we are to have a central bank it must be so planned that it will deserve and command the fullest confidence of the public so that in times of stress it can stem the tide of panic. It must above all other things be solvent and possessed of ample means, in excess of its own immediate liabilities that are available at any time for use in helping others. Let us see if this bank is planned to be solvent. This bank is to organize when $100,000,000 of its capital stock is paid in. As soon as it is organized it becomes its duty to purchase within one year thereafter all the 2 per cent Government bonds then on deposit with the Comptroller of the Currency as security for our present bank-note circulation, amounting to about $700,000,000. It is authorized to and must pay for these bonds by issuing bank notes of its own. When this has been done what is the status of this bank? It holds $100,000,000 of capital and $700,000,000 in bonds, and owes $700,000,000 upon its notes. You strike a balance and there is left $100,000,000, and of course you say it is solvent. But this plan provides that the bonds so purchased must be held by this bank during the period of its corporate existence, except that after five years the Secretary of the Treasury may permit the bank to sell not to exceed $50,000,000 of them each year thereafter, to which is added a proviso that the Government reserves the right to purchase at par or pay any of these bonds at any time. This in effect locks up these bonds and prevents their use as a means for obtaining money with which to meet the bank notes. It may be contended that this bank has general power to borrow money against any of its bonds, but this provision is clearly not applicable to these bonds, as the proposed act expressly provides that the bank shall continue to hold them. The right to pledge these bonds as security necessarily carries with it the right to part with title to them. If this bank is to have this right then it may suffer them to be sold and with the proceeds retire all its bank notes and thus contract our currency $700,000,000 or more. The plan clearly contemplates that this bank shall start with outstanding obligations of $700,000,000 due on demand, and shall have as available assets for the payment of this enormous indebtedness only $100,000,000. But even this $100,000,000 has a string to it that prevents its use. It is provided that 25 per cent of this $700,000,000, or $175,000,000, must be held against these notes as a reserve, so that instead of having for use $100,000,000, the first duty of the bank will be to go out and borrow $75,000,000 more of reserve money. To do this it will not only be necessary to borrow $75,000,000, but enough more to provide a reserve against this added indebtedness. It will take $112,500,000 more to make a sufficient amount to enable the bank to call itself technically solvent. It will then have an indebtedness of $812,500,000, and still it will not have a dollar available for the redemption of any of its notes without borrowing the money. And this is the bank that is to help others when people lose faith in the solvency of all banks.

The object of purchasing these bonds is to retire seven hundred million of our present bank notes and substitute in place of them notes of this bank, and this is on the plea that it will substitute a better class of notes. Are these notes going to be better? Our present notes are not only guaranteed by the Government, but are a direct obligation and a first lien upon the assets of the banks issuing them. It is not a guaranty that has to be enforced by a sheriff's sale of bonds or on liquidation 50 years hence. The banks are required to keep a fund with the Government for the redemption of their notes, and all notes are paid on demand by the United States whether the bank whose note is presented for payment has enough money there for the purpose or not. In the year ending October 31, 1911, more than $587,000,000, or about 80 per cent of all notes in circulation, were so redeemed. If every note had been presented it would have been paid either by the Government or by the bank issuing it, not by borrowing money belonging to some one else but with money belonging to the banks. The Government is not to guarantee the notes of this central bank or hold any fund or security to compel their redemption, nor are the banks liable except as stockholders, and then only in the event that this central bank becomes bankrupt. Our bank notes are as good as gold, and the method under which they are issued saves to our Government in interest more than ten millions annually. It makes it possible to issue bonds that cost us only about 1½ per cent per annum, while if this plan goes into effect we shall probably have difficulty in selling bonds in the future at 3 per cent.

It is apparent that this plan would collapse at once if suitable provision was made for the redemption of these notes. This bank is expressly prohibited from having any domestic transaction with anyone except the Government and its stockholders. This clearly forbids this bank from redeeming any of its notes unless presented by the Government or one of its stockholders. Still, a bank or trust company not a stockholder is compelled to accept pay in these notes. Should these notes depreciate in value, this arrangement will in effect give to the banks that are stockholders a first lien upon the funds of the central bank. They could present these notes for redemption and receive par in the money held by the central bank, while others could not reach this fund and would have to pocket their losses. This would inevitably discredit these notes.

Another contrivance to prevent the collapse of this bank is the provision that its notes may be held by other banks as part of their reserves. This is a departure from a time-honored policy, but is no doubt necessary if the scheme is to float at all, even on the high tide of prosperity. This makes a market for these notes and will tend to prevent their return for redemption. But this will enable the banks to discriminate against the greenbacks and silver certificates and may cause us no end of trouble, especially as no limit is placed upon the size of the bank notes that may be issued. Foreign Governments are careful to limit the size of such notes. The Bank of England can not issue a note for less than £5, or about $25. The provision that these bank notes may be held as bank reserves makes it possible to have an almost unlimited expansion of currency and credits. Banks may transfer their gold to the central bank in exchange for its bank notes, and for every dollar of gold so secured this bank may issue two of its own notes, $1 to effect the exchange and $1 in discounting paper. There is more than $1,500,000,000 of gold in circulation. The silver money and greenbacks can also be made to do double duty. The banks can gather up this currency and place it on deposit with this central bank, and while there they may still count it as reserves in their own vaults. As soon as it reaches the central bank, that institution may, in discounting paper, issue against these reserves bank notes equal to their amount. The silver and greenbacks equal another billion. Still, this is only a small fraction of expansion made possible by this plan. The other banks can take these notes and build upon them a credit structure that would stagger the most reckless speculator that ever trod the turf.

The one thing in our present credit system that tends to keep speculation somewhat within reason is the limit that our reserve money automatically puts upon bank loans. A bank can not legally loan out all of its deposits. When it is remembered that the chief business of a bank is to borrow money and reloan it, and that much of this money are deposits due on demand, it is evident that reserves play a very important part. The national banks are required to keep, on an average, one-sixth of their deposits to repay them. As the amount reserved for that purpose decreases the bank must curtail or collect in loans so as to have on hand money to meet further withdrawals of deposits. This tends to limit the amount of loans that a bank can make, as there is a limit on the amount of money that can be used as reserves. This plan removes that limitation by permitting these bank notes, the amount of which is practically unlimited, to be used as reserve money by other banks. Not only does the plan provide that the $700,000,000 of notes issued to retire our present bank-note circulation, not now reserve money, may be held by other banks as reserves, but that every dollar issued by this central bank in its business may be so held.

It is urged that such expansion is not possible. The reasons chiefly relied on are that the bank can only invest its funds in short-time commercial paper, and that there is a tax upon the bank notes if they exceed nine hundred million. The class of paper that it may invest in can easily be provided, as I will try to explain a little later on, and if I correctly construe the provision in regard to the tax upon bank notes, it might as well be frankly admitted that no tax is contemplated. It is barely possible that a situation might arise that would permit the imposition of a tax, but it is such a remote possibility that it is almost negligible. The advocates of the plan usually claim that all notes in excess of $900,000,000 are to be taxed, but that is not correct. The provision is that all notes in excess of nine hundred million not covered by an equal amount of money held by the central bank shall be taxed. Under this plan the other banks may deposit with this central bank, say, five hundred million or more of their reserves. Against this $500,000,000 then held by the central bank as a reserve it could, in discounting paper to that amount, issue in payment therefor its own notes. The central bank would then have outstanding $500,000,000 in bank notes and owe $500,000,000 to its depositors, or a total of one thousand million. It would hold the $500,000,000 in money to cover the notes, and this same money would, under the plan, serve as a sufficient reserve against the one thousand million dollars, as only 50 per cent of the total liabilities of the bank are required as a reserve. The provision that the note holders have a first lien upon the assets would make whatever money might be in its vaults cover the notes, and as a consequence this $500,000,000 of bank notes would have to be deducted from the total of bank notes outstanding in determining the amount of the tax to be paid. In other words, for every dollar that the Government or a bank deposits with this central bank it may issue another dollar of tax-free notes; and as the banks can, without loss to themselves, put all the reserves that they are now required under the law to keep in their own vaults in this central bank to swell the amount deposited there by the Government, it is evident that $900,000,000 is only a fraction of the untaxed currency provided for.

The Monetary Commission recognizes the danger which this plan presents. It says in its report:

> Our main reliance for preventing undue expansion must, however, be found in the wise management of the local and district associations and the reserve association.

If the proposed bank had behind it centuries of careful, wise, and honest management as have most of the European central banks we might have less hesitation. There custom, tantamount to unwritten law, restrains and guides such banks. Here no such custom exists. Still we propose to start a like institution with greater capital and almost limitless powers. The Bank of England, the most powerful financial institution on earth, has no such power to issue bank notes. The English Government owes to it a little less than $90,000,000, and to that extent it may issue bank notes, but for every dollar that it issues in excess of this it must hold an equal amount of gold in its vaults, and for every note that the bank issues the stockholders are individually liable. The Scotch banks are often spoken of as authorized to issue bank notes in unlimited figures against their assets. They have no such power. They may issue a small amount of uncovered notes. The aggregate that all can issue is about $15,000,000. Beyond this amount, which is fixed by their charters, they are limited like the Bank of England to the issue of notes covered by gold in their vaults and their stockholders are also liable individually for all the notes issued. No danger of overexpansion in either England or Scotland. The Bank of Germany may issue a little less than $131,000,000 of uncovered and tax-free notes, and in addition it may issue an amount equal to whatever money it may have in its vaults. Beyond this it can not issue a dollar without paying a tax upon the issue of 5 per cent per annum. This tax makes the issue unprofitable and checks expansion. The report of the Comptroller of the Currency for 1911 shows that this bank holds cash in excess of its circulating notes. The total issue of the Bank of France against gold coin and other assets is limited by law to about $1,100,000,000 against which it holds about $700,000,000 in gold besides Government securities and other assets. Outside of a comparatively small amount due to it from France it aims to keep all its issue covered with gold. It believes in keeping its feet upon the rock of real values and ascribes the low interest rate in France not to its power to issue notes, but to its large reserve in gold.

In connection with this it is important to consider that those banks, in countries where confidence in such institutions is no doubt much greater than this bank can hope to secure, feel constrained to hold reserves ranging from 50 to 100 per cent of their liabilities. These figures are very significant when it is remembered that the policy pursued by those banks is to invest their money in the highest class of mercantile paper due almost on demand, so that practically every dollar of their indebtedness, including the bank notes, can be paid in a few days. How radically different is the arrangement in this plan? It prescribes a reserve of 50 per cent of all liabilities, but modifies this by allowing this central bank to deduct from such liabilities in figuring such reserves an amount equal to one-half of the seven hundred million of bonds that it is to purchase. This means that the seven hundred million of bank notes issued in place of the present notes are to be secured by a reserve of only 25 per cent, and this notwithstanding the fact that this bank is charged with the duty of keeping the bonds upon which they are supposed to rest during the period of its corporate existence. And let us not forget that this seven hundred million is only one item of our credit currency. Our greenbacks and depreciated silver swell this to enormous figures. The report of the Comptroller of the Currency to which I have referred says that we have already $784,000,000 of uncovered paper in addition to about $700,000,000 of silver worth 50 per cent of its face. France has the next largest amount of uncovered paper—some 223,000,000—and the largest amount of silver—some 400,000,000. But this is not all. Not only is the foundation upon which this staggering load of credit currency rests to be undermined and weakened, but to make collapse doubly sure the Monetary Commission makes provision for 200,000,000 more of untaxed notes which, they say, business will demand, and for fear that not even this will satisfy the greed of speculation they add to this vast sum 300,000,000 more at a nominal tax of 1½ per cent, and then they urge this plan as one in the interest of safety and as a panacea against panics. Why not advertise for a barrel of whisky for a drunken man to sober up on?

The history of every panic shows that it was due to an overexpansion of credits. Bankers and business men borrowed more money than they could pay. Suddenly everybody concluded to have a day of reckoning, and we called it a panic. We have just tried this kind of a remedy against panics. When the speculative craze that culminated in 1907 was staggering to its ruin in the fall of 1906, with call money from 30 to 40 per cent in New York, the Secretary of the Treasury, at the behest of the banks, forced into circulation in the course of two months $100,000,000 of bank notes besides some $23,000,000 of Government gold from the Treasury, but it only added zest to the spirit of speculation and made the gloom of 1907 still darker.

We all remember the panic of 1893. Are we willing to legislate to create another such disaster? During the panic of 1893 we had afloat about $346,000,000 of greenbacks, and our silver circulation was about $190,000,000 below par, making a total of credit money of $536,000,000 besides the bank notes. For the maintenance of this money at par the vast resources, the boundless credit and the faith of this Government was pledged. It held in the Treasury the seigniorage upon the silver coinage worth some $70,000,000 and a reserve in gold of about $100,000,000; still what happened? The Treasury was forced to sell $362,000,000 in bonds, at 4 and 5 per cent interest, to secure enough gold to keep this money at par, and President Cleveland hastened to call Congress together for the express purpose of repealing the so-called Sherman Silver Purchasing Act, under which some $50,000,000 in silver was added to our circulation each year. A very insignificant sum when it is remembered that the silver was purchased at its actual value and no more silver dollars were issued than an amount at par equal to the money paid for the silver.

When this central bank is in operation we shall still have the same amount of greenbacks as we had then. We have a larger amount of silver, and it is worth considerably less per dollar, as the silver in the silver dollar was then about 67 cents, while now it is worth only about 50. Our bank-note circulation was then only about $375,000,000, while now it is in excess of $700,000,000, to which it is proposed to add untold millions, not of notes resting upon available resources and subject to prompt redemption, but notes that must be kept afloat to prevent bankruptcy, and that can only be kept afloat by borrowing from Peter to pay Paul. This bank is to start with a demand liability seven times greater than its available resources, a liability which it is in effect forbidden to pay during its corporate existence. Its very life depends upon an irredeemable bank-note circulation. Every argument that has been made against fiat money can be made against this plan. It is surprising that men who in the past have steadfastly opposed all such schemes appear to favor this. Do the lessons of the past serve no useful purpose? The limitations imposed upon the banks of issue in Europe are the result of sad experience. In England those limitations were written in 1844 as the result of the panics of 1825, 1836, and 1839, all due, as the people of England then believed and still believe, to an excessive issue of bank notes. No amount of persuasion has induced the English people to relax these restrictions, though often a subject of bitter controversy.

Not only is the power to issue bank notes rigidly limited in most countries, but there appears to be a growing disposition to provide for a large measure of governmental control—not simply supervision. The central banks of Germany and France are controlled by their respective Governments; and the Bank of England is so closely allied to the English Government that it is almost a Government institution, though privately managed. The German Government actually manages the Bank of Germany. The stockholders may advise and may prevent the bank from making loans to the Government, but are otherwise practically without influence. The governor of the Bank of France is appointed by the State. He has the general direction of the affairs of the bank, presides at all meetings of the directors, and may veto any of their acts. No paper can be discounted that he disapproves of, and he appoints all the employees. This plan for a central bank gives the Government absolutely no control; a provision is even inserted in the proposed bill to prevent Congress from amending the act except at the end of each 10-year period. All the participation that the Government is accorded in the management of this bank is just about enough to permit it to have some knowledge of what the bank may do. I would hesitate to place such a bank under the management of the National Government, but I hesitate still more to turn over to such an institution without any security, as is proposed, hundreds of millions of Government money each year—the money that the Government must have to maintain its very existence. Under the proposed act it is not discretionary with the Government to deposit its money with this bank; it must do so.

I have but little patience with the extreme solicitude expressed by many that politics may interfere with such a bank. If it should pursue a course injurious to the public, politics ought to interfere; if it does not, the danger is extremely slight. It is almost impossible to stir public interest and feeling sufficiently to correct any evil, let alone doing to business an act of injustice when it is pursuing a proper and legitimate course. But is there not another side to this question of politics? May we not hesitate to form this vast combination of all the banks in this country, with their hundreds of thousands of stockholders scattered over every hamlet between the two seas? If this central bank is formed, it will bind together all the banks and give them many interests in common. Contemplate the vast power that this organization will have, not only over banks, but over business and the Government itself. It will have power to reward and punish friends and enemies. It will bring into close touch with the vast banking and business interests men who are natural leaders. These men will inevitably drift into politics, and with such an organization behind them, cemented together by self-interest and class pride, can you measure its power? Perfect this organization and put it behind any demand for additional privileges, for additional favors, and what will happen? I do not believe that it is of the slightest importance that Wall Street is not given direct control. No such organization can possibly escape Wall Street domination.

No country has a counterpart to this scheme. In every other country care is taken to keep the central banks as independent of other banks as possible. Here just the opposite is proposed. Is it good sense to provide that the banks that elect the officers of this central bank and its branches shall apply to those very officers and have them grant or refuse the favors they ask—officers that must depend upon the good will of those banks to retain their positions—or to provide that a board elected by the banks, and in effect their agents, shall determine how high a rate they must pay this central bank to discount their assets? The Government is to get the earnings of this central bank beyond 5 per cent upon the stock; but with this power in the banks to fix the rate of discount, how much profit do you suppose the Government will get? How different is the position of the manager of a European central bank. There he occupies a quasi public position. He is charged, either by law or custom, with the duty of guarding the currency of the country and with protecting both public and private interests. He is uninfluenced by past favors or promises of future rewards. His position permits and demands of him his best judgment in the interest of all. In considering whether this

bank is planned to be solvent it is of the utmost importance to know that the officers in charge are bound not only by their honor as men, but also by self-interest to maintain its solvency.

Those who advocate this plan never tire of telling us what a great advantage this central bank would be in that it would hold the reserves of other banks and thus be able to supply other banks with an abundance of money if needed. The impression put afloat is that the reserves deposited with this central bank are to be treated as a common fund for all the banks. Nothing could be further from the truth. A bank that may have any of its reserves in this central bank can only draw its own. The impression is even abroad that all reserve money is to go into this central bank, but that is not the plan. The law in regard to reserves is to remain practically unchanged except that any money deposited with the central bank may be counted as a part of the reserve of the bank making the deposit. This means that a bank may strip itself of all its reserves. It may leave in New York or other reserve city, if a country bank, three-fifths of its reserves as under the present law and send the balance to the central bank. If the plan provided for sending all or any considerable part of the reserves to this central bank, the protest would be long and loud. Care has been taken that the reserve city banks are not to suffer. They are still to be permitted to pay interest on reserves that other banks may deposit with them, while the central bank is not permitted to pay a penny. This arrangement will permit the central reserve city banks to retain their present deposits of bank reserves. Still this central bank may accumulate some reserves, as it is not expected to pay out any money. If a bank withdraws its deposits from this central bank it can not secure any relief. The method by which a bank is to secure any reserve money from the central bank is to sell it some of its assets and have the central bank print some notes and give to it in payment. This is the much-vaunted method of making available our bank reserves—the one feature that appears to have appealed to the Monetary Commission so strongly that it gave to its creation the name National Reserve Association.

A lack of elasticity in our currency has been the stock argument of every advocate of asset currency and is, of course, presented in support of this plan. It is true that if this bank is established it could, with the aid of the other banks, expand the currency to an almost unlimited extent, and with such aid contract the currency several hundred millions below what we now have by using our bank reserves to pay notes issued in place of our present notes. The expansion and contraction of asset currency is often spoken of as automatic, and where redemption of the notes is promptly compelled, that is to some extent true; but no one can seriously contend that there will be anything automatic in the issue and retirement of the bank notes proposed under this plan. The large commercial nations of Europe have striven to prevent their banks of issue from exercising the power of expanding and contracting the currency. Are we willing to put this power in this bank? The small amount of uncovered and untaxed notes in England, Germany, and France are a permanent part of the circulation of those countries and do not serve the purpose of expanding or contracting the currency. Instead of giving to the Bank of England the power to expand or contract, great care has been taken to deprive it of any such power. Mr. Horace White, in his book Money and Banking, says, speaking of the Bank of England:

> Nobody has any discretion as to the amount of notes which shall be in existence at any time. Setting aside the fixed sum issued against securities the remainder of the circulation is just what it would be if it were composed of gold exclusively.

To prevent the Bank of England from making use of its note-issuing power to expand or contract the currency the bank act of 1844, now in force, separates the issue department from the banking department of the bank and determines the amount of money that may be transferred from one to the other. The method employed by the European banks to expand and contract the currency is this: To contract, they raise the rate of discount, which is in effect the same as raising the rate of interest. This discourages persons from selling papers to the bank, as it becomes too expensive for objects not absolutely necessary. In the meantime the bank's assets, such as bills of exchange and notes that it may have purchased, become due and are collected in, and money from these accumulates in its vaults. A high rate of discount also tempts people to purchase paper, and this releases to the banks the hoarded money. By lowering the rate of discount and using this money in the purchase of paper the currency is again increased.

A bank acting on this principle can not afford to charge too high a rate of discount as it will drive away business and cause a loss of profit in its competition with other banks, nor can it afford to make the rate too low for fear that it will not have money enough with which to meet its own obligations. This is the method relied upon by the central banks of England, Germany, and France. The tax of 5 per cent upon the German note makes such notes unprofitable unless rates are very high. The tax upon each note issued by the Bank of France is small; but as the French people are not accustomed to the general use of checks these notes must do double duty and circulate so rapidly that the expense of maintaining them in circulation and securing them by a sufficient reserve makes the tax a heavy burden. It is claimed by that bank that it actually suffers a loss upon its circulation. The method of these banks is simply to save up their own money when they anticipate that they will have use for it in the future and loan it out when they can afford to do so. The proposition here presented is to allow our banks to loan every dollar that they can buy, borrow, or get in any fashion, and then if they run short sell some of their notes to this central bank and have it start the printing press to run off some more money so they can go on and loan still more. This is an old scheme, often exploited, of living on the interest on the debts that you owe. It is not safe. It never was safe as a business proposition. The rugged, stubborn, common sense of England, Germany, and France, wise from sad experience, restrains by rigid rules the greed that kites credits upon credits. They insist that business shall not be done on hope and faith alone, but that at least some fair share of the money that is used must be earned before it is spent.

The diligent care with which the interests of certain banks have been guarded is manifest, not only in prohibiting this central bank from paying interest on bank reserves deposited with it, while other banks may do so, but in the absolute monopoly that the banks are to enjoy as sole owners of its capital stock and sole beneficiaries of its powers. No one can deal with it except the Government and a bank owning stock in it. The citizen, if he is to profit at all, must first pay toll to some intervening bank. It is true that the European banks deal chiefly with their respective Governments and the banks, but I doubt that any central bank can be found that does not deal with the citizen on equal terms with the banks; they do in England, Germany, and France. This is very important. It is the means by which those central banks protect the citizen against unfair treatment from other banks. Without according this privilege to the citizen it is idle to contend that this bank will equalize rates of interest in the different parts of the country. Not even the fact that the Government is required to deposit with this central bank hundreds of millions of the people's money each year, and that without interest or security, is considered a sufficient reason for allowing the citizen to deal with it. The Bank of France, when first organized, dealt only with the Government and the banks, but that has long since been changed. It must serve all alike and not a favored few.

From a study of the class of paper upon which money may be obtained from this central bank, it is apparent that not only is the public to be excluded from dealing with it, but the country banks are placed in very nearly the same position. It will be noticed that outside of Government and State bonds, which country banks seldom carry, there are only two classes of paper that can be discounted by a bank without the guarantee of a local association composed of not less than 10 banks with an aggregate capital and surplus of not less than $5,000,000, namely, certain notes and bills bearing two names, due in 28 days, and made not less than 30 days prior to the day of sale, and accepted bills of exchange due in 90 days bearing three names.

Very few country banks would have any considerable quantity of such 28-day paper, and if they did it would be quite useless to attempt to discount it. When a country bank needs to discount at all it nearly always requires a loan for a longer time. A sale of such paper would not ordinarily give 28 days, as a bank could seldom furnish a supply that would all mature in just that time. The average date of maturity would be nearer half that time, and as the bank selling has to indorse the paper it would have to repay the central bank as the paper became due to protect its indorsement and its customers. This would be a mere waste of time. Country banks deal in notes, and have, as a rule, few opportunities to obtain 90-day bills of exchange. Such a bill may be discounted the day it is made, while a promissory note, given for the same consideration, bearing the same responsible signatures, and in legal effect exactly the same, can not be discounted unless it is due in 28 days and was made not less than 30 days before the day of sale or is guaranteed by the local association.

To get these acceptances the banks in the large commercial cities will say to the wholesaler, the jobber, or the manufacturer: "We can not use your note. When you sell goods on

time you will have to ask the purchaser to accept a bill due in the future. With your indorsement we can sell that at the central bank and get money for 90 days; on your note we can only get money for 28 days, and then only after you have held that note for 30 days." This leaves the country bank with practically no opportunity to get money from the central bank. His only other chance is to secure the guarantee of his paper by the local association, but as this has to be paid for in addition to the discount on his note at the central bank and as an application for such a guarantee would probably be considered as a sign of weakness, he would no doubt have to depend for his accommodations upon some bank that could deal with this central bank. This advantage on the part of the banks in the large commercial centers would unavoidably give them control of the central bank; their influence over the country banks would easily be sufficient so as to permit them to name the officers. Once in the hands of a few large financial interests, rules could be adopted that might discriminate still more effectively against the country banks.

The plan of the Monetary Commission does not attempt to remedy the real defect in our banking system. The law permits the national banks not located in a reserve or central reserve city to deposit three-fifths of their reserves with banks in the central reserve cities, namely, New York, Chicago, and St. Louis. Banks in New York City bid for these deposits by paying interest upon them and then use these reserves in stock-exchange transactions of a character very close akin to gambling. When the banks that have made these deposits need their money it can not be returned if there is any unusual demand, as they are tied up in stocks and bonds that are not marketable.

The banks in New York City get the bulk of these deposits and have as to bank reserves the same duties to perform as have the central banks of Europe; but how do they perform that function? They hold close to $450,000,000 due to other banks, besides an enormous amount of other deposits. Six banks in New York held during the panic of 1907 more than $600,000,000 of deposits, of which more than half was due to other banks. These six banks held more deposits than the central banks of England, Germany, and France combined, and against these enormous liabilities they held less than half the reserves considered necessary in those countries, and assets, many of them, that those European banks dare not touch.

This plan provides for no change in this arrangement. The New York banks are still to continue to hold the same share of the reserves of other banks, and their business is to be in no wise limited or disturbed. This situation, created by a statute that in effect sends these bank deposits to New York—as that is the only place under the law where they can be kept and draw interest—has been the chief source of our troubles. When banks attempt to withdraw from New York any considerable part of these reserves it creates a money stringency, and if the withdrawal is unusually large it precipitates a panic. It is in this artificial, stilted credit system built upon these reserves that the danger exists. This is clearly shown in our past experiences. Every panic has started in New York, because of a lack of ability on the part of the New York banks to meet their obligations. A failure of the New York banks to pay necessarily involves every bank that has money on deposit with them, and so a panic in New York means a panic all over the country.

As a remedy against this situation it has been suggested that interest should not be permitted on bank reserves. This would tend to prevent the congestion of so large a part of these reserves in New York and thus lessen the danger of a country-wide panic when speculation runs riot there. But the chief merit of this suggestion is that the New York banks would not be compelled to make loans to earn the interest which they must pay in their competitive race for these deposits. They would then be able and might be required to hold larger reserves and conduct their business on safer lines. It is claimed that it would not be practicable for Congress to pass a law to prevent banks from paying interest on such deposits, because State banks would still continue the practice; but I can see no good reason why an excise tax could not be imposed upon all banks, State as well as national, that do not hold reserves such as Congress may prescribe and upon all deposits payable on demand subject to interest. Such tax could be made to effect the purpose.

Upon a comparison of our system of money and banking with the systems of the most successful countries of Europe I believe that the impartial observer will find that ours is far better adapted to our needs than any European system that we could import. Here a bank in a city or a village is owned and managed by the citizens of the place, who are interested not only in the bank, but also in the prosperity of the town, and consequently devote the money of the bank to the local needs of the community. The officers are often the leading men in their respective towns and among the most public-spirited. They are not, as most of the bank managers in Europe, mere agents, managing branches of some larger institution, controlled at a distance by men who do not know and care less about the place. The money controlled under a branch-bank system will go where it can earn the most without regard to other considerations. Our bankers have greatly aided us in building up our country. They know intimately the character of our business men and the needs of the communities they serve. They encourage local enterprise at a risk that no branch-bank system would tolerate.

Aside from this difference there is much more similarity between money and banking here and in Europe than the advocates of this plan would have us believe. Take, for instance, England. It has outstanding a small amount of uncovered bank notes; they are no safer, more flexible, or serviceable than ours. They are secured by an indebtedness from England to the Bank of England and by the assets of that bank, the same as our bank notes, which are issued by our Government, secured by Government bonds and the assets of the banks to which they are issued. The other bank notes of England are issued by this bank against gold, which it must hold dollar for dollar in its vaults. Our Government performs the function of issuing like notes, and against every one of them it holds its equivalent in gold. These notes, or gold certificates, as they are called, are in every way as good as the English bank note. These gold notes would be greatly weakened if the function of issuing them should be transferred to this central bank, as this bank is to hold only 50 per cent instead of dollar for dollar for their redemption, and instead of having back of them the Government of the United States this bank would promise to redeem them if one of its stockholders should ask for it. The German system is practically the same as that of England, except that the Bank of Germany may issue uncovered notes on the payment of a tax of 5 per cent per annum. In this respect it is more like our system than that of England.

Under what is known as the Vreeland-Aldrich Act—the act that created the Monetary Commission—authority was given to form currency associations, with power to issue bank notes guaranteed by the United States and all the banks in the association. These notes must be secured and are subject to a graduated tax. This act also allows an individual bank, without the guaranty of the currency association, to issue such notes against bonds other than bonds of the United States, but subject to a like tax. Currency associations have been organized and are prepared to issue bank notes at any time in case of real need. This gives to our currency much greater elasticity than that of England. It makes it possible for our banks to convert their assets into bank notes. This is the one thing for which the plan of the Monetary Commission is especially commended—the one and only feature of the plan guaranteed to cure panics. Without this power the central bank would be a wreck that even the rats would desert. Strange that those who favor this central bank do not appear to have heard of the currency associations; still, they would no doubt be every bit as effective against a panic as this central bank, and they are much safer, as they do not encourage panics by an overexpansion of currency and credits. It is for fear of encouraging such expansion that England has steadily refused to even provide for an emergency currency.

Most of those who are anxious for currency and banking reform appear to be chiefly concerned in the profits they hope to reap from tax-free notes. I want to be certain that reform means greater safety to the public and that the profit on uncovered notes goes to the Government. The act creating the currency associations provides for their termination in 1914. These associations should be continued, and, rather than the central bank, I would give them power to hold Government deposits and bank reserves. Let the banks guarantee and sell to them short-time commercial paper for notes of these associations, guaranteed by all the banks, like our emergency currency. Prevent the use of these notes as reserves and tax them like the German bank note, so they will only be issued during periods of great business activity. Let each association raise or lower the rate at which it may purchase paper or raise the interest on the notes to enable it to husband its resources. In lieu of interest on bank deposits payable on demand provide that the currency associations furnish to banks depositing with them exchange on other currency associations in some proportion to such deposits. The notes of a currency association would, aside from the paper for the purchase of which they may be issued, have behind them the Government and all the assets of all the banks in the association issuing them,

instead of the narrow foundation upon which is to rest the whole credit structure of the United States according to the plan of the Monetary Commission, namely, one-tenth of the capital stock of the banks that may become stockholders of the central bank. If the currency associations were given the powers I suggest, it would practically accomplish the legitimate objects sought by the Monetary Commission in the creation of a central bank, but it would not permit one section of this large country to dominate the destinies of the entire country. It would tend to build money centers in different sections capable of caring for the business of such sections.

I submit these observations because of the strenuous efforts that are being put forth to impose upon the country what seems to me a dangerous, utterly selfish, and un-American proposition.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, I desire to call the attention of the House to a very able paper on the subject of the water-front development of Hudson County, N. J.

Mr. John C. Payne, the author of this paper, is a civil engineer who has been identified with the professional life of New Jersey for the past 35 years. He is a well-known expert in litigation where engineering questions are in dispute. He has been honored by many appointments on commissions for the determination of questions of interest to the State. He was appointed by Gov. Edward C. Stokes as a member of a commission, of which ex-Gov. Franklin Murphy and ex-Gov. Foster M. Voorhees were members, to investigate and report on the whole subject of franchises granted by municipalities to public-utilities corporations. He was appointed by the court, together with ex-Gov. George T. Werts and Col. John J. Toffey, to appraise the value and damages to the terminal lands on the Hudson River of the Delaware, Lackawanna & Western Railroad Co. taken for and affected by the construction of the Hudson River tunnels of the Manhattan & Hudson River Railroad. He was appointed by Hon. Charles J. Parker, judge of the supreme court, a member of the Martin Act commission to adjust and levy the immense arrearage of taxes which had accumulated in Jersey City by reason of the failure of the citizens to pay and the inadequacy of the laws to enforce the collection of the same.

In 1876 Mr. Payne associated himself in the work of the riparian commission of the State of New Jersey with the Hon. Robert C. Bacot, the first engineer of the commission, who was appointed in 1864, and in the annual report of the State riparian commission to the governor of the State for the year 1907 the board made the following official and public recognition of the work of Mr. Payne:

The board desires to officially express its recognition of the fidelity and professional skill exercised by its secretary and engineer in the work of the commission.

Mr. John C. Payne has been associated with the work of the riparian commission for 30 years. He associated himself in 1877 with the Hon. Robert C. Bacot, the first engineer of the commission, appointed in 1864, and when Mr. Bacot, by reason of declining years, retired, in 1897, with honor and the respect of the commission and State, Mr. Payne succeeded him as secretary and engineer, and has continued as such until the present time; and the board takes pleasure in testifying to Mr. Payne's fidelity to the work of the commission and to the interests of the State committed to its care.

Mr. Payne is still the secretary and engineer of this important State commission, and attended the recent Eighth Annual Convention of the Rivers and Harbors Congress, at Washington, by appointemnt as a delegate by Hon. Woodrow Wilson, governor of New Jersey.

The paper referred to is as follows:

HUDSON COUNTY—ITS WATER-FRONT DEVELOPMENT.

Paper read before the Historical Society of Hudson County by John C. Payne, C. E., secretary and engineer of the Riparian Commission of the State of New Jersey, Thursday evening, March 25, 1909.

"Although our paper to-night has primarily to do with the development of the water front of Hudson County, I shall not attempt to go into the details of land transfers or the names of enterprises with useful but tiresome statistics which are the units that go to make up the grand sum of our worth; and I shall ask you to go with me to other parts of our State for some of the illustrations of the principles on which riparian interests are administered.

"Nor, indeed, shall I attempt to fully cover the ground of legal inquiry and decision of all the cases that have claimed the attention of our courts, for that would make my paper far too long, and my purpose is rather to attempt to give a general view of the principles upon which the water front of our county has been developed.

ORIGIN OF THE STATE'S TITLE.

"The title of the State to the lands flowed by tide water at mean high tide is as ancient as the discovery and conquest of the country, because it is founded on the ancient law.

"Briefly, the history of the discovery and occupation of this part of the country is:

"That in 1497 Jean and Sebastian Cabot, under commission of Henry VII of England, sailed along the coast of North America and claimed for their sovereign the entire country the shore of which they occasionally saw at a distance.

"In 1524 J. De Verrazzano, a Florentine, in the service of Francis I, King of France, is supposed to have visited the Bay of New York.

"In 1525 Estavan Gomez, a Portuguese, in the service of Emperor Charles V, visited the Bay of New York.

"In 1598 some Dutch, in the employ of the Greenland Co., came into the Bay of New York and erected a winter shelter and a fort for protection against the incursions of the Indians.

"In 1603 Henry IV of France, by virtue of the discoveries of De Verrazzano in 1524, above referred to, gave to Des Monts that portion of the country lying between the fortieth and forty-sixth degrees of north latitude. This included the greater part of New Jersey; but the grant of the French King was ignored by James I of England, who, in 1606, granted to the South Virginia, or London Co., and the North Virginia Co. practically the same land.

"From the time of the earliest discoveries up to the Revolution the occupation and control of this part of the country was passed back and forth among the Dutch, the French, the English, and the Indians, and an account of this period, as affecting the locality, will be found in the interesting papers already read to you by Dr. Brett and Mr. Daniel Van Winkle, of this society.

"The title of the State to the lands under water is founded on the ancient doctrine of the sovereignty of the King. The first diversion of the title of the King is that of the grant from Charles II to James, the Duke of York, March 12, 1664. This grant covered much of the land along the coast from Maryland to Maine, and on June 24, 1664, James, the Duke of York, sold to Berkeley and Carteret that part of the grant from King Charles of March 12, 1664, now known as New Jersey, and in 1676 New Jersey was divided into East and West Jersey and held by what were known as the lords proprietors.

"In the year 1702 these proprietors surrendered to Queen Anne all the rights of government held by them, reserving, however, the rights of property. The title to the soil of the tidal waters was not within the reservation, but again passed by the surrender of the government of the proprietors to the Crown of England.

"Thus the title to the lands under water, being vested in the King of Great Britain, at and before the Revolution of 1776 became vested by the law of nations and the right of conquest in the people of the then Colony and now State of New Jersey by the successful War of Independence.

"Previous to this time, however, what is known as the board of proprietors of East Jersey set up the claim of title to lands and lands under water under grants made March 12, 1664, and June 29, 1674, by Charles II of England to James, Duke of York, and by the latter to Sir George Carteret and John, Lord Berkeley, June 24, 1664, and July 29, 1674; and by the legal representatives of Sir George Carteret to the said board of proprietors, February 1 and 2, 1683; and by a confirmation of said board of proprietors, made by James, Duke of York, March 14, 1683; and by divers other instruments, Indian titles, and otherwise. They claimed to have been recognized as owners of the lands under water by express acts of the Colonial Government and to have made large numbers of grants of said lands.

"The proprietors' right of property in the lands above water was and is unquestioned, but that of their rights in lands under water has been the subject of much discussion and litigation. The decision, adverse to their rights, is the case of Martin *v.* Waddell (16 Pet., p. 367), by the majority of the judges of the United States Supreme Court, and has been generally accepted as a final settlement of the question; but the opinion of the minority of that court was so strongly in favor of the rights of the proprietors that it has left a lingering question in their minds, which occasionally finds expression in grants of lands flowed by tidewater, which grants, however, are not recognized by the authorities of the State of New Jersey.

"The original grant to the proprietors was in consideration of what they expressed as a 'competent sum of money,' and in addition to all the lands in the described boundaries gave

"All rivers, mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and hereditaments whatsoever.

"And I presume, on the strength of this wording, they based their claim of title to lands under water, which claim, however, has never been admitted by the State, but has been successfully contested.

"This title gave the proprietors rights in all the lands and general property in the Province, and also in the Government. The right of government was exercised until 1702, when it was surrendered to the Queen. The whole property was subject to the rights of its Indian owners, and the grant from the King gave the proprietors the exclusive privilege of purchasing from the Indians. (See William Penn and others on this subject, Gordon's New Jersey, pp. 40, 41.) This privilege, though contested in the earliest provincial courts, was always sustained, and at the session of the first legislature after the proprietors' surrender to the Government, the law first enacted was that 'for regulating the purchasing of lands from the Indians.' (Neville, p. 1.) This law forbid, with heavy penalty, any person purchasing lands from the Indians except by authority of the proprietors; declared all such purchases previously made illegal, and required the possessors to take title from the proprietors within six months thereafter.

"The Indians highly valued their rights of fishing, as the reference to them in their deeds of sale show; and the immense quantities of shells, piled in heaps at all convenient places along the shores, bear witness that they improved these rights to great profit. There are a hundred acres or more of land at South Amboy which are covered from 6 to 18 inches deep by these Indian shell deposits. The soil about Communipaw is full of them, and they can be seen all along the creeks and bays from South Amboy to Cape May.

"The proprietors purchased all these rights of the Indians and paid satisfactory prices for them. The purchases were generally made in tracts of a few square miles each, until nearly the whole State was covered by their deeds. Many of these deeds are recorded in the proprietors' books and in the secretary of state's office, and at an assembly of all the Indian tribes of New York, New Jersey, and Pennsylvania, held at Easton, Pa., from October 8 to 26, 1758, two deeds were executed by the Indians and their attorneys, one of which, by the Delawares, was for all the land south of a line drawn from Sandy Hook up the Raritan River and its north branch to the Alamatong (Lamington) Falls, and from thence crossing to the Delaware River at the Paoqualin Mountain (Water Gap). In this the boundary along tidewater is low-water mark. The other deed, executed by the Minisink and Pompton Indians, was for all that part of the State lying north of the above-mentioned division line and terminated at the north by a straight line drawn across the country from the mouth of Tapaan in latitude 41° north, on the Hudson, to Cochecton, in latitude 41° 40' north, on the Delaware.

GRANTS BY THE PROPRIETORS.

"Among the 'surveys' or grants to individuals, covered or partially covered by the tidewaters (the word 'survey' meaning a grant), made by the proprietors within Hudson County, was one in 1746 to 'Arch Kennedy, of Bedloes Island,' and on Holland's map of 1775 Bedloes Island is called 'Kennedy's Corporation.'

"Another 'survey' or grant by the proprietors, in Hudson County, in 1803, was to 'Elisha Boudinot, Budd tract, in Harsimus Cove.'

"In 1835 a 'survey' or grant in Communipaw Cove was made by the proprietors, of 'Black Tom,' which is now a part of the national docks warehouse enterprise.

"And as recently as March 4, 1880, the proprietors of East Jersey granted to George H. Cook the reef or island on which Robbins Reef Light stands; also the reef or shoal known as 'Oyster Island,' both in New York Bay.

"With these 'surveys' or grants of 'Robbins Reef' and 'Oyster Island' from the proprietors as a basis, application was made by George H. Cook to the State of New Jersey for a confirmatory title or the rights to the lands under water surrounding these 'surveys' as lands pertaining to riparian ownership, but the application was refused by the State, and no further claim has been made under these proprietors' 'surveys' or grants.

"It will be of interest to call attention here to the attitude of the United States Government toward the title of the State of New Jersey to its lands under water, and to the machinery of the State in conserving this relation:

"On March 16, 1875, the Legislature of New Jersey passed an act entitled 'An act authorizing the cession of jurisdiction and conveyance of lands of this State under tidal waters to the United States, to be used as sites for lighthouses, beacons, and other aids to navigation' (P. L., 1875, chap. 138, p. 28). This act provided that whenever the United States desired to acquire title to lands belonging to the State of New Jersey covered by the tidal waters, for the site of a lighthouse, beacon, or other aid to navigation, application might be made to the governor by a duly authorized agent of the United States, describing the site required; and that thereupon the governor was authorized and empowered to direct the riparian commission to make a survey and map and report the same to him; whereupon the governor was to convey the title of said lands to the United States Government upon such terms and conditions as might be agreed upon. The act provided further that no single tract thus conveyed should contain more than 10 acres, and that the State of New Jersey should retain concurrent jurisdiction over the same, so that all process, civil or criminal, issuing under the authority of this State might be executed by the proper officers upon any person or persons amenable to the same within the limits of the lands granted; and provided further that no part of such lands so granted should be used for quarantine purposes; and providing, finally, for the reversion of the lands to the State upon the discontinuance of their use by the Government for the purposes for which they were ceded.

"It was under this act and without regard to the grant by the proprietors to George H. Cook of the site of Robbins Reef Lighthouse, that is so attractive and prominent a feature of the shores of our country to its citizens returning from Europe, that the State of New Jersey, upon an application made by the United States Government in 1880, through its governor, then Gen. George B. McClellan, granted the rights to the United States Government, which accepted the same, thus putting the stamp of approval or confirmation upon the title of New Jersey to these lands under water as paramount to that of the proprietors.

"It will be noticed that the procedure for the United States to follow in acquiring lands of the State for lighthouse purposes is different to that of the Government or an individual in acquiring lands of the State for commercial uses. In the latter case application is made directly to the riparian commission, who pass upon the same, subject to the approval of the governor. It would be interesting to know what was in the minds of the legislature of 1875, when this act was passed.

"And further, in confirmation of this attitude or acceptance by the United States Government of the paramount title of the State of New Jersey to lands flowed by tidewater at mean high tide, it is interesting to note that in 1901 an application was made by parties interested in the exploitation of a scheme of development of certain lands under water lying about midway between Ellis and Bedloes Islands, in New York Bay, asking the State of New Jersey for a grant of the State's title to these lands. The State of New Jersey applied to the War Department for approval of the lines defining this development.

"The War Department declined to approve such lines on the ground that the rights and necessities of commerce would not permit of the construction in question, and adding that the United States Government, owning Bedloe and Ellis Islands, and using them for national purposes, were entitled to whatever rights and privileges belonged to riparian owners in the lands under water around and between these islands, and stating that it was not only possible, but probable that, in the near future, the United States might wish to use these lands for public purposes. This seemed like an intimation on the part of the Government of ownership or control; whereupon, the riparian commission inquired of the Secretary of War—

"Whether the Federal authorities claimed ownership in the lands under water in New York Bay, surrounding Ellis and Bedloe Islands, so that they may appropriate the same to the uses of the United States Government without making application therefor to the State of New Jersey.

"The answer of the Government, through the Secretary of War, is as follows:

"In reply I beg to state that the action of the Secretary of War, which was communicated to the riparian commission of New Jersey, was simply the modification of the harbor lines around Ellis Island, by extending the pier and bulkhead lines in accordance with the request of the Secretary of the Treasury. This action was no assertion of title of ownership in the lands under water, but simply a regulation of its use with regard to the navigable waterway and the interests of commerce.

"An interesting instance of the exercise of the claim of the proprietors to lands flowed by tidewater, came under the notice of the State authorities some few years ago, when two gentle and amiable ministers of the Gospel, hailing from that city noted for gentle and amiable citizens, appeared with a petition for the right to occupy part of an island in the lower tidal waters of the State; and the language of the petition is so unworldly, it may be of interest to quote it:

PETITION TO PURCHASE A CERTAIN MARSH ISLAND WEST OF HOLLY BEACH INLET, CAPE MAY COUNTY, STATE OF NEW JERSEY.

"To the honorable the riparian commission of the State of New Jersey:

"The petition respectfully represents—

"1. That your said petitioners are citizens of the United States and of the State of Pennsylvania, residing in the city and county of Philadelphia.

"2. That in March of the year 1902 while spending some time at Holly Beach, in the county of Cape May, State of New Jersey, noticing

with favor a portion of unoccupied marsh island bordering the west edge of the first main channel west of Holly Beach, across which said island the county bridge from Holly Beach to Rio Grande (now completed), was then building, they, the said petitioners, did stake off and apportion to themselves on the aforesaid marsh island, portions of the same for the purpose of erecting thereon summer cottages for the use of themselves and families.

"3. That your said petitioners, pursuant to their first intention, have erected on the said portions of the said marsh island cottages as aforesaid, and also have interested other persons to do the same.

"4. That the said petitioners have rendered the said portion of marsh island accessible and desirable for occupation by certain improvements, the cost of which they have borne, among which is a substantial footwalk bridge 250 feet or more in length.

"5. That the said petitioners having been the pioneers and originators of this colony, desire to secure the said marsh island for settlement by respectable settlers, and for the protection of those persons already settled thereon, and to that end have had the said marsh island surveyed, a plan of which survey, together with a description of the same, is hereunto affixed and marked with the letter 'A,' and made part of this petition.

"6. That the said marsh island is not improved land of the State, nor is it included within any lands designated for improvement, but it is wholly covered by from 2 to 3 feet of salt water every ordinary tide, and is a mud flat covered with sedge grass at low tide.

"7. That your petitioners desire your honorable commission to fix such reasonable and just price as may be deemed proper for said marsh island, upon payment of which by your petitioners a clear and defeasible title thereto may be granted them.

"8. That your petitioners desire your honorable commission to fix a time and place when and where they may appear and be heard regarding this petition for purchase, and such other privileges as your honorable commission may deem fitting.

"And your petitioners will ever pray, etc.

"It just happened that at the time the newspaper men were devoting some attention to this department of the State. Anyone who has had experience with the young gentlemen who write up the daily news knows what an energetic and enterprising lot of young men they are; how cleverly, out of little, they can build an ornamental and attractive structure.

"The newspaper men got hold of this unique case, and in the papers appeared such head lines as these:

"Baptist ministers seize a New Jersey island—They noticed it with favor and so they simply swiped it—Will trust in God and Senator Hand," etc.—

"and wrote the matter up in the following facetious way, which cleverly contained very much of truth:

"Each one of the four riparian commissioners of this State at their meeting this morning sat bolt upright in his chair and gasped in utter astonishment as two Philadelphia Baptist ministers, with much washing of hands with invisible soap and unctuous tones, gently preferred the modest request that the board should give them the title to an island in Cape May County, which the reverend gentlemen had, as they felicitously termed it, 'noticed with favor,' and quietly preempted it, without so much as by your leave gentleman of the State of New Jersey.

"'Eh?' said the chairman.

"'What?' ejaculated the board's counsel, horrified.

"'Bless me!' exclaimed another commissioner.

"'Dangerous precedent,' observed the secretary, 'for instance, if some one should notice with favor my house, what then?'

"To make matters all the more complicated behind the ministers sat Senator Robert E. Hand, of Cape May County, who had before the board an application for the very identical island, too. Genial Bob, quietly enjoying a 'chaw,' listened blandly to the ministers' arguments and regarded the entire proceedings as a huge joke. His application was in first, and since truth must be told, Bob, to use a well-known metaphor, had neatly euchred the ministers. Bit by bit the commissioners were put in possession of the facts of a very singular case, the beginning of which is best told in the ministers' own refreshing language, as set forth above.

"So like the Israelites of old, these Philadelphia ministerial pioneers found a promised land, and they rushed back to their kith and kin in far away sleepy Philadelphia and conveyed to them the glad tidings. They engaged the services of Robert E. Hand, a guileless dock builder, oyster planter, general contractor, and everything else in Cape May, to set the pilings for the cottages. Bob was only too delighted, and very soon there was a small colony of the elect of Philadelphia on stilts. But Bob, like Dickens's famous character, Joey B., 'was sly, devilish sly,' and when he found that the worthy colonists had no title to their land, he resolved to put that right by asking one in his own name, doubtlessly for the purpose afterwards of making the ministers a present of it.

"While this was being done, the secretary had everything not screwed down in the offices, which might be 'noticed with favor' removed to an inner room." (This was the facetia of the newspapers.)

"The fact in the case was that the east Jersey proprietors had made a grant to one of the parties, although, as stated in the petition, 'the Marsh Island is wholly covered by from 2 to 3 feet of salt water at every ordinary tide.' The conclusion of this matter was that the grant by the proprietors was ignored by the State, and these amiable ministers, who were most admirable gentlemen, were confirmed by the State in their title to the little Venice they had 'noticed with favor.'

STATE BOUNDARY LINE.

"Reference was made to a survey or grant by the proprietors in 1746 of Bedloes Island, in Hudson County, to Kennedy. Apprehending it may be questioned by some that Bedloes Island was and is in Hudson County, a brief history of the determination and location of the boundary line between New Jersey and New York will be of interest:

"The exact definition of the boundary line between New York and New Jersey seems not to have interested the earlier inhabitants of these two States, and so apparently unimportant an incident or industry as that of gathering oysters and other shellfish from the waters of Raritan Bay is responsible for the determination and finally the actual location of this boundary line.

"The value of lands under water in Raritan Bay was recognized early in the last century. Raritan Bay is a shallow, land-locked body of water, subject to the ebb and flow of ocean tides and fed by many fresh water streams, possessing every requisite necessary for the successful and profitable cultivation of shellfish.

"Beds of natural growth, where oysters and clams grew in great abundance, were found by the early settlers, and for a long time these proved sufficient to supply the wants of the scanty population. The rapid growth of population and the apparent danger of depletion from overfishing soon rendered artificial propagation necessary, and about the year 1810, the first oysters were planted and cultivated in Raritan Bay.

"At first all the land under water in Raritan Bay was considered as common to the residents of both States, and no attempt was made to divide them according to State lines, and not until the industry began to grow in importance, and the land consequently to increase in value, did local jealousies and disputes arise between the citizens of New York and New Jersey.

"These disputes soon grew to be of a serious nature, and sometimes ended in bloodshed. * * * Especially was this so after the legislature of each State had made it a misdemeanor for citizens to take or cultivate oysters in the waters of the other State, and in 1834 a treaty or compact was entered into by the two States in which it was agreed that 'the boundary line between the States of New York and New Jersey shall be the middle of the Hudson River, of the Bay of New York, of the water between Staten Island and New Jersey and of Raritan Bay to the main sea.' This agreement was entered into on September 16, 1833, and confirmed by the Legislature of New York February 5, 1834; by the Legislature of New Jersey February 26, 1834; and approved by the Congress of the United States June 28, 1834. This, though vague, was sufficiently definite for a long time, but the rapidly increasing number of planters and the great demand for oyster lands soon led to the occupation of the lands in the most valuable part of the bay. The indefinite nature of the description of the boundary line given in the agreement of 1834 became a source of constant dispute, and in 1886, pursuant to a joint resolution of the legislature, Gov. Green appointed Robert C. Bacot, A. B. Stoney, and George H. Cook a commission on the part of New Jersey to cooperate with a similar commission on the part of the State of New York to locate and mark out in Raritan Bay the line of 1834. The commission concluded its work and made its report to the governor on December 20, 1887.

"The work of this commission was so satisfactory that it was continued to definitely locate and mark out the boundary between the States in Staten Island Sound, Kill von Kull, New York Bay, and the Hudson River. It was in the latter part of this commission work that the Hon. Robert C. Bacot, who was chairman of the commission on the part of New Jersey, as well as the engineer of the riparian commission, clung so tenaciously and successfully to the contention that the treaty of 1834 fixed the middle of the channel of New York Bay, and not the middle of the area of the waters of the bay, as the boundary line, as contended for by the New York State commissioners. This resulted in giving to the State of New Jersey not only a greater area of land under water, but in fixing the boundary line in the center of the deep-water channel, and placing Ellis and Bedloe's Islands, as well as Oyster and Robbins Reef, within the State of New Jersey and in Hudson County.

"A curious and amusing incident occurred off the shores of Greenville about the year 1875:

"The State of New Jersey had made a grant of lands under water in New York Bay, opposite the shores of Greenville, the grant extending some 3,000 feet into the waters of the bay. The grantees had proceeded to bulkhead the outer end of this tract and to fill it in with refuse from the city of New York. This in time came to be a great nuisance, as the malodors arising from the effect of the summer sun were wafted by the prevailing southeasterly breezes of summer to the then bucolic residents of the sylvan shores of Greenville. They protested, but the protests were not loud enough to reach over the intervening half a mile of water from their shores to the offending filling. And so the aid of the law was invoked for relief, and the late Charles H. Winfield, that eloquent practitioner of the law, was employed to secure, through the courts, relief for our citizens.

"In the trial of the case the defense was set up by the offending parties, under that ancient and exploded theory that the city of New York controlled the waters of the Bay of New

York to the New Jersey shore, and disregarding also the fact that they had accepted the title and paid the State of New Jersey for the lands in question, that the Greenvillians were not entitled to any relief, as the offense they complained of was within the jurisdiction of New York and not of New Jersey.

"Mr. Winfield, resourceful in repartee, as well as in law, replied to the court, with convincing effect, that leaving out the question whether the locus of the filling was in New York or New Jersey, there was no question that the odors were in New Jersey, and that they were indicting the odors and demanded relief. The court took that view of it and afforded the relief asked for.

"The examination and care of the monuments marking the boundary line of the State is one of the many duties devolving upon the riparian commission of the State. By act of April 4, 1891 (P. L., 1891, p. 324), the riparian commission is authorized and directed to cause an examination of the monuments and to report to the legislature their condition, and to make necessary repairs, etc.

STATE CONTROL OF ITS RIPARIAN LANDS.

"No particular supervision or control seems to have been exercised by the State over its lands under water until 1851, when the legislature passed what is known as the wharf act, to which I shall refer later, entitled 'An act to authorize the owners of lands upon tidewaters to build wharves in front of the same.' (P. L., 1851, p. 335.)

"It appears, however, that since the beginning of the nineteenth century the legislature of the State of New Jersey has from time to time made grants, the more important of which were located under the waters of the Hudson River and New York Bay.

"In 1802 a conditional grant of 2 acres was made to Nathaniel Budd, which was a small part of the grant by the proprietors to Elisha Boudinot in 1803. (This grant by the proprietors covered about 53½ acres of land under water, and lay between Fourth and Twelfth Streets in Jersey City, Pavonia Avenue running about through the center of it.)

"In 1804 a grant was made to the associates of the Jersey Co., covering practically the land under water in front of the southern part of old Jersey City. A map in a good state of preservation is still in existence, showing the Hudson River water front from Harsimus or First Street south to South Street or the Morris Canal Basin. It is a map advertising the sale of this property, and has an interesting engraving of the water front of Jersey City, showing the old Pennsylvania station and ferry slips, the Cunard docks, with the single smokestack, side-wheel steamers, partly square rigged as sailing vessels, and also, approaching the slip, an old-fashioned walking-beam ferryboat, with the name *D. S. Gregory* on the paddle box.

"In the background appears the roof and spire of the old Washington Street Presbyterian Church, of which, within the memory of many still living, Dr. Imbrie was the pastor.

"This church enjoyed the unique distinction of having been transported piecemeal from where it originally stood on Wall Street, New York City, across the river and reerected in substantially its original form. It stood on the east side of Washington Street, adjoining the park on its southerly side and nearly opposite the Gregory homestead. One of the Gregory boys was the organist in the church, and the writer of this paper, when a young man, sang in the choir. It was out of no disrespect to the amiable and able pastor, Dr. Imbrie, that at the beginning of the sermon on warm summer mornings a part of the choir would silently steal down the stairs from the organ loft and seat themselves under the peaceful shade of the trees in the park, hearing, if not listening to, the voice of the earnest old doctor, as it came through the windows until warned by its cessation that the time had come to resume their places and part in the service.

"This church was subsequently torn down and apartment houses erected on its site.

"The legend on the map in question reads as follows:

"David Scott, auctioneer. Map of valuable property in Jersey City, belonging to the associates of the Jersey Co. and others. Sixty lots in blocks C to I, fronting on and extended 150 feet east from Hudson Street, will be sold at public auction in Jersey City on Wednesday the 24th June, 1857, at 2 o'clock p. m.

"The side-wheel, square rigged, ocean steamships shown in the engraving of 1857 are interestingly foreshadowed in the following act of the Legislature of New Jersey, passed in 1848 (P. L., 1848, p. 256), as follows:

"Relative to the pilot laws of the United States.

"1. *Be it resolved by the Senate and General Assembly of the State of New Jersey*, That the passage of the act of March 2, 1837, by Congress, by which the business of pilotage in the bays and harbors adjoining this State and the State of New York was thrown open to citizens of this State appointed as pilots under our laws was an act of justice to the State of New Jersey and loudly called for by the appalling disasters upon our coasts, which before that time continued to occur in quick succession.

"2. *And be it resolved*, That the results of the experience of the last 10 years, the greatly diminished number of wrecks of vessels approaching our shores, the superior vigilance and care of the New Jersey pilots, the danger of a renewal of the melancholy scenes and loss of life which attended the wrecks of the *Mexico* and *Bristol*, the impolicy and injustice of again erecting a monopoly, encouraging criminal remissness on the part of the pilots, all combine to furnish an unanswerable argument against the repeal of the present law.

"3. *And be it resolved*, That the recent establishment of a line of ocean steamships from Great Britain, whose terminus is at the port of Jersey City, furnishes an additional argument against the repeal of that act.

"4. *And be it resolved*, That the governor of this State be requested to forward a copy of the foregoing resolutions to our Senators and Representatives in Congress.

"Approved February 11, 1848.

"In 1836 the State made a grant to Nathaniel Budd of the entire 53½ acres lying on the Hudson River between Fourth and Twelfth Streets in Jersey City, practically the same tract granted by the proprietors to Boudinot in 1803.

"In 1838 the State made a grant to the Hoboken Land & Improvement Co. practically covering all the land under water in front of Hoboken.

"In 1848 the State made a grant to Stephen Vreeland covering land under water adjacent to Caven Point.

"In 1849 a grant was made to Ingham & Jenkins covering lands under water at Bergen Point.

"In 1869 a grant was made to the United New Jersey Railroad and Canal Cos., which is known as the Pennsylvania Railroad, of lands under water in front of the Pennsylvania Railroad Co.'s property.

"After March 31, 1869, the control and administration of the riparian interests of the State was placed in the hands of commissioners appointed by the governor and confirmed by the Senate.

THE WHARF ACT.

"In 1851 the authorities of the State seem to have recognized the necessity of placing the supervision and control of the construction of wharves or docks in the hands of the local authorities affected by these improvements, and on March 18, 1851 (P. L. 1851, p. 335), the legislature passed what is known as the wharf act.

"This act gave the shore owner the authority to build docks or wharves in front of his lands and outlined the necessary procedure to be followed in obtaining the right to do so. It set forth that any owner of lands situated on tidewaters who might desire to build a dock or wharf to extend beyond the limits of ordinary low water should first obtain a license for that purpose from the board of chosen freeholders of the county in which the lands might lie; it provided that applications should be advertised in a newspaper published in the county, and, as throwing a little light on the advance we have made, provided that in the event of a county in which no newspaper was published that the notice might be published in the paper of an adjoining county. This notice was to be published for six weeks and was to be put up in five of the most public places in the neighborhood of the lands in question, and the notice was to specify the location and dimensions of the dock or wharf intended to be built. The freeholders, upon proof of these formalities having been complied with, were to make an examination and if, in their judgment, the improvement did not appear to be injurious to public navigation, and after giving opportunity to those opposed to be heard, granted the license sought.

"This license was to specify the limits of the improvement, be recorded in the minutes of the freeholders, and recorded in the clerk's office of the county.

"It was also provided that the dock in question should be built within five years of the time of issuing said license and that the rights to the same should thereafter be vested in the shore owner, and contained an interesting provision that it should not be assignable, except with and as pertaining to the land in front of which it was constructed, and that it should pass by any sale of said lands as appurtenant to the same, thus clearly being a recognition of the inherent right in the shore owner to the uses and advantages of the waterway.

"It was also provided that in case of an owner situated on tidewater, which was a boundary line between two counties, practically the same procedure should be gone through with by the freeholders of both counties.

"There were other provisions which are more in the nature of details and not interesting in this connection.

"It is of interest, however, to note that the legislature in 1851 defined the terms used in the act, and the eleventh section is as follows:

"*And be it enacted*, That the term 'shore' in this act shall be construed to mean the land between the limits of ordinary high and low water; the term 'shore line' to mean the edge of the water at ordinary high water; and the term 'shore owner' to mean the owner of the lands above and adjoining the shore line.

"This act applied to the entire State, of course, and numerous docks were built under it, perhaps a greater number in Essex, Hudson, and Union Counties than in any other riparian counties of the State.

"No compensation to the State appears to have been provided for in the act, and what the expenses were to these shore owners in acquiring their licenses is a matter known only to the parties interested. There was much good-natured gossip on this question; without doubt the committee of the freeholders appointed to examine the locality of the dock applied for was hospitably treated by the applicant. There is no reason to doubt that the applicant provided glasses through which a view, favorable to his application, might be obtained by the freeholders, and, as was the custom in those days of few hotels and less expeditious means of travel, the comfort of the visiting freeholders was looked after as a matter of kindly hospitality, if nothing else.

"A former governor of this State upon applying as counsel for the full right of the State to land on which existed a dock built under one of these freeholders' licenses was asked by the State representatives if he knew what the license the owner had obtained from the freeholder had cost him. The ex-governor, who was known for his genial nature, smiled in a reminiscent way, shaking his head, and said he could not tell.

"In 1869 the supplement to the act of 1864, creating the riparian commission, was passed, and the wharf act of 1851 was repealed so far as it applied to the waters of the Hudson River, New York Bay, and Kill von Kull (to Enyards Dock on the Kill von Kull), Enyards Dock being about at the foot of Ingham Avenue and Bayonne.

"Attempts were made thereafter to continue the work of construction under freeholders' licenses, but the State objected and commenced suit to prevent this being done and was successful in its endeavors.

"The freeholders continued to have authority to grant licenses in the rest of the riparian counties of the State until July 1, 1891, but on March 20, 1891, an act was passed repealing the wharf act as to the entire State, provision being made in such repeal that the freeholders might continue to exercise their authority under the act of 1851 until July 1, 1891, and the further condition that any reclamation authorized under such licenses should be completed before January 1, 1892. So that, notice being served on the shore owners by the act of March 20, 1891, that the wharf act was to go out of use on July 1, 1891, a great rush was made in the intervening three months, particularly in Hudson, Union, and Middlesex Counties, to secure these licenses, and there being but six months between July 1, 1891, and January 1, 1892, within which to complete any structures authorized, expedients were resorted to in an attempt to comply with the provisions of the wharf act of 1851, and the holders of these licenses hastened to make reclamation of the lands under water, so as to come within the provisions of the act. These improvements consisted, in many instances, and in most instances, of simply placing piles or monuments at intervals along the land covered by their respective licenses. In many instances these piles were strung along, covering spaces of from 100 to 3,000 feet. In some instances some form of construction was attempted, such as piles connected by a stringpiece; in others a double row of piling had been driven, capped, and planked.

"Neither this form of construction nor the method of obtaining the licenses conformed with the requirements of the act of 1851, and a case was brought to issue in 1894 to test the questions involved.

"A landowner in 1891 had secured one of these licenses from the freeholders and had driven a line of piling, as above described, and then sold the land with this license and this construction attached. The purchaser then proceeded to build a substantial and usable dock under color of title by this license and reclamation. The State thereupon, through the attorney general, filed an information to compel the removal of the dock erected by the owner as an encroachment upon lands of the State. After a careful presentation of the case on the part of the State and of the landowner, the court decreed that the land in question was located on lands of the State, without the authority of the State, and was therefore decreed to be a purpresture upon the lands of the State, and that the landowner should cause the removal of the same; also, that the landowner should pay the costs of suit. This case is that of The State, Attorney General, informant, *v.* The American Lucol Co.

"This finally disposed of the question, both of the right of the freeholders to grant licenses and the character of the improvements to be made under the same, and although the right to the use and continuance of a specific dock, properly built under freeholders' license is not questioned, it is not the title of the State, and when conveyance of shore-front property is now made the full title of the State is sought.

"In 1864 (P. L., 1864, p. 781) the legislature appointed a commission to look into the subject of the riparian rights of the State, and in 1865 this commission made a report. In 1869 (P. L., 1869, p. 1017) the act was passed creating the riparian commission and repealing the wharf act as to the Hudson River, New York Bay, and Kill van Kull. In 1891 (P. L., 1891, p. 216) the wharf act was repealed as to the rest of the tidal waters of the State, and thereafter the riparian commission was the only source through which riparian grants were made.

"The fact of the absolute ownership of the State in these lands under water was not acquiesced in by all of the legal authorities.

"In 1864, when the legislature was questioning the more methodical administration of these lands, the opinion of legal authorities was sought as to the rights of the State; and while most of the authorities agreed that the State's title was absolute, Hon. F. T. Frelinghuysen, attorney general of the State, in an opinion given to the senate on the question as to whether the State had a right to dispose of the lands under water adjoining the shore to other than riparian owners, after careful reasoning and citing of cases, concludes:

"That the State can not authorize another than the riparian owner to interpose between him and tidewater and can not take the shore between high and low water mark for public use without giving compensation.

"The present rule and practice is that the State may consider the application of a nonriparian owner after the riparian owner has had six months' time within which to make the application himself; but the act of March 31, 1869, provides that a grantee who is not the owner of the ripa—

"shall not fill up or improve said lands under water until the rights and interest of the riparian owner in said lands under water (if any he has) shall be extinguished—

"and this is followed by the method of procedure to conserve his rights.

"The act of March 20, 1891, however, provides that the owner of the ripa shall have six months' notice of the application of a nonriparian owner, but makes no mention of the 'rights and interest (if any he has)' in the lands under water applied for.

"It would seem as though the owner of lands fronting or bounding on a tidal stream had some rights of access to and use of the water, which he could not be deprived of without due process and compensation. Gov. Marcus L. Ward, on April 11, 1864 (Legal Documents, 1867, p. 25), in filing, without his approval, a bill granting certain lands under water in the 'South Cove' to Mathiessen & Wiechers Sugar Refining Co., on the ground that the company were not the owners of the ripa, used the following language:

"It appears to me that the owners of lands adjacent to tidewaters have a better right to those waters for certain purposes than other citizens of the Nation. It would create consternation among the owners of such lands through (sic) the State to learn that no respect whatever was to be paid to the advantages derived from their adjacency to tidewater.

"This inherent right in the upland or shore owner is recognized by the State of Pennsylvania: By act approved June 8, 1907, a 'board of commissioners of navigation for the River Delaware and its navigable tributaries' was established, and the law and practice of the State is expressed by the board as follows:

"It has never been the practice in Pennsylvania to distinguish riparian rights from other rights connected with the land; owning to the water line, the owner has the use of the water, just as the owner of land abutting on a street has the use of a street.

"The contrary view seems to be supported by a decision of the court of errors and appeals in this State in the case of Stevens *v.* The Paterson & Newark Railroad Co. (5 Vroom, 532), but a writer in a report to the Legislature of New Jersey, in 1883, furnishes the following interesting statement of fact and citation of cases in relation to the ground for this decision:

"We desire it understood that we should not assume to sit in review upon any decision of that court if we conceived that the court itself would still adhere to the decision then made, but the circumstances are such as to lead to the inevitable conclusion that the court which decided the Stevens case would overrule that decision were the opportunity to present itself. That case was decided in the year 1870, and the point was determined upon legal authorities cited by the learned chief justice who delivered the majority opinion. Reference was made to the case of Gould *v.* Hudson River Railroad Co. (N. Y.) (2 Seld., 522), and so far as the court was controlled by the American decisions it is safe to say that it made the case of Gould a leading authority. But it is perfectly clear that the court sought to ascertain and determined to declare in favor of the English rule of law upon the point as to the right of the shore owner. In ascertaining the rule of law upon that point as applied by the English courts our courts cited and mainly relied upon the case of Buccleuch *v.* The Metropolitan Board of Works, decided by the English Court of Exchequer, the decision of which came to hand while our court was considering of its decision in the Stevens case. That decision of the exchequer court was adverse to the right of the shore owner, and being then unreversed, was treated by our court as properly stating the English rule of law upon that point; and upon

this the Stevens case was decided adversely to the right of the shore owner. Chancellor Zabriskie, who took part, however, rendered a very elaborate dissenting opinion, in which he held that the riparian proprietor had a right to the natural privileges conferred on his land of which he could not be deprived even by the State without due compensation.

"After the decision of the Stevens case by our court upon the strength of the case of Buccleuch *v.* The Metropolitan Board of Works, as determined in the court of exchequer, an appeal was taken in the latter case to the House of Lords, and after elaborate argument the decision of the exchequer court was on April 30, 1872, reversed and the right of the shore owner established by the highest court of England. (Law Repts. 5 (House of Lords), 418.) It may be well for us to see just what the House of Lords there decided. The case arose as follows: The Duke of Buccleuch was the owner of a lease and in possession of Montagu House, which had an ornamental garden in its rear which adjoined the River Thames, and the natural flow of the water at high tide brought it up to his garden wall—the frontage of the garden on the river was 145 feet. The metropolitan board of works, under authority of Parliament, constructed an embankment along the River Thames which cut off the flow of the water to the Duke's garden. We now cite some of the propositions stated by the judges in the House of Lords:

"'The Duke was entitled as riparian owner to the regular flow of the water all along the extremity of his garden. * * * Now, the deprivation of the water right is clearly an injurious affecting of the premises to which it is annexed within the proper meaning of the term.

"'No doubt has been entertained by any of the judges who have had to consider this case that the plaintiff is entitled to compensation in respect to the taking of his causeway and the consequent injury to his property by depriving it of the direct access which that afforded to the Thames. * * * The plaintiff, as owner of land abutting on a navigable river, was entitled to a right of access to the stream along his whole frontage, and not merely at the spot where his jetty projected. * * * The Duke had the land constituting the residence Montagu House, with the courtyard, offices, and garden attached, and had annexed and appurtenant to it the jetty or landing place, and although he had not the bed of the river, he had the easement or right or privilege, by whatever name it may be called, of the flow of the River Thames in its natural channel up to his garden wall. He had one entire thing. He had not the land alone, or the jetty alone, or the right of the flow of the water of the river alone; he had all combined together; and if anyone had done an act injurious to the land or the jetty or to the right to the flow of the water, he would have had a legal right of action against him. If the owner of the soil of the bed of the river or anyone else had constructed an embankment and roadway upon the jetty or landing place, so as to shut out the Duke's premises from the river, he could have maintained an action against him for two causes: First, for destroying his jetty; secondly, for depriving him of his riparian right. * * * The property of the plaintiff in error in this case was what is commonly called riparian property. The meaning of that is that it had a water frontage. The meaning of its having a water frontage was this, that it had a right to the undisturbed flow of the river, which passed along the whole frontage of the property in the form in which it had been formerly accustomed to pass. That being the state of things, this water frontage, with these rights which the plaintiff in error possessed, were taken for the purposes of the act. Beyond all doubt the water right was a property belonging to the plaintiff, for which compensation was to be made.'

"And the writer goes on to cite other English cases to the same effect, and states that the American rule as determined by the Supreme Court of the United States is in full accord with the principles laid down in the English cases cited, following this assertion with references to a great number of adjudicated cases, and concludes as follows: The conclusion is that these decisions of the highest tribunals, both in England and in this country, have wholly subverted the rule laid down in the Stevens case, and affirmed that the shore owner has such a vested right to have the water flow to his ripa as he can not be divested of by the State without the exercise of eminent domain.

"I am bound to admit, however, that the decision in the case of the Mayor and Council of the City of Hoboken *v.* Pennsylvania R. R. Co. (124 U. S., p. 656) is rather disconcerting to this view. The syllabus in this case holds generally that:

"The act of March 31, 1869, is not objectionable under the State constitution on account of its title, that the interest of the State in the riparian lands is a distinct and separate estate, and that a State's grantee holds the exclusive title against the adverse claim of right of way by a municipality by virtue of an original dedication to high-water mark.

"Although there have been cases in New Jersey where application has been made to the State by a nonriparian owner, the question of the equity of the riparian owner has never been passed on by the riparian commission, for the reason that in some of these cases the application has been made with the consent of the riparian owner, and in others the riparian owner has, before the expiration of the six months, availed himself of his right and presented his own application, so that the question of the rights or equity of the shore owner has not arisen.

"Hon. Abraham Browning, Cortland Parker, and George M. Robeson agreed practically that the State had the right to dispose of these lands under water without regard to the owner of the upland in front of which they were situated; and yet, running through the reasoning and decision of all these men is a recognition that up to 1851 the shore owner, under what was called the 'common law,' had certain courtesies or rights, and these rights have been recognized in the decisions of the courts to the extent that any reclamation of lands under water between high and low water line, made previous to the year 1869, vested the title to such lands in the riparian owner.

"This custom or principle was affirmed in the great case of the Trustees of the School Fund and the Lehigh Valley Railroad *v.* The Central Railroad Co. of New Jersey, in the following manner:

"About the year 1863 the Central Railroad Co. bought the fringe of the shore, or a strip 3 feet in width, all the way from about where the old abattoir stood on the shore at Lafayette around, to, and across the mouth of Mill Creek, to about Warren Street in Jersey City, and under this ownership, as well as under a claim of right through its charter, proceeded to construct, by building on a trestle, a railroad, which is still the line of the Central Railroad, to the Central Railroad Ferry, and also proceeded to fill in a considerable part of what is known as the South Cove or Communipaw Bay.

"In 1865 the commission appointed to examine into the subject of riparian rights and to submit maps submitted a map showing certain basins and lines for improvements in these same waters. The Central Railroad Co., disregarding these lines, proceeded with improvements and developed and filled in large areas.

"In 1872 the riparian commission, by direction of the legislature, granted to the New Jersey West Line Railroad Co., to whose title and charter the Lehigh Valley Railroad Co. had succeeded, a block of land some 500 feet in width by about 4,000 feet in length, running through the heart or axis of the lands under water afterwards granted to the Central Railroad Co., about one-half the area of which had been, up to that time, bulkheaded and filled in by the Central Railroad Co.

"Now this block of land, 500 feet wide by 4,000 feet long, was in front of upland to which the New Jersey West Line Railroad Co. neither had, nor claimed to have, any title, but was granted on the assumption that the State was the absolute owner of its lands under water, and without the courtesy of the six months' notice provided for in the act of 1869; but I have an impression that the rights or claims of the Van Horne family, who owned most of the upland in front of which this land under water lay, were satisfied or quieted.

"The Central Railroad Co., which had been requested and pressed by the State authorities to either desist from filling in these lands under water or to apply to the State for a proper grant for the same, did apply in 1874, and a grant was made in that year to the Central Railroad Co. for $300,000, of all the lands under water in Communipaw Cove and New York Bay, as well as in some other waters of minor importance, in front of upland owned by the company, with the exception of the land granted to the New Jersey West Line Railroad Co. and some others not germane to this phase of the question.

"No attempt was made by the New Jersey West Line Railroad Co. to occupy or use the land and land under water granted by the State in 1872; but the Lehigh Valley Railroad Co., having succeeded to the rights of the New Jersey West Line Railroad Co., with the cooperation of the trustees for the support of public schools, who were interested in the question, proceeded, by suit in ejectment, to establish its title to the land in question, and succeeded in this suit as to the entire area covered by the grant, with the exception of a very small portion lying between the original high-water line, which had been filled in by the Central Railroad Co. previous to the year 1869; thus affirming, in a case of stupendous importance and financial magnitude, the principle above set down that previous to 1869 reclamations made between the high and low water line became the property of the adjacent shore owner, and also that the State was the absolute owner of the lands under water and could, with the possible limitations above suggested, convey the same to anyone, regardless of the shore or upland owner.

"There is an idea or an impression prevalent, even among lawyers, that adverse possession does not operate or run against the State; that is to say, that the rule that ordinarily applies to an individual having had adverse possession of lands for the period of 20 years, vests title to the same in such possessor, does not apply to the State of New Jersey. This is, however, not true.

"A general statute of the State of New Jersey, which will be found in No. 2 of the revision, page 1978, section 27, provides:

"That no person or persons, bodies politic or corporate, shall be sued or impleaded by the State of New Jersey for any lands, tenements or hereditaments, or for any rents, revenues, issues, or profits thereof, but within 20 years after the right, title, or cause of action to the same accrue, and not after.

"But this fact, while it would no doubt vest title in lands filled in below high-water line, if the State did not assert its title within 20 years of the time the encroachment was made, the rights of the State to the lands under water in front of the same would not in any way be impaired or changed.

"So that the practice, founded on law and subsequent legislation and decisions of the court is, that a person owning land fronting on the navigable water at mean high tide is entitled to apply to the properly constituted agent of the State for title to the lands under water out to such line or lines for improvements as may be fixed by the State through these agents, and thereafter to attach all the rights and emoluments incident to the navigable waters in question, such as the right to fill in and build upon and exercise the ordinary property rights as well as to collect wharfage and such rights as are incident to navigation.

"The practical application of these doctrines and of the administration of these interests of the State is that the commission or authority having it in charge make an examination of the waters under contemplation and decide where the line for solid filling and the line for piers may be placed, which shall at once make the shore attractive and useful for commercial development and convenient of approach by vessels, and at the same time conserve and not encroach upon or interfere with the general navigation by the public of the waters in question.

"Upon receipt of an application for such water rights by the owner of the shore or ripa (and in the case of a nonriparian owner the proceeding is only delayed six months), the commission having previously fixed the lines above referred to and filed a map showing the same, in the office of the secretary of state, proceeds to acquaint itself with the value of the lands in question, or rather, to fix such a price as will adequately compensate the State for its equity in these lands, at the same time seeking not to embarrass or discourage the location of commercial industries or enterprises desiring the rights.

"When this price has been fixed and agreed to by the applicant, the question of his title is submitted to the legal advisor of the board and upon approval of the same a description and formal grant conveying the rights of the State is prepared, is signed by the commissioners, is submitted to the governor for his consideration and signature, if approved, has then the State seal attached and attested by the secretary of state, and is then ready for delivery upon receipt of the consideration. This consideration, when received, is paid into the State treasury, and is then invested and the proceeds devoted to the support of free public schools.

"A number of interesting questions arise in the administration of this trust, which, while perhaps of particular interest to the legal profession, are of interest to every thoughtful mind, as a part of the administration of the great water front of our county and State.

"The question as to the location and direction the lines of these lands under water shall take is an interesting one; what is known as the Massachusetts rule has been generally followed in this particular, and, briefly stated, it is that where a shore line is continuously straight, or practically so, for any considerable distance, the lines of the lands under water are said to run at right angles to this shore line, and the only limitation to this principle is, how much of the shore shall be considered in the application of this rule.

"In the practice in our own tidewaters, before the creation of the riparian commission, a shore owner at Edgewater, in Bergen County, in 1866, procured from the freeholders under the wharf act of 1851, a license to build a dock, and the description in this license illustrates one of the phases of this branch of the subject.

"The license in question was issued under the act of 1851, and the description is as follows:

"License to build such dock, wharf, or pier in front of his said lands, in the township of Hackensack, in the county of Bergen, beyond the limits of ordinary low-water mark in Hudson River:

"Beginning at the northeasterly corner of the lands owned by the licensee, where the northerly boundary line of said land terminates at law-water mark on said river"—you will note the presumption is that the licensee already had the right to go out to low-water mark—"and running thence easterly and perpendicular to the stream or currents of said river about 500 feet"—it is not difficult to apprehend the confusion that would arise from making all of the grants along an ordinary river perpendicular to the stream or currents of the same—"thence southerly along and parallel with said stream or current about 100 feet; thence westerly on a line perpendicular to said stream or current about 500 feet to low-water mark; thence along low-water mark northerly 100 feet to the place of beginning.

"And this license is signed by G. G. Ackerman, director, and witnessed by M. M. Wygant, clerk, and is proved by the said clerk before Manning M. Knapp, master in chancery, March 12, 1866.

"But when the riparian commission, in 1869, fixed exterior lines for solid filling and piers, they took in a much longer section of shore front than that contemplated by the freeholders, and the consequence was that the line for solid filling fixed for the section considered by the riparian commissioners, was not parallel to the smaller section previously considered by the freeholders, and a line at right angles to the line fixed by the commission was not parallel to or coincident with the line fixed by the freeholders for the license in question.

"The licensee in this case, after 1869, when the wharf act was repealed as to the Hudson River, continued the work of constructing this dock for which he had the license in 1866, and was stopped by the State of New Jersey on the ground that his rights had expired or had become forefeited under the repeal of the act, and he was obliged to take out the rights to continue his work from the State, which he did in 1875, and when this grant was made by the State, through its riparian commissioners, it was made on the broader principle of lines perpendicular to an exterior line that should parallel a greater extent of shore front than that contemplated by the freeholders in 1865; the result being that a section of land under water in the form of a trapezoid was left ungranted by the State, and was afterwards added to the grant made in 1875.

"Again, the Massachusetts rule provides that where there is a pronounced cove, with jutting capes on either end, causing a less frontage on the exterior line than on the shore, it becomes necessary to apportion the frontage on the exterior line proportionally to the frontage on the shore; and a pronounced example of this condition is the New York Bay shore between Caven Point and Constables Hook.

"The principle laid down was equitable and in our State became legal, for in a suit in ejectment to try the question of title to lands on the Passaic River, over which there was a conflict arising from a difference of opinion as to the direction these lines should take, the rule above set forth was affirmed by the court in the case of the Delaware, Lackawanna & Western Railroad Co. *v.* Cornelius Hannon, in 1875, reported in Eighth Vroom, page 276.

"Still another development or modification of this question of the bounds of the lands under water arises from the legal proposition that accretions made and joining to the upland inure to and become the property of the owner of such upland; but the direction of the side lines of such upland owner across this accretion to the new high-water line was the subject of dispute until adjudicated upon by the courts.

"One can readily see, in the case of an owner fronting on the shore, the side lines of whose land approach the shore rapidly converging and leaving but a limited frontage on the high-water line, if this high-water line is extended by land formed in front by accretion, that the continuation in straight lines of these original land lines might very easily meet before the new high-water line was reached and the owner be deprived of any frontage whatever on the water; or, on the other hand, where these land lines in question diverge as they approach the shore, to continue them in straight lines would unduly increase the frontage of such owner by the time they reached the water.

"Another very interesting development of the law of accretions was very thoroughly shown in a case some 25 years ago, in which the owners or successors in title of the Highlands of Navesink sought to eject the Central Railroad Co. and others from the occupation and use of the present strip of land running between the ocean and the Shrewsbury River, between Sandy Hook and Long Branch.

"The title to the locality now known as the Highlands, just south of Sandy Hook, in Monmouth County, on which the conspicuous Twin Lighthouses stand, was vested in the Hartshorne family in 1761, and the Highlands were divided into two equal parts by a line running very nearly east and west. This partition line began at a point back in the country and came down in very nearly a straight line by definite courses and distances to the 'sea.'

"About 25 years ago the successors to the Hartshorne title began suit to eject the Central Railroad Co. and others from the use and occupation of the strip of land running between the ocean and the river, in front of the Highlands, on the ground that their title ran to the 'sea.' Their claim was that their title went across the river and across this strip of sand to the present ocean or 'sea.'

"An examination of the very ancient maps in the possession of the Government in the Congressional Library at Washington, as well as the reading of history, disclosed the fact that at the time of this deed, in 1761, the 'sea' did actually wash up against the foot of the Highlands; there was no strip of sand intervening between the river and the 'sea' and Sandy Hook joined on the Highlands, at what would be the northeast part of the same. The surveys also demonstrated that the distance measured from the original starting point ended at the foot of the Highlands, west of the river, and did not carry across the river to the present shore of the ocean. The Government maps and history also showed that this strip of sand had grown up and joined by accretion to the extension northward of Long

Branch and Monmouth Beach, and after a very carefully conducted suit, in which the late Chancellor Williamson and Mr. Robert W. De Forrest appeared for the railroad company and the present Judge William H. Vredenbergh appeared for the successors in title to the Hartshorne family, the courts decided that the lands in question were formed by accretion, joining on to the land to the south, and the railroad company and others, having taken title through this source, were rightfully in possession.

"Dr. Cornelius Brett, in his very valuable paper read before this society March 27, 1908, entitled "The Dutch Settlements in Hudson County," laying the foundation for a series of historical papers, on page 3 says:

"On certain old maps, immediately after Verrazano's voyage in 1527, there began to appear the name of 'Norumbega.' The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"I have with me this evening a facsimile reproduction of a map of this locality, made about the year 1615, which agrees almost exactly with Dr. Brett's description of the map of 1527, and where it differs, it is a tribute to the doctor's delightfully literary and yet discriminating reading and knowledge of maps.

"The doctor says of the maps of 1527:

"The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"This was literally true and describes the map of 1615 I have before me, except in this map, nearly 100 years later, some attempt has been made to suggest measurement and triangulation, for the degrees of latitude are shown.

"The writer of this paper has in his possession copies he made in 1882, at the Congressional Library in Washington, of maps of this locality made in 1680 and 1776, which, with the map of 1615, form an interesting exhibit of the progress of cartography in 160 years. These maps show plainly that, at the time there was no strip of sand, as now, forming the Shrewsbury River, but that the sea or ocean washed up against the Highlands, and the inlet described by Cooper is very clearly shown on the interesting United States Coast Survey chart, published about the year 1844.

"I know of no more attractive and truthful description of this locality than that contained in Fenimore Cooper's 'The Water Witch.' He is leading up to the dramatic disappearance of the beautiful niece of Alderman Van Beverout. The worthy alderman saw no sin in pushing commerce a step beyond the limits of the law, and after a bargaining conference with Master Seadrift, of the brigantine *Water Witch*, who seemed to divide his time between smuggling and love-making, the niece disappeared. Shortly afterwards, during a storm, the *Water Witch* also disappeared, and the gallant English captain—Ludlow—of her Majesty, Queen Anne's frigate *Coquette*, in love with the niece as well, was much puzzled to account for her disappearance. He found, upon sounding the inlet the next day, that there were two fathoms of water at high tide, thus explaining the disappearance of the *Water Witch*.

"Cooper's description of this locality, however, agrees so closely with the conditions of the coast in his day, as shown by the United States Government charts, I am impressed with the thought that the graceful author used them as the mise en scene for his story of happenings back in good Queen Anne's time; he says:

"A happy mixture of land and water, seen by a bright moon and beneath the sky of the fortieth degree of latitude, can not fail to make a pleasing picture. Such was the landscape which the reader must now endeavor to present to his mind.

"The wide estuary of Raritan is shut in from the winds and billows of the open sea by a long, low, and narrow cape, or point, which, by a medley of the Dutch and English languages, that is by no means rare in the names of places that lie within the former territories of the United Provinces of Holland, is known by the name of Sandy Hook. This tongue of land appears to have been made by the unremitting and opposing actions of the waves on one side and the currents of the different rivers that empty their waters into the bay on the other. It is commonly connected with the low coast of New Jersey, to the south; but there are periods of many years in succession, during which there exists an inlet from the sea, between what may be termed the inner end of the cape and the mainland. During these periods Sandy Hook, of course, becomes an island. Such was the fact at the time of which it is our business to write.

"On the subject of maps, I want here to pay tribute to the accuracy of the maps of the United States Coast and Geodetic Survey. It would require a paper in itself to give any idea of the devotion and fidelity of the United States Government engineers to this vitally important work from the selection and measurement of the base line, an operation as delicate as the most delicate surgical operation; the determination of the primary triangulation, with its development into the secondary and tertiary; to the filling in of the minutest details, the extent and enormous importance of the hydrographic work to the commerce of the world, as well as to the lives of the millions of human beings coming to and leaving our shores, is too little understood and therefore too little appreciated; but I want here, after an acquaintance with and professional use of the coast survey charts of our Government, extending over 30 years, to testify that I have found them minutely and absolutely accurate and reliable; and I regard the United States Coast Survey Department second to none in importance in its administration of the affairs of our great Nation.

"An interesting decision affecting the law of accretion was given in what is known as the "Shriver Case."

"On July 17, 1897, William Shriver made application, in due form, and complied with all the requirements of the board in furnishing an accurate survey of the lands in front of which the riparian rights were desired, abstract of title, and so forth, and after consideration of the application and action thereon, the board, on August 31, 1897, executed the grant and delivered the same. The grant in question covered a strip of land under water the width of the lot owned by Shriver, and within the side lines of the same, extended from the high-water line as it existed at the time of the grant, about 1,000 feet into the Atlantic Ocean, said grant stating that it was conditional upon Shriver being the riparian owner.

"Subsequent to the time of the grant by the State the action of the ocean was such as to make up or form land in front of the high-water line as it existed at the time of the grant, and upon Shriver taking possession of this accretion the Ocean City Association, in the supreme court, brought suit in ejectment against Shriver to recover possession of the land, and judgment was rendered against said association. Upon the case being carried to the court of errors and appeals, however, the judgment of the supreme court was reversed and judgment given the Ocean City Association.

"The following is a brief statement of the case as presented to the courts:

"The plaintiff, the Ocean City Association, in 1880 purchased a tract containing several thousand acres of wholly unimproved land, known as Pecks Beach, in Cape May County, and lying between the Atlantic Ocean and Great Egg Harbor Bay. On this tract a summer resort known as Ocean City has grown up. In 1883 the association caused a map to be made, showing a part of the above tract laid out into streets, and blocks divided into lots. On this map Ocean Avenue was delineated, practically parallel with and distant some 250 feet inland from the high-water line of the Atlantic Ocean, and the space so intervening was undivided. By deed bearing date October 29, 1884, the association conveyed lot No. 849 to one Henry B. Howell. This lot is on the westerly side of Ocean Avenue, between Ninth and Tenth Streets. It had between it and the Atlantic Ocean, Ocean Avenue and the strip of undivided beach above referred to, and was simply described as a lot 50 by 135, lying between Ocean Avenue on the east and a 15-foot alley on the west. Howell, by deed dated April 21, 1895, conveyed this lot by the same description to William Shriver, the defendant in this suit. There was evidence that the ocean, after 1880, gradually worked inland, carrying away the undivided beach and Ocean Avenue or the greater part of said avenue in front of the lot in question, and that in 1895 the ordinary high water came up to this lot. In 1897 the ocean began to recede, and the grant of the riparian commissioners to Shriver in 1897 indicates a high-water line in Ocean Avenue and west of the center line of the same. The grant by the riparian commissioners to William Shriver, of August 3, 1897, covered in terms a tract of land under water at mean high tide, the width of his lot and within the side lines of the same, extended from the high-water line as it existed at the time of the grant 985 feet into the Atlantic Ocean to the commissioners' exterior line.

"The syllabus of the opinion of the court of errors and appeals, written by Depue, C. J., and dissented from by Magie, Ch., and Dixon and Collins, J. J., is as follows:

"Held, that if the plaintiff (The Ocean City Association) was the owner of the land on the line of ordinary high water in front of this lot at the time of its deed to defendant's grantor, it is the owner of the land obtained by accretion, since the riparian owner is entitled to all alluvial increase, and defendant did not become the owner of the land conveyed by the riparian grant, and therefore an instruction that if the high-water line in 1895 advanced to this lot it became a riparian lot and whatever alluvial increase the ocean in its advance, brought to and in front of the lot belongs to the defendant was erroneous.

"From the reasoning of the court in this case it would seem that if land is carried away by erosion of the ocean, the title to the land so carried away is not lost, but if the ocean recedes and the land reappears and the original ownership is capable of identification, the subject does not lose his property.

"And this principle is set forth in the famous treatise 'de jure maris et brachiorum ejusdem,' ascribed to Lord Chief

Justice Hale, the acknowledged authority on this branch of the law, in the following quaint language:

"If a subject hath land adjoining the sea and the violence of the sea swallow it up, but so that there be reasonable marks to continue the notice of it, or though the marks be defaced, yet if by situation and extent of quantity and bounding upon the firm land the same can be known, though the sea leave this land again or it be by art or industry regained, the subject doth not lose his propriety.

"Under this case and adjudication it is of importance for us all, in acquiring riparian rights, either as adjuncts to our business enterprises or as part of our seashore homes, to learn what the position or location of the high-water line was at the time our title originated.

"A very ancient exercise of the ownership of the State over these lands under water took the form of granting to persons the right of fishery, and as early as 1783 this right was exercised by the State and has continued down to the present time. I believe such a fishery right existed in front of the Van Buskirk farm on New York Bay at Constables Hook.

"These fishery rights consisted of a grant of the right to use the shore between high-water mark and low-water mark for the purpose of drawing seines or nets that were used for the best known and popular purpose of catching shad, and those who have witnessed the extensive operations of the shad fisheries on the Delaware will have some idea of the extent and value of these rights. These rights are held paramount to the rights of the upland owner to acquire the land under water for commercial purposes and must be reckoned with or extinguished before they can be disregarded.

"These rights are not so valuable now as they were formerly, for the reason that they are not so productive, the shad being not nearly so plentiful and in some cases having almost disappeared. It will be a surprise to most of us that the catching of whales was ever a New Jersey industry, and nothing indicates in so marked a way the natural changes that take place in the course of years as a reference to an act passed by the Assembly of New Jersey in 1693, which recites as follows:

"'Whalery in the Delaware River has been in so great a mesure invaded by strangers and foreigners,' etc., and enacting:

"'That all persons now residing within the precincts of this province or within the province of Pennsylvania who shall kill or bring on shore any whale or whales within Delaware Bay or elsewhere within the boundaries of this government, to pay one-tenth of the oil to the governor.'

"In the very interesting paper read by Mr. Daniel Van Winkle, president of this society, under the title 'The Dutch under English Rule, 1674–1775,' reference is made, on page 12, as follows:

"Van Vorst's possessions were separated from the mainland by the Mill Creek; a stream of goodly size that wound its tortuous way from the bay at about the present intersection of Johnston Avenue and Phillips Street, and thence in a northerly direction, crossing present Grand Street about 150 feet east of Pacific Avenue, continuing thence still northerly through the marsh to the Point of Rocks, the present site of the Pennsylvania Railroad roundhouse, and along the base of the hill, around back of Aharsimus Cove, meeting the waters of a creek emptying into the bay at Hoboken.

"This stream was of great advantage to the old Dutch residents for readily transporting their farm products to the markets of New York. A favorite landing place was at Newark Avenue where the West Shore freight house now stands, and also at the bridge that crossed the stream near Priors Mill, that stood about the present junction of Freemont Street and Railroad Avenue. Perhaps we may better realize the importance of this stream by inserting the following ad.:

"'11th October, 1770, to be sold.—A large white wood periagua 5 years old, now in good order, with a new suit of sails. She is 32 feet long and 7 feet wide. Suitable for a miller or farmer. She now lies at Priors Mill, in Bergen, where any person may view her.'

"This graphic and interesting description leaves in our minds a delightful picture of a quiet stream that rose and fell with the tides of New York Bay and Hudson River, washing the shores of Communipaw and 'Mill Creek John Van Horn's farm,' and on whose bosom floated the commerce of that ancient time, stopping at the busy shipping ports of Priors Mill and others along its line; but the facts to-day are that the creek in question is nearly obliterated. Some sections of it remain as the axis of a swamp, but the greater part of it has been filled in and is covered by buildings either for dwelling or commercial uses.

"Still, the title of the State to the lands originally flowed by this ancient stream, so graphically portrayed, remains; and even to-day, when property is transferred, any part of which occupies the site of the now obliterated Mill Creek—this 'stream of goodly size'—it is necessary, before the title companies will guarantee and insure the title, for the State to release, by deed signed by the governor and sealed with the great seal of the State, attested by the secretary of state, its ancient rights in the premises.

"It must have been with some surprise, and, it may be, indignation, that our neighbors, the Stratfords, in the course of the formation of a company in the development of their important paper industry on Cornelison Avenue, just south of Montgomery Street, as recently as 1905, found it necessary to secure the State's title to the lands anciently flowed by Oyster Creek, which lazily meandered, a tributary to Mill Creek. We can hardly imagine such a thing as taking oysters from this locality.

"In considering the development of the water front of our county we shall find that our early legislators found it necessary to remonstrate and protest against the actions and attitude of our neighbors across the Hudson. This question is not a sentimental one as regards the interest and history of Hudson County's water front.

"Previous to August 11, 1880, the matter of fixing exterior lines for docks, etc., on the waters of New York Bay and waters tributary thereto was left largely in the hands of the municipalities interested and resulted in encroachments on the waterways that were viewed with alarm by students of the subject. I think without doubt both New York and New Jersey were open to criticism; but in a report made by a commission appointed by our legislature in 1848 to ascertain the extent and value of the lands under water in Hudson County reference is made to the boundary-line agreement of 1834, as follows:

"The boundary line between the States of New York and New Jersey, * * * shall be the middle of said river, etc. Since the date of this agreement, very extensive alterations of the New York shore, etc., have been made, etc., and yet larger extensions are in serious agitation. It is respectfully submitted that measures should be adopted to ascertain and locate this boundary line by survey monuments, etc., before it is involved in incertitude and possible dispute, etc.

"This suggestion was not adopted, and the very result predicted followed. It was not until 1888—40 years after—that the boundary line was definitely fixed, and it was necessary to resurrect and reconstruct the maps of the shore line of 1834 in order properly to do so.

"This report of the commissioners in 1848 is a most interesting one and will repay careful reading in its entirety; but I will give some extracts which, I think, will interest you.

"The report states that the commissioners met in Jersey City on June 6, 1848, and at subsequent times; that they had a map prepared to exhibit the water line of the county of Hudson; that the map was prepared 'in a manner entirely satisfactory by Andrew Clerk, Esq., of Jersey City'; and a series of 13 written questions were submitted to the corporation of Jersey City and others, 'and full and explicit replies obtained.'

"The commissioners make graceful asknowledgment in the following language:

"The commissioners desire to make grateful acknowledgment for these and other facilities, and indeed for a kind and courteous reception on the part of all with whom they came in contact in the prosecution of their inquiries.

"Then follows an interesting description of the shore line of Hudson County and a reference to the ancient grants and laws affecting the subject.

"I shall refer here to only a few of the questions and answers above referred to.

"Fourth. To what purpose or uses are or may the lands between high-water line and the channel or New York line be applied?

"Answer by Jersey City:

"Some of the lands below high-water line on the east side of Hudson County are occupied for piers and wharves. A portion of said lands have been reclaimed and applied to streets, building lots, etc. Nearly all the flats on the east side of the county may be advantageously applied to the same and kindred purposes.

"Sixth. To what uses are such lands applied which lie south of Jersey City, and to what further uses may they be applied, if reclaimed, under the authority of the State now and prospectively?

"Answer by Jersey City:

"The lands flowed by the tides south of Jersey City are all natural oyster beds and furnish subsistence to a large number of fishermen. If reclaimed, these lands would be valuable as building lots.

"Eighth. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer by Jersey City:

"About 10 acres of land formerly covered by water have been reclaimed in Jersey City by filling in with earth to raise it above high water. It is used for streets and building lots and is worth at least $200,000. The entire profits of the speculation have been received by the 'asociates of the Jersey company,' who, as pretended owners, either reclaimed the land and then sold it in building lots to others, or, as in most cases, sold * * * the submerged land in its natural state, to be filled up by the purchaser. A small portion of the reclaimed land is held by lessees of the associates for a coal depot and landing place for the Cunard steamers.

"Tenth. What was the extent of the projected improvement north of Jersey City?

"Answer by Jersey City:

"The projected 'improvement,' so called, is believed to embrace at least 12 acres.

"These answers will cause us to smile as we contemplate the present development of the water front of our county.

"This same series of questions was propounded to H. Southmayd, Esq., and I give his answer to the eighth question, as it gives so intelligent a description of the conditions in lower Jersey City at that time:

"Question 8. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer. Jersey City in the year 1804 contained 73 acres 3 rods and 30 links, as will appear by a map of Richard Outwater made about that time. When the associates bought Mangin's map was made and laid out all of Jersey City, containing 73 acres, as before stated, including 23 acres of land under water unreclaimed lying around the city. Eleven acres of this 23 are still under water and unreclaimed. Nearly 4 acres of the land reclaimed have been reclaimed by the New Jersey Railroad for their depot and for the depot of the Hudson River Railroad Co., for which they paid but a nominal consideration to the associates of the Jersey company, nearly 2 acres, or a block of 32 lots, by the Morris Canal Co., also paying a nominal consideration, the remainder being 104 lots, or about 6½ acres, by the associates of the Jersey company and their grantees. Besides this, the associates, 30 or 40 years since, reclaimed a strip of land east of Hudson Street of about 20 feet wide, beginning at Essex Street and extending to York, about 1,000 feet; and recently the land now used by the Cunard Line of mail steamers between Jersey City and Liverpool was reclaimed by the associates, containing about 30 lots, exclusive of wharves and streets. The uses for which the property thus reclaimed has been put have been stated to wit, the strip of land east of Hudson Street, the Cunard improvement for the accommodation of that line of steamers, the New Jersey Railroad and Hudson River Railroad depots, the Morris Canal Wharf Some of the land reclaimed is now owned by private individuals; that is to say, some lots on Hudson Street and some on Montgomery Street and other parts of the city, on which dwelling houses, hotels, stores, manufactories, foundries, etc., have been erected. Forty-eight lots have been given for church, school, market, and public grounds. The manner in which this land has been reclaimed has been mostly by building bulkheads, filling them up with broken rock, stone, and by surplus earth from the streets and rubbish from the city of New York. Recently the mud outside of the bulkhead has been applied to the filling up inside by a dredging machine; this, though expensive, is in a measure compensated by the greater depth of water obtained.

"J. D. Miller, Esq., made a general reply to the thirteenth question only. Mr. Miller states that:

"He is the owner in right of his wife of about 200 feet of shore in township of Van Vorst, in the county of Hudson, extending along and fronting on Harsimus Bay or Hudson River. It is an ancient shore, against which the tides always have and still do flow. It has been held and enjoyed by the former owners as a shore for more than 200 years. * * * The land under water in front of this shore has been used and enjoyed from time to time by the former owners, to some extent, for an oyster fishery.

"Mr. Miller expresses the opinion that he is entitled to the right of enjoying and improving all the lands under water in front of said shore, subject only to the adjudicated and acknowledged right of the State of New Jersey, a very wise and proper answer and one that was very much of the same purport, but 16 years earlier, than the opinion of Chancellor Zabriskie.

"Some of the categorical answers will cause a smile as we look at the present development of the water front of Jersey City.

"In the year 1849 the legislature passed an act to compensate these commissioners, as follows (P. L. 1849, p. 336):

"*To compensate the commissioners therein named:*

"*Be it resolved by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be authorized and directed to pay to the commissioners appointed by resolution of 23d of February, 1848, to investigate and report as to the extent and value of the lands under water owned by the State, within the limits of the county of Hudson, as follows:

"To William H. Leupp, chairman of the said commissioners, for per diem, mileage, and drawing report, $200.

"To Martin J. Ryerson, one of said commissioners, for per diem, mileage, and services, $150.

"To George F. Fort, one of said commissioners, for per diem, mileage, and services, $150.

"To Andrew Clerk, for preparing map for the State, by order of said commissioners, $75.

"Approved March 2, 1849.

"The Andrew Clerk above mentioned being the partner of Robert C. Bacot, engineer.

"New Jersey seems to have kept its eyes jealously on New York, for on March 14, 1855, the legislature passed a joint resolution (P. L. 1855, p. 800), as follows:

"In relation to encroachments made in the harbor of New York.

"Whereas it is alleged that, by certain erections made and contemplated in the East and Hudson Rivers, under and by authority of the State of New York, the usefulness of the Brooklyn Navy Yard is impaired, if not endangered, and the channels of the East River and the Hudson River much innovated upon and narrowed to the injury of the main entrance channel of the harbor of New York and to the injury of the Jersey shore, and also to the navigation of the Passaic River, leading to Newark, the largest port of entry in this State; and

"Whereas, also, counter encroachments upon the part of New Jersey would greatly injure the navigation of the Hudson, and impair the usefulness and capacity of the harbor of New York; and

"Whereas, also, the establishment of a water line, outside of which no erections should be made, would seem to be necessary to arrest similar innovations in future: Therefore be it

"1. *Resolved by the Senate and General Assembly of the State of New Jersey*, That the Legislature of the State of New York be requested, so far as the same may be within its power, to cancel and repeal all grants to build and erect wharves, piers, bulkheads, and docks, in the immediate neighborhood of the Brooklyn Navy Yard, the erection whereof would injure and impair the usefulness thereof, and to remove the more glaring erections in the East River, to the injury of the commerce and harbor of New York, and also to the injury of New Jersey; and be it

"2. *Resolved*, That the Legislature of the State of New York be requested in such manner and by such means as it may think best, to survey, lay out, and establish in the rivers and harbor of New York an exterior water line, beyond which no erections shall hereafter be made to the injury of the commerce of New York, or to, either directly or indirectly, injure the State of New Jersey; and be it

"3. *Resolved*, That the governor of this State be requested to forward an attested copy of the above resolutions to his excellency the governor of the State of New York, to be laid before the legislature of said State.

"Approved March 14, 1855.

"We can hardly think the concern of our early legislators for the Brooklyn Navy Yard was wholly unselfish, for this was followed up by what must have seemed to the citizens of the cities of New York and Brooklyn an impertinent, if pertinent, report to the legislature of our State, as follows:

REPORT.

"The joint committee of the two houses appointed in conformity with the communication from his excellency Gov. Price, communicating an invitation to meet the governor and the committee of commerce of the Legislature of New York for the purpose of viewing and considering the encroachments upon the bay and harbor of New York,

REPORT

"That on the 30th day of January last, your committee, accompanied by his excellency Gov. Price and E. L. Viele, Esq., the engineer of our State geological survey, proceeded to New York, and at the time appointed met his excellency Gov. Clark, of the State of New York, the committee of commerce of said State, the State engineer, with other gentlemen occupying important offices under the government of that State.

"That your committee, in connection with the above-mentioned authorities of the State of New York, the governors of New Jersey and Connecticut, accompanied also by officers of the Government in charge of the navy yard, with other persons representing the commercial interests of New York, proceeded to examine certain encroachments made, and in progress, and contemplated upon the Brooklyn side of the East River.

"Your committee upon the first view of the matter regarded such encroachments as matters with which New Jersey had no interest, and should not express any opinion; but upon reflecting they came to the conclusion that such encroachments were prejudicial to her, inasmuch as they jeopardized the interests which New Jersey has, in common with every other State of the Union, in the Brooklyn Navy Yard, and the immense Government expenditures at that point.

"The report then goes on to state the effect of these encroachments at the navy yard upon the Sandy Hook Channel, affecting the interests of New Jersey through her water front on the Hudson River and New York Bay, and stating the extent of the encroachments on the East River, the effect on its channels, and, calling attention to the injury done, report their visit to Jersey City as follows:

"The committee also visited Jersey City for the purpose of examining if any and what encroachments had been made there, and it was a matter of just pride to your committee that, comparatively speaking, no encroachments had been made upon the Jersey side; yet your committee think that the wharves and piers lately erected by the New Jersey Railroad Co. are extended farther than well comports with the interests of New Jersey in this important matter of keeping unimpaired the harbor of New York.

"By these two docks some encroachment, in the opinion of your committee, has been made on the channel of the Hudson River, narrowing and deepening the river at this point. The same authority which claims the legal right and which authorized these extensions could, had they seen fit, have extended them by the same claim of power some thousand feet farther into the river, producing the same deplorable results now existing in the East River between New York and Brooklyn. Your committee are informed that the right by which these innovations are made, or claimed to be made, are claimed under the charter to the Jersey Associates, giving them power to improve their lands under water. It would seem that a power of this kind to impair the great interests of New Jersey in the harbor of New York should be found in a strict construction of explicit legislation, and if the rights by which these encroachments are made are restrainable, they should, if possible, be restrained by timely legislation for the public good.

"The committee then goes on to call attention to the necessity for the full flow of the tide through the Hudson and East Rivers, the Passaic and Hackensack Rivers, in order to keep unimpaired the Sandy Hook Channel, and concludes its report by saying:

"Inasmuch as the State of New York has been the cause of this triple injury to New Jersey, your committee are of the opinion that the Legislature of the State of New Jersey should, by resolution, express her dissatisfaction thereat and request in a friendly way the State of New York to repeal all fraudulent grants improperly obtained from the State to the injury of the navy yard or the harbor and, by purchase or otherwise, remove other innovations upon the East River that now exist to the injury of New York and New Jersey.

"Two joint resolutions were prepared in accordance with the above report calling attention to the situation as set forth in the report and providing for the appointment of commissioners to advise as to the proper control of the development of these water-front lands..

"What the feelings of these ancient legislators would be if they could view the changes that have taken place in our shore front since their time is hard to conjecture. They 'viewed with just pride (in 1855), that, comparatively speaking, 'no encroachments' (as they called the development of our water

front) 'had been made upon the Jersey side, except the New Jersey Railroad Pier and Cunard Dock,' and they 'regarded with concern the power given the Jersey Associates and others to improve their lands under water and thought they should be restrained for the public good.'

"How fortunate for us as a county their fears and forebodings were not regarded seriously, or we might still have Harsimus Cove as an oyster ground and the shore of the Hudson River about the middle of Hudson Street. It might, however, be some consolation to them to know that the 'South Cove grant' is still as it was in 1872 and still a name to conjure with.

"Maj. William L. Marshall, now brigadier general, Chief of Engineers, United States Army, was asked whether he thought the scour of the currents was going to maintain the required depth in the 'Ambrose Channel,' which you know is the new and direct channel from the Narrows to the sea. Gen. Marshall conceived the idea of this important work, and it is still under his charge, although he is now Chief of Engineers. The general smiled in his good-humored way and replied: 'Well, if it don't, there are plenty of dredges that will.'

"And the direful results which were feared in 1855 have not followed; the great development of our water front is ours; and if we have to dredge a little now and then, we have the commerce that requires it and the means with which to do it.

"On August 11, 1880, Congress passed an act empowering the Secretary of War to establish harbor lines, and on October 4, 1888, the Secretary of War authorized the appointment of a board of engineers to be called the New York Harbor Line Board, composed of United States Army officers, who were necessarily by their training also engineers; this board to act in an advisory capacity to the Secretary of War on all matters relating to the waters of the Bay of New York and waters tributary thereto. This law has been amended from time to time, the present law on the subject being contained in section 11 of the river and harbor act of March 3, 1899.

"Since 1880 all applications for the establishment of dock lines must be made to the Secretary of War, who refers them to this harbor-line board, who, after public hearings, advise and recommend lines to the Secretary of War for his approval; and under the river and harbor act of March 3, 1899, no structure or filling in is allowed to be commenced in these waters unless the lines for the same have been passed upon by the Secretary of War.

"The State of New Jersey, as well as the city of New York, has been active and persistent in securing the consent of the Secretary of War to the extension of the dock lines on the Hudson River, New York Bay, and waters tributary thereto. Both sides have succeeded in securing extensions, until it seems that the waterway of the Hudson River could no further be judiciously encroached upon. The claim or charge is made by New York that Hudson County has been a greater trespasser than New York, and instances the extension of the shore line of Harsimus Cove some 3,000 feet in support of this charge; but it must be remembered that Harsimus Cove is or was an indentation into the westerly shore of the Hudson River, between Castle Point and North Point, in Jersey City, on which Edge's windmill stood, had very little water over it, and the filling in of the same was an advantage to the regimen of the Hudson River; while New York has made its greatest encroachment some 1,300 feet into the river at its narrowest point, opposite Castle Point, leaving only a width of half a mile in the river at that point.

"We must remember also in this connection that the channel of the river is on the New York side of the center, and within the past month we have been treated to the strange sight of an ocean steamer, the *Deutchland*, hard and fast aground just in front of the ferry at the foot of Exchange Place, Jersey City, by reason of the northerly winds making an unusually low ebb tide.

"But what compensation time brings. Directly underneath where this steamer was held by the mud of the river bottom, busy men were working and construction cars were running to and fro through the twin tunnels that will soon connect Exchange Place, Jersey City, with Cortlandt Street, New York; and directly under where the ancient ferryboat, *D. S. Gregory*, is shown in the advertisement previously referred to, of lots for sale on Hudson Street in 1857, run these two tunnels that shall take us, in two or three minutes, to the business center of New York, while, with the *D. S. Gregory*, it took us half an hour at best, and sometimes half a day.

"The history of the development of Hudson County would not be complete without reference to these tunnels and to the courage and genius of the men who have made them an accomplished fact.

"The first tunnel was from Fifteenth Street, Jersey City, to Morton Street, New York.

"The tunnel in question has a history involving the financial and engineering ambitions and hopes of men long since ruined and dead. The river ooze, through which the present construction to-day so eloquently and convincingly testifies to the skill and energy of the engineers who planned and executed it, once held in its slimy embrace the bodies of men whose lives had been drowned out by the inrush of the waters of the Hudson River, and although the tragedy is now almost forgotten, in the New York Bay Cemetery, in Jersey City, stands a modest shaft, surmounted by the figure of a man. On the face of the stone the legend reads: 'In memory of Peter Woodland, aged 32, killed in the disaster at the Hudson River Tunnel, on Wednesday, July 21, 1880.' And he was a man, for he elected to drown with 14 of his workmen in his effort to save them rather than save himself.

"The history of this tunnel, or these tunnels (for there are two), each designed for single track—one eastward and one westward, but coming together at either end—goes back over a quarter of a century.

"In the year 1874 a company obtained a franchise and began operations. The method of construction adopted was the use of compressed air, but the shield, so successfully used by the present engineers, was not thought of, and to its absence was due the frightful tragedy above referred to. After the accident in 1880 work was abandoned until 1890, when a syndicate of English capitalists was formed, which prosecuted the work, accomplishing about 1,500 feet in the north tunnel and about 600 feet in the south tunnnel. Striking a ledge of rock, however, at this time, and no doubt striking much more formidable rocks in their financial boring, the project was abandoned.

"Then came Mr. William G. McAdoo, a New York lawyer, as president, who associated with himself Mr. Charles M. Jacobs and Mr. John V. Davies, the eminent engineers; and under the masterly supervision of these men the river tunnels are an accomplished fact.

RECEIPTS.

"The total receipts from the sale of riparian lands up to the present time amount to about $6,000,000, and the greater part of this has come from the sale of the water front of Hudson County. It is estimated that there are still in the possession of the State lands that will come into use within a reasonable period valued at perhaps three and a half million, and still other lands that will have to wait for future development, valued at perhaps ten million.

"The administration of this valuable and important interest of the State is one requiring careful consideration. It is a subject but little understood; it is a matter in which the interests of a greater part of the State seem opposed to that of the other part, and, as in other important matters, opinions are most freely expressed by those having the least knowledge on the subject.

"The policy of the State has been to sell these lands for commercial development. This has brought a considerable revenue into the State and into the school fund; it has made possible the establishment on our shores of important industries. A representative committee, composed of senators and members of the legislature in 1906, who gave this subject careful consideration and made a personal examination of the improvements, stated in their report that they—

"were not prepared to advise that the policy which had made possible this development was really wrong—

"and while this is negative praise, it is their opinion after careful consideration, and if any other conclusion could have been reached, it no doubt would have been.

"The opinion is expressed by people who evidently do not fully understand the subject that these lands should have been 'held,' as they term it, for the use of the State.

"In the first place, this opinion carries with it an apparent ignorance of the fact that while the State is the owner of the land under water, subject to the rights or equities, if any, of the shore owner, it owns no upland; has no means of access from the land to the water, or of access from the water to the land; and, as a practical question, the upland owner is the only person who can buy the land under water and administer it.

"Having in mind the fact that these lands under water are appurtenant to upland wholly under the title and control of private ownership, to obtain which, if there was any law making such a thing possible by the right of eminent domain, could only be acquired by the State upon payment to such owners of the full value of the upland, which value would have reflected in it the principal value which is now supposed to be attached to the land under water, there would be no practical way in

which it could appropriate and expend the millions necessary to any development, to say nothing of the impossibility of anticipating what kind of development would meet the requirements and needs of the various enterprises seeking location on our shores.

"Some of these tracts for which the State has realized enormous sums during the past years are comparatively small holdings, part only of the holdings and works of enterprises already located there and forming part of the tangible wealth and worth of the State—many of them unattractive water fronts needing the iniative of interested owners who have sought out and induced enterprises to come to this State and locate, and who have expended millions of dollars in making the location of these enterprises possible, but only after seeking them out and finding just what kind of development is demanded for that particular industry.

"In most of these cases these owners have become the pioneers in the development of a section that had theretofore escaped the notice or had not been impressed on men responsible for the establishment of manufacturing and other enterprises needing water front, and the result of this individual enterprise has been the creation of new communities as well as the rehabilitation of older ones.

"It would have seemed not only a commercial absurdity, but an affront to these men, who, in advance of their time and without the encouragement of their fellows, sought out these enormous enterprises and brought them to the shores of New Jersey, not to have had the cooperation and encouragement of the State in their efforts to induce the holders of capital to locate within the borders of our State.

"The impression seems to be in the minds of some that the State of New Jersey held in completeness and perfection some going concern, or at least a water front developed as to its docking and wharfing privileges, improved and made suitable for the erection of buildings and works, with surrounding accommodations for the housing and schooling and churching of the operatives of these works, with the necessary railroad connections, and, in short, a city complete and perfect, except for the occupants.

"The exact reverse of all this is true. The State owns not a single foot of upland. A great deal of the upland in question is difficult of improvement and development; a great deal of it must be filled up at enormous expense and the railroads must be brought to it; and, more than all, in almost every instance the water front itself is not capable, in its present condition, of use, but must be made so by the expenditure of large sums of money by the owner of the upland in order to create such a depth of water as to make the narrow frontage sold by the State available for commercial uses.

"In this connection it is of interest to hark back to the report of the legislative committee on this very subject of the policy of the disposition of the State's lands, in which Hudson County is so vitally interested, made to the legislature on January 15, 1883, over 26 years ago; the committee says:

"Had this question been considered at the outset of action by the State, doubtless much might have been said on both sides of the proposition of long leases by the State, but we are not prepared to suggest that policy now. It is urged with great force that the best commercial results can not be attained except by a title as complete as the State can give.

STATEMENT OF DEVELOPMENT.

"A statement of the location and extent of the water front *of Hudson County*, much of which has been reclaimed and improved, will be of interest:

"From the county line on the north to the north side of Weehawken Cove—about 3 miles—the exterior line for improvements is on an average 1,000 feet beyond the original shore line and comprises about 350 acres.

"This section includes the famous dueling ground where Hamilton and Burr fought.

"At Weehawken Cove, in front of the famous Elysian Fields, the line for improvements is half a mile beyond the original shore at its greatest distance, and the cove is about 1 mile in length and covers about 130 acres.

"The Elysian Fields was the scene of the murder of the attractive tobacco-shop girl, Mary Cecelia Rogers, on July 25, 1841. The Elysian Fields of that day, no doubt, corresponded to the Coney Island of a later day. This murder formed the foundation for Poe's 'Mystery of Marie Roget,' which was written in Philadelphia and appeared in Snowden's Lady's Companion in November, December, 1842, February, 1843.

"The facts in this celebrated case that made the Elysian Fields famous, or infamous, almost the world over are as follows:

"Mary Cecelia Rogers, when about 19 years of age, was known as 'the pretty cigar girl,' she having worked in John Anderson's tobacco shop at 321 Broadway. New York then had a population of 300,000, living mostly below Canal Street.

"Mary's widowed mother kept a boarding house at 126 Nassau Street.

"A few weeks before her death she left Anderson's employ and assisted her mother in the boarding house, when it became known that she had accepted an offer of marriage from Daniel C. Payne, one of the boarders, a young man employed as a cork cutter at 47 John Street.

"On a beautiful Sunday morning, the 25th of July, 1841, Mary told her fiance, about 10 o'clock in the morning, that she intended spending the day with her aunt, a Mrs. Downing, who lived at 68 Jane Street, and she would return by the Broadway stage, reaching Ann Street about 6 o'clock in the evening.

"Although the morning was fair a violent thunderstorm broke out in the afternoon, the rain falling in torrents. The storm was so formidable that Payne—who does not appear to have been a very ardent lover, although he committed suicide soon after the death of his betrothed—did not go to meet the stage, thinking Mary, on account of the storm, would remain at her aunt's overnight; and it was not until noon of the next day that the fact of her disappearance became known: and although probably the best known young woman in New York, not a person could be found who had seen her after she left her home at 10 o'clock on Sunday morning.

"On the Wednesday following her dead body was found floating off Castle Point, Hoboken, bearing every indication of having been murdered and plundered.

"Numerous arrests were made, but nothing was discovered until John Adams, a New Jersey stage driver, gave information that he had seen Mary Rogers arrive in Hoboken by Bull's ferry, accompanied by a tall, well-dressed man of dark complexion, and go with him to a resort near the Elysian Fields, known as Nick Moore's, but kept by a Mrs. Loss. Mrs. Loss admitted that this was true, and that after partaking of some refreshments the pair had gone in the direction of the woods. Two months after the death of Mary Rogers Mrs. Loss informed the police that her sons had found the girl's parasol and gloves in a thicket near by. It was now believed that the time and place of the tragedy had been discovered, but opinions differ as to whether she had been murdered by the tall, dark companion or by one of the gangs of ruffians that frequented the Fields at that day.

"It appeared that Mrs. Loss was shot by one of her sons (accidentally, he said) on October 24, 1842, and died on the 9th of November following. It seems that Mrs. Loss could not keep from talking of the Mary Rogers affair, and it is supposed that the sons, fearing their mother would reveal the secret of the murder, encompassed her death by the alleged accidental shooting.

"In 1904 a Mr. Clemens discovered a vital clue in the newspaper of August 5, 1841, as follows:

"On August 3, the body of an unknown man, about 35 years of age, was found floating near the foot of Barclay Street. The body had been in the water some days. The unknown was a tall, swarthy man, and was without a coat.

"The conclusion Mr. Clemens comes to—and he thinks it is strange it should not have occurred to the authorities at that time—is that Mary Rogers and the 'tall, dark man' were marooned by the terrific rainstorm and were killed by the sons of Mrs. Loss and cast into the river.

"It is a curious and interesting coincidence that the name of 'Loss,' so tragically prominent in the celebrated case of 1841, should be the same as the surveyor who made the map of Hoboken in 1804, which is the authority for the original shore line, and is mentioned in hundreds of conveyances and titles in Hoboken as the 'Loss Map of 1804.' I do not regard this similarity of names as any reflection on the character of the surveyor of that ancient time any more than I do the similarity in the names of the indifferent wooer of the unfortunate Mary Rogers and that of the writer of this paper; the old adage, perhaps, applies: 'A rose by any other name,' etc.

"The front of the city of Hoboken, from Castle Point to Hoboken Ferry—about three-quarters of a mile—has the line for improvements about 1,200 feet beyond the original shore line and covers about 150 acres.

"At Harsimus Cove, from Hoboken Ferry to Montgomery Street in Jersey City—about a mile and a half in length—the line is, on an average, 3,200 feet beyond the original shore line and comprises about 575 acres.

"At Communipaw Bay, to the line of Communipaw Lane—about a mile long and three-quarters of a mile wide—containing about 475 acres.

"New York Bay to Constables Hook—about 4 miles long—the exterior line for improvements is about 6,000 feet beyond the original shore line, covering about 2,500 acres.

"Kill von Kull front of Bayonne—3¼ miles in length—almost entirely developed, with an average distance of 600 feet beyond the original line for improvements, covering about 230 acres.

"With the miles of but slightly improved stretches of Newark Bay and Hackensack and Passiac River shores, comprising about 5,000 acres in all, on which now stands the water front development of Hudson County. It is a matter of growth coincident with the development and growth of the Nation, and is a monument to the enterprise of the pioneers who brought it about and to the spirit of New Jersey that made it possible.

"A talented and enthusiastic young minister, lately called to one of our prominent churches, said recently:

"I am not interested in the past development of the water front of Hudson County, but I am interested to know what the development is going to be in the future.

"I say to that young man, he can predict, with fair certainty, what the future development will be by studying the development of the past, and in no other way.

"What this development would have been if left in the hands of the municipalities comprising the county is entirely conjectural, but it may be of interest to recall that the legislature, by act of April 4, 1872, granted to the city of Jersey City, for the nominal consideration of $1,000, a tract of land under water in the lower part of old Jersey City, lying between the extension of Van Vorst Street and Grove Street, containing about 20 acres. This grant was made conditional upon the payment by the municipality of $1,000, but so little was thought of this now considered valuable tract of land that the municipality refused to pay this nominal sum and thus perfect its title.

"Under the presumption that the municipality had forfeited its rights to these lands under water in question the State of New Jersey, in 1874, purported to vacate the same, and embodied them in a grant to the Central Railroad Co. of New Jersey. Subsequent litigation, however, brought forth the decision of the courts of last resort in the State that the title of the municipality of Jersey City to these lands was still in force, and the city thereupon carried out the provisions of the act and became the absolute owner of these lands. The fact remains, however, that from 1872 up to the present time—a period of 37 years—no use has been made by the municipality of this tract of land under water and no development attempted.

"In 1878 the State granted to the municipality of Jersey City a tract of land under water on the Hudson River 130 feet in width, adjoining Morgan Street on the south, and for some reason no profitable use has ever been made of this water-front holding.

"In 1886 the State granted to the municipality of Bayonne three tracts of land under water—one on New York Bay near the foot of East Thirty-fifth Street, one on Kill van Kull at the foot of Ingham Avenue, and one on Newark Bay at the foot of West Thirtieth Street.

"No development or use has been made of the New York Bay tract; a dock has been built on the Kill van Kull tract; and a dock has been built on the Newark Bay tract, both used by the public.

"These are about the only cases of municipal administration of water-front property in Hudson County.

THE USE MADE OF THE PROCEEDS OF THE SALES OF THE STATE'S LANDS UNDER WATER.

"On March 31, 1869 (P. L. 1869, p. 1017), an act was passed creating the present board of control of the riparian interests of the State, and section 10 of that act provided that the moneys received from such sales should first be appropriated to the payment of the expenses of its administration, then to the payment and liquidation of the State debt, and afterwards invested and the interest paid over to the trustees for the maintenance of free schools.

"On April 6, 1871 (P. L. 1871, p. 98), an act was passed devoting all moneys thereafter received from the sale and rental of lands under water to the support of free public schools.

"On March 19, 1890 (P. L. 1890, p. 92), an act was passed repealing the above and making the proceeds of the sales and leases of these lands made after the passage of the act applicable to the 'necessary' expenses of the State. This was under Gov. Abbett's administration, but on April 24, 1894 (P. L. 1894, p. 123), under Gov. Werts's administration, an act was passed repealing the last-mentioned act and devoting the proceeds of the sales and leases of the riparian lands again to the support of free public schools.

"In an opinion by Attorney General Samuel H. Grey in 1901 the learned attorney general expressed the opinion that any money, stock, or other property appropriated to the support of free public schools under the provision of the constitution (art. 4, sec. 7, par. 6) were constituted a fund that could not be devoted to any other purpose than the support of free public schools. And in the light of this opinion it is questionable whether the use of the moneys from the sale of the riparian lands between the years 1890 and 1894, during which period they were diverted to general State purposes, was a lawful use of the money; but there is no question that now all of the proceeds of the disposition of the State's lands is devoted to the support of free public schools throughout the State.

"Article 4, section 7, paragraph 6 of the constitution of the State provides:

"That the fund for the support of free schools and all money, stock, and other property which may hereafter be appropriated for that purpose shall be securely invested and remain a perpetual fund.

"The board having control of the fund is called "trustees of the school fund," and is composed of the governor of the State, the secretary of state, the attorney general, the State comptroller, and the State treasurer.

SOME OF THE COMMISSIONERS.

"In conclusion, in connection with the development and administration of the water front of Hudson County, it is interesting to note the names of some of the men who were intrusted with this duty.

"We find that, in 1848, a committee, composed of W. H. Leupp, Martin J. Ryerson, and George F. Fort, were appointed 'to investigate and report as to the extent and value of the lands under water owned by the State within the limits of the county of Hudson,' and reported to the legislature.

"It is an interesting fact that the George F. Fort referred to in 1848 was governor of the State of New Jersey from 1851 to 1854, and is the uncle of the present governor of New Jersey, Hon. John Franklin Fort. So the fact appears that the administration of this great asset of the State began in the same family, in 1848, that is administering it in 1909, 61 years after.

"In 1864 a committee was appointed to inquire into the subject of the riparian rights of the State, and among the commissioners appointed for that duty we find the name of Jacob R. Wortendyke, father of the present assistant engineer of Jersey City, and of Mrs. Watson, the wife of Dr. W. Perry Watson; also at that early day we find Robert C. Bacot, Esq., for many years an honored resident of Jersey City, as superintendent and engineer; and it is interesting to note that Mr. Bacot continued as such superintendent and engineer until the year 1897, a period of 33 years, when, by reason of age, he retired with the respect and regret of those associated with him in the administration of this trust.

"In 1869 the commission contained the name of Peter Vredenburgh, father of James B. Vredenburgh, the eminent counselor of our own city, and of Judge William H. Vredenburgh, of Freehold; also the name of Hon. Bennington F. Randolph, father-in-law of Gov. Joseph D. Bedle, and others.

"No thoughtful person can regard the subject of the development of our water front without interest.

"There stands on a prominent point of land on the east shore of the Hudson River, inclosed by a plain iron barrier, under the shadow of Grant's Tomb, a simple stone monument, on which is inscribed, 'Erected to the memory of an amiable child.' This stone has stood there a hundred years and more. I know of no better spot from which to obtain a view of the magnificent development of the water front of the northern part of our county than this; and I know of nothing that so strongly impresses the mind with the fact of the passage of time.

"As you look on the resting place of this sleeping child, 'the world forgetting, by the world forgot,' you are back a hundred years in the quiet of undisturbed nature. Raise your eyes, and you look on another order of things—the life and activities of the commercial world of to-day.

"Or stand on the upper deck of one of our uptown ferryboats, or one of the Staten Island ferryboats, and let your eyes thoughtfully rest on the development of the shores of our county—all gained out of the mud and slime of the shoals of our water front—and you will be impressed by what has been accomplished.

"How easy it is to criticize, and what wonders are not performed by men, whose chief claim to distinction is an abnormally developed hindsight.

"But we write of men of the past. What they lacked in spectacular and sensational activities they made up in solid worth and character, and theirs is an inheritance to be preserved. They laid the foundations with dignity and builded with integrity; and the Hudson County Historical Society does well to add to its archives the names of men and their achievements which have stood the test of time."

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman, the only connection between the subject of the pending bill and the subject which I rose to mention in the brief space of one minute is the fact that all sailor men and others on shipboard are apt to catch cold, and in this connection I desire to ask unanimous consent to extend my remarks in the RECORD in order to have printed a very able, scientific, and practical address delivered by my old professor on the practice of medicine, Dr. William Hanna Thomson, of the city of New York, on the subject of catching cold and the methods of preventing it; a most practical and useful address, which he made when he was installed as president of the New York Academy of Medicine, and which I commend to all the Members of the House and their constituents. [Applause.]

The address above referred to is as follows:

HOW PEOPLE "CATCH A COLD" AND HOW TO CURE IT—DR. WILLIAM HANNA THOMSON GIVES SOME PRACTICAL AND TIMELY ADVICE.

[By William Hanna Thomson, M. D., LL. D.]

"A fact which concerns everyone is that the commonest cause of disease and death outside of hot, moist climates is from 'catching cold.'

"I first drew attention to the mechanism of this derangement in my inaugural as president of the New York Academy of Medicine in 1899. But, though this is true, the mechanism of this disorder is wholly unknown by the general public, and it is high time that the medical profession should widely circulate the facts which have been discovered relating to this important subject. 'Catching cold' is by no means the same thing as being chilled by cold, for a person may be warmly clad all over and yet by simply getting his feet wet in melting snow catch a cold which may cause his death from all sorts of internal complications, resulting from a localized chill of his lower extremities.

"The first explanation which we would offer is that the constant flow of arterial and not of venous blood is absolutely necessary to the maintenance of the integrity of every bodily tissue. This was strikingly illustrated by the experiment of Overbach, who, after simply clamping the arteries of the kidneys for 40 minutes, so deranged the internal structure of those organs that albuminuria was caused for 20 days before the kidneys returned to their normal condition.

"Throughout the body, therefore, a most careful supervision over the flow of the blood through the arteries is maintained, because even a very temporary interference with the arterial flow produces serious changes in the parts supplied by those arteries. It should be steadily borne in mind that the trouble arises wholly from interference with the flow through the arteries, and not at all with the returning blood through the veins. The flow in the veins of the legs may be obstructed for weeks at a time, with a result that both legs will be greatly swollen with dropsy; but when the cause is removed the dropsy is all absorbed, and the tissues soon prove to be in as normal a condition as ever.

"Quite otherwise is it with obstruction in the arteries. Conheim showed that tying the arteries of a rabbit's ear so that no blood passed through them for two weeks was followed by violent inflammation and disorganization of the tissues of the ear when the ligature was loosened. A remarkable provision is therefore made in the body for regulating the flow of arterial blood. Without that provision our bodily lives would quickly come to an end.

"For example, when the stomach is digesting food it requires nine times as much blood as when it is empty—in other words, there must be some mechanism which allows its arteries to dilate while it contains food and then to have them contract when it is empty.

"A deer when it is feeding dies instantly if shot through the stomach, but it may run for miles if shot there when the stomach is empty. All this arterial regulation is under a special division of the nervous system, called the vasomotor nerves. These nerves ramify upon the coats of the smaller arteries, and stimulation of these nerves will cause the arteries to contract so that they are scarcely visible. On the other hand, if these nerves are cut, the arteries then relax to their fullest extent, and it is therefore a study of the laws of the distribution of the vasomotor nerves which affords us the first clue to the problem of 'catching cold.'

"Thus, one of the laws of vasomotor association is that the arterial circulation of all organs in symmetrical pairs is so adjusted that what happens in one of the pairs is reflected through the vasomotor nerves to produce exactly the same result in the other pair. Thus it is easy to see the pulsation of the arteries in the translucent ear of a rabbit, but those arteries at once disappear if the other ear be pinched. Injury of one eye is often followed by the most serious results in the other eye.

"I once took advantage of this law when a boy put a pistol shot through the palm of his hand. The bullet severed the palmar arterial arch, which is supplied by the radial artery coming from the thumb side and by the ulnar artery coming from the opposite side of the wrist. It was necessary, therefore, to tie both ends of the severed palmar arch, but it was difficult to find these wounded vessels on account of the steady hemorrhage which was taking place.

"I accordingly had the other hand dipped in ice water, and the hemorrhage was immediately checked enough for me to find the wounded vessels without trouble.

"If two thermometers be put in the armpits, and a third thermometer be held in the left hand, then plunging the right hand into ice water will cause the thermometer in the left hand to fall from 2 to 5 degrees, while the thermometers in the armpits are not affected. This law, however, applies only to the organs in symmetrical pairs, such as the two hands, the two ears, the two eyes, and the two feet, but does not apply to pair organs which are not symmetrical, such as the two lungs and the two kidneys.

"But another important law is that the vasomotor nerves supplying the skin are always associated with the vasomotor nerves supplying organs or tissues underneath that part of the skin. This law explains the whole subject of surface applications.

"A poultice, for example, is always sedative in its effects, and relieves internal pain not because the poultice strikes clear through into the pleura or inflamed lung, but acts only on the vasomotor association between the outer and inner parts. Hence we may stimulate, as well as depress, by this association.

"A blister or dry cupping is actively stimulating, and thus may be very useful to clear away venous congestion following inflammation, but should not be used during the active determination of blood to a part at the onset of an inflammation.

"But the obverse of this association is still more important to remember. Every inflammation of an internal organ causes the vasomotor nerves of the skin over that organ to be in a highly sensitive condition, so that the internal inflammation may be much aggravated by neglect to protect that part of the skin. This is particularly illustrated in inflammations of the heart, which may be made much worse by having the skin over the heart exposed to the cold. I have often detected the beginning of consumption in the apex of one lung by the application of a cold hand causing the patient immediately to cough when laid over the affected side.

"Besides these laws of vasomotor association there are other important associations which are special between widely separated parts. Thus, the feet are closely associated with two important regions. The first of these is with the circulation of the organs within the pelvis. No one who has inflammation of the bladder or a condition of chronic dysentery ought to get his feet wet lest he thereby aggravate the symptoms due to these disorders.

"The second important association of the feet is with the circulation of the throat. Local chills of the feet may be quickly followed by an attack of sore throat, which extends to the larynx, producing hoarseness, and then may proceed down the windpipe to the bronchial tubes, thus causing bronchitis.

"Still another important association is between the nerves arising at the nape of the neck and the whole artificial circulation of the head and face—in fact, we may say that at the nape of the neck is the chief executive office which presides over the whole circulation above the diaphragm, including, of course, the circulation of the mucous membranes.

"One domestic remedy, for example, was to check nosebleed in a child by slipping a cold key down the back of its neck. How local the primary excitation may be is shown by results of exposing the back of the neck to a cold draught of air. The most extensive inflammation of mucous membranes may result from a prolonged exposure there, though the rest of the body may be warmly clad. Nasal catarrh, which is an inflammation of the mucous membranes of the nose, or, in fact, catarrh of the whole respiratory tract, may soon follow exposing the back of the neck to a cold draught of air.

"These vasomotor associations have their widest illustrations in the causation and course of bronchitis. Sometimes getting the feet wet begins, as we have explained, a cold, which first makes the voice hoarse, and then from the larynx proceeds steadily downward the trachea and larger bronchi until the smaller air tubes become involved.

"Oftener than that, however, the vasomotor centers at the nape of the neck, as we have just said, set up a catarrhal inflammation of the nasal passages, and then with this derangement in the beginning of the breathing apparatus, it progressively invades the whole respiratory tract.

"But what I wish particularly to explain here is the mechanism of the many fatal complications of bronchitis.

"To begin with the disasters which follow upon the plugging of a main bronchus by the accidental lodgment in it of a foreign body. If this be not removed, death inevitably ensues from a most disorganizing pneumatic process of the part supplied by the bronchus, in which are not only all the air vesicles wholly destroyed, which they are not in croupous pneumonia, but the interlocular, as well as the intervesicular connective framework, is rapidly damaged. No ruin of pulmonary tissue compares with this for completeness.

"Now, it should be borne in mind that both the larger and the smaller bronchi should never contain anything but air. Their walls are simply moistened by a bland, slightly saline fluid, and in no part of the body is the saying more true that no mucous membrane should ever secrete mucus. When, instead, its surface is coated with mucus, it is already in a morbid condition, denoting inflammation.

"In the bronchi this is doubly true, for secretions there, no matter how fluid, are to all intents and purposes foreign bodies, and must be got rid of. If they can not be got rid of, the part supplied by that bronchus is subject to the same disorganization as that described following the plugging of a main bronchus. It is then that we have a localized, but ruinous, broncho-pneumonia, however small its area may be.

"Broncho-pneumonia, therefore, occurs in every disease accompanied by bronchitis whenever, as in children, the powers of expectoration are feeble, particularly in measles and whooping cough, and is the most common cause of death in all such affections. But its initial mechanical cause should not be lost sight of, the practical aim always being to make the secretions so fluid that they can be easily coughed away. In adults this is usually accomplished with ease. In infants, as already explained, the immediate results are very serious. The small, occluded bronchi now lead to the same disorganizing process in the little lobules supplied by the bronchus, which occurs as the result above described accompanying occlusion of a main bronchus. Scattered pneumonic processes are therefore found through both lungs, for bronchitis, unlike croupous pneumonia, is a bilateral affection.

"In some cases, however, the plug in a small bronchus may act as a valve, interfering with the inspiration, but not with the expiration, thus leading to atelactasis or collapse of the lobule, so that in broncho-pneumonia we find both pneumonic consolidation of lobules along with collapsed lobules, either condition, of course, equally interfering with the breathing.

"In infants, therefore, this whole process leads to most distressing efforts to get air. The little patients toss from side to side in their vain endeavors to breath until signs of carbonic acid poisoning show the last effects of gradual suffocation; but we meet with practically the same conditions in aged patients from their feeble powers to expectorate.

"Remembering, however, the purely mechanical operation of their respiratory obstruction, I once had an old lady 84 years old, mother of a prominent New York judge, raised feet upward by her nurses, while her head touched the floor, and while in this position I assisted her expectoration by pressure on the sides of the thorax during expiration. She thus got rid of large quantities of mucus and was soon restored to bed quite comfortable, ultimately recovering.

"In no disorder of the lungs does the morbid condition so facilitate infection by every variety of microorganism, including tuberculosis, a not uncommon sequel, especially after measles.

"This subject finally brings us to an important fact connected with catching cold, and that is that catching cold exposes us to every variety of microbic infections.

"Thus the outer skin everywhere swarms with microbes, which are the dread of the surgeon. On that account he does not dare to make the smallest incision through the skin without first disinfecting it by every antiseptic measure in his power. So long as the skin is intact these deadly microbes can not do anything, but just so is it with the inner skin or mucous membrane, which lines the tubes and cavities of the body.

"Thus, the mouths of healthy persons contain for a lifetime that deadly pneumococcus which carries off so many persons when it attacks the lungs with pneumonia. But this microbe can do nothing so long as the mucous membrane is protected by its carefully laid pavement of what are called epithelial cells.

"But let any portion of that mucous membrane be damaged by the shutting off of the cells from their arterial blood through the means of a cold caught either from the feet or nape of the neck, as above described, and the way is then opened for the infecting microbe to enter. The majority of infections, in fact, occur through the mucous surfaces whose epethelium has been damaged in the way described.

"Treatment. The various conditions above reviewed afford many indications for treatment. Thus chronic nasal catarrhs point to a weakened susceptibility of the vasomotor centers at the nape of the neck. Now, nothing so restores the tone of these weakened centers as cold properly applied. Thus a cold bath or shower bath invigorates the circulation, provided always that the reaction from the impression of cold is complete, but if no or equally imperfect reaction occurs the patient is worse off than ever; hence, chronic nasal catarrhs are best treated by sudden and very brief douching of the back of the neck with cold water, to be followed by active dry friction to assist or to promote the restoration of the circulation in the parts. During the douche the hair should be carefully protected from the water, for wet hair would only prolong the injurious effect of chill. Meanwhile the nose itself may be treated with insufflation of a fine powder composed of 2 drams of subcarbonate of bismuth with 6 grains of aristol.

"Bearing in mind what we have said about internal inflammation causing hyperesthesia or great sensitiveness of the corresponding area of skin over the seat of the inflammation, any area of chronic inflammation should have the corresponding cutaneous surface carefully protected. In health, if a cold hand suddenly be placed over the precordium, the heart will give a bound, but so all cases of heart trouble, whether the result of pericarditis or endocarditis, are very sensitive to surface impressions, which would not normally be felt. This explains the beneficial results following applications of large belladonna plasters, which should cover the whole area of the skin over the heart, but these facts are equally applicable in all chronic inflammatory conditions, whether of the lungs or of the pleura. Chest protectors on that account are reasonable. I prefer the application of cotton batting to any other such measure.

"Similarly every patient with chronic diarrhea should have the abdomen covered by some equivalent protection. In chronic, long-standing bronchitis I have the patients wear both shirts and drawers made with perforated chamois skin, worn just over a light undergarment. I have often been told by such patients that they could spend their winters at home, when before they used these protections to the skin they were unable to do so.

"Osler says in his Practice of Medicine:

"Thus, in the convalescence from measles and whooping cough it is very important that the child should not be exposed to the cold, particularly at night, when the temperature of the room naturally falls. In a nocturnal visit to the nursery—sometimes, too, I am sorry to say, to a children's hospital—how often one sees children almost naked, having kicked aside the bedclothes and having the night clothes up about the arms.

"In my practice I have all such children while tossing about, struggling for breath, and thus exposing themselves, put into bags of canton flannel, drawn about the neck so as to prevent them from exposing the skin to the cold air."

Mr. PADGETT. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HOBSON], a member of the committee.

Mr. HOBSON. Mr. Chairman, I do not intend to take up perhaps all of that time. I recognize the universal desire to make progress on our bill. My chief purpose in rising, however, is to refer to the apparent political line that seems to be forming in matters of the Navy. I say "apparent," because I believe that time will demonstrate that there will be no such real line of division. The gentleman from Illinois [Mr. Foss] is alarmed unduly, and his alarm is premature. This Congress is not yet complete. After so many years of extravagant Republican rule it was a perfectly legitimate desire on the part of the Democratic Party to put a brake upon expenditures in the early days of this Congress. It is not too late after the ends of retrenchment have been met for that party to express itself finally upon the subject of battleships before this Congress is over. An adequate Navy is not copyrighted by the Republican Party. On the contrary, it is a plank in the Democratic platform at Denver in 1908. That plank reads:

The Navy: The constitutional provision that a Navy shall be provided and maintained means an adequate Navy, and we believe that the interests of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

There never has been a stronger naval plank in any platform of any party since this Government began.

Mr. FOSS. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. FOSS. Would I be impertinent if I should ask the gentleman if it was not largely through the gentleman's energetic efforts that that plank was inserted in that platform?

Mr. HOBSON. I am glad to be able to say, gentlemen, that I had the privilege of appearing before the resolutions commit-

tee at Denver and found a very cordial reception on the part of its members to the suggestions I ventured to advance. [Applause.] Mr. Chairman, an examination of the past records of our Navy supplies no warrant for the Republican Party to claim to be the father and the sponsor for the new Navy. On the contrary, the fact is that the Democratic Party has equal, if not superior, claims to this distinction. Secretary Chandler, Republican, has been mentioned in this connection. Secretaries Whitney and Herbert do not take second place to any Secretary who ever held the office.

The appropriations for the Navy made under the Democratic administrations show that the Democratic Party not only took no backward step, but made great progress in naval development. When the Democratic administration came into power under Mr. Cleveland in 1885 the appropriations for the Navy increased from $15,000,000 in 1884 to $16,000,000 the next year; they then went to $17,000,000, and in 1888 reached the high-water mark, for those days, of $25,000,000. [Applause.] Again, turn to the second administration of Mr. Cleveland and you will find that in 1893 the appropriations for the Navy increased from $21,000,000 the previous year to over twenty-two and a half million dollars, and in 1894 went up to $29,000,000, and in 1895 to $31,000,000, and in 1896 attained again the high-water mark for those days of $33,000,000, showing that the Democratic Party has been consistently progressive in its policy toward the Navy. Moreover, it has incorporated reforms in administration and has been constructive in its treatment of this great branch of national defense.

Furthermore, the control of the Naval Committee by the Democratic Party is going to mark a beginning of new and much-needed reforms and the adoption of many constructive measures, not only to cut down the expenses but to promote the efficiency of the service, the efficiency of administration, the efficiency of organization, the efficiency of the personnel, and the general efficiency of the Navy as our main reliance for national defense.

Take the question of types of battleships. It is a legitimate criticism that to-day we have not a single modern scout vessel. These *Dreadnought* cruisers are the only form of modern scouts that can occupy the sea. No auxiliary can remain upon the sea in the face of those, and yet there has not been under a Republican administration a serious effort to get such vessels as these. Furthermore, the question of the type of shell to use has been long neglected, and we are to-day behind all the rest of the world. It has been hard work to get a Republican administration to make even the simplest experiments in this important line of naval progress. Under Democratic control of the committee we now have a special subcommittee to take up with the Navy Department the question of experiments, and are in a fair way to determine the best methods of attack and provide against the expenditure of money for ineffective matériel. We have taken up the question of the reorganization of the navy yards and Navy Department and of the personnel. It is not only not warranted, but exceedingly unwise in either side to try to make a political matter out of this vital question. Every Democrat, like every Republican, recognizes the elemental principle of self-preservation, and all join together in providing for national defense.

When it came to the question of the Spanish War, was there any difference of party? No. Was there in any other foreign war? No. And there never will be. In my judgment, the Democratic Party will soon be in control of the Executive administration of the Government as well as in control of Congress, and it can be relied on to meet effectively and wisely all the responsibilities that come, including proper provision for and administration of the Navy and all other branches of the national defense. American institutions are built up upon the great Democratic principle of equality of opportunity for all and special privilege for none. This principle is the foundation for the civilization of the future to rest upon. It is absurd, on the face of it, to think that the party that embodies this principle would see it pushed backward by the nations of the Old World whose Governments are built upon the hereditary principle and the claims of privilege. On the contrary, the Democratic Party of all others can be depended on to advance that principle year by year, and to provide for its defense against assault. Take the Monroe doctrine established by our forefathers.

The Monroe doctrine is in effect an announcement that this hemisphere shall not be seized by any foreign power for special advantage. It does not restrict legitimate development or even colonization in the sense of sending citizens there, but it forbids the seizing and control of any part of it by a military power that would hoist its flag and assume special privilege there. You do not expect the Democratic Party, that stands for that principle—the party that announced and inaugurated the Monroe doctrine—to give up the Monroe doctrine. On the contrary, it can be counted on, as in the case of President Cleveland, to protect that doctrine with jealous care. When we examine the means for maintaining that doctrine it will be evident to those who have the responsibility that the only way for our ideas to prevail in a land beyond the sea as against the ideas of another nation in the same land likewise beyond the sea from them will be for us to control the sea.

Our liberal and generous policies in Cuba would have been accepted if we had held control of the sea as compared with Spain, and there would have been no war with Spain. The problems there would have been settled by diplomacy.

When Germany landed in Venezuela, we called upon her to retire. Why did she retire peacefully? Because we had control of the sea. It being clear that control of the sea is necessary to maintain the Monroe doctrine, the Democratic Party can be counted upon to establish that control.

Furthermore, we are now approaching the completion of the Panama Canal. Not only the Monroe doctrine but the Pacific Ocean in general will receive more careful consideration at the hands of the whole world, and especially at the hands of the American people and their representatives in both parties. Across the great Pacific Ocean Americans to-day maintain, or assume to maintain, the principle of the open-door policy. That is nothing more than the old Democratic principle of equality of opportunity in the commercial relations of nations with the neutral markets of the world. We are the real sponsor, and upon us must depend the real effectiveness of that policy. Of course, the Democratic Party and the Democratic statesmen in control of its policies must recognize that the only basis upon which that policy can be maintained and made effective is a strong naval force in the Pacific Ocean—substantially control of the sea as against any nation of Asia.

In the middle of the Pacific, at Pearl Harbor, near Honolulu, we have the most vital strategic point in the world. That harbor will control 4,000 miles of that ocean, practically the ocean itself. The nation which ultimately controls Pearl Harbor will direct the policies and future of that great ocean.

America now owns that harbor. Other nations desire it. One other nation has 35,000 troops in that island by official report. The permanent control of that harbor depends absolutely on the control of the sea. The nation that has free access to that island, so that its reenforcements can go over while it can cut off the sending of reenforcements from other lands, will of necessity control that strategic center. Democrats in responsibility will be just as alive to their vital interest as men of any other party.

Again, it is not necessary to discuss how we came into possession of the Philippine Islands. We all know we have a responsibility resting upon us in connection with the future destiny of those people. We would not allow peoples in South America to have their destiny determined by a great military power of another continent.

Do you think we would leave the destiny of the Filipinos, now in the hollow of our hands, to be settled by the foreign colonial policies of any monarch? America certainly would not, and least of all would the Democratic Party. Evidently we can only maintain our protection and assume the inalienable responsibility by having free access to those islands, which means control of the sea in the Pacific. In view of these considerations we can rest assured that a constructive party like the Democratic Party will proceed to develop the proper naval policy to protect these vital interests and insure the effectiveness of these fundamental Democratic principles.

Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. HOBSON. In conclusion I wish to call attention to the fact that our committee, with its Democratic majority, is now taking up the whole question of national defense on a broader scale than ever before considered in America, and has reported a measure which will create a council of national defense. The President will be at the head of the council, and on it will be the Secretary of State, the Secretary of War, the Secretary of the Navy, and eight Members of Congress, the chairmen of the great committees involved in national defense—the Committees on Appropriations of the two Houses, the Committees on Foreign Affairs of the two Houses, the Naval and Military Committees of the two Houses, and four experts—the Chief of the General Staff of the Army, the president of the Army War College, the officer of the Navy corresponding as nearly as practicable to the Chief of Staff, to be appointed by the Secretary of the Navy, and the president of the Naval War College. These are to be a council of national defense, to investigate thor-

oughly the whole question and formulate our general policy, and to recommend to Congress from time to time such measures as they deem expedient for the carrying out of that policy.

Every nation of the world of any importance in military affairs, where the question of national defense has been given serious consideration, has evolved some such council in some form. Recent wars have shown the increasing necessity for well-defined policy as the magnitude of war operations grow. In the war between Japan and Russia, Russia's council did not bring closely together the civil and military, and the civil permitted the war to be brought on before the military was ready. Then, again, the civil allowed the war to be terminated before the military was ready. The result of the war was adverse to Russia. If there had been that intimate connection in their administration between the civil and the military that there will be in our council they would have proceeded together. The war would have been delayed in coming on, and would have been extended in its prosecution; and the experts of the world believe the issue of the war would have been victory, instead of defeat, to Russia.

Following upon the heels of the Japanese-Russian war, the Russian Government strengthened and solidified their council of national defense.

The same happened with the English council in the prosecution of the Boer war. That war gave the British a great deal of trouble because the civil brought it on before the military was ready. Since then they have developed their council of defense along the lines I have indicated.

A study of the organization of the German Government and its defense policies goes to show that the great success achieved in recent years by the German arms is due to the fact that they have had complete cooperation between the civil and military branches. The lesson of history brings out the fact that the successful policies in war and successful foreign policies pursued without war have been the result of thorough cooperation of civil and military administrations. The Democratic Party in establishing this council will inaugurate a new era of economy and efficiency in the national defense——

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. HOBSON. I do.

Mr. HILL. I do not know much about naval affairs, but I wish to ask this question: Did the committee, in reporting this bill and ignoring the recommendation of the Navy Department for two battleships and two cruisers, do it with the idea that the present Navy, if maintained in its present condition, is sufficient for the defense of the country, or do they do it as a matter of temporary economy and propose to have the country take its chances on the defense?

Mr. HOBSON. I will answer, though the chairman of the committee is better able to interpret the party policies, if the gentleman asks me what my idea of it is. The party, and the committee reflecting that party, have simply called a temporary halt for purposes of investigation. The party seeks economy, but not a false economy that would sacrifice efficiency—this session is not completed yet—in the matter of battleships.

Mr. HILL. Now, I would like to ask the gentleman one more question, and that is, whether, in his judgment, that is a safe course of procedure?

Mr. HOBSON. I am frank to tell the gentleman, as I tell everybody who asks me about it and as I tell the public at large, that in my judgment the only policy that will maintain the Monroe doctrine in peace is to have control of the sea as compared with any nation that might attempt to colonize. The same situation holds true in the Pacific, and our Navy ought to be of such strength that our fleet in the Atlantic would be on a parity with any continental nation of Europe, while our fleet in the Pacific would be on a parity with any power of Asia; that is, our Atlantic Fleet should equal the German fleet and our Pacific Fleet should equal the Japanese fleet.

Mr. HILL. I do not refer to size as an instrument of offense. I am asking the gentleman's judgment as to whether, if the Navy is maintained in its present condition, it is sufficiently large to be a sure defense?

Mr. HOBSON. I am frank to tell the gentleman that it certainly will not be. At our present rate we will not be a second-class power long, but will rapidly fall to the rank of a fifth-class power. It would require more than four battleships a year to maintain a position as a second-rate power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, in my home State of North Carolina the 10th day of May in each year is set apart as a memorial day, on which the men and women gather in their respective communities to do honor to the living ex-Confederate veterans and to recall the virtues and the heroism of those who gave up their lives in the great Civil War. It is a day which evokes tender and grateful memories of that fratricidal strife, and for the larger number of those who participated the event is only a matter of history. We of the South find nothing inconsistent or unpatriotic in preserving the memory and recalling the courage and virtues of the men who wore the gray. To those of us who have no personal recollection of that great war we feel that we would be unworthy sons of those brave men if we forgot their virtues or ceased to be proud of the record which they made in a cause which they believed to be right. For all time to come their deeds and their achievements as men will make a bright page in history and add distinction to our country.

No brave soldier who followed Grant will deny this privilege or disparage the courage and manhood of his former foes. We are all American citizens, and as we of the South honor the brave men who fought to preserve the Union, so will all good men upon the other side and their descendants continue to honor the brave men who followed Lee and Jackson.

I was at my home in the town of Washington, N. C., on the 10th day of May this year and participated in the memorial exercises. The Daughters of the Confederacy joined with the veterans and the citizens in this sweet memorial. Under a bright sun, with a gentle breeze, the old and decrepit veterans marched with stirring music and accompanied by citizens and children. The exercises were held in the auditorium of the public-school building, where, as a part of the program, an address was delivered by Mr. R. D. W. Connor, of Raleigh, N. C. Mr. Connor is a young man of only 35 years, but he has accomplished much. He is the secretary of the North Carolina Historical Commission, secretary of the State Teachers' Assembly, and a leading member of the North Carolina Literary and Historical Association. He is a student and writer upon historical subjects and has contributed much toward preserving the history of the State and the country. His address was couched in such chaste language, was so replete with historical facts, and with all was so appropriate and patriotic that I resolved, after its delivery, to request a copy of the address with a view of asking the leave of the House to publish the same in the RECORD. It was an address which might have been delivered before any Grand Army post or before any audience in any State of the Union, regardless of their attitude or the attitude of their ancestors in that great conflict. Like myself, Mr. Connor belongs to the new generation who did not participate in the Civil War. The people of my State are proud of the Republic, loyal to the Constitution and the Union of the States, and have no higher ideal than the preservation of that Union for all time to come. If this speech could be read by the people of every section I believe it would contribute to cementing the ties which should bind us in one common patriotic purpose to preserve our Government, to perpetuate its institutions, and to maintain fraternity among all sections. If I am permitted to insert this speech in the RECORD it is my purpose to distribute it as far as possible in other sections, and particularly among the veterans of the Grand Army of the Republic.

I therefore ask leave, Mr. Chairman, to append as a part of my remarks the address of Mr. R. D. W. Connor, of North Carolina.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address referred to is as follows:

THE MEANING AND PURPOSE OF MEMORIAL DAY.

"Forty-nine years ago to-day the spirit of Stonewall Jackson passed over the river and rested in the shade of the trees. The flight of that heroic soul marked the 10th day of May as an anniversary to be forever hallowed in the grateful heart of the South. For in the career of Stonewall Jackson, more perfectly than in the career of any other man, was personified the Southern Confederacy. As the Confederacy by one bold stroke rose to a place among the powers of the world, so Stonewall Jackson at one bound leaped from obscurity to a place among the immortals of history. The Confederacy, in a brief spasm of glory, astounded the world by the brilliancy of its achievements, and Stonewall Jackson, like a passing meteor across the dark clouds of war, dazzled the eyes of mankind by the brilliancy of his genius; and as the English poet declared of the Confederacy—

"No nation rose so white and fair,
Or fell so pure of crime.

"So Stonewall Jackson, like a stainless knight of chivalry, rose to a place among heroes and, facing death with inspired heroism, left to fame a name untarnished by a single blot. In him, too, we find personified those qualities of fearless courage, dashing enthusiasm, and steadfast loyalty that characterized the soldiers of the South and won for them in defeat laurels as splendid as those that crowned the brows of their foes in victory. Nothing, therefore, could be more fitting than that the daughters of the South, searching the calendar for a day to consecrate to the memory of the Confederacy, should select the anniversary of the day on which Stonewall Jackson gave his life in defence of their homes and firesides.

"It is, then, in memory of this hero and of those who followed him that, in the very midst of an age inspired by the spirit of a living present, and cheered with the hopefulness of those who have learned to fight and win, we pause to-day to commune for a brief moment with a past that is dead, and to pay tribute to the memory of those who fought and lost. Truly a paradoxical situation. And yet, perhaps not so very paradoxical after all, for these memorial day ceremonies have a much deeper meaning than may at first appear. The past is dead, and yet it lives; our fathers lost, and yet they won; and to-day we come to review not the dead, but the living past; to commemorate not the defeat, but the victory of the vanquished. Looking back over the past we see in the American Civil War, underneath all the blare of bugles and the roar of cannon, the conflict of two great ideas. Behind the Stars and Stripes of Lincoln and Grant, we see arrayed the idea of nationality; behind the Stars and Bars of Davis and Lee, the idea of sovereign statehood. Looking out into the future, we see the day when the historian, coming to pronounce his judgment on the final results of that conflict, will declare that in the end both ideas were triumphant, for out of that struggle came a more perfect and more enduring Union, and out of it came a freer and a nobler State. Now, happily no longer in conflict, State and Union move along their destined paths to a common heritage of liberty and truth and justice for all mankind. In this happy consummation both Federal and Confederate have their allotted parts to play.

"The Confederate soldier, as I have said, represented the idea of sovereign Statehood. In defense of this idea thousands of men died on the field of battle, and for it to-day other thousands rejoice in an opportunity to live. What then is this thing for which men are so willing to give their lives? What do we mean by the State? By the State I mean something more than acres of land and millions of people; something more than constitutions and laws, than governors and legislatures, than courts and constables and prisons. I mean something more than material wealth and political power. The State of North Carolina is not the 52,000 square miles of territory lying between Virginia and South Carolina, the Atlantic and the Blue Ridge; nor is it the two and a half millions of people whose homes are here. The State is not to be found in the capitol at Raleigh, nor in the courthouses of our 100 counties. Soil and climate, fields and forests, rivers and mountains, railroads and factories, cottages and mansions, schools and churches—all these are but outward and visible forms of the real, living State. The first white men who settled on our shores 300 years ago found the same 52,000 square miles of territory stretching out before them; the same rivers pouring their waters into the same sea; the same mountain ranges lifting their lofty peaks up into the same blue sky; the same smiling plains and the same rolling hills presented to their view the same panorama of natural beauty and grandeur. They found forests growing then as they grow now. They cleared fields and built houses. They, too, had a constitution and laws, a governor, and a lawmaking body. All these things they had in substance as we have them to-day. They had the possibilities of a State, but they did not have the State itself, and certainly they did not have the State of North Carolina to which we acknowledge allegiance. If these things constituted the real State, it would be but a dead thing, the same yesterday, to-day, and forever.

"But the State is not a dead thing. It is a living, breathing, changing organism, never to-day what it was yesterday, and never to be to-morrow what it is to-day. The State of 1912 is not the State of 1812. Every generation in the past has added its contributions, modifying its character and changing its ideals; and every generation in the future must contribute something for good or ill. As Dr. McIver used to say: 'Sometimes we think it is a pity that a good man who has learned to be of service to his fellows should be called out of the world.' So sometimes we may think about an enterprising and useful generation, but after all the generations of men are but relays in civilization's march on its journey from savagery to the millennium. Each generation owes it to the past and to the future that no previous worthy attainment or achievement, whether of thought or deed or vision, shall be lost. It is also under the highest obligation to make at least as much progress on the march as has been made by any generation that has gone before. It is then in the contributions of all the generations that have gone before us, and in the contributions that we are to-day making to the generations that shall come after us that we find the real, living State.

"Let us suppose that it were possible to blot out of our lives all the story of the past, to erase from our memories all recollection of the men and events, the thoughts and the ideals, that have made us what we are to-day, to lose all knowledge of our forefathers' conceptions of liberty and law, all their successes and failures, their hopes and ambitions, their customs, traditions, and history—suppose all these things were torn out of our annals, what would we have left of the State which our Revolutionary ancestors founded and handed down to us? If we had never seen the gallant Wyatt rushing to his death at Bethel; if we had never watched with speechless wonder and admiration the long gray line of Pettigrew's division sweeping up the heights of Gettysburg; if we had never beheld the splendid figure of the gallant Grimes leading the last desperate charge at Appomattox, would we still have the same glorious old North State which we have now? Robert E. Lee, sitting despondently amid the ruins of his noble army, as his soldiers straggled by on the retreat from Petersburg, without order and without discipline, was suddenly aroused from his reverie by the steady, disciplined tread of a brigade keeping perfect step to the drumbeat. Quickly raising his head, while a pleased smile chased shadows of despondency from his face, he asked, 'What brigade is that?' 'Cox's North Carolina,' was the reply. Then, lifting his hat in salute, the great commander exclaimed, with deep emotion, 'God bless old North Carolina.' Blot all of these memories out of our lives and what should we have left? The same vast stretch of territory would still throw itself across the continent for a distance of 500 miles, the same plains and hills and plateaus would still delight the eye with their varied beauty, the same lofty mountain peaks would still cast their dark shadows across the same deep valleys, the same sky would still bend its blue arch above us, but in it all we should behold but a vain, hollow, empty shell of dead materialism, and not that State for which the Confederate soldier offered his life on the field of battle and which we to-day delight to love and serve. That State, ladies and gentlemen, we find in the hearts and minds of her people; in all they have been in the past, in all they are in the present, and in all they hope to be in the future; in the memories of the men and events by which, in peace and in war, in the council chamber and on the battle field, we have won our place among the States of the American Union; in the ideals upon which the State was founded by the fathers and in the aspirations that stir in us an ambition to serve the State and worthily to maintain what they have nobly secured.

"Such was the Confederate soldier's conception of the State, and as it was his duty and privilege to defend it, so it is ours to preserve and hand it down unimpaired to his children forever. For this purpose, then, that we may the better fulfill this duty, we have set apart this memorial day in order that we may annually pass in review what the State has been in the past, consider what it is in the present, and forecast what we shall make it in the future.

"The first purpose of memorial day, then, is to keep fresh in our minds what the State has been in the past, and surely it would be hard for one who loves his State to find a more important or a more pleasing task. A generation ago it was a favorite boast with us in the South that we had been too busy making history to have time for writing it. But when we come to think of the State as the Confederate soldier thought of it, we shall understand that not only is each generation under obligation to make at least as much progress on the march of civilization as any generation that has gone before, but it is also under equal obligations to preserve the record of its progress for the benefit of generations that shall come after it; for as history is the foundation of all knowledge and the measure of all progress, so a failure to record the great events of history would result in setting each generation back to the point from which its predecessor started, and would close to posterity the source of its richest treasures. Modesty, no doubt, is a commendable trait in the character of any people, but a sober, reasonable, and intelligent pride in the achievements of one's country is the best incentive to public virtue and real patriotism; and a people who have not the pride to record their history will not long have the virtue to make history that is worth recording.

"But I speak now of a State pride that is sober, reasonable and intelligent, for certainly there is nothing either patriotic

or elevating in that foolish, extravagant, and ignorant pride that provoked Kipling's famous prayer:

"If, drunk with sight of power, we loose
Wild tongues that have not Thee in awe—
Such boastings as the Gentiles use,
Or lesser breeds without the law—
* * * * *
For frantic boast and foolish word,
Thy mercy on Thy people, Lord!

"Such a pride develops neither virtue nor patriotism. It only excites the ridicule of the world and brings shame on the good name of the State. It places false values on unworthy things and degrades the character of the people. It produces self-conceit, provincialism, and stagnation, and destroys manly vigor and ambition. It is to be avoided as the worst enemy of true State pride. Rather let us use memorial day to cultivate a sober pride of country, which knows how to hold itself in proper reserve, yet ever stands guard over the true honor and welfare of the State; a reasonable pride of country, which knows the difference between the good and the evil, the true and the false, the beautiful and the ugly in the life of the State, and will accept the one but reject the other; an intelligent pride of country, which will seek to draw from the past lessons of service and inspiration for the present and the future.

"Love thou thy land, with love far-brought
From out the storied past, and used
Within the present, but transfused
Thro' future time by power of thought.

"The importance of the cultivation of such a pride among a self-governing people in the achievements of their country can not be easily overestimated. The great events in the history of a democratic country are the achievements of the people themselves. The Czar of Russia may issue his decree granting a free Parliament to his subjects and is entitled to claim all the credit and the glory as his own; but when an American Congress promulgates a Declaration of Independence or an American President emancipates 3,000,000 slaves, it is not Congress nor the President, but the people themselves, who speak. The American soldier, whether he wore the blue or whether he wore the gray, who answered the call of his country in 1861 and through four long years of war wrote his unsurpassed record of devotion to duty, of courage in the field, of endurance in suffering, of patience in defeat, of fidelity in temptation, of loyalty in the hour of trial, won for himself a place in history beside the imperial legionary of Cæsar and the old guardsman of Napoleon; but the glory of the Roman legionary and the glory of the French guardsman belong to them alone, the glory of the American soldier belongs to his country. So, too, the great men in a republic of self-governing people spring from among the people themselves, and in a republic no man is counted great by the accident of birth, but only by reason of some eminent service rendered to his fellow countrymen. Every man feels, therefore, that what other men have been and done, he himself may be and do. The fame of a Hannibal or a Cæsar, or of a Frederick or a Napoleon, is his own; but the fame of Lee and Grant, of Lincoln and Davis and Vance belongs to the American people. When we turn aside from our daily affairs, therefore, to commemorate the great events in our history, we simply take an inventory of the best that we ourselves have been able to contribute to the making of the State; and when we offer tribute to the great men of the State, we simply pay tribute to the highest types of character that we ourselves have been able to develop, for our own character is reflected in the character of the men whose memories we revere, whose lives we study, and whose virtues we admire.

"This, then, is the meaning of memorial day as it relates to the State of the past; for the State of the present it has a yet deeper meaning. From this study of our contributions to the State of the past we shall draw experience and inspiration for our contributions to the State of the present, for in a free State not only the demands of patriotism but also the qualifications of good citizenship require that those who control and direct the affairs of the State shall be familiar with the ideas and events that have shaped its destiny. In such a State every citizen is a director in its affairs and from time to time is called upon to decide great questions that will affect the welfare of the remotest posterity. In his hands he holds the fate of political parties; he controls public polices; he formulates social creeds; he solves educational problems; he determines great industrial issues; in a word, he forms public opinion, and in free States public opinion rules politicians, governs social conduct, regulates industrial affairs, and shapes the destinies of the people. This much at least every citizen must pay for the privilege of his citizenship; and if he is a patriotic citizen, intent upon the conscientious performance of his duty, he needs as the foundation stone of his citizenship a knowledge of the past.

"Oh, but men say, 'The past is dead, and we are practical men who live in the present. What need have we for the dead past?' The past is not dead. 'The roots of the present lie deep in the past, and nothing in the past is dead to the man who would understand how the present came to be what it is.' The present was born of the past and is the parent of the future. Every problem which you are called upon to solve comes to you out of the past, molded into shape by its influence and charged with its spirit. If your problem be to choose between candidates for the United States Senate, for governor, for constable, or for any other public office, your first inquiry is for a knowledge of their past. If your problem be to reorganize a bank, a school, a factory, or any other institution, your first task is to learn how the institution was formed and whence it grew. If your problem be to formulate a social creed for the guidance of your community, your first step is to learn what social creeds have risen and vanished before. If your problem be to determine upon an educational policy for your city, your county, or your State, you must first of all investigate the hundred policies that have already been put to the test. If your problem be to agree upon some plan for the better marketing of your cotton crop, for the regulation of labor, or to settle any other industrial policy, you must first of all know the origin and history of the trouble to be corrected. Whatever your problem may be you can not understand it clearly or solve it intelligently until you are familiar with its past.

"And yet how often do we see wise men who refuse to acknowledge this plain truth blundering along in their blindness, consulting their invention and rejecting their experience until they find that every step taken in advance seems to be hurled back by some silent and unnoticed power, and their enthusiasm gives way to despair, their hopes fade into recollections.

"What is this unseen power which seems to undo the best human efforts as if it were some overbearing weight against which no man can struggle? What is this ever-acting force which seems to revive the dead, to restore what we destroy, to renew forgotten watchwords, exploded fallacies, discredited doctrines, and condemned institutions; against which enthusiasm, intellect, truth, high purpose, and self-devotion seem to beat themselves to death in vain? It is the past. It is the accumulated wills and works of all mankind around us and before us. It is civilization. It is that power which to understand is strength, which to repudiate is weakness. (Frederic Harrison: The Meaning of History.)

"Surely no people in all the history of the world have had more reason to be impressed with these truths than we Americans of the Southern States. During the decade following the Civil War we saw a triumphant people, flushed with victory and drunk with power, attempt to remodel every institution of these Southern States in defiance of all the lessons of 10 centuries of English history. We saw them attempt to erect a political structure on a basis that turned back the wheel of time a thousand years. We saw them formulate a social creed proclaiming an equality between the white man and the black man that flew into the face of all civilization. We saw them plan an industrial scheme to place the former master under the feet of his recent slave; that gave the lie to the teachings of history throughout the ages. And we saw them all—institutions, political structure, social ideals, and industrial schemes, though supported by the arms of a victorious Nation, rise in the night only to fall crushed and destroyed in the day, leaving as their contributions to the State naught but the

"* * * sword and fire,
Red ruin, and the breaking up of laws.

"Crushed and destroyed, not because they were evil, evil though they were, but destroyed because they were not born of the past. The best work of some of the truest reformers in the history of the world has not been exempt from a similar fate. Indeed, the whole path of civilization is strewn with the wrecks of institutions, social and religious creeds, political and industrial structures, to which millions looked for the cure of all human ills and upon which they founded their hopes of human happiness—wrecked because their roots were not sunk deep in the teachings of the past. The past is the conservative, steadying, guiding power in the present; and the present, without the influence of the past, would be as unsteady in its motions, as helpless to guide its course, and as uncertain of its goal as a ship without sails, ballast, or rudder. No pilot is fit to be intrusted with the control of a ship who is ignorant of his chart, and no crew who are indifferent to their chart need hope to reach their haven safely; so no man is fit to be intrusted with control of the present who is ignorant of the past, and no people who are indifferent to their past need hope to make their future great.

"For this State of the future, memorial day has yet a deeper meaning. Paradoxical as this may seem, it is yet necessarily true. All our aims and ambitions and hopes look to the future. That State pride which the study of the past cultivates is a

meaningless vanity if it does not inspire in us high and splendid ideals for the State of the future. That equipment for service which such study develops has but little purpose if it does not enable us the better to realize those ideals. If we shall find that the contributions made by our fathers to the State of the past were good, shall we not resolve that our contributions to the State of the future shall be better? If we shall find that they have left to us a noble heritage, shall we not determine to leave to our children a yet richer legacy? If we shall find that they were ready without thought of self to bear the burdens of the state and equipped to do its service, shall we falter because we, too, have burdens to bear and services to perform? No State ever called her people into her service with greater confidence in their spirit of willingness and determination than North Carolina in 1861, and no people ever responded with a more absolute forgetfulness of self in their duty to their country. In like manner the State of the future is calling us into her service; and shall we not respond in like spirit? No invading foe threatens us with a foreign tyranny, no bugle calls us to arms in her defense; but there are other tyrannies none the less oppressive, other duties none the less important. There is the tyranny of ignorance, the tyranny of poverty, the tyranny of disease, the tyranny of a backward industrial life, the tyranny of prejudice, the tyranny of intolerance. There are schools to be supported, resources to be developed, social conditions to be reformed, fields to be cultivated, prejudices to be overthrown, truth and justice to be established—all great problems that have come to us out of the past. What, then, has the past to teach us with regard to their solution?

"The past will teach us that since the dawn of civilization ignorance has contributed nothing to the progress of mankind or to the amelioration of man's condition on earth; hence we shall learn that the supreme duty of the State of the future is the education of her children—not some of her children, but every child of them, without regard to its sex or condition, its wealth or poverty, its race or color. Ignorance is no respecter of persons. It chooses its agents regardless of their race, color, or previous condition of servitude. It is thoroughly democratic. It strikes through the ruler in the seat of power; it strikes through the money king on his throne of gold; it strikes through the beggar on the street. It is as blind as justice itself. The scholar in his study, the man with the hoe, the banker, the merchant, the manufacturer, the editor, the teacher the lawyer, the farmer, all feel the deadening effects of its blows, and wherever they fall they leave behind a trail of poverty and failure and suffering. It flaunts itself in our faces to-day with all the arrogance of long-intrenched power, daring us to more terrific battles and inviting us to more glorious victories than any that were ever won by the Confederate soldier. To these battles the State of the future is calling us as the State of the past called to our fathers:

"Bring up all your cohorts of truth and light and power. Open all your batteries and sound the onset, for the conflict is now on with the enemy. The powers of ignorance and of darkness are arrayed against us, and the fight must be to the finish.

"The past will teach us that material resources—unlimited water power, boundless forests, inexhaustible minerals, fertile soil, and genial climate—contribute nothing to the wealth or the power of a people who do not know how to use them. Gettysburg and Appomattox taught this lesson with fearful force, for behind the armies of the South were neglected fields, unopened mines, impassable highways, unexplored forests, and rivers that sent their waters unfettered to the sea; behind the armies of the North were cultivated farms and gardens, rivers that had been harnessed to the spindle and the loom, mines that had been made to yield up their secret treasures, forests that gave their timbers to be fashioned into a thousand useful forms, and great railroads and highways that carried life and vigor to the uttermost parts of the country. In 1865 the armies of Lee and Johnston surrendered not to the armies of Grant and Sherman, who faced them on the fields of Virginia and Carolina, but to the mills and factories that dotted the river banks of New England, to the open mines that poured their riches into the laps of California and Pennsylvania, to the trade and commerce that brought the produce of the world to the doors of New York and Chicago and Philadelphia. History teaches no lesson more forcibly than the lesson that Providence does not long tolerate a people who neglect the gifts of nature. And so in the State of the future, before we can come into our inheritance, we, too, must learn how to go down into the bowels of the earth and bring up the hidden treasures, how to penetrate the depths of the forests and hew down the timbers with foresight and intelligence, how to tunnel the mountains and bridge the gorges for great railroads and highways of commerce and travel. In a word, we must learn how to use the natural wealth that a generous Creator has poured into our laps or become the hewers of wood and the drawers of water for those who do know how to use them.

"The past will teach us that no State ever grew strong or prosperous except through the strength and prosperity of the great toiling masses of its people. Hence we shall learn that in the State of the future the 80 per cent of her people who cultivate her soil and not the 20 per cent who live in her towns will determine her power and wealth. The great economic problem of this State then, as Mr. Poe states it, is not the building of towns and cities but the increasing of the earning capacity of her average farm at least $500 a year so as to bring it up to the earning capacity of the farms in other parts of our country. In order to do this—

"We must rebuild our wasted soils, restore the valuable woods to our forests, construct economic and enduring highways, substitute in the country substantial structures of brick or stone for our frail tenements of wood, the meadows must send their fragrance to the valleys, the fruit trees must cover the hilltops with bloom, the schoolhouse, the church, and the factory must gladden the view from every summit. We must build a more complete and enduring rural civilization, where strong and vigorous manhood is reared and where the purest and rarest forms of womanhood are in bloom. * * * Every idle acre of land must be made to produce, every idle man and woman must be drafted into the army of toil, extravagance and waste must cease, intelligence must dominate matter, and universal vigor must take up the tasks of general frailty. (Seaman A. Knapp in an address before the North Carolina Teachers' Assembly, 1908.)

"Our industrial Lees and Jacksons must lead their armies of toilers against the foes that are beating back from our rural sections the comforts and conveniences and pleasures of modern life.

"The past will teach us that the foundation upon which rests the power and stability of the State is the physical well-being of its people. The battlefield soaked in human blood, strewn with mangled bodies, and groaning from the suffering of its victims, fills us with unspeakable loathing; and, turning away with horror-stricken faces, we cry aloud against 'man's inhumanity to man.' With a thousand voices from every pulpit and press in the land we denounce war as the great crime against civilization, and upon a thousand gilded trumpets we hail the dawn of universal peace as civilization's last and greatest triumph. But if war is a crime against civilization what shall be said of the existence among us of those conditions which produce preventable disease? Where war has claimed its thousands disease has reaped its tens of thousands. During the Civil War, whose heroes we honor to-day, while 19,000 brave North Carolina soldiers fell on the battlefield, disease increased the number to more than 40,000. For every American soldier killed in that struggle by bullets, three fell before the invisible shafts of disease. During the Spanish-American War the common house fly slew five times as many American soldiers as were killed by Spaniards, and in that short and unequal struggle for every American soldier who fell before a Spanish bullet disease slew 14. It matters not how brave the soldier may be, how loyal to his flag, how enthusiastic in his cause, no measure of bravery, no degree of loyalty, no amount of enthusiasm can avail him aught if his body be wasted with disease, if his limbs refuse to obey the demands upon them, if his mind be dulled and deadened by living under insanitary conditions. And what is true of the soldier in war is equally true of the citizen in peace. Rome, once the world's mightiest empire, we are told, was destroyed by malaria. Last year alone in the United States, among the most enlightened people on earth, one single preventable disease destroyed as many persons as were slain on both sides during the four years of our Civil War. No people weak and sickly from living under insanitary conditions can ever make a strong, a prosperous, and a happy community. Though they may dwell in the most beautiful region on earth, though manufactures may prosper, though agriculture may thrive, though the arts and sciences may flourish, though architects may cover the land with gorgeous temples and palaces, though they build navies and raise armies greater than any the world has yet seen, if they do not destroy the conditions that produce disease, disease will take its silent and insidious course, daily undermining the health and decreasing the vigor of the race, and that nation must perish. We shall learn no lesson from the past more vital to our welfare than the lesson that it is the duty of every community to protect the lives and health of its people.

"The past will teach us that the supreme test of capacity of any people for the great task of self-government is the degree of patience with which they are willing to submit to necessary and salutary restraints upon their will in the exercise of political power, and if I do not misread the signs of the times there is no lesson which we need to take to heart just at this time than this: Self-government, if it means anything, means self-restraint, self-restraint in the exercise of political power not merely by individuals, but also by communities, by States, and

even by mighty nations. In every self-governing community the well-considered will of the majority of those upon whom political power is conferred must, of course, prevail; but before that majority is fit for the task of self-government it must recognize the fact that there are certain great principles of right, justice, and liberty, fundamental, eternal, and unchanging, which it can not overleap with impunity, and which must always be maintained at every hazard by those in authority. These principles of government our fathers embodied in our State and Federal Constitutions for the protection of the weak against the strong, the minority against the temporary passions of the majority. But to-day there is rapidly developing among us a disposition to regard these restrictions with disfavor, to look upon our constitutions as antiquated documents, very good in their day but now decidedly behind the times; and we are growing more and more impatient with courts and judges who dare uphold their provisions when they conflict with the passing whims of the hour. Looking back over our history, I find that likewise the abolitionists denounced the courts and judges in the days of Chief Justice Taney and the Dred Scott decision; and so, too, did the carpetbaggers and their northern supporters in the days of Chief Justice Chase and the reconstruction acts. I would not to-day say one word that would revive the bitter memories of reconstruction, yet I would not have you soon forget the lessons to be drawn from that memorable epoch in our history. When the majority of the American people, swayed by vindictive passions of sectional hatred, attempted to reduce the whole South to a condition like that of a Roman province under the Cæsars, what great instrument stood in their way?

"The Federal Constitution. When that majority withdrew from southern leaders the benefits of the amnesty granted them by the President, when they forbade southern lawyers to practice in the courts and southern preachers to preach the gospel from their pulpits, when they abolished the right of trial by jury in the South and substituted for it trial by irresponsible military commissions, when they denied to the southern people the privilege of the great writ of habeas corpus, when by these monstrous violations of the Constitution they attempted to withdraw the protection of the law of the land from all those who refused to 'crook the pregnant hinges of the knee that thrift might follow fawning,' who was it that stayed their hands and saved the liberties of the southern people? It was none other than the judges of the Supreme Court of the United States. Thwarted in their purpose, the majority chafed and stormed, denounced the judges, and threatened to abolish the court, but the good ship Constitution rode clamly through the raging tempest and carried her precious cargo safely into port. And so to-day, when we become impatient at the salutary restraints placed upon our actions by that great charter of our liberties, when we feel inclined to join in the cry of those who condemn it as antiquated and unsuited to the times, when in our eagerness to make 'progress' we are tempted to demand that its time-tested provisions give way to hastily conceived expedients, let us pause—let us pause and call to mind the great part it has played in the establishment of human liberty on earth; let us look about us and consider how it has carried light and hope and inspiration to the teeming millions, not of America only, but of Europe, of Africa, of Asia, of Australia, and the far-off islands of the sea, and let us learn to place a little less confidence in the judgment of the day and a greater faith and reliance in the wisdom and the teachings of the ages.

"The past will teach us that no State has ever survived the assaults of time that was not built on the solid corner stone of truth and justice and equality of opportunity for all men. We shall learn, too, that there can be no truth without freedom of thought, no justice without freedom of discussion, no equality of opportunity without freedom of action. Every tyranny that has oppressed mankind since the beginning of history, whether it be the tyranny of autocracy, the tyranny of aristocracy, or the tyranny of democracy, flourished on intolerance of free thought, on suppression of free speech, and on denial of free action. In the State of the future we must set our faces like flint against every tendency to encourage these servants of tyranny. We must learn to expose every question affecting the welfare of the State to the searching light of free and full discussion and to abide the judgment of the people. But we must learn also that hackneyed oratory is not discussion, denunciation is not criticism, license is not freedom. We must learn that judgments rendered at the dictation of passion and prejudice are not likely to be 'true and righteous altogether.' We must learn that ideas are greater than persons, and principles more enduring than personalities. We must learn that as true liberty is liberty regulated by law, so nothing is more important to the people of a self-governing State than that stern and splendid regard for law which was the glory of Rome in her best days, and without which no people can be truly great or truly free. And, finally, we must learn that, while eternal vigilance is the price of liberty, eternal agitation is not eternal vigilance. Not till we have taken these lessons to heart shall we throw open the door of opportunity to every child in the State; not till then shall justice be enthroned in all the beauty of righteousness; and not till then shall 'Truth, shining patiently like a star, bid us advance, and we will not turn aside.'

"To educate the children of the State, to develop her resources, to revolutionize her industrial and agricultural system, to maintain her authority, to preserve her freedom—these are all great problems that have come to us out of the past; to solve them is the work of the future. We shall not solve them without the expenditure of much money and toil and sacrifice. But to these tasks the State is calling her best sons, and shall we shrink from her call? Consider the Confederate soldier. The one sentiment that overshadowed all others in his heart, was devotion to his State. For the State he lived, and in her defense he went forth to die. He knew no duty above his duty to the State, and he coveted no honor save the honor of the State. No labor was too hard, no burden too heavy, no sacrifice too great in her behalf. When she called him into her service, he invented no excuse, he uttered no murmur, he asked no reward. Inspired by his pride in her achievements, he imagined no greater joy than to share in the brightness of her glory; and warmed by her love, he sought no other fate than to go down with her in the darkness of defeat. If in the same spirit we too shall answer the call of the State of the future we may rest assured that we shall not go down with her in the darkness of defeat, but that we shall rejoice with her in the ever-increasing brightness of her eternal glory.

"Such then is that freer and nobler State that came triumphant out of the conflict of the sixties. Out of that conflict came also, as I have said, a more perfect and a more enduring Union—a Union of States, not of sections—of States sprung from a common source, created for a common purpose, and builded on a common foundation; a Union of States bound together by the history and traditions of a common past, united in the work of a common present, and destined to the glories of a common future.

"For this Union, memorial day, whether it honors the memory of those who followed Lee or the memory of those who followed Grant, has its final and deepest meaning. We shall not come to the observance of memorial day in the right spirit if our purpose be to rekindle the fires of bitter memories or of sectional animosities. But rather let us come in that spirit which declares:

> "The sons will preserve and will magnify the fame of their fathers, but they will not foster or fight over again their feuds, since the fathers themselves * * * long ago renounced rancor and dissolved differences. * * * We will filially honor the shades of our ancestors, but we will not cut ourselves among their tombs. * * * Our fathers fought out the questions which their fathers left unsettled. We recognize and rejoice in the settlement of those questions. But we are resolved that neither the charm of historical study, nor the passion nor the pathos of poetry, nor the pious exaltation which shrines excite and monuments inspire shall to-day hold back North and South from the new and noble obligations, and from the benign and brotherly competitions of this teeming time. Better a decade of love and peace than a cycle of the mutilations and of the memories of the Civil War. (St. Clair McKelway, in an address before the Conference for Education in the South, 1903.)

"In such a spirit the Confederate soldier, after four long years of conflict, submitted to the judgment of the God of battles, and in such a spirit the Nation will yet acknowledge the great debt which it owes to him. He fought the war in good faith; he laid down his arms in good faith; and he accepted the result in good faith. No apology for his course arose to his lips to belie his conscience; no vain regrets lingered in his heart to embitter his spirit. He turned from the battle field to his civic duties feeling 'malice toward none,' but 'charity for all'; ready to lend his hand to the task of binding up the Nation's wounds, and determined to contribute by voice and conduct toward establishing and cherishing a just and lasting peace between the torn and bleeding sections. Keeping always in view the harmony, peace, and happiness of the whole country, joining in the desire of all good men everywhere to hush forever the passions and prejudices of civil strife, disdaining to renounce his own faith or principles, but willing to trust his vindication to—

> "That flight of ages which are God's
> Own voice to justify the dead,

"he called on all sections of his country to ignore sectional issues, and to address themselves to the task of restoring the Union in heart and soul.

"That task, ladies and gentlemen, has been accomplished: the Union has been restored. Fifty years after her secession the vanquished South sits in the councils of the Nation, an

equal member with the triumphant North. By order of the President the name of Jefferson Davis, which was stricken in the heat of civil war from a great national work made possible by his genius, has been recarved on the corner stone of Cabin John Bridge and his image has been graven upon the silver service of the mighty battleship which bears the name of *Mississippi*, to be an inspiration of patriotism to her officers and her gallant crew. The beloved form of Robert E. Lee, clad in Confederate uniform, stands by that of Washington under the Dome of the National Capitol. And in the seat of John Marshall a Confederate soldier with learning, wisdom, and patriotism worthy of his great predecessor guides the deliberations of the Nation's highest court of justice. To-day the South holds in her hands the destinies of this Union, and all men know that they are in safe and honorable keeping.

"A half century is but a brief span in the life of a Nation. Yet the fiftieth anniversary of the morning on which the opening roar of those guns in Charleston Harbor shook this Union to its very foundations and threatened to tear it asunder found these States more closely bound together in the bonds of brotherhood than ever before, saw this Union more firmly established than ever in its whole history, and, in the glorious words of Daniel Webster, beheld 'the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted nor a single star obscured, bearing for its motto no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and union afterwards," but everywhere spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land and in every wind under the whole heavens, that other sentiment, dear to every true American heart, "Liberty and union, now and forever, one and inseparable!"' The accomplishment of this mighty task within the brief space of 50 years is one of the greatest triumphs of civilization in the history of mankind, and in this triumph no section of our country has borne a more honorable part than the old Confederate States, no man has contributed more nobly than the old Confederate soldier. His wisdom and prudence, his saneness and patience, his loyalty and patriotism through all the years since the war have won for him a warm place in the Nation's heart, and there it shall abide forever.

"And to-day as we gather to do honor to his memory shall we not resolve to follow his example and emulate his spirit? Let us forget the bitter memories, the passions, and the prejudices left in the wake of sectional strife and join heart and soul with all throughout our common country who pay tribute to those, whatever banner they may have followed, who unselfishly answered the call of duty as God gave them to see and understand it. On this memorial day, dear to our hearts for the memories it brings, the gallant spirits of Federal and Confederate, who so freely gave of their best blood in the service of their country, call to us to give as freely of ourselves to our great reunited Nation, and in the service of that Nation to think the highest that is in us to think, to do the best that is in us to do, and to be the noblest that is in us to be."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 105. Joint resolution authorizing the Secretary of State, for and on behalf of Surgeon Eugene Masdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government and to present the same to the widow of the said Surgeon Masdin.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We have begun the reading of the bill. It is now 5.30 o'clock——

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

DEFICIENCIES IN HOUSE CONTINGENT FUND.

Mr. FITZGERALD, from the Committee on Appropriations, reported a joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report (No. 755), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the joint resolution.

The SPEAKER. The gentleman from Illinois reserves all points of order.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill 18712, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was taken from the Speaker's table and referred to the Committee on Pensions.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, May 24, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce and Labor submitting estimate of appropriation for the establishment of an immigration station in Chicago, Ill. (H. Doc. No. 764); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, calling attention to the depleted condition of fund for the prevention of the introduction and spread of contagious and infectious diseases and recommending an appropriation of $500,000 for this fund (H. Doc. No. 765); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest, reported the same with amendment, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such

soldiers and sailors, reported the same without amendment, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. UTTER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20220) granting a pension to Annie Hewson; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 24797) to repeal a portion of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes," approved March 3, 1909, and a part of the act making like appropriations for the fiscal year ended June 30, 1911, approved May 18, 1910; to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: A bill (H. R. 24798) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. LENROOT: A bill (H. R. 24799) relating to sleeping cars in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24800) for the purchase of a site and the erection thereon of a public building at Rhinelander, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A bill (H. R. 24801) making an appropriation of $14,500 for improvements in and about the immigration station at the port of New Orleans; to the Committee on Appropriations.

By Mr. RAKER: A bill (H. R. 24802) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 24803) to authorize common carriers subject to the provisions of the act of June 29, 1906, entitled "An act to amend an entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," to issue free transportation to traveling secretaries of Young Women's Christian Associations; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, favoring the abolition of the Commerce Court; to the Committee on Interstate and Foreign Commerce.

Also, memorial, of the Legislature of the State of Arizona, favoring reimbursement of settlers on Spanish land grants for improvements, etc., made while occupying them; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. UTTER: A bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 24804) granting an increase of pension to Amos Berry; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 24805) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24806) granting an increase of pension to L. G. Wildoner; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24807) granting an increase of pension to Theodor Schwahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24808) granting an increase of pension to Silas M. Abers; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24809) for the relief of Yandell Wood and the estate of J. L. Wood; to the Committee on War Claims.

By Mr. DANFORTH: A bill (H. R. 24810) granting an increase of pension to John G. Van Trump; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 24811) granting an increase of pension to Samuel S. Brand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24812) granting a pension to Robert J. Branch; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24813) granting an increase of pension to William P. Smith; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 24814) for the relief of the heirs of Zimri A. Carter; to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 24815) granting an increase of pension to Miriam Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24816) granting an increase of pension to Marguerite Matheney; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 24817) granting an increase of pension to Eleanor E. Garner; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 24818) granting an increase of pension to Henry S. Pettit; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24819) for the relief of Coleman C. McReynolds, administrator of the estate of John McReynolds; to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 24820) for the relief of Walter M. Sheppard; to the Committee on Claims.

By Mr. PEPPER: A bill (H. R. 24821) to pay Charles Max Wittig $500 back bounty; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 24822) granting an increase of pension to Thomas D. Quaintance; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24823) granting an increase of pension to John Souchereau; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 24824) for the relief of Daniel Kennedy; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of United States Civil Service Retirement Association, protesting against House bill 24023, which limits the employees of the District of Columbia to an appointment of five years; to the Committee on the Judiciary.

Also, resolution of North Side Board of Trade in the city of New York, recommending the improvement of Bronx Kills, Harlem River and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolution of Protestant Episcopal Diocese of Washington, against use of Government funds to support schools which are in reality no longer secular but sectarian; to the Committee on Indian Affairs.

By Mr. BULKLEY: Petition of Cleveland & Buffalo Transit Co., favoring passage of House bill 24025, requiring more adequate life-saving equipment on lake and ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cleveland Federation of Labor, favoring requirement of more adequate life-saving equipment on lake steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of Batavia, N. Y., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BURKE: Papers to accompany bill for granting widow's pension to Mary H. Schmidt; to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of citizens of Gadsden, Ala., for passage of Lea-Sims bill to forbid interstate transmission of race-gambling odds and bets and the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Harrisburg (Pa.) Brotherhood of Locomotive Engineers and State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Alabama Federation of Labor, against proposed Federal compensation act; to the Committee on the Judiciary.

By Mr. DANFORTH: Resolution of Congregation B'rith Hamderish Hagodel, B'nai David Chavery Chatem, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Resolution of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, favoring passage of the Panama Canal bill, amended to read free tolls for American vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sons of Poland, of Buffalo, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolutions of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Pride of the West Lodge, No. 56, Independent Order B'rith Abraham, St. Louis, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Fraternal Order Americans, Independent Council, No. 1, St. Louis, Mo.; State Camp, Patriotic Order Sons of America, of North Carolina; and citizens of St. Louis, Mo., all favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Association of Foreign Language Newspapers, of New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Richmond Chamber of Commerce, favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of citizens of Silverton, Colo., relative to establishing a mining experiment station in Silverton; to the Committee on Mines and Mining.

Also, petition of Protestant Episcopal Church of the Diocese of Washington, relative to the garb worn by teacher and Indian children in Government schools; to the Committee on Indian Affairs.

By Mr. ESCH: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., and State Camp, Patriotic Order Sons of America, both favoring passage of House bill 22527, for restriction of immigration; to the Commitee on Immigration and Naturalization.

By Mr. EVANS: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Polish National Alliance of United States, of North America, of Chicago, Ill., protesting against passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of American Association of Foreign Newspapers, of New York City, N. Y., against passage of the Brown-Oldfield bills, proposing change in patent law; to the Committee on Patents.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of United Angler's League, of New York City, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petitions of the Richmond Chamber of Commerce, Richmond, Va., and Brotherhood of Railroad Trainmen, Chicago, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Women's Trade Union League of Chicago, Ill., favoring passage of House bill No. 11372, the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. M. Corbett, of Rockford, Ill., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of First Presbyterian Church, Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Polish National Alliance of Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of divers veterans of the Civil War, favoring the passage of House bill 1339, to increase pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petitions of City Council of the city of Chicago and sixteenth and seventeenth wards, of Chicago, Ill., both protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Memorial of Brotherhood of Locomotive Engineers, favoring passage of anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of New York State Vegetable Growers' Association, of Ithica, N. Y., favoring a parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of Hudson River Improvement Association of New Jersey, relative to improvement of the port of New York; to the Committee on Rivers and Harbors.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of the Cleveland Chamber of Commerce, Cleveland, Ohio, relative to House resolution 357, for collecting data of loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Arkell & Douglas (Inc.), New York, N. Y., favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturing Association, relative to the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of National Lumber Manufacturing Association, Cincinnati, Ohio, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Broome County Humane Society, Binghamton, N. Y., favoring the passage of House bill 17222, relative to shipping immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association, in regard to industrial education; to the Committee on Agriculture.

Also, petition of Bakst Bros., New York, N. Y., protesting against passage of the Richardson bill, H. R. 14060; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. GRAY: Evidence to accompany House bill 23096, claim of Henry L. Kester, late a private of Company E, One hundred and tenth Regiment Ohio Volunteer Infantry; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of Iron Molders' Union No. 101, Bangor, Me., and Princeton Grange, No. 293, Princeton, Me., both favoring passage of postal-express service (H. R. 19133); to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Papers to accompany bill for the relief of the heirs of Jimmie A. Carter; to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Hebrews of New Britain, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of United Brotherhood of Carpenters and Joiners of America, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Ogden Lodge, No. 127, Ogden, Utah, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Tremonton Commercial Club, Tremonton, Utah, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of State Camp, Patriotic Order Sons of America, North Carolina, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. LEE of Pennsylvania: Petition of citizens of Schuylkill Haven, Pa., favoring passage of Senate bill No. 1, establishing a national public health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., relative to adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Daniel Green, of Newport, Del., and John Tindle, Chattanooga, Tenn., both favoring bill for increase of pension to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. MAHER: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, which encourages instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: Petition of Trinity Mission, Winner, S. Dak., relative to conditions of the natives in Alaska; to the Committee on the Territories.

By Mr. McGILLICUDDY: Petition of members of Camp Hamlin-Hagerty, No. 3, Spanish War Veterans, of Lewiston, Me., favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. McDERMOTT: Petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., against passage of employers' liability and compensation act; to the Committee on the Judiciary.

Also, resolution of Polish colony of Chicago, Ill., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Square Deal Lodge, No. 752, Brotherhood of Railway Trainmen, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Coleman C. Dennison; to the Committee on War Claims.

Also, papers to accompany bill for the relief of Thomas Smith for loss sustained during Civil War; to the Committee on War Claims.

By Mr. MURRAY: Petitions of Boston Lettist Workmen's Association, of Roxbury, Mass., and Freedom Lodge, Order B'rith Abraham, of Boston, Mass., both protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of Billy Mortimer Post, No. 192, Minneapolis, Minn., favoring passage of House bill 14070, for relief of soldiers whose hearing is defective; to the Committee on Pensions.

Also, resolutions of J. B. Wakefield Post, No. 172, of Long Lake, Minn., favoring passage of House bill 14070, for the relief of soldiers whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. PARRAN: Petition of Remember the Maine Council, No. 41, Junior Order United American Mechanics, of Seabrook, Md., favoring passage of the Burnett bill providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Petition of citizens of California, in opposition to any change in present patent laws that will affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, favoring passage of the anti-injunction bill; to the Committee on the Judiciary.

By Mr. REDFIELD: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Hebrew Sunday School Society of Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 18327, for printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 22589, for purpose of erecting diplomatic buildings in Mexico, Tokyo, Berne, and Hankow; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of Daughters of Liberty of Asbury Park, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany bill for granting a pension to Isabella Elliott; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Philadelphia Board of Trade, Philadelphia, Pa., relative to erecting some diplomatic buildings; to the Committee on Appropriations.

Also, petition of the Richmond Chamber of Commerce, favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of American Association of Foreign Language Newspapers, New York City, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

By Mr. UTTER: Petition of citizens of Philadelphia, Pa., and Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WATKINS: Petition of Y. P. M. V. Society, parish of Bienville, State of Louisiana, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Twenty-second Assembly District Democratic Club, of Borough of Brooklyn, N. Y., favoring passage of the Hamill bill, to pension certain postal-service employees over 60 years of age and 30 years of service for the Government; to the Committee on Pensions.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., in favor of a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Texas: Resolutions of Smith County Medical Society, of Texas, favoring passage of the Owen bill (S. 1) to establish a national bureau of health; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 24, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE PRESIDENTIAL TERM.

Mr. WORKS. Mr. President, early in the present session of Congress I introduced a joint resolution proposing an amendment to the Constitution fixing the term of office of the President of the United States at six years and providing that he shall be ineligible for a second term. The joint resolution (S. J. Res. 78) has been reported favorably by the Judiciary Committee with an amendment.

I have here extracts from the proceedings of the Constitutional Convention of 1787 so far as those proceedings relate to this question. I think Senators will find them quite interesting and instructive. They show the sentiments of the different members of the Constitutional Convention with respect to this question that is now before the Senate.

I have also appended portions of a letter from Mr. Madison to Mr. Jefferson explaining the proceedings and the views and sentiments of such members on this important question. I therefore ask, Mr. President, that these extracts and this letter may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the request of the Senator from California will be complied with.

The matter referred to is as follows:

EXTRACTS FROM FARRAND'S RECORDS OF FEDERAL CONVENTION OF 1787.

(By Mr. WORKS.)

RANDOLPH'S PLAN.

Resolution.

May 29, 1787: 7. *Resolved*, That a National Executive be instituted, to be chosen by the National Legislature for the term of — years; to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of increase or diminution; and to be ineligible a second time.

June 1: It was moved and seconded to proceed to the consideration of the seventh resolution, submitted by Mr. Randolph, namely:

"*Resolved*, That a National Executive be instituted, to be chosen by the National Legislature for the term of — years; to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of such increase or diminution; and to be ineligible a second time; and that, besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

On motion by Mr. Wilson, seconded by Mr. C. Pinckney, to amend the first clause of the resolution by adding, after the word "instituted," the words "to consist of a single person," so as to read:

"*Resolved*, That a National Executive, to consist of a single person, be instituted."

It was moved and seconded to postpone the consideration of the amendment; and on the question to postpone it, passed in the affirmative.

It was then moved and seconded to agree to the first clause of the resolution, namely: "*Resolved*, That a National Executive be instituted," and on the question to agree to the said clause it passed in the affirmative.

It was then moved, by Mr. Madison, seconded by Mr. Wilson, after the word "instituted," to add the words: "with power to carry into execution the national laws, to appoint to offices in cases not otherwise provided for, and to execute such powers, not legislative or judiciary *in their nature*, as may from time to time be delegated by the National Legislature," and on a division of the amendment the following clauses were agreed to, namely: "with power to carry into execution the national laws, to appoint to offices in cases not otherwise provided for."

On the question to continue the last clause of the amendment, namely, "and to execute such other powers, not legislative or judiciary in their nature, as may from time to time be delegated by the National Legislature," it passed in the negative.

It was then moved and seconded to fill up the blank with the word "seven," so as to read: "for the term of seven years."

And on the question to fill up the blank with the word "seven," it passed in the affirmative—ayes, 5; noes, 4; divided, 1.

It was then moved and seconded to postpone the consideration of the following words, namely, "to be chosen by the National Legislature," and on the question to postpone it passed in the affirmative.

The seventh resolve, "That a National Executive be instituted," agreed to. "To continue in office for seven years," agreed to. "A general authority to execute the laws," agreed to. "To appoint all officers not otherwise provided for," agreed to.

The question of the unity or plurality of the Executive postponed, and the committee proceeded to examine the powers. These points being discussed, the committee took into consideration the duration of the office of the Executive.

Wilson—for three years and no exclusion or rotation.

Madison—seven years and an exclusion for ever after or during good behavior.

Mason—in favor of seven years and an exclusion afterwards. Thereby he is made independent of the legislature, who are proposed as his electors. If he is capable of reelection by the legislature the Executive will be complaisant, and reelect. The Executive will be subservient and court a reelection.

On the question to fill the blank for seven years: Massachusetts divided—Gorham and King, aye; Gerry and Strong, no. Connecticut, no. North Carolina, no. South Carolina, no. Georgia, no. New York, aye. New Jersey, aye. Pennsylvania, aye. Delaware, aye. Virginia, aye.

June 2: The question being then taken on the words contained in the resolution submitted by Mr. Randolph, namely, "to be ineligible a second time," it passed in the affirmative—ayes, 7; noes, 2; divided, 1.

June 13: State of the resolutions submitted to the consideration of the House by the Hon. Mr. Randolph, as altered, amended, and agreed to in a Committee of the Whole House.

9. *Resolved*, That a National Executive be instituted; to consist of a single person; to be chosen by the National Legislature, for the term of seven years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and conviction of malpractices or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service, to be paid out of the National Treasury.

June 13: Report of the Committee of Whole on Mr. Randolph's propositions:

1. *Resolved*, That it is the opinion of this committee that a National Government ought to be established, consisting of a supreme legislative, executive, and judiciary.

9. *Resolved*, That a National Executive be instituted; to consist of a single person; to be chosen by the National Legislature for the term of seven years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and conviction of malpractices or neglect of duty; to receive a fixed stipend by which he may be compensated for the devotion of his time to public service, to be paid out of the National Treasury.

July 17: "To be ineligible a second time"—Mr. Houston moved to strike out this clause.

Mr. Sherman seconded the motion.

Mr. Gouverneur Morris espoused the motion. The ineligibility proposed by the clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a reappointment. It was saying to him, "make hay while the sun shines."

On the question for striking out as moved by Mr. Houston (it passed in the affirmative): Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, no; North Carolina, no; South Carolina, no; Georgia, aye. Ayes, 6; noes, 4.

"For the term of seven years" resumed.

July 19: It was moved and seconded to agree to the following clause, namely, "for the term of seven years," which passed in the negative—ayes, 3; noes, 5; divided, 2.

On the question to agree to the following clause, namely, "for the term of six years," it passed in the affirmative—ayes, 9; noes, 1.

On the question to restore the words "to be ineligible a second time," it passed in the negative—ayes, 2; noes, 8.

On the question, Shall the Executive continue for seven years? It passed in the negative—Massachusetts, divided; Connecticut, aye; New Jersey, no; Pennsylvania, no; Delaware, no; Maryland, no; Virginia, no; North Carolina, divided; South Carolina, aye; Georgia, aye. Ayes, 3; noes, 5; divided, 2.

Mr. King was afraid we should shorten the term too much.

Mr. Gouverneur Morris was for a short term, in order to avoid impeachments, which would be otherwise necessary.

Mr. Butler was against a frequency of the elections.

Georgia and South Carolina were too distant to send electors often.

Mr. Ellsworth was for six years. If the elections be too frequent, the Executive will not be firm enough. There must be duties which will make him unpopular for the moment. There will be *outs* as well as *ins*. His administration therefore will be attacked and misrepresented.

Mr. Williamson was for six years. The expense will be considerable and ought not to be unnecessarily repeated. If the elections are too frequent, the best men will not undertake the service and those of an inferior character will be liable to be corrupted.

On question for six years: Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes, 9; noes, 1.

July 25: Mr. Pinkney moved that the election by the legislature be qualified with a proviso that no person be eligible for more than six years in any twelve years. He thought this would have all the advantage and at the same time avoid in some degree the inconveniency of an absolute ineligibility a second time.

Col. Mason approved the idea. It had the sanction of experience in the instance of Congresses and some of the executives of the States. It rendered the Executive as effectually independent as an ineligibility after his first election and opened the way at the same time for the advantage of his future services.

On Mr. Pinkney's motion that no person shall serve in the Executive office more than six years in twelve years, it passed in the negative: New Hampshire, aye; Massachusetts, aye; Connecticut, no; New Jersey, no; Pennsylvania, no; Delaware, no; Maryland, no; Virginia, no; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes, 5; noes, 6.

July 26: It was moved and seconded to amend the third clause of the resolution respecting the National Executive so as to read as follows, namely: "For the term of seven years, to be ineligible a second time," which passed in the affirmative—ayes, 7; noes, 3.

Col. Mason: In every stage of the question relative to the Executive, the difficulty of the subject and the diversity of the opinions concerning it have appeared. * * * He conceived at the same time that a second election ought to be absolutely prohibited. Having for his primary object, for the pole star of his political conduct, the preservation of the rights of the people, he held it as an essential point, as the very palladium of civil liberty, that the great officers of State, and particularly the Executive should at fixed periods return to that mass from which they were at first taken, in order that they may feel and respect those rights and interests, which are again to be personally valuable to them. He concluded with moving that the constitution of the Executive as reported by the Committee of the Whole be reinstated, viz, "That the Executive be appointed for seven years and be ineligible a second time."

Question on Col. Mason's motion, as above, which passed in the affirmative: New Hampshire, aye; Massachusetts not on the floor; Connecticut, no; New Jersey, aye; Pennsylvania, no; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes 7, noes 3, absent 1.

On the question on the whole resolution as amended in the words following: "That a National Executive be instituted to consist of a single person to be chosen by the National Legislature for the term of seven years; to be ineligible a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and convic-

tion of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to the public service; to be paid out of the National Treasury," it passed in the affirmative: New Hampshire, aye; Massachusetts, not on floor; Connecticut, aye; New Jersey, aye; Pennsylvania, no; Delaware, no; Maryland, no; Virginia divided, Mr. B. [Blair] and Col. M. [Mason] aye, Gen. W. [Washington] and Mr. M. [Madison] no; Mr. Randolph happened to be out of the House; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes 6, noes 3, divided 1, absent 1.

COMMITTEE OF DETAIL.

There was connected with the work of the convention what was known as a Committee of Detail. Documents preserved and set out in Farrand's Records of the Convention show the following relating to this question and mostly in the form of resolutions submitted to and acted upon by the convention, covering the time from July 14 to 26, 1787:

Resolved, That a National Executive be instituted to consist of a single person, to be chosen for the term of six years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to public service; to be paid out of the Public Treasury.

Resolved, That a National Executive be instituted, to consist of a single person, to be chosen by the National Legislature for the term of seven years; to be ineligible for a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to public service, to be paid out of the Public Treasury.

4. The Executive (Governor of the United People and States of America):

1. Shall consist of a single person;

2. Who shall (hold) be elected by the Legislature (by joint ballot (of which) each House have a negative on the other);

3. And *shall* hold his office for the term of (six) seven years;

4. And shall be ineligible thereafter.

The executive power of the United States shall be vested in a single person. His style shall be "The President of the United States of America," and his title shall be "His Excellency." He shall be elected by ballot by the Legislature. He shall hold his office during the term of seven years; but shall not be elected a second time.

September 4, 1787: Mr. Brearley, from the committee of eleven, made a further partial report, as follows: "The committee of eleven, to whom sundry resolutions, etc., were referred on the 31st of August, report that in their opinion the following additions and alterations should be made to the report before the convention, viz:

4. After the word "Excellency," in section 1, Article X, to be inserted "He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner, viz:

COMMITTEE ON STYLE.

Proceedings of convention referred to the committee of style and arrangement.

We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity:

SECTION 1. The Executive power of the United States shall be vested in a single person. His style shall be "The President of the United States of America," and his title shall be "His Excellency." He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner:

Report of the committee on style.

We, the people of the United States, in order to form a more perfect Union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner.

THE CONSTITUTION OF THE UNITED STATES IN ITS COMPLETED FORM AS REPORTED BY COMMITTEE AND ADOPTED.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE II.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows.

—

Letter of James Madison to Thomas Jefferson explaining the course of the proceedings resulting in the present provision in the Constitution fixing the tenure of office and the reason given and views expressed by members of the convention relating to the subject, omitting observations contained in the letter relating to other portions of the Constitution. The letter in full appears in the appendix of Farrand's Records of the Federal Convention.

"NEW YORK, *October 24, 1787.*

"You will herewith receive the result of the convention, which continued its session till the 17th of September. I take the liberty of making some observations on the subject, which will help to make up a letter if they should answer no other purpose.

"It appeared to be the sincere and unanimous wish of the convention to cherish and preserve the union of the States. No proposition was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more confederacies.

"It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of sovereign States. A *voluntary* observance of the Federal law by all the members could never be hoped for. A *compulsive* one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent and the guilty, the necessity of a military force both obnoxious and dangerous, and in general a scene resembling much more a civil war than the administration of a regular government.

Hence was embraced the alternative of a government which, instead of operating on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation.

This groundwork being laid, the great objects which presented themselves were: First. To unite a proper energy in the Executive and a proper stability in the legislative departments, with the essential characters of republican government. Second. To draw a line of demarcation which would give to the General Government every power requisite for general purposes and leave to the States every power which might be most beneficially administered by them. Third. To provide for the different interests of different parts of the Union. Fourth. To adjust the clashing pretensions of the large and small States. Each of these objects was pregnant with difficulties. The whole of them together formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to these considerations the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.

The first of these objects as respects the Executive was peculiarly embarrassing. On the question whether it should consist of a single person or a plurality of coordinate members, on the mode of appointment, on the duration in office, on the degree of power, on the reeligibility, tedious and reiterated discussions took place. The plurality of coordinate members had finally but few advocates. Gov. Randolph was at the head of them. The modes of appointment proposed were various, as by the people at large, by electors chosen by the people, by the executives of the States, by the Congress, some preferring a joint ballot of the two Houses, some a separate concurrent ballot, allowing to each a negative on the other House—some a nomination of several candidates by one House, out of whom a choice should be made by the other. Several other modifications were started. The expedient at length adopted seemed to give pretty general satisfaction to the Members. As to the duration in office, a few would have preferred a tenure during good behavior, a considerable number would have done so in case an easy and effectual removal by impeachment could be settled. It was much agitated whether a long term—seven years, for example, with a subsequent and perpetual ineligibility—or a short term, with a capacity to be reelected, should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of reelections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an incapacity to be reappointed on the independent exercise of the Executive authority. On the other side it was contended that the prospect of necessary degradation would discourage the most dignified characters from aspiring to the office, would take away the principal motive to the faithful discharge of its duties—the hope of being rewarded with a reappointment would stimulate ambition to violent efforts for holding over the constitutional term—and instead of producing an independent administration and a firmer defense of the constitutional rights of the department would render the officer more indifferent to the importance of a place which he would soon be obliged to quit forever, and more ready to yield to the encroachments of the legislature of which he might again be a member. The questions concerning the degree of power turned chiefly on the appointment to offices and the control of the legislature. An *absolute* appointment to all offices—to some offices, to no offices—formed the scale of opinions on the first point. On the second some contended for an absolute negative as the only possible means of reducing to practice the theory of a free government which forbids a mixture of the legislative and executive powers. Others would be content with a revisionary power, to be overruled by three-fourths of both Houses. It was warmly urged that the judiciary department should be associated in the revision. The idea of some was that a separate revision should be given to the two departments—that if either objected, two-thirds; if both, three-fourths, should be necessary to overrule.

PHASES IN THE POLITICAL SITUATION.

Mr. STONE. Mr. President, some two or three days ago I made some remarks in the Senate with reference to certain remarkable performances going on in the country of a political nature, particularly as concerns the speeches and work being done by Republican candidates for the Presidency.

I then called attention to the fact that the President had charged that an enormous sum had been raised and was being expended to promote the nomination of ex-President Roosevelt, and that Senator LA FOLLETTE, who is also a pronounced and aggressive candidate for the Republican nomination, had charged substantially the same thing, but a little more specifically, saying that over a million dollars had been produced by certain multimillionaire trust magnates to advance the same personal cause.

On yesterday my attention was called to a very short editorial in the Virginian-Pilot and the Norfolk Landmark—that is the name of the paper—printed on yesterday. I remembered while reading this editorial that Mr. Roosevelt some time ago—the exact time is not now in my mind—had been invited to address a Republican club at Chicago, an important party organization, and that he declined after reaching Chicago to attend the function unless Senator LORIMER was excluded, although LORIMER was a member of the club and one of the hosts of the occasion.

This editorial is so pertinent that I desire to read it that it may become a part of the current literature of this remarkable day and period. It is as follows:

[From the Virginian-Pilot and the Norfolk Landmark, Thursday, May 23, 1912.]

The report of a majority of the committee of Senators in the Lorimer case may not be such as the facts in the case would justify or as the ends of strict justice demanded, but it would have been supremely illogical to condemn LORIMER for spending a hundred thousand dollars

of trust contributions to win a seat in the Senate while a large percentage of the Republican voters of the country were enthusiastically backing for the Presidency a man whose canvass is being financed to the tune of millions by corporations now under indictment in the Federal courts for violations of the law. Suppose LORIMER did win his Senatorship through aid of money contributed by the Lumber Trust. Why should he be branded as corrupt by Roosevelt, who is using in larger measure the funds of the Steel, Harvester, and affiliated trusts to purchase delegates favorable to his nomination for a third term in the White House? LORIMER prostituted the politics of a State; Roosevelt is debauching the electorate of an entire Nation. LORIMER'S offense is as a molehill compared to the mountainous proportions of Roosevelt's crime.

I think that is excellently well stated and in a short space, and I have read it that it might go into the RECORD for the use of the future historian.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain, and of any court of competent jurisdiction to entertain and decide, a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (H. R. 21969) to provide for the opening, maintenance, and operation of the Panama Canal and the sanitation and government of the Canal Zone, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Ladies' Aid Society of the First Baptist Church of Selma, Ala., and a petition of the Woman's Missionary Society of the First Baptist Church of Selma, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Denver, Colo., relative to the action of the Interior Department in refusing to grant rights of way for reservoirs and canals upon the Rio Grande; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CULLOM presented a petition of members of the Citizens' Commercial Association, of Freeport, Ill., praying for the continuance of the appropriation for the extension of American trade with foreign countries, which was referred to the Committee on Appropriations.

He also presented memorials of the Amerikan Building Loan and Homestead Association and of the Bohemian-Slavonian Building and Loan Association, of Chicago, Ill., remonstrating against the levying of a special income tax on building and loan associations, whch were ordered to lie on the table.

He also presented resolutions adopted by sundry citizens of Champaign County, Ill., favoring the enactment of legislation providing for the control of floods in the Mississippi River, which were referred to the Committee on Commerce.

He also presented petitions of the congregations of the Salem Lutheran Church, the First Lutheran Church, and the Emanuel Lutheran Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a memorial of members of the City Club, of Chicago, Ill., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., and a memorial of the congregation of the First Friends Church of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice, and to promote a patriotic spirit among the citizens and youth of the country, which were referred to the Committee on Military Affairs.

He also presented a memorial of the directors of the congregation of B'nai B'rith of Los Angeles, Cal., remonstrating against the adoption of the so-called literacy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented a resolution adopted by the City Council of Santa Cruz, Cal., favoring the enactment of legislation for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. HEYBURN presented a memorial of sundry citizens of Iona, Idaho, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a paper to accompany an amendment intended to be proposed by him to the sundry civil appropriation bill for the relief of certain persons injured in the forest fires of Idaho, August 10, 1911, which was referred to the Committee on Appropriations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. O'GORMAN presented a petition of the legislative department of the city of Binghamton, N. Y., praying for the enactment of legislation to provide for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Union Bridge, New Windsor, Denton, and Crisfield, all in the State of Maryland, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of Lowell, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of the Winnebago County Medical Society, of Wisconsin, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of La Crosse, Wis., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Commercial Club of Janesville, Wis., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the Pottawatomie Tribe of Indians residing in Wisconsin, praying that certain relief be granted them, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Waupaca, Wis., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Appleton, Wis., remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented a petition of the United Brotherhoods of the Churches of West Chester, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Schuylkill Haven, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for a continuance of the appropriation for the extension of American trade with foreign countries, which was referred to the Committee on Appropriations.

JOHN W. SAVILLE.

Mr. SMITH of Maryland. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 171) placing John W. Saville, passed assistant engineer,

United States Navy, on the retired list with an advanced rank, and I submit a report (No. 798) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. BRISTOW. Is there a report with the bill?

Mr. SMITH of Maryland. There is a report.

Mr. BRISTOW. I ask that it be printed, and that the bill go over. I want to examine the report.

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

Mr. SMITH of Maryland. Pardon me one moment. I will say to the Senator that this bill has passed the Senate once unanimously.

Mr. BRISTOW. That may be true. I should like to see the report on it.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 6939) for the relief of Fred R. Payne; to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 6940) to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers, on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 6941) granting a pension to Adelaide W. Wheeler (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6942) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 6943) providing an appropriation for the sinking of a public well at Montoya, Guadalupe County, N. Mex.; to the Committee on Appropriations.

By Mr. SMITH of Maryland:

A bill (S. 6944) to provide and equip an additional fire-protection station in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAPP:

A bill (S. 6945) granting a pension to Charles Meyers (with accompanying paper); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site; to the Committee on Indian Affairs.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That the President having returned to the Senate, in compliance with Senate concurrent resolution 21, the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, and the Vice President of the United States and President of the Senate having canceled his signature to said bill, the Secretary of the Senate is directed to return said bill to the House of Representatives for the cancellation of the Speaker's signature.

EIGHT-HOUR LABOR LAW.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. SIMMONS. I should like to inquire of the Senator from Idaho how long he thinks it will take to dispose of this bill?

Mr. BORAH. My opinion is, from the information which I have, that it will not take over 30 or 40 minutes at the outside.

Mr. SIMMONS. Suppose it should take longer than that, will the Senator insist upon going on with it during the whole of the morning hour?

Mr. BORAH. Yes; I should want to keep it before the Senate until the unfinished business should come up, unless we dispose of it before that time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho to proceed to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. BORAH. In regard to this amendment, I am not going to object to it. The amendment covers a proposition or a principle which it might be well to consider in conference. I realize that there may be conditions and emergencies, that unexpected things may happen in manufacturing establishments which ought to be taken care of, and if it can be worked out in conference by proper language so as to protect against the abuse of it, I shall be glad to consider it in that light. Therefore I do not object to the amendment.

Mr. GALLINGER. That is precisely what I suggested to the Senator when the matter was up before. I am very much gratified that the Senator from Idaho is willing to have the matter go to conference. I presume the Senator has given it careful consideration. I think it will be agreed that this is a proper amendment, but whatever the result of it may be, I will be satisfied.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

Mr. HEYBURN. I ask that the amendment be stated.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The SECRETARY. In section 2, page 4, line 4, after the word "any," insert the words "extraordinary events or conditions of manufacture or to any," so that it will read:

No penalties shall be imposed for any violation of such provision in such contract to any extraordinary events or conditions of manufacture or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will offer the amendment I send to the desk, which, I think, the Senator from Idaho [Mr. BORAH] will agree may well go to conference. Possibly the time I have stated in the amendment is longer than is necessary, but the conferees can arrange that very readily. It is a matter of importance, as I view it.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 4, after line 16, it is proposed to insert as a new section the following:

SEC. 4. That this act shall become effective and be in force on and after January 1, 1913.

The amendment was agreed to.

Mr. BORAH. Mr. President, there is an amendment pending offered by the Senator from Ohio [Mr. POMERENE]. I want to say in regard to that amendment that it has for its object and purpose, as I understand it, simply making the language more specific and certain, the Senator from Ohio being of the opinion that the language as now found in the bill is somewhat involved, or, rather, that the sentences as they are connected are not clear. If that be the purpose of the amendment, I am perfectly willing that it shall go to conference.

Mr. POMERENE. Mr. President, the Senator from Idaho has correctly stated my position in reference to the amendment.

The VICE PRESIDENT. The amendment is not pending. Does the Senator from Ohio now offer the amendment?

Mr. POMERENE. It was offered the other day.

The VICE PRESIDENT. The amendment was printed with notice that it would be offered, the Chair thinks. The Senator from Ohio, as the Chair understands, now offers the amendment.

Mr. POMERENE. Yes. I ask that the Secretary read the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 3, line 14, after the word "intelligence," it is proposed to insert "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," and to strike out the same words, beginning with the word "or," in line 17, and ending with the words "or not," in line 19.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. HEYBURN. I should like to know if this is another one of the amendments that are to go in with the understanding that they will probably go out in conference?

Mr. BORAH. No, Mr. President. I have accepted both these amendments in perfect good faith. The amendment offered by the Senator from Ohio is designed to make more specific, certain, and clear the language of the bill, and certainly I shall consider that kind of an amendment in perfect good faith. If it has that purpose and that effect, it will not likely go out in conference, but it will likely stay in. It will, in other words, have the earnest consideration of the conference committee.

So far as the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] is concerned, we have all realized in drawing this bill that there might be conditions in manufacturing establishments, and so forth, where such an emergency might arise as that the President should exempt them from its operations in that particular respect. The difficulty we have had and the difficulty which undoubtedly we shall have is in putting in the principle and at the same time guarding it against abuse; that is, guarding against its being used under conditions which are not overwhelming or unforeseen or extraordinary. Both of the amendments have been accepted with the purpose on the part of the Senator having charge of the bill to consider them in perfect good faith. If they can be worked out, then they will certainly have a chance to remain.

Mr. HEYBURN. Mr. President, it is an introduction of the principle of the recall here—the first time that I have known it to be attempted to be done in a responsible way. The President is authorized to recall a law—if this is anything, it is a law—and we are proposing that the President may, at his option, recall it. We have never had the question before this body so that it received recognition as a principle of legislation. I remember a few years ago when the Executive did suspend the operation of the laws of the United States. Of course there was no authority for doing it. When a law is enacted only the power making it can change it; but this in another movement along that line on a little different angle; but it is a mighty dangerous proposition to give the President the power to suspend the operation of a law when, in his judgment, it is not applicable or would work a hardship. It is for us to consider whether laws will work hardship or are inapplicable under certain conditions. If we would say directly here that in the event of the happening of these things this law should not be operative, then we would have placed a limitation upon the scope of the law. We have the power to do that; but when we say that somebody else may pass upon that question we violate the principle under which laws should be made in this body. I do not like to see it. There seems to be some evidence of a heavily felted steam roller in regard to this measure, and I suppose all I can do is to enter a protest against it.

I am not opposed in principle to some things contained in this bill, but I am opposed to the method that is proposed to accomplish them. I will at the proper time, perhaps within a few minutes, state my reasons more specifically; but I call attention to the amendment that went through with the understanding. There are two sorts of recall accompanying that amendment. The first is that my distinguished colleague from Idaho [Mr. BORAH] may in conference recall the action of this body. That is candidly stated. He has a free option. Then the next is that the President may recall it.

Mr. BORAH. It seems to be in perfectly safe hands in both instances.

Mr. HEYBURN. If such a power was to be placed in the hands of anyone, I would have no objection at all to it being placed there; I have great confidence in the ability and, of course, in the integrity of both sources of power; but it is rather unusual. We are drifting a long way from the landmarks here; but, whether we will get back or not, I say we, the men of this generation—there will be generations of people following us who will know what liberty under the law means and be able to distinguish it from liberty under license.

Mr. SUTHERLAND. Mr. President, I would not care to vote for any law which gave the President of the United States the power to suspend the law. I do not understand that there is any provision in this bill which proposes to give the President any such power.

Mr. HEYBURN. There is, in express terms.

Mr. SUTHERLAND. No, Mr. President. I will first say that the bill provides that under certain contingencies the proposed law shall not apply; and it simply devolves upon the President the authority to determine whether or not those contingencies exist.

Mr. HEYBURN. That is to say, if the Senator will pardon me, the President passes on the facts; the President is a jury. That is one of the functions I had overlooked.

Mr. SUTHERLAND. That is a power which we confer upon the President by every criminal statute we pass. We pass a law, and the President determines whether or not the given facts fall within the operation of the law or fall without the operation of the law. That is an executive power. We simply propose to provide here that, on certain emergencies arising, the law shall not apply; and, as an executive power, and purely as an executive power, we authorize the President to determine whether or not those facts and whether or not those contingencies exist, upon the existence of which the law itself requires it shall not operate.

Mr. HEYBURN. I am a little bit confused to understand the Senator's statement that in every case in regard to the enforcement of a criminal law we give the President this power. I know it is exercised sometimes; at least, I hear it stated with loud acclaim that it is exercised, but I have not recognized that claim as being well founded. I may, however, misunderstand the Senator's reference.

Mr. SUTHERLAND. Mr. President, we pass a criminal statute providing that any person who does certain things shall be guilty of a criminal offense and subject to punishment. Somebody must determine whether the things which the individual in a given case has been done fall within or fall without the operation of that statute.

Mr. HEYBURN. I was under the impression that the courts did that.

Mr. SUTHERLAND. No; primarily, before an action can be maintained, an executive officer must determine it. The President, acting through the Attorney General or through the district attorney, determines that the law has been violated, and an action is brought. In the last analysis, of course, the courts determine.

Mr. HEYBURN. I can not agree to that. A United States district attorney has the right, the power, and the duty to enforce a law through the trial and punishment of the offender, without the knowledge or consent of either the United States Attorney General or the President, and does do it.

Mr. SUTHERLAND. Well, who determines?

Mr. HEYBURN. The district attorney obeys the law. In the first place, the grand jury is called and determines whether or not the man is guilty, having the law stated to them by the district attorney. Of course, I know now it is common to send out a Federal order, first through the newspapers and then afterwards through some other source, that you are going to prosecute so-and-so for a violation of the antitrust law, for instance; but I am talking about the real law, not the fictitious law; I am talking about it as it is practiced in times of conservative wisdom and judgment.

Mr. SUTHERLAND. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Who determines whether or not a case shall be laid before the grand jury?

Mr. HEYBURN. The United States district attorney; and he obtains the information that actuates him to do it or not to do it, first, from an investigation of the facts of his own accord, and he requires nobody's license or consent to do it.

Mr. SUTHERLAND. Then, the district attorney determines whether it is a case that ought to be laid before the grand jury.

Mr. HEYBURN. He determines it, just as a constable, hearing that a crime has been committed, determines whether or not he ought to arrest a party.

Mr. SUTHERLAND. Precisely. He determines it as an executive function.

Mr. HEYBURN. Well, the executive function must not necessarily start in every case at the fountainhead, the President of the United States. By general authority of law the district attorney is invested with the duty and the power to prosecute where his attention is called to a violation of the law even by a passing citizen.

Mr. SUTHERLAND. He may proceed to do it without referring the matter to the President in each case, but the source of his authority is the President, because the Constitution provides that in the President is vested the executive power; and among the things which are embraced within the executive power is the power to see that the laws are enforced.

Mr. HEYBURN. The Senator would not contend that a United States judge was bound to any extent under any circumstances in the prosecution or trial of a case by any order that might be issued by the President or by the Attorney General? The judges of the United States courts are appointed for life; they are appointed so that they will not be the plaything of politics in recurring changes in the Government, in order that they may stand out as impartial judges, holding truly balanced the scales of justice. That is the United States court, and the President of the United States is not bigger than the United States court when it comes to a question of determining whether or not a person charged with an offense shall be tried.

I have had petition after petition, as I presume other Senators have had, asking for interference to prevent the prosecution of this man or that man, or to affect it in some way. The people are under the impression, from oft-repeated abuses of the power and the law, that there is a Federal power here in Washington that can say to a United States court, "You dismiss that indictment," or "You conduct that trial thus and so," or

"You allow this man to escape." That is modern—extremely so. A proposition of that kind a few years ago would have been brushed aside as the most foolish of procedure.

Now, I say in this case you are recognizing that principle which is claimed to exist, but does not exist, and, while I do not intend at this time to go into it, I say that much against commencing here a system of initiative and referendum. We initiate a measure and it is referred to a conference committee. If the conference committee does not agree with us, it strikes it out, and when we initiate it we do it with the understanding that it will probably be stricken out. In this case the amendment is introduced, accompanied by a statement that the Senator—not the Senate, but the Senator—will deal with it in the conference committee. When we enact a law it should be on the assumption that it is a solemn procedure in the performance of our duty; that the presumption is against changing it, and that neither a conference committee nor a Senator nor any other subdivision of power is at liberty to treat it as a mere tentative proposition for the enactment of a law. That is the reason that I object to those expressions, and I object to the adoption of amendments based upon that principle. When the Senator has his amendments disposed of I am going to say a few words as to the principle of this bill.

Mr. SHIVELY. Mr. President, I call the attention of the Senator who has charge of the bill to line 8, on page 4.

Mr. BORAH. I understand there is an amendment still pending. May we dispose of that first? I understand the Senator from Indiana is going to another matter. I inquire of the Chair if the amendment of the Senator from Ohio was disposed of.

The VICE PRESIDENT. The amendment has not been disposed of. It will be again stated by the Secretary.

The SECRETARY. It is proposed to transfer the words beginning in lines 17, 18, and 19, page 3, section 2, "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," from their present location in the bill to follow the word "intelligence," in line 14, of page 3.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, in line 8, page 4 of the bill, I move to substitute the word "excusable," for the word "justifiable."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 8, it is proposed to strike out the word "justifiable" and insert the word "excusable."

Mr. SHIVELY. Mr. President, I do not contend that there is much significance in this particular amendment, but I do not like to incorporate into a statute a provision for a "justifiable" violation of the law. It is bad enough to have excusable violations of the law, and I believe that the word "excusable" will be less offensive than the word "justifiable."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON. Mr. President, I have a more fundamental objection to it than that. I recognize the fact that there ought to be possibly provided some method by which in extraordinary cases parties could be relieved from the penalty of a violation of the law. I do not recognize that it is a proper thing to do to put that discretion in the power of the Executive; in other words, I think it is a fundamental error in legislation to put it in the power of any one man to nullify a law, and that is what this provision does.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York.

Mr. BACON. I yield to the Senator with pleasure.

Mr. ROOT. I merely wish to express my concurrence in the view of the Senator from Georgia. I do not think it should be treated as an Executive function.

Mr. BACON. I think not also. I repeat that there may be—and I can conceive that there will be—some circumstances under which parties should be excused, but to put it in the power of one man absolutely to nullify a law would only be justified in case we had a man who was a perfect man, and such an individual does not come along every day—in fact, never.

I would prefer, Mr. President, if possible, that that should be arranged in some other way. I do not know—I am not on the committee which considered this measure and have not given the matter careful investigation and thought—I do not know whether any other way is practicable, but if so, the other way ought to be devised.

Mr. BORAH. Mr. President, both the Senator from New York and the Senator from Georgia, in my opinion, are in error as to what is being done in this instance; but, at the same time, the Senator in charge of the bill would be glad to have the suggestion of either one of them as to how to accomplish what we desire to accomplish and accomplish it in a proper way.

Mr. BACON. I will say to the Senator that unless it can be accomplished in a proper way I would rather it would not be accomplished at all.

Mr. BORAH. I have no doubt of that.

Mr. BACON. Before I would put it in the power of the President of the United States or give him the authority to say that a law should not be enforced, if it is necessary that the law should be passed, then I would rather pass it in such shape that the party who may be affected will submit to the hardship rather than to resort to the other alternative. What other machinery can be provided, of course, I have not considered, my mind not having been directed to this until the amendment offered by the Senator from Indiana suggested the grave consequences of any such provision of law.

Mr. SHIVELY. The Senator from Georgia concurs in the general opinion that if this language is to remain the word "excusable" should be used.

Mr. BACON. Yes.

Mr. SHIVELY. I think that will fully cure the objection to that provision. That objection is fundamental, but if this language is kept in the bill I think that word had better be used.

Mr. BACON. It would be better to leave out the words in the bill and leave it to the courts to say whether it was justifiable. That is sufficient, I have no doubt, in a case of that kind. With that provision contained in the first four lines of that clause it would be a rare case where, in the event an emergency did exist, that they would ever be called upon to pay a penalty, and if they were called upon, the defense would be like in every other case.

We have numerous statutes where there are penalties imposed or certain requirements and where there are certain conditions under which the party is excused or where he is not liable. It seems to me if the sentence read:

> No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by any other extraordinary event or condition.

Mr. O'GORMAN and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Georgia yield?

Mr. BACON. The Senator from New York first addressed the Chair. I will yield to him first and afterwards to the Senator from Idaho.

Mr. O'GORMAN. Mr. President, I heartily join in the request of the Senator from Georgia, but I offered this additional suggestion to carry out his proposal: Insert the word "imminent," before the word "danger," in line 5; and to strike out the last word in line 6, all of line 7, and all of line 8, down to and including the word "justifiable."

Mr. BACON. The Senator's suggestion, I think, is an admirable one, and covers the ground more fully than the amendment suggested by me.

Mr. CLARK of Wyoming. Mr. President——

Mr. BACON. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I have an amendment to the one suggested by the Senator from New York, which I should like to submit for his consideration. After the word "condition," in line 6, in lieu of the words there, to insert "beyond the power of the contractors to control."

Mr. BACON. I do not think that would be——

Mr. BORAH. I am not very friendly to those suggestions, because I think them wholly unnecessary, but I certainly would not want this additional amendment of the Senator from Wyoming. We had a great deal of discussion with reference to the things they could control and with reference to the things they could not control, and I should be utterly opposed to providing by this bill to leave it with the contractor to determine the situation.

Mr. BACON. I am in favor of the amendment suggested by the Senator from New York—the insertion of the word "imminent" before the word "danger," and to strike out what he suggests. I hope the Senator will offer the amendment.

Mr. O'GORMAN. I offer the amendment.

Mr. POMERENE. Before that is put to a vote, as I recall, this particular sentence was amended by a proposal by the Senator from New Hampshire. Certain words were inserted. I do not have them in mind.

The VICE PRESIDENT. The Secretary will read the provision as it has been amended.

The SECRETARY. Before the word "emergency," in line 4, a committee amendment was agreed to, inserting the words "extraordinary events or conditions of manufacture or of any," so that it reads:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture or of any emergency cause by fire, famine, or flood.

Mr. BACON. That does not change the sentence.

The VICE PRESIDENT. The Senator from New York has offered an amendment, which will be stated.

The SECRETARY. In lines 6, 7, and 8 strike out the words "on account of which the President shall subsequently declare the violation to have been excusable," and before the word "danger," in line 5, to insert "imminent."

Mr. NELSON. Mr. President——

Mr. BORAH obtained the floor.

Mr. BORAH. I understand the Senator from Minnesota addressed the Chair before I did, and I yield.

Mr. NELSON. I do not think this provision open to the constitutional objections urged. If Senators will note the language here it simply amounts to this, that it makes the President an umpire to determine whether the conditions exist.

Mr. O'GORMAN. That is the objection.

Mr. NELSON. In a contract between the Government and contractors the parties can incorporate such conditions in the contract. We have instances of that kind in respect to the Reclamation Service. The chief engineer of the Reclamation Service is the umpire to determine in all cases of controversy whether the terms of the contract have been complied with and whether the classification of the work should be of one kind or another.

Now, here we simply leave the President—we might designate somebody else—as an umpire to determine whether the conditions exist which the contract provides for. Somebody must determine it. If the two parties can not agree—if the Government on the one side and the contractor on the other side can not agree—an umpire must settle it, and it must go into the courts. The Government and the contractor have a right to agree in their contract and to say that they will leave it to the President of the United States to determine whether these conditions exist. Now, that is all there is in this.

Mr. BACON. Nobody that I have heard has suggested anything about the constitutionality of the provision, although that might be raised. The very thing the Senator has suggested is the objectionable thing, and that is, having anybody clothed with the power to say whether a law shall be enforced or shall not be enforced. We lay down the rule and the exception, and it is for the court to determine.

Mr. BORAH. I am not going to discuss the policy just now, but as to our right to pass a law of this kind, I have no doubt whatever. This is a contractual relation between the Government and the parties who work for the Government. They enter into a contract, and the contract provides that under certain conditions certain penalties shall be imposed. That is a contractual relation. Who is authorized to forgive that violation of the contract between the Government and the other party who has entered into the contract? I have not yet been informed of any constitutional inhibition against our power to say that we shall elect an umpire to determine whether or not a certain penalty imposed under the contract shall be forgiven.

Mr. RAYNER. I suggest to the Senator from Idaho that that is covered by the case of Field *v.* Clark, where the President exercised similar power. There are a number of such cases. I do not think there is any legal or constitutional objection. Whether or not it is good policy is for the Senate to determine.

Mr. CUMMINS. I have not heard any objection to the clause immediately preceding the one under discussion, and yet it is precisely the same in effect. The preceding clause says "The President, by Executive order, may waive the provisions of this act and stipulations in this act"——

Mr. BACON. I want to ask the Senator from Iowa, if he will pardon me——

Mr. CUMMINS. "As to any specific contract or contracts during time of war or a time when war is imminent."

Mr. BACON. While I have not indicated that objection, I have the same objection to that provision, though it is only of less degree.

Mr. CUMMINS. I have not heard any objection to that part of the bill, and it seemed to me it involved precisely the same principle that is involved in the clause under consideration.

There are certain conditions under which it is intended to allow the United States, acting through some authorized officer, to relieve the contractor of the penalties provided in the contract.

Now, the President can do that in regard to contracts during time of war or when war is imminent. The President can also, acting for the United States, surrender the penalties which have accrued in behalf of the United States in cases of famine, fire, danger to life, and so forth.

I can not understand why it is not entirely safe, aside from the legal questions which I have not really heard mooted, to allow the President of the United States to remit the penalties which by the strict terms of the contract may have been incurred in the cases which are enumerated in the bill. If we have confidence in our Chief Executive to the extent of allowing him, on behalf of the Government, to remit penalties, it seems to me we ought to have that confidence in this instance.

We now give subordinate officials power to remit penalties and make compromises under certain circumstances, in regard to the internal-revenue law and possibly some other statutes. Our laws are full of instances in which we have clothed some officer of the Government with power to remit penalties and even to remit taxes themselves.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Why should we hesitate about giving to the President of the United States power to remit these penalties in those cases in which it would seem that by reason of fire or flood or famine or danger it would be unjust, inequitable, and unfair to exact them?

I now yield to the Senator from Idaho.

Mr. HEYBURN. The Senator has spoken on the assumption that the President has the right to pass upon the question whether war is imminent. He has not. He not only has not the right, but there could be no greater impropriety than for the President to perform an official act which would involve action on his part that war was imminent. The declaration of war is within the power of Congress. The President has nothing to do with it.

Mr. CUMMINS. I suggested nothing like that. I said the previous clause gave to the President the power to waive these stipulations in a contract in cases of war or in cases of the imminence of war. I did not say that the President had any power to declare war or to declare that war was imminent.

Mr. HEYBURN. The Senator misunderstood me. Perhaps he did not listen carefully. I made no such statement, and I did not invoke that principle. I simply said how could the President pass on the case on the ground that war was imminent or on account of a declaration of that kind which he had no right to make.

Mr. NELSON. Will the Senator allow me?

Mr. CUMMINS. I yield.

Mr. NELSON. I wish to say, responding to the Senator, that we may be confronted by an invasion. Suppose one of the contending parties in Mexico, armed, should come over the borders, as they did originally in the instance in which Texas fought for independence. We may find ourselves in the midst of a war without Congress taking any action, and in such a case who would have the power to say war is imminent? Must the President wait in that case until Congress has acted?

Mr. RAYNER. The President has acted. The Senator is perfectly right.

Mr. CUMMINS. This does not even contemplate that the President of the United States shall issue a proclamation saying that war is imminent. If the President believes that war is imminent and that the situation requires that contracts shall not contain the stipulation that men shall work only 8 hours a day, then he can eliminate those stipulations from the contract. I have no doubt whatever about the power of the President to do that thing and no doubt about the wisdom of giving the President the power to do it.

Mr. GALLINGER. Mr. President, just a word. The Senator very correctly stated that the same power is delegated to other officials. I know that in two instances of recent date the collector of internal revenue in my own State——

Mr. O'GORMAN. Senators on this side would be glad to hear what the Senator is saying.

Mr. GALLINGER. I was remarking that the Senator very correctly stated that in other instances there is a delegation of power so far as concerns the remission of penalties.

In my own State, in two recent cases, the collector of internal revenue remitted penalties under circumstances that seemed to justify their remission, he acting under the authority of his superiors. So it seems to me, if subordinates can do that and

do it legally, we might well trust the President of the United States in great emergencies to exercise this power. That is the way it strikes me as a layman, and I trust the bill may not be amended in that particular.

The power conferred upon the President in this case is the kind of power given not only to the President, but to nearly all the chief officers of the United States, and I can not see constitutional objection to this bill as it is, nor can I see the least objection from the standpoint of policy.

Mr. RAYNER. Mr. President——

Mr. HEYBURN. I have the recognition of the Chair, but I will waive that; but that is not a good reason——

Mr. RAYNER. I have not given any reason. The Senator says I do not give a good reason.

Mr. HEYBURN. The Senator said to me that the bill came from his committee, and he claimed some special privilege. The committee has no longer anything to do with this matter; it is the Senate.

Mr. RAYNER. I claim no special privilege. If the Senator from Idaho wants the floor he can take it.

Mr. HEYBURN. No.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Maryland will proceed.

Mr. RAYNER. I am very much obliged to the Senator.

Mr. President, I have only a few words to say. I think that the arguments of the Senator from Minnesota and the Senator from Iowa are unanswerable on this subject. As a matter of law I do not think there can be any doubt about it at all. I think Field *v.* Clark and Stranahan's case, where the Secretary of the Treasury exercised an almost similar power, settled the law on the subject.

I think it is constitutional, and I think it is legal to give the President this power. I do not think any Senator on the floor will deny the right of Congress to give the President this power.

Now, that is upon the question of the law. I do not think I am mistaken upon that. Upon the question of policy I think it is one of the best provisions in the bill. It is for the purpose of avoiding litigation that this provision is put in the bill. The penalties in the bill are severe, and if an extraordinary occasion should occur and the controversy should be delayed until the courts decide it, in the meantime the penalties go on, and if the decision of the court is against the party the penalties accrue. Why not in the meantime invest some one with the solemn duty of an arbitrator to decide whether such an extraordinary condition has arisen as would justify or excuse the violation of the law, and what better person could we designate in the bill than the President of the United States? I care not who he is or what party he belongs to, I think this is a duty that we may safely confide in any President of the United States:

> No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

Suppose such an event or condition happens and the parties violating it say it is an extraordinary event or condition, and the Government officers say it is not an extraordinary event or condition. Then the matter goes to court, and there it stays for years, until appellate tribunals decide as to the question of fact whether or not an extraordinary event or condition had arisen that justified or excused the violation of the law.

Why not in the meantime let some one who is supposed to be impartial in an important matter of this sort decide whether or not the extraordinary event has happened so as to avoid a controversy in the courts? As I said, what man could be selected better than the President of the United States? I would just as leave trust him as trust the courts in a case of this sort, no matter who the President may be.

Mr. HEYBURN. Mr. President, that argument would apply to every controversy between the Government and individuals. It is that the President should be transferred from the executive and administrative departments and duties to the judiciary. That is what it amounts to. You substitute or propose to substitute—I do not know whether you will or not, but you propose to substitute the President as a court. The Senator confesses that the duties to be performed by the President would be those ordinarily performed by the court. It is to be done because the court is too cumbersome a method; that is all.

Mr. RAYNER. Will the Senator permit me a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. I yield.

Mr. RAYNER. I always listen to the Senator with great interest, and we get a great deal of information, generally, from what he says. But what he says now does not follow at all. It is an illogical suggestion. I do not suggest that the President of the United States be substituted in place of the courts. I said that in this bill, which affects the entire interests of the country, it being a public measure, the President should simply be allowed to determine when an extraordinary event takes place that excuses a violation of the law. I go no further than that.

Mr. HEYBURN. That involves the President of the United States passing upon the facts and determining as a court does whether or not the fact being established brings them within the purview of the law. You can not get away from that. They circle round and round it, but they light in the same old dovecote.

This is so plain a violation of the foundation principles of our Government that it stirs one's resentment that Congress should undertake to say that the right given to an individual by contract—a contract made in pursuance of law under the protection and the authority of law—should be adjudged not in the courts but by the President. Why, we are getting back to the old days when men will come, as we see pictures of them with their cloaks flying in the air, to the door of the chancellor and asking for protection under the law. We have passed that. We have a government. We have in full and complete operation the departments of the Government, each equipped and authorized to do its duty, its peculiar duty, not the duty of some other branch of the Government, but to perform the duty belonging to that branch of the Government.

How far are we going to drift? We have seen a good many Executive orders in the last two years. We have seen more Executive orders in violation of the law since I have been a Member of this body than were ever attempted even in the hundred years or more that preceded it; and they are growing, and the threat of them is to-day ringing in the air in the great political campaign, the threat of more usurpation by executive and administrative officers of the functions of our department of the Government, a greater department than the executive. The executive department of the Government ranks last. It is named last in the Constitution. It has no functions to perform in the absence of the others, unless we are to have a monarchy. There is no need of an executive department of the Government until after the great legislative department, which is the people themselves, have acted and spoken. This idea that because, for instance, the executive department of the Government hands out the loaves and fishes, it should be the object of worship, as the dog worships the cook because the cook is closer to the dog's comfort than any other person, just so the master, the owner of the estate, has little respect in the eye of the dog. So we find people—and I do not intend my comparison to be invidious, but enlightening only—we find people that because an administrative branch of the Government may or may not confer what seems to be a favor, social or personal, upon them, that that department of the Government should take precedence in the estimate to be made between the functions of this Government as applied to it.

The people sit in Congress; they do not sit in the executive halls and departments. Their agents sit here, selected by the people to perform limited duties, the duties that the people command them. The people sit here limited only by their great charter, which is the contract among themselves as to what they will do and what they will not do. The judicial department sits to determine whether or not either branch transgresses the limits of power. But they both stand before the executive in point of government.

Now, we are too much the victims, we are too much the dupes of the blare of the trumpet and the glitter of the uniform. We find ourselves trying to square ourselves with the wishes, trying to answer the beck and call of those who may withhold or confer favors. Favors are not the current coin in our Government. Favors belong to kings and monarchies. They were not contemplated by the founders of this Government. It is a government of law as distinguished from a government of favor. There is danger, and it never was greater than in this hour, of favor becoming the criterion of action.

Mr. President, there is no more propriety in giving the President of the United States the right to suspend the laws we make than there would be to give him the right to make the laws without our concurrence. Will the hour never come when the responsibilities that rest upon us will concentrate themselves so as to produce a strict observance of the letter and the spirit of the Constitution? Was there at any time in the minds of those who made it a concession in the interest of government by proclamation? They never dreamed it. They had been living under that, and the experience and life under it had made them rise up and throw it off and they were freed from it. Are we

to go back to it? Are we to be like some plants that for want of attention and cultivation will revert to the former condition of wildness? If we do, God save the people of our country, because they have no hope in this hour except in and through their representatives.

Now, let us see. This may seem like a trifling thing. It is a few words in the bill, but it says:

The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent.

That is a complete sentence in itself. We enact a law and send it to him, and he signs it with the reserved power in himself to waive it. What does it mean to waive a law? It means to suspend its operation, to render it inoperative, whether it be for a day—there is no limitation in this bill—or whether it be for a year. The provision is that he may waive it. It matters not as to the enumeration of the occasions upon which he may waive it. The question in my mind is, Should we or can we or dare we give him the power to waive it for a minute in any case?

Who is to determine the occasions upon which this extraordinary power may be exercised? It says he may waive the "stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent." In the judgment of a certain class of our people war is imminent every hour, and has been since the hour of my birth or that of any man in this body. You can go out on the street corners or pick up one of the journals or magazines and read a declaration of war that is in the judgment of those making it absolutely certain. It is to be a war of races, or a war of classes, or a war with Japan, or a war with Mexico, or with Germany, or what not. To those men, with the President, they would be justified in suspending the operation of this law every day and any day. Should it be possible to get a President who was of this caliber or of the caliber of those who are making these dire suggestions, I suppose he would say, "It is very evident that we are going to have a war with Japan or with Mexico, and I will therefore issue an Executive order suspending the law." "Suspending" is not the word; it is "waiving"; that is, waiving the responsibility under the law.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. Do I understand that my colleague thinks we have not the constitutional power to pass this law?

Mr. HEYBURN. I do not have to invoke the Constitution; I invoke the rule of common right and justice and good sense.

Mr. BORAH. If we have not the constitutional power and should find a President who would think war imminent every day, he would do precisely as my colleague wants to do, and that is render the bill wholly inoperative. He is opposed to the bill.

Mr. HEYBURN. That is the only good thing he could do to it. If he could do that, I would make some allowance for him. My colleague, of course, does not desire to turn the force of my argument in that direction.

Mr. BORAH. The suggestion which I made was that the President, in the state of mind my colleague described the President might be, and the Senator are precisely upon the same basis; that they both would render the law inoperative. So they are going in the same direction.

Mr. HEYBURN. I am pointing out the effects of this legislation. I am perhaps dense; I do not see the point of the Senator's comparison, because I had denounced that which he would have me appear to have advocated.

Mr. BORAH. The denseness may be on my part.

Mr. HEYBURN. I am not going to dwell long upon that. If it does not strike the minds of Senators at once, it never will strike them. It is a case, perhaps, where Ephraim is joined to his idols, and you had better let him alone.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. What is the difference, practically, between this bill and the power it gives the President and, say, the corporation-tax law which attaches a penalty for the failure of a corporation to make its report by the 1st day of March—I believe it is the 1st of March—but gives the Commissioner of Internal Revenue the power to remit those penalties under certain circumstances? What is the difference between the two laws so far as the point we are now discussing is concerned?

Mr. HEYBURN. Does the Senator mean that I indorse the one and condemn the other?

Mr. CUMMINS. No; but is there any difference between them?

Mr. HEYBURN. I condemn both. I have condemned them in speech and word in this body.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Permit me to say that a broad and distinguishing difference is that one of them is a law with reference to corporations and this is a law with reference to labor.

Mr. HEYBURN. Mr. President, I am not going to be tempted into that kind of comparisons. I do not care whether it is a law affecting labor or leisure or wealth or poverty or one man or a combination of men. So long as I act and vote in this body that question will never enter into my consideration of the question. I am not here to destroy, and I am not here to discriminate between men or measures.

Mr. CUMMINS. But my question certainly does not raise those considerations.

Mr. HEYBURN. The question of my colleague did.

Mr. CUMMINS. What is the difference between the two cases is the question I put.

Mr. HEYBURN. I think there is very little difference; but inasmuch as I am opposed to one I am not here to accumulate errors. My function, so far as I make a record here, is to eliminate existing errors and avoid future ones.

Mr. CUMMINS. May I ask one further question? I assume, therefore, that the Senator from Idaho is opposed to the grant of power to any officer of the Government, as a district attorney to enter into a compromise with regard to fines, or the Secretary of the Treasury to do the same thing, or the Secretary of the Department of Commerce and Labor; and there is to be no flexibility whatever with regard to penalties imposed by the law.

Mr. HEYBURN. The Senator states me correctly. I am opposed to conferring the power to administer the law to those officers. We have tribunals sufficient, and if not sufficient, capable of being made sufficient, to punish offenders against the law. To have some agent offering to compromise a penalty prescribed by law is very obnoxious to my view of the law.

Mr. CUMMINS. Let me ask the Senator one more question along the same line, because we ought to reach, I think, a sound conclusion about this matter. The Senator knows that in the case of the Railway Mail Service a railway company enters into a contract with the United States that it will run its trains upon a certain schedule and that if its trains do not arrive on time it will forfeit a certain amount of money for each failure to make the schedule time. Does the Senator from Idaho think that there ought not to be any power in the Post Office Department to take account of the circumstances and conditions which may make it impossible for the railway company to fulfill its schedule to the minute?

Mr. HEYBURN. If damage occurred to the Government, I would settle the question of the damages in the courts.

Mr. CUMMINS. It is not a question of damage, but the law, the contract itself provides for the imposition of a penalty; and the Post Office Department constantly, under proper conditions, remits a part of that penalty where the cause of failure to fulfill the schedule was beyond the control of the railway company.

Mr. HEYBURN. There is no difficulty whatever in responding to that inquiry of the Senator from Iowa; and I should like to go into that question, because I spent months and months in the consideration of such questions, with responsibility resting upon me, and I have distinct and well-digested views upon the subject. It is a great subject; it is one that goes to the question of maintaining the distinction between the branches of the Government, but it is not necessary in this case to go further than the statement of the primary principles upon which I would rest. I say that not out of any want of consideration for the question of the Senator, but because it seems to me it will unduly expand the consideration of this measure.

I do not believe the President should be given the right to suspend a law. We saw an instance of the effect of that once here within our service, where the President by a proclamation suspended what was conceded to be one of the greatest and most far-reaching pieces of legislation that Congress ever indulged in, and that was in the case of the public-land laws, where he tied up in darkness the Territory of Alaska, where he tied up and rendered unavailable and unavailing as an asset hundreds of millions of acres, where he blocked the wheels of the immigrants on the plains, or wherever they might be, as effectually as though he had crushed the spokes with the sledge; where he tied up the business enterprises of those who had located and equipped themselves, depending upon conditions that they had a right to depend upon under the law, and he sent them to

bankruptcy; where he passed by a generation of the American people, took away the opportunities of a whole generation that, while the order was in force, grew too old to avail themselves of the law or were compelled to accept an alternate or a substitute that decreased and destroyed their rights under the law. By his order he closed the schoolhouses; he destroyed taxation; he destroyed home making; he stopped the growth of the country. That was by an Executive order. That ought to have been warning enough to all Senators never again to propose that the President should have the right or be allowed to suspend any law that Congress makes.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. I want to suggest to the Senator from Idaho another notable instance in which the President of the United States suspended a law duly passed, and that was in the case of the Tennessee Coal & Iron Co., when, without any authority whatever, he suspended the law, to the great damage of the country, permitting the Steel Trust to absorb the Tennessee Coal & Iron properties and still further to increase its power as a trust.

Mr. HEYBURN. Mr. President, it was not for the purpose of arraigning any President or past President that I made this comparison. The comparison was between laws and the execution of them. I do not desire to be understood as making personal reference for the purpose of being personal, but it was necessary to refer to these acts because they were official acts. It is the act that I referred to and disapproved of, not necessarily the man who performed it. That is a different question.

Mr. President, following right on in that section you give the President the right to say when an emergency exists. That is, passing upon facts; and the party attacked would contend that no emergency existed; that his contemplated act was within the law.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes.

Mr. FLETCHER. May I suggest to the Senator this question: Whether his objection as to this power of the President is as forceful an objection to the measure as it would be if that provision in the measure were stricken out giving the President the power to determine emergencies? I call attention to this. Under the bill, as I understand it, the penalties are to be $5 a day in the case of each laborer where there is a violation of the law. Those penalties are fixed and determined, how? An inspector goes out and examines the work; he has to do that to see that the contract is carried out; he reports the violation to the officer who makes the payments under the contract; and the officer who makes the payments under the contract withholds from the payment this penalty. The contractor has the right to appeal from the decision of that officer to the head of the department.

If the head of the department confirms what the paymaster has decided and imposes the penalty, then the contractor or subcontractor has the right to go into the Court of Claims and sue for his money. Now, where will you leave the situation if you strike down the power lodged in the President to determine the question of an emergency? Will you not leave it in the hands of an inspector? The inspector examines the work, ascertains as to how the contract is being carried on, and finds certain violations.

Mr. HEYBURN. I can answer that in a minute.

Mr. FLETCHER. The inspector says, "Oh, I find violations of the law here, but they come within that exception specified in the act under the head of emergencies, and therefore"——

Mr. HEYBURN. Now, will the Senator permit me?

Mr. FLETCHER. Yes.

Mr. HEYBURN. I realize that the way to avoid being caught in the trap is not to set it. By this legislation you are setting out not only that trap, but about half a dozen others; and my argument is, Do not set the trap.

Mr. FLETCHER. I merely suggest whether it would not be better to leave in the bill this authority and power in the President, than practically to leave it in the hands of an inspector or paymaster or the head of a department—one or the other?

Mr. HEYBURN. Now, Mr. President, I will proceed, and I will briefly answer that suggestion. The Senator suggests a plan that would constitute three or four new courts, first, the equivalent of the ordinary county or district court—that is, the appeal that he makes to the contractor—then, next, an appeal from that decision to another executive branch—nowhere to a judicial branch—and then to some other. I understand perfectly the proposed working of this law. I have had it in mind too many months for my comfort.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes; for a question.

Mr. FLETCHER. I only wish to say to the Senator that I am not suggesting that plan—that is, the plan provided for in the bill itself.

Mr. HEYBURN. I understand that perfectly. That is the method of procedure proposed at some times—I will not say by some people. First establish a wrong and then argue that inasmuch as the wrong exists you may enlarge it. That does not appeal to me. We are here not to defend or acknowledge the merit of the existing legislation; but I desire to say a few words in regard to that phase of this bill.

The same power that would forbid a man to work may compel him to work, and I have as authority for that the Holy Scriptures. It has often occurred to me as singular that nobody ever paid any attention to—in fact, they hurry over—that part of the commandment which says "Six days thou shalt labor." I never heard any man preach in favor of the enforcement of that part of the commandment at all, because it is not the comfortable side of it. "But on the seventh day thou shalt do no labor," or no work. That is the part that appeals to them.

Under a strict interpretation of the Biblical injunction the law ought to compel every man to work all the time for six days. A day, under the laws of nature, consists of the daylight. It is the light that makes the day; the words are synonymous in their meaning. The period of daylight is varied by the season. A wise power has provided that the sun should shine longer during those days when man's duties were more pressing, when he must raise the crops upon which to feed the world during the winter season. He needed more time to plant and cultivate them and harvest them, and the days were made longer. In the winter time it was not necessary to have such long days. I am merely making this suggestion; I am not criticizing the arrangement of the universe; it suits me, and I could not arrange it half so well [laughter], but I am calling attention to it. We are very apt to glide along through this world on false premises.

Mr. President, we have a law on the statute books that says that upon Government work 8 hours shall constitute a day's labor. I have no objection to it. The objection commences with me when you say that a man shall not be allowed to work more than 8 hours. The other applies to a contract only. It interprets the contract of the Government when it says you shall work so many hours a day. That is a contract, but when the law provides that a man shall not work more than so many hours, that is an infringement upon the liberty and the right of contract. There is a difference, and it ought not to be difficult to see it. I believe that as to men in all the walks of life—I care not whether it be the man who builds the wall or carries the hod or puts the roof on the building, or whether he is a clerk at a desk or works in any of the departments of the Government—there should be a sense of consideration and humanity enter into all dealings with him or her.

There are twenty-nine, yes, there are thirty, million people in the United States over the age of 21 years. There are that many people engaged in industrial enterprises. They are not all affected by this measure, because it applies only to Government work, but where does the line exist between Government work and other work? In the great reclamation projects of the West the men who are building the ditches—or the canals, because they are rivers, some of them, that would float ships—sublet the work by contract and the subcontractor will make a contract with the grower of hay to furnish so many tons of hay to feed the teams. Of course these are large items. Another will contract with a subcontractor to do the work, to furnish so many teams per day and so many men to manage the teams and the scrapers and the plows. It has been suggested to me that there was an exception in this bill that exempted that class of work. It does not exempt it; it may be intended to do so; but it is not properly worded to accomplish any such purpose. There is certain peculiar language used here. It is within this quotation:

> And any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit

of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor.

That is the end of that sentence.

Any contractor or subconstractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States.

That is where his appeal lies—not to any court. It does not lie to the President of the United States. It does not come even to the power that was spoken of by the Senator from Iowa. It is provided that he—

shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or of the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action.

Now, there is a delegation of judicial power to the Commissioners of the District of Columbia. Where would they sit? When would they sit? Under what form or system would they sit to hear these men coming from Idaho, perhaps, in order to settle the differences between contractors and the heads of departments concerning the great irrigation work?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. What article or material would the Government be interested in purchasing from the farmers or anybody else which would not be articles or material to be bought in the open market?

Mr. HEYBURN. I am speaking of the contract of the subcontractor to build the canal. It does not consist in buying articles. It consists of work—excavating—to the extent of millions of dollars.

Mr. BORAH. Does not the present law cover that?

Mr. HEYBURN. I do not think so. I know that the present law is a good shield to go behind, but the present law does not cover that subject. It does not go to the subcontractor or the sub-subcontractor.

Mr. BORAH. It does not cover the subcontractor because it does not distinguish between contractors and subcontractors, but it covers all work upon public works. This is public work, and therefore it is immaterial whether it is the contractor or subcontractor. It has been so construed and enforced.

Mr. HEYBURN. It is being so construed by a lot of bureau employees or representatives, and it will probably be enforced until somebody gets ready to stop the hand that enforces it.

There, you see, right in the beginning arises a difference, and I need not hesitate at all on account of modesty to say between two Members of this body, each of whom is presumed to be competent to pass judgment on a matter of this kind and neither of whom will arrogate to himself the supreme wisdom that will enable him to say that the other's argument is nonsense. I will give due heed and credit to what the Senator says, but I shall also reserve my right to have an opinion of my own on this subject.

Mr. BORAH. I will say the same thing of my colleague.

Mr. HEYBURN. This shows the hotbed of controversy we are getting into. There is no crying need for it. If there were, I would be more patient with the effort, the superhuman effort, to legislate on a subject that needs no legislation. There is no demand for it except from the paid representatives of the real workingmen, and it is the snap of a whip. I do not recognize the right of any man or the representative of organized men to snap a whip at the Congress of the United States, and it will be a sad day for the Government when it shall be done. I will treat them as fairly and as liberally as I would the representatives of the biggest monopolies in the country, and I will not deal with them any more liberally or fairly. I will protect them against oppression, but I will not allow them, merely because they think they have the power, to sit above our heads and say, "We want this legislation, and we are going to have it, or we will see to it that you are defeated at the polls at the next election." That is not a good way to attempt to force good men to do anything.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I do.

Mr. GALLINGER. The suggestion the Senator made a moment ago is one that has troubled me considerably in reference to this bill, and that is holding the contractor responsible for the acts of the subcontractor or the sub-subcontractor.

The Senator called attention to the construction of irrigation ditches in the West; the fact that they have horses, and mules, I suppose, and perhaps they have to buy hundreds and perhaps thousands of tons of hay. They have to go into the country among the farmers. The farmers ordinarily work a little over eight hours a day. I know they do in my country. And yet, if the farmers who contract to supply the hay permit their men to work a moment over eight hours in supplying that commodity, the contractor under this bill, as I read it, is held responsible for what is called illegal action on the part of the subcontractor. Am I right?

Mr. HEYBURN. Mr. President——

Mr. BORAH. I want to assure the Senator that he is in error as to the bill in that respect.

Mr. GALLINGER. I hope I am; but that is the way I read it.

Mr. HEYBURN. That depends upon the construction which would be given to the language that has been used to avoid the bad consequences of this legislation.

Mr. BORAH. That is within the power of the court in its construction of the law, and common sense will be used there just as in the case of every law passed here. There is no doubt, so far as concerns the plainness of the law. These articles, such as hay, corn, oats, and so forth, which they buy from farmers, are materials which are well established to be purchased in the open market, and they are so recognized. There are plenty of precedents for the rule that they are articles which can be purchased in the open market, and therefore they do not come under this law at all.

Mr. GALLINGER. I confess that that does not satisfy my mind. Would the Senator argue that that would apply, as an illustration, to a case where a Government vessel was contracted for, and the lumber that entered into that vessel was engaged from a subcontractor in an adjoining State and he worked his men 9 or 10 hours a day? Would the Senator argue that this law would not apply to the subcontractor, and if he did, that the contractor would not be held subject to its fines and penalties?

Mr. BORAH. If the contractor covered that class of lumber which is sold in the open market, I have no doubt at all it would be excepted from this bill.

Mr. GALLINGER. That is an interpretation I am glad to have the Senator state, although in the very careful reading and rereading of the bill I have been forced to the conclusion that the subcontractor in that case would be violating the law and the contractor would be held for the violation of the law by the subcontractor or the sub-subcontractor; and I think that would be an evil which we ought to obviate if we possibly can.

Mr. HEYBURN. Why should we go groping, struggling, and striving to get around these obvious and admitted difficulties in order to accomplish what? To gain the privilege to say to an American citizen that he shall not labor except with our consent? For the Government to lend its great power to the enforcement of rules that say a man shall not, when his necessities demand it, add to his income by his labor is so repugnant to every sense of freedom and enlightened civilization that I do not need to go groping about these small questions affecting the enforcement of the law. The more readily the law can be enforced the more dangerous it is. The only thing that could recommend this law to me would be that it would be incapable of enforcement. The only safety that would rest anywhere would rest there.

The Government of the United States engages in such a variety of enterprises through the system of contracts and subcontracts and sub-subcontracts that you present a very embarrassing and difficult question when you come to the enforcement of it. But we ought never to come to that point. The dearest right that the American citizen has is the right of contract. Is there a Senator here who would vote for a measure introduced for the purpose of limiting or abolishing by law the right of contract? If there is, I advise him to speak only in whispers, for the people might hear him.

No man can truthfully charge me with having at any time or now been in favor of discriminating against those who labor. The right to labor is the richest heritage of an American citizen. Every man has the right to enter the field of labor in competition with every other man and on equal terms. The declaration that all men are free and equal refers to the basic proposition of opportunity. They have the same right to take advantage of the same opportunity.

Now, Mr. President, you propose to say that one man shall say to another, "You shall not work," because if you can say it to him as to one hour you can say it to him as to two and as to all the rest. If we can say that a man shall not work more than 8 hours, we can say that he shall not work more than 1.

We can not do it without violating the very principles upon which the Government was established—without violating the very sentiment that prompted its establishment.

So that while at first I devoted my attention to the manner of the execution of this law, I come back to the primary principle. Suppose we were to enact a law that said the Government might compel men to work and fixed their hours. What a cry would go up against legislative interference with the right of contract, and yet there is as much reason why the Government might do that as there is why it should say that a man should not work.

We have now prohibited the sturdy, robust young men of 12 and 13 and 14 years of age from participating in the support of the families of which they are members. Why? For the benefit of those young men? No man will dare to claim that; but in order to lessen the supply of labor in the interest of the agitators. That is why we did it, and I have not to carry on my shoulders the sin of participating in that kind of legislation, merely because there was a hue and cry for it. There was no demand from the widows and the disabled people of the country who depend upon their children under the age which we fixed in that legislation, that we forbid by law these robust and capable supporters from performing their duty. There came to the Senate no petition from those mothers and dependent relatives and old people asking for that legislation. There were no petitions from them, and there are no petitions from that generation represented by the young men between 12 and 15 years asking that they be relieved from the performance of their share in support of the family. Did it never occur to Senators that we should have heard through some means from that class of people? No. We were hearing from the class of people who limit the apprentices in the fields of industry through a selfish purpose of enabling them more easily to control the field of labor within their own limits. It came from the same source.

I have no objection to organized labor. The name never has any terrors for me. I want to know for what purpose they organize and how they propose to effectuate their purpose, and if it appeals to me as fair among men, organized labor can count upon me as true and stanch a friend as they have in the world. But I am going to proceed upon my judgment in a matter where I am to act responsibly. I am not going to take the judgment roll of those organizations as a verity where I am responsible.

No, Mr. President; the purpose of this bill is to diminish the opportunities of men to engage in gainful enterprise, regardless of their willingness or their strength so to do.

Mr. President, there is a provision that I passed over which allows the President subsequently to——

The VICE PRESIDENT. Will the Senator submit to an interruption? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642. Before the unfinished business is proceeded with, the Chair will lay before the Senate a message from the House of Representatives.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, which was, on page 4, at the end of line 10, to insert:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

Mr. JONES. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

Mr. HEYBURN. I ask that that may lie over until tomorrow.

The VICE PRESIDENT. It will lie on the table without objection.

Mr. HEYBURN. I want to look at it.

HOUSE BILL REFERRED.

H. R. 21969. An act to provide for the opening, maintenance, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, was read twice by its title and referred to the Committee on Interoceanic Canals.

SAVANNAH RIVER DAMS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Strike out all of the proviso beginning with the words "*Provided further*," page 1, line 13, down to and including the word "Engineers," page 2, line 8, so that the bill will read as follows:

"*Be it enacted, etc.*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by the act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two.

"SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And the House agree to the same.

KNUTE NELSON,
JONATHAN BOURNE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. C. ADAMSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

CHOCTAW AND CREEK TREATY LANDS.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the 9th day of August, 1814, and at Washington on the 24th day of March, 1832, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether

or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however*, That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States."

Amend the itle by adding at the conclusion thereof the following: "and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814."

And the Senate agree to the same.

CHARLES CURTIS,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.
SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,
Managers on the part of the House.

The report was agreed to.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. Does the Senator from Idaho yield the floor?

Mr. HEYBURN. Yes; I understand when the unfinished business comes up it takes a Senator from the floor.

The VICE PRESIDENT. It does not take him from the floor. It substitutes some other business, but it does not take the Senator from the floor. Of course, the matters which the Chair has laid down the Chair has a right to lay down at any time.

Mr. HEYBURN. I understand that it took me from the floor. I understand that the Senator from North Dakota [Mr. MCCUMBER] has given notice that at this hour he will speak upon the pending measure, and I, of course, yield the floor.

The VICE PRESIDENT. That is what the Chair desired to know.

Mr. MCCUMBER. Mr. President, I approach the discussion of any matter with reference to tariff legislation with some hesitancy. I listened for three or four days to probably one of the most exhaustive and carefully prepared addresses upon the steel and metal schedule that has ever been delivered in the United States Senate. It showed the most thorough research and gave to the Senate a vast fund of information on this schedule. There were comparatively few Senators who listened to the address given by the Senator from Utah [Mr. SMOOT]. I presume that a reasonable number of them will read it if they have time.

Glancing, however, at the bill itself, I am rather constrained to believe that it was never intended to have a great deal of consideration. Certainly it received none in the House, and the only consideration in the Senate which was given it has been given by members of the Finance Committee and by one or two other Senators. I desire, however, to cover some features in the discussion of the bill that have not been considered to any great extent.

We took considerable evidence before the Finance Committee. The addresses that have been made so far have referred almost exclusively to some record evidence from the department. The evidence obtained by the committee bore upon the three propositions, namely, the cost of production at home and abroad and the difference in the wages of employees at home and abroad and the effect of this legislation upon each and every one of the several paragraphs constituting the metal schedule.

I will not attempt to go into the details of the matter with the thoroughness which was exemplified in the discussion by the Senator from Utah, but I will quote more fully from the testimony taken before the committee.

Mr. President, during the summer of 1909 the Finance Committee, of which I was a member, labored very many weary days and long nights in securing testimony upon every phase of the tariff schedules.

The information which was received was for the most part received from those who were experts in the particular lines upon which they gave their testimony.

The bill which was reported from the Finance Committee was a fair expression of the evidence on which it was based. Representing a party whose cardinal policy was protection, we sought to retain the protective principle in that bill. Measured by the testimony which was before the committee, we did not believe that the duties were in any cases excessive. We did believe they were sufficient, and we intended that they should be. In many schedules there was a very marked reduction. This was especially true with reference to the metal schedule. The woolen and cotton schedules remained practically unchanged. There were reductions in certain lines and slight raises in others. Many new fabrics had come into existence since the preceding tariff enactment, and by studied efforts to avoid some of the specific rates costly articles were being entered at our customhouses and were receiving a rating wholly inadequate, either for purposes of protection or revenue. By court decisions the most expensive and luxurious fabrics were being taxed at our ports at less tariff rates than were paid upon much cheaper articles of ordinary use. In order to place these articles in their proper classes it was necessary to make the duties on a few of them greater than that which had been required under court construction. This was not an increase in the proper sense of that word.

No sooner was this bill reported to the Senate than a violent and systematic war was waged against it. There were three principal reasons for this assault and for the violent manner in which it was pressed and which, Mr. President, I shall mention in the order of their importance:

The first and most important cause was the attitude of the American Publishers' Association. The Finance Committee and the administration were given to understand that the great press of the country, including magazines and other periodicals, were determined to secure free print paper. If they were given that, well and good. If they were denied it, the Republican Party and the administration should pay the penalty. No one doubted their power. It was simply a question of whether right should surrender to might. It mattered little that these journals might be making from 25 to 100 per cent on their investment and the average returns upon the investment of the paper manufacturers from 6 to 10 per cent. The undeniable fact still remained that several million dollars would be saved to the publishers, at least it so appeared, if free paper could be secured, and the publishers demanded that as the price of their friendship.

After a most careful consideration, the Senate Committee on Finance believed that while a reduction could be made on print paper without any great danger, it would be a rank injustice to the paper manufacturers to give them absolutely no protection, and especially so in the face of the fact that the wood cost more, that the pulp cost more, than in Canada, and that they could not secure free wood or pulp from Canada and thereby be placed upon equal terms with the Canadian manufacturer.

Print paper, however, was reduced from $6 to $3.75 per ton. This reduction was not accepted by the representatives of the Publishers' Association, and the association made good its threat. No one, of course, could doubt the result. As against an army, armed with Maxims and rapid-firing guns, the unarmed Republican Party, without any weapon of defense, was everywhere slaughtered.

The second cause of this assault was the growing factional difference in the personnel of the Republican Party. The minority leaders of that party saw an opportunity for an aggressive and probably successful battle against the majority. The rapid development of the country, with its abnormal prosperity during the preceding 10 years, opened up wonderful fields of speculation. Without proper or sufficient laws to guard against them, great combinations of industries, controlling markets and fixing the prices of their commodities at the limit of consuming ability, came into existence. Millionaires and multimillionaires increased by the thousands. An era of riotous living was indulged in generally by the American people. The public became apprehensive of danger. It was not that they were then suffering, but that the great combinations were becoming all powerful and might some day exercise that power to their great detriment.

It was but natural that this condition should be seized upon by the minority and that advantage should be taken of the pub-

lic sentiment and apprehension to gain political advantage. And so we found a certain element of the party of protection assaulting the citadel of their ancient faith with far greater bitterness than had ever been shown by the old enemy of the party. There is no strife that is so bitter as factional strife. There is no adherent of any faith so zealous as the new convert.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. The Senator from North Dakota has just said that the element known as the Progressives or the Insurgents assaulted the citadel of protection with an energy and a malignance never exhibited by our friends on the other side of the Chamber.

Mr. McCUMBER. I did not say "malignance"; I said "bitterness."

Mr. CUMMINS. Very well; I will substitute bitterness for malignance. I rose to ask what the Senator from North Dakota means by the citadel of protection. Does he mean the bill that was passed and became a law in 1909, or some particular part of that law, or does he mean the doctrine of protection itself?

Mr. McCUMBER. Mr. President, the assault which was made in the Congress of the United States was made by those who professed and, I believe, sincerely stand by the doctrine of protection; but in their energy and in the feeling of animosity against the particular bill very many of them bolstered up their cases with an argument that was as near free-trade argument as ever came from the rankest free trader in the whole country. When I am speaking of the minority of the party or a faction of the party, I am not speaking of those wholly within this Chamber or within the other Chamber. When we got outside of Congress we found as a result of these arguments the greatest free-trade sentiment over the country that it had had since prior to the Civil War, and that sentiment was created by the press of the country and by those who so zealously made their assaults upon that particular bill.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. I desire to keep history as straight as possible. Speaking in behalf of those who in the Chamber opposed the Payne-Aldrich tariff law, I desire to say that I have never heard one of them nor anyone allied with them outside the Chamber utter a single word that could by any possibility be construed into a repudiation of the doctrine of protection. I have heard the most energetic, emphatic, and, I believe, sincere protests from all these men against the embodiment of that doctrine as found in the Payne-Aldrich law.

I hope my friend from North Dakota will make the distinction that I have just suggested. I myself believe that the Payne-Aldrich tariff law was one of the most unfortunate assaults upon the doctrine of protection ever entered upon our statute books. I have just the same high regard, the same deep veneration, the same profound confidence in the wisdom of the principle or policy itself as has the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I am wondering what the Senator thinks of the Dingley tariff law, the law that gave greater prosperity to the United States than any other that was ever passed by any Congress. That was a higher tariff law in many respects than the Payne-Aldrich bill. We did not suffer particularly under that law. As a whole, the people were better off under that law than we ever were before, and probably better off than we will ever be again under any other kind of a law.

The Senator from Iowa and myself stand exactly the same upon one proposition. I have heard him say again and again that he believed the tariff duties ought to be such as to give honest protection to every American industry, and yet not high enough to preclude the introduction of foreign goods in the case of combination or in case any American manufacturer of like goods should raise his prices to an exorbitant degree. We agree exactly upon that.

If there is any disagreement whatever between us, it is possibly a disagreement on evidence alone, or it may be that where there is doubt I will always resolve that doubt in favor of the American manufacturer, while the Senator from Iowa may not be as favorably disposed to resolving it in favor of the American as against the foreign producer. But I think, upon the whole, there is no distinction between Republicans. There is no one who supported the Payne-Aldrich bill, on the other hand, who ever once declared that he believed in a rate of duty that would be exorbitant. So our differences were always differences upon the question of what should be a fair measure of protection. The differences were honest differences; yet I can not help but say that those who felt it was their duty to destroy that bill assaulted it not alone with carefully considered, reasonable, and judicious utterances, but with such vehement and often irrational condemnation that they created a sentiment over the entire country, not that the tariff duties were not sufficiently lowered, but that they were actually raised far above the previous tariff act.

Mr. CUMMINS. I do not know to whom the Senator from North Dakota refers when he says that we who are opposed to the Payne-Aldrich tariff law, or those who were opposed to the Payne-Aldrich law, asserted that there were no reductions in it. I have said often in this Chamber that, taken as a whole, there was a slight reduction, a reduction of a little less than 2 per cent, as I now recall. That is not the point. We left here in 1909, having recorded our votes with respect to that legislation, and personally I did not invite the reopening of the hostilities at that time. The Senator from North Dakota, however, will not forget that within a very few weeks after Congress had adjourned the Chief Executive, who signed the Payne-Aldrich law, in a speech delivered in Minnesota, said substantially that every Senator who voted against the Payne-Aldrich tariff law was disloyal to the Republican Party and unfaithful to its principles. Then began this bitter controversy, of which my friend the Senator from North Dakota has spoken. I deplored that utterance quite as much as anyone could who was in sympathy with the Payne-Aldrich bill.

I propose to answer the Senator's question with regard to the Dingley law. I was not in Congress at the time the Dingley law was passed; I do not pretend to have the accuracy of information concerning conditions as they then existed which undoubtedly the Senator from North Dakota has, and which other men have who were then Members of Congress; but I do know that when 1901 came the Dingley law had become indefensible in many respects. I am one who believes that out of the Dingley law there did come very great prosperity for the American people. I believe it restored confidence in our manufactures and confidence in our commerce, so that the people again went forward with spirit and with encouragement, but the excesses of the Dingley law were not necessary in order to create that confidence and to inspire that courage. I believe that if the metal schedule had been fashioned as it should have been in 1901 or in 1900, the United States Steel Corporation would never have been organized. I believe if the very high and extraordinary duties which had been put upon the very materials that we are now considering, those embraced in the metal schedule, had not been put there, but that if a fair protective duty alone had been attached to those commodities, we would not be now considering the embarrassment so well set out and so well expressed by the Senator from Pennsylvania [Mr. OLIVER] yesterday, namely, the embarrassment caused by the disparity between the cost of producing on the part of a great combination like the United States Steel Corporation and its rivals of lesser capital and of fewer advantages. That is my idea, Mr. President, with regard to the Dingley tariff law.

I admit the advantages that law brought to the American people, but those advantages did not necessitate the disadvantages and the injuries which it at the same time inflicted upon the people because its duties were too high or had become too high as early, at least, as 1901.

Mr. McCUMBER. I am glad, Mr. President, that the Senator from Iowa does agree, however, that the Dingley tariff law was a fairly good law; that it did bring to this country the greatest prosperity that we have ever known; and in giving my judgment upon any law I have to base it upon the general effect of the whole law, and not upon some particular item in the law where the duties imposed might have been too great, and that act did bring us out of the worst depression we have known in recent years into the highest degree of progress and prosperity we have ever known. The Senator, however, made the broad statement that the Payne-Aldrich Tariff Act was the worst that has ever been enacted, and I assume that when he says the worst one, he means that the duties levied under it were the highest. I simply desired to call his attention to the fact that the highest tariff duties that we have had for some years were in the Dingley law, and that law gave us the very greatest industrial prosperity.

Mr. CUMMINS. Mr. President, I do not now remember that I ever said that the Payne-Aldrich law was the worst tariff law which was ever passed, certainly not in that absolute sense. I have often said that, measured by our promise in 1908, meas-

ured by the conditions as they existed in 1909, the Payne-Aldrich law was not a faithful compliance with or a fulfillment of our promise under the conditions as they then existed. I recognize, of course, that there are some things at least in the Payne-Aldrich tariff law upon which the duties are lower than they were in the Dingley law.

Mr. McCUMBER. Mr. President, I am not going into any controversy about what the President of the United States has said or what he has not said with reference to any tariff legislation. I have not been a follower of the administration on all occasions, as the Senator from Iowa well knows. I do not follow any administration, nor allow the beck of the President of the United States to govern me in my convictions of what ought to be in our legislation. Whatever view the President of the United States might hold upon tariff legislation, I should not yield my own judgment, formed upon my own investigation, any more than I would upon his view as to whether we ought to have had Canadian reciprocity as the law of the United States.

Mr. President, the Senator from Iowa is mistaken when he says that the real battle and the vitriolic sentiment that was expressed against this law began after the President had made some remarks concerning it. It began in the press the very moment the bill came back into the Senate without free print paper, and it never ceased until after the election of 1910. We were never able to get the truth of that bill before the public or to explain what it did mean. Ninety per cent of the people of the United States believed that there had been a great increase of tariff duties under the Payne-Aldrich bill. The Senator from Iowa knew that that was not so, and I knew it, but we could not change the sentiment of the public, because we could not secure a fair presentment by the press.

It was but natural, Mr. President, with the press of the country against the Republican Party, with one faction of the party attempting to overthrow the other, that we should have gone down to defeat along the line. There is no denial of the fact that factional politics played a greater part in the disastrous result to the Republican Party in 1910 than all of the arguments that were ever made by the Democratic Party against the Republican Party. I agree with the Senator from Iowa that I want to see that chasm bridged between those factions of the Republican Party. I have had the hope when we should secure from a commission a report as to the cost of production at home and abroad and all other data relating to our tariffs—something that even the newspapers of the country probably would not assail as incorrect—that we would have a basis upon which Republicans could get together, and that we could make a tariff bill in conformity with it. I am afraid that we shall not soon reach that hoped for condition because of a failure to continue the good work of the Tariff Commission.

Mr. President, another factor which added fuel to the flame of internecine battle at that time shows how an inadvertent sentence, or, rather, a sentence misconstrued, will raise a national storm. In the opening of the debate upon the tariff bill the Senator having that bill in charge said to the Senate that the tariff plank of the Republican platform of 1908 was not a promise for reduction, but simply a promise for revision. That sentence was printed in glaring headlines in every daily newspaper throughout the country in their next issue, and upon that sentence it was predicated that the Finance Committee had followed that construction in reporting a tariff bill to the Senate. As a matter of fact, the majority members of the Finance Committee never gave the tariff plank that construction. Every member of that committee, I believe, construed that plank to mean that we should make a reduction all along the line so far as it could be made consistent with the protective policy of this country.

Mr. SMOOT. Outside of luxuries.

Mr. McCUMBER. Of course, in the matter of luxuries, we have always imposed on them a high tariff. Mr. President, as a matter of fact, the tariff was reduced; and I want to take that question up with the Senator from Iowa, who says that there was a reduction of about 2 per cent. The report that accompanied the tariff bill into the Senate from the Finance Committee clearly and accurately expressed the reductions and exactly what had been done in the following words:

Tariff decreases on goods which the bulk of the people purchase generally affected articles of the value of $4,951,813,175. The tariff increases on goods, outside of those that were purely luxuries and liquors, affected articles of the value of $240,852,525. The decreases, outside of champagnes and other liquors, were twenty-one times greater than the increases, considering the value of the goods upon which the duties operated.

Those increases, Mr. President, stand as a clear refutation of the false claim that the tariff law of 1909 did not decrease duties on the bulk of the articles purchased by the American people.

I prepared during the debate upon that subject a table showing the actual decreases upon articles of ordinary consumption in the United States, and, with the consent of the Senate, I will make that table a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

Mr. McCUMBER. Before the insertion of the table I want to say, first, that it covers all agricultural implements; baking soda; petroleum; linseed oil; red lead; white lead; varnishes; cement; brick; Rockingham ware; window glass; bar iron generally used by blacksmiths; steel beams and girders; hoop and band iron; railroad rails; sheet iron; sheet iron or steel, galvanized; steel wires; barbed wire; hammers; sledges; bolts and nuts; knives; files; nails, spikes, etc.; horse and mule shoes; wire nails; tacks; brads; rivets; screws; saws; sewing machines; typewriters; oilcloths; silks; coal; print paper; hats and bonnets; boots and shoes; leather, sole and belting; leather for shoes; gloves, generally used; harness; saddles; cotton thread; cotton clothing; woolen clothing; sugar; etc.—covering almost every article of ordinary consumption.

The table referred to is as follows:

Reduction on existing law of articles generally purchased.

	Per cent reduction of existing tariff.
Agricultural implements:	
Wagons	25
Mowers	25
Binders	25
Harrows	25
Drills	25
Thrashers' machinery	25
Rakes	25
Plows	25
Cultivators	25
Planters	25
All other kinds of agricultural implements	25
(Administrative features of bill provide for no duty from countries not imposing duty on American machinery.)	
Soda, baking	No change.
Oil, petroleum (all duties taken off)	Free.
Linseed oil, all kinds	25
Red lead for paint	9
White lead for paint	13
Varnishes	20 to 48
Cement	No change.
Brick, glazed	22
Rockingham earthenware and china, the kind in common use	28 to 33
Window glass, common	4 to 20
Bar iron generally used by blacksmiths	50
Steel beams and girders for buildings (not assembled)	20
Hoop and band iron	40
Railroad rails	50
Sheet iron and steel	28
Sheet iron or steel, galvanized	23
Sheet iron, polished	25
Steel wires, various sizes	12 to 20
Barbed wire for fence	37
Hammers, sledges, crowbars, etc	8
Bolts and nuts	25
Knives and forks, table, commonly used	13 to 26
Files	5 to 25
Nails, spikes, etc	33
Horse and mule shoes	25
Nails, wire	20
Tacks, brads, etc	50
Rivets	37
Saws, common hand	16
Screws	16 to 25
Sewing machines	14
Typewriters	14
Oilcloths, linoleums, etc., for floors	9 to 38
Oilcloths for tables, covers, etc	40
Silks, commonly used	10
Coal, bituminous	33
Print paper	37
Hats, bonnets, etc., commonly used	20
Boots and shoes	40
Leather, sole and belting	75
Leather for shoe uppers, etc	25
Gloves, generally used	30
Harness, saddles, etc	55
Cotton thread	16 to 20
Cotton clothing, underwear, etc	No material change.
Woolen clothing and underwear	No material change.
Sugar:	
Philippine sugar (free)	100
Sugar from Cuba	20
Other sugar	Very slight reduction.
Lumber:	
Timber, round	50
Lumber, whitewood, basswood, etc	50
All other lumber—	
Rough sawed	37
Finished 1 side	30
Finished 2 sides	33
Finished 4 sides	30
Finished 1 side and tongued and grooved	33
Finished 2 sides and tongued and grooved	33
Fence posts (free)	100
Lath	20
Shingles raised from 30 cents to 50 cents per thousand.	

Mr. McCUMBER. Of course these reductions made no change in the selling price to the consumer. Why? Because tariff levied upon original value is such a small percentage of the selling price that it is generally too insignificant a factor to be taken into consideration. The tariff is based upon the price of an article as it comes fresh from the factory. After that its cost is enhanced by freights, storage, insurance, handling, boxing, shipping, distributing, commissions, wholesalers' profits, retailers' profits, clerks' salaries, rents, all overhead charges, interest on borrowed money, delivery costs, including horses' board, stabling, drivers, and so forth.

It is not surprising that when the article reaches the consumer its selling price is from 2 to 10 times its factory price.

This was the truth; but it was impossible to get that fact before the public. If any portion of this truth by any chance got into the press one day, it was denied the very next day and its effect entirely destroyed. Truth was crushed to earth. It has been slowly—very slowly, indeed—rising again. In the decrease in the rate on all our importations we will find a manifestation of this reduction. The value of all the importations and the amounts received by the Government in duties show reductions as follows; and I want Senators who deny that the American people got any benefit from the reductions in the tariff of 1909 to listen to this if, indeed, increased importations can be justly said to be beneficial: In 1899, under the Dingley law, the average ad valorem duty on all goods imported was 29.49 per cent; in 1908, the year prior to the tariff law of 1909, the amount was 24.22 per cent; in 1910 it was 21.11 per cent; and in 1911 it was 20.29 per cent—a decrease since 1899 of over 35 per cent.

These figures, Mr. President, place the stamp of falsity on every utterance made by press and orator that the effect of the tariff law of 1909 was not a reduction.

Another strong evidential fact of reduction is that the year before the tariff act went into effect, in 1908, the total amount of importations was $1,183,120,665. In 1910, the year after this law went into effect, the importations were increased to $1,547,109,137, or an increase of $363,988,472 in one year. In other words, we did let down the bars sufficiently to allow to come into this country nearly $364,000,000 worth of goods more than came into it the preceding year; that many dollars worth of foreign goods took the place of that many dollars worth of goods made by Americans and were consumed in our own country; that many dollars worth of imported goods over and above the previous year indicates a considerable percentage of reduction in the earning capacity of the American workman for that year. In 1911 the importations were substantially the same.

Mr. President, the campaign following the revision of the tariff in 1909 was, I am free to say, one of the most unfair that I have ever known in my life. Men in the Senate and in the House were singled out and made monsters of iniquity, and the virtue of every other man by the press was measured by the number of times, upon the hundreds of amendments offered, that his vote happened to be the same as that of either of the individuals so singled out, one in the House and one in the Senate. Amendments were offered, for instance, placing a whole schedule upon the free list, and if any man voted against them he was by the press published as a monster and as betraying the interests of his constituents. Had the Senators voted the way the press said they should have voted, there would not have been one dollar of revenue raised under the act of 1909 to carry on the Government. Everything would have been on the free list. Even one of our "insurgents"—a very ardent and a very good one—was found by one of the great periodicals to be only 49 per cent pure and 51 per cent bad, because, upon a very careful computation, it was found that 49 per cent of his votes were the same as those of the then Senator from Rhode Island, and only 51 per cent of them were the other way. Tables of that kind were made up and scattered over the entire country and used by a faction in one party to attempt to destroy candidates in the other faction of their own party. That is the character of the warfare that was indulged in in the campaign of 1910. Why, Mr. President, the only virtue, according to the press, was cowardice and subserviency to its dictates, and the only crime that a Representative could commit was that of being courageous enough to stand up to his honest convictions upon any matter.

I know it is never too late to learn, and I learned a lesson in the campaign of 1910. I learned how feeble is the element of truth as an effective weapon in a poisoned atmosphere. As I look over the list of the fallen in the campaign of 1910, while my confidence in the old proverb that truth will prevail in the end has not been wholly shaken, I must admit that I believe that very many good men must go down to political death in order to establish that truth.

Mr. President, study this bill as you will and you study in vain to find any system, any logic, any consideration of cause or effect. It is neither a protective measure nor a revenue measure. It is a sort of hit-or-miss affair. We will find one section in which a strained effort is made to reduce the cost of fishhooks, which can already be bought for a few cents a bushel, and the next section will allow millions of revenue to slip away without benefiting the public in any way.

The only glimmer of a design anywhere apparent in the bill is a seeming attempt to punish the audacity of manufacturers who have dared to take a chance at establishing a business enterprise. There seems to be a purpose to strike them going and coming. The bill places a duty on the articles which they must purchase abroad because not produced in this country and which are necessary ingredients of their products, seemingly for the purpose of adding to their cost of production, and then lowers the protection heretofore received by them, for the seeming purpose of destroying their prosperity.

And why this antipathy? Why this punishment? It is true that during a period of the greatest prosperity any country has ever known, between 1897 and 1907, when both prosperity and its side partner, speculation, ran riot, some great industrial combinations issued watered stock and found so much money in the country that they easily unloaded it. And for this offense of the few the whole country is to be punished; for the offense committed by one man a thousand innocent men are to be executed.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I want to call the attention of the Senator to one small item in this bill, and what I am about to say is to a large extent true of almost every item covering the smaller manufacturers.

In my State we have a cutlery establishment. At the head of it is ex-Gov. D. H. Goodell, one of our best citizens. I wrote him about the business, inquiring how he was getting along. He has built up a prosperous community, the houses mostly being owned by the operatives. It is a beautiful little New Hampshire country village. Gov. Goodell wrote me as follows:

> A few years ago peculiar circumstances gave me an opportunity to learn about how much common table cutlery, carving knives, butcher, kitchen, and shoe knives were made in this country, and I was surprised to find that the whole amount of all makers' production was less than $1,000,000. This was before the 1907 panic. Since that time the trade has been slack and prices so low that some have already gone out of business. I understand that cutlery importations have been increasing all the time. If any material reduction in the tariff on table cutlery should be made the business must be ruined. As conditions and prospects are now we would gladly sell our cutlery business at a price far below cost. We ought to make all our table cutlery in this country instead of importing more than one-half of what is used.

I turn to the official documents and I find that while prior to 1907 there were less than a million dollars of that class of cutlery made in this country, and there is no evidence it has greatly increased, we imported cutlery in 1910 to the extent of $1,817,210 and in 1911 to the amount of $1,924,414, an increase of 9 per cent. Yet in the face of that this bill, which the Senator is so ably discussing, reduces the tariff on penknives, pocketknives, pruning knives, and so forth, from 77.62 to 35 per cent; and on table cutlery, cooking utensils, and so forth, from 43.43 to 25 per cent. So that while this industry, which in a sense is important and it is characteristic of a great many other lines of industry, is now dragging along, with importations almost twice the entire domestic production, the proposition is to make a cut of almost one-half in the present tariff rates.

Mr. McCUMBER. Mr. President, I will be able to show to the Senator passages from the testimony given by a great many men showing it would be impossible for them to continue business under the proposed rates, and I shall supplement that before I get through by showing the cost of production at home and abroad, and demonstrating why it is impossible for any American producer to continue if the reduction is made as contemplated in the bill.

I voted with the majority of the committee to report this bill adversely, not that I could say there was not a single item in the bill that could not be lowered somewhat without any great danger, but that they were so few and so scattering that they need hardly be taken into consideration. I voted adversely to it because it was illogical. I voted adversely to it because it was neither a protective measure nor a revenue producer. It is a hybrid that seemed to have no other purpose than to slash into an industry or to destroy the prosperity of the manufacturers of iron and steel in the United States.

I opposed it also because three years ago we made a very radical reduction in the steel schedule, below that of any other schedule, and the figures of which I have already given.

I opposed it also because all the evidence we had before us established the fact that if we reduced the rates our manufacturers would either have to go to the wall, cease manufacturing, or the wages of their workmen would have to go down.

I opposed it also because Congress had created a Tariff Commission to investigate this very subject and to give us the data relative to cost of production at home and abroad, and such other data as will enable us to conform our tariffs to what is a just and reasonable protection; because that commission is at work on this schedule and it should not be changed until that reliable data is at hand, upon which we could make a bill which would satisfy the American people. In my opinion the vast majority of our people believe in protection. All they demand is that it shall be adequate, but not exorbitant.

That commission has been at work. It has made its report upon the principal schedules against which the greatest amount of condemnation was aimed. It took those up first because we thought, owing to the special complaint against them, we ought to first consider them. Those, however, have been laid aside by the House to be last considered. Why? Because the tariff report indicates that there were no very great mistakes made either upon the cotton or the wool schedule; that there were very few if any rates which might be called excessive.

Mr. President, the tariff question more than almost any other character of legislation is a technical one, is one requiring expert knowledge and study. In a general sense we understand what is meant by tariff for protection or tariff for revenue. But how to apply either policy with exact justice to any industry is a question requiring most careful investigation. It is because of this that the public can be most easily misled and deceived as to the effect of any tariff measure.

Take, for instance, the metal schedule. If an article like steel rails costs $18 per ton to manufacture in Germany and $22 per ton in the United States, those who believe that the measure of protection should be the difference between cost of production at home and abroad would have no difficulty in arriving at the conclusion that the duty should be $4 per ton.

Upon the face of it it would be a simple proposition. In practice very many factors would be immediately met with which would have to be taken into consideration.

If we proceed upon the protective idea, then the question is not necessarily, What is the difference between the cost of production at home and abroad, but what protection is necessary at any particular point or field of consumption in the United States?

Second. We would then be compelled to investigate the question of freight rates between the foreign country and New York. But the particular article may not find its market in New York. Then we must go further and ascertain what it costs to put that article in the field of consumption.

Third. We would then be compelled to ascertain the freight rates from the principal point of production in the United States to the same field of consumption.

Fourth. That would necessitate an investigation into the comparative outgoing and incoming freights. In other words, we might have to ascertain whether the freights on foreign products into a given district are the same as from the place of manufacture in this country to the same district.

Fifth. We might then be compelled to compare ocean freights to the Pacific Ocean with inland freights to the Pacific Ocean.

Sixth. We would then be immediately brought face to face with the fact that if we made the tariff high enough to give our people the Pacific coast trade, it would be so high as to amount to a prohibition in other sections of the country.

Seventh. We are then compelled to make an investigation into the ingredients that are necessary in the manufacture of steel. We find that under the old law under which we based the cost of the product ferromanganese was carried at a low tariff. Under the proposed law it is taxed much higher, and we must ascertain to what extent that extra tax will add to the cost of production.

Eighth. We may find upon investigation that some one great industry like the United States Steel Trust has a monopoly of the ferromanganese produced in this country. And if we levy a higher tariff upon the foreign product we give them a greater monopoly, and while they will not be injured, the weaker companies might be seriously affected.

Ninth. A further investigation may establish the fact that the United States Steel Corporation needs no protection whatever upon the production of pig iron and possibly steel rails, but that all of the other great industries of the country, not being so favorably situated as the United States Steel Corporation, would go to the wall without such protection.

Tenth. Nor would we be limited to our internal trade in order to determine the propriety, the necessity, or the amount of tariff that should be levied. Our export trade in the product and to what extent we should be able to compete with other countries would become an important factor.

Eleventh. Following this investigation we might find that on account of our proximity to the Canadian fields of consumption, water transportation in our favor as against land transportation for the foreign manufacturer, nearness to the field of consumption, and the readiness with which we could fill an order might give us that Canadian trade, even though our cost of production is very much more than the foreign cost. The British manufacturer would be compelled to unload his product at a given port in Canada, and that we could take ours from Chicago by the Great Lakes and reach northwestern Canada, which is demanding so much of the steel rails to-day, and on account of this water transportation we could compete with Great Britain, although her prices were very much lower than our general prices.

We must also take into consideration the proximity to the field of consumption—our ability to be on hand, our ability to answer an order immediately that a foreign producer might not be able to answer. All of those questions must be considered over and above the mere matter of the difference in the cost of production at home and abroad.

Now, if we should carry this along a little further we come to the twelfth proposition, and that is the question of rebates. We might find, for instance, that although the cost of production in Great Britain or Germany might not be more than 20 per cent less than the cost of production in this country; that notwithstanding that fact a bounty is given upon exports, which might be 20 or 30 or 40 per cent more, and those bounties must all be taken into consideration in fixing a proper rate.

If we investigate the cutlery business we must first make a careful investigation into the wages paid American workmen in our shops, the cost of production of an article in this country, the wages paid laborers in the foreign country, and the cost of production there.

And still we would not have sufficient or proper information if we stopped at this point. A further investigation will show that the shop cost of manufacture of the two countries does not cover the subject, because in this country all of the labor is performed in the manufacturing establishments, and practically all by men. If we go to Germany, we will find that a large share of the work is done under what is called the cottage system—men, women, and children taking the parts to their homes, assembling them, and doing considerable of the work in the matter of manufacture at very low wages and at much less expense than the same work could be done in the shops even in the foreign countries.

If we take the manufacture of chains in England and compare it with the manufacture in the United States, we will find that while the shop costs in England, compared with the shop costs in the United States, are very much lower, still a further investigation would disclose that the average cost to the foreign producer is much less than the average shop cost there, because much of the assembling and much of the work performed in the manufacture of these chains is carried on under the same cottage system, and this is true in a great number of manufactures in which the parts must be assembled and in which considerable advancement toward completed manufacture may be done in the evening at the cottage fireside.

These, Mr. President, are but a few of many things that must be investigated and weighed in arriving at a conclusion in fixing tariff rates. I mention them only to show the complexity of the question, to foreshadow the impropriety and disastrous result that must naturally follow too great a reduction.

I am opposed to the modification of the present duties on the metal schedule. Before another year, if the Tariff Commission is allowed to proceed in its investigations, we shall have before us reliable data on which to base a revision. With an average reduction of about 25 per cent duty on the metal schedule of three years ago we can well await the report of this commission before proceeding to disturb the whole steel industrial condition of the country.

If, however, I am compelled to pass judgment upon each item of this schedule before the report of this Tariff Commission is submitted, I must accept as the basis of my judgment the evidence taken before the Finance Committee. As the testimony comes from those who are interested in the business of manufacturing, I would not be as well satisfied with it as I would with the report of the commission. I must accept it, however, as it is.

And upon that testimony and in the light of facts established in the hearings I will proceed to consider whether or not that testimony affords justification for any reduction of duties upon

the principal steel products. I will consider each paragraph in its order.

I want to consider them in reference to three propositions: The cost of labor in the two countries, the general cost of production in the two countries, and the effect of the bill upon the business in this country. I will take up the first paragraph, which is pig iron, scrap iron, and so forth. The present ad valorem duty on pig iron is 14.82 per cent. The proposed duty is 8 per cent. The production of pig iron, ferromanganese, and ferro-silicon in the United States is, in tons, 27,303,567, the importation into the United States for consumption was 200,970 tons. The value of imports was $5,961,688. The duty collected was $573,282, a very considerable income for the Government upon one single paragraph of a schedule. These importations show that the foreigner can compete with us and compete to a fairly respectable extent with a duty of 14.82 per cent. Give him now an advantage of a reduction to 8 per cent and it will be profitable for him to enormously increase his importations. Every dollar imported means not only a dollar less paid to the American laborer, but a dollar sent out of the country.

The advocates of this measure are not satisfied with a reduction in the protection of nearly one-half, but they more than double the rate on ferromanganese, which enters so heavily into the production of steel, the present ad valorem duty on that article being 6.52 and the proposed duty 15 per cent, and thereby increase the cost of production in this country.

Now, can the pig-iron trade in the United States stand the reduction proposed in this bill and still maintain the present laborers' wages? That is an all-important question.

This brings us, Mr. President, immediately into the investigation of the cost of production at home and abroad, together with a comparison of laborers' wages, and I have to rely again upon the testimony that was taken before the committee. Mr. Butler, of Youngstown, Ohio, representing the Briar Hill Steel Co. and others, shows that the Department of Commerce and Labor has determined the average of cost of pig iron in the United States to be $14 per ton.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield to the Senator.

Mr. WILLIAMS. I desire to ask the Senator from North Dakota, first, whether he is serious with himself and the country when he calls the hearings before the Finance Committee "testimony"?

Mr. McCUMBER. I do not know of any other name that I could give to the hearings. Men were called and examined and gave their testimony and were cross-examined.

Mr. WILLIAMS. I suppose the Senator from North Dakota will bear me out in the assertion that perhaps the indefinite word "hearings" is much more precisely adapted to the self-interested utterances of volunteer witnesses than the word "testimony." "Testimony" generally means that men are sworn to tell the truth. A great many people in the United States seem to think that the so-called witnesses before the Finance Committee were sworn to tell the truth; but, leaving that out for the moment——

Mr. McCUMBER. Let me answer that first. "Testimony" in its general sense means the evidence upon which any fact is established, no matter how it comes. Testimony in court is a different proposition.

Mr. WILLIAMS. Testimony may mean the evidence upon which any fact is established, but surely the Senator from North Dakota will not contend that the utterances of volunteer, self-summoned, interested witnesses constitutes "evidence" of any description. I merely want to make the point, that the country may understand that these witnesses were not regularly summoned and regularly sworn. They were men who came here voluntarily to make an argument—a speech—before the Finance Committee in favor of the increase or maintenance of their share of time—profits.

Mr. McCUMBER. Does the Senator really believe that if a single one of those witnesses had been under oath his testimony would have been different from what it was?

Mr. WILLIAMS. I can not answer that question, because I can not say beforehand whether a man who will tell a falsehood without being under oath would be willing to tell it under oath; but I can point to several instances which I think both the Senator himself and I would regard as "exaggerations," to express it in the most charitable way.

Now, the question I want to ask the Senator, after leading up by that, is this: Where does the duty upon ferromanganese, if it is levied in this bill, go?

Mr. McCUMBER. I think the Senator is asking me a question which his own inquiry answers.

Mr. WILLIAMS. I thought I understood the Senator to say that with the exception of one company nobody made ferromanganese in the United States. Does he mean by that that nobody could make ferromanganese except that company?

Mr. McCUMBER. I mean to say just what I said, that only one company in the United States manufactures it, and according to the testimony no other company in the United States could afford to manufacture it. Therefore, if one company is so constituted that it can afford to manufacture it and no other company can afford to manufacture it, I assume that those conditions will continue for a time at least.

Mr. WILLIAMS. I will follow that question with another. I suppose there is no delicacy about mentioning the name of the company which alone can make ferromanganese.

Mr. McCUMBER. I mentioned it in my argument.

Mr. WILLIAMS. I did not hear it.

Mr. McCUMBER. The United States Steel Corporation.

Mr. WILLIAMS. That is the so-called Steel Trust.

Mr. McCUMBER. I think it is so called. And it may be properly so called.

Mr. WILLIAMS. The Steel Trust?

Mr. McCUMBER. Yes.

Mr. WILLIAMS. Does the Senator from North Dakota know whether a man by the name of Perkins has anything to do with that company?

Mr. McCUMBER. I do not care whether he has an interest or not, Mr. President.

Mr. WILLIAMS. I merely wanted to identify the company or association. Generally we do not know them by name down in the farming community and we get them connected with certain individuals.

Mr. McCUMBER. If he did own it that would scarcely be any reason why this bill should raise the duty and add to his income. It might possibly influence me a trifle in lowering it rather than raising it.

Mr. WILLIAMS. I see the Senator from North Dakota is gradually coming to the Democratic viewpoint in connection with the tariff. I understand now he only would be willing then to have his vote influenced upon the tariff by its effect upon a trust. Am I correct in that?

Mr. McCUMBER. No, Mr. President; the Senator is not correct; but he can go ahead and make his argument upon any assumption that will please him, and then I will answer it.

Mr. WILLIAMS. I beg the Senator's pardon, I hoped I was correct about that. The Senator had put it so strongly that I was emboldened to ask the question.

Mr. McCUMBER. I can answer it in a nutshell if the Senator wants the answer.

Mr. WILLIAMS. For myself I will frankly confess if the Senator will show me where any tariff duty helps a trust I will reduce it or do away with it.

Mr. McCUMBER. I am a little afraid the Senator would reduce it, whether it would help the trust or whether it would not.

Mr. WILLIAMS. There is some sense in that, too, because if I thought it would benefit the consumers—the American people—I would vote to reduce it; and if, in reducing it, it would hurt the trust, that would reenforce me in my determination.

Mr. McCUMBER. Mr. President, I will answer the Senator very candidly.

First. I would not vote for any measure that would destroy the great number of small industries all over the country because a single one could manufacture so cheaply that it would earn more than what we might consider a fair compensation upon its investment. Second. I would not destroy the interests of the country for the purpose of getting cheap products when I would know that a man had better pay a good price for an article and have the money to buy that article than to have a cheap article and no money to pay for it.

Mr. WILLIAMS. Now, I recognize that the Senator is upon the old familiar ground. It is the old ground that "a cheap coat spells a cheap man."

Mr. McCUMBER. No; it is upon the old ground that the man who is compelled to go to the soup houses for something to eat is not going to buy goods at any price.

Mr. WILLIAMS. That is a self-evident proposition.

Mr. McCUMBER. Mr. President, I wanted to give the testimony of Mr. Butler. It may be that the Senator from Iowa would challenge the conclusions of Mr. Butler in his testimony as to the cost of production at home and abroad, but I am taking the testimony as it appeared before the committee and I am placing that portion of it upon the record which pertains to this particular question.

Mr. Butler, of Youngstown, Ohio, representing the Briar Hill Steel Co. and others, shows that the Department of Commerce and Labor have determined the average cost of pig iron in the United States to be about $14 per ton. He draws from the same source of information as the Senator from Iowa, but he adds that this figure is based on the cost as derived from the books of companies where plants are more economically situation than those of smaller companies. The cost of the latter companies, he asserts, would be over $15 per ton.

Mr. WILLIAMS. I should like to ask the Senator from North Dakota one more question.

Mr. McCUMBER. All right, the Senator may ask it.

Mr. WILLIAMS. Does the Senator from North Dakota think we ought to have protection high enough to protect ill-equipped and ill-administered industries? I understood him a moment ago to say that this so-called witness confessed or said—the Senator, I know, used the word "showed," which seemed to me a little inaccurate—this so-called witness asserted that while this duty would protect certain well-equipped, well-administered industries there were other industries not well equipped and not well administered it would not protect.

Mr. McCUMBER. No; the Senator misunderstood the testimony which I quoted, and it would make quite a little difference undoubtedly in the conclusion; but let the Senator go ahead.

Mr. WILLIAMS. Will the Senator quote it again, so that I may catch it accurately?

Mr. McCUMBER. I will quote it. He adds that this figure is based on the cost as derived from books of companies where plants are more economically situated than those of smaller companies. There is quite a little difference, the Senator will observe, between one not being economically situated and one that has not the proper facilities for economic manufacture.

Mr. WILLIAMS. There is no doubt about that. Now, I will change my question to suit the testimony which I have just heard. Does the Senator from North Dakota contend that we ought to adapt our tariff duties to suit "ill-situated" factories, factories situated in parts of the country not well adapted to the production of the product?

Mr. McCUMBER. The Senator has not been here all the time I have been speaking on this subject or he would have already had the answer to that.

Mr. WILLIAMS. I know that, but I heard what the Senator just quoted from the witness Butler, and he quoted it with approval.

Mr. McCUMBER. But the Senator from Mississippi did not hear the Senator from North Dakota say a short time ago that, of course, he would stand for no rate and believed in no rate that should be sufficient to protect, for instance, the Pacific coast manufacturer, with inland cost of transportation, as against a foreign country, with very much cheaper water transportation.

Mr. WILLIAMS. I am not talking now about a low rate.

Mr. McCUMBER. I fully comprehend the Senator's question, and I will answer it in full.

Mr. WILLIAMS. I am asking the Senator this question——

Mr. McCUMBER. I heard the question.

Mr. WILLIAMS. Will the Senator contend that the ill-situated factories in the United States ought to be protected at the cost of the American consumer in order that they may continue to exist at a profit to themselves in business, although ill situated?

Mr. McCUMBER. Is the Senator ready for my answer?

Mr. WILLIAMS. Yes, sir.

Mr. McCUMBER. My answer is, Mr. President, as I stated before, that I do not approve a tariff policy that will maintain a very small percentage of manufacturers who can produce only at a high cost; but, on the other hand, I will not select a single concern in the United States that can produce, because of its situation and capital and otherwise, more cheaply than all of the others, and make its cost of production the standard for duties, and thereby discriminate against all other manufacturers.

Mr. WILLIAMS. Now, Mr. President, one more question.

Mr. McCUMBER. If I did that I simply would destroy all of the others and I would create a monopoly of the one.

Mr. WILLIAMS. Suppose, in connection with the factories in a given industry, you ascertain that a majority of them are ill situated, would you vote to maintain that majority of that particular industry in control of the American market at the expense of the American consumer?

Mr. McCUMBER. Not if they were ill situated according to my view, but the Senator's view and mine might differ very radically. The Senator might hold that they were ill situated, for instance, in the steel industry if they were not as well situated as the Steel Trust——

Mr. WILLIAMS. I did not ask the Senator to answer the question according to my view but according to his. If, according to the Senator's view, a majority of the people engaged in the particular industry were ill situated, would he maintain them in business by the taxing power of the United States at the expense of the American consumer?

Mr. McCUMBER. No, Mr. President; and no one else would. I have enough confidence, and I think the Senator has, in the average intelligence of American manufacturers to believe that they will not, as a rule, establish their concerns in an ill-situated place, but they will be established as near as possible to the centers of trade, and as near as practicable to raw material used, to get the very best results.

Mr. WILLIAMS. Mr. President, I understood the Senator as quoting the so-called testimony of a so-called witness to the effect that a given duty might be sufficient for a few well-situated factories, but would not be sufficient for the other factories engaged in that business in the United States. If I correctly understood the Senator, he was quoting the language of a witness who had made the assertion of a fact the Senator has just assented could not be possible, to wit, that a majority of the manufacturers engaged in a given business would be ill situated.

Mr. McCUMBER. Oh, no, Mr President. Because one manufacturer is very favorably situated it does not mean that all other manufacturers who are not so favorably situated are ill situated. The company that has its iron ore and its coal and its lime and everything else that they may need at its very doors is certainly better situated than the company which has to import its ores or the company which has to haul its coal or ore a great distance. Yet I would not put out of business the other company because it was not as well situated nor would I believe in any character of a tariff rate that would take only one, two, or three, or whatever might be the number, of those who are most favorably situated for economical production and base my tariff rates upon the cost of their production.

Mr. WILLIAMS. Mr. President, I may possibly have misunderstood what the Senator said or rather what he quoted, but if I caught it aright I did not hear that the so-called witness Butler in his so-called testimony said one word about one industry. If I heard it aright he said some of these industries, and contrasted them with a great many more.

Of course, I see the drift of the Senator's remarks. He is trying to fasten this entire discussion upon the Steel Trust, a trust which by the way has been fed very largely by the theories of taxation to which the Senator is addicted and would have been starved to death long ago if my theories could have prevailed.

I am trying to bring it down to the so-called testimony of the so-called witness Butler just as the Senator quoted it. I would be glad if the Senator would not leave the so-called testimony of the so-called witness Butler to go back to the Steel Trust every time we talk of it.

Mr. McCUMBER. Does the Senator also mean the so-called Steel Trust?

Mr. WILLIAMS. No; it is the real trust this time, not so-called at all. It has immense influences, and it has behind it the reenforced power of a distinguished ex-President of the United States, and its evil workings have been materially avoided under the incumbency of the present President of the United States.

I have never discovered so far that the gentlemen of the school of politics to which the Senator from North Dakota belongs have ever attempted to interfere with the Steel Trust to any particular extent, or if they have the Steel Trust has not found it out, or if the Steel Trust in its inner arcanum has found it, Gary and Perkins have not.

I was asking about the so-called testimony of the so-called witness Butler in connection with the real question that we were discussing a moment ago. If I understood what the Senator quoted from Mr. Butler, he said that this duty might be sufficient for a few of these industries, but it would be utterly insufficient for a majority of them. If he said that and then contradistinguished the two from one another by saying that some of them were ill situated and some were well situated, he made the assertion which the Senator from North Dakota says is an absurdity, to wit, that a majority of the manufacturers engaged in a given industry could have selected ill-situated localities and environments or surroundings.

Mr. McCUMBER. All right, Mr. President; if the Senator has construed the words "not as well situated" to be "ill situated," of course he can base any character of argument upon that proposition he chooses.

Mr. WILLIAMS. Mr. President, if somebody were to come in and say that I was not as well furnished with personal pulchritude as the Senator from North Dakota, which they might very well say, of course they would mean that in comparison with the Senator from North Dakota I was ill situated with regard to personal pulchritude. I can not see any difference.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Mr. President, I do not care about the discussion of the so-called trust and the so-called testimony of a so-called witness or what a so-called Republican President has done or failed to do or what a so-called Democratic President by the name of Cleveland also failed to do or what he did do.

Mr. WILLIAMS. I hope the Senator——

Mr. McCUMBER. I scarcely think it is appropriate to the discussion at hand. I did not observe that either the Democratic Party or the President of that party was very vigorous in its attempt to destroy the trusts, which were already well under way while that party had control of the Government.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. But I must admit, Mr. President, that the subject is rather remote from the one under discussion.

Mr. WILLIAMS. Mr. President, one moment. I hope the Senator from North Dakota will not put me before the country in the attitude of referring to the ex-President as the so-called ex-President or the present President as the so-called President. They are both in very real presence before the American people to-day, accusing one another of all sorts of things, and not only doing that but proving many of their respective assertions, too. They are actual realities; they are not so called, and I was not terming either one of them so called. They are genuine evils.

Mr. CUMMINS. If not disagreeable to the Senator from North Dakota to return to the subject, I want to remind him that Mr. Butler was in error when he said that the report of the Commissioner of Corporations was based upon a small production of pig iron or upon the production of a large company. The table that I used the other day——

Mr. McCUMBER. He did not say either. I will repeat Mr. Butler's testimony if the Senator wishes.

Mr. CUMMINS. Very well; I would be glad to have that done.

Mr. McCUMBER. After referring to the $14, he says that this figure is based on the cost as derived from books of companies where plants are more economically situated than those of smaller companies. The cost of the latter companies would be over $15 per ton in the United States.

Mr. CUMMINS. The cost to which I have referred, and to which I did pay some attention the other day, is a cost derived from an examination of the production of 66,000,000 tons of pig iron during the four years from 1902 to 1906. Will the Senator from North Dakota state how much pig iron was produced in the United States in those four years?

Mr. McCUMBER. I have not the figures. I have the figures of our production for the year 1911, if the Senator wishes that.

Mr. CUMMINS. Very well; if the Senator has not the figures at hand. I think he will find this table covers from 80 to 90 per cent of the entire production of those years.

Mr. McCUMBER. For the year 1911 they are all quoted—pig iron, ferromanganese, ferrosilicon, in one bracket—and they are quoted, I notice, at 27,303,567 tons.

Mr. CUMMINS. In the first place, the production has almost doubled since that time; at least it has been one-third. The 66,000,000 tons under consideration by Mr. Smith, Commissioner of Corporations, as I remember it, will be found to be 90 per cent or more of all the pig iron produced in the United States during the period of examination. So his conclusions must be about fair.

It will not do to say that there were some very small companies not included within his examinations which would increase the general cost. More than that, Mr. Butler only pays attention in his evidence—and I am perfectly willing to call it evidence—to the highest cost, and therefore the highest-priced pig iron. He does not mention that there is a very great quantity of pig iron produced in this country for less than $9 per ton.

Mr. McCUMBER. I presume he is talking of that pig iron from which the steel rails, and so forth, are made. He says the cost to the latter companies would be over $15 per ton. The difference is not so wonderfully great between $14 and about $15 per ton. I would not feel like discriminating against a great number of manufacturers who can come within a dollar a ton on a basis of $14 and $15 of some other company, especially when I consider it in the light of other evidence as to the cost of the same article in foreign countries.

Mr. CUMMINS. Would the Senator from North Dakota, if he found that 90 per cent of the pig iron produced in our country cost $14 a ton, assess a duty to protect, if you please, or preserve the 10 per cent the production of which might cost $15 per ton?

Mr. McCUMBER. Scarcely.

Mr. CUMMINS. The answer is just what I would have expected from the Senator from North Dakota. It is a frank, candid answer.

Mr. McCUMBER. This $15 per ton is based upon the testimony of this witness as to the cost of production in the eastern division. If we take this eastern division at $15 per ton, and the foreign cost approximately at $10 per ton, there would be a difference of $5 per ton in favor of the foreigner. Now, compare this cost with the Cleveland district in England, of $9.48 per ton, and the Luxemburg-Loraine district in Germany, at $8.71 per ton. If, therefore, the wholesale prices correspond with the comparative cost of production in the two countries, it would require a 50 per cent ad valorem duty to balance the difference in the cost of the production.

I am willing to make all proper allowances. I will assume that it costs considerably more in foreign countries than is given in the figures that are printed here—$9.48 or $8.71 in England and in Germany, respectively. But we have the further testimony that, at least, they can convert pig iron into rails and can produce those rails for from $18 to $19 per ton.

Mr. CUMMINS. I know the Senator from North Dakota wants to be accurate. He speaks of the Cleveland pig iron, produced in the Cleveland district in England. Now, in the same district there is produced a pig iron known as hematite, which is the same kind of pig iron that is produced in this country at $14 per ton.

Mr. McCUMBER. That is what I understand.

Mr. CUMMINS. The Cleveland pig iron is produced at about $9 abroad, which is parallel to our southern or foundry pig iron in this country.

Mr. McCUMBER. And which the Senator contends is not ordinarily made into rails.

Mr. CUMMINS. That kind of pig iron is not ordinarily, and it could never, without great expense, be converted into steel rails.

Mr. McCUMBER. How about the Luxemburg pig iron? I understand that is converted into rails?

Mr. CUMMINS. There is in the Luxemburg district a quality of pig iron manufactured which is fit to be manufactured into steel rails.

Mr. McCUMBER. And it is a quality that costs in its production only about $8.71 a ton.

Mr. CUMMINS. I do not agree to that.

Mr. McCUMBER. Our general disagreements, as I observed before, are on questions of evidence rather than of policy.

Now, I want to give the testimony of Mr. Peckitt, representing the Empire Steel & Iron Co. He says that "No. 3 Middlesboro pig to-day is selling at 49 shillings cash, or approximately $14.72 f. o. b. either Philadelphia or New York."

That means the cost of production in England, plus the profit of the producer and plus the freight and plus the tariff, and with all those it is laid down at these points at $14.72 per ton. If you deduct the tariff of $2.50 per ton, freight $1.50, you would have the selling price in England at about $10 per ton, while it is admitted that our production cost is over $14 per ton.

Mr. Butler further says that ocean freight on pig iron is very variable. There are frequently times when pig iron is welcomed at merely ballast rates. Ocean freights seldom exceed $1.60 per ton. Freight rates from foreign works to port hardly exceed 90 cents per ton.

Those freight rates cover, we will say, $2.50 difference in cost, leaving at least $2.50 which should be covered by a protective duty. That is the duty under the Payne-Aldrich bill. The duty under the proposed bill would be probably less than $1 per ton. Even the present rates do not measure ordinarily the actual difference in the cost of producing and placing pig iron at the points of consumption in the United States. We are able to hold our trade under present duties, even laboring under this disadvantage, because of the close proximity of our productive to our consuming centers and our ability to anticipate before the foreigner can the demand in any section and the shorter period required by us to make delivery.

Under our present rates of duty, of course, it is impossible for us to compete with the foreigner in pig iron on the Pacific coast. Mr. Schwab testified that he buys pig iron in China for

Pacific coast use; that he can not use pig iron manufactured East on account of the freight rates across the continent; that to ship across to the Pacific coast costs from $8 to $9 per ton; that Germany crosses the ocean with her product as cheaply as we can ship 100 miles by rail; that it costs us about as much in freight to put pig iron or steel into New York as it costs Belgium in freight to put these articles into the same city; that we must use American bottoms for carrying freight from ocean to ocean, and we are laboring under a disadvantage of nearly double in freight by water what it costs the foreigner by water; that we can not compete with Germany in Argentina or in Brazil even if we sell at cost; and that Germany gets especially low rates on railroads and canals in all cases of exports. Then, speaking of the expense of manufacturing pig-iron billets, Mr. Schwab says that pig iron from Hankow, China, can be made for $7.50 a ton, and they make pig iron in Luxemburg for $8.50 and $9 per ton. This, Mr. President, is the particular character of pig iron which he says can be and is being converted into steel.

The cost of manufacturing pig iron in seven districts in the United States and in Germany and in England is shown by the evidence in the following table on this subject, and I ask that it be inserted as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The table referred to is as follows:

Condensed cost of manufacturing pig iron in the seven districts of the United States and in Germany and England.

Eastern Pennsylvania	$18.79
Buffalo	16.45
Southern Ohio	16.44
Mahoning and Shenango Valleys	16.50
Middle West	16.10
Virginia	14.27
Alabama and Tennessee	12.00
Germany	9.42
England	9.48

Mr. McCUMBER. Mr. President, that is the testimony that is given before the Committee on Finance and the evidence upon which we must base our findings.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. How does the Senator from North Dakota reconcile the statements of Mr. Schwab with the fact that the importations of pig iron during the year 1911 were made upon a foreign value of $16 a ton?

Mr. McCUMBER. I do not see that that in any way conflicts with the conclusion as given by the witness.

Mr. CUMMINS. He says the cost of pig iron in Germany is $8 a ton, practically, and in England $9 a ton. We imported a little pig iron in the last year, including some from China, but the average foreign value—that is, the price that we paid for this pig iron abroad during the last year—was $15.97 per ton.

Mr. McCUMBER. Oh, Mr. President, there are many reasons why during the last year, and possibly for the last two years, there has been very little pig iron imported into the United States and very little of the ordinary heavy steel. There is a great demand in both Germany and in England for those steel products. The little that they have sent over here I assume they have got very good prices for, and so much better prices that it justified them in shipping it over here rather than receiving the remuneration that they received under a good home demand.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. I am advised that there never was a year in which either Germany or England exported more iron and steel than last year.

Mr. McCUMBER. Oh, yes.

Mr. CUMMINS. The prices of pig iron in England during the last year have not been substantially above the average prices for five years.

Mr. McCUMBER. Mr. President, when I spoke of the home demand, of course I meant the demand for exportation from home. Everyone knows that at least 70, 80, or 90 per cent, probably, of the pig iron manufactured in both Germany and England is necessarily exported, but it is because of the demand at the exporting centers that they are able to receive good prices, and it is that which has enhanced the value of their product.

Mr. CUMMINS. I do not want to be misunderstood. The exports have not been so large in pig iron as in the finished product. It is not the policy of either Germany or of England to export their raw materials. Both try to manufacture those materials into finished products and to then export them.

Mr. McCUMBER. It pays them better to manufacture them into finished products than to export the raw material.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. SIMMONS. Mr. President, I desire to interrupt the Senator only for a minute. The Senator has referred to the testimony of Mr. Butler. I think it is apparent from his testimony why Mr. Butler placed the cost of producing pig iron in the United States at the highest level—very much above the average when you take the average of the eastern Pennsylvania plants or the average of the southern plants; he placed it $4 higher than the average in the Birmingham district, but I do not complain of that so much as I do of the figures that he gives as representing the foreign cost. I have not been able to find in any publication any statement that corroborates his statement with reference to the cost of iron either in England or in Germany. It is true, as he says, that the cost of pig iron in the Cleveland district, where it is lower than anywhere else and everywhere else in Europe, I believe, is the figure that he gives; but Mr. Pepper in his report averaging the cost in Europe—and I assume that Mr. Butler was attempting to average the cost in the United States—averaging the cost of pig iron in England, puts the average cost in the Cleveland district at $9.92 and in the hematite district at $13.45; and averaging the cost in Germany, he puts the cost at Dortmund at from $13.57 to $14.28. Mr. Butler quotes the Luxemburg price, and I believe he gives it at $8.71, while Mr. Pepper, giving the average in the Luxemburg district, gives it at from $12.38 to $12.61.

Mr. McCUMBER. That is true. I am not denying that our competition must be with the lower priced article.

I now pass to paragraph 2, slabs, blooms, bar iron, muck bars, and so forth. The present ad valorem duty on those articles runs from 15.45 per cent to 26.37 per cent, while the proposed duty is 10 per cent, less than half of the present duty. We imported last year into the United States of these articles, in pounds, 70,720,941, of the value of $1,351,953. We collected duties thereon of $251,953. Those heavy importations show that there was a fair competition when we had a rate ranging from 15½ to 26½ per cent. To reduce these duties over 50 per cent is certainly a startling proposition and may well cause consternation. Let us take the testimony of Mr. Pigott, of Seattle, Wash. He says:

> Bar iron, up to the present time, for a period of several years has cost us $30 a ton to manufacture. The labor would be about $7.50 a ton. It costs in labor in the foreign country about $3 per ton, and the difference is about $4 per ton in labor alone.

Mr. Pigott also says that under present conditions Germany takes one-half of the American trade in San Francisco in bar iron, and that if the tariff were reduced to 10 per cent ad valorem it would be impossible for them to operate their mills.

Mr. President, of course it is very easy to deny these propositions and to say, "Oh, we think you could continue." The direct testimony of those who testified as experts shows that they could not continue in business with this reduction.

Following the evidence further, we have the testimony of Mr. William M. Measey, of Philadelphia. He said:

> The last reduction in the duty on this product has served to prevent the company in which I am interested from making any proper return on the investment; any further reduction would make it impossible to continue business. It would not bring about a failure of the company, because its financial position is strong, but it would serve to entirely destroy the value of property representing a large investment, which it would be necessary to abandon, and which would thereby be rendered practically worthless.

In the light of this testimony I must hesitate before agreeing to such a great reduction, a reduction which I fear is an abandonment of the protective policy of the Republican Party.

This testimony, Mr. President, stands uncontradicted, at least in the testimony before the Committee on Finance. Mr. Pigott, speaking of the Pacific coast trade, says:

> I have been in the business 10 years and never got a dollar out of it. We have a hard struggle there, and we need the protection that other institutions have secured to enable them to build up their industries; and if this duty is reduced to 10 per cent ad valorem, we can not, under the conditions on the Pacific coast, manufacture steel as cheaply as the foreigner can lay it down at our doors and our mills at a profit. That is all there is to it.

All of this evidence raises a danger signal demanding the attention of every prudent legislator.

Taking the next paragraph, beams, girders, and other structural iron, the present duty amounts to 30.56 per cent, while the proposed ad valorem duty is 15 per cent. Everywhere in the bill there seems to be a desire simply to cut the duty in the middle without any investigation. That, in my opinion, is equivalent to turning the entire western trade in those particular articles over to Germany. The Germans secured half of it already.

Paragraph 7, railway bars and T rails. The present duty is 15.34 per cent, not a heavy duty, while the proposed ad valorem duty is 10 per cent. Our imports in that particular line are, of course, negligible. Mr. Schwab says, concerning this paragraph:

I testified before the Ways and Means Committee, and I see no reason to change my estimate, that it cost to produce a ton of steel rails from $22 to $23 per ton, and that it costs in Germany from $18 to $19 per ton.

The 15½ per cent is not, I repeat, an excessive duty, and lowering it one-third—reducing it to 10 per cent—may under certain conditions disastrously affect our manufacture of these products. He further says:

The cheapest pig iron made in Germany is made at Luxemburg. They make pig iron there at, I know, $8.50 and $9 a ton, and I know that can be converted into rails at $10 more. That is the way I arrive at what the cost is there.

If the wholesale prices correspond with the cost of manufacture, it would require over 20 per cent ad valorem duty to equalize the cost in Germany with the cost in the United States. That is more than the present duty; but I believe that we sell closer here than the Germans do, and the fact that we are near to our field of consumption would enable us to sell in the face of German competition even if the difference in the cost of production was not exactly equalized by the tariff rate.

If we are able to compete upon the basis of these estimates of cost of production, it is because of our proximity to the field of consumption and our acquaintance with the markets and demands.

We exported during the year ending June 30, 1911, of these materials $11,377,444.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. In a moment; when I finish this paragraph.

The wholesale market value per unit at the port of exportation in the United States was $29.07. That was probably lower than the average selling price in the United States. The wholesale market value per unit in the principal markets of the Old World at point of exportation, $25.56.

So, whether we take the wholesale prices or whether we take the cost of production, 20 per cent will not measure the full difference, and yet we propose to cut the duty down to 10 per cent.

I now yield to the Senator from North Carolina.

Mr. SIMMONS. I understood the Senator a little while ago, in discussing the importations of bar iron upon the Pacific coast, to read from the testimony of Mr. Pigott.

Mr. McCUMBER. I read from the testimony of Mr. Pigott some time ago.

Mr. SIMMONS. I was not able to find it immediately, but I have found it now, and if the Senator has no objection I should like to read from Mr. Pigott's testimony with regard to that.

Mr. McCUMBER. The Senator does not wish to read it all, does he?

Mr. SIMMONS. I do not understand the Senator.

Mr. McCUMBER. How long is the excerpt which the Senator wishes to introduce?

Mr. SIMMONS. It is a little less than a page of the hearing, but I will not encumber the Senator's speech if he objects.

Mr. McCUMBER. If it will be just as satisfactory to the Senator, I wish he would put it in at the end. I have many tables here, and I want to get through this afternoon.

Mr. SIMMONS. I will put it in, with the permission of the Senator; but I will state briefly, if the Senator will permit me——

Mr. McCUMBER. Certainly.

Mr. SIMMONS. The substance of that part of Mr. Pigott's testimony to which I desire to call attention. Mr. Pigott spoke about the disadvantages that we are under on the Pacific coast with reference to bar iron as against Belgium and certain other European countries. He fixed the average freight on bar iron to the Pacific coast at $5 a ton. He also said that the entire labor cost of producing this iron was $7.50; that it cost about twice as much here as it did abroad, making the difference in labor cost here and abroad a little over $3, as he testified. Then he was asked the question if he did not say that the average freight was $5 and the difference in labor cost was $3.50, so that the net result would be an advantage in favor of the American producer of about $1 or $1.50 a ton, and he answered that that was true.

Mr. McCUMBER. There was some controversy, as I recall—I was present when that testimony was taken—as to its meaning, but I do not desire to go into that at this time.

Mr. SIMMONS. With the permission of the Senator, I will put in the RECORD the testimony to which I have referred.

Mr. McCUMBER. Certainly.

The matter referred to is as follows:

Senator SIMMONS. What is the labor cost of producing bar iron on the Pacific coast?

Mr. PIGOTT. The common labor, Senator, is, I would judge, about 10 to 15 per cent higher than it is in the East here. But the skilled labor is practically the same. We pay the same wages.

Senator SIMMONS. What I want to get at, for the benefit of the committee, is the total labor cost of producing a ton of bar iron on the Pacific coast, where your factory is. What does it cost you?

Mr. PIGOTT. We figure at the present time that our labor cost enters into the production of a ton of bar steel to the extent of about 25 per cent.

Senator SIMMONS. How much is that in dollars and cents?

Mr. PIGOTT. Bar iron, up to the present time, for a period of several years has cost us $30 a ton to manufacture. The labor would be about $7.50 a ton.

Senator SIMMONS. What is the difference, in your judgment, in the labor cost of producing a ton of that material in the countries that compete with you? It costs you seven dollars and some cents here; what does it cost there, to the best of your information?

Mr. PIGOTT. About one-half.

Senator SIMMONS. Then it costs about $3 there?

Mr. PIGOTT. About $4.

Senator SIMMONS. Then the difference is about $4?

Mr. PIGOTT. Yes, sir.

Senator SIMMONS. And you say the freight to the Pacific coast is $5?

Mr. PIGOTT. Yes.

Senator SIMMONS. Then you would have a dollar advantage on the freight alone?

Mr. PIGOTT. I did not quite catch that.

Senator SIMMONS. You said the labor cost here was something over $7, and in Europe it was about half that amount. You estimated a difference of about $4; it costs about $4 more here than there. Now, I understood you to say a little while ago that the average freight rate was about $5 a ton.

Mr. PIGOTT. Yes, sir.

Senator SIMMONS. So that you have an advantage of a dollar a ton, offsetting the difference of the labor cost by the difference in freight.

Mr. PIGOTT. The average freight rate by steamer is $5 a ton, when you ship by steamer.

Senator SIMMONS. But a little while ago you said some came in by sailing vessels at $2.50, and some came in steamers, costing about $6, or something like that; and then I asked you to average it, and you said the average would be about $5.

Mr. PIGOTT. That is as far as the protection would be on freight and labor. I should think that would be about correct.

Mr. McCUMBER. Mr. Schwab further states that the ocean freight from Germany in foreign bottoms is as low as our freight 100 miles inland to get down to the coast.

He also says that Germany ships to America for from $1.75 to $2 a ton. We pay, from Bethlehem to New York, 90 miles, $1.50 per ton.

Speaking of the disastrous results of this proposed reduction, Mr. Schwab says:

My point is this: My interest in the Bethlehem Steel Co. is not essential or necessary to me personally. I have no heirs and I have no children to whom to leave it. My chief desire and chief pleasure in life has been to take this industry and build it into a great and successful thing—a great successful works. I have not taken a penny out of it. But I do not mind saying—and saying with all the earnestness I know how—that if this bill passes I shall drop it and any further interest in it. It is not possible to make it successful.

Senators can take that for exactly what it is worth.

I now come to anvils, which are covered by paragraph 17.

The present ad valorem duty is 31.95 per cent, while the proposed ad valorem duty is 15 per cent.

Mr. Vorhees, representing Columbus Forge & Iron Co., says that under the Dingley law imported anvils were laid down at our seaports in the United States at from one-half to three-fourths cent per pound less than American manufacturers can sell, allowing fair profit to manufacture. Under the Payne-Aldrich bill, imported anvils came into our seaports at about 1 cent less per pound than American manufacturers could produce wrought anvils at a fair profit. Freight on Swedish cast-steel anvils from Stockholm to New Orleans, 30 cents per hundred pounds; from New York to New Orleans, 40 cents per hundred pounds.

It costs more in freight from New York to New Orleans than it does from Sweden to New Orleans, and yet in spite of their cheaper production we are not only to be deprived of the present protection duty of nearly 32 per cent, but that is to be reduced to 15 per cent, which affords no adequate protection. In my opinion it will be equivalent to turning over the trade to the foreign countries, provided there is a fair degree of certainty that it will be left in that condition long enough for the foreign countries to manufacture to supply the demand.

Paragraph 24 covers chains. The present ad valorem duty ranges from 22.39 to 53.38 per cent. The proposed duty is 20 per cent. We imported last year 1,146,598 pounds of the value of $70,542.

Mr. Woodhouse, representing Woodhouse Chain Works, submits a table showing foreign selling price and American cost price of chains. Now, mark you, this is the foreign selling price, not the foreign production cost, and our production cost, because we are unable to get the figures showing the cost of

production to the foreign producer. After making proper allowance for profit it is probable that the foreign cost compared with American cost would be as 5 to 7. It would therefore require a duty of about 40 per cent to equal the difference in cost, whereas the proposed duty is but 20 per cent, or one-half of that requirement.

I ask leave to insert at this point a table bearing on this matter. I want first, however, to call attention to a few of the items. In the case of chain 2 inches and larger per hundred pounds the average foreign selling price is $2.80, while the American production cost is $3.66; on chain less than 2 inches, but not less than thirteen-sixteenths of an inch, the foreign selling price is $3, while the average American production cost is $4.20.

On chain less than thirteen-sixteenths of an inch the foreign selling price is $4.17, while the American production cost is $7.25. I have followed that out far enough to show clearly that 20 per cent will not equal the difference in the cost of production in this country and abroad. I now ask permission that the table may be inserted as part of my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

CHAINS—IRON OR STEEL.

The following tables are made up by comparing the average of actual English or foreign selling prices f. o. b. Liverpool as compared with the actual average cost of American manufacturers delivered to New York City in both instances. American costs given do not, however, include any profit whatever. American costs compared with foreign selling prices are in each case figured on the same sizes in each group and are, as the Ways and Means Committee requested, selling prices ruling on English chain during 1907, and the American costs are the costs for 1907:

Size chain (per 112 pounds).	Per 100 pounds f. o. b. Liverpool.	Per 100 pounds New York.	
		Average foreign selling price f. o. b.	Average American cost.
2 inches and larger	13/-	$2.80	
Freight, insurance, and wharfage		.18	
Proposed duty, ⅜ cent per pound or 30 per cent ad valorem		.87½	
		3.85½	$3.66
Less than 2 inches but not less than ⅞ inch	14/-	3.00	
Freight, insurance, and wharfage		.20	
Proposed duty, 1 cent per pound or 40 per cent ad valorem		1.20	
		4.40	4.20
Less than ⅞ inch but not less than ¾ inch	19/5½	4.17	
Freight, insurance, and wharfage		.20	
Proposed duty, 1¼ cents per pound or 60 per cent ad valorem		2.50	
		6.87	7.25
Less than ¾ inch but not less than ⅝ inch	30/4	6.50	
Freight, insurance, and wharfage		.22	
Proposed duty, 2 cents per pound or 60 per cent ad valorem		3.90	
		10.62	11.55

Size chain (per 100 pounds).	Per 100 pounds f. o. b. foreign point of shipment at seaboard.	Foreign selling price per 100 pounds.	American cost per 100 pounds
Less than ½ inch chain of any description containing not more than 12 links per foot	$3.48		
Freight, insurance, and wharfage	.18	$6.66	$7.32
Proposed duty 3 cents	3.00		
Average weight per 100 feet, 23 pounds	6.00		
Sizes 2/0 to No. 2, freight, insurance, and wharfage	.25	9.85	10.60
Proposed duty 3 cents per pound or 60 per cent ad valorem	3.60		
Less than ½ inch chain of any description containing more than 12 links per foot:			
Average weight per 100 feet, sizes 2/0 to No. 2, 28 pounds	11.00		
Freight, insurance, and wharfage	.25	21.15	23.50
Proposed duty 5 cents per pound or 90 per cent ad valorem	9.90		

Mr. McCUMBER. The Lefever Arms Co., of Syracuse, N. Y., say that anything less than 50 per cent ad valorem on chains means the failure and abandonment of bicycle and automatic-chain industry in the United States. This is a very important portion of the chain-making industry.

Eli Atwood, representing Lebanon Chain Works, says that if this duty is taken off it will be impossible for them to live under present conditions. And yet, without any investigation of its effect, the House has cut the duty one-half.

The next important paragraph is No. 26: Cutlery, and so forth. The present ad valorem duty is 65.70 per cent; the proposed duty is 35 per cent, or about one-half the present rate. The value of imports is $1,923,823, and the duty collected, $1,263,974.

We not only now propose by this reduction to surrender a large portion of that income, but necessarily either to reduce the wages of American labor or else close the American shops.

What is the comparative cost of production of cutlery in this and foreign countries?

Mr. Dickinson, representing Beckton, Dickinson & Co., estimates that cutlery costing $8.80 to manufacture in America would cost $4.40 in Germany.

Dwight, Devine & Co. gives a table of cost of production and selling prices of American and German pocketknives.

I will call attention to a few of the items, and then ask that the entire table be printed as part of my remarks. These figures represent foreign values and American cost of pocketknives. On grade No. 2 the producing cost of the American patterns is $3.10, while the foreign value of similar German patterns is $1.25. In the case of No. 7, the American cost is $5.30, while the German selling price is $1.25, and so on.

I now ask to insert the table in my remarks without reading.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Exhibit American and German pocketknives.

COST AND SELLING PRICES.

American patterns.	Stag, No. 2.	Stag, No. 7.	Pearl, No. 8.	Average.	Single knife average.	Per cent of retail price.
Labor cost, per dozen	$1.91	$3.46	$4.10	$3.15	$0.26	22½
Material, cost	.57	.78	3.08	1.48	.12	10
Factory expense cost	.62	1.06	1.79	1.16	.10	8½
Total factory cost	3.10	5.30	8.97	5.79	.48	41½
Factory profit	.30	.45	1.03	.59	.05	4½
Factory selling price	3.40	5.75	10.00	6.38	.53	45½
Dealers' expenses and profit	5.60	6.25	11.00	7.62	.63	54½
Retail price	9.00	12.00	21.00	14.00	1.16	100
Per cent labor to flat cost	.79	.81	.57			
Per cent material to flat cost	.21	.19	.43			

Knives made in Germany.	Stag, No. 12.	Stag, No. 17.	Pearl, No. 18.	Average.	Single knife average.	Per cent of retail price.
Foreign value	$1.25	$1.25	$3.00	$1.83	$0.15	18
Duty	1.10	1.10	2.40	1.53	.13	15
Importing expenses, duty	1.23	1.23	2.70	1.72	.14	17
Landed value	2.48	2.48	5.70	3.55	.29	35
Importers' gross profit	.52	.52	1.55	.86	.07	8½
Importers' selling price	3.00	3.00	7.25	4.42	.36	43
Dealers' expenses and profits	3.00	6.00	7.25	5.58	.47	56½
Retail	6.00	9.00	15.00	10.00	.83	100

Mr. McCUMBER. From this table it will be observed that a class of knives costing $5.79 in the United States will cost in Germany $1.83; that the single knife, averaging 48 cents in the United States, will cost in Germany 15 cents; and yet this bill seeks to cut the duty from 65 per cent to 35 per cent, although 65 per cent does not measure the actual difference between the selling price in Germany and the cost of production in the United States. And it purposes to either maintain the same amount of income from duties on cutlery by increasing the importations, and thereby decreasing the American production and American earnings, or reduce our income from this source.

In the manufacture of razors Max Schaschepen, representing Robeson Cutlery Co., referring to wages says: "An expert razor man might make here $4 a day and there from $1 to $1.50."

A petition furnished by the cutlery companies of Massachusetts, New York, and Pennsylvania gives the following table of wages in the United States and Germany:

	Weekly wages paid in Germany.	Weekly wages paid in the United States.
Forgers	$4.30-$7.00	$15.00-$21.00
Dry grinders	4.30- 5.70	12.00- 18.00
Hardeners and temperers	4.30- 6.00	15.00- 21.00
Concavers	4.30- 9.00	16.00- 24.00
Polishers	4.30- 5.70	12.00- 18.00
Razor-handle makers	4.30- 5.00	9.00- 15.00

Mr. Curtis, of Meriden, Conn., manufacturing table cutlery, gives the American and German wages as follows:

The average wage paid in this country is from $18 to $21 a week for what we call cutlers, men who understand the business, intelligent men; and in Germany, as near as I can learn, it is from $9 to $12, not over $12.

The cost of production is shown in the following table:

Razor No. 3.

German cost:	
M 8:40	$1.9992
American cost:	
Steel material	0.20
Handle material	.55
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	2.30
Honing, handling, packing	.39
Total	3.75

Razor No. 4.

German cost:	
M 12:60	$2.9998
American cost:	
Steel material	0.20
Handle material	.55
Forging, hardening, tempering, ready to grind	.31
Grinding, polishing, etching	3.34
Honing, handling, packing	.44
Total	4.84

Razor No. 5.

German cost:	
M 13:80	$3.2844
American cost:	
Steel material	0.20
Handle material	.75
Forging, hardening, tempering, ready to grind	.33
Grinding, polishing, stamping	4.28
Honing, handling, packing	.46
Total	6.02

NOTE.—It will be seen by the above on razor No. 1 (of which there were imported during the year ending June 30, 1911, 109,329 dozen) that it is impossible for the American manufacturer to even make any effort to secure business under this classification.

It will be observed by this table that razors of class No. 3 cost the German $1.99 per dozen, the American $3.75 per dozen.

Class No. 4 costs the German $2.99 per dozen, the American $4.84 per dozen.

Class No. 5 costs the German $3.28 per dozen, the American $6.02 per dozen.

The American cost is nearly double the German cost, and yet, having now only 65 per cent, this bill proposes a cut to 35 per cent.

Speaking of the disastrous results, Mr. Rockwell, representing the Miller Bros. Cutlery Co., says that if the rate is reduced to 35 per cent, the result upon their business would be to practically wipe it out.

Maybe all of these witnesses are simply so-called witnesses and their testimony is only so-called testimony, but I believe that this so-called testimony is as near accurate as we are liable to secure, and I further believe that if we reduce the duty to less than one-third the actual difference in the cost of production at home and abroad it must necessarily work disaster to the American manufacturer.

The next paragraph which I shall consider relates to machine tools.

Mr. Grier, representing 225 machine-tool manufacturers, says that the percentage of material in a machine tool is equal to 27.2, leaving the cost of labor 62.8, and that the articles that enter into their product are protected in the Underwood bill from 10 to 25 per cent, whereas the finished article is put on the free list; that the foreigner would get ball bearings, which are used extensively in machine tools but do not bear a very great per cent in the total cost, 25 per cent cheaper than they could, because the rate of duty in the Underwood bill is 25 per cent. One million dollars worth of those ball bearings are now coming into this country annually.

The average wage paid machine operators in Munich, Saxony, Berlin, and Magdeburg per hour, 15 cents. Our price per hour, average of 67 tool concerns, 27.9 cents.

Mr. Grier submits the following table, furnished him by Alex Luchars, publisher of Machiner. This table was compiled in 1908, since which time, he states, wages in Europe have increased on an average of 10 per cent:

	Machinists.	Toolmakers.	Handy men.
FOREIGN.			
Italy	8 to 12	12 to 16	9 to 10
Switzerland	15	20	10 to 12
Germany, Munich	13	17	10
Saxony and the Rhine Valley	15	20	11 to 12
Berlin	14.5 to 17	19 to 22	11 to 13
Magdeburg	14.5	19	8.5 to 10
Great Britain	15.5	20	9
France	(1)	(1)	(1)
UNITED STATES.			
New York City	33	39 to 44	16 to 28
Philadelphia, Pa.	31 to 37	32	16
Providence, R. I.[2]	26	28 to 35	18 to 25
Hartford, Conn.	32	37	20
Cleveland, Ohio	25 to 30	30 to 35	18 to 25
Cincinnati, Ohio	27	32	20 to 30
Milwaukee, Wis.	25 to 40	30 to 40	17½ to 25

[1] Machine tool industry still in its infancy.
[2] On piecework these rates may be increased 30 to 40 per cent.

PRINTING PRESSES.

I now take up printing presses.

Mr. Titsworth, of Plainfield, N. J., representing the Potter Printing Press Co., states that placing printing presses on the free list is a serious menace to an industry upon whose product 75 per cent to 80 per cent is expended for labor and 20 to 25 per cent for material. The material used is practically all subject to duty, 75 per cent being pig iron.

So far American manufacturers have not been able to compete with foreign manufacturers in markets of the world. Our Government reports give exports of printing presses from United States, in 1907, as $2,080,837; but it appears that the classification of printing presses in the report includes such other machines as are used in a printing office, as embossing presses, cutting and scoring presses, steel plate presses, bronzing machines, paper feeders, paper cutters, folding machines, gathering machines, printing-press accessories, and so forth. As an example, last year a foreign shipment was made of $15,000, all being classed as printing machinery—$4,000 was for a printing press; the rest was cognate machinery.

The foreign manufacturer now uses our improved tools or duplicates of them and has learned our latest and best methods of manufacture by introducing his men temporarily into our best equipped shops. This has given him all the advantage we possess of tools and methods plus the advantage of very low-priced labor of an average of 14 cents an hour in foreign countries as against our 37 cents.

Mr. Titsworth submits the following table showing comparison of wages paid in this and foreign countries:

The average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor.

Countries.	Foremen.	Visemen.	Lathe.	Milling machine.	Planers.	Drill.	Boring.	Grinding.
United States	$0.52½	$0.34	$0.34	$0.32	$0.35	$0.29½	$0.34	$0.30½
Belgium	.18	.13	.11	.08	.10	.07	.10	.11
Germany	.19	.16	.18	.14	.17	.14	.18	.15
France	.....	.18	.15	.14	.14	.14	.....	.17
Switzerland	.....	.15	.13	.13	.13	.11	.....	.....
Italy	.21	.14	.12	.12	.12	.12	.....	.....
United Kingdom	.....	.....	.17	.17	.17	.....	.....	.....
Holland	.18	.10	.09	.09	.10	.....	.09	.09

The average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor—Continued.

Countries.	Erectors.	Pattern makers.	Carpenters.	Blacksmiths.	Molders.	Core makers.	Average.	Unskilled labor.
United States	$0.54	$0.40	$0.29½	$0.38	$0.37	$0.37	$0.37	$0.21
Belgium							.11	.06
Germany	.20	.17	.14	.18	.17	.14	.16½	.12
France				.15			.15½	.10
Switzerland							.13	.09
Italy							.14	
United Kingdom							.17	
Holland		.09½		.10	.09	.09	.11	

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I yield.

Mr. HITCHCOCK. The Senator from North Dakota is no doubt aware that a number of manufacturers of presses in the United States who were most prosperous and who, under the protection of American patents and American tariffs, made millions of dollars, have gone abroad and established their manufactories and are now making presses for foreign countries with the cheap labor to which he refers. That is to say, they use the American tariff laws and the American patent laws for the purpose of exacting excessive prices from American newspapers and users of presses, and then they have gone abroad and use the cheap labor there to complete and build up a foreign enterprise in a foreign country.

Mr. McCUMBER. Will the Senator tell me the name of any American company manufacturing presses abroad?

Mr. HITCHCOCK. R. Hoe & Co.

Mr. McCUMBER. I wish the Senator could have heard the testimony that was taken before the Finance Committee upon the question of exporting these machines to Germany and other countries. The Americans have taken a very advanced lead over all the nations of the world in getting out new machines, useful machines, in the matter of saving of time and expense. They were able to sell in Germany and in England as long as there was a demand for that character of press, not that they could manufacture it cheaper, but there was a demand for the higher class machine for a higher price. They sold a few of those machines. Then the German manufacturer comes on and imitates that machine, duplicates it, and the American manufacturer can no longer export and sell that character of machine.

In what is known as the stock-trade machines we have never been able to compete with the foreign manufacturers, and with the present progressive spirit in Germany especially I do not believe we will be able to keep very much in advance of them and continue to export machinery of a better class than they manufacture themselves. Those exports were not because we could manufacture certain machines cheaper, but because the foreigners were willing to pay a higher price for an advanced character of machine.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. Does not the Senator from North Dakota think that we can keep just as far ahead of the rest of the world in the future as we have in the past, and if not, why?

Mr. McCUMBER. I will answer. I have never been one of those Americans who believe for a single moment that we were intellectually so much superior to all the other nations of the world. I believe it is opportunity that develops the American intellectuality. I believe it is the lack of opportunity that stunts the intellectual growth of some of the nations of the Old World. We have had this vast country to open up. We have had all these vast resources at our very feet. All we had to do was to develop them. With that wonderful opportunity before us for the last hundred years, we have been constantly placed in a position where there was a great demand upon our ability to produce machines, for instance, that would accomplish very much more in energy than could be accomplished by the small character of machines made in the old country or by human labor. I do not believe for one moment that when Hans, leaving Germany, coming over in the steerage, lands upon American soil, his intellectuality has changed to any extent, but that he is the same Dutchman who left the old country, and if he had had the same opportunities in the old country that he has here, I think he would have done exactly as well. It certainly so happens that when he comes to this country he advances just as rapidly as the old American stock.

We have on the great plains of Minnesota and the Dakotas and Nebraska a condition that demands the plow. We might have used the old plow that was used in Germany, and is still used in some Eastern States, but we found a more economic way to break and plow that land. We manufacture a traction engine which will take a dozen plows. If we put the German in close touch with those requirements he will be able to compete with us and he will advance his products just as rapidly as we.

If we so reduce our tariff that we can place the foreigner upon an exactly equal basis with the American in most of these great fields of opportunity, he will be able to meet the demand as well as the American will be able to meet it.

Mr. CUMMINS. The Senator's argument is contradictory with itself. He said a few moments ago that the Germans had copied our machines, and having learned from us how to manufacture them they could manufacture them more cheaply than we can. He now says that the Germans, introduced into this great opportunity, can keep pace with us.

I believe as the Senator from North Dakota has said that progress is the result of opportunity, and without it there can be no progress. But with this field closed to the foreigner by our tariff duties—nevertheless the foreigner has taken our machines and copied them, and, I have no doubt, can produce them more cheaply than we can. But I believe this same opportunity, which the Senator from North Dakota has so eloquently described and depicted, will lead the people who now enjoy it and to whom it is open to advance again, and allow those more or less unfortunate people abroad to again copy what we produce.

I am not willing to believe that the race of progress has fallen. I am not willing to believe we have reached the climax of human endeavor. While I have no sympathy with the bill which puts printing presses on the free list, yet it is nevertheless true that we do not import printing presses, but we do export them, and I am glad we can. But I want to preserve a duty on them in order to maintain the very opportunity that has been suggested by the Senator from North Dakota. But do not let us suppose that we have reached the end of all things, and that inasmuch as the people of other nations may copy what we have done, that, therefore, there is nothing in the future for us except to decay and deteriorate into a miserable and backward country.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I wish the Senator would wait a moment until I can answer the Senator from Iowa, and then I will yield.

Mr. President, the arguments of the Senator from North Dakota are not contradictory in the slightest degree. The argument of the Senator from North Dakota was that, giving the German the same opportunity and placing him in a position where he is brought face to face with our conditions and requirements, he will rise to the occasion and he will advance just as rapidly and meet the requirements as we will. That argument has been bolstered up instead of being thrown down by the statement of the Senator from Iowa. Bring the foreign manufacturer here by any kind of a free-trade process, bring him as close to the American market as the American is, and with his scientific investigation and with his cheap labor he will find a way to keep pace with these ever-advancing requirements, and advance just as rapidly as the American.

There is not the same incentive for the creation of labor-saving machinery in Germany, or at least there has not been in the past, as there has been in the United States, on account of our higher-priced labor; but as they are reaching out for the world's markets, and reaching successfully for them, they

will be able, I believe, to keep pace with us. We have no superior mortgage upon the future.

Mr. Page, representing E. W. Bliss Co., manufacturing machine tools, submits the following table showing comparative wages paid in Brooklyn and Paris:

Average wage paid per hour.

	Brooklyn.	Paris.
Machinists	$0.29 5/10	$0.17 1/10
Die makers	.36 2/10	.18 5/10
Blacksmiths	.37 1/10	.22 1/10
Laborers	.20	.11

Now, Mr. President, I want to take up the question of saws, and so forth. The present ad valorem duty under this paragraph, 37, is 24.30 per cent; the proposed duty is 12 per cent, or just one-half.

The United States produced, in 1910, $12,122,000.

Mr. Atkins, of the Atkins Saw Works, testifies that saws are not imported to any great extent, but the foreign product can be sold here for about the same price as the domestic.

The domestic competition at the present time is exceedingly keen, and with the protection we are able at present to keep out practically all foreign saws. The cost of the product put on the market has averaged for 13 years but 8 per cent less than the selling price.

Now, I ask candidly, can anyone complain when the selling price of a product for 13 years has been but 8 per cent more than the actual cost of production, and if there is no greater return on the investment than 8 per cent, is there any occasion for us to reduce the tariff so that there may be greater competition? I have here a table showing the wages paid laborers in producing saws in the United States and in France and Germany, and I will ask to introduce it as a part of my remarks:

Wages paid.

	France.	United States.
Sawsmiths	20 cents per hour	40 to 47½ cents per hour.
Filers	16 to 18 cents per hour	25 to 30 cents per hour.
Toothers	14 to 15 cents per hour	20 to 30 cents per hour.
Laborers	$1 per day	$1.75 per day.

Wages paid in United States to sawsmiths, per hour, 40 to 47½ cents. Same in Germany, per hour, 9.6 cents.

Mr. HITCHCOCK. I wish to ask the Senator if it is not a fact that the United States is a considerable exporter of saws to other countries.

Mr. McCUMBER. We export, I think, to Mexico; we export a few for the lumber industries in northwestern Canada. I think Canada, perhaps, takes the greater portion of our exports. There is good reason for that.

Mr. HITCHCOCK. Will the Senator allow me to state that the export of saws now amounts to more than a million dollars a year?

Mr. McCUMBER. All right.

Mr. HITCHCOCK. And there is practically no importation of saws. It is almost negligible—$55,000 worth.

I should like to ask the Senator this question: At what point would he be willing to reduce the tariff, if he is not willing to reduce it when it is sufficient to practically keep out all imports, and when the condition of the manufacture in this country is such that American manufacturers are exporting to other countries a considerable portion of what they make, and are selling that product in competition with the world, without any protective tariff—if he is not willing to reduce the tariff when such conditions exist, will he please state when he thinks an industry will be able to get along without this tax on the American people for its benefit?

Mr. McCUMBER. Here, again, is one of those occasions I mentioned awhile ago, that in fixing the rates of duty upon any article we should have something more before us than the mere cost of production at home and abroad. There are some articles where it probably would not make any difference whether we had any duty or not. There are certain sections of the country that we can reach on account of freight rates which a foreign country could not reach if we had no protection. There are some sections of an adjoining country, like Canada, that we can reach because of our proximity, our knowledge of their needs, and our freight rates, and we can sell to the people there because we can give immediate delivery, where they can not wait for their saws to be manufactured in some other country; and we may hold the Canadian trade, even though a foreign country could come in and take the New York or the New Orleans trade away from us.

Now, answering the other proposition of the Senator, I repeat that when a product is sold upon the American market under keen competition at a rate averaging, for 13 years, less than 8 per cent more than the cost of production, there is no occasion to take the chance of cutting that rate to see if we can get some saws from some other country to compete with our manufactures. We do not need competition if saws are sold that close. If we have close competition in our home markets, so as to make the selling price represent but a fair profit on the capital and labor employed, why do we want importations?

Mr. HITCHCOCK. Will the Senator suggest what testimony he relies upon when he says that these saws have for 13 years been sold for 8 per cent above their cost?

Mr. McCUMBER. I just read the testimony.

Mr. HITCHCOCK. Will he state what testimony it is? Is it disinterested testimony, or is it the result of an investigation by the Government, or is it testimony of a man who comes here asking that the tax be perpetuated upon the people for his benefit?

Mr. McCUMBER. The testimony is presumed to be correct, and it shifts the burden to the Senator to now establish that it is incorrect. After we have established by a man who testifies on honor that, having gone over the entire 13 years and having made a computation of the cost of the product and the selling price by the factories, the result is as I have stated, then I have no reason to disbelieve him because possibly he may be interested. The average man who uses a saw can not tell what it costs to manufacture it. The manufacturer can tell, and I am compelled to go to that source of information because that is the only source. If the Senator will wait and let this bill go over, as I proposed it should, until the Government, a disinterested party, through its Tariff Board, can secure the testimony as to what is the cost of production at home and abroad and how close we are selling the saws, I will be willing then to base my conclusion upon the testimony that may be so produced.

Mr. HITCHCOCK. I should like to ask the Senator this question: Why does he reject the strong circumstantial evidence which the import, export, and manufacturing figures produce, when they show that the manufacturers of saws are selling nearly $1,000,000 worth of their product in this country every year; when that testimony, from the same official report, shows that the tariff at present is practically prohibitory, and that foreign factories are not able to sell any saws in this country—why does the Senator from North Dakota reject such official, conclusive testimony as that, which shows that the tariff is evidently prohibitory and is evidently not necessary to enable these manufacturers of saws to compete with the world?

Mr. McCUMBER. I do not reject any testimony. I am not as anxious, probably, as is the Senator from Nebraska, that somebody else should produce the saws for the United States. I am perfectly satisfied that we should make every saw we use, and that not a single one should be imported as long as the competition is so close that we are able to sell them at a price only 8 per cent above the cost of production; and I am not seeking, as the Senator seeks in all cases, to induce somebody to introduce them. Probably a cent or 2 cents or 3 cents raise in selling price would bring in foreign saws; probably cutting the duty in two might allow the others to come in and get half of the trade. I am not saying what the result would be. I can only give an illustration in another case, where the manufacturer of umbrella frames testified that if they sold their umbrella frames for 1 cent more than they were receiving, the foreign product would come in; and that 1 cent was sufficient for them to hold the United States trade, and I am willing they should have it. I am willing to pay the American price, if it is only a fair price.

Now, Mr. President, I come to paragraph 38, screws, etc. I will be through in a moment.

The present duty ranges from 55.73 to 11.11 per cent. It is proposed to reduce the duty to 25 per cent—a little less than half the tariff duty on the several classes.

Mr. Russell, representing the American Hardware Co., gives the following table of German export price and American cost of screws.

German export price and American cost of screws.

Sizes.	Per gross.	
	German price.	American cost.
A	$0.0367	$0.037
B	.0473	.043
C	.051	.048
D	.071	.079
E	.0867	.088
F	.1105	.116
G	.122	.127
H	.189	.165
I	.248	.25
J	.378	.312
K	.472	.406

Of course we can not get the foreign cost of production as we can the home cost, but, taking the German selling price, we find a certain class per gross is 0.0367 cent. In this country it is 0.037, just three one-thousandths more. Class B in this country represents a cost of about 4 cents and 7 mills, and the selling price in Germany is about 4 cents and 3 mills.

Here we should have the Tariff Commission report. We need it to get the cost of production to the Germans, in order to know exactly what the duty should be.

Mr. Russell also gives comparison of wages paid in the United States in their factories for various occupations and in England:

	American.	English.
Iron molders	$0.25	$0.15 4/10
Iron molders' helpers	.16	.10
Iron coremakers	.21	.18
Iron grinders	.22	.14
Brass molders	.27½	.15½
Brass molders' helpers	.17½	.10
Brass turners	.25	.17
Brass filers	.21	.15
Brass profilers	.24	.15
Brass grinders	.25	.15
Brass buffers	.25	.05
Lock assemblers	.25	.17
Lock fitters	.22–.28	.17
Lacquerers	.15	.05
Scratch brushing	.11	.05½
Chasers	.35	.20
Die and tool makers	.34	.19
Die sinkers	.38	.17
Machinists	.28	.18
Pattern makers	.30	.16
Laborers	.15	.11

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. SIMMONS. While we may not have the figures as to Germany, we have in the census of manufactures of 1905 figures from which we can determine with reasonable accuracy the labor cost in this country. According to that report——

Mr. McCUMBER. I have the labor cost here. I was just going to introduce it.

Mr. SIMMONS. You have it from an interested witness. I am going to give it, if the Senator will permit me, from a Government publication, which, I think, is a little bit more reliable.

Mr. McCUMBER. It may be. I have the Government publication. Let us see how they differ.

Mr. SIMMONS. I am speaking from the census of manufactures for the year 1911. The entire wages paid in the manufacture of screws that year was half a million dollars, and the product was valued at $2,000,000. The percentage of labor cost was 26 per cent. Even if the cost here is twice as high as it is abroad, and the labor cost here is 26 cents, then the foreign labor cost must be about 13 cents. The duty carried in this bill is 25 per cent on screws, which is 12 per cent more than the difference between the labor cost here and in Europe, according to this official report.

Again, Mr. President, in 1910 there were imported into this country, in dollars and cents, screws to the value of only $1,093. That was the total importation of screws into this country, while the domestic production of screws in that year was $6,641,000.

Mr. McCUMBER. Mr. President, what I gave here was the selling price in Germany and the manufacturing price in the United States. I have not stated that the 25 per cent was not sufficient. I have simply stated that we have no basis of figuring the German cost of production on which I can base a conclusion of what the tariff ought to be, and hence I desire to have the report of the board.

Mr. SIMMONS. If the Senator——

Mr. McCUMBER. In just a moment. I will be through in a minute, and then I will give the Senator the floor.

Mr. SIMMONS. I do not desire the floor.

Mr. McCUMBER. Not only the Senator from North Carolina, but the Senator from Nebraska [Mr. HITCHCOCK] and others on the other side seem to have an abhorrence of the American people ever exporting anything, and if they do export they ought to be punished for it.

Mr. HITCHCOCK. No; on the contrary——

Mr. McCUMBER. But, Mr. President, let us see how much we are exporting to Germany.

Mr. HITCHCOCK. Mr. President——

Mr. McCUMBER. Are we sending any cutlery into Germany? Are we sending cloths into England? Why should we be punished because we can reach Canada a little cheaper than they can, and, it may be, without making large profits we can reach some of the South American Republics?

The PRESIDING OFFICER (Mr. NELSON in the chair). Will the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. In a moment. As an American citizen I would feel that we ought to have the same right to import articles into Germany that Germany has to import articles into the United States. I do not find a great deal of complaint because the German tariff keeps out our products or because the tariff of any other country keeps out the American products, but there seems to be great complaint if our tariffs are so levied that they happen to keep out entirely some of the foreign products. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from North Dakota has misstated my position.

Mr. McCUMBER. I stated it as a conclusion only.

Mr. HITCHCOCK. I do not abhor, I do not dread, I do not object to a condition under which American manufacturers are able to export a part, either large or small, of their manufactured products. I glory in such a condition. But when they are able to do it it is conclusive evidence that they do not need to tax the American people in order to compete with foreign manufacturers in this country. That is the position I take, and it is a position that the Senator from North Dakota can not refute.

Whenever manufacturers in this country are able to export the goods which they make here with American labor and sell them in foreign lands year after year, that fact is conclusive that those manufacturers have no legitimate need of protection, even upon the Republican theory, against foreign manufacturers to sell their goods in this country.

Mr. McCUMBER. If on account of freight rates we can ship steel rails or any character of steel goods into northwestern Canada cheaper than England can transport them from Montreal overland into the same region, the Senator's conclusion would be that, therefore, we should have no protection against Great Britain because, forsooth, we can reach some point of contiguous territory cheaper than Great Britain can.

Mr. HITCHCOCK. Mr. President, the evidence does not show, and the Senator can not show, that the exports of the United States in steel or any other goods are confined to Canada. The fact is that every year we export $240,000,000 worth of steel products to other countries, and that is by no means confined to Canada.

The Senator from North Dakota seems to have Canada on the brain. The fact, however, is that we are exporting these goods to almost every country in the world. The Senator himself can go to Germany and find American-made goods on sale in Germany—agricultural implements, saws, hammers, and other goods made in this country under the protective tariff.

Mr. McCUMBER. The Senator is getting wild in his statement. I do not think he will find many American saws in Germany.

Mr. HITCHCOCK. Will the Senator say that American——

Mr. McCUMBER. He may find some American machinery, however, in Germany that is of an advanced type over what they have for a while until they duplicate it there.

The Senator seems to have an aversion against the United States being an exporter. I thank God if we can put anything into Germany over a tariff wall or into England or into any other country, and I insist that because of the fact that we can and do export a large quantity of the products it is no evidence that we do not need any protection.

Mr. President, the Senator who is now in the chair [Mr. NELSON] knows of the long fight we had to retain our tariff on grain, because it was claimed that while we were heavy exporters of flour and grain we did not need protection against the Canadian product. When we had the reciprocity proposi-

tion before us and it was thought for a moment that we would have free imports from Canada, all our products went down to the lowest possible level. Just as soon as it became apparent that the bill would not be passed a year ago last winter, that moment the products went up, and when we finally passed it, down they went again; and when the Canadians voted against our reciprocity pact every agricultural product went up, and that notwithstanding the fact that we were exporting.

Yet in the face of those facts Senators will have the audacity to stand up here and say it is practically certain that if we are exporting any product we necessarily do not need any protection upon that product. Freight rates, contiguous territory, immediate demand, ability to immediately supply a demand, and a thousand other things have very much to do with the question of our exporting and very much more effect sometimes than the question of the tariffs.

Now, I am coming to the umbrella question. On umbrella ribs the present ad valorem duty is 50 per cent. The proposed ad valorem duty is 30 per cent. The United States production is about $1,000,000. Our imports for 1911 were only $10,566 worth. But when you figure the price of umbrella ribs you will find that is quite a factor. Mr. Forsythe, representing the National Umbrella Frame Co., of Philadelphia, testifies that the paragon frame, which enters into the better class of umbrellas, is sold in the market for 11½ cents, ready to be put on the handle and the cover. An umbrella that is covered on that frame will cost the consumer anywhere from 80 cents to $30, as the handle and the cover make the price. He testifies:

> We could not add one cent to the price of that frame; it would allow the foreign goods to enter the market.

In other words, 1 cent difference would give the foreigner the business. But, to make dead sure that he will get that business, this bill gives him 2 cents, or 20 per cent ad valorem, difference.

Suppose, now, that you can save the umbrella maker these 2 cents. Who is going to be benefited by it? Will the retailer sell an 80-cent umbrella for 78 cents because of this tariff reduction? Will the retailer sell a $30 umbrella for $29.98 instead of $30 because of this reduction? The public will get no benefit out of it. It is infinitesimal. Yet it is in line with this everlasting desire to punish the manufacturer.

Mr. President, I turn to lead-bearing ores and lead bullion. The present ad valorem duty ranges from 63.45 per cent to 54.70 per cent. The proposed ad valorem duty—I am speaking now of lead ore—is 25 per cent, much less than one-half. The present ad valorem duty on the bullion is 105.79 per cent. The proposed ad valorem duty is 25 per cent, or less than one-quarter.

Now, I am compelled to return again to the testimony of witnesses. Of course they are interested, but I have assumed that the man who is engaged in that business knows more than I do who do not buy a pound of lead in a year.

Mr. Burridge, representing the Coeur d'Alene lead-mining interest, says that the New York price 4.4 cents per pound; the cost of producing and marketing that lead is 4.7 cents, or 3 mills more than what he gets for it. It is because of the by-product that it affords a profit. After crediting the value of the by-product, which is generally silver, against the cost of producing the lead there is less than 1 cent a pound margin on a market price of 4.4 cents per pound.

The importations of lead bullion last year were 23,871,078.28 pounds. The revenue received from that was $515,441.84. The value of the importations was $551,000 in round numbers. The United States exports 481,333 pounds. We produce 10,062,000 pounds in round numbers. Mr. Burridge also testifies that if the proposed rate should go into effect the price would go down to about 3½ cents a pound, which would mean the closing of their lead mills.

Now, I believe what he says will happen unless they can lower the labor price. And then what would happen? After you have closed the mills that produce 10,062,000 pounds, or nearly one-half of that used in the United States, will the people pay less or more for the product? Decrease your supply and the product is bound to advance. The effect of closing those mills would be a triple disaster. It would deprive many thousands of people of employment, it would increase rather than decrease the cost to the consumer, and it would probably decrease our revenue.

Mr. Rock, representing the Coeur d'Alene lead district of Idaho, says that when the price in New York falls below 4 cents the mines will have to close in Idaho. That is one of the principal productions of that State, and yet you would strike this blow at the great industry of a State without giving any benefit whatever to the general consumer.

Mr. Burridge also testifies that wages paid in this country are, per day, $3.50; in Mexico they are 62.5 cents.

Mr. North, representing the Mine Owners' Association of Coeur d'Alene, testifies as to the wages paid: In Spain men, per day, 30 to 56 cents; boys, per day, 20 to 40 cents. He represents the labor organizations.

Now compare 20 to 40 cents with $3.50 in this country, and then figure it out for yourself, because it needs no pencil computation to determine what proportion of the cost of this lead is in the labor and how much of a duty it would require to equalize the labor conditions.

Mr. President, there has been a great deal said on the general proposition of a protective tariff. There is a simple axiom of success which works with mathematical accuracy, that applies with the same force to a nation that it applies to an individual and which no sophistry or specious argument can ever unsettle. It is this: That all commercial success is measured by and depends upon the amount of sales over purchases. The farmer who raises $3,000 worth of cereals and pays out $3,000 for meats and flour and products and hired help other than his own family is not one cent better off at the end of the year.

But, Mr. President, if he raises his own meats and vegetables to the amount of a thousand dollars, if he then hires his own family, whom he is bound to support, and pays them $500, and then spends about $500 for articles which he does not produce, he is a thousand dollars better off at the end of the year. What applies to the individual applies to 90,000,000 individuals making up this great Nation. When this country, through its individuals, sells abroad $2,000,000,000 worth of material a year and buys back $1,500,000,000, nobody can deny that the Nation itself, through its people, is worth $500,000,000 more at the end of the year than it was at the beginning of the year. If it keeps that in the United States, and if it continues that for 10 years, it is $5,000,000,000 better off.

Mr. President, that is exactly what we have done under the Dingley tariff. Under that tariff for about 10 years of its operation the balance of trade measured $5,000,000,000 taken out from the coffers of the old country and landed in the United States. That $5,000,000,000, or so much of it as stayed at home and did not go back to Europe in the shape of expenses of tourists, entered into our banks. Those dollars employed labor; it opened up new sections of the country; they built railroads; they made everybody prosperous.

Take that $500,000,000 a year and transfer that balance of trade against us, and the result would be pauperism throughout the United States in a single year. The only way that we can hold the balance of trade against countries whose standard of living is below ours, and whose labor wage is much below ours, is to place a tariff that will prevent their goods coming in at a less price than similar articles can be produced for a reasonable profit is this country.

Mr. President, I want to give you a single illustration of this during the operation of the Wilson-Gorman bill. The last year before that bill went into effect the balance of trade between the United States and Great Britain was $343,000,000 in our favor with that single country. The very next year after that law went into operation the balance of trade was in favor of Great Britain to the extent of exactly $343,000,000. It was just reversed, making $686,000,000 difference to the American workman. I deny that any man can claim that the conditions which were produced at that time were beneficial to the United States. Goods were cheaper, it is true, but we had nothing with which to buy them, and consternation spread like a cloud over the entire country.

So, Mr. President, I say that it is the duty of every Government to so shape its legislation, to so exert its diplomatic endeavors, that we shall always sell abroad more than we purchase from abroad; and not only, Mr. President, do we make the difference of $500,000,000 a year, as we have been making it in the last 12 years, but remember the things that we produce and sell abroad are perishable articles; they are grown or made in one year and consumed in the next, while that which we get in return for them—gold dollars of the United States—are good this year and will be good a hundred years from to-day, if we can just keep them in our country.

So, Mr. President, I have no hesitancy in saying that I am opposed to this proposition that seeks to destroy the interests of the manufacturers of steel products in the United States, knowing that the farmers on the plains of the Dakotas and of Minnesota must necessarily suffer by reason of the lack of the prosperity that would follow a bill of this character. The price of our products depends upon the reasonable prosperity of the consuming public, and any act that destroys that prosperity must necessarily react on all the people.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. GALLINGER. Mr. President, I rise to make a request in the nature of a privileged matter. The Vice President will necessarily be detained from the Senate to-morrow, and I ask unanimous consent that the senior Senator from Massachusetts [Mr. LODGE] be designated as President pro tempore for that day.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Is there objection to the request made by the Senator from New Hampshire? The Chair hears none, and that order is made.

Mr. GALLINGER submitted the following resolution (S. Res. 319), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 320), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 25, 1912, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24, 1912.

POSTMASTERS.

MARYLAND.

John T. Carter, Denton.

MICHIGAN.

John C. Corkins, Cass City.

NEW YORK.

Warren W. Ames, De Ruyter.
George S. Fordyce, Union Springs.
James H. Hopkins, Au Sable Forks.
Peter G. Hydorn, Lacona.
Hattie A. Pettit, Fairground.
Elkanah S. Robinson, Center Moriches.
James H. Signor, Dannemora.
Albert Weed, Ticonderoga.

PENNSYLVANIA.

William H. Fulton, Stewartstown.
Harry S. Noblet, Halifax.
Charles A. Suesserott, Chambersburg.

SOUTH DAKOTA.

Fred N. Dunham, Wessington Springs.
L. A. Wilson, Isabel.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 24, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, the same yesterday, to-day, and forever; creating, re-creating in Thy ministrations for the needs of Thy children, ever going forward to what, whitherward we know not, but with perfect faith and confidence in Thy wisdom, power, and goodness. We most fervently pray that we may be wise in our conceptions, firm in our convictions, moving ever onward in a straight line toward what we know to be right as revealed in the incomparable life and character of Thy son Jesus Christ, the world's great exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and to concur in the Senate amendments. The gentleman from Georgia [Mr. RODDENBERY] yesterday objected, but has now withdrawn his objection.

Mr. MANN. Mr. Speaker, it was stated yesterday that this bill was in the hands of the Committee on Invalid Pensions. The gentleman should also make a request that the committee be discharged from the further consideration of the bill.

Mr. RUSSELL. Mr. Speaker, I ask that the Committee on Invalid Pensions be discharged from further consideration of the bill, and to concur in the Senate amendments.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of the bill H. R. 20586 and to concur in the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, this is the day set apart by the rules for the consideration of pension bills. I am informed by the chairman of the Committee on Appropriations that he is anxious to have considered to-day a deficiency bill, and the gentleman from Tennessee [Mr. PADGETT], chairman of the Naval Committee, desires to continue the consideration of the naval appropriation bill. I ask unanimous consent that the first legislative day, provided it does not fall on Monday or Wednesday, shall be substituted for to-day, under the rule now applying to the second and fourth Fridays.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say to the gentleman from Missouri that this Congress has been most liberal in the passage of pension bills. It has passed a bill carrying, it is estimated, $35,000,000, and it has passed a very large number of private pension bills. We have agreed on a program to sidetrack every other bill in order to get the appropriation bills through. There are other important matters waiting for the appropriation bills; there is the compensation act, the contempt bill, and a number of other bills that the people of the United States are greatly interested in, which it has been agreed shall be set aside until the appropriation bills are in the Senate. There will be another pension day before this Congress adjourns—June 14—and there will be an opportunity then for gentlemen to call up their pension bills. As far as I am concerned, I intend to insist on the program that has been agreed on in the House, and I hope the House will sustain me and see that nothing comes in the way of these appropriation bills until they are passed. Therefore I must object.

Mr. FULLER. Mr. Speaker, I demand the regular order of to-day.

CONTINGENT EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I move the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 319, to supply urgent deficiencies.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 319.

Mr. FITZGERALD. Pending that, Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. RUSSELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I would like to inquire, for the benefit of those present, if this motion should be voted down, then would the regular order provided by the rules come up?

The SPEAKER. The situation is this: A motion to take up an appropriation bill is privileged. The Chair would feel bound after this matter is disposed of, if not voted down, to recognize the gentleman from Tennessee to take up the naval appropriation bill. If the House prefers to take up pension bills, it can vote down the motion of the gentleman from Tennessee to go into the Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

Mr. RUSSELL. Personally, Mr. Speaker, I desire to accommodate the leaders of the House, and I am only asking this for the information of others.

The SPEAKER. Is there objection to the request of the gentleman from New York to consider this resolution in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the Senate or House, and bills therefor shall be payable only on approval by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

Mr. MANN. Mr. Chairman, I make, or reserve, if the gentleman desires, the point of order against the paragraph just read.

Mr. FITZGERALD. Mr. Speaker, the committee in recommending $55,000 to supply deficiencies in the contingent fund of the House has reported the following proviso:

Provided, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the Senate or House, and bills therefor shall be payable only on approval by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

It appeared in a statement made to the committee by the Chief Clerk of the House that for telegrams sent by Members of the House during the present session there had already been paid to the Western Union Telegraph Co. $4,279 and to the Postal Telegraph Co. $1,493; that there were outstanding and unpaid bills from both of these companies aggregating $7,800; and that it would require to meet the expenditures for similar purposes during the remainder of the fiscal year about $5,000. So that the House of Representatives is paying out at the Government rate for messages sent by Members of Congress in the neighborhood of $20,000 a year. The information submitted to the committee as to the character of some of the telegrams and as to the extent to which the practice is followed, led the committee to believe that public funds should no longer be utilized for this purpose. It was realized, however, that under authority of the House at various times it is necessary for the officers of the House, for various committees, and for the men who are popularly designated as the "whips" of the parties, to send to Members of the House or to individuals telegrams of such character that there could be no doubt they were upon strictly official business, and the committee excepted from the prohibition telegrams of such a character, requiring, however, the accounts to be audited by the Committee on Accounts.

There is no law at present which authorizes the payment for telegrams sent by Members of Congress out of any appropriation which is made for the service, either in the Senate or in the House. It is a practice that has been long in existence, but in recent years it seems to have been very greatly accentuated. The committee, believing that an abuse existed, and having the information before it, recommended this provision in order to remedy that abuse. That has been the policy adopted by the committee during this session from the outset. Whenever in its investigations facts developed which led the members of the committee to believe that public funds should no longer be used for a purpose for which they have been used, either under the sanction of custom or in pursuance of existing statutes, the committee has recommended such legislation as would eliminate the abuse, and it is in accordance with that practice that this provision has been incorporated.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. ROBERTS of Massachusetts. I understood the gentleman from New York to say that about $20,000 a year is the amount of these telegram bills of the Members of the House?

Mr. FITZGERALD. For this year it will be about $18,572, as nearly as can be estimated.

Mr. ROBERTS of Massachusetts. What proportion of that $18,000 is represented by telegrams sent by whips?

Mr. FITZGERALD. That has never been segregated, but my impression from the information that has been submitted to the committee is that it is not a very large part of it. Whatever abuse exists does not exist from the sending of telegrams by representatives of the parties to Members in order to have them present at times when votes of an important character are to be taken.

Mr. KOPP. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. KOPP. Mr. Speaker, I ask for information purely. If this be adopted, will it be the fact that no Member can communicate upon strictly public business with his constituents at public expense?

Mr. FITZGERALD. That will be the fact.

Mr. KOPP. Does the gentleman think there is any more reason why the Government should pay for communications by mail than by wire, granted that the communications are on strictly public business?

Mr. FITZGERALD. Mr. Speaker, I do not know whether there is such a necessity or exigency in the transaction of public business by Members that requires them to use the telegraph service. The Government conducts the postal service, and it is merely a question in extending the franking privilege as to whether the rest of the community that uses the postal service shall be compelled to pay for service which is given to Members of Congress to facilitate the transaction of public business. Whether there be any distinction that can be drawn, here is an appropriation made for the service of the House of Representatives. During the last few years it has been encroached upon in this way to an extent which is now believed to be unjustifiable.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. If this provision remains in the joint resolution and becomes law, then we can expend the public money by having a whip send out telegrams all over the country to Members that on a particular day a vote will be taken, but denying to Members of the House the right under this new provision to send important telegrams on official business to any of their constituents.

Mr. FITZGERALD. Yes; the gentleman from Tennessee would not be able to notify his constituents by wire that they had received the favorable sanction of the President in receiving some appointment. He would know it either from being sent by mail or reading it in the press the next day.

Mr. AUSTIN. But there is no emergency or exception made permitting a Member to send a telegram to any of his constituents on important official business, but there is here an authorization for the whips of this House to notify at public expense Members of Congress that they ought to be here to discharge their duties, and that is a distinction that ought not to be made.

Mr. FITZGERALD. Mr. Speaker, that is true; but when we ascertained that the monthly accounts of some Members run as high as two hundred and some odd dollars, and single telegrams cost as much as $60, while perhaps some Members may be penalized by being compelled to pay for the messages to be sent in the transaction of their public business, yet in order to stop such Members it is necessary perhaps to enact legislation which may embarrass other Members.

Mr. AUSTIN. But the gentleman does not answer my question in reference to the——

Mr. FITZGERALD. I will answer the gentleman's question. Members will not be permitted to send telegrams at the expense of the House of Representatives on business to constituents or to anybody else, and the exceptions were put in for whips because it is not an uncommon practice for Members to be excused for definite or indefinite periods of time, and this would permit them to be notified that on certain occasions important votes would be taken. I would suggest to the gentleman that if he thinks that to be improper it is easy to remedy it by a motion to strike out the provision for the whips of the House, but I hope he will not resort to the other method of preventing this reform because he thinks it does not go far enough.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How much time did the gentleman from New York have?

The SPEAKER. The gentleman from New York had five minutes.

Mr. FITZGERALD. Mr. Speaker, I understood the gentleman reserved the point of order.

Mr. GARNER. Mr. Speaker, I do not understand just how the gentleman from New York got five minutes when the gentleman from Illinois merely reserved the point of order; he has unlimited time if the Chair desires to hear him.

Mr. FITZGERALD. I was not arguing the point of order.

Mr. MANN. He is not discussing the point of order; this is under the five-minute rule.

The SPEAKER. The rule is that when a bill is considered in the House as in Committee of the Whole House the time of any gentleman is limited unless the House extends it by unanimous consent.

Mr. MANN. I have no objection to the gentleman having more time.

Mr. FITZGERALD. I do not desire to occupy any more time.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the gentleman from New York may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I wish to ask the gentleman a few questions along the line we are discussing. Here is an important bill, for instance, coming before a committee affecting interests in my district. I am precluded from sending telegrams to the interested parties that on to-morrow or the next day that committee is to have a hearing on an important piece of local legislation. I can not expend any of the public funds for that purpose, but our whips can expend this money to notify absent Members, some of whom, perhaps, are not away from the House on leave of absence, that they ought to be here on a certain day in order to vote.

Mr. FITZGERALD. Let me suggest this to the gentleman: That when important hearings of his committee are to be had and it is necessary to notify some particular persons by wire in his district that such hearings are to be had, so as to afford them an opportunity to be here, the provision here which authorizes the sending, at the expense of the House, of telegrams upon authority of committees would enable his constituents to be notified at the expense of the Government instead of at the expense of himself.

Mr. AUSTIN. I want to say to the gentleman, can not this reform and reduction be largely obtained by a strict compliance with the exceptions and a discrimination between the kind and character of the messages sent at public expense? I never sent a telegram at public expense except on official business.

Mr. FITZGERALD. Well, I have not made any charge against the gentleman, and I do not propose to do so.

Mr. AUSTIN. But the gentleman has in a general way stated that these official telegraph tolls have increased, and have gone to the extent where they amount to about $8,000 or $10,000 and certain Members of this House have run monthly bills amounting to $250.

Mr. FITZGERALD. Well, I repeated the statement conveyed to the committee by officials of the House who have knowledge of the facts.

Mr. AUSTIN. I would like to ask the gentleman if his investigation shows any Members of the House have abused the privilege and have been sending private messages at public expense.

Mr. FITZGERALD. Well, Mr. Speaker, I have stated as definitely as I intend to do what the facts are; that I believe an abuse has existed, and that this will correct the abuse.

Mr. AUSTIN. Then, why deprive Members here who are literally carrying out and observing the law——

Mr. FITZGERALD. I repeat again, there is no law which either authorizes the gentleman to send messages at Government rates or to have them paid for out of the funds appropriated for the service of the House. It is a custom that has grown up and been acquiesced in. We believe it should be stopped.

Mr. LEWIS, Mr. MANN, and Mr. ROBERTS of Massachusetts rose.

The SPEAKER. To whom does the gentleman from New York [Mr. FITZGERALD] yield?

Mr. FITZGERALD. I yield to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. I would like to ask the gentleman from New York, if he happens to have the information at hand, what the Government rate is as distinguished from the private rate?

Mr. FITZGERALD. Under the law of 1866 for certain concessions granted to telegraph companies the Postmaster General is authorized to fix the rate upon Government messages. It can not be stated in a few words. It is fixed from time to time—I think, annually—by the Postmaster General, and is regulated by the number of words in the message and by distances also.

Mr. LEWIS. Is it not very much lower than the private rate?

Mr. FITZGERALD. I believe it is; yes.

Mr. PAGE. One cent a word.

Mr. MANN. The average is about 1 cent a word, is it not?

Mr. FITZGERALD. I am not certain. I read the statute, but did not pay much attention to the rates. I was interested in ascertaining whether Members of Congress could send a certain class of telegrams at Government rates.

The SPEAKER. The time of the gentleman from New York [Mr. FITZGERALD] has again expired.

Mr. BARTLETT, Mr. ROBERTS of Massachusetts, and Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Some years ago, I think, nearly every Member of Congress possessed a telegraphic frank of either the Western Union Telegraph Co. or the Postal Telegraph Co., and possibly many of them on both; and I suppose most telegrams were sent by Members of Congress by franks, and they were supposed to be used only on official business. When the telegraph franks were abolished it had been then the custom in the Senate to send telegrams at the Government rate at the expense of the Senate contingent fund, and it gradually became the custom of the House. I do not know how far that custom has been abused. Perhaps it needs investigation, perhaps it needs correction; but I fail to see the justice of the proposition which in effect permits almost every Senator of the United States to send telegrams at Government expense and permits 50 or 60 majority Members of the House to send telegrams at Government expense, but permits no one else in the House to do it.

Mr. FITZGERALD. This does not permit the Senators. It puts the Senators in the same category with the Members of the House.

Mr. MANN. Almost every Senator is chairman of a committee.

Mr. FITZGERALD. It is not intended to permit the chairmen of committees to send messages.

Mr. MANN. But what is the fact? The moment an order of this kind passes the committee passes a resolution authorizing its chairman to send such telegrams as he pleases. In fact, the committee will adopt the same course.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Massachusetts?

Mr. MANN. I do.

Mr. ROBERTS of Massachusetts. What is there in this law to permit the passing of a resolution authorizing every member of a committee to use the telegraph at public expense?

Mr. MANN. It probably would not be done. But the other is not only probable, but it would have to be so. When the chairman of a committee wishes to send a telegram about official business no one presumes that he will wait two or three days in order to get his committee together to find out whether he can send a telegram that afternoon. I will not say that the proposition is absurd, because that might be considered a reflection on the report of a distinguished committee, but I think it is ill-considered and unfair. I have occasion as minority leader to send more telegrams than the average committee ever had, or more than I did as chairman of one of the greatest committees of this House. I could send these telegrams at my own expense, and possibly ought to do so, while the chairman of the "committee on lonesome roads" could send such telegrams as he pleased at Government expense. What is the fact?

Mr. GARNER. Will the gentleman yield further?

Mr. MANN. What is the fact? These telegrams have grown in number because of these investigating committees. It may be necessary. I do not deny the necessity, because I do not know. I presume they have not been sent without some occasion, but the great majority of the telegrams, where they have amounted to a considerable quantity to a Member, have been sent, I dare say, by the chairmen of investigating committees. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. I want to ask the gentleman if he can conceive of any reason why a partisan telegram should be paid for by the Government any more than one pertaining to the Government business. This provides that the whips shall send telegrams purely for a partisan purpose in order to get their side here to attend to business.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. No; not now. I did not interrupt the gentleman, and he had 15 or 20 minutes. I do not consider that the sending of telegrams by whips in the House is a partisan matter. How else can it be done? The sending of telegrams to absent Members is not, as was suggested, in a way, by my friend from Tennessee [Mr. AUSTIN], for the benefit of absent Members. It is for the benefit of the Members here attending to business who want to bring back occasionally to do real service Members who do not attend to business. That is for the interest of those who are here.

Now, nobody can expect that you elect a whip for the purpose of expending his own personal money in sending telegrams throughout the country. It may be that we ought to all contribute to that on each side, but I dare say that that would not be easy to do.

Now, the gentleman refers to partisan telegrams. I have found occasion to send telegrams about official business——

The SPEAKER. The time of the gentleman has expired.

Mr. BOEHNE. Mr. Speaker, I ask that the gentleman's time may be extended five minutes.

Mr. MANN. I want to get through.

The SPEAKER. Does the gentleman from Illinois desire five minutes?

Mr. MANN. No. I make a point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. MANN. Oh, it is legislation. It does not pretend to be anything else.

Mr. FITZGERALD. It tends to reduce expenditures, and I insist it is in order.

The SPEAKER. Will the gentleman from Illinois please state the point of order?

Mr. MANN. "No appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such," and so forth. The Committee on Appropriations is not a legislative committee. It has no authority to report upon a matter of legislation, and the only way that this item could be in order under the Holman rule would be by a favorable report of a committee having jurisdiction of the legislation. The Committee on Appropriations did not have jurisdiction of the legislation. It is not a limitation upon this appropriation. This appropriation is for the contingent fund of the House. The item applies to any "appropriation for contingent expenses of the Senate or House." Hence it is a legislative proposition, and a legislative proposition which does not in any way affect the amount of the appropriation in the bill, and it could only be in order upon the report of a committee having jurisdiction of the subject matter. That would probably be the Committee on Accounts, but certainly it would have to be a committee having jurisdiction of the legislative proposition, which the Committee on Appropriations does not have.

Mr. FITZGERALD. Mr. Speaker, it is not necessary that the committee should have jurisdiction of certain subjects in order to take advantage of the so-called Holman rule to effect economies and reforms in public expenditures. The rule is paragraph 2 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto——

The SPEAKER. What page is that on?

Mr. FITZGERALD. On page 400. It provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any persons paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is apparent that if this provision will prohibit expenditures out of the amounts heretofore appropriated it does affect the amount covered in the bill, because it makes unnecessary appropriations that would otherwise be required.

The gentleman from Virginia [Mr. SAUNDERS], in construing the rule—I think properly—held that it was to be construed to give it the beneficial effect intended when it was adopted. The object is to enable the House to place provisions in these measures that will retrench the public expenditure by effecting proper and important reforms. It is impossible to reach them in any other way. If it can not be done in this way, then it can not be done at all.

Mr. CANNON. Mr. Speaker, just a word on the point of order. Doubtless the presiding officer takes notice of the law as it is, touching the use of the contingent fund. This is a proposed deficiency provision to control expenditures from that fund. It is so stated—

Provided, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams—

except the exceptions stated. It seems to me it does curtail expenditures. Without regard to the merits of the proposition, it seems to me that under the so-called Holman rule it is in order.

Mr. MANN. Mr. Speaker, I do not personally see any difficulty about this at all. The Holman rule first provides that matters shall be in order which shall retrench expenditures—

By the reduction of the number and salary of the officers of the United States.

This does not do that. Second—

By the reduction of the compensation of any person paid out of the Treasury of the United States.

This does not do that. Third—

Or by the reduction of amounts of money covered by the bill.

This does not do that. It does not reduce. If it were an amendment, it might reduce.

Then comes the proposition—

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The first item is not a matter of retrenchment of expenditures except in particular ways.

The last item provides that any legislation which shall retrench expenditures shall be in order, but that before it is in order it must have been recommended to the House by a committee having jurisdiction of the subject matter, and must be germane to the bill.

The SPEAKER. The Holman rule, so called, provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures—

How? First—

By the reduction of the number and salaries of the officers of the United States—

Which this bill does not do. Second—

By the reduction of the compensation of any person paid out of the Treasury of the United States—

Which this does not do.

Or by the reduction of amounts of money covered by the bill.

Which this does not do. And the point of order is sustained.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman will send up his amendment.

The Clerk read as follows.

Page 1, line 10, insert:

"*Provided*, That no part of this sum shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the House, and bills therefor shall be payable only on approval by the Committee on Accounts of the House of Representatives."

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the whole paragraph of the bill went out. I made the point of order on the paragraph.

The SPEAKER. The Chair simply ruled out the proviso.

Mr. MANN. But I made the point of order to the whole paragraph.

Mr. CANNON. If the gentleman will decrease the amount from $55,000 to $54,000, I suppose that would bring it within the rule?

Mr. FITZGERALD. I want to find out the parliamentary situation.

Mr. MANN. The point of order went to the whole paragraph. I was not to be caught by the suggestion of the gentleman. I am too old in the game for that.

The SPEAKER. The Chair understood the gentleman to make the point of order only as to the proviso.

Mr. MANN. No; I made the point of order against the whole paragraph.

The SPEAKER. There is a remedy for that.

Mr. MANN. Of course. This is simply in the interest of orderly procedure.

The SPEAKER. Of course, the whole paragraph goes out if the point of order was made against it.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amend, page 1, beginning at line 7, by inserting the following:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no part of this sum shall be expended for telegrams hereafter sent, except such as are sent on official business upon the authority of officers, whips, or committees of the House, and bills therefor shall be payable only on approval by the Committee on Accounts of the House of Representatives.

Mr. MANN. I make the point of order against the amendment that the amendment now offered by the gentleman authorizes payments out of the contingent fund for telegrams which are not now provided for by law and for which there is no authority of law.

The gentleman's amendment proposes to authorize the payment for telegrams sent by whips, by authority of officers of the House, and by committees of the House. There is now no authority of law for the payment for telegrams sent by committees of this House or by whips of the House. There is no such thing known in the law as a whip, and the gentleman seeks to enact legislation authorizing payment out of the contingent fund for telegrams sent by whips of the House, whatever they may be, which are not now authorized by law; and instead of being a retrenchment of expenditures, it is a direct authority to in-

crease expenditures. It is not the duty of the House to legislate in this way for the purpose of correcting any errors which the officials of the House may make in construing law. There is no authority of law, and, so far as I know, nobody has ever pretended that there was any authority of law, for the sending of such telegrams at the expense of the Government. I believe the whole matter of paying for these telegrams probably ought to be stopped. Certainly if stopped as to Members, it ought to be stopped as to chairmen of committees.

The SPEAKER. The Chair will ask the gentleman from Illinois a question. It may be a confession of ignorance, but, nevertheless, it is a fact that the Chair does not know. The Chair always supposed there was a law authorizing Members of the House to send telegrams on public business at what are called Government rates. The Chair agrees with the gentleman from Illinois on one thing at any rate, and that is that the man who acts as minority leader has great occasion to send telegrams on public business; and, as far as that is concerned, the Speaker has, too.

Mr. MANN. I suppose the Speaker has more occasion than any other Member of the House.

The SPEAKER. The Chair does not know whether the Speaker has more than the minority leader, but thinks it may be true.

Mr. BARTLETT. Mr. Speaker, there is no law, as has been stated by the gentleman from Illinois, which authorizes the sending of telegrams by any Member of the House or officer of the House at the Government expense. It has simply been done by custom. The only law on the statute book is an act passed in 1866, to be found in the Revised Statutes, a copy of which I hold in my hands, and I will read the law if the Chair desires.

The SPEAKER. The Chair will hear the gentleman.

Mr. BARTLETT. The act of 1866, which provided for the construction of telegraph lines over post roads and the public domain and over navigable streams, provided that every telegraph corporation that accepted the benefits of this act should, before it proceeded to build, file with the Postmaster General an acceptance of the terms of the act. All the telegraph companies then doing business and all that have been doing business since have filed with the Attorney General the acceptance of the terms of the act of 1866, which has been modified to some extent. The act is as follows:

An act to aid in the construction of telegraph lines and to secure to the Government the use of the same for postal, military, and other purposes.

Be it enactel, etc., That any telegraph company now organized, or which may hereafter he organized, under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided*, That such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters or interfere with the ordinary travel on such military or post roads. And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding 40 acres for each station, but such stations shall not be within 15 miles of each other.

SEC. 2. *And be it further enacted*, That telegraph communications between the several departments of the Government of the United States and their officers and agents shall, in their transmission over the lines of any of said companies, have priority over all other business and shall be sent at rates to be annually fixed by the Postmaster General.

SEC. 3. *And be it further enacted*, That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however*, That the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value, to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 4. *And be it further enacted*, That before any telegraph company shall exercise any of the powers or privileges conferred by this act such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by this act. (14 Stat., 221; Rev. Stat., sec. 5263 et seq.)

Now, the rates of pay fixed by the Postmaster General are as follows:

RATES OF PAY FOR COMMUNICATIONS BY TELEGRAPH.

(Order No. 2436.)

POST OFFICE DEPARTMENT,
Washington, D. C., July 1, 1909.

Pursuant to the authority vested in the Postmaster General by the act of Congress entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 24, 1866, and by the Revised Statutes of the United States, Title LXV, I hereby fix the rates at which such communications as the said statutes prescribe (not including those passing over circuits established by the Chief of the Weather Bureau, Department of Agriculture) shall be sent during the fiscal year beginning July 1, 1909, and terminating June 30, 1910, by the several companies within the effect of said statutes, as follows:

For day messages containing not more than 20 words, exclusive of place from and date, 20 cents, not exceeding 1,000 miles, and 1 cent for each additional word. One-quarter of this rate to be added for each 500 miles, or fraction thereof, but no rate on a message of 20 words to be more than 40 cents, nor on an additional word more than 2 cents. The rate between all points in any State, Territory, or the District of Columbia shall be 20 cents for 20 words, and 1 cent for each additional word.

In cases where the price of a message, determined as herein provided, shall include a fraction of a cent, such fraction, if less than one-half, is to be disregarded; if one-half or more, it is to be counted as 1 cent.

For night messages not exceeding 20 words, exclusive of place from and date, 15 cents for any distance within 2,000 miles, and for greater distances 25 cents; in each case 1 cent for each additional word.

Instead of computing the actual distances of transmission, the distance for payment shall in all cases be taken absolutely to be the number of miles between the capital of the State or Territory, or from the city of Washington if from within the District of Columbia, from within which (whatever the place) the message is sent, and the capital of the State or Territory, or the city of Washington if within the District of Columbia, within which (whatever the place) the message is received, as shown in the accompanying table, wherein such distances are given as computed upon the shortest practicable route between such capitals, and which is to be taken as part of this order.

But it is provided that if on the 1st day of July, 1909, or at any time during the ensuing year, any such company shall charge the public for a message of 10 words or less, exclusive of the date, address, and signature, a less rate than is herein fixed for 20 words, exclusive of place from and date, the rates here prescribed shall, as to such company, thenceforth during the year be reduced to the rates so charged to the public.

The statutes provide that telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any such company, shall have priority over all other business. All officers of the United States sending such telegrams should indorse thereon the words "Official business," and should report to the Postmaster General any failure to transmit them in such priority and any charge made in excess of the rates above prescribed.

Each company will be allowed to charge for messages received from another line at the same rate as if received from the Government direct, at the point of transfer for transmission over its own line.

F. H. HITCHCOCK, *Postmaster General.*

Now, that is all on the statute books with reference to Government business done by telegraph companies, and that is all the law there is which authorizes telegrams to be sent over the various lines at rates fixed by the act of the Postmaster General. There is no law which authorizes the use of money for official business telegrams sent by Members of the House.

The SPEAKER. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. Mr. Speaker, I said at the outset that I had been unable to find any law by which the telegrams had been paid for out of the contingent fund of the House.

Mr. CANNON. Mr. Speaker, I am under the impression that the gentleman from Georgia is correct in his statement as to the usage of the House and the Senate in sending telegrams at the Government expense and Government rates. I suppose the only way that the House, or any official of the House, or any Member of the House, or any committee of the House, can send at public expense telegrams paid for from the contingent fund would be by resolution passed by the House and Senate making the contingent fund available under the existing law, imposing such terms as the resolution might provide.

The SPEAKER. This proviso on the face of it at the first impression looks as if it was limiting the telegraph privileges, when, in fact, it develops that there is no law authorizing it at all, and the proviso is evidently new law.

Mr. GREEN of Iowa. Mr. Speaker, I desire to offer an amendment to the amendment.

Mr. FITZGERALD. No amendment is in order until the point of order is disposed of, and I wish a ruling on the amendment first.

The SPEAKER. That is what the Chair was about to rule, that the amendment is out of order at this time.

The effect of this proviso is to create new law. Therefore the point of order of the gentleman from Illinois [Mr. MANN] is well taken.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, by adding, after line 6, the following:

"House of Representatives: For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no part of this sum shall be paid for telegrams hereafter sent by Representatives, Delegates, and Commissioners in Congress."

The SPEAKER. The question is on agreeing to the amendment.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to oppose the amendment, unless the gentleman from New York wishes to speak first.

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out the proviso.

The SPEAKER. The Chair will entertain that motion as soon as the gentleman from Massachusetts has five minutes.

Mr. MANN. I merely wanted to have the matter pending while the gentleman from Massachusetts was speaking.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Massachusetts, with that proviso pending, desire to address the House?

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to address the House upon the main question at some time before it is disposed of.

The SPEAKER. The Chair will recognize the gentleman as soon as he answers the parliamentary inquiry of the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I wish to know if a substitute would now be in order?

The SPEAKER. A germane substitute, of course, would be in order.

Mr. AUSTIN. Then I offer the following substitute——

The SPEAKER. The gentleman from Massachusetts has the floor, and when he has consumed five minutes the Chair will recognize the gentleman from Tennessee to offer his substitute.

Mr. GARDNER of Massachusetts. Mr. Speaker, I shall make the motion of the gentleman from Illinois, to strike out the proviso, which will give me the floor in the affirmative and the gentleman from New York can answer in the negative. I request that the amendment be reported.

The Clerk read as follows:

Strike out the proviso:

"*Provided*, That no part of this sum shall be paid for telegrams hereafter sent by Representatives, Delegates, and Commissioners in Congress."

Mr. GARDNER of Massachusetts. Mr. Speaker, if this amendment, as originally offered by the gentleman from New York, passes, it is making this House work with old-fashioned tools. It is depriving us of our ability to do our duty and our business in the most modern and effective way. I myself, if I did not fortunately have the means for such things as elaborate telegrams, would be very seriously handicapped, indeed, if I could not send telegrams on Government business at the Government expense. Within a day or two the occupant of the Chair asked me to ascertain certain matters relative to a point of order which had been raised by a gentleman in this House. It required me to telegraph to parliamentarians in different parts of this Union. Scarcely a day passes when I am not obliged to send elaborate telegrams upon one subject or another. It is impossible for me to go to the chairmen of committees each time and get approval for what I wish to do. If I did not have the means to do it out of my own pocketbook, the House would be seriously handicapping me, and it is seriously handicapping every man in this House who is taking any real part in the work of the House.

What good purpose will it serve? You will check a little abuse of this privilege, I grant you, but at the expense of checking a small abuse you will handicap all of the Members of this House who never think of abusing that privilege. There are other ways of checking that abuse. If gentlemen really wish to check it, it is very easy for them to find out who is abusing that privilege, go to them in private, call their attention to the fact that they are abusing the privilege, and have that practice discontinued.

Mr. BUTLER. And require them to pay their own bills.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. GARNER. I want to ask the gentleman from Massachusetts if it is not a fact that these bills can not be paid out of this contingent fund under the present custom until the Committee on Accounts approves of those bills, and if the Committee on Accounts had the nerve to assume the right to reject these telegrams that do not pertain to the public business, this abuse would cease?

Mr. GARDNER of Massachusetts. Mr. Speaker, that is perfectly true; but it is——

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I would like to answer the gentleman from Texas first. It is asking a great deal of the Committee on Accounts to do that. I am perfectly aware of that, but it seems to me that either the Committee on Accounts or the Sergeant at Arms ought to do it, rather than handicap the rest of the House for a saving of $20,000 a year. I really think that our services are increased hundreds of thousands of dollars' worth a year to the people of the United States by the very fact we can send telegrams on public business at public expense, because if we can not send them at public expense the gentleman knows they will not be sent in many cases when they ought to be sent, because Members are obliged to be economical.

Mr. FITZGERALD. The gentleman talks about interfering with a Member in his rights. The gentleman is present now, and it is currently admitted on all sides that there is no authority to pay for these telegrams out of the public funds. This amendment is to prevent that which is now unlawful.

Mr. GARDNER of Massachusetts. Mr. Speaker, at the present time we may be getting at it in a roundabout way, but they are paid for out of the public funds; I do not care how the gentleman arrives at the result. What I am merely saying is this: In the first place the Government pays a great deal less for this service than we in our individual capacity would be compelled to pay for it if we had to do it. I am not arguing but what there is a better way of getting at this thing, but what I am saying is you are forcing us to build with worn-out tools, and that is what the gentleman from New York is trying to do. We are conducting business everywhere with the telephone, the telegraph, the automobile, the multigraph, the typewriter, and this is one of those instrumentalities.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. With the brilliant mind which the gentleman from Massachusetts has can he differentiate to any extent between sending a telegram over a wire and sending telephone messages over a wire? No one has proposed to take the telephones out of the office of the Committee on Appropriations or other offices, I believe. What is the distinction in theory between sending one by wire and sending the other by wire?

Mr. GARDNER of Massachusetts. I make no distinction, but I think there is distinction made. My impression is that I have to pay my own long-distance calls. I am not sure whether I do or not.

Mr. FITZGERALD. You can telephone within the District.

Mr. GARDNER of Massachusetts. I said long distance and on public business. I do not think we ought to be obliged to do it.

Mr. BEALL of Texas. If the gentleman will permit, in naming these modern appliances for doing business, did the gentleman inadvertently forget the steam roller?

Mr. GARDNER of Massachusetts. Nowadays we have a steam roller with pneumatic pushers on the other side of the House. I do not wish for five minutes more, because what I may have to say would be repetition.

Mr. PAYNE. May I ask the gentleman, is there any real reason why we should discriminate against ourselves in favor of the Senate on this proposition?

Mr. GARDNER of Massachusetts. Well, I see no reason whatever, and, it seems to me, it is a good deal broader than that; it is a question of whether we are going to handicap ourselves for the sake of $20,000 in doing business that makes us efficient.

Mr. LLOYD. Mr. Speaker, it devolves upon the Committee on Accounts, as most of you know, to investigate these telegrams. I have spent quite a good deal of time in investigating the telegrams which have been sent. I want to say for the credit of the House that I find on investigation of the telegrams that, as a rule, this House has not violated its privileges at all. [Applause.] I found but few instances where individuals have sent telegrams on private business. I have seen a few telegrams that have been sent which ought to have been sent at private expense, but I am perfectly safe, after making an investigation, in saying that nine out of ten telegrams that are sent are sent on official business. Now, the telegram in some instances, in my judgment, is a longer telegram than might be sent. That is the greatest criticism I have to make in connection with it, that an individual Member sometimes, in sending a telegram, sends it as if he was sending a letter. He does not abbreviate as we ordinarily abbreviate telegrams in sending them on business. That is the greatest complaint I have to make and the most serious objection I have to the telegrams that are sent, but I take great pleasure in saying here now, if we are going to permit the sending of telegrams at all, that there is no serious complaint against the membership of this House for the telegrams which they have sent.

Mr. HARDY. Would these long telegrams be sent as lettergrams?

Mr. GARNER. The same rate applies.

Mr. FITZGERALD. The official of the House who scrutinizes these telegrams is not the gentleman from Missouri, but the Chief Clerk of the House; is not that the fact?

Mr. LLOYD. The telegrams are sent over to the office of the Sergeant at Arms and the Clerk of the House does not examine them.

Mr. FITZGERALD. The Clerk of the House came before the Committee on Appropriations in reference to these items of miscellaneous expenses of the House, and it was upon his statement, based upon personal knowledge by him in the discharge of his public duties, that I have made the statement here.

Mr. BARTLETT. The Sergeant at Arms does not pay out of the contingent fund at all.

Mr. FITZGERALD. The gentleman says that possibly not more than 10 per cent of these telegrams are improperly sent. If 10 per cent are being sent, that means $2,000 is being paid on the authority of the Committee on Accounts for which there can not be the slightest authority of law. The gentleman should not have one official coming before the committee and calling attention to abuses and then try to minimize them himself on the floor of the House.

Mr. GARNER. Will the gentleman from Missouri [Mr. LLOYD] yield to me so that I may ask the gentleman from New York [Mr. FITZGERALD] a question? Does the gentleman from New York take the position that the Committee on Accounts ought not to authorize the expenditure of money in the purchase of anything for the Members of the House that is not authorized by law?

Mr. FITZGERALD. Certainly I do; because I would not ask the Committee on Accounts to violate the law.

Mr. GARNER. Has the gentleman from New York [Mr. FITZGERALD] ever made a requisition for anything that was not authorized by law?

Mr. LLOYD. Not that I have any knowledge of.

Mr. GARNER. The gentleman from New York has not sufficient knowledge of the law, then. He has made requisition on the Committee on Accounts that was not authorized by law.

Mr. FITZGERALD. If I did, I hope the Committee on Accounts in the discharge of its duties did not pay the account. I would ask the gentleman to state what it is.

Mr. GARNER. Mr. Chairman, the Committee on Accounts in auditing these different items, after a thorough investigation of the law, came to the conclusion that they had authority to make the authorization paying these accounts, and that their action made it law.

Mr. FITZGERALD. That may be.

Mr. GARNER. But, if you must have beforehand an authorization of law for a comb and brush or a typewriter, then we could not authorize any of these things until you passed your statute and put it on the books.

Mr. FITZGERALD. Let me state to the gentleman from Texas that there are good lawyers in this House, and I do not include myself among the number——

Mr. MANN. You are very modest.

Mr. FITZGERALD (continuing). Who have examined the statute upon which the Government rate is extended to official business. And everyone who examined it and to whom I talked expressed the opinion that it did not include telegrams sent by Members of Congress to individuals. I do not put myself in the category of good lawyers, but it is upon those opinions that I have made the statement which I have.

The SPEAKER. The time of the gentleman from Missouri [Mr. LLOYD] has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. LLOYD. I want to say in explanation to the gentleman from New York [Mr. FITZGERALD] that it was my misfortune that I was not in the room at the time the gentleman from New York made his statement. Therefore, I am not advised either as to what the gentleman from New York [Mr. FITZGERALD] may have said or what representation was made by the Chief Clerk of the House to him. You are aware of the fact, of course, that all of these claims upon the contingent fund are paid through the Chief Clerk of the House. The disbursing clerk comes in contact with all these bills, and if that is the thing the gentleman from New York [Mr. FITZGERALD] made reference to in his speech he made a very proper reference to the effect that the clerk would have knowledge of all these bills. He has taken a very great interest in the matter.

I want to say that the Chief Clerk of the House is watching after the expenditures of the House in an exceedingly commendable way, and I have nothing but commendation for the course of the Chief Clerk in trying to cut down expenses. The only question I rose to consider was the question of what was the character of the telegrams that had been sent, and I thought it was due that the one who was charged with others in investigating these accounts and examining these telegrams should advise the House as to the character of them. And, as I said a moment ago, I take pleasure in repeating that the House, if they are to be authorized to send telegrams at all, if the telegraph bills are to be allowed, the Members of the House, in my judgment, with very few exceptions, are not violating this privilege that is given to them.

Mr. BUTLER. Will the gentleman yield?

The SPEAKER. Will the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Pennsylvania [Mr. BUTLER]?

Mr. LLOYD. I will.

Mr. BUTLER. Will the gentleman inform me as to this: Is it not possible to correct this abuse without punishing innocent men?

Mr. LLOYD. Mr. Speaker, there are several men on the floor of this House that have knowledge of what has been done through the Committee on Accounts. The attention of that committee has been called in some instances to telegrams that were sent that ought not to have been, but I have not found a Member to whom such a suggestion was made who did not seem grateful for the information given him.

Mr. BUTLER. Correcting the abuse himself?

Mr. LLOYD. Yes. I do not think there is a man here who has sent a telegram that should not have been sent who will not take pleasure in correcting the abuse if his attention is called to it.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from South Dakota?

Mr. LLOYD. I do.

Mr. MARTIN of South Dakota. I think there is one consideration that has quite a bearing upon this question, and one that ought not to be overlooked, and that is this: That if Members could pay for official telegrams out of their own pocket at the same rates as the Government is charged, I think there would be far less objection to doing so. If Members send telegrams on official business at their own expense, paying for them themselves, they are required to pay a rate that is three or four times as much as the Government rate.

Mr. LLOYD. There is this about it, that the far western Members and the southern Members, whose homes are situated farthest from Washington, are the ones who send the most telegrams. The sending of telegrams does not mean much to a man living within a hundred miles of Washington City, and to such a man it makes little difference whether we make this restriction or not.

But it is a serious matter to the man who lives in the western part of the United States, who must pay a high rate for his messages. Members can reach their constituents who are within a radius of 400 miles of Washington in 24 hours by mail, but there are many Members here from a greater distance away who can not reach their constituents within less than four or five days by means of a letter.

Mr. MARTIN of South Dakota. If the gentleman will permit, I may say that to send a telegram to my own State at Government rates would cost somewhere from 15 to 20 cents for a message of 10 words. I would have to pay 50 cents to some places, and to the western part of the State 75 cents for a message of 10 words.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. LLOYD. With pleasure.

Mr. GARDNER of Massachusetts. Is it not true, also, that constituents from far western States who are interested in legislation are not nearly as able to get here as my constituents, for instance? Take, as an example, a bill which I have introduced relative to something connected with the fisheries. If I want some information in a hurry on that bill I can telephone to Gloucester, and my constituents will be here in the morning. If, however, somebody from the far West wants some information in a hurry of that sort, he has got to send some tremendously long telegrams, at very high rates, and it seems to me, as the gentleman says, that not only the fact that the rates are higher is to be taken account of, but also the fact that a constituent in a far western State is unable to come to Washington.

The SPEAKER. The time of the gentleman has again expired. [Cries of "Vote!" "Vote!"]

Mr. AUSTIN. Mr. Speaker, I desire to be recognized.

The SPEAKER. Does the gentleman offer a substitute?

Mr. AUSTIN. Yes, sir.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] offers a substitute for the amendment offered by the gentleman from New York [Mr. FITZGERALD], which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no part of this sum shall be paid for personal or private telegrams hereafter sent, and that it is made the duty of the Clerk of the House to enforce this provision.

Mr. FITZGERALD. Mr. Speaker, reserving a point of order, I ask that the Clerk report that again.

The SPEAKER. The Clerk will again report the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The amendment was again read.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. I want to discuss this amendment for a moment only, if it is debatable.

Mr. FITZGERALD. I reserve a point of order.

The SPEAKER. Does the gentleman reserve his point of order or make it?

Mr. FITZGERALD. I reserve it.

The SPEAKER. The gentleman from Tennessee will have the first right to make a statement.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Illinois make a point of order?

Mr. MANN. Yes; I make it.

Mr. EDWARDS. If the gentleman is going to make it, I will make it now.

The SPEAKER. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] to strike out the proviso.

Mr. FITZGERALD. Mr. Speaker, before the vote is taken, I wish to say this: The committee was induced to report this provision based on information that came to it upon making inquiries as to the necessity of supplying a deficiency in this appropriation for the service of the House of Representatives. In making that inquiry we sent for the gentleman who was presumed to have the information about these items, more particularly than anybody else. The request was transmitted to the Committee on Appropriations by the chairman of the Committee on Accounts [Mr. LLOYD], who indorsed the statement made by the Clerk of the House as to the necessity for these items. The officer under the Clerk of the House who is most intimately acquainted with the facts is the Chief Clerk of the House. The committee assumed, from the conference it had with the Chief Clerk, that not only was a reform desirable, but that he was acting in harmony with the Committee on Accounts in making the statements which were made before the Committee on Appropriations. If the Committee on Accounts are not in harmony with the Chief Clerk on this matter, then I am perfectly satisfied to have the Committee on Appropriations assume full responsibility for attempting to effect this reform.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The gentleman would not want to apply the reforms to men who do not abuse the privilege, would he?

Mr. FITZGERALD. Mr. Speaker, I have already said that an attempt was made to devise some method by which an abuse should be eliminated. The chairman of the Committee on Accounts admits that telegrams have been passed by that committee which, at least to the extent of 10 per cent, should not have been passed by the Committee on Accounts. It seems that the only method by which the reform can be accomplished is to prohibit the practice by law.

Mr. GARDNER of Masssachusetts. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is for the gentleman from New York [Mr. FITZGERALD] to hold the floor until his five minutes have expired.

Mr. MADDEN. Every telegram that is in violation of a rule ought to be paid for by the man who sends it, but we ought not to prevent other men sending telegrams which should properly be paid for by the House.

Mr. FITZGERALD. Let gentlemen pay for the telegrams they send. There is no more reason why we should pay for the telegrams they send than we should pay for every trip Members make away from Washington instead of getting mileage for one journey each session.

Mr. GARNER. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. FITZGERALD. Yes; I do.

Mr. GARNER. I think the gentleman from New York has done the gentleman from Missouri [Mr. LLOYD] an injustice.

Mr. FITZGERALD. I have no desire to do so.

Mr. GARNER. I know the gentleman has no desire to do him any injustice. The gentleman from Missouri did not say, or at least did not intend to say, I am sure, that the Committee on Accounts passed 10 per cent of telegrams that were not authorized under the rules permitting telegrams to be sent for the business of the Congress, but he did say that about 10 per cent of those that were sent were not on the business of the Congress, and he also said they were referred back to the Members and they were gladly paid for by the Members themselves.

Mr. FITZGERALD. The information which came to the Committee on Appropriations was to the effect that the accounts were sent from the telegraph company, accompanied by the telegrams, and that the only thing done was to count up the number of words, to find out whether the amounts totaled were equal to the amounts to which they would be entitled at the rate multiplied by the number of words, and that no telegram was ever excluded; and the man who did the checking said that he had personally examined these telegrams, and that a number of them were paid for which under no pretense could possibly be construed as being sent on Government business.

Mr. GARNER. Mr. Speaker——

The SPEAKER. The time of the gentleman from New York has expired. All time has expired on this amendment.

Mr. GARNER. I move to strike out the last word.

Mr. MANN. That motion is not in order, Mr. Speaker.

Mr. GARDNER of Massachusetts. That would be an amendment to an amendment to an amendment.

Mr. MANN. That would be an amendment in the third degree. But I ask unanimous consent that the gentleman from Texas have five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Texas have five minutes. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I do not desire to take up the time of the House in the discussion of the merits of this amendment, but I do desire to make a statement to the House with reference to the law, as I understand it, applicable to the Committee on Accounts in dealing with these matters. I have no criticism to make of the Committee on Appropriations in bringing in this so-called reform, but I do undertake to criticize the Committee on Appropriations if it selects certain kinds of accounts and criticizes their allowance by the Committee on Accounts, while neglecting to take in other matters that I consider less justifiable than the sending of telegrams.

Mr. FITZGERALD. Let me suggest to the gentleman that this is the only thing called to the attention of the Committee on Appropriations.

Mr. GARNER. Mr. Speaker, so far as I know, the Chief Clerk of this House had no authority to call the attention of the Committee on Appropriations to this matter any more than any other. I want to pay the Chief Clerk the compliment of saying that, in my judgment, he is one of the best officers we have under the present organization, but I do know that in his diligence and zeal to protect the contingent fund of the House the Chief Clerk has come to the conclusion that there are a number of things that ought to be cut out which the Committee on Accounts, after careful consideration, have thought ought not to be cut out.

For instance the gentleman from New York will order a typewriter, and accept the action of the Committee on Accounts in authorizing it. Does he want the Committee on Accounts to turn down every order or requisition sent there not authorized by law? If he does, I am one to stick to the rule. I am an economist as well as the gentleman from New York.

Mr. FITZGERALD. I remember that the first time typewriters were furnished to Members of the House was in the furnishing of the House Office Building. Typewriters were purchased, not under my authority, for the House; and afterwards the Committee on Appropriations reported an item to supply deficiencies to provide typewriters for other Members as they were elected to the House. The matter was discussed and the appropriation was made with the understanding that it was to be used for the purchase of typewriters for Members of the House.

Mr. GARNER. I have no disposition to discuss the propriety of paying for typewriters, Mr. Speaker. I do want to call attention that you can go to the books of the Committee on Accounts, which are open to every Member, and ascertain what any other Member of the House has made a requisition for; and I know I stand in an impartial position, because I have made no requisition of any character through the Committee on

Accounts for anything for my office, but I do say that a majority of the Members of this House have made requisitions for things that are not authorized by law. If you want your Committee on Accounts to turn them down, you ought to make a universal rule telling us not to authorize the payment for a single thing except that which is actually authorized by law.

We discussed this whole matter in the Committee on Accounts, and we came to the conclusion that after the contingent fund had been appropriated by the House that the Committee on Accounts was an appropriation committee itself so far as that fund was concerned, and where it authorized the payment of these bills, that made it law so far as that fund was concerned. Now, my only criticism in this matter is that it is absolutely impossible, physically impossible, for the Committee on Accounts to look over these bills and O. K. them, therefore the propriety of paying them must be left to the chairman of the committee—a greater burden and responsibility than any one Member should bear. We have prescribed certain rules, however, which enable the chairman and his clerk to act for the committee with some knowledge of their views. The committee has revised the rules during this session, which will materially reduce the expenditures coming out of the contingent fund.

We are trying to reduce expenses, and all we ask is that the Members help us by being economical themselves when making requisitions on this fund.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts to strike out the proviso.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 84 ayes and 51 noes.

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 104, answered "present" 8, not voting 141, as follows:

YEAS—139.

Ainey	Foss	La Follette	Prince
Alexander	French	Langham	Rainey
Anderson, Minn.	Gallagher	Lee, Ga.	Ransdell, La.
Austin	Gardner, Mass.	Lee, Pa.	Rees
Bathrick	Garner	Lenroot	Richardson
Bell, Ga.	Godwin, N. C.	Lindbergh	Roberts, Mass.
Boehne	Goldfogle	Linthicum	Roberts, Nev.
Brantley	Graham	Littlepage	Robinson
Broussard	Greene, Mass.	Lloyd	Rodenberg
Bulkley	Gregg, Pa.	McCreary	Sabath
Butler	Gregg, Tex.	McDermott	Sloan
Catlin	Griest	McGuire, Okla.	Smith, Saml. W.
Clayton	Hamilton, Mich.	McKenzie	Smith, N. Y.
Cooper	Hamilton, W. Va.	McKinley	Speer
Covington	Hardy	McKinney	Steenerson
Crago	Harris	McLaughlin	Stephens, Cal.
Crumpacker	Hawley	Madden	Stephens, Nebr.
Curry	Hayden	Mann	Sterling
Dalzell	Hayes	Martin, Colo.	Stone
Danforth	Heald	Martin, S. Dak.	Sulloway
Davis, Minn.	Helgesen	Matthews	Taggart
Dent	Henry, Conn.	Miller	Talbott, Md.
Difenderfer	Henry, Tex.	Morrison	Taylor, Ala.
Dodds	Higgins	Morse, Wis.	Thayer
Doremus	Hobson	Murray	Thistlewood
Driscoll, M. E.	Howard	Needham	Tilson
Dupré	Howell	Neeley	Tuttle
Esch	Humphrey, Wash.	Nelson	Underhill
Estopinal	Jackson	Nye	Volstead
Fairchild	Johnson, Ky.	Oldfield	Vreeland
Faison	Kennedy	Parran	Wickliffe
Farr	Kent	Patten, N. Y.	Wilson, Ill.
Floyd, Ark.	Knowland	Payne	Wilson, N. Y.
Focht	Kopp	Pepper	Young, Kans.
Fordney	Korbly	Pray	

NAYS—104.

Anderson, Ohio	Edwards	Humphreys, Miss.	Russell
Bartlett	Ellerbe	Jacoway	Sells
Beall, Tex.	Evans	Kinkaid, Nebr.	Sharp
Blackmon	Fergusson	Kinkead, N. J.	Slayden
Booher	Ferris	Konop	Small
Borland	Finley	Lafferty	Smith, J. M. C.
Buchanan	Fitzgerald	Lamb	Smith, Tex.
Burke, Wis.	Foster	Lawrence	Stedman
Burleson	Fowler	Lever	Stephens, Tex.
Byrnes, S. C.	Garrett	Lewis	Sulzer
Byrns, Tenn.	George	McGillicuddy	Sweet
Callaway	Gillett	McKellar	Talcott, N. Y.
Candler	Good	Macon	Taylor, Ohio
Cannon	Goodwin, Ark.	Maguire, Nebr.	Towner
Cary	Green, Iowa	Maher	Tribble
Cline	Hamill	Morgan	Turnbull
Collier	Hamlin	Padgett	Underwood
Connell	Hammond	Page	Watkins
Conry	Harrison, Miss.	Palmer	Wedemeyer
Cox, Ohio	Haugen	Peters	Whitacre
Cullop	Heflin	Prouty	White
Daugherty	Hensley	Raker	Willis
Denver	Houston	Rauch	Wilson, Pa.
Dickinson	Hughes, Ga.	Roddenbery	Witherspoon
Dies	Hughes, N. J.	Rothermel	Wood, N. J.
Dixon, Ind.	Hull	Rubey	Young, Tex.

ANSWERED "PRESENT"—8.

Adamson	Davidson	Fornes	McMorran
Davenport	Dyer	Hardwick	Riordan

NOT VOTING—141.

Adair	De Forest	Konig	Reilly
Aiken, S. C.	Dickson, Miss.	Lafean	Reyburn
Akin, N. Y.	Donohoe	Langley	Rouse
Allen	Doughton	Legare	Rucker, Colo.
Ames	Draper	Levy	Rucker, Mo.
Andrus	Driscoll, D. A.	Lindsay	Saunders
Ansberry	Dwight	Littleton	Scully
Anthony	Fields	Lobeck	Shackleford
Ashbrook	Flood, Va.	Longworth	Sheppard
Ayres	Francis	Loud	Sherley
Barchfeld	Fuller	McCall	Sherwood
Barnhart	Gardner, N. J.	McCoy	Simmons
Bartholdt	Glass	McHenry	Sims
Bates	Goeke	Malby	Sisson
Berger	Gould	Mays	Slemp
Bowman	Gray	Mondell	Smith, Cal.
Bradley	Gudger	Moon, Pa.	Sparkman
Brown	Guernsey	Moon, Tenn.	Stack
Browning	Hanna	Moore, Pa.	Stanley
Burgess	Harrison, N. Y.	Moore, Tex.	Stephens, Miss.
Burke, Pa.	Hartman	Moss, Ind.	Stevens, Minn.
Burke, S. Dak.	Hay	Mott	Switzer
Burnett	Helm	Murdock	Taylor, Colo.
Calder	Hill	Norris	Thomas
Campbell	Hinds	Olmsted	Townsend
Cantrill	Holland	O'Shaunessy	Utter
Carlin	Howland	Patton, Pa.	Vare
Carter	Hubbard	Pickett	Warburton
Clark, Fla.	Hughes, W. Va.	Plumley	Webb
Claypool	James	Porter	Weeks
Copley	Johnson, S. C.	Post	Wilder
Cox, Ind.	Jones	Pou	Woods, Iowa
Cravens	Kahn	Powers	Young, Mich.
Curley	Kendall	Pujo	
Currier	Kindred	Randell, Tex.	
Davis, W. Va.	Kitchin	Redfield	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. WEBB with Mr. VARE.

Mr. TOWNSEND with Mr. UTTER.

Mr. STEPHENS of Mississippi with Mr. SWITZER.

Mr. SISSON with Mr. REYBURN.

Mr. SHERWOOD with Mr. SIMMONS.

Mr. SAUNDERS with Mr. PORTER.

Mr. REILLY with Mr. POWERS.

Mr. REDFIELD with Mr. YOUNG of Michigan.

Mr. RANDELL of Texas with Mr. WILDER.

Mr. SIMS with Mr. WOODS of Iowa.

Mr. POU with Mr. WARBURTON.

Mr. O'SHAUNESSY with Mr. PICKETT.

Mr. MOSS of Indiana with Mr. PATTON of Pennsylvania.

Mr. MOON of Tennessee with Mr. MURDOCK.

Mr. MCCOY with Mr. MOTT.

Mr. LOBECK with Mr. MOORE of Pennsylvania.

Mr. LEVY with Mr. MOON of Pennsylvania.

Mr. KITCHIN with Mr. LAFEAN.

Mr. JOHNSON of South Carolina with Mr. KENDALL.

Mr. HOLLAND with Mr. KAHN.

Mr. HELM with Mr. HUGHES of West Virginia.

Mr. HAY with Mr. HINDS.

Mr. FLOOD of Virginia with Mr. HILL.

Mr. DOUGHTON with Mr. HANNA.

Mr. DONOHOE with Mr. DE FOREST.

Mr. DAVIS of West Virginia with Mr. COPLEY.

Mr. CURLEY with Mr. BOWMAN.

Mr. BURNETT with Mr. BURKE of Pennsylvania.

Mr. BARNHART with Mr. BARTHOLDT.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. AIKEN of South Carolina with Mr. AMES.

Mr. CARLIN with Mr. CALDER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JAMES with Mr. MCCALL.

Mr. ALLEN with Mr. LONGWORTH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. GOEKE with Mr. HOWLAND.

Mr. BURGESS with Mr. WEEKS.

Mr. FIELDS with Mr. LANGLEY.

Mr. BROWN with Mr. CURRIER.

Mr. HARDY with Mr. OLMSTED.

Mr. SHERLEY with Mr. MALBY.

Mr. PUJO with Mr. MCMORRAN.
Mr. SPARKMAN with Mr. DAVIDSON.
From May 24 until May 28:
Mr. HARDWICK with Mr. CAMPBELL.
Ending June 5:
Mr. ASHBROOK with Mr. HARTMAN.
From May 20 and ending two weeks hence:
Mr. ROUSE with Mr. FULLER.
Ending June 1:
Mr. THOMAS with Mr. HUBBARD.
From May 15 and ending May 25:
Mr. STANLEY with Mr. ANTHONY.
From May 15 and ending two weeks hence:
Mr. CANTRILL with Mr. LOUD.
From May 23 and ending two weeks hence:
Mr. SHACKLEFORD with Mr. DRAPER.

A quorum being present, the doors were opened.

The SPEAKER pro tempore (Mr. GARRETT). The question now is on the amendment of the gentleman from New York, as amended.

Mr. GILLETT. Mr. Speaker, I wish to call the attention of the House to the fact that this is the largest contingent fund that has ever been passed by the House.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Massachusetts to the fact that debate is exhausted.

Mr. GILLETT. But, Mr. Speaker, there has been no debate on the amendment, I think. If there has been, I move to strike out the last word.

The SPEAKER pro tempore. The present occupant of the Chair was not in the Chair at the time, but he has been advised at the desk that debate has been exhausted.

Mr. GILLETT. Then I move to strike out the last word. I simply wish to point out the fact that this is the largest contingent fund that has ever been used by the House, at least within 25 years, so far as our records show. The majority, the Democratic Party, started in on a record of economy, and it looks now as though they had concluded that it is only charity that begins at home, and economy can better be practiced on the departments and elsewhere, but not here at home. Of course the Appropriations Committee had to report this, because the authorizations have been made, the bills were coming in and had to be paid, but it is an unprecedentedly large amount.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. BARTLETT. Is it not a fact that there was a deficiency in the appropriations for 1907 in this fund of $120,000?

Mr. GILLETT. But that is not as large as the contingent fund is this year.

Mr. BARTLETT. I know it.

Mr. GILLETT. That is what I stated. That is no contradiction.

Mr. BARTLETT. There is only about $20,000——

Mr. GILLETT. Oh, I have yielded to the gentleman for a question. I can not let him take up my time.

Mr. BARTLETT. I beg the gentleman's pardon. If I take up his time I will get him more.

Mr. GILLETT. Mr. Speaker, the majority as I say started in with the boast that they were going to reduce expenses in the House.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. EDWARDS. I would like to call the attention of the gentleman to the fact that if he will refer to the record of the roll call just had, he will see that it was not so much by the vote of the Democratic Members of the House as by the vote of the Republican Members that this amendment prevailed.

Mr. GILLETT. How did the gentleman vote?

Mr. EDWARDS. I voted in the negative; I voted against it.

Mr. GILLETT. Mr. Speaker, I am not alluding now to the vote on the last amendment, although that side, being a majority, is responsible for the action of the House. It is always true, I suspect, it certainly was true in the last Congress that the minority was generally for large appropriations, but the majority is always responsible, and ought to be, and no matter how the individuals vote, the majority is now responsible for this tremendous contingent fund. At the beginning of Congress there were boasts that this House was going to be economical. The gentleman from Pennsylvania [Mr. PALMER] brought in a resolution cutting down greatly the force employed by this House. I do not agree with some Members on this side who criticized it and said that it was taking away the conveniences of the House. I think he was right. There were abuses of patronage which ought to have been checked, but the trouble was that instead of applying a remedy to the disease they simply applied a palliative.

The reason that in this House we had this superfluous force of officials was because of the patronage system, and the only way to wipe out that abuse is to take away that patronage. If we had some civil service established; if we let the Civil Service Commission, or some committee, investigate and select permanent appointments it would affect the root of the trouble, but they have simply divided up the patronage as before—only taken less of it. I hope that they will be able to stand by their beginning, but it is my opinion, and this enormous contingent fund confirms it, that they will not be able to stand up against the pressure; and I believe, after election, after they have boasted from the stump of the economies they have produced, we will see that side come forward and gradually increase the officials and officers of this House. They had an opportunity to make a permanent cure, and they did not accept the opportunity.

They said at the time they were going to make the same extensive reductions in the departments that they did here. I knew it was impossible, because the same conditions do not prevail in the departments. If the departments were not under civil service I have no doubt they would have found the same condition of abuse there, because they are just as human as we are; but they are under civil service, and there was no motive for a superfluous force, and therefore, though they have had all these investigating committees on expenditures in operation which were expected, apparently, to produce great results, nothing has resulted. They have not been able to reduce the expenses in the departments as we have here, and this vast contingent fund, which has been spent largely by these committees, has mostly been wasted. I do not mean there are not abuses in the departments, that there are not abuses everywhere that can not be investigated, and some little good will be done by it; but, in my opinion, the great impressive feature of these investigations is not the economy they have produced but the money that they have cost.

It is very like the experience of Democratic economy in 1884. It was said then they expected after the Republicans had been in power for 24 years that the departments would unfold tremendous scandals and corruption, and in one department the head of the department, after the regular examining board had not been able to find any of these scandals, employed out of his own pocket a force of clerks to investigate the department.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GILLETT. Just one minute.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. I just wish to say that seems to have been followed here. They are making a tremendous amount of investigation of search for scandals and they are spending a vast amount of money, but they are not producing any results, the investigating committees are making no useful recommendations, and I believe that this unprecedentedly large contingent fund is just a forecast of the results that will come with the second session of this Congress and that all the Democratic claims for economy will be contradicted. [Applause.]

Mr. MANN. Mr. Speaker, I am not disposed to criticize in reference to the amount to be added to the contingent fund, although I fully agree with what the gentleman from Massachusetts [Mr. GILLETT] has said regarding the investigations. When this Congress first met the House dispensed with a number of employees of the House. The gentlemen who came in control looked around and thought they saw supernumerary employees and that they could get along just as well without them, and they cut off a number. I have no criticism of the existing employees of the House. They came to their duties without great experience, at least in the House, and they are doing their work, and yet I think it is quite patent that there are not enough employees of the House at present to transact the business of the House. The other day I sent to the document room to get a copy of the bill which had passed the House, which had passed the Senate and then passed the House. The boy came back and said the document room had no copy except the original bill as originally introduced in the Senate. It had passed the Senate and passed the House. I sent again to the document room and told them I wanted a copy of the bill. The boy came back and told me the same thing. Then I went to the document room and asked for a copy of the bill and was told the same thing, but, having some knowledge of the ropes, I had to go elsewhere to get a copy of the bill as it passed the Senate.

The other day this House sent to the President of the United States for his signature an enrolled bill which had not passed. It was a bill which had passed the Senate, had passed the House, but gone into conference. Some gentleman

connected with the House had retained the papers in his hands and had not turned them over to the conferees. The House conferees made a report, the House agreed to the conference report, and the Senate had not had possession of the papers, had had no conference report, had not agreed to one, and on the strength of what had been done, without having been agreed to by the Senate or House, the Committee on Enrolled Bills reported to the Speaker that the bill was duly enrolled, having passed both Houses, and the Speaker signed the bill. It went to the President, and had to be recalled by a resolution originating in the Senate. Now, I do not think that was a fault to be criticized on the part of the Clerk at the desk whose duty it was to turn the papers over to the conferees. The truth is the Journal Clerk of the House is worked to death. There is no man living who can properly attend to the duties of keeping track of what goes on in this House, and journalize it, during the rest of this session by himself.

That is one of the instances where a lack of employees might have sent an important bill to the President to be signed, because of niggardly and false economy. [Applause on the Republican side.] Originally it was undertaken through a mistaken idea and not through a mistaken motive.

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PALMER. Does the gentleman recall the fact that the very first bill which passed through this House in the Sixty-second Congress was a bill to correct a mistake of clerks in the Sixty-first Congress, by which several hundred thousands of dollars were appropriated which should not have been carried in the bill?

Mr. MANN. Oh, I recall the fact that a good many times since I have been a Member of the House, where appropriation bills are held up in conference until 15 or 20 minutes before the final adjournment, and they are compared in the enrolling room before they are agreed to, and otherwise would not become a law, the enrolling clerk does not sometimes put in or strike out an item as finally agreed to in conference. That is not the fault of the clerk. That is the fault of Congress, and so is this the fault of not providing the proper number of employees for the House.

Mr. FITZGERALD. All such errors are likely to occur in the House, no matter how competent the force is. The gentleman from Pennsylvania [Mr. PALMER] called attention to what happened during the last Congress. That enrollment occurred under the most efficient enrolling clerk the House has ever known, with a force perfected during 16 years of control, and for the particular emergencies, due to the fact that Congress was working under pressure, additional assistants had been given to the Committee on Enrolled Bills. It is now so unfrequent a practice that it occasions great comment in this House to have engrossed bills lost between the time they leave one House and reach another.

Mr. MANN. It has been a frequent practice in this House, I am sure.

Mr. FITZGERALD. Yes; and it happened a number of times in a Republican Congress. I was not sure in those Congresses whether a bill were lost or a messenger. We always replace the bill. The House has not suffered from any want of employees. It is possible that in some instances an additional employee here and there might have facilitated the transaction of business in some respects. The condition of which the gentleman complains in the document room is due very largely to the fact that Mr. Grayson, a Democrat, who has been continued there regardless of the political control of the House, is ill and away from his duties. He is one of the few men who possesses the peculiar information required in order to make the service of that office efficient.

Mr. MANN. If the gentleman will permit, I do not think the statement that I made was intended to criticize the document room. I do not think the evil was in the document room in that matter.

Mr. FITZGERALD. Of course, the gentleman referred to the document room. I do not know what particular official or officer of the House he was attempting to criticize in giving reasons that perhaps the officials of the document room might not readily find documents sent for.

The gentleman from Massachusetts [Mr. GILLETT] criticizes the action of the Democratic House thus far, and calls attention to the fact that in 1884 the Democratic House started with the same tendency to investigate, and he states the efforts resulted in failure. I do not recall what happened in 1884, but if I were going into the past history of this Government, I might go back to 1876, when a Democratic House unearthed the frauds in the War Department, resulting in the impeachment of Secretary of War Belknap and the driving of many prominent Republicans into private life.

I do not know how effective or how efficient or how necessary many of the investigations ordered by the House have been. The House has authorized special committees appointed for specific purposes, or standing committees authorized to make particular investigations, to incur an expense of $163,000, all of which is charged to the contingent fund. These committees have expended thus far $66,932.45. The demands upon the contingent fund of the House are always uncertain. In 1908 the appropriations were $50,000, but a Republican Congress appropriated $120,000 to supply deficiencies in it, making a total of $170,000. In this appropriation the total for this fiscal year will be $180,000.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. I understood the gentleman to give the figures of expenditures out of the contingent fund for the special investigating committees as something like $68,000.

Mr. FITZGERALD. Sixty-six thousand nine hundred and thirty-two dollars and forty-five cents.

Mr. MANN. I hold in my hand a communication from the Clerk of the House, which I received on the 29th of March, and at that time the amount of money paid out to these committees from the fund was $70,933.81.

Mr. FITZGERALD. Well, I have a statement which I received from the Committee on Accounts, and I have found the total myself. It is possible that I have erred in casting the total.

Mr. MANN. It is quite possible that——

Mr. FITZGERALD. But with the permission of the House, I shall put into the RECORD a statement showing the expenditures of all the committees of the House from July 1, 1911, to May 20, 1912.

Mr. MANN. I say it is quite possible, then, that the gentleman refers only to payments out of the contingent fund for this fiscal year. I presume my statement included payments for both fiscal years.

Mr. FITZGERALD. I think that is possible. The statement I make is from July 1, 1911.

Mr. GILLETT. And the gentleman is assuming that no further payments will be necessary from the contingent fund. I think that is not a safe assumption.

Mr. MANN. The gentleman is not assuming any such thing as that.

Mr. FITZGERALD. This item includes $25,000 to meet the demands of these special committees between now and the 1st of July. I am unable to forecast whether additional sums will be needed.

The gentleman from Massachusetts [Mr. GILLETT] states that this House at the outset asserted that it would accomplish the same reforms in the various departments of the Government that is accomplished here; that the conditions existing in the departments were such as would permit the reduction of expenditures on the same scale as in the House, and that it has not lived up to its promises. The committee has found such conditions, and it has recommended such reductions, against the protest of the gentleman from Massachusetts.

In the first place, the legislative, executive, and judicial appropriation bill carries a provision which prohibits the filling of any vacancy in the classified service in the District of Columbia during the coming fiscal year. The committee reported the legislative, executive, and judicial appropriation bill, carrying $2,600,000 below the appropriations for the current year, which were in the neighborhood of $36,000,000. In addition it required the War Department arbitrarily to reduce by 10 per cent the clerical force in that department, and with these reductions and with the reductions enforced and with the prohibition against reappointments, the total saving, if we had the cooperation of the Republican administration and the Republican Members in both branches of the Federal Legislature, would be between four and five million dollars below the appropriation for the current year, or a reduction in the neighborhood of 10 per cent in the cost of conducting these branches of the Government. I had hoped to receive the assistance of the gentleman from Massachusetts [Mr. GILLETT], and I do not despair. We dropped out of the State Department officials appointed under a pretended organization without any authority of law. Money obtained for one purpose was applied to an entirely different purpose. The gentleman from Massachusetts protested against our action, and the State Department is busy

using its official force, not in conducting the official business of the Government, but in sending out literature to all the manufacturing establishments of the United States and to the boards of trade and chambers of commerce, protesting against what one of its officials has had the presumption to say is reactionary legislation, legislation that would wreck the State Department, and unless abandoned two of the high officials threaten to resign.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I would suggest that if these officials were to resign on July 1, they would only be anticipating by a few months an event that is bound to occur; and if these distinguished gentlemen can not conduct the State Department with the same organization that existed until they incorporated into it a number of officials out of an appropriation given for the purpose of enabling the President to carry out the maximum and minimum provision of the Payne-Aldrich tariff bill it would be better that we return to the days of John Hay and ELIHU ROOT, who were able satisfactorily to conduct the Department of State, at least satisfactorily to the people of the United States, without engrafting upon it a number of new officials unknown to the law, whose official existence can not be justified, as far as I have been able to ascertain, for any legitimate reason whatever.

We may not succeed in accomplishing all the reforms we desire. We will not if we have to rely upon the assistance of those representing the administration in both Houses of Congress, but we will do our best. We will recommend reforms whenever the necessity exists and the facts justify, and when this Congress is ended, so far as I am concerned, I shall be content to rest upon the record that has been made by the Democratic House. [Applause.]

The SPEAKER pro tempore. Did the gentleman from New York desire unanimous consent to insert some paper in the RECORD?

Mr. FITZGERALD. I ask unanimous consent to insert in the RECORD a statement which shows the expenditures for the various committees of the House from the contingent fund from July 1, 1911, to May 20, 1912.

The SPEAKER pro tempore. The gentleman asks unanimous consent to insert certain statements in the RECORD. Is there objection?

There was no objection.

The statement referred to is as follows:

Expenditures for committees, July 1, 1911, to May 20, 1912.

Committee to investigate the Steel Trust	$36,942.08
Committee to investigate the Sugar Trust	11,486.20
Committee on Expenditures, Interior Department	7,875.33
Committee on Expenditures, Post Office Department	6,953.61
Committee on Expenditures, Agricultural Department	2,669.78
Committee on Expenditures, Treasury Department	665.05
Committee on Expenditures, State Department	297.20
Committee on Expenditures, War Department	865.40
Committee on Expenditures, Navy Department	170.50
Committee on Expenditures, Department of Justice	299.37
Committee on Expenditures, Department of Commerce and Labor	104.00
Committee on Expenditures, Public Buildings	36.00
Committee on Taylor system of shop management	3,753.93
Committee on Banking and Currency	1,483.35
Committee on District of Columbia	3,704.33
Committee on the Judiciary	1,165.96
Committee on Reform in the Civil Service	88.70
Committee on Elections No. 1	184.86
Committee on Elections No. 2	28.35
Committee on Elections No. 3	139.40
Committee on Rules	531.10
Committee on the Territories	228.70
Committee on Mines and Mining	21.50
Committee on the Merchant Marine and Fisheries	521.27
Committee on the Library	93.10
Committee on Labor	70.50
Committee on Patents	150.55
Committee on the Public Lands	204.10
Committee on Coinage, Weights, and Measures	118.95
Committee on Immigration and Naturalization	86.40
Committee on Irrigation of Arid Lands	83.55
Committee on Ways and Means	98.95
Committee on Insular Affairs	12.60
Committee on Interstate and Foreign Commerce	621.55
Committee on Indian Affairs	413.38
Committee on Agriculture	667.53
Committee on Claims	48.75
Committee on Foreign Affairs	413.00
Committee on Invalid Pensions	18.00
Committee on the Post Office and Post Roads	605.35
Committee on Military Affairs	611.15
Committee on Public Buildings and Grounds	251.20
Committee on Rivers and Harbors	166.05
Committee on Naval Affairs	311.30
Committee on the Census	$16.35
Committee on Industrial Arts and Expositions	83.45
Total	85,361.79
Funeral expenses of deceased Members	9,962.08
Funeral expenses of deceased employees	2,610.10
Telephone service	6,572.40
Telegrams	5,573.79
Ice for Capitol and House Office Building	2,943.84
Other miscellaneous expenses	13,718.73
Total	126,942.73
To Members on stationery account $35,624.01	
For purchases on stationery account 31,233.63	
	66,857.64
Less cash on account of sale of stationery and credited to stationery account	8,682.91
	58,174.73
Fuel and oil	23,841.14
Furniture and repairs to furniture	24,671.83
Materials for folding	5,796.08
Packing boxes	2,943.84
Total	242,370.33

The SPEAKER pro tempore. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD] as amended.

The question being taken, the amendment as amended was agreed to.

The Clerk read as follows:

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners, and for the use of the committees and officers of the House, $1,000.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from New York what portion of this $1,000 is to be used for the purpose of paying the yearly allowance of new Members, or is it for committees entirely?

Mr. FITZGERALD. Committees and officers of the House.

Mr. GARNER. None of it is to be used for the Members' annual allowance of $125?

Mr. FITZGERALD. Not at all, as I understand it. The chairman of the Committee on Accounts [Mr. LLOYD] transmitted a statement prepared by the Chief Clerk of the House, in which it was stated that it was essential to have $1,000 for the stationery account. The Chief Clerk stated that it was for the purpose of supplying stationery for committees and officers of the House.

Mr. MANN. I think it is fair to state that there are three new Members of the House, who are entitled to their allowance.

Mr. FITZGERALD. They will be taken care of in the general deficiency bill, if there is any such item.

Mr. MANN. I think it comes out of this item. I suppose it has already been paid.

Mr. FITZGERALD. They would be payable out of this fund.

Mr. MANN. They have already been paid, which helps to shorten this fund.

Mr. FITZGERALD. That may be. I am not certain whether they have been paid.

Mr. GARNER. Can the gentleman tell us what proportion of this $1,000 is to be used by the officers of the House?

Mr. FITZGERALD. The Chief Clerk addressed this communication to the Committee on Accounts, under date of May 9, 1912:

I call your attention to the fact that our fund of $5,000, out of which we provide stationery for officers and committees of the House, is exhausted, and we request that you secure an appropriation of $1,000 to replenish this fund for the months of April, May, and June of the present fiscal year.

Yours, respectfully, J. C. SOUTH, *Chief Clerk.*

The chairman of the Committee on Accounts transmitted that estimate and request to the Committee on Appropriations, I suppose by authority of the Committee on Accounts. My recollection is that the statement of the Chief Clerk before the Committtee on Appropriations was to the effect that this was to supply stationery for committees and officers, without indicating the proportion.

Mr. GARNER. Then the gentleman does not know how much shortage exists by virtue of the use of stationery by committees or officers of the House?

Mr. FITZGERALD. I do not.

The Clerk read as follows:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $50,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

Mr. HULL. Mr. Speaker, I move to strike out the last word, for the purpose of asking unanimous consent to extend my remarks in the RECORD by printing a statement containing certain quotations relating to appropriations for the Department of Justice, in connection with the enforcement of what is known as the antitrust law.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. HULL] moves to strike out the last word, and asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

PROSECUTION OF THE TRUSTS.

On December 17, 1902, when the legislative, executive, and judicial appropriation bill was before the House and the item making appropriations for the Department of Justice had been read, Mr. BARTLETT offered the following amendment:

"For the purpose of enforcing the antitrust laws of the United States and to enable the Attorney General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney General, be necessary, to be expended under the direction of the Attorney General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States." (Vol. 36, CONGRESSIONAL RECORD, p. 411.)

Mr. Bingham, in charge of the bill, said:

"I will make no point of order against that proposition."

Mr. Overstreet said:

"There is no such law known to the statutes as the antitrust law."

Mr. UNDERWOOD said:

"I understand that the disposition here is not to create a new statute, but to provide the Attorney General with the necessary funds by which he can enforce the law now on the statute books."

Mr. Hepburn offered the following as a substitute for the amendment offered by Mr. BARTLETT:

"That for the enforcement of the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894, the sum of $250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying." (P. 412.)

Mr. CANNON said:

"But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from $250,000, as proposed in the substitute he moves, to $500,000, and that he make the appropriation immediately available."

Mr. Hepburn accepted these suggestions, and his substitute was amended accordingly.

Mr. BARTLETT said:

"The committee of which the gentleman from Indiana [Overstreet] is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other Members of the House see fit to propose that funds be put at the disposal of the Attorney General with which to prosecute the trusts of this country. * * * I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney General or do anything toward prosecuting the trusts of this country or to carry out the recommendation of the President."

Further on he said:

"The Republican Party has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House, that it may be voted on."

Mr. UNDERWOOD said:

"In fact, he [Grosvenor] points with pride to one or two cases where the Republican Party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him, if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books, Why has not the Republican Party, which has been in power since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him, Why, since the Republican Party has had complete control of the Executive—the President, the Attorney General, and Congress, with the power to provide money—it has not suppressed the trusts? Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896 and have not done it.

"Now, I congratulate the gentleman from Iowa [Mr. Hepburn] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils the people are crying against."

The substitute was then adopted and the amendment as amended by the substitute adopted without division. (Vol. 36, p. 419.)

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

THE NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers ashore and afloat, and receiving ships and other vessels; 2 clerks to general inspectors of the Pay Corps; 1 clerk to pay officer in charge of deserters' rolls; not exceeding 10 clerks to accounting officers at yards and stations; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 48,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; $37,280,971.25.

Mr. SIMS. Mr. Chairman, I ask for recognition to submit a request for unanimous consent to extend my remarks in the RECORD and print an address by Mayor Gaynor.

Mr. MANN. Mr. Chairman, I did not hear the request of the gentleman from Tennessee.

Mr. SIMS. I ask unanimous consent to extend remarks in the RECORD for the purpose of printing in the RECORD in connection with my remarks a recent address by Mayor Gaynor.

Mr. LONGWORTH. Upon what subject?

Mr. SIMS. It is upon a subject upon which Mayor Gaynor is well qualified to speak, having been a judge.

Mr. MANN. If the gentleman will agree that the address shall not be put in the current proceedings, but in the latter part of the RECORD, I shall not object.

Mr. SIMS. I have no objection to that. The article is too good to lose.

Mr. MANN. I do not know of any place where it is more effectually lost than to put it in the RECORD. [Laughter.]

[The article referred to will be found in the Appendix.]

Mr. TRIBBLE. Mr. Chairman, I move to amend, on page 2, line 17, by inserting the amendment I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 2, line 7, after the word "list," insert the following: "Except that no part of this appropriation shall be paid to officers retired from service after July 1, 1912, as provided in section 9 of the personnel act, Fifty-fifth Congress, third session, approved March 3, 1899, known as the involuntary retirement or plucking-board retirement.

Mr. PADGETT. To that, Mr. Chairman, I reserve a point of order.

Mr. TRIBBLE. I would like to know what the gentleman's point of order is?

Mr. PADGETT. It is legislation.

The CHAIRMAN. Does the gentleman reserve his point of order or make it?

Mr. PADGETT. I will make the point of order, unless the gentleman from Georgia wishes to be heard.

Mr. TRIBBLE. I do wish to be heard, Mr. Chairman. The object of this amendment is to reach a number of naval officers that are retired year by year by what is known as the plucking board—men who are competent, men against whom there is no breath of suspicion that they are not capable, men trained by the Government at the people's expense who have served 12 years are retired by this board over their protest. If there is a man on the floor of the House to-day who denies the proposition, I am going to invite him to get up and deny it right now or forever hereafter hold his peace, that officers are retired for no other purpose than for the purpose of making a place for other officers. Now rise and deny that statement.

Mr. KOPP. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. KOPP. As I understand, the purpose of the gentleman's amendment is to prohibit any part of the appropriation going to these officers?

Mr. TRIBBLE. To those officers plucked by the plucking board.

Mr. KOPP. If they have been plucked unfairly, does the gentleman think that it is right to cut them out from all pay?

Mr. TRIBBLE. This provides that after July 1, 1912. It is not retroactive, it does not go into the past, but is for the future.

Mr. KOPP. It applies to any future plucking.

Mr. TRIBBLE. Yes.

Mr. MANN. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. MANN. I will say to my friend from Georgia that I agree with him about the plucking board, and I hope it will be repealed; but does not the gentleman believe that if his amendment were adopted, that after July 1 next the plucking board would continue to operate and that men would be retired and would not be paid?

Mr. TRIBBLE. That is a legitimate question and I am glad the gentleman from Illinois asked it. I expected such a question to be asked. I have provided an amendment which I shall offer at the proper time to repeal the plucking board.

Mr. MANN. Yes; but we are discussing now the point of order to the gentleman's amendment.

Mr. TRIBBLE. It is true that if my amendment were adopted, and this act were not repealed, it would work an injustice to these men who hereafter might be plucked, if the plucking board still remained on the statute books.

Mr. MANN. We shall have to assume as far as this amendment is concerned that the plucking board still remains on the statute books. Would not the gentleman's amendment in effect change the law, and direct the plucking board not to retire anybody, because could it be conceived that Congress would provide that men should be retired and then provide that they should not be paid?

Mr. TRIBBLE. Yes; that is a good suggestion, and the gentleman is in line with my views. Probably I have not been able to express them as clearly as he has expressed them for me.

Mr. MANN. But I am not in line with the gentleman's idea about the point of order.

Mr. TRIBBLE. Mr. Chairman, in answer to my friend and colleague on the committee, I have prepared an amendment which I will introduce at the proper time to repeal the plucking board. Some gentleman will rise on the floor of this House and ask why I did not introduce a bill to that effect and have it referred to the Committee on Naval Affairs. I will answer that and I am free to answer it. The only hope I had to get it through this House was to come into the House and ask this House to join me in this fight on the plucking board, because I could not put through the Committee on Naval Affairs a recommendation to repeal the plucking board. That is why I am here at this moment.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. HOBSON. As a member of the committee, I should like to have the gentleman state the basis of his statement—whether he has tried to get any such measure through the committee?

Mr. TRIBBLE. I have drawn no bill.

Mr. HOBSON. And if he had tried to get it through the committee, would that have prevented his trying to get it adopted on the floor of the House?

Mr. TRIBBLE. It would not. I have drawn no bill, but I have felt sentiment of the committee, and I know what it is. Is not the gentleman opposed to it? Would he vote to abolish the plucking board?

Mr. HOBSON. No; but——

Mr. TRIBBLE. Then why should you speak up? You belong to the opposition. Let the fellows who are in favor of abolishing the plucking board, and who would stand with me in this fight in the Committee on Naval Affairs, get up and speak. You are opposing me and should keep your seat [laughter], as I only requested those who would support such a bill in the committee to rise.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

Mr. MANN. But the gentleman undertook to discuss the point of order. The point of order was made, and not reserved, as I understood it.

Mr. PADGETT. I said that I would withhold it until the gentleman made his statement.

Mr. MANN. Oh, I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, this is a limitation on an appropriation. It reduces the appropriation, not by hundreds, not by thousands, but by many thousands. It is a reduction in the appropriation, and in saying that I think it is all that is necessary to say on the question of the point of order.

Mr. Chairman, the plucking board, it is admitted in the hearings, takes from the service men who object to being taken from the service. Men who are in the Navy who have heard of my fight on the plucking board have come to me and said that they hoped that this amendment which I propose to offer would be passed, that they could not afford to allow their names to be used, but they say in effect, "I am in the service and I want to stay in the service; I do not want to be thrown out into the world after I have entered the Navy expecting to stay there during certainly the better part of my young manhood; I do not want to go out and pass among my fellow men and have every man who knows about my retirement point his finger at me and say that something must be the matter with me as I have been retired from the Navy."

It is admitted by officers, every one who testified, that some of the very best men are retired under this plucking-board system, and for what purpose? It is for the purpose of making place for others, no other reason can be assigned. Mr. Chairman, is it right to put upon the backs of the American people the expense of a retired officer, who is capable, competent, and tried in every respect, and to make the American people pay from three to six thousand dollars a year to that retired officer doing nothing but wandering around the streets, who wants to be in the service and who can not be in the service on account of the plucking board?

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. WEEKS. I want to ask the gentleman if he ever knew an incompetent or relatively unfit person anywhere who wanted to be removed or retired?

Mr. TRIBBLE. I know some competents who do not want to be removed, who have protested that they may be removed if this board continues to exist.

Mr. WEEKS. Who does the gentleman think is the best judge of the competency of officers—officers who have served with them or a Member of Congress?

Mr. TRIBBLE. On questions touching the personnel of the Navy, where the official force of the Navy is interested, I prefer to give my constituents my own judgment and not the judgment of naval experts on measures touching the pay of officers. They are the recipients of the pay bills and our constituents furnish the bone and sinew that produces the money to pay all this naval expense. That is the only judgment I can accord to them on this question.

Mr. WEEKS. Does not the gentleman know that in all cases these plucking boards are made up of senior officers, frequently officers who have been retired or about to be retired, and such action as they take can make no possible difference in their pay?

Mr. TRIBBLE. It makes no difference to me. I say to you they have no right to pluck anybody. Nobody should be retired who is capable and competent. The United States Government, in the first place, has taken out of the pockets of the people $18,000 to graduate a man at the Naval Academy, and they then pay a big salary, say, for 12 years, to a man who is a competent man, and then this plucking board comes along for the purpose of making a place for some other fellow and plucks him.

I am not in accord with the committee on many items in this bill. I protested in the committee, and gave notice that I would carry the fight to the floor of the House. You have heard the claim that we have not got sufficient officers; apologies are offered to this House for the lack of that spirit of economy naturally expected of this committee—increasing the appropriations over last year nearly $3,000,000, and an increase of pay of

officers and an increase of 4,000 enlisted men and officers are referred to here and in the report. That is exactly what we are trying to keep them from doing. Why do they want to provide more officers; why is there a deficiency in the Navy? Because the plucking board, forsooth, has taken competent men and retired them on salaries for the purpose of making places for officers to take the places of these men who are being retired, who are capable, competent men.

Mr. WEEKS. Will the gentleman answer one more question? Can the gentleman furnish the committee with a list of the competent men who have been so retired—and I refer to competency only in a relative way?

Mr. TRIBBLE. Yes, sir; if you look in the back of the book, you will get the names of those who have been retired by the plucking board. I will challenge you to pick out one incompetent who has been retired by the plucking board. I will furnish you with a list of those who have been retired——

Mr. MANN. Will the gentleman yield?

Mr. TRIBBLE. Yes, sir.

Mr. MANN. Has the gentleman read the report recently submitted to the House by the Committee on Naval Affairs proposing a change in the law about the plucking board?

Mr. TRIBBLE. I have seen no change in that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. The Committee on Naval Affairs the other day reported into the House a bill proposing to change the law in reference to the plucking board. Has the gentleman had the good fortune or the misfortune to read that report?

Mr. TRIBBLE. I happened to get one of those reports yesterday.

Mr. MANN. If the gentleman has read that report he should hand it to the gentleman from Massachusetts [Mr. WEEKS], because if there ever was an excoriation of the plucking board in the most denunciatory language, almost vituperative, it is that report of the Committee on Naval Affairs submitted to the House the other day.

Mr. TRIBBLE. I will say to the gentleman, who is always fair to me and seems always fair to this House—I will give him credit for that—my answer is I do not want so much excoriation from the committee and so much talk about economy from the committee, but more action. Practice economy instead of excoriations.

Mr. MANN. I agree with the gentleman.

Mr. WEEKS. Will the gentleman yield? I would like to say to the gentleman that I have read the report to which the gentleman from Illinois refers, and I do not agree with its conclusion. At the proper time I shall have some remarks to make on that subject, but it seems to me the gentleman from Georgia, being a member of the committee, should have been familiar with this action; he should know the committee, as far as it can, has taken action.

Mr. TRIBBLE. Here is the only one change the committee has made, which I think is the change to which the gentleman from Illinois referred, and that is where a man is retired he shall be retired in the rank and grade which he holds and not be promoted. Heretofore when the plucking board retired an officer he was not getting enough salary, but they retired him in the rank above so the American people could pay him a salary of a rank in which he never served a day.

Mr. HOWARD. The gentleman speaks about the plucking board plucking a man and then retiring him at the grade higher up. Now, in the case where the plucking board does retire a man, does not the gentleman think, as a matter of right, that a man involuntarily retired from the service he loved and in which he has spent his life should have some consideration and be promoted a grade higher?

Mr. TRIBBLE. Certainly. Heretofore he has not even had a hearing. The plucking board walks along, and if Mr. Howard happens to be an officer in the Navy, they pick him out. They do not even give him a hearing. I never heard of a board in the United States, or any State, or anywhere else, that would not give a man an opportunity to make a defense. They would not even give him that chance. I am glad the gentleman brought out that proposition.

Mr. HOWARD. A gentleman says the acts on the part of the plucking board are a star-chamber proceeding, and did not give a man a hearing or any show at all.

Mr. TRIBBLE. I will say if there is anything in the books that describes a star-chamber proceeding, you have it in the plucking board.

Mr. HOWARD. I understand.

Mr. TRIBBLE. Now, Mr. Chairman, I hope that this House, which at the beginning of this session reduced the pay of men all around here that were getting small salaries—to say the least of it, certainly not large salaries—for the purpose of economy, and cut off $185,000 of pay, will now carry on the program of economy and join me in a fight for real economy.

Now, I am offering to this House this simple proposition. Men in the Navy are serving their country in the profession which they selected in their youth. They are there, capable and competent and tried. I am arguing that this House allow them to stay in that Navy and save the expense of paying retired salaries and salaries to new men to take their place, that the people may not have to bear this extra pay year by year out of their hard-earned money.

This is not a political question. It is a question that should appeal to my friend from Tennessee [Mr. PADGETT] over there, who is usually right and I think wants to do the right thing, as well as the gentleman from Illinois [Mr. MANN], on questions of economy on that side of the House, as well as on this side.

And I now appeal to this side of the House, practicing economy, to stand for economy—real economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, the question before the House is a very simple one. Everybody recognizes that in an organization such as the Navy or the Army there must be promotion, and it is well known that the death rate is not equal to affording the promotion necessary to secure efficient and even simple-handed right and justice to the men who enter the Army and the Navy; therefore there must be some method resorted to to secure an elimination of inefficiency and age of retirement, so that the boys who enter the service can have some hope and some expectation of having a career and an opportunity of accomplishing some service. That is accomplished by the retirement method, and one phase of the retirement is the plucking board.

Now, it is not the question before the committee as to whether or not the plucking board shall continue. The question the gentleman is submitting is that the officers who are retired under existing law, a law that has existed for many years, and a policy that is coexistent with the Army and Navy, shall be retired, but the money appropriated shall not be paid to them. That is the justice of the proposition that he is submitting. I do not think it needs any discussion.

I shall ask the Chair to rule upon the point of order, and if the point of order is overruled, then I shall ask for a vote.

The CHAIRMAN. The Chair is of the opinion that the proposed amendment is a limitation on the appropriation, and therefore overrules the point of order.

Mr. PADGETT. Then I ask for a vote.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would not say anything at this time had not the gentleman from Georgia [Mr. TRIBBLE] mentioned my name in connection with his proposition. I will never cast a vote in this House against the interests of the American Navy. I admire the personnel of the Navy, and I am proud to represent a constituency which believes in it. Its officers and men are the best on the face of the earth, and they deserve the support and the encouragement of every Member of Congress. I do not believe in foolish or unwise economy when it comes to the American Navy. Neither do I believe in the unjust criticisms that have been aimed here to-day at the officers of that great fighting force of our Republic. There is not in all of our population a higher or a better or a nobler class of citizens than the officers and the men who constitute our Navy, and I repudiate the insinuation that these men are only seeking to put their hands into the pockets of the people and working selfishly to gain advantage in reference to their retirement.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. AUSTIN. Directly. I do not believe that the people of Georgia will countenance anything that reflects upon the Navy. I do not believe that the American people, and especially the people of the South, will indorse any movement looking to the curtailment or the reduction of the rank or the pay of the men in the Navy. Who has added imperishable fame and glory to the American flag? Not only the Army, but the Navy. And where is there an American citizen, lover of his country, who does not feel proud of the achievements of our Navy? John Paul Jones, Perry, Decatur, Farragut, a native of my own county, Dewey, Schley, and our splendid colleague from Alabama, Capt. HOBSON [applause], are good examples of its glorious ornaments.

The gentleman from Georgia [Mr. TRIBBLE] well said that there is no politics in our Navy and legislation in its interest.

Thank heaven there is no politics in it; nothing but patriotism; which should fill the hearts of every Member of this House. I propose to stand in the main by this committee, except in the matter of increasing the number of battleships and certain new legislative features. We have at the head of this committee a broad, patriotic Member of this House, my colleague [Mr. PADGETT] from Tennessee [applause], anxious for the welfare and success and devoted to the best interests of the American seamen and the American Navy, and it will be my pleasure to stand here and aid in holding up his hands, as far as I can consistently do so, in the discharge of his duties as chairman of that committee.

Mr. TRIBBLE. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. AUSTIN. I do.

Mr. TRIBBLE. I want to ask the gentleman if he was here yesterday and heard the chairman of the Committee on Naval Affairs, to whom the gentleman has referred, state that this plucking board was for the purpose of plucking out one officer to make place for another?

Mr. AUSTIN. I believe the men constituting the so-called plucking board, the sworn officers of the Navy—men who have spent their lives in the service—have nothing in view except the best interests of the service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I ask that the gentleman's time be extended five minutes. I want to ask him a question.

Mr. AUSTIN. I do not care to take more time.

Mr. PADGETT. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEPAGE having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20840. An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations;

S. 139. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; and

S. 473. An act relating to Navy retirements.

The message also announced that the President having returned to the Senate, in compliance with Senate concurrent resolution 21, the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, and the Vice President of the United States and President of the Senate having canceled his signature to said bill, the Secretary of the Senate is directed to return said bill to the House of Representatives for the cancellation of the Speaker's signature.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The grades of the active list of the Pay Corps of the Navy are hereby increased by 10 additional paymasters, in all 86 paymasters, and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters: *Provided*, That the total increase of the Pay Corps of the Navy shall not exceed 20 during the first fiscal year.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on this.

Mr. CULLOP. Mr. Chairman, I desire to ask the chairman of the committee a question as to why it was necessary to make the increase provided for in the first two lines of this paragraph. In other words, it reads, "The grades of the active list of the Pay Corps of the Navy."

Mr. PADGETT. I will state to the gentleman that the grades of the active list of the Pay Corps have not been increased for many years. The last increase was when the appropriations of the Navy were about $80,000,000. They are now from $120,000,000 to $130,000,000 a year. The chief of the bureau for years has been recommending—and so has the department—that there should be an increase, stating that the duties have become so much enlarged, the character of the ships has become so different, and the responsibilities have grown to be so much more onerous, that the Surgeon General of the Navy has informed the department that many of the existing members of the Pay Corps are being broken down in health and put on the retired list by the excess of their duties and the heavy burdens placed upon them.

Mr. CULLOP. Then, commencing on line 11, "and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters."

Mr. PADGETT. Yes.

Mr. CULLOP. There is an increase of 20 in that. Why is that?

Mr. PADGETT. That is the same class and for the same purpose, except one is a clerk of a higher grade than the other. There are 10 of the higher grade and 20 of the subordinate grade.

Mr. CULLOP. Mr. Chairman, I make a point of order against that.

Mr. PADGETT. Mr. Chairman, if the gentleman sees fit to do it, before the Chair rules on it I desire very earnestly to address the Chair, because I admit that it is subject to a point of order. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. I stated that it was subject to a point of order, but I want to call the Chairman's attention to the fact that before the gentleman from Indiana [Mr. CULLOP] made the point of order there was debate upon it by the gentleman, with his interrogations addressed to myself for information, without reserving a point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] had reserved a point of order.

Mr. CULLOP. The gentleman from Illinois reserved a point of order.

Mr. PADGETT. Then, I concede that it is subject to the point of order.

Mr. CULLOP. I make the point of order.

Mr. PADGETT. Before the Chair rules upon it, I want to state to the gentleman that this is a very important matter. It is very essential to the proper conduct and expenditure of money and the purchase of provisions, because these pay clerks are charged with the duty of quartermasters. They perform the duties of the commissary. They perform the duties of the pay clerk, and all of these duties have multiplied many times since their number was established, until they have become so onerous that it is to-day a serious matter, so much so that the Surgeon General of the Navy has officially certified to the department, and it has been transmitted to us, that the members of the Pay Corps are being broken down in health because their number is insufficient and their duties overburden them. I submit this appeal to the gentlemen in all fairness to these men, that we ought to have this increase which has been sought for years by the department.

Mr. CULLOP. I suggest to the gentleman that we may very well try it just one more year.

Mr. PADGETT. That is the same suggestion that has been going on for years.

Mr. CULLOP. Very possibly some better solution for the problem can be found than this large increase in the number.

Mr. PADGETT. These men have got to do the work, and their number is not sufficient.

Mr. TRIBBLE. Mr. Chairman, I make the point of order that this debate is out of order.

The CHAIRMAN. The gentleman from Tennessee is proceeding by unanimous consent.

Mr. TRIBBLE. I object.

Mr. HOWARD. Consent has already been given.

The CHAIRMAN. There was no objection at the time the Chair put the request.

Mr. HOWARD. I should like to ask the gentleman a question. How many paymasters are there in the Navy now?

Mr. PADGETT. The number is stated in the section. There are 86 paymasters now, and it is proposed to increase that number by 10, and to increase the number of passed assistant and assistant paymasters by 20, making the total 116.

Mr. HOWARD. As I understand the statement made a moment ago, the Navy Department is now paying out nearly twice as much money as it did when this number was established.

Mr. PADGETT. It is the difference between $81,000,000 and $126,000,000. A few years ago the amount was $138,000,000.

Mr. HOWARD. Do these assistant paymasters have anything to do with the auditing of the accounts rendered to the Navy Department?

Mr. PADGETT. No; not at the department here, as I understand. They come to the Bureau of Supplies and Accounts here, and are audited in the department.

Mr. HOWARD. What are the specific duties of these paymasters and assistant paymasters?

Mr. PADGETT. The assistant paymasters are on ships——

Mr. TRIBBLE. Mr. Chairman, under what rule is the debate now proceeding?

The CHAIRMAN. By unanimous consent.

Mr. PADGETT. The paymasters and assistant paymasters are on board ship. They attend to the disbursement of money on shipboard, and also act as quartermasters and commissaries. They purchase and distribute the food, inspect it, and pay the accounts.

The CHAIRMAN. The time of the gentleman has expired. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

The Auditor for the Navy Department is directed to allow payments made to hospital stewards who were granted permanent appointments as of date of May 13, 1908, which have heretofore been disallowed by reason of a decision of the Assistant Comptroller of the Treasury dated December 29, 1910, and to pay them out of the appropriations for "Pay of the Navy."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against that paragraph.

Mr. TRIBBLE. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] makes the point of order.

Mr. PADGETT. Mr. Chairman, I will ask to proceed for five minutes by unanimous consent before the Chair rules on the point of order.

The CHAIRMAN. Is there objection to the request for unanimous consent?

Mr. TRIBBLE. I object.

The CHAIRMAN. The gentleman from Georgia objects. The Chair will hear the gentleman from Tennessee [Mr. PADGETT] briefly on the point of order.

Mr. PADGETT. Mr. Chairman, I desire to be entirely frank with the Chair. It occurs to me that this is subject to a point of order. In making that statement I want to say that the Naval Committee, looking at the welfare of the Navy and the preservation——

Mr. TRIBBLE. I make the point order that the gentleman is not addressing himself to the point of order, and I object to his statement. He has admitted that my point of order is good.

Mr. PADGETT. This is a question for the Chair. I am addressing the Chair by sufferance of the Chair.

The CHAIRMAN. If objection is made, the gentleman from Tennessee will be required to confine himself to the point of order.

Mr. PADGETT. I am speaking on the point of order. I say that the Naval Committee placed this provision in the bill to take care of the lives and preserve the health of the men in the Navy.

Mr. TRIBBLE. Mr. Chairman, I raise the point of order that the gentleman is not addressing himself to the point of order. The gentleman has admitted that the point of order is good, and therefore he has no right to the floor except to discuss the point of order, which he is not doing, but is explaining why the Naval Committee reports it.

Mr. PADGETT. Mr. Chairman, I only want to say that if the gentleman from Georgia is unwilling to take care of the health of the sick men in the Navy I can not help it.

The CHAIRMAN. The point of order is sustained.

Mr. HOBSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, after line 23, strike out the period and add the following: "And in apportioning the pay under this act no Navy pay shall be construed under any act as less than Army pay for like conditions and grades where the officers concerned have had creditable Civil War service."

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry. I want to reserve a point of order and then ask a question. Did the Chair rule that the point of order was well taken on the second paragraph, lines 16 to 23?

The CHAIRMAN. The Chair so ruled.

Mr. MADDEN. Then I submit that the amendment offered by the gentleman from Alabama has no place here.

Mr. HOBSON. If the gentleman will reserve his point of order I will say that, irrespective of the merits of the case, I think it is subject to a point of order; but, before the gentleman makes the point of order, or while he is deciding to make it, I want to state that this simply removes one of the inequalities that happens to have been the result of the recent laws in carrying out the spirit of equalizing the pay between the Army and the Navy. It has been largely straightened out in both services except in this particular. There are seven old officers who served in the Civil War and happened to be on the retired list and failed to get the benefit of legislation equalizing the pay of the Army and Navy. The expense involved is very small. It is in the interest of these seven old men to carry out the spirit of the law that this House has enacted.

Mr. MADDEN. Did the gentleman ever know where an attempt was made to equalize downward?

Mr. HOBSON. I do not believe I ever did. But it is in the interest of these old men who served in the Civil War and are being discriminated against, not in line with but contrary to the spirit of the acts of Congress.

Mr. MANN. How much more do these men now receive on the retired list than officers who are in the Army—who are not out of the Army—and never were on the retired list?

Mr. HOBSON. It is difficult to say, but if we keep on increasing the pensions it would be better for a man never to have stayed in the service.

Mr. MANN. The highest pension that we have allowed any man is $30 a month at the age of 75. Now, how much do these officers get now on the retired list?

Mr. HOBSON. It depends upon what their rank is.

Mr. MANN. The gentleman has named seven officers and he knows what their rank is.

Mr. HOBSON. I can tell the gentleman what the increased pay will amount to.

Mr. MANN. No; but what do they get?

Mr. HOBSON. It differs in each case.

Mr. MANN. What does the lowest one get?

Mr. HOBSON. The difference between two-thirds and three-quarters pay would be $875.

Mr. MANN. And the difference is more than twice as much as some officers would receive under the pension laws if they were not on the retired list.

Mr. HOBSON. The gentleman from Illinois recognizes that this is not analogous with pensions. These officers served in the line and other branches of the Navy long years after the war and are entirely within the category of retired officers.

Mr. MANN. They are in the category of retired officers, but do not wish to remain in the category of other retired officers, but want special favors.

Mr. HOBSON. On the contrary, the purpose is to put them on the basis with other retired officers and equalize their pay.

Mr. MANN. On the basis of some other retired officers who have received special favors.

Mr. HOBSON. No; but those that come under the operation of the general law, to equalize the pay between the Army and the Navy, which has been accepted as a fundamental principle.

Mr. MANN. We do not accept the proposition as a fundamental principle that every time we increase the pay of a man under a special act you have by general law to increase the pay of everybody; that is what the gentleman's proposition amounts to.

Mr. MADDEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

Mr. MADDEN. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. MADDEN. Then, Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph.

Mr. PADGETT. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

That hereafter any officer retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, an act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, shall be retired with the rank and three-fourths the sea pay of the grade from which he is retired.

Mr. CULLOP. Mr. Chairman, on that I reserve the point of order.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. This brings us back to the proposition that I had before the House a short time since. This is in line with the argument I made before the House. The committee has conceded part of the argument I made by offering this paragraph to this bill, and I hope the gentleman from Indiana [Mr. CULLOP] will not insist upon the point of order, because it will save the Treasury of the United States several thousand dollars to allow this to become a law. In other words, it allows the men who are being retired by the plucking board to be retired in the grade in which they are serving. Heretofore they have been retired in the grade to which they have been promoted for the purpose of retirement. The plucking board promoted them and then gave them a better salary. In other words, they plucked them and then gave them a reward for plucking them. I say to the gentlemen here on the floor that it is very poor argument to stand up here and say that these are inefficient men who have been plucked. Yet on the statute books by their own acts they offer a reward for incompetency by promoting before so plucking them. As a matter of fact, these men are not incompetent; and while I am on the floor I desire to say to the gentleman from Tennessee [Mr. AUSTIN] that I yield to no man in my loyalty for the Navy. Where is the man whose heart did not throb with admiration and pride when Admiral Dewey pushed his gunboats into Manila Bay and thrust aside those great German war vessels that lay there watching him, growling like dogs, almost roaring like lions, waiting for an opportunity to pounce upon him, but they dare not touch the flag he bore. I am standing for the Navy—a fighting Navy, an effective Navy, a sea Navy and not a land Navy. This bill carries too much money, and nothing to show for it.

That is why I am complaining. I am complaining about the inefficiency of the Navy. I am complaining about the expenses on the land. How well we all remember when the *Oregon*, then the leviathan of the sea, moved out of San Francisco Harbor, her great smokestacks puffing and her propellers moving her faster and faster to the scene of action of the Spanish-American War. Even little school boys and girls watched her movements with patriotic pride as she moved around the coast of South America into the Atlantic Ocean, and when she rushed into the strife and sent those Spanish vessels to the bottom of the sea even the women of the country shouted with joy. [Applause.]

Mr. Chairman, I make these remarks in answer to the gentleman from Tennessee [Mr. AUSTIN], and I repeat that I yield to no man in my loyalty to the efficiency of the Navy. I have not advocated battleships at this time, but I do advocate a seagoing Navy, and not an expensive land substitute.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question with reference to this paragraph, and that is why I reserved the point of order. Is this an increase either in pay or rank of any of the retired officers?

Mr. PADGETT. It is a decrease both in rank and in pay.

Mr. CULLOP. Mr. Chairman, I withdraw the point of order.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, it is not subject to a point of order. It comes clearly within the rule respecting legislation that provides for economy. It reduces the rank and the pay and is not subject to a point of order. The old law provides that upon retirement they shall be promoted to the next higher grade and paid at the higher rate. This provides that they shall be retired in the grade without promotion and at a lower grade of pay, so that it is not subject to the point of order. Before I conclude my remarks I must be permitted to say that I felt a very deep thrill of emotion as the gentleman from Georgia [Mr. TRIBBLE] so eloquently, so tenderly, and so pathetically referred to the glory of the Navy and to the brilliancy of the victories at Manila Bay, Santiago, and other places. At the same time I find some difficulty in reconciling his great enthusiasm and admiration of those events and his performance here to-day of refusing the opportunity of providing nurses to take care of the sick men and the wounded. [Applause.]

Mr. FOSS. Mr. Chairman, I wish to state that I thoroughly agree with the gentleman from Tennessee that it is not subject to the point of order. The personnel bill was passed March 3, 1899, and I may say that I had charge of the measure on the floor of this House. It provided for retirement, voluntary and involuntary, of officers with the rank and pay of the next higher grade. This proposition proposes to retire officers under sections 8 and 9 of the personnel bill for voluntary and involuntary retirement with the rank and pay of their present grade; consequently this is a measure of saving and economy to the Government, and under the rules of this House it would not be subject, in my judgment, to the point of order.

Mr. HOBSON. Mr. Chairman, before the Chair decides, I want to repeat what has been said about the effect of this amendment, that it will prevent officers from being advanced a grade and that advancement would carry with it additional pay, so that the effect of the clause is to reduce the the expenditures of the Government and clearly comes within the Holman rule.

The CHAIRMAN. The Chair is of the opinion this paragraph is justified by that portion of Rule XXI and overrules the point of order, and the Clerk will read.

Mr. PADGETT. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 11, insert as an additional paragraph the following——

Mr. CULLOP. I make the point of order that both that paragraph and the next has been passed; it has been read and debate begun on the present paragraph.

The CHAIRMAN. The Chair is informed the Clerk has completed the reading of the paragraph to which the amendment is intended to apply, and the Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 11, as an additional paragraph, add the following:

"That after January 1, 1914, no captain or commander of the line of the Navy, who is not restricted by law to shore duty only, shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade, and any captain or commander who has not complied with the qualifications for promotion by the date of occurrence of his vacancy for promotion shall be placed on the retired list: *Provided*, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons: *Provided further*, That the Secretary of the Navy shall report to Congress at each ensuing regular session the reasons for the waiver of this qualification in each case wherever exercised: *And provided further*, That the Secretary of the Navy shall furnish an opportunity for such sea service to all officers making application therefor to comply with the requirements of this provision: *And provided further*, That during the next fiscal year no promotions shall be made to the grade of rear admiral on the active list of any officer who shall have served over 42 years, and such length of service shall be decreased one year for each succeeding fiscal year until eventually no officer shall be so promoted who shall have served over 38 years, such service in each case to count from the officer's official date of precedence."

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, I do not think that this is subject to the point of order. The effect of it is to reduce expenditures. It provides for sea service instead of shore service, and the difference of shore pay and allowance is greater than sea-service pay.

Mr. MADDEN. Will the gentleman allow me to ask a question right there?

Mr. PADGETT. Certainly.

Mr. MADDEN. Can the gentleman from Tennessee tell the committee how much the reduction is in compensation of any officer in the Navy under the amendment which he has just offered in the committee?

Mr. PADGETT. Yes.

Mr. MADDEN. How much will the aggregate reduction in the Naval Establishment be if the gentleman's amendment is adopted?

Mr. PADGETT. Of course, I could not give that because I can never give at any one time the number of officers who may be on shore or at sea, but I can give you the report and you can

see from the report in its work it will be a substantial reduction.

Mr. MADDEN. Well, can not the gentleman give the committee the information which will enable it to act intelligently as to whether there will be any reduction in the aggregate?

Mr. PADGETT. I think so.

Mr. MADDEN. If so, I think the gentleman should do so. I do not see any reason, if there be a reduction, why the gentleman can not tell what the reduction will be.

How can the Chair decide whether this, under the rule, will be admissible as an amendment unless he is able to know definitely whether it is a reduction or an increase?

Mr. PADGETT. Will the gentleman let me answer?

Mr. MADDEN. Yes, sir.

Mr. PADGETT. The shore pay of a captain is $5,000. His allowances on shore are $1,296, and then he has for lights, and so forth, $376.32, making the allowances $1,672.32 and his total shore compensation $6,672.32. The pay of a captain at sea is $5,500 flat, so that there would be a difference of $1,172.32 between the compensation received by the captain on shore and on sea.

Take a commander. A commander's pay is $4,500. His allowances are $1,142.88, making his shore compensation $5,642.88. His sea compensation is $4,950 flat, making a difference of $692.88 in favor of the sea service. Now, then, if you will take those figures and multiply them by the number of captains and the number of commanders who are sent from shore duty to sea duty, you can arrive at the amount.

Mr. LONGWORTH. Will the gentleman yield?

Mr. PADGETT. Yes, sir; I yield to the gentleman from Ohio.

Mr. LONGWORTH. Of course, I understand the point the gentleman makes as to the lowest pay at sea, but would not the provision that the Secretary must afford an opportunity for sea duty to any officer who asks for it necessitate the putting of other ships in commission and thereby very largely increase instead of reducing the cost?

Mr. PADGETT. I do not know that it would, but I think not, because with the ships that we have, allowing two years to each captain, there would be plenty of time to give each captain his two years' service without forcing extra ships into commission.

Mr. LONGWORTH. But you compel the Secretary to afford an opportunity for sea service to anyone who asks it.

Mr. PADGETT. But for two years. We require him if there is an opportunity for two years' service.

Mr. LONGWORTH. And the gentleman can not assure us that he would not.

Mr. PADGETT. But the captain in the grade would be in the captain's grade four years or more, so that on each ship you could have the service of two captains at least.

Mr. SLAYDEN. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman a question. I am an honest seeker after light, as I am not familiar with the operations of the Navy. What I want to get at is, Would there really be any actual increase in the number of officers afloat and an actual decrease in the number on shore, or would it not necessitate the sending of officers on shore to the sea and require the officers now on the sea to be sent ashore?

Mr. PADGETT. I think it would increase the number to go to sea, and that is the object of the committee.

Mr. SLAYDEN. That is a worthy purpose, I think.

Mr. PADGETT. The register shows a very large proportion of captains and commanders performing shore duty, and we felt there should be some provision that would require a larger percentage of captains and commanders to go to sea.

Mr. SLAYDEN. Another question, if the gentleman will pardon me. Are not all the ships afloat now equipped with the proper complement of officers?

Mr. BUTLER. No; many of the ships are out of commission.

Mr. SLAYDEN. Are not the ships that are in commission at sea equipped with the proper complement of officers now?

Mr. PADGETT. I am informed that they are not.

Mr. SLAYDEN. If they are not, I can see how your amendment would effect a saving; but if they are, I do not see how you can send those ashore to sea and remove those on the sea and send them ashore.

Mr. TRIBBLE, Mr. ROBERTS of Massachusetts, and Mr. TILSON rose.

Mr. PADGETT. I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. I am in sympathy with part of the gentleman's amendment, but I want him to explain this to me: You provide in there that after officers shall make the service at 41 they shall not be permitted to serve in certain ranks, and you provide it shall be so reduced that it will get down to 37 years. Now, is it not a matter of fact that you are providing to retire old men from the service on $6,000 and $7,000 salary, retired pay, and provide a place for younger men to take their place; and will it not increase by putting these men on the salary and putting in new blood, as you call it, and making places for others—just the very thing I have been complaining here about?

Mr. PADGETT. It has just exactly the opposite effect, if you will just let me explain it. An admiral of the upper nine, or the first nine, who retires gets compensation at $6,600. The admiral of the second nine, or lower nine, has retired pay of $4,950. This is to force retirement in the captain's grade instead of permitting the captains to go up to admirals at 59 or 60 years of age, because under the general law in the Navy they must retire at 62; and if a captain becomes an admiral at 60 he can remain in the service only one year, and then he is retired as an admiral at an admiral's pay.

Now, this provides for a decrease gradually. It provides, first, that the officer must have a service of four years as admiral or he can not be promoted, and must be retired as a captain. The next year he must have five years of service as an admiral or he will be retired as a captain. The next year it is provided that he must have six years of service as an admiral, and the next year seven years, so that it ultimately means that a captain must be promoted to an admiral at 55 years of age, on a general average, and have seven years of service, and those who can not be promoted to admiral will be retired as captains on the lower pay. The captain gets $4,125, instead of $4,950 as an admiral of the lower grade, or $6,600 as an admiral of the upper grade; and if he is retired as a commander, he is retired at $3,712.50 as a commander, instead of $4,125 as a captain, or at $4,950 or $6,600 as an admiral.

Mr. TRIBBLE. Mr. Chairman, why retire him at $3,712.50 if he is a good man? What do you want to take him out for?

Mr. PADGETT. I have answered that question of the gentleman so often that I suspect my obtuseness in making myself clear and understood. I have stated that there must be a retirement provision in order to permit a flow in promotions; that if there are no promotions——

Mr. TRIBBLE. Does not that increase the retired list?

Mr. PADGETT. No, sir; because they will ultimately retire as admirals after short service, whereas this enforces retirement as commanders and captains at smaller pay.

Mr. TRIBBLE. Are there not more commanders than admirals?

Mr. PADGETT. The same number would be retired, whether as admirals or captains. The proposition is to substitute retirements of commanders and captains instead of admirals and captains.

Mr. TRIBBLE. That would be all right if you had not the plucking board to take men out.

Mr. HOBSON. I may say to the gentleman that under the operation of this provision the plucking board would have nothing to do.

Mr. TRIBBLE. Then, if you pass this you would have to repeal the law authorizing the creation of the plucking board.

Mr. BURLESON. Mr. Chairman, I am in full sympathy with the amendment offered by the chairman of the committee, the gentleman from Tennessee, so far as I understood it from hearing same read by the reading clerk; but I realize that one must possess somewhat of a technical knowledge of the intricacies of the Navy in order to thoroughly grasp the effect of the legislation proposed in this amendment. I want to ask the gentleman who offers same if he does not think he has not made the term of sea service too short? Ought not an officer to be required to serve three years at sea in a particular grade before promotion to the next higher grade?

Mr. PADGETT. I think not. The captain's service is about four years. The younger officers serve about 75 or 80 per cent of their time at sea, and then as commanders it is about 65 per cent, as I remember it. This provides that the commanders and captains must serve what is estimated to be about 50 per cent. Now, it is impossible to name a percentage, for the reason that we have no basis on which to predicate it, so that we have arrived at what is supposed to be 50 per cent of the time at sea.

Mr. BURLESON. I understand that, and repeat that I am in sympathy with what the gentleman has in mind to accomplish by this amendment, as I have stated; but I believe it would be very much improved if you provided for three instead of two years' service at sea.

I notice further that there is a proviso in the amendment to the effect that the Secretary of the Navy can waive the re-

quirement of sea service preliminary to promotion to the higher grade in the event, in the opinion of the Secretary of the Navy, the officer has rendered meritorious administrative services.

Mr. PADGETT. Oh, no. There is nothing of that kind in it.

Mr. BURLESON. I fear there is, and I would like the gentleman to read again that proviso to which I refer. I think it should be stricken from the amendment. And I fear the last proviso is also objectionable.

Mr. PADGETT. No; I will explain it in a moment, and then the gentleman will be in full accord with it, I think. It reads:

Provided, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons.

Mr. BURLESON. To what qualification is reference made? That is, the qualification acquired by the sea service that is required as a prerequisite for promotion.

Mr. PADGETT. No. It becomes necessary for a captain to be appointed Chief of the Bureau of Navigation or Chief of the Bureau of Ordnance, or any of the bureaus, or to be appointed captain of a navy yard or commandant of a navy yard. He is performing an administrative duty. The committee think that the best service will be rendered by not having too frequent changes in those administrative officers, and this provision is in order that they may have a three-year service in conducting these businesses for the Government. If a man is appointed chief of a bureau he can serve out the term. If he was required to perform this sea duty, it would necessitate taking him from that place and putting somebody else there. This is only to afford to the department an opportunity to detail these men to perform these important administrative duties and then notify Congress in each case of the specific reason.

Mr. BURLESON. So, in particular cases, this requirement can be waived by the Secretary of the Navy and an officer who has been continuously on land be promoted to the next higher grade without having had actual sea service during the time he had held the grade from which he is promoted. That ought not to be. No officer should be made a captain without having had some sea service as a commander.

Mr. PADGETT. There might be a few cases.

Mr. BURLESON. As I understand it, that is the very evil we are trying to obviate. No naval officer should become a rear admiral without having had actual sea service in every grade, from ensign to and including captain.

Mr. PADGETT. We are trying not to break up the administration of these important positions.

Mr. BURLESON. As a matter of fact, and I ask the gentleman in charge of the bill the question, Are there not cases, many of them, where naval officers have become rear admirals without having served as long as two years at sea? That frequently naval officers are promoted from one grade to the next higher without ever having served a day at sea in the lower grade?

Mr. PADGETT. I do not know. I am not prepared to answer that question.

Mr. BURLESON. Will the gentleman state that it is not a fact?

Mr. PADGETT. I do not. I said I was not prepared to answer, because I have not looked into it; but the gentleman will realize that it is not good administration to assign a man to be the head of one of the great industrial institutions that we have in our navy yards, and keep him there for 18 months or 2 years, and when he has learned the business and becomes efficient change him and put a new man in there, and then at the end of 18 months or 2 years take him out and put in another new man. That is the very thing that the committee have been trying to avoid, and wherever we have seen it we have been criticizing it. We have insisted that these terms be made sufficiently long so that when a man acquaints himself with the duties of such a position he shall be kept there to render efficient service to the Government.

Mr. BURLESON. I do not understand the full scope and effect of this amendment, but the gentleman tells me he really believes it will correct, in a measure if not entirely, the abuses to which I have alluded, and which have grown up in this particular in the Navy Department.

Mr. PADGETT. I think it will correct them.

Mr. BURLESON. And will eliminate some of the gross favoritism which has been practiced by the department in the matter of shore duty and promotion without actual sea service?

Mr. PADGETT. I think it will correct it absolutely so far as favoritism is concerned; but, necessarily, we must have some provision that will allow the President to appoint men to be chiefs of bureaus where the term is by law four years, and will allow him to designate men as commandants and captains of navy yards, and not necessitate a continued revolution and rotation of these men, and produce anarchy in the yards and in the bureaus.

Mr. BURLESON. I will state again that I believe I am somewhat familiar with the objectionable conditions that the gentleman is striking at, and I believe, through this amendment, if adopted, that it will effect economy; and I hope it will—in a measure, if not wholly—eliminate some of the abuses that have grown up in the Navy Department in connection with shore duty by naval officers, some of whom are now holding down positions of bureau chiefs and in line, under the law as it now is, for rear admiralships after certain length of service, who have never had as much as one year's service at sea in the various grades—officers who, through favoritism, may actually become rear admirals without ever having actually commanded at sea so much as a tugboat.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. PADGETT. I will yield.

Mr. ROBERTS of Massachusetts. I understood the gentleman to make use of the words "the committee thought" such and such things, in speaking of this amendment.

Mr. PADGETT. I want to say that this is not a committee amendment.

Mr. ROBERTS of Massachusetts. That is the point I want to bring out. This amendment has not been brought up in the committee, and when the chairman of the committee stated the thoughts of the committee with regard to these provisions it was an inadvertence and should not carry with it the weight of committee action.

Mr. PADGETT. The gentleman misunderstood what the chairman of the committee said. The chairman said that it was the opinion of the committee that the term of service of commandants and captains at navy yards should be long enough to secure efficient service. I did not say this was a committee amendment.

Mr. ROBERTS of Massachusetts. Has there been any expression of opinion in the committee as to the length of time that a man should be in command of a navy yard?

Mr. PADGETT. Very decidedly; in the hearings.

Mr. ROBERTS of Massachusetts. Has there been such an expression by any vote?

Mr. PADGETT. Not by a vote.

Mr. ROBERTS of Massachusetts. Simply an impression gathered by hearing questions asked?

Mr. PADGETT. Yes. When I hear questions asked, and when I hear comments made, I can form an idea as to the opinion indicated by the question.

Mr. TRIBBLE. Will the gentleman tell the House from what source this amendment came at this late hour, where it emanated?

Mr. PADGETT. Yes; I have no objection to that. The former chairman of the committee, the gentleman from Illinois [Mr. Foss], suggested and insisted upon the provision that refers to the sea service. The gentleman from Texas [Mr. BURLESON] has talked with me time and again about presenting such a measure to the House. The gentleman from Texas [Mr. GREGG] suggested and formulated the proviso with reference to the captains, requiring a definite term of service before they should be appointed admirals. That is the inspiration that prompted it. I will say further that other gentlemen in the House have talked with me about the matter and we have looked into the record. The other day we had a conversation in which I believe the gentleman from Texas [Mr. GREGG], the gentleman from Illinois [Mr. Foss], the gentleman from Alabama [Mr. HOBSON], the gentleman from Virginia [Mr. TURNBULL], and myself were present. We looked over the matter and tried to formulate it so that it would accomplish its purpose.

Mr. TRIBBLE. I have nothing to say against those gentlemen; they are all very good men, but the balance of the committee was at call and you could have got us on the phone.

Mr. PADGETT. Yes.

Mr. TRIBBLE. Will the gentleman explain why he brought such an important amendment before the House without giving the other members of the committee an opportunity to consider it?

Mr. PADGETT. At the last meeting of the committee several members expressed the hope that no further general meeting of the committee would be called, that they were busy, and hoped that the chairman would not call another general meeting. Any member of the committee has the right to offer an amendment, and we are submitting this amendment on our own responsibility, with the distinct statement that it is not a committee amendment.

Mr. TRIBBLE. I have no objection to the personnel of the gentlemen who offer it, but there are others on the Naval Affairs Committee.

Mr. PADGETT. It is not submitted as a committee amendment.

Mr. HOWARD. Mr. Chairman, I am in hearty sympathy with the policy of the amendment.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Does the Chair understand that the point of order has been made? I made the point of order.

Mr. PADGETT. I understood the gentleman reserved it.

Mr. MADDEN. No; I made the point of order.

The CHAIRMAN. The point of order has been made, and the Chair will hear the gentleman on the point of order.

Mr. PADGETT. We are explaining why and how it is that it comes under the Holman rule.

Mr. BUTLER. Mr. Chairman, I want to be heard on the point of order.

Mr. TRIBBLE. I ask unanimous consent that this amendment be allowed to go to the heel of this bill in order that the Members of the House may have an opportunity to see whether it is going to cost the Government several million dollars more.

Mr. HOWARD. Mr. Chairman, the point of order has been made against the amendment, and the question in my mind is whether or not this will increase the expenditure of the department or decrease it, but having taken into consideration the fact that the policy enunciated by this amendment, instead of carrying out economy, instead of 29 battleships, will it not take 35 battleships for the number of officers to go aboard of the ships? Further, is not there going to be an increase in the expenditure for coal and for operating expenses; and if so, how much will that be?

Mr. PADGETT. As I stated in answer to the gentleman from Texas [Mr. SLAYDEN], I thought not; I thought that the ships that were in commission and that captains and commanders would be on these ships instead of on shore, and I did not think it would produce an increase of expenditure. I tried to give figures demonstrating, as I thought, that it would be of a very substantial and material economy, and in addition to the question of economy, that it would add very substantially to the efficiency of the Navy; and, according to my old-fashioned ideas, efficiency results in economy.

Mr. HOWARD. I agree with the gentleman about that. Now, I want to address myself for half a minute to the point of order.

Mr. PADGETT. I want to say that I have not yielded the floor, but if any gentleman wants to ask me a question I will answer it; if not, I am ready to yield it.

Mr. TRIBBLE. Mr. Chairman, I want to ask unanimous consent——

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I understand the point of order has been raised and is pending and will be for the Chair to determine, and therefore I do not intend to address my remarks to any tribunal except the Chair. If you will look at this amendment you will see that on its face it is a law. It is by appearance a law, and in fact it is a law. It is not contended, as I understand, by the chairman of the committee that his proposed amendment offends no law nor creates one. It matters not to me how the amendment may have appeared here, but I did not know of it as it is. I have no complaint to make, because it is the privilege of the chairman of the committee to offer this amendment if he sees fit. I had seen, however, an amendment similar to this, but the proposed amendment which is now pending is an alteration of the one I saw.

Mr. Chairman, if this is a law, it is clearly out of order unless it shall retrench expenditures by a reduction of the number and salary of the officers of the United States. That it does not pretend to do, except by indirection, as the gentleman from Tennessee [Mr. PADGETT] has stated. I will show directly that it does not have that effect. Secondly, by the reduction of the compensation of any person paid out of the Treasury of the United States. By indirection he makes the attempt to show that it does. If he is correct in that, if this is a reduction of expenditures, I will concede it is in order. But it is not. If you look at this amendment you will see that after the 1st of January, 1914, no officer of the grade of captain or of commander can be promoted to the next grade unless he shall have served two years at sea. There are in the Navy, provided by law, so many captains and so many commanders. There are 70 captains and there are 112 or 115 commanders, and it will be noticed further along in this amendment that it is said that every commander and every captain shall go to sea if he so demands. What will be necessary? First, to provide him with a ship upon which he shall sail and exercise his command.

Mr. LONGWORTH and Mr. PADGETT rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BUTLER. To the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, the gentleman has stated the number of captains and the number of commanders. Can he also state the number of captains that are short of requisite sea service and the number of commanders that are short?

Mr. BUTLER. Yes; I have it all here. Furthermore, let me make this statement——

Mr. PADGETT. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Certainly.

Mr. PADGETT. The gentleman stated that there were 70 captains. Thirty-five ships would furnish all the captains for the reason that a captain's grade is a little more than four years, and two years' service at sea would give each captain two years, and then the next two years, so that in each grade 2 captains could serve upon 1 ship and 35 ships would answer all necessities.

Mr. BUTLER. Mr. Chairman, pardon my digression while I answer that question. I have great confidence in the chairman of the committee, and I have great affection for him, but I can not take his statement upon something that involves the knowledge of a naval expert. Let me give him the figures. I know the gentleman is stating the question as he sees it and as he understands it. I will ask the chairman to look at that part of the provision which compels every officer to go to sea if he sees fit to make the demand. The Chair will have to learn from somewhere, from somebody, and from some place whether or not this is a reduction of expenditures. Let me suggest that in the very last construction put upon the Holman rule it was held by the gentleman from Virginia [Mr. SAUNDERS], who was presiding over the Committee of the Whole, considering the Army appropriation bill, that this reduction must appear upon the face of the paper. That is not so in this case. But he went further and said that you may have recourse to law. I think that is right. If by considering the amendment and the law at the same time it naturally and directly follows that there is a reduction of expenditure, the amendment is in order; otherwise not.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. CANNON. I am not familiar with the amendment; but does the gentleman claim that the Chairman of the Committee of the Whole House, like a judge, should refer the matter to a master in chancery to take evidence and report?

Mr. BUTLER. No; I do not.

Mr. ROBERTS of Massachusetts. It must be evident upon its face.

Mr. TRIBBLE. Mr. Chairman, in response to the suggestion of the gentleman from Illinois that inquiry be made as to whether the expenses would be an increase or a decrease, I will say, as a matter of truth, if this matter had been brought before the Committee on Naval Affairs we had the machinery there to make that investigation.

Mr. BUTLER. Yes.

Mr. TRIBBLE. And we have not got it here?

Mr. BUTLER. No.

Mr. TRIBBLE. Does the gentleman propose to take the simple statement of the gentleman who wants to pass the bill as to whether this amendment will create a growing increase or not? Does the gentleman think that is fair?

Mr. BUTLER. Mr. Chairman, I have already said that upon any subject with which our chairman of the Naval Affairs Committee is thoroughly familiar I will take his judgment.

Mr. TRIBBLE. So will I.

Mr. BUTLER. But I say that in this case, as against men who have especial opportunity and who have spent their lives in the service accounting and figuring, the opinion of the gentleman from Tennessee [Mr. PADGETT] ought not to be taken.

Mr. TRIBBLE. May I ask the gentleman another question? Since this matter has not been brought before the Committee on Naval Affairs, and the Committee on Naval Affairs is supposed to investigate questions of this kind and not a select coterie from the Committee on Naval Affairs, I ask the gentleman if my proposition is not a fair one, that this question go to the heel of this bill in order that Members, and especially the members of the Committee on Naval Affairs, may have an opportunity to investigate it and see whether it is going to decrease or diminish the expenditures of the Navy?

Mr. BUTLER. In reply to the question of the gentleman from Georgia, all these measures are now being considered by the Committee on Naval Affairs. They are all a part of what is known as the personnel bill, which has been introduced by the chairman of the Committee on Naval Affairs, which is now pending before that committee, upon which we have had five

or six hearings and, as I understand the proposition—now will the gentleman listen to me—our purpose was to consider it as a whole and not that there should be choice pieces picked out, a part here and there, of that naval personnel bill. Have I answered the gentleman?

Mr. TRIBBLE. The hearing the gentleman speaks of is the one in which Capt. Smith, considered to be an expert in the Navy—and he is an expert—testified for the last week and until Friday of last week; and was there a word as to this matter? It seems to me this important question should have at least been discussed in committee and evidence produced so that each member of the committee could form an intelligent opinion.

Mr. BUTLER. Yes; Capt. Smith's proposition, the highest authority upon that subject, and I think all our friends on the committee will agree no man ever gave his evidence more candidly and unselfishly than Capt. Smith, and therefore we consider him as we do, as being the highest authority; but it is the privilege of a member of this committee, it is the privilege of any Member of this House sitting as a part of this committee to offer an amendment, and I have no criticism to make of the chairman of the committee.

Mr. PADGETT. I want to say in that connection that the last proviso of that amendment was prepared by Capt. Smith himself and written into the amendment, and the first paragraph of it was suggested to me by him, and I took his words and wrote them down myself. [Applause.]

Mr. BUTLER. Will the gentlemen of the committee please applaud that statement, because Capt. Smith is deserving of their emphatic approval. I did not know wholly of this proposed amendment, and therefore in my ignorance I stand here partly uninformed. Having been a member of this committee for 16 years I think by the heavens on high I have a right to have some notice of what is taking place and of what is to take place. I do not criticize the gentleman for——

Mr. TRIBBLE and Mr. PADGETT rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BUTLER. I yield to myself. I will yield to no other. I propose to knock this out on the point of order if I can, and I propose to carry on the war against it as far as my opportunity and ability will sustain me. I think that having sat 16 years upon one committee, having devoted a whole lifetime to it, I might have been told about this proposed amendment.

Mr. PADGETT. Will the gentleman allow me to make a personal explanation to him?

Mr. BUTLER. Of course.

Mr. PADGETT. I want to state that this morning about two minutes before the meeting of the House at 11 o'clock Capt. Smith came to the committee room and suggested a modification of this amendment to me, and I asked him to prepare it. He prepared the last proviso and sent it to me here at the desk. I then went to the committee room and saw him for a few minutes and talked the matter over with him, and I had no objection to showing it to the gentleman, but I had no opportunity to do so.

Mr. ROBERTS of Massachusetts. May I ask which amendment was prepared by Capt. Smith?

The CHAIRMAN. To whom does the gentleman yield?

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. PADGETT. And there was no discourtesy or disposition to hide it from anybody.

Mr. BUTLER. When I rise to be chairman of the Committee on Naval Affairs I am not intending to get even with Mr. PADGETT, whose fairness is admitted, and I hope, of course, to be chairman of that committee some day.

Mr. ROBERTS of Massachusetts. I would like to ask the chairman of the committee which change in the amendment was suggested by Capt. Smith this morning?

Mr. PADGETT. The last proviso.

Mr. ROBERTS of Massachusetts. Did he suggest the first change, and when was that drafted?

Mr. PADGETT. Which change?

Mr. ROBERTS of Massachusetts. Changing the year in which the retirement takes effect.

Mr. PADGETT. That was simply a typographical error. When we agreed upon it, we agreed upon January 1, 1914, but the clerk in writing it wrote it "1913." I ran a pencil through "13" and wrote "14" above it, because it was an error in copying.

Mr. BUTLER. Mr. Chairman, when the chairman of the committee uses the plural "we" he does not intend to include the gentleman from Pennsylvania?

Mr. PADGETT. No; I made that correction myself, and I believe Capt. HOBSON was sitting here when I called attention to it that it was simply a correction made in the copying.

Mr. ROBERTS of Massachusetts. Does the gentleman know whether that change from the printed copy which I have here and which was discussed in the subcommittee will make any change in the effect in the first section of the bill if it becomes a law?

Mr. PADGETT. You talk about the subcommittee. When we were meeting the other day you will remember that personally I wanted July 1, 1915, but it was finally suggested that it should be July 1, 1914; but in copying it the Clerk wrote it "1913," though 1914 was agreed upon.

Mr. MADDEN. Mr. Chairman, I would like to argue the point of order which I made.

Mr. BUTLER. Mr. Chairman, this is a special privilege, which, I understand, under the rules, belongs to me. I have the right to continue this argument until the Chair acknowledges its disposition to hear another. I want to acquit the chairman of the committee of any attempt to be uncivil to any of us. I only make a little complaint. Sitting down at the end of a table, and far remote from the chairman, I would like to be advised when the House is to be fired, so I may escape.

Mr. Chairman, when I discovered that an amendment of this character was proposed and it was the purpose of members of the committee to submit it, I addressed a letter to the Secretary of the Navy, asking him what its effect would be, and in his reply to me he said this:

> Three captains and two commanders who, if ordered to sea on July 1, 1912—

And that is when I thought the period was 1913—

> Would not be able to complete this requirement and would, on coming up for promotion, be retired in their grade.

And consequently, if it had stood at that period, there would have been shown on the face of the proposed amendment an increase instead of a decrease in the expenditure. But that date has been changed to January 1, 1914, and the increase does not appear here, so I turn to another part of the Secretary's letter, in which he says that the operation of this amendment will cost next year $28,115,100, and that statement, I understand, is prepared by the high authority—Capt. Smith—so referred to by the gentleman from Tennessee [Mr. PADGETT]. Therefore if Capt. Smith is cited as an authority upon one side, he ought to be accepted as an authority upon the other. The Secretary says:

> While the proviso that the Secretary may waive this sea-service qualification appears to relieve the stringency of the proposed amendment, the further proviso that the Secretary shall furnish an opportunity for such sea service to all officers making application therefor operates to nullify to some extent the power of the Secretary to excuse officers from fulfilling the requirement. In an attempt to give officers the required sea service, it would be necessary for the department—

Please have this in your mind—

> It would be necessary for the department to place additional ships in commission, thus necessitating an additional immediate maximum cost in maintenance of ships, stores, and probable repairs of approximately $28,115,100 in money per annum, and an increase of about 1,424 officers of intermediate and lower grades and 18,500 men.

Mr. TRIBBLE. Will you read that last section over again?

Mr. BUTLER. Yes.

Mr. TRIBBLE. All right, let us have it again.

Mr. BUTLER. Excuse me, Mr. Chairman, a minute. I can not be uncivil to my colleague.

Mr. TRIBBLE. We are traveling the same line together.

Mr. BUTLER. It says:

> In an attempt to give officers the required sea service, it would be necessary for the department to place additional ships in commission, thus necessitating an additional immediate maximum cost in maintenance of ships, stores, and probable repairs of approximately $28,115,100 in money per annum, and an increase of about 1,424 officers of intermediate and lower grades and 18,500 men. Though, as these officers and men are not available, the full number could not be placed in commission.

Mr. Chairman, while that in part bears upon the merits, I read it in your presence, sir, so that you might know the extent to which the Treasury will be taxed beyond what it is taxed at this time by the adoption of the proposed amendment.

Mr. BARTLETT. In reference to the application of the Holman rule, is it not a fact that in order to bring this within that rule the parties proposing the amendment should show by the amendment that it will decrease expenditures by the amendment or by the bill, and it is not incumbent upon those who make the point of order to show it will increase it?

Mr. BUTLER. Replying to the question of my friend from Georgia, that is the law established and recognized here, and, furthermore, let me call to your attention, Mr. Chairman, the act of Congress which provides pay for officers and men at sea. Let me call your attention to the law. It was overlooked, not intentionally, but it was overlooked. The act of Congress providing pay for officers and men at sea added 10 per cent addi-

tional to their salary and shall be paid to them when they are beyond the continental limits of the United States.

Mr. PADGETT. Will the gentleman yield at that point?

Mr. BUTLER. Yes.

Mr. PADGETT. That is entirely true, and in the statement I made I neglected it. They get 10 per cent additional increase on their salary, but they get no allowances. The allowances ashore are far more than the 10 per cent increase at sea, and so the net result is that the sea service is considerably less.

Mr. BUTLER. Mr. Chairman, there are some things in this world that we all can learn, and some things that we all can understand. We are now approaching a point in the construction of this Holman rule that will turn out to be useful to all of us. On the one side it is contended that there will be a decrease of expenditures, and on the other side it is contended that there will be an increase, and by both sides the same authority is cited. Under those circumstances what is the Chairman to do? He must see whether there is a reduction in officers or reduction of their pay. Let me go further. They are not new. The details of this added cost are fully shown, Mr. Chairman. They are wholly shown in the letter to the chairman of the House Committee on Naval Affairs on this same subject, dated March 28, 1912, which apply closely to the requirements of the proposed amendments.

Now let me give you a little further information.

Mr. LONGWORTH. Has the gentleman that letter in his possession?

Mr. BUTLER. Yes; I have that letter. Here it is. At this time I will not go into it. If the Chair should overrule the point of order, then we will use it in the discussion of the merits. I think that the Chair will have no difficulty in reaching a correct conclusion. As the gentleman from Illinois [Mr. CANNON] said, Shall the Chair convert itself into a chancery expert in order to determine whether or not there is a reduction? The burden of showing the decrease is upon him who alleges it.

The battleships now in commission for captains are 31, the armored cruisers in commission for captains are 10, making 41 in all. There are in commission: Battleships, 21; armored cruisers, 5; members to be commissioned to carry this out, of the captain's grade alone, 12; ships for captains yet to be put into commission—let me go further—cruisers and gunboats for command, 34; battleships and armored cruisers on which executive officers serve, 41; unarmored cruisers on which executive officers serve, 35; other executive officers on battleships and cruisers, 10; places required, 62; other places to be made, 27.

Now, while there is no act of Congress which prescribes the duties of a captain or a commander, it is provided that it is within the power of the President of the United States to detail either of them in command of a fleet. Therefore, that provision which enables the officer to demand his sea service as a commander or captain might be in conflict with the authority conferred by statute upon the President of the United States.

But, assuming that this proposed amendment is in violation of law, you come to the next question, which I have endeavored to impress upon the Chair, and that is: Does this amendment upon its face indicate that it will result in a reduction of expenditures upon the United States Treasury? If the Chair has any doubt about the proposed amendment repealing existing law, please permit me to cite the acts of Congress, where I can show that it violates half a dozen of them distinctly. If this proposed amendment indicates upon its face that it will result in a reduction of expenditures, I will agree with the gentleman from Tennessee that it is in order. If it does not, it is out of order.

Now, Mr. Chairman, one word and I shall be through. Will the Chair allow me in my time to have read from the desk a paragraph from a letter. I am tired and I do not want to talk more than is absolutely necessary to convince. Those statements are taken from a letter from the Secretary of the Navy under date of March 28, 1912—a letter addressed to the Committee on Naval Affairs of the House, through its chairman. In that letter the Chair will not find the expense summed at $28,000,000, but he will find it set out specifically and by items, showing the cost which this amendment will involve upon the Treasury.

Mr. ROBERTS of Massachusetts and Mr. TRIBBLE rose.

Mr. BUTLER. I would like to have that read first.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Propositions (a) and (b) are both physically impossible of execution. There are at present sufficient captains and commanders for the whole fleet, but the other grades of officers and the men are materially short. To commission the whole fleet, which would be necessary to carry out the provisions for captains and commanders, would require an increase of approximately 1,424 officers and 18,500 men. This would add to the annual expense of the Navy about $3,956,000 in pay of officers, and $10,220,000 in pay and rations of men, and $3,650,000 in maintenance, and $1,350,000 for probable repairs, making a total of $19,176,000. These figures do not include 43 vessels now under construction. To keep them in active service would require approximately 291 officers and 6,400 men. This would add annually to the above figures about $808,400 in pay of officers, and $3,535,700 in pay and rations of men, and $3,370,000 in maintenance, and $1,125,000 for probable repairs, making a total for vessels under construction of $8,939,100. The above figures show that it would cost annually to place all serviceable vessels now on the Navy list and those under construction in active service $28,115,100.

Mr. BUTLER. Mr. Chairman, I will conclude with this statement: I do not know what the observation of the Chair has been on naval subjects, and therefore permit me to inform you that our fleets at this time are on a peace footing, and it is not the policy of Congress to keep them upon a war footing. If this amendment is put in force it will be necessary to increase our fleet to that condition. You will recall that captains and commanders are officers of very high rank. One corresponds in rank with a colonel in the Army and the other with a lieutenant colonel in the Army. Therefore you only order one of each grade upon the same ship. That is prescribed by the regulations. Such a command may be given by the President of the United States. Therefore to put these men at sea, in pursuance of the congressional order contained in this amendment, in the commands that they are properly entitled to, it will be necessary to make a yearly drain upon the Treasury amounting to $29,000,000.

Mr. ROBERTS of Massachusetts. I should like to be heard on the point of order.

Mr. HOBSON. Mr. Chairman, all these gentlemen have been heard on one side of the point of order. I should like to be heard on the other side.

The CHAIRMAN. The Chair will hear the gentleman from Alabama on the other side.

Mr. HOBSON. Mr. Chairman, I wish to support the proposition that the point of order does not lie. The question is not a complicated one. The effect of this amendment would be to modify somewhat the present proportions of assignments of officers. I want to point out that it is within the power of the Secretary of the Navy to put more ships in commission.

Mr. MADDEN. That means more expense.

Mr. HOBSON. If he does that he will incur greater expense. But the point at issue is that this amendment does not require him to do it.

Mr. Chairman, it is a fact that the number of ships in usual commission in the American Navy as compared with those of other navies is sufficient, without putting another ship in commission, to afford all officers, if they take their turns, an opportunity to fulfill the requirements of this amendment. There is generally a large number of officers ashore who ought to be at sea. On the contrary, I am convinced—and all those who are familiar with the existing conditions are likewise convinced——

Mr. TRIBBLE. Will the gentleman yield?

Mr. HOBSON. Certainly; and I will not tell the gentleman to go far back and sit down.

Mr. TRIBBLE. I will say to the gentleman that I only said that to him in a case where I thought it was proper for me to do so. Now, I wish to ask, Why are these officers ashore?

Mr. HOBSON. I am very glad to answer that. Mr. Chairman, we are all human. Many officers have families. It is an unfortunate incident of efficiency in the military service that you have to be separated from your family for long intervals of time when you are at sea. Unless there is some provision that will cause officers to overcome that natural inclination, you will find in our service, and in all services, that officers inevitably tend to gravitate ashore where they can be with their families. I do not criticize them. I know the lives of devotion and sacrifice that they live.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. HOBSON. I do.

Mr. MADDEN. Does the gentleman admit that under the provisions of the Holman rule an amendment providing for legislation in an appropriation bill must show on its face a reduction in the expenses of the establishment to which it refers?

Mr. HOBSON. No; I am under the opposite impression that the burden of proof is on the other side. When an amendment is offered, and a statement is made that it comes under the rule, if a point of order is made against it the burden of proof rests on the man making the point of order.

Mr. TRIBBLE. May I ask the gentleman a question? Is not the evidence offered here the highest that could possibly be produced—the statement of the Secretary of the Navy?

Mr. HOBSON. I am proceeding to point out how that does not lie in this particular case. Of course if the number of junior officers is to be increased to fill up all of our ships, if all those ships are then to be put in commission and put at sea, there will be the increase that the Secretary of the Navy points out; but the point I maintain is that in our Navy there is no provision of law or regulation that requires a certain amount of sea service as a prerequisite for promotion in any grade. It is a weakness of our service. In almost every other service they apply it not only to the higher grades but even lower down, and it is one of the weaknesses of our service that frequently men are promoted out of a grade without ever having been to sea in that grade.

Of course in answering these questions I may be said to be digressing, but I want it to be distinctly understood that nothing in this amendment requires the Secretary of the Navy to maintain a larger number of ships in commission than ordinarily are maintained.

Mr. TRIBBLE. The Secretary of the Navy says he has an overabundance of officers, and you gentlemen have brought in a bill saying that we have not enough, and providing for 100 or 200 more.

Mr. HOBSON. If the gentleman refers to the naval personnel bill, we followed the recommendation of the Secretary of the Navy.

Mr. LONGWORTH. The gentleman from Alabama has said that there is nothing that would require the Secretary of the Navy to put additional ships in commission. There is a provision in this very amendment that requires him to at the request of the officer.

Mr. HOBSON. I will change that. The gentleman is right. It is possible that if an immediate compliance with the provision were made, if all the officers affected made a request at once, in compliance with this provision, it might require an additional expense, but just what that would amount to it is difficult to determine.

Mr. LONGWORTH. The gentleman gives away his whole case, it seems to me, because this shows that it is possible, if not probable, that the amendment will cause a vast increase in the appropriation instead of a decrease.

Mr. HOBSON. Of course the gentleman realizes that the chairman of the committee can strike out the part requiring the Secretary to assign officers to sea duty upon application.

Mr. LONGWORTH. Yes; but we are debating the amendment as it now stands.

Mr. HOBSON. This amendment was not originally drawn with that provision in it which would give the officer a chance to demand an opportunity to go to sea. It was put in there for the purpose of enabling him to go to sea if the Secretary of the Navy, in persecution, refused it. But the intent of this amendment is to cause a healthy distribution of service, unfortunately not in the interest of the home life of the officers, but in the interest of the efficiency of the Navy and resulting in economy.

Mr. LONGWORTH. And now the gentleman is debating the merits of the question.

Mr. HOBSON. No; I am only answering questions.

Mr. LONGWORTH. The gentleman is debating the merits, and he has shown that the passage of this amendment may put additional ships into commission, and thereby cause a vast increase in the expense, far from showing on its face a reduction of expenditures.

Mr. HOBSON. I will admit that in its present form there might be an increase by putting a few ships into commission.

The CHAIRMAN. The Chair will suggest to the gentleman that he is prepared to rule.

Mr. HOBSON. I will close up what I have to say, Mr. Chairman, if gentlemen will cease asking me questions.

Mr. MADDEN. I was just going to ask the gentleman on the point of order. The gentleman from Alabama will be willing to admit that the Holman rule is intended to be an exception to the general rules of the House.

Mr. HOBSON. Evidently; that is, what has otherwise been the general rule; but the Holman rule is becoming the general rule of the House.

Mr. MADDEN. If this amendment is offered under what is termed the Holman rule, it must be offered with the intent to reduce the expenditures of the Naval Establishment, otherwise it would not be in order. If that is the case, then the amendment on its face must show the intended reduction, otherwise it would not be in order. Now, while it pretends to come under the exception, the gentleman will have to place himself within the exception by being able to show that it is a reduction of the expenses in the Naval Establishment.

Mr. HOBSON. I will bring myself to the point of order and not discuss the merits, which we can discuss later. The evident effect of this amendment is to decrease the proportion of officers on shore and increase the proportion of those at sea. This change would result in a distinct decrease in the pay out of the Treasury. In addition, the effect would be to increase the number of officers retired in lower grades and decrease the number retired in the higher grades.

Under the operation of such a law officers who have been neglecting their profession by remaining on shore duty too long, who have been neglecting opportunities to go to sea, would, in some cases, be retired at a lower grade and not be allowed to be promoted. Their suffering would be unfortunate, but the effect would be to increase the professional efficiency of the service and lower the expense of the Government.

When we take up the requirement of a reasonable time to serve as a qualification for promotion to the grade of admiral, let me tell the Members of this House that the expense of the retired list to the United States to-day in its Navy is a crying scandal to all principles of economy. It is not the fault of any officer. I will pay my tribute to them in their turn; but our system to-day turns out the average rear admiral with less than two years of service. Consequently he can not be expected to become efficient. We have to-day on the retired list of the Navy 196 admirals and commodores. One hundred and forty-nine admirals are on the retired list and 28 on the active list, more than five times as many retired as on active duty.

The total retired pay of the Navy is something over $3,000,000. The total retired pay for the rear admirals and commodores is $1,000,000. I shall not discuss the merits of this case, but the present system completely undermines the efficiency of our flag officers and of the service, and for this inefficiency we pay over a $1,000,000 a year.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. WEEKS. I would like to ask the gentleman a question. I assume that the committee is basing its reliance on this amendment being in order upon the fact that it will reduce expenses.

Mr. HOBSON. That is the Holman rule.

Mr. WEEKS. Would it not be possible to definitely figure out just what would be the result of this amendment, taking the retirements for the next half-dozen years and the promotions as a result of such retirements, and thereby definitely show whether there would be a saving or not?

Mr. HOBSON. I can tell the gentleman at once that there would be probably, if this went into effect at once, in the next five years 15, 20, maybe 30 officers who would be retired as captains instead of admirals.

Mr. WEEKS. Is there any necessity for this being problematical in any way? Can not the result of this change be definitely determined?

Mr. HOBSON. It could in time, perhaps, assuming no deaths occur, and that the question of promotion is not affected by the plucking board and other matters.

Mr. WEEKS. One other question I want to ask. I notice in looking over the Navy Register that there are only two captains on the list who have performed over two years' sea service, and that there are only two commanders who have performed over two years of sea service in those grades.

If this law went into effect in 1914, it would mean that every captain on the list as well as every commander would necessarily have to go to sea at some time to make up the difference between the lacking sea service and the two years that he would have to perform in order not to be affected by this proposed law. I want to ask the gentleman this question, because his training should enable him to answer it: Does he not think that such frequent changes of commanders of ships as would be necessitated by this action would greatly impair the efficiency of the service?

Mr. HOBSON. I would answer that by saying that if an attempt were made to carry out the suggestion of the gentleman you would have to keep most of them permanently at sea the rest of all those two years. But think of the appalling condition to which the gentleman has called attention, where there are only two captains and two commanders in the Navy of the United States who have had two years at sea! There are 70 captains and 112 commanders on the regular active list and only two have had two years at sea.

Mr. WEEKS. Let me call the gentleman's attention to the fact that the senior captain has only been a captain four years on the 1st of July, and the same may be said of the senior commander. If any more of these commanding officers are going to sea, does it not necessarily mean putting more ships in commission?

Mr. HOBSON. I would say to the gentleman that if the Secretary of the Navy should undertake at once to make up

for all of the delinquencies of the officers of those two lists he would probably have to put more ships in commission, but if the gentleman wants to bring it to that point——

Mr. WEEKS. Then there would be no economy.

Mr. HOBSON. I do not even admit that. It would be a question of adjustment. That can be stricken out of this amendment—requiring the Secretary of the Navy to send the men to sea on application. It is not an essential part of this amendment.

In conclusion, the examination of this amendment on its face indicates not only that it is trying to reach a grave condition of inefficiency in the two commanding ranks of the Navy, the admirals and the captains, upon whom must depend the issue of battle, and where is shown a weakness in comparison with every active navy in the world, but it is in fulfillment of legitimate promises and purposes on this side of the House that in taking hold of the responsibilities of the Government we will try to increase the efficiency of the service, and at the same time reduce the expense. With a due proportion in the grade of captains and admirals at sea as compared to those on shore, and with a sufficiently long term of service in the grade of admiral, I do not hesitate to say that the cost of the retired list of admirals will be cut down more than one-half, and that the cost of the retired list of the Navy would doubtless year in and year out ultimately be cut down about 25 per cent. The great cost of the retired list and of administration is so weighting down our naval appropriation each year that we approach the limit of cost the Congress is willing to bear before providing for any increase. While the change would work a hardship against the officers who have neglected their opportunities to go to sea, it would not work a hardship against those who have sought that excellence in their profession that has been possible and desirable. I do not believe it ought to be drastic, but as it stands on the face of it it works an essential decrease in Government expenditures.

Mr. ROBERTS of Massachusetts. Mr. Chairman, may I crave the indulgence of the Chair a moment or two on the point of order? The gentleman from Tennessee, the chairman of the committee, and the gentleman from Alabama [Mr. HOBSON] are endeavoring to argue that on the face of the amendment offered by the gentleman from Tennessee there is a necessary reduction in the expenses of the Navy Department. Now, I want to say to the Chair, and I would like the attention of the Chair for just a moment if I may have it, that on the face of the proposed amendment there is an increase in the naval expenses necessitated by carrying out the terms of this bill. The bill as it first came to my attention provided it should take effect in the year 1913. I have been informed by the Secretary of the Navy that had that date remained in the bill and it became a law three captains and two commanders would have been placed on the retired list within the life of this bill; that is, within the next fiscal year. Now, Mr. Chairman, is not it as plain as daylight that if you force men on the retired list and do not abolish the positions which those men left and which must be automatically filled under the operation of law by other men, who will draw the same pay, allowance, and salaries, that you have increased expenses by increasing the number of men on the retired list?

Mr. HOBSON. Will the gentleman yield? Does not the gentleman of course realize that if those officers had not been retired as commanders and captains they would have been soon retired as rear admirals?

Mr. ROBERTS of Massachusetts. That may be and may not be. Those men might be plucked or retired or disabled or die or be killed in battle or for other reasons go out of the service.

Mr. HOBSON. If they are out of the service, they are no expense at all.

Mr. ROBERTS of Massachusetts. The bill shows there must be necessarily an increase of expenditures by reason of this forced retirement of officers. If the bill provided for a vacation of the positions which are filled by the officers who are retired, then you would have brought about a reduction of expense, because the Government would only pay the retired salary of those officers instead of the full pay, but this bill does not do that. It is contemplated under its terms that officers will be retired because of the lack of necessary sea service and——

Mr. HOBSON. Will the gentleman permit another question?

Mr. ROBERTS of Massachusetts. When you force officers on the retired list and immediately fill their places with other officers, you are increasing the naval expenses.

Mr. HOBSON. The gentleman seems not to have understood it.

Mr. ROBERTS of Massachusetts. I do understand it.

Mr. HOBSON. Those officers have to be retired in some grade.

Mr. ROBERTS of Massachusetts. Not necessarily; they may die in the service.

Mr. HOBSON. Then they would not be any expense. The gentleman's own idea that they may die in the service should show him that they do not increase the expense. The net result, which the gentleman himself must recognize, is that the average officer on the retired list will be at a lower rank than at a higher rank, and that must be a reduction of expense.

Mr. ROBERTS of Massachusetts. It may and it may not.

Mr. HOBSON. It is bound to be.

Mr. ROBERTS of Massachusetts. It is a problematical result, but the effect is to increase your expenses on the retired list. Now, as to the proposition of reducing the cost on the active list and increasing it on the retired list, I shall not endeavor to settle that question, I can not go into it. We do not know what the relative proportion will be in the present year or in any future year, but we do know that by this kind of arbitrary retirement of officers, where you have not abolished an office in which you will put another man at the same salary, that the salaries on the active list will go on at the same amount with the same number of officers of the grade after the passage of this law as before it, and the retired list being increased by the arbitrary retirement of officers, this bill shows on its face will in that respect increase the naval expenses, and the provision which compels the Secretary of the Navy to give sea service to officers requesting it necessitates an increase of expenses. The Secretary of the Navy has informed the Naval Committee that to carry out the provisions of this law would cost about $28,000,000.

Mr. PADGETT. Mr. Chairman, I ask for a ruling.

Mr. TRIBBLE. Mr. Chairman, I think I have a right to be heard, as I am a Member of the committee.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. TRIBBLE. Yes, sir.

The CHAIRMAN. On which side?

Mr. TRIBBLE. I think it is an increase in expenditures and that the point of order ought to be sustained.

The CHAIRMAN. The Chair does not care to hear the gentleman unless he insists on discussing the point of order.

Mr. TRIBBLE. Of course, if the Chair is ready to rule that the point of order is good, then I do not think I wish to be heard; but, if the Chair is not, I would like to be heard.

The CHAIRMAN. A point of order is made against the amendment offered by the gentleman from Tennessee [Mr. PADGETT]. In determining as to the sufficiency of the point of order, it is necessary to ascertain whether the provisions of the amendment come within the requirement of section 2 of Rule XXI. In the opinion of the Chair, viewing the constructions of this rule as have been given it heretofore, and in the light of the application of the rule as heretofore practiced by the committee and the House, this amendment does not come within the provisions or requirements of section 2 of Rule XXI, and the Chair is therefore constrained to sustain the point of order.

The Clerk will read.

Mr. PADGETT. Mr. Chairman, I offer the following modified amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will read.

The Clerk read as follows:

After line 11, page 4, insert:

"That after January 1, 1914, no captain or commander of the line of the Navy who is not restricted by law to shore duty only shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade, and any captain or commander who has not complied with the qualifications for promotion by the date of occurrence of his vacancy for promotion shall be placed on the retired list: *Provided*, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons: *Provided further*, That the Secretary of the Navy shall report to Congress at each ensuing regular session the reasons for the waiver of this qualification in each case wherever exercised."

Mr. BUTLER. I only reserve a point of order for the reason that I did not hear the Clerk read very distinctly. I——

Mr. PADGETT. Except the latter part of it, it is identically word for word with the other.

Mr. ROBERTS of Massachusetts. I make the point of order, Mr. Chairman.

Mr. PADGETT. That is the very provision I pointed out, of increasing the Navy retired list and not reducing the pay on the Government list.

Mr. HOBSON. My contention is absolutely correct, that if you do not retire officers in the lower grades you will have to retire them as admirals. They are grinding them out by the hopperful, until we now have 146 rear admirals on the retired list. If they were retired at the lower grade it would be less expensive to the Government. It would not necessarily involve putting additional ships in commission, but it would increase

the proportion at sea as compared to the proportion on land, which would be a decided reduction in cost.

The CHAIRMAN. The point of order is well taken. The Clerk will read.

Mr. HOBSON. Mr. Chairman, before the Clerk reads, I wish to offer an amendment.

The Clerk read as follows:

On page 4, after line 11, add as a new paragraph:

"*Provided*, That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council; the Secretary of State, who shall preside in the absence of the President; the Secretary of War; the Secretary of the Navy; the chairman of the Committee on Appropriations of the Senate; the chairman of the Committee on Foreign Relations of the Senate; the chairman of the Committee on Military Affairs of the Senate; the chairman of the Committee on Naval Affairs of the Senate; the chairman of the Committee on Appropriations of the House of Representatives; the chairman of the Committee on Foreign Affairs of the House of Representatives; the chairman of the Committee on Military Affairs of the House of Representatives; the chairman of the Committee on Naval Affairs of the House of Representatives; the Chief of the General Staff of the Army; an officer of the Navy not below the rank of captain, to be designated by the Secretary of the Navy; the president of the Army War College; and the president of the Navy War College.

"And that the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

"And that said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

"And that said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation."

Mr. BARTLETT. Mr. Chairman, I make a point of order against the amendment.

Mr. HOBSON. Will the gentleman reserve it?

Mr. BARTLETT. If you will let me make it. I make the point of order on the ground that it is new legislation on an appropriation bill, contrary to all the rules of the House, and does not come within the provisions of the new so-called Holman rule.

Mr. HOBSON. I am perfectly prepared to discuss the point of order. I do not think the gentleman wants to make it and precipitate a discussion.

Mr. BARTLETT. The gentleman hopes in vain.

Mr. HOBSON. When the gentleman knows what the bill is——

Mr. BARTLETT. I think I know what it is.

Mr. HOBSON. I mailed you a copy. It is a unanimous committee amendment. But I will speak to the point of order if the gentleman will permit. I do not believe the gentleman wants to make it.

Mr. BARTLETT. Mr. Chairman, I reserve it in deference to the wishes of the gentleman from Alabama [Mr. HOBSON]. When he is through I will make the point of order, and that will be final.

Mr. HOBSON. Mr. Chairman, I will yield the floor to the gentleman long enough to make the point of order.

Mr. BARTLETT. I make the point of order, Mr. Chairman.

Mr. HOBSON. I would like to speak to the point of order, Mr. Chairman.

This bill creates a council of national defense to coordinate the various arms of the Government that are involved in the national defense. I will read in a few moments from the hearings of the men who know, such men as Gen. Wotherspoon, president of the Army War College, and Admiral Mahan, another expert, and show how it would result in not a small saving but a large percentage ultimately of saving in the whole expenses of the Naval and Military Establishments.

But before taking up the authorities upon the subject I will point out that this amendment brings together in this council of national defense the executive branch of the Government and the legislative branch of the Government and experts competent to furnish them with technical information when required. Representing the executive branch of the Government, there is the Secretary of War and the Secretary of the Navy for the technical branches; there is the Secretary of State, representing foreign relations; and the President, the Commander in Chief of the Army and Navy and also at the head of the executive administration of the Government.

Now, then, that clearly will coordinate on general matters of policy, just as the General Board of the Army and Navy coordinates on technical matters. It will not only promote efficiency, but it would frequently, again and again, practically all the time, reduce expenditures by the proper coordination of the different branches. Under its workings the various branches could get together and finally decide on a common policy and reduce the expenses and prevent duplication. That occurs again and again in the coordination of the technical departments of the Army and Navy.

But this council, in addition, would bring together all the parties involved. Take the matter of our foreign policies. The Secretary of State comes in. He can acquaint us with the conditions in foreign lands upon which we might save the question of a cruise of a fleet. We might send a fleet around the world at stupendous expense when it might be unnecessary. We might be maintaining forces at a distance and at a great expense when it might not be necessary.

It is not necessary for me to point out all the great possibilities of this council. Let me impress upon the chairman the fact that there is not one single new officer or office created; that even the meetings would be held at the Army War College, where they would have the available staff and equipment there at their command. Let me point out the fact that there is not one dollar of expense entailed.

That being the condition, it only remains to point out that you could get coordination, reduction of duplication, to show that it will be a reduction of expense to the Government in the end. But without going further into that with regard to the executive branch, let me point out this fact, that it brings together the chairman of the Committee on Military Affairs and the chairman of the Committee on Naval Affairs and the chairmen of the Committees on Appropriations of the two Houses before we determine what is going to be recommended to Congress.

One of the great difficulties incurred by the Democratic Party has been that when we took hold of the reins of Government we had no agency that could show us what is really necessary for efficiency and coordination. It has been frequently alleged that the chairman of the Naval Committee and the chairman of the Committee on Military Affairs bring in recommendation here that are out of keeping with the finances of the Government. That is the very basis, for instance, for the contention that we ought not to have any battleships in this bill. Frequently it is pointed out in the Committee on Appropriations, where frequently appropriations come together, that the naval service and the military service have duplicated. Even in the Marine Corps and in the naval service you sometimes find duplication. All of that would be eliminated. We bring the economy officer of the House and the economy officer of the Senate—we bring the "watchdogs of the Treasury"—right into the fountainhead, where the policies are determined and the recommendations are made. It can not help but end in large economies to get such coordination.

Now, then, I will not detain the Chair long in reading these hearings. They are exhaustive hearings. They have been going on for two or three years. I will simply quote Gen. Wotherspoon, president of the Army War College, who appeared before our committee. He said:

I consider that this bill will coordinate the efforts of the Army and the Navy and the legislative branch into some unified policy which will make for decided economy and still more decidedly for efficiency. I have stated to this committee before and to the Military Committee that I am perfectly convinced that an army three times as efficient and probably twice as strong as we have now can be maintained for the money we are at present spending for the Army.

That means that in his judgment we could maintain the Army at a saving of many millions of dollars every year, or it means that we could have an Army of fully half again the size of the present Army without one added dollar of increased expense.

Mr. SLAYDEN. Mr. Chairman, will my friend from Alabama permit a question?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman from Alabama if he believes that it is possible to organize any body of officials in the city of Washington, even though they are already officials of the Army, of the Navy, or of the civil branch of the Government, and even though there is no proposed increase of their compensation, without increasing the general expenses?

Mr. HOBSON. In the long run they probably might buy some additional stationery. I am not sure. In the long run they might send an officer to the Philippine Islands to investigate whether Corregidor or Subic Bay could be abandoned.

Mr. SLAYDEN. We have settled that already, have we not?

Mr. HOBSON. At some time they might send an agent somewhere who would save the Government many millions of dollars, and in doing so would incur incidental expenses; but I do not believe there would be any appreciable increase in expenses except under extraordinary conditions.

Mr. SLAYDEN. Would it not mean a corps of stenographers, clerks, and so forth?

Mr. HOBSON. I do not think so. This is not a board that sits and carries on regular operations. It does not sit often as a cabinet.

Mr. SLAYDEN. Is it not the initiation of a system which will result in increased expenditures?

Mr. HOBSON. I do not think so. If the gentleman will read the report on it he will find that it corresponds to the council of imperial defense of Great Britain, the great council in Germany, and similar councils in most Governments.

Mr. BARTLETT. I should like to read a more detailed statement about this.

Mr. HOBSON. When the gentleman reads the report upon it, I do not think he will make any point of order against it; but if he does, I do not think it will lie.

Mr. SLAYDEN. Did not the gentleman propose an outlay in the bill embodying this same idea?

Mr. HOBSON. As originally drawn and recommended by the committee it did carry $20,000 for an indefinite period, but it did not mean that one dollar of that would necessarily be expended in inaugurating the council.

Mr. SLAYDEN. What does the gentleman mean by "an indefinite period"?

Mr. HOBSON. That if there should arise a condition where it would save the Government money as well as add to the efficiency of the service they might have that appropriation for the purpose of sending messengers, or for some special undertaking which would require a small expenditure, and would have the money on hand.

Mr. SLAYDEN. If the gentleman can establish the fact that it will increase the probability of a successful defense of the country if it is ever assaulted, and that it will not make for expense out of proportion to the benefits, I tell him frankly that I will support it, as I will support every measure of that kind.

Mr. HOBSON. I believe the gentleman will.

Mr. SLAYDEN. But I am unconvinced at this time.

Mr. HOBSON. When we come to debate the merits of the question I will show the gentleman how it will not only promote efficiency, but may actually determine the way in which future wars may end. In the war between Russia and Japan and in the war between England and the Boers it was found that just the lack of that coordination which such a council would bring about caused them to suffer great reverses. Further, the existence of a council like this in Germany has been the foundation and basis of the success of their arms. But I will not discuss that question now.

Mr. SLAYDEN. I want to ask the gentleman if the general staff in Germany has not been alleged to be the author of their great military projects?

Mr. HOBSON. Yes; and if the gentleman has studied that question, as I am sure he has, he will recognize that that general staff is in close touch with the council which has the Emperor at the head of it, and the foreign minister, the cabinet officer representing the army, and the cabinet officer representing the navy; and it is that council which has brought about that efficiency.

I ask the Chair to rule on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HOBSON. Mr. Chairman, I have the greatest respect, admiration, and affection for the Chairman, and I will not appeal.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the act approved May 13, 1908, making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, *in so* far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended to read as follows:

"That hereafter immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster General of the Navy shall cause to be paid to the widow, and, if no widow, to the children, and, if there be no children, to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person."

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I wish to ascertain, if he can tell, what is meant by the words "designated person" at the end of this paragraph?

Mr. PADGETT. Under existing law any dependent relative of an officer or enlisted man, previously designated by him, is entitled to six months' pay upon his death, if it is due to any accident or cause incurred in the line of duty. He can designate any person to receive it. In the event he does not designate anyone it goes to the widow, but he can designate a person and take it away from his wife and children. We intend to eliminate that and require him to designate the widow or the children or a dependent relative.

The Clerk read as follows:

Hereafter the commander in chief of the United States Atlantic Fleet and the commander in chief of the United States Pacific Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $12,000 and of a vice admiral $10,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the two said fleets shall be designated from among the rear admirals on the active list of the Navy: *And provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy, nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals, and shall thereafter receive only the pay and allowances of such regular rank.

Mr. MADDEN. Mr. Chairman, I make a point of order against the paragraph as a change in existing law.

Mr. PADGETT. Will the gentleman reserve it for a moment?

Mr. MADDEN. I will.

Mr. PADGETT. I will state frankly that it is subject to a point of order, and it can only be considered by unanimous consent of the House. If anybody raises a point of order, it is well taken. I want to say to the gentleman that these grades are needed very badly in the Navy. Our Navy has now grown to such size and importance that in the management of it, in its domestic relations and efficient operation, and especially in its international relations and associations, we need the two grades. You will notice this last designation, the necessity to take them from the rear admirals. It does not add to the force at all, but it simply allows the President to designate a commander in chief and a second in command on the Atlantic and the Pacific, and they have the rank and pay of admiral and vice admiral. On account of the importance of the matter I hope the gentleman will not insist on the point of order.

Mr. WEEKS. I would like to add a word, if the gentleman will yield, on the point of order.

Mr. PADGETT. I will yield to the gentleman in a moment. I will give you gentlemen an illustration. Our Navy goes abroad and comes in contact and in association with the navy of Japan or China or of any of the South American countries. I believe there are 26 countries that have a grade of vice admiral and perhaps 15 or 16 that have the grade of admiral. Many of them have no navy to amount to anything, but when our Navy or the naval officers come in contact with them our naval officers have to take a rear position, and our Navy has to be assigned to the rear guard and allow the navies of these foreign countries that may have a gunboat and a vice admiral to take precedence over ours. At the table and all social functions and gatherings our Navy is relegated to the rear, while the little ones are placed in the front; also in all international cooperative naval work.

Mr. SLAYDEN. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SLAYDEN. I want to begin my question by saying that where McGregor sits is the head of the table. What rank in the Army corresponds to an admiral in the Navy?

Mr. HOBSON. Lieutenant general.

Mr. PADGETT. That is a vice admiral.

Mr. SLAYDEN. A captain corresponds to a colonel; a rear admiral, junior grade, corresponds to the rank of a brigadier general. Now, what is the next rank?

Mr. PADGETT. An admiral corresponds to a general.

Mr. SLAYDEN. The rank that you propose of admiral must correspond to a lieutenant general or a general.

Now, the grade of lieutenant general was abolished by the Sixty-first Congress. It has been abolished by law. Now, why should a similar rank be created in the Navy?

Mr. PADGETT. The reason I give is that the Army has no international contact or international association; it does not come in contact with the armies of other countries, but the Navy is continually and constantly doing so.

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GARNER. What is the comparative salary of an admiral in other navies as compared with the same position in our own Navy?

Mr. PADGETT. Much higher.

Mr. GARNER. In the small navy?

Mr. PADGETT. I do not know; I am speaking of the principal powers.

Mr. GARNER. I am speaking of the small powers which the gentleman says take precedence of ours. What is their salary as compared with an American officer of the same grade?

Mr. PADGETT. I do not know what it is; but, independent of the question of salary, our officers and our Navy would have to be relegated to the rear.

Mr. GARNER. Does not the gentleman suppose that our officers would prefer to be relegated to the rear at a high salary rather than to have a lower salary and a higher position?

Mr. PADGETT. No; I have been informed by naval officers that so far as the little increase provided for in this matter is concerned it does not count. A rear admiral of first nine now gets $8,000, and we provide $10,000 for the vice admiral and $12,000 for the Admiral. Just for two of them on each ocean, or four in all.

Mr. SLAYDEN. And a 50 per cent increase for the other. That is a trifle.

Mr. PADGETT. I want to say that, so far as the salaries are concerned, I am willing to strike that out and just give the rank and grade to the Navy, and leave the salary as it is now on the list.

Mr. SLAYDEN. Mr. Chairman, the gentleman knows that would only be a preliminary step to the granting of the additional salary, and it ought to be, for if you confer the rank you ought to give the corresponding compensation.

Mr. PADGETT. I am frank to say that I think there ought to be a corresponding salary, but in order to relieve the Navy of embarrassment in every international association, in every international meeting in which our Navy comes in contact with the navies of other countries, where we are relegated to the rear and embarrassed by that condition, the naval officers are willing to forego the question of salary for the rank.

Mr. HOBSON. Mr. Chairman, will the gentleman permit me a suggestion there before he insists upon his point of order?

Mr. SLAYDEN. I am not the man who is making the point of order, but I shall make it if necessary.

Mr. PADGETT. Having said what I did, if the gentleman is going to make the point of order I wish he would make it now.

Mr. HOBSON. Mr. Chairman, I want to say that really, in my mind, it is not the question of social precedence or prestige at functions. It is a question of having a superior command and an inferior command. Take the two squadrons of our fleet, eight vessels each on the line. The commander in chief of that fleet ought not to be of the same rank as the commanding officers of the two squadrons under him. We have now the anomalous position of one rear admiral commanding numbers of other rear admirals. The gentleman is fully posted upon the military necessity of having a commander in chief of a grade higher than any officer in his command in the field.

The gentleman recognizes whenever that position occurs or has occurred in the past in the field, whether in the Army or in the Navy, Congress invariably has created the higher rank, so that the same rank might not be commanding themselves. And it happens now in the organization of the American Navy, and it will be a permanent condition—for it is not as it is in the Army, which seldom comes together with two or three corps, requiring a general and various lieutenant generals—I doubt whether we will ever have such a condition except in time of war—but in the Navy in the operations every day we must have this commander in chief, and we will have to have these commanders of squadrons and commanders of divisions all as rear admirals. You notice that you would have this condition: Two rear admirals in each division in command of four ships each, and over those two rear admirals you will have another rear admiral in command of that squadron, and over the two rear admirals in command of the squadrons you will have still another rear admiral in command of the fleet. It is an anomalous condition that can not permanently be maintained with efficiency.

Mr. SLAYDEN. Mr. Chairman, there is no difficulty, I fancy, in having the senior officer of the grade command the others. That occurs all of the time in military service. If this is done at the very first opportunity some gentleman will rise and say that we must increase the pay of certain officers of the Army because, forsooth, Congress, having harkened to the persuasive and eloquent appeal of my friend from Alabama [Mr. HOBSON], has increased the rank and pay of officers in the Navy. I have heard that absurd argument advanced here for 15 years, that you must equalize the pay of the officers of the Army with those of the Navy, and then, if they grant a little further advance, as when they undertake to equalize it, as they seem always to do, there comes an appeal from the officers of the Navy to equalize their pay with the corresponding grade in the Army.

Mr. HOBSON. The gentleman has not lost sight of the fact that this does not create a permanent grade.

Mr. SLAYDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, the point of order is made, and I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, to follow line 7 as an additional paragraph, insert the following:

"That the portion of the act entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes,' approved June 24, 1910, which reads as follows:

"'The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear admiral of the lower nine, and all officers of the Navy who are now serving or who shall hereafter serve as chief of bureau in the Navy Department, and are eligible for retirement after 30 years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after 30 years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred' be, and the same is hereby, repealed: *Provided, however*, That no officer who has ceased to hold the office of chief of any bureau, and who is entitled to the benefits of the provisions of the act of June 24, 1910, shall be denied or deprived thereof by virtue of this repeal.

"SEC. 2. That section 1473 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"'SEC. 1473. Officers who have been or who shall be retired from the position of Chiefs of Bureau of Medicine and Surgery, Supplies and Accounts, Yards and Docks, or of Construction and Repair, or who, after having served four years as chief of bureau, shall be retired at any time after having ceased to hold such position, by reason of age or length of service or disability incident to the service, shall have the rank of rear admiral.'

"SEC. 3. That hereafter officers of staff corps of the Navy below the rank of rear admiral shall be promoted in rank with the officer of the line with whom or next after whom they take precedence on the list of order of precedence of the Navy, and to carry out this provision temporary changes shall be made, when necessary, in the numbers of the various grades and ranks established by law for the staff corps: *Provided*, That there shall be no permanent increase in any grade or rank whose number is now fixed by law and no increase in the total number of officers now fixed by law for any staff corps."

Mr. TRIBBLE. Mr. Chairman, I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, the amendment as offered is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Now, Mr. Chairman, I wish to offer the first paragraph of the bill down to and including the words "are hereby repealed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That the portion of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910, which reads as follows:

"The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear admiral of the lower nine, and all officers of the Navy who are now serving or who shall hereafter serve as chief of bureau in the Navy Department, and are eligible for retirement after 30 years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after 30 years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred," be, and the same is hereby, repealed.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against the amendment for the purpose of giving the chairman of the committee an opportunity to tell the committee wherein his amendment is not subject to the point of order.

Mr. PADGETT. Mr. Chairman, under existing law a chief of bureau while holding office has the rank, pay, and title of rear admiral.

Mr. SLAYDEN. And allowances.

Mr. PADGETT. Yes, sir; and allowances. The section which we propose to repeal, which was enacted in 1910, provides that after going out of the office of chief of bureau he shall, while on the active list, continue to have the rank, pay, allowance, and grade of a rear admiral, and after 30 years shall have the right to retire with that rank. Now, this repeals that provision, so that when he ceases to be a chief of bureau he returns to the rank and pay which he had when he was first appointed, or if a commander is appointed chief of bureau and retires, he resumes his rank in the line.

Mr. SLAYDEN. For the purpose of retirement.

Mr. PADGETT. Of course, he can pass on up afterwards.

Mr. SLAYDEN. That is when he is relieved from that bureau.

Mr. PADGETT. When he retires from the office, not from the service, he would resume his original rank.

Mr. SLAYDEN. That, of course, is an economy.

Mr. PADGETT. Yes; an economy, and it is clearly within the rule.

Mr. SLAYDEN. As I understand——

Mr. BURLESON. This corrects what has been denominated as the "admiral factory."

Mr. ROBERTS of Massachusetts. The effect of the repeal of this law is to reduce the number of rear admirals on the active list?

Mr. PADGETT. And also to prevent them from being created by appointment. Under the law as it is now, as I termed it once before, it is an admiral factory. A man is appointed chief of bureau, and he can serve three months and then be removed and go upon the active list as a rear admiral all the rest of his life.

Mr. ROBERTS of Massachusetts. And under this amendment he can only act as a rear admiral——

Mr. PADGETT. While actively serving as chief of bureau.

Mr. ROBERTS of Massachusetts. And when he retires he goes back to his regular rank.

Mr. BURLESON. The provision was really enacted to take care of two men.

Mr. PADGETT. Yes.

Mr. MADDEN. Mr. Chairman, I do not insist upon the point of order.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to expedite matters, and I want to say that there is a very great demand for a dental-surgeon corps in the Navy. There is none, and there should be one. We have an amendment here providing for the establishment of a dental corps in the Navy identical with the one that is in the Army, and I want to ask unanimous consent to present it. If anybody objects, I will say it is subject to the point of order.

Mr. LONGWORTH. It was acted upon by the committee favorably?

Mr. PADGETT. Yes; it is a committee amendment, and it is recommended by the department, and it is identical with the one now existing in the Army. It is a unanimous report from the committee.

We have 44,000 men in the Navy now, not including the officers, not including the Marine Corps, but about 60,000 when you include them. And we have authorized in this bill 4,000 more enlisted men.

Mr. TILSON. What is done at present? Do you have contract dentists?

Mr. PADGETT. They sort of make it up, and they get hospital stewards and that sort to study dentistry and practice on the men as best they can. The service is suffering as a result of it.

Mr. SLAYDEN. How many dental surgeons do you propose to appoint under this?

Mr. PADGETT. I believe it is 30. It puts it on the same basis as the Army, which provides for appointing dental surgeons and then for the employment of dental contract surgeons in the same proportion that they are employed in the Army—one to every thousand.

Mr. SLAYDEN. In precisely the same ratio as in the Army?

Mr. PADGETT. Yes, sir; one to a thousand.

Mr. SLAYDEN. Where do you propose to station them?

Mr. PADGETT. Most of them will be on the ships with the men.

Mr. SLAYDEN. When my friend from Alabama [Mr. HOBSON] gets all the ships he wants, I am afraid that proportion will be disturbed.

Mr. PADGETT. This fixes it one to a thousand.

Mr. SLAYDEN. What sort of rank or pay do you propose to give them? Are they given the same as commissioned officers?

Mr. HOBSON. Yes.

Mr. SLAYDEN. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several enlisted men of the Navy and Marine Corps then attached to the United States ship *Georgia* the respective sums of money placed by said enlisted men on deposit for safe-keeping with the pay officer of said ship as permitted by article 1331 of the Navy Regulations, which said sums were stolen on February 10 or 11, 1911, by one Edward V. Lee, clerk of said pay officer; and the sum of $4,300, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I notice that the money which this man Lee stole was money which was deposited with him for safekeeping by the men on board ship. It is a question whether the United States Government should hold itself responsible for the refunding of this money which these men voluntarily deposited with the clerk of the ship, and whether the Congress can properly enact a law now to reimburse them for the loss of their money by their own voluntary act.

Mr. ROBERTS of Massachusetts. Will the gentleman pardon an interruption for just a moment?

Mr. MADDEN. Certainly.

Mr. ROBERTS of Massachusetts. Really the gist of this case is this: That the money taken by the paymaster's clerk included money belonging to the United States Government and to these enlisted men. When the absconding clerk was caught he had $18,000 or $20,000 of that money left. The United States Government took every cent of it and applied it on account of what was taken from the United States, and did not give the men even a pro rata. Now, a bankruptcy court or an insolvency court would have given the men at least a pro rata of the money that was recovered.

Mr. MADDEN. That is true.

Mr. ROBERTS of Massachusetts. This money was deposited at the solicitation of the Navy Department.

Mr. MADDEN. Let me ask the gentleman from Massachusetts this: What was the total amount stolen?

Mr. ROBERTS of Massachusetts. My recollection is that it was $28,000 or $30,000.

Mr. MADDEN. And the man who had the money in his possession had about $20,000 when he was arrested?

Mr. ROBERTS of Massachusetts. Something like that.

Mr. MADDEN. And the Government took it all?

Mr. ROBERTS of Massachusetts. Took it all.

Mr. LONGWORTH. Was there an invitation issued to the men to deposit their money in that way?

Mr. PADGETT. There was an express invitation to the men to deposit this money so that they would have something remaining when they left the service. There is an official regulation providing for their depositing it, and they are encouraged to make their deposits in order to promote thrift and economy amongst the men.

Mr. MADDEN. I am not inclined to oppose the provision in the bill, but I thought it was only fair to ascertain why the Government of the United States should be held accountable for losses made by men who deposited money by their own voluntary act.

Mr. ROBERTS of Massachusetts. Because the Government had invited these deposits and had urged the men to make them and held out to the men the inducement that the money would be paid back to them when they wanted it.

Mr. MADDEN. That would not induce me—the mere fact that the Government invited me to do something which I had the right to refuse to do. That would not make me favor this provision, but the fact that the Government lost money at the same time that the men lost theirs and the fact that the Government has secured part of its money back and the men have not secured theirs is a good reason why we should do something now to reimburse the men for the loss they have incurred, and therefore I have no objection to this provision.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question concerning this matter. What provision is made with respect to a disbursing officer of this kind with reference to his giving bond for the safety of the funds intrusted to his keeping?

Mr. PADGETT. They give a bond; the principal pay officer does.

Mr. CULLOP. Now, what was done in this case with reference to what happened by the action of Lee?

Mr. PADGETT. I understand that the paymaster himself is pursuing the bond to make good to the Government the deficiency that it lost.

Mr. CULLOP. Does this provision in the bond cover liability for such losses?

Mr. PADGETT. It does not. It does not cover the men. I will state to the gentleman, if he will permit me, what the situation is. There are two provisions. There is a provision of law that authorizes the men to deposit their money for a fixed period, and the Government pays them interest at 4 per cent upon the money, and that money is repayable to them upon their discharge. That money is protected by the bond, as the Government has taken the money and it becomes the money of the Government, and it goes into the Government Treasury. The other provision is a Navy regulation providing that the men may deposit their money with the officer, but they do it at their own risk. The bond of the pay clerk does not protect them and does not cover the money that they deposit. But these men, taken up from all over the country, here and there, under military rule, with their life upon the ship, naturally and properly,

I think, rely upon the officers and upon the integrity of the officers.

Mr. CULLOP. Everybody does that with respect to every public official.

Mr. PADGETT. They deposited their money with them, and this money was stolen.

Mr. CULLOP. I would like to ask the chairman of the great Committee on Naval Affairs whether it would not be the part of prudence to insert some provision to the effect that where, either through the Navy Department or an act of Congress, the Government invites men to deposit their money it should take some kind of bond for the safety of it?

Mr. PADGETT. I understand that the Navy Department has amended its regulations, and has prohibited these pay clerks from receiving money and requiring the money to be paid to the paymaster, and they have stopped payment to the clerks, as was done at the time and before this theft was committed.

Mr. CULLOP. That requirement was made after the injury was inflicted?

Mr. PADGETT. Yes.

Mr. HOBSON. I hope the gentleman from Indiana will not say anything to discourage the men from making the deposits on account of the risk involved.

Mr. CULLOP. I think that in a great department like this prudence requires some provision for the security of the funds deposited by the men in the hands of their officers, and it is laches on the part of the Navy administration not to have made such provision.

Mr. HOBSON. I want to say to the gentleman that these precautions are taken and this money is safeguarded in the same way that other moneys of the Government are safeguarded.

Mr. CULLOP. Then, if they had pursued that course, they could recover the money back, but I understand in this case it was not done. That is my understanding, from the statement of the chairman of the committee.

Mr. HOBSON. I do not know about the details of the bond.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I happen to know something about this particular transaction from personal knowledge, from the fact that this young man, Lee, visited my home town of Atlanta and stayed there for two weeks, spending his money openly as a modern Crœsus.

This provision in the bill is a perfectly just one, in my judgment, because, under the naval regulations, these men are invited to make their deposits and receive a certain amount of interest from the Government for their deposits.

Now, there is not one man in a thousand who would investigate or stop to think and question the safety of his money when he deposits it with an officer of the Government. I hope this discussion here to-day will throw around the Government some protection from such thefts as this in the future. As I understand the rule, which, I think, is a very proper one, it is that the paymaster has a right to select his own pay clerk. I suppose that privilege is given him for the reason that he ought to be allowed to designate the person who shall handle his funds; but certainly there should be some provision that in the future these pay clerks, who handle hundreds of thousands of dollars, and receive the savings of these enlisted men, shall be placed under bond.

I think the amount of money appropriated in this bill is proper, and I hope there will be no objection to its passage.

Mr. CULLOP. Will the gentleman yield for a question?

Mr. HOWARD. With pleasure.

Mr. CULLOP. I would do everything in my power to encourage these men to save their money, and I am not complaining of that. I am complaining of the negligence of the department in not requiring the person who receives the money to give bond for its safe-keeping and return. I think that is gross negligence. If these men know their money is safe when so deposited, it will be an incentive to them to accumulate and to save their earnings; but if it is not safe there is no inducement to them to do so.

Mr. HOWARD. I think the criticism of the gentleman from Indiana is a just one. That is the reason why I have made the few remarks that I have made with reference to this particular matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $46,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the islands possessions during the fiscal year 1913.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. PADGETT. There is no change in this. It is the same that it has been for years.

Mr. MADDEN. The part on which I reserve the point of order is the language from line 3—

Payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department * * * in the island possessions—

And so forth. Is not that new?

Mr. PADGETT. No; that was in the bill last year.

Mr. MADDEN. Still, I think it is not permanent law, but only in an appropriation bill.

Mr. PADGETT. We had it in the bill last year, and the language is not changed, and no additional appropriation is included on account of it.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $750,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee how he is able to make such a material reduction while carrying exactly the same items that were carried in the bill a year ago. There is a 25 per cent reduction.

Mr. PADGETT. It is on account of the discharges and reenlistments. They do not have to enlist so many men now as they did a year ago, on account of there not being so many expirations of enlistments.

Mr. TILSON. I see the first item is for travel allowance. Have you been able to reduce that?

Mr. PADGETT. Yes.

Mr. HOBSON. They have been getting lower rates of transportation.

Mr. PADGETT. They have been getting some lower rates of transportation and getting better terms, and the enlistments and discharges have been less. The result is that we have been able to reduce the total under this item from $999,400 to $750,000 for the next fiscal year.

Mr. TILSON. We had a like experience in the Military Affairs Committee, and were able to make reductions in the travel allowances. I wondered if the Naval Affairs Committee had been able to do the same thing.

Mr. PADGETT. Yes; we have been able to do the same thing.

Mr. TILSON. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $125,000: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible; but when it is afterwards found, upon evidence satisfactory to the Navy Department, that recruit has sworn falsely as to age, and is under 18 years of age at the time of enlistment, he shall, upon request of either parent, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

Page 10, line 24, add the following proviso: "*Provided*, That authority is hereby granted to employ the services of an advertising agent in advertising for recruits under such terms and conditions as are most advantageous to the Government."

Mr. PADGETT. I will state that that proviso is added because it is largely through the instrumentality of this agency in the recruiting service that the department has been able to make the reductions referred to a moment ago. The comp-

troller has ruled that there not being any authority he has held up for the future that provision, and we are inserting it in order that we may continue this economy.

The amendment was agreed to.

The Clerk read as follows:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, $167,000.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to return to page 10, line 17, where it says that the request may be made by either parent. I want to add that in case the parents are dead the request may be by the guardian. I thought the language of the first part of the section was carried over into that place. I suggest that that change ought to be made.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 10, line 21, for the purpose of offering an amendment.

Mr. PADGETT. Reserving the right to object, I would like to say to the gentleman that the language of this provision was worked out by the committee several years ago, when they had a good deal of trouble over adjusting the matter, but finally we got this language after very great labor and pains, and it has been working very satisfactorily.

Mr. MURRAY. But I want to call the attention of the chairman of the committee to line 10 of that same page where it is provided that the statement may be made by a parent or either of the parents, and then there is the additional proviso that in case of their death a verified written statement may be made by the legal guardian. Now, I suggest that, in line 21, on the same page, after the words "upon the request of either parent," the words be added "or, in case of death of the parents, by the legal guardian."

Mr. PADGETT. I see no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 21, insert after the word "parent" the words "or in case of their death by the legal guardian."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Aviation experiments: For experimental work in the development of aviation for naval purposes, $10,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question. My inclination would be to move to strike out the word "ten" and insert the word "twenty-five," so as to make it $25,000. I would first like to ask why it is that the amount appropriated for aviation is so much reduced?

Mr. PADGETT. It is reduced at this place only; other amounts are carried in other portions of the bill. We are carrying in the bill about $42,000 or $43,000 for aviation. This is only under the Bureau of Navigation. They stated that that was all they needed in their bureau. In the Bureau of Steam Engineering we are appropriating $20,000, and under the Bureau of Construction we are providing for $10,000, and I think under one of the other bureaus there is a still smaller appropriation. We are giving everything in aviation that the department said they could use to advantage.

Mr. TILSON. I am glad to see that no backward step is being taken, and I withdraw the point of order.

The Clerk read as follows:

Maintenance of naval auxiliaries: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval auxiliaries, and all expenses connected with naval auxiliaries employed in emergencies which can not be paid from other appropriations, $768,373.

Mr. CULLOP. Mr. Chairman, I make a point of order against the paragraph.

Mr. PADGETT. On what account?

Mr. CULLOP. Because it is an increase in the amount.

Mr. PADGETT. But there is no fixed sum for appropriation.

Mr. CULLOP. I will reserve the point of order, and ask the gentleman what is the necessity for this increase?

Mr. PADGETT. The condition of the ships, the number of the colliers that have been completed, and other ships in the auxiliary part of the Navy required to be taken care of.

Mr. CULLOP. How much is the increase?

Mr. HOBSON. About 1 per cent.

Mr. PADGETT. It is about $8,000 in the total amount, and it is needed to take care of the larger colliers, the new ones that have gone into the service, that must be provided for.

Mr. CULLOP. Does the gentleman find it is absolutely necessary to make this increase this year?

Mr. PADGETT. Oh, yes.

Mr. CULLOP. We could not in any way avoid this increase this year?

Mr. PADGETT. Not at all, and take care of the new ships that have come into commission.

Mr. CULLOP. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Naval training station, Cal.: Maintenance of naval training station, Yerba Buena Island, Cal., namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $70,000.

Mr. MADDEN. Mr. Chairman, I move to amend the section by inserting the words "boats and" after the word "extinguishers," in line 18, page 12.

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that the words "boats and" have heretofore been in there, but the department says they no longer need the money for that purpose.

Mr. CULLOP. Mr. Chairman, before any discussion is had upon this I would like to have the amendment reported by the Clerk.

Mr. MADDEN. Mr. Chairman, the chairman of the committee says that the department suggests that they do not need the money for this purpose, and, therefore, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Miscellaneous: Water rent and lighting, $2,000; cemetery, burial expenses and headstones, $1,000; improvement of grounds, $1,000; repairs to buildings, repairs to and purchase of boilers, furnaces, and furniture, $6,748; music in chapel and entertainments for beneficiaries, $1,000; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both, to and from other Government hospitals, $300; support of beneficiaries, $42,373; total miscellaneous, $54,421.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman a question. The words "entertainments for beneficiaries," in lines 23 and 24, page 16, are new.

Mr. PADGETT. Yes; that is true. The gentleman understands that this home is supported out of the prize money, the money that is in trust in the Government, and the interest on the fund the Government pays is devoted to the maintenance of the home. The surplus goes into the Interior Department, the Pension Office, as a part of the general pension fund. These old sailors who are at the home need some entertainment. There was a question as to whether or not, when they would have a little music or something, or pay out a dollar—I believe it is—on a Sunday to some person to act as leader of the choir, or something of that kind, or have a concert some night for the entertainment of the sailors, there would be any authority.

Mr. MADDEN. And there was no authority in law for it?

Mr. PADGETT. The accounting officers might hold this up, and in order that it might be express, we have included the words in the bill.

Mr. BUTLER. It is their own money anyway.

Mr. PADGETT. Yes; I said it was not our money.

Mr. MADDEN. Mr. Chairman, I thought it was just as well to have it explained. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, for Naval Home, $73,469, which sum shall be paid out of the income from the naval pension fund: *Provided*, That for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home.

All moneys belonging to a deceased inmate of the Naval Home or derived from the sale of his personal effects, and which are not claimed by his next of kin, shall be deposited in the Treasury by the governor of the home, as agent, and if any sum so deposited has been or shall hereafter be unclaimed for a period of five years from the death of such inmate it shall be covered into the Treasury: *Provided*, That the governor of the Naval Home is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his next of kin: *And provided*

further, That claims may be presented hereunder at any time, and when supported by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration.

Mr. HOWARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, line 22, after the word "Treasury," insert the words "as miscellaneous receipts."

Mr. PADGETT. Mr. Chairman, I have that amendment noted, and the committee accepts it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee a question. From line 16 on page 17 to line 7 on page 18 seems to be new language.

Mr. PADGETT. Yes.

Mr. MADDEN. And the committee thinks this is the best way to conserve the interests of the people who die in the home?

Mr. PADGETT. Yes. There have been little funds, running from a few cents up to a few dollars, I believe forty or fifty dollars, maybe sixty dollars, which is the maximum amount of money, when the old inmates have died. The accounting officers of the home have no authority to turn it into the Treasury and they have to hold it, and as the change of officers takes place it is handed from one officer to another, without any proper management and disposition of the funds.

Mr. MADDEN. And this is intended to give them an opportunity to clean up their accounts when they make the change?

Mr. PADGETT. And to turn it into the Treasury and to let it stand there as a trust fund to be paid to the beneficiaries when found.

Mr. MADDEN. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MURRAY. Mr. Chairman, before leaving this point, may I suggest to the chairman of the committee the possibility and the desirability of some amendment which will obviate the necessity in the future of competition between civilian employees and men enlisted in the Navy at the navy yards of the country? To explain just exactly what I mean, I have had a great many complaints during the past year from the district which I represent, wherein the Charleston Navy Yard is located, because of a condition that has existed there when enlisted men of the Navy have been obliged to do the same work that has for all time before been done by civilian employees. In order that that practice may be discontinued, I desire to offer the following amendment:

Provided, That no part of the labor herein appropriated for and to be performed at the navy yards in the United States shall be performed by enlisted men of the United States Navy.

Mr. PADGETT. Mr. Chairman, I can not consent to the amendment, but must oppose it. I believe the amendment has not been reported yet.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, after the word "proposal," insert the following:

"*Provided*, That no part of the labor herein appropriated for and to be performed at navy yards in the United States shall be performed by enlisted men of the United States Navy."

Mr. MURRAY. Before the gentleman expresses any objection, if it goes to the verbiage, I desire to say I have no pride of authorship, and shall be most happy to accept any change in the language of the amendment to carry out the thought in point.

Mr. PADGETT. It is the substance of the matter which I wish to present to the committee. A great many minor repairs aboard ship are done by the enlisted men. If a piece of machinery breaks down or gets out of repair we have on board a machine shop and the enlisted men do the work on board the ship instead of carrying the ship from where it may have become disabled to a navy yard and having the work done in that navy yard, and it would be a great inconvenience and a very great expense to carry the ships into the yards and have them docked or tied up at the dock for the purpose of having these minor repairs done.

Another thing, it is very essential that this work should be done by the men aboard ship in order that they may be trained and experienced and have the knowledge and capacity to keep the ship in repair and in running order. If the ship breaks down at sea it is necessary that the enlisted men on board should have the practice and the experience and the capacity to repair the ship. It is a great economy, and I desire to commend the administration for working out this economy at a small expense aboard ship instead of carrying it into the yards to be done at any time it may be needed.

Mr. MURRAY. Mr. Chairman——

Mr. DICKINSON. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. PADGETT. I have said all I care to say, and I yield the floor.

Mr. BUCHANAN. I was of the opinion the gentleman had yielded the floor, and I did not understand the amendment of the gentleman from Massachusetts.

Mr. MURRAY. Mr. Chairman, if I thought that my amendment might cause a ship that is disabled or is in trouble or away from a navy yard to be compelled to proceed to that navy yard for the purpose of having repairs made, of course I would not urge it. I subscribe most heartily to everything the chafrman of the Committee on Naval Affairs has said, except I can not commend the policy of the Secretary of the Navy in having competition between the enlisted men and civilian employees at the navy yards. I tried to draft the amendment to provide this, that no part of the labor herein appropriated for and to be performed at navy yards of the United States shall be done by enlisted men. The situation that is complained about, and the complaint that has come to me from a great many people in the district I have the honor to represent, is that these men are entitled to consideration when a ship goes into the navy yard, into the home port, either at the Charlestown yard or at the Brooklyn Navy Yard, which the gentleman from New York represents, or any other place; that the men who are enlisted in the Navy and who are enlisted to be trained for the purposes of war and not for the purpose of being machinists in time of peace, nor for the purpose of being laborers like the men who have their living to earn along that line, are made to do work at the navy yard which has always been done by civilian employees.

I do not believe when a ship gets in trouble at sea or in a foreign port that it should be necessary to bring it back to the United States to have repairs done; but I do believe, and that is the purpose of having my amendment enacted into the law, when those ships go into a port the enlisted men of the Navy ought not to be put in the position where they are the competitors of civilian employees in the work that they have been doing. What is the practical result of it? Men work at these navy yards, as they do in the district I represent, for some weeks, until a fleet might come in or until the ships come in. Then, when these sailors come in off the ships their employment is gone, because the commandant of the yard and the officers of the yard are able to use this enlisted force for the purpose of doing the work of civilian employees.

Now, I am sorry to hear that the chairman of the Committee on Naval Affairs commends that kind of economy. I know that the people of Massachusetts do not commend it.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. MURRAY. Certainly.

Mr. BUCHANAN. I believe I have heard something of the protest that the gentleman has in mind. I have read in a letter of the Secretary of the Navy where the *Nebraska* was being repaired and the work done by enlisted men. I forget the name of the navy yard now.

Mr. MURRAY. That case was at the Charlestown Navy Yard.

Mr. BUCHANAN. At the Charlestown Navy Yard, and that was not at sea. It was not done on the repair vessels spoken of by the chairman.

Mr. MURRAY. I am in favor of breaks at sea being repaired on board ship.

Mr. BUCHANAN. If you will permit me, I will say that I read in the letter from the Secretary that the reason it was done at that time was because at that particular time they had ordered repairs on the *Nebraska* and did not have a sufficient amount appropriated to do all the work necessary, and at the same time they wanted to keep a certain crew of men working, and they worked enough enlisted men to finish the work within the appropriation.

From that letter I took it that it was not the policy of the department to work enlisted men in competition with private citizens. Now, there is a question there, though, which is really a delicate question to settle, and one that requires some deliberate consideration. As the chairman of the committee has stated, enlisted men at sea probably should have some experience so as to qualify them to make them efficient to do the repair work at sea in case of an emergency. At the same time, the workmen in the yards are justified in protesting against

having that work in competition with them. And I take it, according to the letter that I read from the Secretary of the Navy, that it is not really a very serious proposition at this time.

Mr. MURRAY. If the gentleman had a navy yard in his district, as I have, he would know it is a very serious proposition.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MURRAY] has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURRAY. May I ask the gentleman from Illinois [Mr. BUCHANAN] whether or not he is opposed to the amendment?

Mr. BUCHANAN. I am not opposed to the amendment.

Mr. MURRAY. Then we are together.

Mr. BUCHANAN. It ought to have in it something with reference to work being done at the navy yards.

Mr. MURRAY. It does.

Mr. BUCHANAN. Then it does away with the objections of the chairman, saying that this work is to be done in the repair ships at sea.

Mr. MURRAY. My amendment expressly says:

Provided, That no part of the labor herein appropriated for and to be performed in navy yards of the United States shall be performed by enlisted men of the United States Navy.

Now, I realize when there is a break at sea the men on board ship ought to do the repairing. I realize, too, when the ship is in foreign waters the necessary work on board ship ought to be done by enlisted men. I think when the ships are at foreign ports necessary work ought to be done in that way. But when they get to home ports—and I do not think the chairman understands me——

Mr. PADGETT. I understand you.

Mr. MURRAY. The enlisted men ought not to be brought in competition with civilian employees. And I think the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee ought to accept the amendment.

Mr. PADGETT. No, indeed. If I can call the gentleman's attention to the matter, the whole proposition is this: The expenditure as to the Navy is becoming so great and the cost of the Navy is so great that the magnitude of our naval expenditures is beginning to alarm the country. Something must be done to hold down the expenditures. This proposition simply means that the Government can not use the men it has got in its service, but it must allow them to remain idle and the Navy go and hire somebody else to do the work at a higher price.

That amendment, if it goes into the bill, simply means that we must increase the appropriation. The Government has these men. They are under contract with the Government. The Government is paying them. They do not want to get out. The Government is entitled to their services, and the gentleman's idea is that the Government shall not use these men to perform services which they are perfectly competent to perform, and for which they should qualify themselves in order to be able to perform them in an emergency.

Now, then, the Government can not afford to let these men remain idle until the emergency arises, because if the Government should do that they would not be qualified to do the work when needed. The Government must train them and give them work, and have them trained in practice, so that they will be qualified to do the work when the emergency does arise.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Massachusetts?

Mr. PADGETT. I yield to the gentleman.

Mr. MURRAY. Mr. Chairman, if I thought that my amendment was at cross-purpose to the point of view that the chairman has so clearly expressed, I would not insist upon it; but the kind of work that I have in mind is the kind of work that is done in connection with the assembling and disassembling of parts, to use the technical language.

Mr. PADGETT. Then why should not the Government have the benefit of his services? Under what obligation is the Government to go over here and hire these civilian workmen in preference to these men?

Mr. MURRAY. I call to witness Capt. HOBSON, a member of the committee of which the gentleman from Tennessee is chairman, to confirm my statement that this method of employing enlisted men is certain to break down military discipline. As I recall my own experiences when I was in the Army in 1898, when we had returned to Tampa from Cuba we had a joke in the Army to this effect: "Send us the best detail you have in your company." "To do what?" And the answer was, "To load or unload some boxes." [Laughter.]

That is what the men are asked to do who are enlisted to maintain the honor of the Government in time of war and in time of peace. They are not enlisted in the Army nor in the Navy for the purpose of assembling or disassembling parts on board a ship; that is useful and honorable work and the civilian employees at these navy yards are the ones that ought to be kept at work by the United States, when the ships are in port, to do this kind of work. I tell you, by such a policy as that you are going to make out of your enlisted men not the best fighters in the world, as it is my hope to see them made, but you are going to destroy that kind of fighting spirit that is such a valuable asset to the country and which has been such a valuable asset in the times that have gone by. I look upon the question not only as one who represents a civilian population in the district which I have the honor to represent, but also as one with a broader vision than that, who has had some experience, though limited, in the military service of the United States, and I think that some provision along the lines of this amendment that I have proposed ought to be adopted. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I would like to ask the gentleman from Tennessee a question, if he has knowledge as to whether it is the policy of the Navy Department to do repair work in the navy yards with enlisted men?

Mr. PADGETT. I do not understand that it is the regular policy to do the repair work in the Navy with enlisted men, speaking of the Navy as a body, but there is certain repair work that they want the enlisted men to do, and it is necessary that at times they should do this work in order that they may qualify themselves for its performance in an emergency. But they are not going there and doing the work regularly and all the time.

Mr. BUCHANAN. Then if it was not a policy, this amendment would not add anything to the expense, would it?

Mr. PADGETT. Yes. This would prevent any part of this appropriation being available if they used any one man in the yard to do this work. It cuts off entirely the use of an enlisted man in the yards for any purpose at any time under any emergency, and it is too broad and too fast.

Mr. BUCHANAN. I want to say that the practice which the gentleman refers to is putting into competition with enlisted men the workingmen of this country, and I am opposed to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. MURRAY].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MURRAY. Mr. Chairman, division, please.

The committee proceeded to divide.

The affirmative vote was taken.

Mr. MURRAY. Mr. Chairman, I make the point of no quorum present.

Mr. PADGETT. I ask the Chairman to take the negative side, and then, if the gentleman will withdraw his point of no quorum, I will move that the committee rise.

Mr. MURRAY. I withdraw the point of no quorum.

The division was resumed and completed.

The CHAIRMAN. On this question the ayes are 11 and the noes are 17. The amendment is rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated:

S. 139. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 473. An act relating to Navy retirements; to the Committee on Naval Affairs.

S. J. Res. 105. Joint resolution authorizing the Secretary of State, for and on behalf of Surg. Eugene Wasdin, late of the

United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and to present the same to the widow of the said Surg. Wasdin; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.; and

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER announced that in conformity with a resolution of the Senate requesting the President to return and the Speaker of the House of Representatives and the Vice President to cancel their signatures, he had this day canceled his signature to the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Saturday, May 25, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation for investigation to be made by the Bureau of Standards (H. Doc. No. 766); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a revised estimate of appropriation for the Public Health and Marine-Hospital Service (H. Doc. No. 768); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Maumee River, Ohio and Indiana (H. Doc. No. 769); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Elk and Little Elk Rivers, Md. (H. Doc. No. 770); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting estimate of appropriation to reconstruct the marine-hospital building at New York and for rent of temporary buildings at Lincoln, Nebr., and Portsmouth, Ohio, while Government buildings of those places are being repaired (H. Doc. No. 767); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, reported the same without amendment, accompanied by a report (No. 756), which said bill and report were referred to the House Calendar.

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors, reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 23504) granting a pension to Thomas J. Turner, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WARBURTON: A bill (H. R. 24825) making an appropriation for the construction of a wagon road through the Olympic National Forest; to the Committee on Appropriations.

By Mr. PEPPER: A bill (H. R. 24826) for the purchase of a site and the erection thereon of a public building at Marengo, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. WEDEMEYER: A bill (H. R. 24827) for the purchase of a site and the erection thereon of a public building at Wyandotte, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: A bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter; to the Committee on Agriculture.

By Mr. OLDFIELD: A bill (H. R. 24829) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: A bill (H. R. 24830) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 24831) to authorize and direct the Mississippi River Commission to make certain examinations and surveys in the State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. GREGG of Pennsylvania: Resolution (H. Res. 547) requesting the Secretary of Commerce and Labor to furnish the House with information relative to the bituminous coal miners' strike in Westmoreland County, Pa., in the years 1910 and 1911; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24832) granting an increase of pension to Elijah Ogle; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24833) granting an increase of pension to Nathaniel Perry; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24834) granting a pension of Eliza A. Paine; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 24835) granting an increase of pension to George W. McClelland; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24836) for the relief of Stephen Arthur; to the Committee on War Claims.

By Mr. McKELLAR: A bill (H. R. 24837) granting an increase of pension to John A. Scranton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24838) for the relief of the estate of Samuel Mosby, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24839) for the relief of E. B. McHenry, receiver of the Bank of West Tennessee; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 24840) granting a pension to Ward Pine; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 24841) for the relief of A. W. Cleland, jr.; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 24842) for the relief of the legal representatives of J. C. Calhoun, deceased; to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 24843) granting an increase of pension to May S. Bacon; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24844) for the relief of Charles A. Coolidge; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 24845) for the relief of Bertha L. Tasker; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 24846) granting a pension to Lucy A. Hopkins; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24847) granting a pension to Hannah M. Brodock; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 24848) granting a pension to Grant Van Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24849) granting an increase of pension to John W. Sidle; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24850) granting an increase of pension to Rachel Sturgeon; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 24851) granting a pension to John McElroy; to the Committee on Pensions.

Also, a bill (H. R. 24852) granting a pension to Margaret A. Montague; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

By Mr. BARTHOLDT: Petition of the Missouri State Dental Association, of Clinton, Mo., against passage of bill relative to dental devices; to the Committee on Patents.

Also, petition of the International Christian Endeavor Association, favoring resolution providing for an investigation concerning the Esperanto language; to the Committee on Rules.

Also, petition of the Felsinger Boette Shoe Co., of St. Louis, Mo., against passage of the Thayer-Lenroot bills (H. R. 11380 and 11381); to the Committee on the Judiciary.

Also, petition of the Fortnightly Club of Kirkwood, Mo., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Daughters of Liberty and the Fraternal Order of America, of St. Louis, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America of Philadelphia, Pa.; Rod of Sholom Lodge, No. 53; Socialist Party; and Pride of the West Lodge, No. 56, of St. Louis, Mo., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Clines Consolidated Benevolent Association, of San Francisco, Cal., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Petition of the Brotherhood of Locomotive Engineers, the Brotherhood of Railway Trainmen, and the Order of Railway conductors, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CRUMPACKER: Petition of the Knights of Columbus of Hammond, Ind., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DICKINSON: Papers to accompany bill granting a pension to J. Walter Craig; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Samuel Owings; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of citizens of La Crosse, Wis., favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Mr. FITZGERALD: Petition of the Downtown Taxpayers' Association of Brooklyn, N. Y., congratulating Civil Engineer Harris upon the construction of a dry dock at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, resolutions of the board of directors of the Wireless Association of Pennsylvania relative to wireless communications at the time of the sinking of the steamship *Titanic;* to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the New York Board of Trade and Transportation of New York relative to House bill 19224, entitled "A bill to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C.; to the Committee on Industrial Arts and Expositions.

Also, petition of the Philadelphia Chamber of Commerce, of Philadelphia, Pa.; the Cleveland Chamber of Commerce, of Cleveland, Ohio; the Cincinnati Chamber of Commerce and Merchants' Exchange, of Cincinnati, favoring the continuance of the efficiency commission; to the Committee on Appropriations.

Also, petition of the National Jewelers' Board of Trade, of New York, protesting against any change in the present patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of the United States Civil Service Retirement Association, Washington, D. C., protesting against any legislation that will reestablish the spoils system; to the Committee on the Judiciary.

Also, petition of Dr. Theodore Herzel Lodge, No. 107, Independent Order Ahawas Israel, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa.; the Farmers' Union of America; the tenth biennial convention of Brotherhood of Railroad Trainmen; and the American Purity Federation, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Kings County Lodge, No. 45, Independent Order Ahawas Israel of Brooklyn, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Patriotic Order Sons of America of Pennsylvania, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, favoring the placing on a civil-service basis the Diplomatic and Consular Service, etc.; to the Committee on Foreign Affairs.

Also, resolutions of the parishioners of Grace Church, of Brooklyn, N. Y., favoring passage of House bill 20632, for the protection of the natives of Alaska; to the Committee on the Territories.

Also, resolutions of the National Lumber Manufacturers' Association, relative to the amendment to Sherman antitrust law; to the Committee on the Judiciary.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to Panama Canal legislation; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to the importation of injurious insects, etc.; to the Committee on Agriculture.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to the control of the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

By Mr. FORNES: Petition of Paul E. MacMermann, of New York City, against passage of the Works bill relative to license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, for vocational training in agriculture, etc.; to the Committee on Agriculture.

By Mr. FULLER: Petition of the City Club, of Chicago, Ill., urging that sections 4 and 5 on classified civil service in the legislative, etc., appropriation bill (H. R. 24023) be stricken out, etc.; to the Committee on Appropriations.

Also, petition of the National Lumber Manufacturers' Association, relative to preventing the importation of injurious insects, etc.; to the Committee on Agriculture.

Also, petition of Zion Lutheran Church, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petitions of the Big Ben Western Clock Manufacturing Co., of La Salle, Ill., and the Birmingham & Seaman Co., of Chicago, Ill., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Brotherhood of Locomotive Engineers, favoring the passage of the anti-injunction bill, etc.; to the Committee on the Judiciary.

Also, petition of the Junior Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175), for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Benard Magoonaugh, Detroit, Mich., favoring passage of House bill 1339, granting increase of pension to the veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Polish-American organizations and parishes of Chicago, Ill., protesting against passage of House bill

22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of State Camp, Patriotic Order Sons of America, and Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY: Petition of T. A. McCann and 34 other members of the Cigar Makers' Union, No. 179, favoring legislation to create a postal express; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Memorial of the House of Representatives and Senate of Arizona, relative to certain lands settled on by the pioneers of Arizona; to the Committee on the Judiciary.

Also, memorial of House of Representatives and the Senate of the State of Arizona, relative to the abolishment of the United States Commerce Court; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 20044, for the improvement of the Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Sacramento, Cal., favoring sale of public lands for road building; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against passage of House bill 21100, relative to district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Shipowners' Association of the Pacific Coast, protesting against passage of House bill 21100, relative to district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., relative to improvement of levees on Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the city council of Santa Cruz, Cal., favoring passage of Senate bill 6496, for protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Farmers' Union, the American Purity Federation, the Brotherhood of Railroad Trainmen, and citizens of Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring establishment of bonded district at the ports of the United States; to the Committee on Ways and Means.

By Mr. HOUSTON: Petition of the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of workmen's compensation bill, etc.; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the Long Island Game Protective Association, New York, favoring protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Mutual Benefit Association, New York, N. Y., relative to conditions in the United States customs service; to the Committee on Ways and Means.

Also, petition of the Order of Railway Conductors, New York, N. Y., favoring passage of House bill 20487, a Federal accident compensation bill; to the Committee on the Judiciary.

Also, petition of the Allied Printing Trades Council of New York, N. Y., favoring passage of the 1-cent postage letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Junior Order United American Mechanics, New York; and Washington Camp, No. 11, Patriotic Order Sons of America, Long Island City, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the New York Milk Committee, New York, N. Y., favoring the continuance of the commission on efficiency of the Federal Government; to the Committee on Appropriations.

Also, petition of Steinway & Sons, New York, N. Y., relative to the continuance of the assay office at Seattle, Wash.; to the Committee on Appropriations.

Also, resolution of 1,400 members of Local Union No. 309, Brotherhood of Carpenters and Joiners, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against passage of bills denying right of patentee to control the retail price of their product; to the Committee on Patents.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a practical parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of the Hudson River Improvement Association, of New Jersey, favoring passage of bill calling for an appropriation of $1,570,000 for improvement of the Hudson River; to the Committee on Rivers and Harbors.

Also, petition of the Jewish community of New York, against bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Lithuanian Socialist Federation of America, of Shenandoah, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of McCarthy Bros., Brooklyn, N. Y., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of Capt. George D. Phinney, Milwaukee, Wis., and S. F. Hughes, Leavenworth, Kans., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the convention of the Protestant Episcopal Church, Washington, relative to garb worn by teachers and Indian pupils in Government schools; to the Committee on Indian Affairs.

Also, petition of the American Association of Foreign Language Newspapers, New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Manufacturers' Association of New York, N. Y., favoring passage of Senate bill 3, relative to vocation education; to the Committee on Agriculture.

By Mr. MANN: Petitions of the city council of Chicago, Ill.; the Polish Americans of Hawthorne, Ill.; and the Polish National Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolutions of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolution of the Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. PAYNE: Petition of the Young Men's Christian Association of Middlesex, county of Yates, State of New York, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the Daughters of Liberty of New Haven, Conn., and State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., in favor of a plan of monetary reform; to the Committee on Banking and Currency.

By Mr. RUCKER of Colorado: Resolutions of Lodge No. 140, and United Lodge, No. 264, Independent Order B'rith Abraham, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of the Daughters of Liberty, South Amboy and Bufor, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of F. P. H. M. Aid Lodge, No. 200, Independent Order B'rith Sholom, Perth Amboy, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Mississippi: Petition of citizens of Holly Springs, Miss., favoring passage of the Kenyon-Sheppard interstate liquor bill and the Burkett-Sims bill, to forbid interstate transmission of race-gambling odds and bets; to the Committee on the Judiciary.

By Mr. SULZER: Petitions of the Prospect Heights Citizens' Association and the Manufacturers' Association, of New York, favoring passage of Senate bill 3, for vocation education; to the Committee on Agriculture.

Also, petition of the committee of wholesale grocers, New York, favoring reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 25, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. LODGE took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

BLACKFEET INDIAN RESERVATION, MONT. (S. DOC. NO. 718).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the reservation made in conformity with an act of Congress in connection with the construction of an irrigation project within the Blackfeet Indian Reservation, Mont., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

A. Rosenberg, executor of Moses Winstock, deceased, *v.* United States (S. Doc. No. 716);

Edward B. Prime *v.* United States (Portsmouth Navy Yard) (S. Doc. No. 715);

Frank R. Fletcher, 89; Octavia Cavendy, widow of Joseph S. Cavendy, 101, *v.* United States (Brooklyn Navy Yard, N. Y.) (S. Doc. No. 717);

William H. Conger, 8; Mary L. Cummings, widow of Cornelius Cummings, 29; Mary Sullivan, widow of John Sullivan, 37, *v.* United States (League Island Navy Yard, Philadelphia, Pa.) (S. Doc. No. 714);

William H. Reagan *v.* United States (S. Doc. No. 713);

Elizabeth K. Appleton, widow of Edward W. Appleton, deceased, *v.* United States (S. Doc. No. 712);

Fannie E. Atwell, widow of John W. Atwell, *v.* United States (S. Doc. No. 711);

Adelaide A. Barker, widow of Frank T. Barker, deceased, *v.* United States (S. Doc. No. 710);

James A. Beaver *v.* United States (S. Doc. No. 709);

Joseph Black *v.* United States (S. Doc. No. 708);

Peter A. Blossom *v.* United States (S. Doc. No. 707);

Levi D. Bodley, Elizabeth Bodley Mills, David R. Bodley, Jennie Bodley Smith, Almira Bodley Tuley, and Naomi Bodley McDivett, sole heirs of James C. Bodley, deceased, *v.* United States (S. Doc. No. 706);

Robert M. Bolenius, son and sole heir of Adolphus W. Bolenius, deceased, *v.* United States (S. Doc. No. 705);

John D. Bothwell *v.* United States (S. Doc. No. 703);

Sarah F. Bradley, widow of Herbert G. W. Bradley, deceased, *v.* United States (S. Doc. No. 704);

Corinne B. Walworth, daughter and sole heir of Thomas E. Bramlette, deceased, *v.* United States (S. Doc. No. 702);

William A. Braselton *v.* United States (S. Doc. No. 701);

Mary C. Bruce, widow of George W. Bruce, deceased, *v.* United States (S. Doc. No. 700);

Jessie A. Shields, Philip S. Custard, and James M. Custard, sole heirs of Richard C. Custard, deceased, *v.* United States (S. Doc. No. 699);

Philip N. Minear *v.* United States (S. Doc. No. 698); and

Pauline Reich, widow (remarried) of Adolph Moegling, deceased, *v.* United States (S. Doc. No. 697).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had erased his signature from the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, in accordance with the resolution of Congress of the 17th instant.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to the Twin City Co. by an act approved February 29, 1908;

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the New York Wood Carvers and Modelers' Association, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented petitions of the congregations of the First Baptist Church, the Second Baptist Church, the Third Baptist Church, and the Wayne Avenue Baptist Church, of Germantown; of the Third German Baptist Church of Philadelphia; the East Allegheny Episcopal Church and Sunday School of Philadelphia; of the Chellen Avenue Methodist Church, of Germantown; and of the Wakefield Presbyterian Church, of Germantown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Sanbornville, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Departmental Conference on Temperance of the Southern Sociological Congress, in convention at Nashville, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of the congregations of the First Congregational Church and of the Swedish Tabernacle, of Rockford, Ill., and resolutions adopted by the Departmental Conference on Temperance of the Southern Sociological Congress, in convention at Nashville, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry members of The Ladies of the Maccabees of the World, residents of Chicago and Galesburg, in the State of Illinois, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of members of the Saint Martha's Guild of the Emmanuel Church, of Newport, R. I., and a petition of sundry citizens of Providence, R. I., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

Mr. FOSTER presented a memorial of sundry citizens of Monroe, La., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Kinder and Elton, in the State of Louisiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Logansport, Ringgold, Homer, Lake Charles, Natalbany, Ruston, Roseland, Farmerville, and Lillie, all in the State of Louisiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Rayville, Logansport, Gibsland, Cossinade, Leroy, Abbeville, Jennings, Iowa, and Napoleonville, all in the State of Louisiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Crescent City Lodge, No. 87, Independent Order American Mechanics, of New Orleans, La., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

Mr. MYERS presented a petition of sundry citizens of Anaconda, Mont., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in

the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. O'GORMAN presented resolutions adopted by the Manufacturers' Association of New York, favoring the enactment of legislation to provide for vocational education, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. GRONNA. I present three telegrams in the nature of memorials from citizens of my State, remonstrating against the passage of the Bourne general parcel-post bill. The telegrams are very brief. I ask that they be printed in the RECORD, without reading, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *May 10, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

We oppose in strongest terms the passage of the Bourne general parcel-post bill just introduced in the Senate. We are positive this bill is not based on thorough investigation and will create innumerable additional Government employees and an enormous deficit. We strenuously request that you use all possible means to defeat this measure in every particular.

Very truly, yours, W. B. LONEAS, *Secretary.*

—

GALESBURG, N. DAK., *May 10, 1912.*

Senator A. J. GRONNA,
Washington, D. C.:

I most urgently ask you to oppose the Bourne parcel-post bill just introduced in the Senate, or any type of parcel-post legislation offering the establishment of either a general or rural parcel post.

G. A. MOACKRUD.

—

DEVILS LAKE, N. DAK., *May 10, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Hope you will do what you can against the Bourne general parcel-post bill.

O'BRIEN BROS.

Mr. GRONNA presented a memorial of sundry citizens of Munich, N. Dak., remonstrating against the enactment of legislation to prohibit trading in grain futures, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a petition of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Local Granges of Cornish, Sedgwick, Bucks Harbor, Farmington, and Jefferson, of the Patrons of Husbandry; of Iron Molders' Local Union No. 101, of Bangor; of Pine Tree Division, Order of Railway Conductors, of Portland; of the Central Labor Union of Lewiston and Auburn; and of the International Brotherhood of Stationary Firemen, of Madison, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of members of Harriet Beecher Stowe Hive, No. 1, Ladies of the Maccabees of the World, of Hartford, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

AFFAIRS IN MEXICO.

Mr. OLIVER. I received this morning two letters, one from a friend of mine transmitting a letter from an American engaged in business in the State of Vera Cruz, in Mexico, and the other I received myself from a man who is engaged in business in Tampico. Both convey the same kind of information, which I think it is appropriate to make public at this time, and I send to the desk extracts from the letters and ask that they be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The revolution is still going on; at least we suppose so, although we hear very little of it down this way. I wish the papers in the United States would quit "yapping" about intervention. There are a few of us down here that can not leave, and if they intervene and we do not leave, we pass in our checks.

The United States has no reason to intervene, and it will be a cruel injustice to the Mexicans, and I do not blame them for feeling sore. If left alone, they will fight it out some way, although it will leave them in a very bad plight. However, it is their funeral and not ours, and as long as they do not molest the foreigner the United States has no right to make this intervention talk and only increase the feeling of bitterness toward those of us who have so much at stake.

If foreigners have been mistreated, robbed, or killed, it has been done by bandits, not by either the rebels or federals, and both sides are very careful not to do injury to foreigners or their interests.

So far as war is concerned, we hear nothing except what we read in the papers. These two Gulf States have always been peaceful, many American farmers have located here, besides the oil business, and the natives find plenty of work at good wages, and they are content, do not want war; they are for peace. I have been here all winter and have not seen an American or Mexican molested, not a dollar's worth of property damaged, nor a day's delay among the oil or other industries on account of war, and we have not seen any demonstration or loud talk. As peaceful as a New England village on Sunday. Ninety per cent of the interviews in the papers are pure fabrications, no foundation to them, usually the imagination of some over-zealous reporter. There is no cause or excuse for intervention. Let our Government keep hands off until there is at least something more tangible happens. These leaders are bandits, and they impose on the poor Indian and invariably compel him to join their band. It looks now as if the Government will be able to crush the leaders and that a few more weeks will see the end of the trouble.

Mr. CULBERSON. What is the paper just read?

The PRESIDENT pro tempore. The Chair understands that they are extracts from letters received by the Senator from Pennsylvania [Mr. OLIVER], who desired that they should be read. There was no objection, and they were read.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6947) granting an increase of pension to Nellie L. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6948) granting an increase of pension to Emma S. Gere (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6949) granting a pension to Mary Standifer; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6950) granting an increase of pension to James H. Goldsborough (with accompanying papers); to the Committee on Pensions.

A bill (S. 6951) for the relief of Rollo B. Oglesbee and others; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 6952) regulating the use of names by fraternal orders; to the Committee on Post Offices and Post Roads.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 6953) granting an increase of pension to William Clement (with accompany paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6954) to amend section 715 of the Revised Statutes, as amended by act of Congress of March 3, 1905; to the Committee on the Judiciary.

By Mr. PAGE:

A bill (S. 6955) granting an increase of pension to Dustin Berrow (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment proposing to appropriate $10,000 to credit in the account of Pay Director Lawrence G. Boggs, United States Navy, and $7,483.01 to credit in the account of Pay Director S. R. Colhoun, United States Navy, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the salary of the clerk to the Committee on Immigration from $2,220 per annum to $2,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $12,000 for additional labor-saving mechanical devices necessary for the economical handling and distribution of mail matter in the post office at Chicago, Ill., etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was ordered to be printed and, with the accompanying papers, referred to the Committee on Post Offices and Post Roads.

OMNIBUS CLAIMS BILL.

Mr. SWANSON (for Mr. MARTIN of Virginia) submitted three amendments intended to be proposed to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to lie on the table and to be printed.

UNITED STATES DISTRICT COURTS.

Mr. RAYNER submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS DWYER.

On motion of Mr. WETMORE, it was

Ordered, That there may be withdrawn from the files of the Senate the papers accompanying Senate bill 9200, Sixtieth Congress, granting an increase of pension to Thomas Dwyer, there having been no adverse report thereon.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

C. D. CLARK,
KNUTE NELSON,
CHARLES A. CULBERSON,
Managers on the part of the Senate.

H. D. CLAYTON,
E. Y. WEBB,
Managers on the part of the House.

The report was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. I send the following resolution to the desk and ask to have it read.

The resolution (S. Res. 321) was read, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

The PRESIDENT pro tempore. Does the Senator from Nebraska ask for the present consideration of the resolution?

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I suggest to the Senator that the usual words, "if not incompatible with the public interest," might be inserted in the resolution.

Mr. HITCHCOCK. The resolution is so guarded that I can see no possible necessity for that precaution. The Senator will realize that these corporations make their sworn returns for the year, and all I am asking for in the resolution is a compilation of those returns as applied to the iron and steel industry of the country and——

Mr. GALLINGER. I listened to the resolution. I do not insist on my suggestion at all, although it is the usual form. I have no doubt the Senator will get the information whether those words are inserted or not. He ought to have it.

Mr. HITCHCOCK. Mr. President, I think there is a very serious reason for procuring this information. We have had here a very interesting address from the Senator from Iowa [Mr. CUMMINS] on the subject of the iron and steel schedule. In his speech the Senator from Iowa made the statement that in his opinion the present tariff on iron and steel is such that it enables the iron and steel industries of the country to exact a hundred million dollars a year in excessive prices from the American people over what should be charged for the articles at a fair profit.

Mr. GALLINGER. I think the information the Senator asks for is very proper, and I do not object to it at all, but I do not recollect in my experience here a resolution addressed to the President which did not contain the words I have suggested. I think the Senator had better insert them. It will not——

Mr. BACON. I suggest to the Senator that those words are always used in a matter which relates to foreign or diplomatic questions, but I do not know that it is considered necessary. Of course, it is always put in the form of a request. I think if the words suggested were inserted in the resolution it would indicate a doubt on our part as to the possibility of the information being furnished.

Mr. GALLINGER. I recognize the point the Senator makes that there may well be a difference in dealing with domestic matters. I will not make the motion if the Senator does not care to have the words inserted, and so far as I am concerned I have nothing further to say.

Mr. SMOOT. Mr. President, I heard only a part of the resolution read, but from what the Senator from Nebraska has just stated I take it for granted that he is asking for information as to what the reports of all corporations in this country show by the reports made to the department, giving the amount of their business, the dividends paid, the capital stock, as a basis for assessing the corporation tax.

Mr. HITCHCOCK. That is, I call for a compilation of the reports of the corporations known as the iron and steel industry, and then a number of others embraced in the metal schedule; and also, after that, for the statistics relative to the woolen and cotton and sugar industries.

The Senator from Utah will realize that we have had here in a number of addresses varying statements made. The Senator from Utah himself, and, yesterday, the Senator from North Dakota [Mr. MCCUMBER], and also the Senator from Pennsylvania [Mr. OLIVER], read into their speeches the so-called testimony of men interested in the industry purporting to show that the present tariff is necessary for their protection and purporting to claim that they could not reduce their prices to the American people without impairing reasonable profits.

My purpose is to show—and I believe it will be shown if the statements are accurate—that the corporations engaged in the iron and steel industry are earning exorbitant profits, and that they are paying taxes on those profits to the Government under the corporation-tax law.

Mr. SMOOT. Mr. President, I will state what was my idea in bringing this question to the attention of the Senate. As I remember the corporation-tax law, the reports were to be made not for public information, but for the information of the department. I only suggest that perhaps it would be inappropriate to ask for the information that is called for in the Senator's resolution.

Mr. HITCHCOCK. Let me correct the Senator. The law as originally passed provided for publicity, and it was one of the chief arguments for the corporation-tax law advanced by the President himself—that it would give to the country the much-desired publicity as to the business of these great concerns. Later on, the corporations themselves made an appeal to the President and secured from him his influence with Congress to prevent individual publicity of the corporations for the reason, as stated, that that would expose one corporation to the information of others.

I am not calling for individual publicity. I am calling for a compilation of the reports of the 600 or more plants engaged in the iron and steel industry—a compilation of the total—showing the total capital invested, the total bonded indebtedness, the total operating expenses, the total amount of dividends paid during the year on their capital stock. This will not expose——

Mr. SMOOT. I am not objecting to receiving that information. The only object I had was to call the Senator's attention to the law as I understood it to be. If it is not in violation of that law, then I have no objection whatever to the passage of the resolution. Mr. President, I have not a copy of the law here, but I was apprehensive that the resolution was in direct conflict with the law.

Mr. HITCHCOCK. I have no objection to the resolution going over until Monday.

Mr. SMOOT. Let it go over, then.

Mr. HITCHCOCK. Very well.

Mr. BACON. Mr. President, I want to say one word before the resolution goes over in order that the suggestion of the Senator from Utah [Mr. SMOOT] may not be considered as passing by consent. It is an absolutely intolerable proposition to me that any law should be construed to mean that Congress is not entitled to any information which can be found in any executive department.

Mr. SMOOT. Of course——

Mr. BACON. That they can lock their doors and shut them in the face of Congress is an absolute—I started to say "absurdity," but that would be too strong an expression, I suppose—but to my mind it is intolerable, and would lead to consequences which might be of the most serious nature.

Mr. SMOOT. That would be true if Congress had not made a restriction upon them in passing the law.

Mr. BACON. Congress did not intend to restrict them in that way.

Mr. SMOOT. If that were true, then I should agree with the Senator from Georgia; but all I ask is that the resolution go over until Monday, and then, if there is nothing in the law to prevent this information being furnished, I shall not have the least objection to the resolution.

Mr. CUMMINS. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] referred to a statement of mine. While his reference was accurate so far as it went, it did not include all the elements of the proposition which I submitted to the Senate. I think I ought not to allow the statement to stand without this correction. I said:

> I come now to say that if the amendment which I have proposed to the metal schedule be adopted it will, if otherwise commerce is made free in the United States, enable the users and consumers of the various articles comprised in Schedule C to buy them for $100,000,000 per year less than they now pay.
>
> * * * * * * *
>
> I mean by what I have just said that the American producers of iron and steel in all the forms enumerated in this schedule could sell what they produce to the people of the United States and to the people of other countries for $100,000,000 less than they now sell them, could still return an ample profit to the capital employed, could still sustain the wages which are now characteristic of America, and lose no man under the American sky a single day's work.

I did not, of course, say that the reduction of these duties alone would enable the users and the consumers of iron and steel to buy them at the reduced price. I added the very necessary qualification that "if otherwise commerce is made free," as I hope it will be made free very speedily.

Mr. HITCHCOCK. The important point, Mr. President, in my attempted quotation from the speech of the Senator from Iowa was that, in his opinion, at the present time those industries are exacting of the American people a hundred million dollars in excess of what they should charge for their product.

Mr. CUMMINS. Of a fair profit—a hundred million dollars in excess of a fair profit.

Mr. HITCHCOCK. And, in my opinion, Mr. President, I will say that the Senator from Iowa has greatly underestimated their exactions. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. GALLINGER. Mr. President, before the resolution goes over, I think it well to have put into the RECORD the language of the tariff act of 1909, in reference to divulging these matters. I do not use it as an argument at all to sustain the contention that this is not a proper resolution, but I simply desire that the language may go into the RECORD. I ask that the Secretary read the section which I have marked. It is very brief.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

> Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Mr. OLIVER. Mr. President, before the resolution goes over, and as appropriate to the discussion which has taken place, I send to the desk, and ask to have read, a news article which was printed in yesterday's edition of the Wall Street Journal, showing the report of the principal steel corporations in the country as to their profits for the past year. I think, so far as I can judge, this is based not only upon the records of the corporations, but it gives a clearer statement of the actual present condition of all heavy-steel manufacture than anything that I have read in any paper for a long time. It shows, it seems to me, how extremely wide the estimate of the Senator from Iowa [Mr. CUMMINS] is upon the subject.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Pennsylvania desires that the article be read?

Mr. OLIVER. I think it ought to be read at this time, Mr. President, for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Wall Street Journal, May 24, 1912.]

STEEL CORPORATION'S ADVANTAGE OVER INDEPENDENT STEEL COMPANIES—LAST YEAR THE RATIO OF PROFIT PER TON OF STEEL SOLD TO CONSUMERS WAS CLOSE TO $6—COMPETITORS OF THE STEEL CORPORATION REPORTED RATIO OF NET PROFITS PER TON OF STEEL RANGING FROM 11 CENTS TO $3.50—UNITED STATES STEEL'S ADVANTAGE DUE LARGELY TO ITS INCOME FROM RAILROADS, STEAMSHIP LINES, ETC.—EARNINGS OF STEEL COMPANIES COMPARED WITH 1910.

The contention of Charles M. Schwab, president of the Bethlehem Steel Corporation, that the United States Steel Corporation has an advantage of several dollars a ton profit over its competitors is borne out by a comparison of the recent annual reports of certain large steel companies.

United States Steel in 1911 showed a net profit, after all charges except dividends, of $55,218,248, and shipped to consumers 9,476,248 tons of finished steel. The ratio of net profit per ton of steel sold was $5.82, comparing with $8.15 in 1910.

The showing of the independent companies was much less favorable, the ratio running from as low as 11 cents per ton to $3.50 per ton. The Lackawanna Steel Co. reported a net profit available for dividends of only $82,803 last year, which was equivalent to 11 cents per ton. Bethlehem and Cambria Steel made much more favorable showings, but as these companies do not publish their shipments it is impossible to make an accurate statement as to their ratio of net profit per ton of steel delivered. Bethlehem's net profits last year were $2,038,979, and assuming that the company's deliveries amounted to 600,000 tons the margin of profit was $3.40 per ton. In this connection the Bethlehem Steel Corporation specializes extensively, producing very high classes of finished steel—for example, guns, armor plate, and various other classes of ordnance. Besides, it derives a large income from shipbuilding. The foregoing naturally tend to enhance the ratio of net profits per ton of steel produced:

Cambria Steel last year showed net profits of $2,627,338, and assuming that it produced and sold 750,000 tons the margin of profit per ton was $3.50. Pennsylvania Steel made a less favorable showing, its net profits available for dividends being $829,718. The Pennsylvania Co. produced 680,000 tons of ingots, and from this it can be assumed sales of finished and semifinished steel must have been in the neighborhood of 600,000 tons. This would give the company a net profit per ton of steel sold of $1.38. The light demand for rails last year was responsible to a large extent for the Pennsylvania's poor showing.

The following table gives the working capital, net profits available for dividends, and net profits per ton of steel sold by certain companies in 1911:

	Working capital.	Net profits.	Net profits per ton, 1911.
Bethlehem Steel	$7,628,260	$2,038,979	[1] $3.40
Cambria Steel	13,176,101	2,627,338	[2] 3.50
Lackawanna Steel	16,107,783	82,803	.11
United States Steel	225,190,462	55,300,296	5.82
Pennsylvania Steel	10,409,011	829,718	[3] 1.38

[1] Based upon estimated production of 600,000 tons.
[2] Based upon estimated production of 750,000 tons.
[3] Based upon estimated production of 600,000 tons.

Excluding Bethlehem Steel, with which comparisons are difficult on account of the manufacture of highly finished forms and shipbuilding, the Republic Iron & Steel Co., in the calendar year 1911, seems to have made a better showing in the matter of net profits than many of its competitors. As an illustration, it reported net profits available for dividends in 1911 of $1,953,442, a decrease of only $882,931, or 31.1 per cent, compared with 1910. On the other hand, the Steel Corporation reports a decrease of 36.7 per cent; the Cambria Steel Co., 42.3 per cent; Lackawanna, 96.7 per cent; and Pennsylvania, 43.6 per cent. Republic Steel's relative efficiency in the matter of income will be a surprise to many people who have not watched the developments affecting this corporation over the last six years. It has not only greatly enlarged its output, but has strengthened itself in the matter of diversified production. Costs have been greatly reduced as a result of an aggressive campaign on the part of the present management. Its ability to withstand periods of depression was put to a severe test last year. The Pennsylvania's showing was due to the poor demand for rails. Lackawanna suffered from similar causes.

The following table gives the net profits available for dividends of six of the leading steel companies in the calendar years 1911 and 1910, together with the percentage of decrease:

	1911	1910	Decrease.	
				Per cent.
Republic	$1,953,442	$2,836,373	$882,931	31.1
United States Steel	55,300,296	87,407,184	32,106,888	36.7
Cambria	2,627,338	4,553,333	1,925,995	42.3
Lackawanna	82,803	2,533,104	2,450,301	96.7
Pennsylvania Steel	829,719	1,470,874	641,155	436.
Bethlehem Steel	2,038,979	2,001,612	[1] 37,367	[1] 1.8

[1] Increase, due largely to highly finished forms and shipbuilding activity.

Above tables reflect the price depression in steel in 1911. While the steel companies received fairly good prices for their products in the first half of the year, the shrinkage in the last half was pronounced.

To go back to the ratio of net profits per ton of steel produced, the strength of the Steel Corporation was more conspicuous in the first quarter of the current year than in the calendar year 1911. United States Steel in January, February, and March earned its preferred dividend, but not its common dividend. On the other hand, many of the independent companies in the same period barely earned fixed charges, while others reported deficits. The Lackawanna Steel Co., for example, showed a deficit after all charges of $450,772. The Republic acted wisely in passing the preferred dividend, thereby conserving its resources. This company will not fare as badly in the first half of this year as the passing of the dividend might signify. It is estimated that Republic in the first half of 1912 will show a surplus available for dividends on the preferred stock at the rate of 4 per cent or 5 per cent a year.

United States Steel in the first quarter of this year was one of the very few companies that reported sufficient surplus to cover preferred dividend requirements. This is the best illustration of the advantage the Steel Corporation has over competitors in the matter of earnings. The corporation's advantage is due to its vast transportation system, the great diversification of its products and concentration of operations. Without its transportation lines the corporation would not have such an advantage over its competitors.

Mr. JOHNSTON of Alabama. Mr. President, I would like to inquire of the Senator from Nebraska whether these returns show the total amount paid in wages? To know what proportion of the total product goes to labor would be very interesting, in view of the tariff legislation that is pending.

Mr. HITCHCOCK. Mr. President, it would be a very interesting statement; and, as I originally drew my resolution, I provided for that showing. When, however, I came to examine the blanks sent out by the department, I found that there was no item provided for the corporation to show the amount paid in wages. I would have no objection at all, at the proper time, to having the resolution amended to call for that information in case it is available; but, unfortunately, the blanks as sent out by the department provide no such opportunity.

The PRESIDENT pro tempore. The resolution goes over.

Mr. CUMMINS. Mr. President, I feel that I can not allow the editorial from the Wall Street Journal——

Mr. OLIVER. Mr. President, if the Senator from Iowa will allow me, it is not an editorial; it is a news item.

Mr. CUMMINS. Well, I do not know——

Mr. OLIVER. The Senator certainly knows the difference between an editorial and a news article.

Mr. CUMMINS. But whatever it is I can not allow it to pass into the RECORD without making an observation with respect to one part of it. I have in my hand the report of the United States Steel Corporation for the year 1911, being the year covered by the statement made in the paper to which you have just listened, and I want the Senate just for a moment to compare the statements made in the paper with the facts as shown by the report. This report says:

The total earnings of all properties after deducting all expenses incident to operations, including those for ordinary repairs and maintenance (approximately $38,000,000), employees' special compensation under bonus plan, allowance for Federal excise tax payable in 1912, and also interest on bonds and fixed charges of the subsidiary companies, amounted to $104,305,465.87.

The net earnings of the company, the report then proceeds to say:

Less charges and allowances for depreciation, viz, sinking funds on bonds of subsidiary companies, $1,610,038.99.

Of course, no intelligent man will insist that a sinking fund to retire the capital of the corporation ought to be deducted from the net earnings or its earnings in order to ascertain what the net earnings are. Next:

Depreciation and extraordinary replacement funds, $18,229,059.76.

It will be found in a subsequent part of this report that a very large part of the $18,000,000 deducted was for the creation of new properties, and is not a part of the expenses of the operation or the maintenance of the enterprise at all. But the result of deducting these two items is the net earnings in the year 1911 were $84,466,367.12. That is at least $10,000,000 less than it would be if it were computed in the way I have suggested.

Then the company proceeds to further deduct the interest on its bonds, amounting to $23,106,923.12. That is a proper deduction, if the capital which is represented by these bonds was honest capital. It then proceeds to deduct, further, more than $6,000,000 for further sinking funds to retire this capital. The result is a balance of $55,218,517.12. It then deducts the dividends paid during the year upon the preferred and the common stock, amounting to $50,634,802, and the surplus after these allowances is $4,665,494.78.

We have been advised—indeed, it is no longer disputed—that the value of its property represented by its capital did not reach $700,000,000, and therefore at least $25,000,000 which is here charged as dividends upon that capital must, in any honest computation, be disregarded, and the result is conclusive that this company, when an honest account is taken of the original value of its property—the honest capital engaged in the business—sold its product last year for $46,000,000 more than it need to have sold its product for in order to have returned a fair dividend or a fair interest upon the real capital or the real value of the property. That item alone constitutes nearly one-half of the hundred million of excess which I declared in my observations the other day might have been saved to the American people.

I felt it necessary to put these facts against the statement of the Wall Street Journal.

Mr. SMITH of South Carolina. I should like to ask the Senator from Iowa a question. I got the impression that they have been laying aside a certain amount as a sinking fund to retire the capital of the company. Does the Senator mean they are putting aside a sinking fund for the purpose of liquidating the capital upon which they are doing business?

Mr. CUMMINS. Of course. The company began with bonds amounting to something like $800,000,000 and stock amounting to the sum of nearly $700,000,000. The policy of the company ever since has been to lay aside each year a fund which, in the course of a very few years, will pay off these bonds, leaving the capital stock to represent the property of the company.

Mr. SMITH of South Carolina. Do they still charge the interest? You have the item of dividends. There is a certain amount laid aside to pay off those bonds. Do they then subtract that which is put aside for the purpose of paying the bonds?

Mr. CUMMINS. The company, as I understand, has never retired any of the bonds issued by itself. It has retired bonds issued by its subsidiary companies, and as rapidly as those bonds are actually taken up, while I have not examined critically the report in that repect, I take it for granted they are no longer counted as a part of the capital of the company.

Mr. SMITH of South Carolina. I was just struck with that feature of it. If they use this money to retire their bonds, then the dividends would be——

Mr. GALLINGER. I ask for the regular order.

Mr. SIMMONS. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is called for.

Mr. BACON. I did not hear the order of resolutions called for.

The PRESIDENT pro tempore. The Senate is on that order now.

RIGHT OF INTERVENTION IN CUBA.

Mr. BACON. I offer a resolution and ask that it may be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 322), as follows:

Resolved by the Senate, That the Committee on Cuban Relations be instructed to investigate and report to the Senate what legislation is proper and necessary to be enacted to prescribe and determine the times when and the manner in which the United States shall exercise the right to intervene in Cuba for the purposes specified in article 3 of the proviso in the act making appropriation for the support of the Army approved March 2, 1901, commonly known as the Platt amendment, and subsequently agreed to by the Government of Cuba, which said article 3 is in words as follows:

"III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a Government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba."

And in particular the said committee is directed to report to the Senate:

1. By what official authority it shall be determined when conditions in Cuba will justify and shall require the exercise of the right to intervene in Cuba in order to preserve and guard the several purposes and objects specified in the said article 3.

2. The measures and means which the President of the United States shall be authorized to use in order by such intervention to secure and maintain the several purposes and objects specified in said article 3.

Mr. BACON. Mr. President, I shall not ask for the present consideration of this resolution if there is any objection on the part of any Senator. I desire, however, to say a word before any action is taken either as to laying it aside or by reference.

This resolution is not one which has any reference to present conditions in Cuba and has no reference to any present anticipation of intervention. I very much hope there will be none. The present condition, though, accentuates the fact that we have never legislated on that subject in a way which we should have legislated 10 years ago. There is no doubt about the right of this Government to intervene when certain conditions justify it. And in order that the matter may be fully presented, I am going to ask that the Secretary read the proviso to the act of 1901, commonly known as the Platt amendment. Then I shall desire to state why it is important, in my opinion, that there should be legislation. The Secretary will find marks on

the paper indicating the place where to begin and where to stop. That contains the full proviso known as the Platt amendment.

The Secretary read as follows:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba substantially as follows:

"I. That the Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

"II. That said Government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

"III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

"IV. That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

"V. That the Government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

"VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

"VII. That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

"VIII. That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

Mr. BACON. The provisions of that law, commonly known as the Platt amendment, were subsequently incorporated in the constitution of Cuba and are a part of its fundamental law. After that it was also incorporated in a formal treaty entered into between the United States and Cuba and set out in words as it has been read to-day. So there is no question about the right of intervention; but it is a fact that we have no machinery or authority prescribed by statute which shall determine when there shall be an intervention or prescribing what the President shall be justified in doing in case there should be an intervention.

Now, this resolution does not propose any specific measure. It simply directs the Committee on Cuban Relations to inquire, investigate, and report to the Senate what legislation should be had in regard to the matter. The Senate committee is composed of very eminent and conservative Senators, and the matter can be very safely intrusted to them. If they should be of the opinion that no legislation is required, they would so report. I hesitate, however, to believe that the committee will so report. In other words, I have no hesitation in the opinion that there ought to be a provision of law which shall clothe some one with authority to determine when conditions arise which justify intervention and to act when that determination is reached. Now, heretofore that power has been exercised upon one occasion by the President of the United States in the absence of any law. It may be that it is better that he should be clothed with that power, but if so, it ought to be a power specifically conferred upon him by law. There is now no such power conferred upon him by law, and when it is exercised by him it is exercised in the absence of law.

My personal view—I will say it is not a very mature one, because I have not given it the careful consideration which would enable me to say that it is a mature conclusion—is that the better way is to provide that should any such condition arise when Congress is in session it should be brought by the President to the attention of Congress, and it should determine what should be done. It may be necessary that there should also be a provision authorizing the President to act in case Congress is not in session. But all those are matters for the consideration of the committee. It must be apparent as to two things—first, that there should be authority of law for some one to determine when conditions justify intervention; second, that there should be authority of law for what the President shall do when that condition arises and shall have been duly and properly determined to have arisen.

The important fact is, Mr. President, that there is no authority of law now under which the President of the United States is empowered to send an armed force to Cuba. There ought to be such authority of law as will enable the President of the United States to do that whenever, under the provisions of the Platt amendment and the treaty made in pursuance thereof, circumstances develop which justify it.

With the exception of the restraints imposed by the Platt amendment, Cuba is an independent country, an absolutely independent country. We recognize it as such. It is recognized as such by the nations of the world. We have a minister from Cuba resident here, and a minister of the United States is accredited by the United States to Cuba. There are reciprocal diplomatic arrangements of that kind between Cuba and all the prominent nations of the world and a good many that are not so prominent. So, with the exception of the restraints imposed by this law, she has all the attributes of sovereignty and of an independent nation.

Now, it is a most extraordinary situation, of course, when a nation otherwise independent is subject to the restraints which are imposed by the Platt amendment, and I think properly imposed, although I am frank to say I did not vote for it when it was passed, simply because I thought it was in conflict with the pledge which we had made when we went to war—the pledge made in what was known as the Teller resolution—and I did not for that reason vote for it. I thought it was a wise thing, and I have always thought so since, and I am certain it was wise, seeing that subsequent events have justified it.

Mr. RAYNER. Mr. President——

Mr. BACON. Pardon me just one minute and I will yield with pleasure. I just want to finish that thought.

Mr. RAYNER. Certainly.

Mr. BACON. Now, dealing with a nation—because it is an independent nation except so far as restrained, as I have said—when the high function of sending a military force to that country is to be exercised, it is important that it should be done in accordance with law and not by an assumed authority.

I now yield to the Senator from Maryland.

Mr. RAYNER. Mr. President, I entirely agree with the Senator from Georgia that this is an eminently proper resolution. I should like to ask his opinion on this question, because he has examined the subject. If Congress adjourns and affairs take such a turn in Cuba as to require intervention, does the Senator from Georgia think that under the Platt amendment the President would have the right to intervene by sending the Army there, or would it be his duty to convene Congress in extra session for the purpose of getting its consent?

Mr. BACON. I have just passed over that. Possibly the Senator did not hear what I said.

Mr. RAYNER. I was called out of the Chamber for a moment.

Mr. BACON. I will repeat it with pleasure. While referring to the fact that this was a proper subject for investigation by the committee and that it should make recommendations upon it, I ventured to express the opinion that possibly the best provision of law would be one which would devolve upon the President the duty, if conditions arose which in his opinion made it important that there should be intervention, that if Congress were in session the President should lay the matter before Congress, but that possibly it might be important and necessary that another provision should be incorporated in the law that if those conditions arose and Congress was not in session the President should proceed upon his own judgment.

Mr. RAYNER. I think I heard that. I did not make myself quite as plain as I might have done. Suppose before this committee can go on and investigate under the resolution Congress adjourns and there is trouble in Cuba. Under the Platt amendment, how does the President stand? Would it be his duty to call Congress in extra session?

Mr. BACON. I am inclined to think that would be a matter of such gravity that it ought to be done. To send an army into a foreign country is too grave and serious a matter for the President to take the responsibility of doing so without the direct authority of Congress.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. I do.

Mr. CULBERSON. I will ask the Senator if that would not depend upon how the act of intervention is to be regarded, whether as a friendly act or an act of war, the power to declare which is vested alone in Congress.

Mr. BACON. The Senator's inquiry is very pertinent, of course. It might be done in a way that would constitute it practically as an act of war. But there is one thing which differentiates this, if done in good faith, from the ordinary sending of an armed force into a foreign country, and that is there is an agreement that we should do it. I am unhesitatingly of the opinion that whatever is done should be done under authority of law; and I repeat that we should have legislated on this subject 10 years ago.

Mr. CULBERSON. The agreement, though, provides that we should intervene on certain conditions.

Mr. BACON. Yes; that is so. I think the Senator agrees with me that there ought to be some provision of law, and those conditions should be authoritatively ascertained and the law should provide in what manner and by whom the intervention should be made.

In response to the suggestion of the Senator from Texas, there is another thought in my mind and that is that it might be well to provide in the law that whenever the authorities of Cuba should call upon the United States for assistance, which would be in that case an entirely friendly act, for the purpose of carrying out any of the objects provided for as the grounds of intervention in that country, the President should be authorized to furnish the assistance. But all those are matters of detail. However, the questions which are asked me by the learned Senator from Texas and by the distinguished Senator from Maryland emphasize the importance that there should be provisions of law by which this matter in its necessary details should be arranged, and it should not be left to action by the Executive or any head of an executive department under an assumed authority, because as at present situated it would be nothing else.

A case did arise some years ago when the President acted. Congress was not then in session, and while it was not under warrant of law, possibly you might say the necessity of the circumstances justified it, because Congress had failed to do its duty. I think it was the duty of Congress years ago to have legislated in regard to this matter, and we certainly ought not to postpone it any longer than is necessary to enact legislation. In my own mind there can be no possible doubt that there is no authority conferred in the Platt amendment upon the President of the United States to act, and there should be authority conferred upon him, and the manner in which he should act and what he should do when he determines to act should be prescribed by law.

I wish to say one word further, Mr. President, without detaining the Senate. I believe legislation of this kind will tend to prevent disorders in Cuba. I believe the fact that it is recognized by us as a matter of such gravity that we have prescribed by law what shall be done, and that we have given distinct authority of law for the doing of it, will restrain disorders in Cuba. Above all things, in connection with Cuba, I desire that order shall be kept there, because I recognize that disorders in Cuba make the question of final annexation a probable one, and that is what I would above all things avoid. I never want to see the day come when Cuba shall become a part of the United States. I prefer that she shall occupy exactly the relation which she occupies now as an independent nation, and at the same time with sufficient power of restraint on the part of the United States to guard against the recurrence of conditions which drove us to war 14 years ago.

It is with that thought and view and desire that I bring this matter to the attention of the Senate. If it is agreeable to the Senate, I would be glad that the resolution should be now passed, in order that the subject may be committed to the Committee on Cuban Relations. I do not now suggest any specific legislation in it. I simply ask that the committee may be charged with the duty of examining the matter and reporting to the Senate what legislation should be had in view of the Platt amendment and present conditions and those which may possibly develop.

Mr. SMOOT. I should like to ask the Senator if the same result would not be accomplished by just having the resolution referred to the committee without a vote being taken upon it by the Senate? I understand that the resolution is only suggestive anyhow in its provisions.

Mr. BACON. If it were referred to the committee, what would the committee do? If they thought there should be legislation they would come back to the Senate and ask to be instructed. If they thought there should be none they would do exactly what they would do if the resolution were passed, report to the Senate that there should be none. So what is the difference? Why should we multiply the actions of the Senate? Why not simply pass it now and send it to the committee? It does not instruct them to bring in any legislation. It instructs them to report what action, if any, is required. It seems to me to be an unnecessary delay to refer it first to the committee before passing upon it. If this were a resolution which instructed the committee to report a bill or to report any particular piece of legislation, setting out what it should be, then it might be proper to first refer it to the committee.

Mr. GALLINGER. If the Senator will permit me, if the resolution should be referred to the committee, the jurisdiction of the committee would extend only to reporting back the resolution.

Mr. BACON. That would be all.

Mr. GALLINGER. And we would be exactly where we are now.

Mr. BACON. Exactly where we are now.

Mr. SMOOT. I thought that at least we would be this far advanced, we would have the opinion of the committee as to whether the Senate should act. As it is now I really do not know whether the Senate is prepared to act upon the question with the information that Senators have from the mere reading of the resolution.

Mr. BACON. The resolution does not commit the Senate to anything.

Mr. SMOOT. I will not object to the present consideration of the resolution, but I thought the proper course would have been to refer it direct to the committee.

Mr. BACON. I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Senator from Georgia asks for the immediate consideration of the resolution. Is there objection? The Chair hears none. The question is on the adoption of the resolution.

The resolution was agreed to.

AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. Mr. President, I desire to submit an inquiry to the chairman of the Judiciary Committee before the morning business is closed.

At the last session of Congress the Senate passed a resolution (No. 44) directing the Judiciary Committee to report as early as practicable in this session upon the jurisdiction and power of the Federal Government and the State governments with reference to water-power development. I desire to ask the chairman of the committee what the prospects are for a report from the committee. In doing this, I desire to say that there is no intimation or suggestion whatever that the committee has been delaying in this matter, because I know the members of the committee have been extremely busy upon matters in that committee and also other committees in which they are engaged. All I desire is simply information as to what the prospects are for a report.

Mr. CLARK of Wyoming. Mr. President, the committee had at one time under active and earnest investigation the resolution which was introduced by the Senator from Washington and referred to that committee. We took up the resolution, fully conscious of the magnitude of the work and of the importance of the subject. The committee devoted several entire sessions to the consideration of the resolution, when it was crowded out by what appeared to be business of more immediate necessity.

In these progressive times and in the changes which we are having the Senator knows that the committee has been called upon to consider a number of resolutions proposing amendments to the Constitution. Upon that work the committee has been almost exclusively engaged for the last seven or eight meetings.

To be perfectly candid in my answer, and answering only as one member of the committee, I see no immediate prospect for making a report from that committee on the resolution of the Senator, and for this reason: The resolution is so broad and covers such a broad field that in its solution the committee seems to be very much divided. It is a matter that is discussed from day to day in the Senate, and the same division of opinion that appears in the Senate also appears in the committee. I think the most that the Senator can expect is to have submitted to the Senate the individual views of the committee. That, of course, will be done as soon as the other current business of the committee will allow.

Mr. JONES. Of course, I know the statement of the chairman is entirely correct. There have been a great many important matters submitted to that committee. I consider this a very important proposition. I think that the solution of it rests really at the foundation of legislation along progressive lines with reference to the water-power situation in this country. I was in hopes that we could get the decision of our legal committee with reference to the purely legal right or power or jurisdiction of the National Government and the State governments with reference to this important matter, because I

think a proper decision upon that one point rests at the very basis of legislation along practical lines.

Mr. CLARK of Wyoming. If the Senator will allow me, as a demonstration of the progress the committee has made, I will say that the committee started in to cover the whole ground as soon as possible. The report was made by the subcommittee to the full committee, as I remember it. The committee started in at the Atlantic seaboard, and during the few sessions that we devoted to the subject we had got as far as the Hudson River, and seemed to be in confusion at that point, and never got further.

Mr. JONES. I suppose that the same legal principles would apply to the Atlantic seaboard that would apply on the Pacific seaboard and over Atlantic coast streams that would apply over Pacific coast streams. I did not anticipate that we would have so many different legal opinions upon the proposition.

Mr. CLARK of Wyoming. Of course the Senator is aware of the fact that the same principles or the same rules do not apply upon either the Atlantic or the Pacific seaboard that would apply in the interior. The same law might not apply to navigable streams as to waters that were not navigable.

Mr. JONES. But it seems to me the same legal principle ought to apply to the navigable streams that applies to one, and the same principle that applies to one nonnavigable stream ought to apply to all nonnavigable streams.

Mr. CLARK of Wyoming. Possibly when the Hudson River difficulty is settled in the minds of the committee the western navigable streams will be settled upon the same basis. That is all the encouragement I can give the Senator.

Mr. JONES. I hope before the present session of Congress ends we will either have a report from the committee or from the individual members of the committee. It has been my observation that as a usual thing we get as many reports from the Judiciary Committee as there are members upon it with reference to legal propositions, but I was in hopes that this would be an exception, and that the committee would submit a unanimous report.

Mr. CLARK of Wyoming. I will say that is simply another evidence that individual thought is abroad in the country at this time.

Mr. JONES. There is no suggestion that there is not individual thought abroad in the country at this time.

Mr. HEYBURN. Mr. President, I intended to ask a question of the Senator from Washington, but I will cover it by a statement, inasmuch as the Senator has taken his seat.

The fact is that there should never be a report upon such a resolution. The branch of this Government invested with determing that question is the courts, not the legislature. We are getting into deeper water every day by usurping those powers.

The courts of the United States, district, circuit, and Supreme, have passed upon these questions and are authorized to pass upon every phase of them. There is scarcely a possible combination of circumstances that has not been met and passed upon by the courts of the United States as affecting the right to the use of waters both in the States and between the States.

Now, if we are going to propose that Congress shall usurp the powers of the court and take up the time of the committee in inquiring as to what we might possibly desire to do, I think the committee had better pause, and if they have any pigeonholes left that are not full—I know some of them are quite plethoric—they had better put this in one of those pigeonholes.

Mr. CLARK of Wyoming. I regret exceedingly the Senator from Idaho could not have impressed that view upon the Senate when they instructed the Committee on the Judiciary to proceed in a certain matter which I think was entirely within the province of the Senate. The Judiciary Committee always tries to obey the commands of the Senate in any matter that may be referred to it.

Mr. HEYBURN. I was not speaking as a member of the committee or encroaching upon the functions of the committee, but I was speaking, as a Senator and as a citizen, merely a word of admonition that, if that bill or resolution, in whatever form it is, can be safely taken care of in the committee room, it remain there.

Mr. JONES. Mr. President, I simply desire to suggest what the chairman of the committee really suggested, that this resolution has passed the Senate requesting the committee to make this report, and the suggestion that the Senator has so well made, would, I think, have properly come in when the resolution was pending before the Senate. The Senate has acted on the resolution. It is not now my resolution, but the resolution of the Senate.

Mr. HEYBURN. Mr. President, I am indulging in a little of the spirit of the recall. I suppose that in some thoughtless hour a resolution of that kind was offered and passed through, but I think the Senator from Washington and I would not disagree in regard to the principle involved in it.

Mr. JONES. I think not.

Mr. HEYBURN. We know where the jurisdiction should vest which determines such questions, and that is in the courts.

Mr. JONES. I will suggest to the Senator from Idaho that this resolution, when it was up, went over a day at the request of the Senator from Idaho; so that it was not passed on the spur of the moment, but apparently the Senate deliberated over it and deliberately passed it.

Mr. CLARK of Wyoming. The Senator from Idaho suggests that perhaps the best way to deal with this matter would be to put it in a pigeonhole of the Committee on the Judiciary. If I may be allowed to make a suggestion to the Senator from Idaho, I will say I think it might more properly be disposed of, and in a way that the chairman of the committee, at least, would not object to so very much—it might be disposed of by a motion to discharge the Committee on the Judiciary from the further consideration of the subject.

In further answer to the inquiry of the Senator from Washington a few moments ago, I will say that while the committee itself has been engaged in a general discussion in regard to water and water power referred to by him, a very great work was done by the subcommittee having the matter in charge. They investigated the matter thoroughly, and under the chairmanship of the senior Senator from Minnesota [Mr. NELSON] made a very exhaustive and illuminating report. But the full committee did not finally come to any agreement. I will say to him, however, that the report submitted by the Senator from Minnesota is in print and is available for the Senator or any other Senator having interest in this subject matter.

Mr. JONES. I undestand the report of the subcommittee was unanimous.

Mr. CLARK of Wyoming. The report of the subcommittee was unanimous.

The PRESIDENT pro tempore. Morning business is closed.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, which will be stated.

The SECRETARY. The amendment of the House of Representatives is, on page 4, at the end of line 10, to insert:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Washington to the amendment.

Mr. JONES. I would suggest that the amendment went over yesterday at the request of the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, when this matter came up yesterday I asked that it go over because of the innovation similar to the one just referred to, wherein it is now sought to substitute the Department of the Interior for the courts of the United States in performing a duty. The courts have always determined these questions, and in some very notable cases the courts have determined controversies between railroad companies where two or more were seeking to build their road through a canyon too narrow to accommodate their rights of way. The first great decision that was rendered was in the case of Railroad against Allen, in Ninety-ninth United States Supreme Court Reports. That has been followed down through a great many years of careful consideration.

Now we find somebody—and I will not animadvert upon the qualifications of the author of it—who thinks he would like to transfer that jurisdiction from the courts to the Secretary of the Interior. It is only in keeping with this dangerous change that is being pressed upon us. This measure provides in express terms, on page 6:

Resolved, etc., That the aforesaid railway companies, whose rights of way as filed and located are overlapping each other, shall proceed,

within 60 days after the passage and approval of this resolution, to present their matter of difference to the Secretary of the Interior, and thereupon it shall be the duty of the Secretary of the Interior to give said companies a hearing—

The courts have been performing that function always efficiently, but some one wants to make a short cut across the field and thinks probably that he could do better in dealing with the department, with its peculiar organization; he wants to avoid the courts. There has never been a time when the courts have not been able to perform this function. Great railroad companies have been desirous of building through the same canyons or down the same streams, and under the recognized method of procedure have appealed to the courts. The courts have adjusted their difficulties, and the act of Congress providing for joint occupation of canyons never contemplated that the Secretary of the Interior should have anything to do with the matter; it contemplated that the courts should determine the rights of the parties. Under that condition, for years and years, an established practice has grown up, and here comes as innocent looking a joint resolution as I ever saw which proposes to change the system of government. I do not like to see it done. The Senate may do it; it is doing many strange things; it is progressing generally with its face turned the wrong way, and the further it progresses, of course, the further it will proceed from the true line of wisdom. Progressiveness is not always commendable. First, you want to inquire which way progressiveness is pointing. It may carry you over the precipice into the sea, or it may carry you out into pleasant lands. For that reason I asked that this joint resolution should go over yesterday. I will merely read one further clause here to show how they emphasize it:

And if it shall be found that the right of way as located by the Washington Improvement & Development Co., and now owned by the Great Northern Railway Co., at any particular point along said right of way is so located as to prevent the physical location and construction of said Spokane & British Columbia Railway in and through said valley without great or unreasonable expense, the said Secretary shall direct the readjustment of the locations—

It carries my mind back. I had more than 40 cases on the court calendar once for the adjustment of this class of difficulties between the Union Pacific system and the Northern Pacific going down the St. Regis River. We had no difficulty whatever in adjusting those differences, but now these matters are to be taken out of the established tribunal having charge of them for a vast period of years and turned over to the clerks of a department. Of course, the head of the department would never see them unless perhaps the president of the Great Northern Railroad or some of those people should secure a personal hearing with him.

It is not good legislation, and I say to the Senator from Washington that I am speaking with a knowledge of the application of this system of change. It is not wise legislation; there is no provision for review by the courts; the Secretary of the Interior is the final arbiter. In some cases that I recall it would have meant millions of dollars.

Mr. GALLINGER. Would not an appeal lie?

Mr. HEYBURN. No appeal lies from the decision of any department except as specially provided for by statute. There is no general right of appeal; there is no provision whatever for it.

This may be an innocent measure in reference to going down that little particular piece of road, with which I am familiar. It may not amount to very much, but when you undertake to disturb existing conditions as to the manner of proceeding you will run up against cases where the amount involved will be very great.

Mr. McCUMBER. Mr. President, I think the Senator from Idaho is a little hasty in arriving at his conclusion concerning this measure. Possibly he has not a full acquaintance with what has already been done in reference to it.

Let us remember that the valley through which the rights of way have hitherto been granted by Congress is an Indian reservation, the title other than that which the Indians hold being in the Government of the United States. Several years ago an act of Congress granted to a certain railway a right of way across that reservation. In that grant the location had to be made, then filed with the Secretary of the Interior, and approved by the Secretary of the Interior. That was all done. That was Government land, and it was very proper that the Secretary of the Interior should approve of the location, as provided by the act of Congress.

This same law, Mr. President, required the railroad company to proceed with the construction of the railway within a given number of years. Due to certain conditions, which it is not now necessary to state in the argument, they failed to do that. Then another railway company, desiring to locate through the same valley, located under a general law of the United States in reference to crossing Indian reservations. That general law also provided that the location of the line as laid out should be approved by the Secretary of the Interior.

The second railway proceeded upon the assumption that the time having elapsed within which the first railway was to construct a certain number of miles of its road, its right lapsed and was forfeited. As a matter of fact, it was not forfeited in law, but was simply forfeitable by the Government. The Government did not see fit to forfeit it because the Government had not been injured, nor could it be shown that anyone else had been injured, by reason of the delay; and there were reasons which justified the company in not proceeding according to the law under which it had authority to locate its road across the Indian reservation.

It so happened that in certain sections in the valley the two roads overlapped each other, or, rather, the last locator located its line over a portion of the line which had first been located by the other company.

When this matter came before the Committee on Indian Affairs it came before it in the shape of a request asking for authority on the part of the Government to cancel the right of the first company obtained under the act of Congress, the object being to hold the right of the second company.

Mr. HEYBURN. Under the general act.

Mr. McCUMBER. Under the general act. The second company had also forfeited its right, according to my idea, under the general act, but there had been no injury to the Government. It then became apparent that there would be more or less of a conflict between these two companies. It was desired by the committee that both of them should have the right to go through that valley; but in some instances the location would not be convenient, and so provision was made that, in order that the two might retain their rights and that the Government should not proceed against them where the lines overlapped, they should relocate or change their lines, swerving this way or that way in such a manner as to allow each one of the roads to go through that valley with as little extra cost and damage to the other company as possible.

Mr. HEYBURN. Why not do it under the general law?

Mr. McCUMBER. Simply because one company had already obtained a right there under a special law——

Mr. HEYBURN. But the Senator says that right has been forfeited.

Mr. McCUMBER. And the Government did not desire to forfeit it; it has not been forfeited; the right still exists. If the company which first obtained its right under the general law had forfeited, then they would not stand in an equal position, but the right would be granted to the other company, and the other company might refuse to relocate any portion of that line.

Mr. HEYBURN. That is what the court would do for them.

Mr. McCUMBER. No; this is a case of a right of way over an Indian reservation——

Mr. HEYBURN. That makes no difference.

Mr. McCUMBER. Which is subject to the jurisdiction of the United States; and remember that in both instances the locations were made with the approval of the Secretary of the Interior under a law passed by Congress. If Congress desires to change that law in such a way as to allow them to readjust their lines at the conflicting points, there is certainly no reason why the Secretary of the Interior, to whom authority was granted in the first instance to approve of the locations, should not approve of the readjustment of those locations through the valley in such a manner that both companies may pass through there.

This was regarded as the simplest way to accomplish the purpose; it is satisfactory to both of the companies. They are both willing to get together and relocate their lands, if they can, with as little inconvenience to each other as possible and to get the Secretary of the Interior to approve the locations as they are changed here and there for mutual accommodation.

Mr. HEYBURN. They need no authority from anybody to do that.

Mr. RAYNER. May I ask the Senator a question?

The PRESIDENT pro tempore. To whom does the Senator from North Dakota yield—to the Senator from Idaho or to the Senator from Maryland?

Mr. McCUMBER. I first yield to the Senator from Idaho and then I will yield to the Senator from Maryland.

Mr. HEYBURN. I merely suggest that under the existing law no authority is required for the adjustment of those lines. The courts have always sustained the adjustment of lines under the act which authorizes the joint occupation of narrow defiles and canyons.

Mr. McCUMBER. The Senator is considering now only the question of the general law; but there was a special law in this case as well as a general law. One company located under

the general law while the other located under a special law, and neither of the companies desires to lose by a forfeiture whatever rights and privileges it obtained under the particular law under which it made its location.

Mr. RAYNER. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. RAYNER. I should like to ask the Senator from North Dakota does this joint resolution give the Secretary of the Interior the judicial power to determine upon a forfeiture in the case of either of these railroads?

Mr. McCUMBER. Oh, no; not at all. It simply allows the Secretary of the Interior to approve the relocation where the railroad companies are compelled to relocate for mutual adjustment.

Mr. HEYBURN. Mr. President, the Secretary of the Interior is not required to do that. The act authorizing joint occupancy of these canyons has been held to be, and it is undoubtedly, broad enough to authorize the courts to adjust the lines.

I have in mind an instance in point where a line was located so as to zigzag from bank to bank of a canyon and leave no opportunity to build another road up that valley. It was done deliberately. When another road came along with its lines they asked the court to compel the first road to withdraw the points of this zigzagging course. The court did so, and compelled them to relocate their lines. The matter did not go to the Secretary of the Interior at all. The court simply said that they had made a misuse of the law and made them draw in their points so that the other road could be built in the valley.

Mr. RAYNER. Is any judicial question left with the Secretary of the Interior?

Mr. HEYBURN. Oh, this joint resolution proposes to leave all judicial questions to him.

Mr. RAYNER. What judicial question is left to the Secretary of the Interior?

Mr. McCUMBER. He approves the location, and nothing more. I did not think it was necessary to explain the way this matter first came before the committee. An action had been started by the company last locating against the former company in the United States court to forfeit the right. The court properly held that the action would not lie; that Congress having granted the power it is up to Congress to determine whether or not it would exercise the power to declare a forfeiture, and Congress not having exercised that right, the case was dismissed.

Then it came before the committee on an application to grant the authority to the department to commence the action to declare forfeiture, the result of which would have been to have destroyed the rights of the one first there and to have placed the other in its stead over a considerable length of the location. To avoid this and to allow both of the companies to use their lines this bill was modified and formulated, and the Secretary of the Interior does under this just exactly what he was to do and what he did do under both the special and the general law. That is, he approved the location, and here he approves of the relocation across Government land.

Mr. HEYBURN. The language of the amendment itself would seem to challenge the Senator from North Dakota. It provides that the parties shall present to the Secretary within 60 days after the passage and approval of this resolution—

and thereupon it shall be the duty of the Secretary of the Interior to give said companies a hearing.

When you give a hearing, you give it for the purpose of acting upon conflicting contentions.

And if it shall be found—

Found as a matter of judicial determination—

And if it shall be found that the right of way as located by the Washington Improvement & Development Co. and now owned by the Great Northern Railway Co. at any particular point along said right of way is so located as to prevent the physical location and construction of said Spokane & British Columbia Railway in and through said valley without great or unreasonable expense, the said Secretary shall direct the readjustment of the locations.

Those are judicial acts. I want to say at this time that this bill is applicable only to one case, and I do not care very much about it. I would not oppose any adjustment of the difficulties between these lines. I made my objection only because the bill recognizes a principle against which I am opposed—to which I shall always be opposed; and so long as I think it is proper I shall express my opposition to the transfer of the performance of judicial duties from the judiciary system of the country to the Executive; and that is all. I have no care as to this particular case.

Mr. McCUMBER. There is no more a judicial duty under the clause the Senator has read in this respect than there was in the original bill which Congress passed.

If, for instance, the Washington Development Co. had presented a location, the Secretary of the Interior was authorized under the original law to say, "This location is not entirely satisfactory. You must locate it in another place. I will not approve of it at this point." The Secretary had the approving of that, and there are certain Indian rights that attach here and there as to which he had the right to say, "You must avoid these, but I will approve the line along there."

When the two lines conflict, the same authority is given. After he has once approved it, if they change that line so as to conflict he will approve a line, and if they can not agree, he will assist them by suggesting and directing where they may go, and thereby each line will be properly located.

Mr. HEYBURN. The law requires the filing of a map in order that it may be placed upon the public system of surveys, as notice to the world that this railroad intends to build its line there, and when that map is filed the only duty the Secretary has to perform—and it is performed, really, through the General Land Office—is to place that upon the public surveys, and if it is in conformity with the provisions of the statutes the approval is a mere perfunctory act on his part.

The filing of a line through an Indian reservation requires no other act to be performed than that as to the filing of a line anywhere. All the great lines of the Northwest intersect Indian reservations, and the treaty rights between the Indians and the railroad company were adjusted as in other cases of treaties.

Inasmuch as this affects only the one case, I will not pursue it further.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

METAL SCHEDULE.

The PRESIDENT pro tempore. The calendar under Rule VII is in order.

Mr. SIMMONS. I move that the Senate resume the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, there has been for some time comment upon the inactivity of the Senate in the matter of tariff legislation. Certain newspapers of the country, mostly newspapers opposed to any kind of revision, newspapers that do not advocate such revision, have fallen into the habit, notwithstanding what has transpired upon the floor of the Senate, and in disregard of repeated statements that have been made on both sides of the Chamber with reference to the purpose and determination of those who are in favor of revision, of saying that the minority in this Chamber are not sincere in their desire for the passage of the several bills sent to us by the House, and that we do not expect legislation upon this subject, and that we are not seeking to secure action upon those measure at this session of Congress.

There is not, of course, as is well known in this Chamber, whatever may be the impression outside of it, the slightest foundation for these persistent and repeated misstatements and misrepresentation on the part of the newspapers.

I want to say now, Mr. President, and I want to say it with all the emphasis I can command, that this side of the Chamber, in so far as it is able to control the situation—and I think with such assistance as we may be able probably to get from the other side of the Chamber we will be able to control it—is determined that there shall not be an adjournment of Congress or a recess of Congress until the Senate has acted upon each of these bills, whether that action be favorable or unfavorable action.

The statements that we do not intend to press these matters to decision at this session of Congress is utterly unwarranted, without foundation, and in utter disregard of everything that has transpired and of everything that has been said by the friends of the measure upon this floor.

There is, Mr. President, a disposition in some quarters to complain that tariff measures have not been pressed with due diligence before the Senate. That complaint, in my judgment, is utterly without warrant, in view of the facts connected with their consideration. Every measure that has been sent to us by the House has been acted upon by the committee. One of these bills is now upon the calendar.

Mr. GALLINGER. And, Mr. President, if the Senator will permit me, I am sure the Senator will say that in the consideration of those bills in committee he discovered no disposition on the part of the majority members to delay their report.

Mr. SIMMONS. I take very great pleasure in saying that I did not discover at any time during the consideration of these measures in the committee a disposition on the part of the majority members to obstruct. Those measures are all on the calendar. One of them is the unfinished business; and just as soon as it is disposed of it is the purpose of the friends of revision to insist that the others, in turn, be made the unfinished business of the Senate until they are all disposed of.

There has been, it is true, considerable discussion upon the bill which is now before the Senate, but there has not been more discussion than was proper under the circumstances and in consideration of the importance of the measure. There has been no abuse of the right of discussion. There has been no indication of a purpose in any direction to resort to dilatory tactics. On this side of the Chamber only two speeches have been made; on the other side of the Chamber probably four, and they may have been lengthy speeches, but the friends of revision have occupied probably not more than one-third of the time that has been consumed in the discussion.

In saying that, I simply desire to be understood as saying that the friends of this measure have not occupied more time than was proper, and I do not think the opponents of the measure have occupied more time in the discussion of it than was proper and legitimate under the circumstances.

Since this bill became the unfinished business we have kept it continuously before the Senate, allowing only a very reasonable time to enable Senators to get ready to speak, with the single exception that we have yielded to two appropriation bills, neither of which consumed much time, and in those instances we yielded because we thought we would save time by letting those bills be passed in view of the fact that it was expected that the bills would be held a considerable time in conference.

So far from our losing time by reason of permitting these interruptions in the taking up of the appropriation bills, I think we have gained time instead of having lost time.

Mr. President, I think under present conditions we may reasonably expect an early vote upon this bill. I will say on behalf of this side of the Chamber that we are ready to vote at any time. We are ready to vote to-day. Although there are some Senators here who desire to speak, so anxious are we to have action upon this question that they are ready and willing to forego the making of speeches at this time.

There are not more than one or two speeches to be made on the other side. I hope we may be able to get to a vote on this bill early next week. When we have concluded the consideration of this bill I do not see anything in the way of rather quick action upon the other bills. I do not think, probably with the exception of the wool schedule, that there will be anything like as much discussion upon the other bills as there has been upon the pending bill.

But, Mr. President, the country is impatient for an adjournment of Congress. Senators, as well as Members of the other House, are anxious that the present session should be brought to a close. In that condition of things I think probably we might expedite not only action upon these bills, but action upon other bills, and secure an early adjournment by changing our hours, by meeting a little earlier or by providing for night sessions. I should like very much to hear from the other side of the Chamber with reference to the suggestion that we should either meet at 11 o'clock, continuing our sessions until 5, 5.30, or 6 o'clock, or instead of one long session that we should have two sessions, one in the day and the other at night.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Certainly.

Mr. HEYBURN. How would it do to substitute "wager of battle" if we are to determine this great issue by endurance?

Mr. SIMMONS. I do not think if we should substitute "wager of battle" the Senator would suffer.

Mr. HEYBURN. It seems to me that the same principle is involved. If you are going to tax men's endurance, and we are not all, fortunately or unfortunately, endowed with the same amount of physical strength, then perhaps if we could get the young men in a party in this body they could compel those of us who are further advanced in years to do whatever they determined upon. I do not think that is a good moral principle of legislation.

Mr. SIMMONS. My observation is that the older men stay in the Chamber just about as well as the young men. I do not think that an additional hour would overtax us because, as the Senator knows and as Senators know, during these discussions there is plenty of time for Senators to take relaxation out of the Chamber, and they take that time. They do not have to stay here and hear the discussion.

Mr. HEYBURN. I was not complaining. I was objecting to the principle that was so obvious in its intent on its face.

Mr. SIMMONS. That is not an unusual practice. We have frequently, toward the close of a session since I have been a Member of this body, either met at an earlier hour than usual or we have had night sessions.

Mr. HEYBURN. We have done some rather ridiculous things.

Mr. SIMMONS. There seems to be about as much urgency in reference to adjournment this year as ever before. Almost everyone at this end of the Capitol and at the other end is anxious to get away.

Mr. HEYBURN. That is a good argument against careful legislation.

Mr. SIMMONS. I am not urging it against careful legislation. I am not making any suggestion that these bills should not receive the fullest consideration and the fullest debate. I am simply suggesting a little longer session every day, either in one session or in two sessions, to facilitate an early adjournment.

Mr. HEYBURN. I will withdraw anything that would seem to be an objection, if all Senators will pledge themselves to attend these sessions from beginning to end.

Mr. SIMMONS. All Senators are not going to pledge themselves, for all Senators will not attend. If we had a session of only three hours a day while considering these tariff measures, or any other measures, all Senators would not attend.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Mr. President, I think I fully appreciate the solicitude of my friends upon the other side of the Chamber concerning an early adjournment, but I think they ought to restrain their impatience. I do not believe the country is demanding that we shall adjourn so that we may attend either the Chicago convention or the Baltimore convention. I think we are commissioned to do a work entirely apart from the work that will be done in either of those great bodies of representatives.

I want, of course, now, as I always do, to complete our duty and adjourn as soon as possible, but the first consideration is to do our work and to do it right, to do it after full debate and full consideration and reflection.

I can not concur with my friend from North Carolina about the advisability of either meeting at 11 o'clock or holding night sessions. So far as I am concerned, I am doing about all that I can do, and I am not willing to add to the burdens of the session by increasing the hours that we spend here either in daytime or at night. When we spend five or six hours in the Senate Chamber six days a week we have done all that can possibly be demanded of us, and I think we have done all that we can do and do it well.

Why not go on with the work of the Senate without thinking so much about the time when we shall adjourn, and hold reasonable hours, and work diligently, and when we have finished the work, then adjourn. Let us not spend a moment in useless debate or in considering matters that are not of the first importance, but let us go on and do what is plainly before us and put out of our minds this matter of getting away from Washington in the middle of June. We can not do it. We can not attend to these four great tariff bills, say what ought to be said about them, and do what ought to be done about them, and about the appropriation bills which are yet to come before us, and about the Panama bill, which is of the first concern, and about the title of the seat of the Senator from Illinois—we can not do all these things and adjourn in the middle of June. If we are to vex our minds all the while with regard to the day and hour of adjournment and try to fashion and mold all our work with reference to getting away at a particular time, we will not accomplish the latter and we will do our work very ill.

Mr. SIMMONS. Mr. President, I have simply thrown out what I have said about a longer daily session, or two sessions, for consideration by Senators on both sides of the Chamber. I think, with slight exceptions, Senators on this side of the Chamber would be perfectly willing to have this extension of the time of our sessions.

I do not wish the Senator from Iowa to understand, in anything that I have said, that I do not wish, and that this side of the Chamber does not wish, that each of these great measures

should receive due and full consideration. I have not suggested any curtailment of debate at all.

Mr. CUMMINS. Mr. President, I want to assure the Senator from North Carolina that in saying what I did with regard to the time of adjournment and the tendency to give scant attention to business before us, I was not replying to anything he said, nor had I anything he had uttered in my mind. I was replying to a rumor that has found its way into the newspapers and has also been circulated in the Senate Chamber. I hope the Senator did not understand that I was imputing these things to him.

Mr. SIMMONS. Mr. President, I want to say that so far as this side of the Chamber is concerned—and I have conferred with Senators on this side very freely about it—we have one fixed purpose, and that is to insist upon a decision upon all of these tariff measures which have been sent to us by the House, or any that may hereafter be sent to us by the House, and we are perfectly willing to stay here just as long as is necessary to discuss them and secure action upon them. I should like to have an early adjournment, but not an early adjournment at the sacrifice of due consideration or by the neglect to insist upon action upon any measure that has been sent to us by the House with reference to the tariff.

Speaking for this side of the Chamber, therefore, I want to say—and I rose only for the purpose of saying it—the suggestions which have found their way into the press that friends of revision are not in earnest in these tariff matters, and that they expect to permit an adjournment or a recess of Congress before action upon those bills, are without the slightest foundation; and, so far as we are able to control the situation, there will be no adjournment of Congress until they are acted upon.

Mr. BACON. Mr. President, I wish to say a word in connection with what the Senator from North Carolina has just said, and to come down a little more to specific matters. The Senator has alluded to articles which have appeared in the press. I wish to call the attention of the Senate to the leading editorial of the Washington Post this morning, which I will read. It is headed, "No spoils for insurgents," and proceeds:

As nobody denied the truth of Senator BORAH'S remark that the leaders on both sides of the Senate are agreed that there shall be no tariff legislation at this session, what Senator BACON said in denial of Senator SMOOT'S statement, with reference to Democratic sentiment on the subject, argues that at least a tacit agreement on the tariff has been reached. Senator CUMMINS'S protest against going home with the tariff bills unacted on evoked no sympathetic response from either side to the controversy. And, as it happened, the House Ways and Means Committee, finally convinced that the Senate Democrats would do nothing, had just tucked away the cotton schedule and the odds and ends of their revenue-only policy, there to stay until the Senate gives indication of tariff action.

I wish to say, Mr. President, that that is not only an absolutely unwarranted statement, it is not only absolutely a misstatement, but I think I am within the mark when I say it is an inexcusable misstatement.

I call the attention of the Senate to the fact that the assertion is made in this editorial that nobody denied the truth or the correctness of the statement made by the Senator from Idaho [Mr. BORAH].

Mr. President, it is to be presumed that the writer of that article, when he observed what the Senator from Idaho said, had read further as to what other Senators said in the debate which ensued, and that such an examination of the RECORD had been made by the writer of the article before he would say that no denial had been made as to the truth or correctness of that statement.

If so, Mr. President, the memory of the writer was very short or his reading very imperfect. While I will not undertake to read in full the debate, which lasted probably an hour or more, on that subject, in which in the most vigorous terms possible the statement made by the Senator from Idaho was denied, I will simply read a few of the things which were said on that day which show how utterly inexcusable is such an unwarranted statement as the one which I have read published in the paper this morning.

Replying to the statement of the Senator from Idaho [Mr. BORAH], the Senator from North Carolina [Mr. SIMMONS] made this statement:

Mr. President, I want to say to the Senator—

That is replying to the Senator from Idaho [Mr. BORAH] in response to the very statement which the Washington Post said was not denied.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body, and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Then I ventured to express myself in regard to the statement of the Senator from Idaho, a statement which the Post says was not denied. I will read some of the things which I said.

Mr. BORAH. Mr. President——

Mr. BACON. If the Senator will pardon me until I get through, I will yield to him with great pleasure; but I prefer to continue and read what I said in reply to the statement of the Senator from Idaho. I beg to remind the Senate I am reading this now for the purpose of testing the accuracy of the statement of the editorial writer in the Washington Post that the statement made by the Senator from Idaho was not denied, disputed, or controverted. It is a question of fact whether the statement of the Senator from Idaho was denied. I am not talking now about whether the Senate is or is not in earnest about the passage of the tariff bills, but I am talking about whether or not the statement made to the contrary by the Senator from Idaho was then denied, because the Post says it was not denied. That denial was made by me, as follows:

Mr. BACON. I have had a pretty good opportunity to know what are the attitude and desire of the Democrats, and I can say with the utmost confidence that the statement, whether made directly or by inuendo, that the Democrats are not in favor of this legislation which they are now proposing to pass is absolutely not only without foundation but incorrect. I have been in very close confidential relationship with my colleagues on this side of the Chamber; we have the opportunity for an interchange of views under circumstances where each can judge of the sincerity of the others, and I speak in the utmost confidence and in the sincerity which is due from one speaking in this place when I say that the purpose is to do all that is within our power to pass these tariff bills, and not only that, but we will be greatly disappointed if they do not become law.

Why should the Senator think we do not desire that this metal-schedule bill shall become a law, when it rests with such burden upon those whom we represent, when there is not a single Democratic Senator who does not represent constituents who rest under very great burdens on account of the present law? which burdens would be greatly relieved by this bill if it should be passed.

Not only so, but among the great body of the American people there is not a man who rides on a railroad who does not have to pay an increased cost on account of the cost of the iron rails which are made more costly by the tariff on rails. The Senator knows that, and to say that we are not sincere in this—I am astonished that the Senator should say anything of the kind, unless he can give us any authority for it. If the Senator knows of any single Senator on this side of the Chamber whom he can charge with insincerity in this matter, I hope he will not hesitate from any feeling of delicacy to mention his name.

Again, pursuing the same matter further, I said what I shall now read. I will omit much that I intended to read, but I just want to read that which was most emphatic in denial of the statement which the Senator from Idaho made, which the writer in the Post had the opportunity to examine, and which I suppose was examined before any such statement as that in the Post was made:

Mr. BACON. Now we have the Tariff Board's report, and the Senator from Idaho said that our work necessarily and obviously would have no result; that our own action in regard thereto could not be taken as serious or with any purpose or expectation to accomplish anything.

I am replying to that when I say that non constat the President of the United States will not sign a bill which may be passed by this Congress. In the first place, so far as the woolen bill is concerned, the House of Representatives has acted upon its own responsibility and has passed a bill such as was proper to pass; and the Democratic Members of the Senate approve of that bill and are in favor of its passage. If it is passed, we do not know what view the President of the United States may take of it, in view of the fact that the Tariff Board has acted. But if we can not pass the House bill, the Senators sitting on that side of the Chamber have it in their power to present another bill to the Senate, which, it is presumed, the President will approve; and if it lessens the cost to the consumer, and to the great mass of the consumers of this country, all of whom use wool in greater or less degree, we will vote for your bill, although it is not such a bill as we would desire. And the same is true of the steel bill. It will not be our fault if such bills are not passed at this session.

Omitting much that could be read on the same line, this emphatic declaration was then made by me in the course of my remarks:

I want to say this to Senators: So far as the Democrats of the Senate are concerned and so far as the Democrats of the House are concerned, we propose to do our part in the enactment of this tariff legislation. We propose to do it in the way that we approve if we can accomplish it. If we can not accomplish it in the degree that we approve, we propose then to join with you in anything which lowers the burden of tariff taxation at the present time. I wish to let the Senate know and to let the public know that we are not only sincere in the bills which we propose to enact into law, but we are still further sincere in the effort to relieve the people of this great burden of tariff taxation by saying that we will take your bill whenever you produce it if we can not pass ours, provided it lessens that burden.

Mr. President, those are only a part of the statements which were made in utter denial of the proposition or statement made by the Senator from Idaho. Whether correct or not, they were made, and yet the editorial in the Post says that no denial was made of it.

Mr. President, there is evidently a purpose to produce a wrong impression, and therefore I echo what was stated by the

Senator from North Carolina to-day, not only so as regards some of the press, but some Members of the House, in interviews which have been reported in the papers, seem to be in doubt about it, and I wish to say to them, not as in the House, but when talking to the representatives of newspapers, they need not be in doubt as to what is the purpose of the Senate in that regard. Unless we are forced, over our wish to adjourn, all the tariff bills will be passed by the Senate at this session, either our bills or bills which may be offered in amendment thereof, provided those amended bills thus offered lower the tariff.

Mr. President, it is probably not the correct thing ordinarily to speak of the action of Senators outside of the Chamber, but as this matter is so persistently thrust upon us, I am going to take the liberty of saying that the Democrats more than a week ago held a conference upon this subject and agreed unanimously, without a single dissenting vote, that we would do what the Senator from North Carolina to-day says we are going to do—that we would insist on a vote upon each and every tariff bill which was before the Senate or which should be sent to the Senate by the House. Every newspaper in the country, so far as I know, on the morning after that action reported that action except the Washington Post. The newspapers had the benefit of it; the newspaper men were in attendance and were immediately informed of it. I will not say the Washington Post did not publish it on the next morning, but I will say that I diligently searched it the next morning and there was no mention of the fact that I could find, either that there had been a conference or that the Democratic Senators had thus determined as I have just stated.

In the face of that action by the Democratic Senators in conference, and in the face of the most emphatic denial that it was possible for the Senator from North Carolina and myself on Wednesday to frame of the statement, it is repeated in the paper this morning that it is not the purpose of the Democrats or of the Senate to proceed honestly and in good faith to the enactment of this legislation. I hope there will be no doubt about the question hereafter.

Mr. WILLIAMS. Mr. President, I am a little afraid that the Senator from Georgia [Mr. BACON] attaches too much importance to the Post editorial. On the same page they had two other editorials, each elephantinely humorous—one headed "The Wiley baby" and the other headed "Attacking the hen"—and the contents of each editorial are more or less remotely related to the headline of the article.

This one is headlined "No spoils for insurgents." This editorial contains one insinuation and one assertion. The insinuation is to be found in the headline, and it is unjust. The assertion is to be found in the main body of the article, and it is untrue. Whatever else may be thought of the insurgents, Mr. President, whatever opinion may be entertained concerning their tactical or strategical wisdom, I do not think anybody will charge that they ever went into the movement in which they went with any idea of reaping spoils from it—in the immediate future at any rate.

However far one may differ with them in many respects, I think no man will deny their sincerity, their honesty, their earnestness, their unselfishness, and the fact that they had nothing to gain by the course which they have taken from a personal political standpoint. There is much to gain in their opinions, I suppose, for the country after a while. I myself think they have made a great strategic error. I think any man is almost foolish, if I may use that language, who expects a revision and a reform of a great iniquitous system from the party which has fathered the system itself and which had been a party to the mutual benefits growing out of it—the benefit of money going into the pockets of the privileged and favored few, and the benefit of offices going to the legislators who have voted to keep up the system. It seems to me that they would have been wiser in their generation if they had gone into some party that was in earnest about fighting the tariff. Their faith in the idea that the Republican Party will at some time revise and reduce the tariff, shut off its own campaign funds and its own great influential supporters throughout this country, is an evidence of faith only excelled by that shown by a man who buys a bottle of hair restorer from a bald-headed barber. But whatever else may be said about it, there is no doubt about the fact that they have nothing personally to gain in the immediate future. So the insinuation contained in this headline is eminently unjust.

Now, let us see the assertion:

Senator BORAH's remark that the leaders on both sides of the Senate are agreed that there shall be no tariff legislation.

I do not remember the exact language of the Senator from Idaho; this may be it for all I know:

The leaders on both sides of the Senate are agreed.

Who are the leaders? Who are the leaders of the Democratic Party? Who are the leaders on the other side? The titular leader of the Republican Party sits before me. The selected leader of the Democratic Party has been at home for three or four weeks with a very seriously sick wife. If anybody on this side of the Chamber undertook to speak as a leader he was guilty of great arrogance and great assumption, because the Democratic Party has not made anybody leader for this purpose. Let us go on with this:

A tacit agreement on the tariff has been reached. Senator CUMMINS'S protest against going home with the tariff bills unacted on evoked no sympathetic response from either side to the controversy.

* * * * * * *

The swan song in the Senate and the decent burial rites in the House leave nothing to speculation.

I do not remember whether the Senator from Idaho said a "tacit agreement" had been arrived at or not. I think the Post said it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Certainly.

Mr. BORAH. Will the Senator from Mississippi permit me to read what I did say, so that we may have the text before us?

Mr. WILLIAMS. Yes, sir.

Mr. BORAH. I said:

Mr. President, it seems to me that the absence of Senators from the Senate Chamber is by no means a reflection of the interest which they might have in this discussion under certain circumstances, but it is due to the fact that, while there is a great deal of protest to the contrary, nobody really expects any tariff bill which may come before us at this session to become a law, and if both sides would join with equal candor in that proposition it would not be necessary to stay here and carry on this useless discussion.

Mr. WILLIAMS. I was so unfortunate as to be one of the Senators who were not in the Chamber when the Senator uttered those words. Of course, the man who wrote this editorial must have known or, if he did not know, he ought not to be setting himself up as an editorial writer for a great paper at the Capital of the country, that the Democratic Party had held a Senate caucus and passed a resolution saying that we would not agree to adjourn this Congress until every tariff bill which the other House had sent or would send had reached a vote in the Senate. That was known to all men who wanted to know it; it was known to everybody who had not carefully abstained from reading the newspapers; it must have been known to whoever is the editorial writer of the Washington Post; or, if it were not known to him, the owners of the Washington Post ought to try to get somebody who keeps up with current affairs to edit the paper.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. WILLIAMS. I yield to the Senator.

Mr. SIMMONS. Mr. President, I wish to call the attention of the Senator right in that connection to the fact that at the very time the Senator from Iowa [Mr. CUMMINS] uttered the protest referred to in that editorial, an emphatic statement was made to the Senate by myself, speaking for the members of the Finance Committee on this side of the Chamber. The Senator from Iowa stated, as I remember, that those who agreed with him on the other side would insist that there should be no adjournment or recess until four of these tariff bills, which he specified, had been acted upon. Responding for this side of the Chamber immediately after his statement——

Mr. BACON. And interrupting his statement.

Mr. SIMMONS. Yes; and by interruption; I said that, speaking for this side of the Chamber, it was our fixed purpose and determination, so far as we could control the matter, that there should be neither an adjournment nor a recess until every bill that had been sent here by the other House upon the subject of the tariff had been acted upon, nor until every other tariff bill that might be hereafter sent to the Senate from the other House had been acted upon. It was part of the same statement.

Mr. WILLIAMS. Yes. I am glad the Senator interrupted me to let the country know that.

One other statement. As to this editorial, to which I think we are perhaps paying too much attention. I think that probably the editor did not intend the editorial to be taken seriously, but intended it to be treated as a production of elephantine humor, just as the editorial on the Wiley baby and the attack on the hen were intended for pieces of elephantine humor. Perhaps we are going too far with it; but for fear somebody might take it seriously, here is another assertion that the Democrats in the House had quietly tucked away the

cotton bill. It is a matter of public, notorious information, and it is a matter of personal knowledge to me, at any rate, and I think to most people, that the other House has simply said that, until the Senate showed a willingness to vote upon some measure, it would keep it back, but that they are going to send a cotton bill to the Senate as soon as the Senate clears up its docket a little by showing that we are going to vote on something else. So much for that.

Now, to reply to the only thing worth replying to, the remark made by the Senator from Idaho [Mr. BORAH], which seems not to have been at all what the Post reported him as having said. He said he thought most of us knew that there would be no legislation on the subject of the tariff—that is, that none of the bills would become laws, passing both Houses of Congress and receiving the approval of the President. We ought to be frank, of course, with one another and with the country. I think that very probably the Senator from Idaho is right about that; but that has nothing to do with the question of presenting to the country our convictions in a made-up record, that the country may have it before it. I think the Senator is probably right, because the present President of the United States, who is also a candidate to be President again, while he has said that there were excrescences in the tariff system to be lopped off, yet always discovers, when we send him a lopped-off excrescence, that it was not the particular excrescence that he had referred to; and he generally will, I suppose, veto the bills; but although he hides himself behind the fortress—the veil, rather—of the Tariff Commission and tells us that he will not allow any tariff legislation to go through except after the report of the so-called Tariff Board, that the Tariff Board having reported upon the wool schedule, and every fact in its report being in exact keeping with the provisions of the wool bill sent to him last session by the Democratic House and now pending again in the Senate, I have a hope that when it reaches him he will sign it or else that he will indicate to the country wherein it fails to be based upon the facts ascertained by the so-called Tariff Board.

The Senator from Idaho ought not to have twitted us with the fact that there might not be any legislation upon tariff questions.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. The Senator from Idaho—that is one of the unfortunate things about the situation which the Senator from Idaho occupies, as well as the situation occupied by the balance of the men so irreverently called "insurgents"—can not strike without striking at his own party if he strikes right, and if he had struck at the real obstacle in the way of tariff legislation, he would necessarily have struck at a Republican President. Not desiring to do that, he merely threw these remarks out innocuously upon the circumambient atmosphere, and the Post landed them at the door of the conscience of the Democratic Party, where they ought not to have been landed.

One more word before the Senator from Idaho interrupts me. I have really no doubt that if that distinguished ex-President of the United States, who is now a candidate for the Presidency, were in the White House very probably we would get very little tariff legislation past the White House with his approval. It is a curious thing, Mr. President, that he is the only man who is a candidate for the Presidency in either party who has never opened his lips in favor of the reduction of a single tariff duty, now or at any other time, and how my insurgent friends expect to get any legislation upon the tariff question out of him passes my conception. Lately, forced to say something upon the tariff question, he comes out with this vague, spasmodic, characteristic plaint. He says that he is going "to see to it"—I do not know just precisely how, but he is a great man to see to things—he is going "to see to it" that a good deal of the profit derived from the tariff shall go into the pay envelopes of the laborers at the pay window. Just precisely how he is going to do that, just what sort of a law will make a man who is rendered able by an iniquitious tariff system to pay wages, but who has never been rendered willing by Almighty God to do it, I do not know; but at any rate he is going "to see to it." There is not one word about reducing the exorbitant profits of the iniquitous system at all, nor a word about the method of distributing them, but he will "see to it" that more of it goes into the pay envelopes at the pay window.

Well, now, tariff barons, like trusts, are divided into two classes—good tariff barons and bad tariff barons. Hitherto the people who have made those divisions and have thought some sound economic theory was based upon them have been very lenient with good trusts, and they may be equally lenient with good tariff barons for all I know, but they might possibly go out of their way now and then to punish a bad tariff baron just like they went out of their way to punish now and then a bad trust, meaning by a "bad trust" a trust which was not subservient. So there was a later utterance from this suspender of laws, and that later utterance went to the effect that when he was to examine as to whether a tariff was properly laid or not he was going to examine into the question as to whether the man who enjoyed the benefit of it was paying proper wages. Now, we have before us this magnificent vista, requiring almost Godlike wisdom to execute it, but still magnificent vista—somebody in the White House who shall take note of the wages paid in all the factories of the United States, and whenever the wages paid in a particular factory are not satisfactory to him, reduce the tariff on that particular factory.

I suppose if another factory were engaged in producing exactly the same things and were paying good wages, it would be rather difficult to reduce the tariff enjoyed by the bad-wage payer without also reducing the tariff enjoyed by the good-wage payer at the same time. So, as I said a moment ago, it would require almost godlike wisdom; but still we have in prospect a man who, while he may not have it, at least thinks that he proximates it. Then if it is discovered that the wages being paid are all right, the tariff is to be everlastingly continued. It seems to me that is, necessarily, the logical conclusion on that side of the shield.

Now, what have you done with the poor devil who has nothing to do with it either way, who neither owns the capital of the factory nor does the labor in the factory? Is he never to have a hearing at all? Is there nothing to be considered except the distribution of the robber fund? Are capital and labor to enter into a union to be approved by the Government of the United States to share the iniquitous robber profit, provided only that they will share it equably amongst themselves according to some outside party's ideas of what equableness consists of?

I want to be frank with the Senator from Idaho. It is very doubtful whether we will get any tariff legislation. Of course it is doubtful. The Senator from Iowa a moment ago was replying to a rumor. He ought not to have done so, but, being a man for whose example I have the highest possible regard, it emboldens me to refer to a rumor, too. There is a rumor abroad in the country that the present occupant of the White House has agreed that no tariff legislation shall go through unless it be recommended by the Tariff Board, and that such an agreement was made at some time in the past. I do not believe in replying to rumors, and therefore I am not going to reply to this one. I merely mention it so as to keep the Senator from Iowa from conjuring up rumors, too. We ought not to conjure up rumors. For all I know this rumor has not an element of truth in it. It is a rumor, and that is all the statement I make concerning it—that it is a rumor.

Mr. President, every Member of the Senate may just as well satisfy himself right now as to wait weeks or months to satisfy himself that so far as the Democrats of this body can control events they are not going to permit Congress to adjourn until a record vote has been had upon every one of these tariff measures and every other one that the House may send to us. The Senator from Georgia said we would not adjourn unless we were forced to do so. We can not be forced, because it will require a majority in the House of Representatives as well as a majority here to adjourn this Congress. We can not be forced except in one way. The Constitution does contain a clause, to which too little attention has been paid, that when one House passes a resolution to adjourn upon a certain day and the other House fixes upon a different day the President of the United States may adjourn them to a day certain, but I imagine that the incumbent of the White House is not going to put himself in the attitude of exercising that power in order to prevent himself from being embarrassed by the presentation of tariff measures.

If I understand the situation, both Democrats and Republicans in this body are ready to go to the country upon the records which they have made. I do not want to be flattering or complimentary, particularly, but I am willing to go to the country on the record which the so-called "insurgents" have made by their speeches in this body. If they have not riddled your present iniquitous tariff law, even from the standpoint of protectionism—which is not my standpoint—then I fail to understand how it could be riddled. I am willing to go to the country upon the record which the Democratic Members of the House of Representatives have made in their bills and in their speeches. I believe that the Republicans here are willing to go to the country upon the records which they have made. The record is made up and is ready to go to the supreme court of appeals—the people of the United States—and I confess, so far as I am concerned, that if it is not plain so that the supreme court of appeals may give judgment upon it, I do not know how I, at any rate, could make it plain. It seems to me to be so plain

that a man who runs could read it. So that the remark made by the Senator from Idaho was like the croaking of the raven in Poe's celebrated poem—

With little meaning, it little relevancy bore.

It is not a question as to whether a Republican President is going to enable us to have tariff legislation; it is a question as to whether we are going to be true to our promise to the Democratic people of this country and carry it as far toward the goal of becoming legislation as our votes can carry it, and then put the burden at his door, and let him either lift it up or leave it there.

Mr. CLARK of Wyoming. Mr. President, undertaking to speak for nobody but myself, I want to say that I am thoroughly in favor of the proposition of the Senator from North Carolina [Mr. SIMMONS]. I am willing to meet at 11 o'clock in the morning for the very and sole purpose, if necessary, of enabling the Senator from Mississippi and other Senators upon the other side of the Chamber to record their views upon the tariff bills which have come over or may come over from the other House. I have no desire to avoid any responsibility, personally, on those questions myself; but I think Senators magnify the importance of the situation in the Senate. The people of the United States care very little about what is going on or will go on in the Senate of the United States during the remainder of this session. Their attention is diverted elsewhere, and it does not make any difference what we do or fail to do, it will have little or no result upon the country, either as to their confidence or lack of confidence, and it will have little or no result on the coming election.

I am anxious to get away from here, because I deplore the spectacle that we are seeing here in a small measure at the present time, and which we shall see after the national conventions in a greater measure, of the Senate floor being turned into a hustings, where there will be crimination and recrimination, political taunts bandied back and forth, and where we will have scenes enacted that ought never to be enacted anywhere, but, unfortunately, are enacted sometimes in elections outside.

I want to get through with the business of this session. I have no hope of any important legislation aside from the appropriation bills being passed. Already to-day we have been in session three hours, and all, excepting half an hour, of that time we have discussed editorials and their bearing upon the political situation. I believe that we can do our full duty by our country by meeting here at 11 o'clock and letting the Senators who want to record their votes and their views upon great pending measures record them for whatever they may be worth; vote upon these bills, pass the supply bills of the country, and go home, as we can go home before the political conventions assemble.

Mr. GALLINGER. Mr. President, it is perhaps proper that I should say a word. I have conferred with the Senator from North Carolina in reference to the matter of having an earlier session than 12 o'clock, and I agree with him most fully that that would be desirable unless some overwhelming reason can be presented on the other side.

I stated two or three days ago that I wanted to see an adjournment of this session of Congress as speedily as possible, and I ventured the remark, if I remember it correctly, that, in my opinion, we would be serving the country well if we got away at the earliest possible moment. I have not changed my mind. I agree with the suggestion the Senator from Wyoming [Mr. CLARK] has made, that it is desirable that that should happen.

I regret that nearly three hours of time have been spent this afternoon in the discussion of a question that, it strikes me, is so inconsequential as not to deserve our serious consideration. Why, Mr. President, if I had discussed in this body every newspaper editorial or every dispatch which I have read which affected me or my party and misrepresented me or my party, I would have taken a very large proportion of the time of the Senate, which I have to the utmost striven to conserve. I do not think that the utterance of the Democratic Washington Post concerns either one side of this Chamber or the other. Newspapers have got to say something; they have got to say something to-day that they deny to-morrow or they can not fill up their columns; and if they do sometimes reflect upon the Democratic side of this Chamber or the Democratic House of Representatives let it pass. I agree with the Senator from Mississippi, that the editorial to which he has referred is not of much greater concern than those two other editorials which I read with a great deal of interest, but did not think it was necessary to bring to the attention of the Senate.

Mr. President, I am one Republican, speaking for myself alone, who believes that our Democratic friends have a right, not to demand necessarily—for I think they put it a little strong—but they have a right to ask and we have a right cordially to respond to their feelings on that point, that they shall have a vote on these bills, and I am ready to the utmost of my ability to help them get such a vote.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. I think the Senator will agree with me that that right to have a vote grows out of the fact that Senators representing the minority party, as well as Senators representing the majority party, represent the people; and the people have a right to have the votes of their representatives recorded.

Mr. GALLINGER. Yes; they are presumed to represent the people.

I have never, in my somewhat lengthy service here, Mr. President, undertaken to obstruct any legislation by dilatory tactics. I have been very deeply interested in one measure that was defeated by tactics of that kind, and I thought unjustifiably so, but I yielded because I had to do so. It is a fact that if there were a disposition to do so, three Members on this side of the Chamber could keep the Senate in session until the meeting of the next session. We have got appropriation bills to consider. Every line in those bills can be debated; we need not waste our time on tariff bills unless we wish to do so; but I know that I speak the sentiment of every Member on this side of the Chamber when I say there is no disposition to do anything of that kind.

I have believed that we could get away on the 15th day of June, and I believe so now, but to accomplish that result we would have to deny ourselves the privilege of listening to our own voices to any great extent; and I am willing to make that sacrifice; we would have to be diligent in the work of the session, and we would do well not to waste valuable time in the discussion of collateral questions, newspaper editorials, and things of that sort.

Now, Mr. President, all I can say, and all I intend to say, is that I hope we may buckle down to our work diligently and earnestly; reach votes on all these great bills—our Democratic friends call them "great bills," although I do not think they are; but we will call them "great" for the sake of the argument—reach votes on them as early as possible; pass the appropriation bills as speedily as may be; legislate on the question of the Panama Canal, and get away. But if it is the desire or the purpose of any Senator on either side of the Chamber to prolong the debate on these bills and to protract the session, why, Mr. President, I have got my summer clothes in Washington—what few I have—and I am willing to remain here with my friends and enjoy myself as best I can in a heated term that is not comfortable to any of us. I am willing to remain here until the end of the session is properly reached and be content with the result, however uncomfortable it may be to me personally.

I am not, Mr. President, one of the younger Senators of this body, but I am reasonably able to endure fatigue, and I will join with some of the Senators who are younger than myself and stay here and enjoy their companionship as well as I can, and some time before the snow flies we will secure an adjournment. But, on the other hand, Mr. President, I do really feel, and I do believe, that if we only willed to do it, we could complete this session, pass upon every bill that ought to be voted on, and get away before the great political conventions are held. Why, Mr. President, we have had a spectacle here during the past week. I have been in this Chamber for hours with three companions when a Senator was making a great speech. We know that Members of this body, without any excuse from the body, have been away weeks and months, and we know that other Senators will be away for weeks and months, and if this session is continued until the conventions are held, it is possible you may have a quorum here to do business during those two weeks, but I have some doubt of it.

So if there is any way by which we can bring about an adjournment on the 15th day of June, I will cooperate to the extent of my ability to accomplish that result; but if, as I said a moment ago, Senators are determined that that shall not occur, I shall gracefully yield and remain here just as long as they think it is desirable to do so either for the good or the evil of the country, whichever it may be.

Mr. BORAH. Mr. President, it is evident that the Washington Post can congratulate itself on being thoroughly and well read by all the Members of the Senate. They are entirely familiar with the different editorials which appear upon its pages, and in that respect it is entitled, I suppose, to serious consideration, as it seems to be the instructor of a good many different Members of the Senate.

But perhaps the mistake I made the other day was in being a little too candid. I perhaps gave expression too freely to that which was in the minds of all Members of the Senate.

If I should have the good fortune to remain here, I would likely be more diplomatic in expressing that which we all really understand to be the fact. But truth will out, however much we may try to conceal it.

I entertain a different view of the first sentence of the Post's statement to that entertained by the Senator from Georgia and the Senator from Mississippi, because that which the Senator from Idaho said was not denied, has not been denied to-day, and will not, in my judgment, be denied by anyone upon this floor.

I made the statement while the debate was proceeding, with no one listening, that it was evident from that fact that no one expected this bill or any other bill with reference to the tariff to ultimately become a law at this session. I do not think anyone really entertains a serious belief to the effect that, however earnest they may be on the minority side or whatever the views may be on the majority side, that ultimately it will result in a law. But that was the proposition which I was stating. It still represents my views, and every hour since has demonstrated that to be the correct position, and all debate and every action since have demonstrated it to be the correct situation, which is that we do not expect at this session that any of the bills in reference to the tariff will become laws. That does not challenge the sincerity of the minority side with reference to the tariff, and the misfortune was that my friend the Senator from Georgia [Mr. BACON] apprehended it to be an attack upon the sincerity of the Democratic side of the Chamber, which was not my intention. In the running debate some things may have been said which might just as well have been left unsaid, but it was not my intention to charge insincerity. As the original statement was made it had no other purpose and no other result than to state a fact which had been repeated inferentially here this afternoon a half a dozen times.

Mr. BACON. Will the Senator permit me to call his attention to the particular thing which gave rise to the earnestness of the debate? It is on page 6959, in the course of the colloquy between the Senator from Idaho and the Senator from North Carolina. The Senator from Idaho said this. I will read the connection in order that it may be understood fully.

Mr. SIMMONS. I do not know what the Senator means by "the other side." When he says "the other side," does he mean the Democratic side?

Mr. BORAH. Yes; I mean the Democratic side, as I am on the Republican side.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Mr. BORAH. It will be a great consolation to the Senators on the other side of the Chamber that it will go to a Republican President.

Mr. SMOOT. And also a great consolation if it is vetoed.

Mr. BACON. The statement of either of these Senators is not only without warrant, but is absolutely wide of the fact.

If that is not an imputation upon the sincerity of Senators, I do not know what language could be used that would be more pointed to that effect.

Mr. BORAH. I stated a moment ago that in the running debate there might have been language used which might indicate a partisan criticism. What I said in the beginning, as I read it a moment ago, when the Senator from Mississippi was on the floor, and that was all there was in my mind until the debate called out some further suggestions. But it is apparent upon the face of the record, because I repeated it several times afterwards, that I did not challenge one side of the Chamber more than the other. I challenged both sides and do now. I have not been very partisan in my statements on the floor of this body, and I do not propose to be. I think people advocate measures here because they believe in them. Because I do not agree with them is no reason why I should challenge their motives, and I very seldom do so.

Mr. OLIVER. Mr. President, what is before the Senate at the present time?

The PRESIDENT pro tempore. House bill 18642.

Mr. OLIVER. Is it the unfinished business?

The PRESIDENT pro tempore. It is the unfinished business.

Mr. OLIVER. We have spent an hour in discussing the Washington Post, and I suggest that perhaps we might do some affirmative legislation before we go away this evening. I therefore ask that the unfinished business be temporarily laid aside and that we proceed to the consideration of unobjected cases on the calendar under Rule VIII.

SEVERAL SENATORS. Oh, no.

Mr. GALLINGER. I think I shall have to object to that.

The PRESIDENT pro tempore. Objection is made.

Mr. GALLINGER. Let us proceed with the consideration of the pending bill.

The PRESIDENT pro tempore. The bill has been read and is in the Senate as in Committee of the Whole and is open to amendment.

SEVERAL SENATORS. Let us vote.

Mr. HEYBURN. Mr. President, I hear a voice which says, "Let us vote on it." We will not vote on it to-day.

It is presumed that the Senate will consider legislation before it votes on it, and if this legislation has received consideration it must have been during the very brief interval that I only occasionally have to take luncheon. I do not mean that it has not received serious consideration from Senators, and very able consideration, but others than those who have spoken will be called upon to vote on this measure. I had despaired of any occasion arising to-day for the continuance of its consideration, and so had put away in my desk some informal memoranda which I have in the way of figures, thinking the question of what the newspapers thought of what had been said in this body was sufficiently interesting to occupy perhaps another hour or two, when an adjournment would be reached. This is the end of a laborious week.

Mr. CUMMINS rose.

Mr. HEYBURN. If the Senator from Iowa desires to go on this afternoon——

Mr. CUMMINS. I am perfectly willing to go on, but I will have an amendment to present in the way of a substitute for the bill as it comes from the House. I desire to reply, on the amendment, to some of the observations made by the Senators from Utah and Pennsylvania and North Dakota. I do not want to make the reply until I offer the amendment, and when I have offered the amendment and made the suggestions I desire to make upon it, then, if there is no further discussion, I want a vote. I do not want to enter upon what more I have to say with the understanding that when I have finished the subject will go over for a day or more. I am quite at the disposal of the Senate in that respect. If we can go on with no understanding except that when we get through we vote, I am ready to go on.

Mr. HEYBURN. Of course, when we get through we will vote; but that is the burning question—when will we get through, and what constitutes getting through? Those are questions to be considered before the roll call.

Mr. CUMMINS. What I had in mind was, when we got through with the discussion, and I suppose we will not get through with it until every man in the Senate has said what he desires to say.

Mr. HEYBURN. I was just thinking about the time we would get through discussing these proposed tariff measures, and the first period to which my mind attached was about the 1st of November, in order that the Senators and Members may have time to go home and vote. That probably would appeal to us more than to adjourn to consider the necessity of going to the conventions. I presume we will want to make some arrangement between the two Houses for going home to vote.

Mr. President, I am not speaking entirely in jest. I have listened with much interest to the consideration of what somebody said yesterday, and on rereading yesterday's RECORD it occurred to me that we might by a general resolution order the printing of yesterday's RECORD as a part of to-day's RECORD.

The discussion yesterday seemed to center around the proposition whether we would reach a vote; whether Senators were sincere in pressing this legislation. Now, as I have said, and I will not repeat it at length, the primary duty of the Senate is to deal with the supply bills, and, so far as I am concerned, and as far as I can help to bring it about, there will not be any vote upon any tariff measure until after the passage of the appropriation bills.

Like the Senator from New Hampshire [Mr. GALLINGER], in this respect at least, I am quite able to stay here for the purpose of discussing these measures one by one as they are presented. My pay goes on the year round; my oath of office requires me to attend to the duties of Senator without regard to the number of days or weeks or months in the year; and the attention to the duties will not be complete until it appears that the Senate has reached the point of wisdom that would demand a vote. It would be a very great impropriety to vote upon a tariff measure at this time, especially upon this metal schedule. The details of the measure have been dealt with at some length, but I think I am safe in saying that there are other Senators who will give them further consideration. I have not yet completed the laying out, so to speak, of the proposition under consideration. The table is not fully spread. Some of the items are before us and some are not.

The result of this legislation is going to affect the prosperity of people outside of Congress more than it will the Members of

the two Houses. When I say affect them, I mean in their prosperity and their right to enjoy prosperity.

There has been much discussion here about great business organizations now in existence and as to how these schedules would affect business enterprises now existing. I have not given one-tenth of the attention to that side of it that I have given to the question of new enterprise and the establishment and maintenance of conditions that will enable new enterprise to grow and flourish. If we were to legislate merely that those in business might continue in business, one rule would be applicable, but we are here to legislate for the opportunity of others than those now engaged in business to establish new enterprises.

I want to see considered the conditions that will affect the new steel mills, the new mines, the new enterprises. If we were to consider only—take it in the case of mines—the mines that now exist, we would be giving our attention to a fading proposition, and we would be protecting something that would destroy itself, regardless of the protection it received, by the exhaustion of the subject. The legislation we should give attention to is that which will affect the mines of to-morrow and to-morrow and to-morrow. Those who have been so situated as to be able to observe the conditions of mining know that all mines reach an end. No mines are perpetual. The farm produces and reproduces, but with the mine it is a question of exhausting its own capital by every ton of ore that is taken from it.

I am looking to the use and employment of capital that is not now engaged in these enterprises. That is opportunity again. We meet opportunity at every turn. Suppose a duty is proved to-day to be sufficient, based upon existing conditions; suppose all the mills now in operation might continue to operate under existing conditions; are we to give no consideration to the mills of to-morrow, to the capital of to-morrow, to the men of to-morrow? Are we going to exhaust ourselves in this generation? The very purpose stated in the first tariff act that was enacted was that it might encourage the building up of industries.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Apropos of the discussion that was going on this afternoon as to Senators and their manifest intention and desire to legislate on the subject, I suggest that there are 15 Members in the Senate Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lodge	Rayner
Bacon	Cummins	McCumber	Sanders
Bailey	Curtis	Martine, N. J.	Shively
Borah	Fall	Myers	Simmons
Bourne	Fletcher	Nelson	Smith, Ga.
Bradley	Gallinger	O'Gorman	Smoot
Bristow	Gore	Oliver	Stephenson
Bryan	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Wetmore
Clark, Wyo.	Johnson, Me.	Perkins	Williams
Culberson	Johnston, Ala.	Pomerene	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names—not a quorum of the Senate.

Mr. GALLINGER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CULBERSON. Is it not first in order to call the names of the absentees?

Mr. GALLINGER. There is no such rule.

The PRESIDENT pro tempore. There is no such rule. The motion of the Senator from New Hampshire is in order that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. CLARKE of Arkansas and Mr. BANKHEAD entered the Chamber and responded to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is now present.

Mr. GALLINGER. I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. HEYBURN. Mr. President, I see it stated that on yesterday, I believe, in speaking of the Republican tariff platform, I am credited with speaking of the platform of 1864. That is either a misprint or it was an accidental remark on my part. There was no tariff platform in 1864. We were busily engaged in other matters. But I intended to refer to the platform of 1860. I am going to call the attention of Senators to the platform of 1860, because that was practically the beginning of the Republican Party and its tariff legislation. It reads:

> That while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend that policy of national exchanges which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the Nation commercial prosperity and independence.

That is the kind of ringing declaration which seems to have been forgotten at times since then. It is pretty nearly as strongly expressed in the first tariff act, before the making of platforms. The act of July 4, 1789, had a preamble, which reads:

> SECTION 1. Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandises imported.

That is the first declaration of Congress on any subject. The departments of the Government had not been organized at that time. Congress did not wait to organize the Government before enacting tariff legislation. There was no State Department or Secretary of State at that time. There was no War Department or Secretary of War at that time. There was no Treasury Department of the United States at that time. They were looking first to making provisions for something to put in the Treasury. They were looking first to making provisions for supporting the departments of the Government and giving them duties to perform. Between the enactment of the first tariff bill, the preamble of which I have read, and the purposes therein set forth, 23 days elapsed before we created the Department of State; nearly 3 months elapsed before we created the War Department; and more than 4 months elapsed before we created the Treasury Department.

I call attention to this to emphasize the importance of tariff legislation for the purpose of protection. In order that people might start off, that the wheels of industry might begin to revolve, it was necessary to overcome the conditions that had grown up and then existed out of the English tariff laws affecting our country, where we could not under the law make a horseshoe nail in this country, where we could not under the law engage in any enterprise in competition with an equivalent enterprise in England.

Will Senators wonder that we stand here persistent, even to the point of stubbornness, in the interest of protecting our people against the foreign industrial foe? We do it because there is nothing so important. We had spent eight long years protecting them against the general governmental policy of England, and we turned our attention immediately, when that was accomplished, to protecting them against commercial and industrial war.

I call attention to that at this time in connection with the declaration of the Republican Party when it first assumed the direction of the Government. The conditions following the Revolution and those confronting us in 1860 were not dissimilar, in that they involved on both occasions the preservation of the possibilities to the people to make a Government and to sustain it.

As I said, in 1864 and 1868 the tariff question was not an issue, because there were some undecided questions at that time which must necessarily precede the consideration of industrial conditions.

In 1872, which was the next succeeding national convention, the Republicans made this declaration:

> Revenue, except so much as may be derived from a tax on tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor, and promote the industries, prosperity, and growth of the whole country.

Now, that platform breathes the very essence of the protective-tariff policy of the Republican Party. We were then confronted with the rehabilitation of the industries of the country that had been in some directions to some extent interfered with by the conditions that existed prior thereto.

In 1876, at the next recurring national convention, the Republican Party declared as follows:

> The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

In those days we attached special importance to the labor, and we used that word then in a broad sense. Capital is only dross in the absence of labor. It can afford no livelihood for the people, not even for the possessor of it, except in connection with labor. You may take a handful of gold out on the highway, and you will find that it represents nothing more than a

handful of pebbles until you come in contact with labor and its products. There for the first time your gold has the capacity of value.

Mr. CULBERSON. Mr. President, I notice that there is only one Senator on the opposite side of the Chamber present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Johnson, Me.	Rayner
Bacon	Cullom	Johnston, Ala.	Sanders
Bankhead	Cummins	Lodge	Shively
Borah	Curtis	McCumber	Simmons
Bourne	Fall	Martine, N. J.	Smith, Ga.
Bradley	Fletcher	Myers	Smoot
Bristow	Gallinger	O'Gorman	Stephenson
Bryan	Gore	Overman	Swanson
Catron	Gronna	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Williams
Clarke, Ark.	Hitchcock	Pomerene	

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is absent on important public business.

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] is detained from the Senate on business of the Senate. He has a general pair with the Senator from Maryland [Mr. RAYNER], if a vote should be called. I make this announcement for the day.

Mr. WILLIAMS. I wish to make the announcement that my colleague [Mr. PERCY] is absent because of a death in his family.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names; not a quorum.

Mr. HEYBURN. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. HEYBURN. I ask for a division.

There were, on a division—ayes 12, noes 16.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I do not know that the pair ought to control my vote in a matter of this sort, but, in order to be sure, I will observe the pair. If I were at liberty to vote, I would vote "nay."

Mr. SWANSON (when his name was called). Has the junior Senator from Nevada [Mr. NIXON] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SWANSON. I have a general pair with that Senator, and therefore withhold my vote. If he were present, I should vote "nay." If permissible under the rules, I should like to be recorded as present.

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I had forgotten about it when I voted. I withdraw my vote, as this seems to be a party question.

Mr. CULBERSON (after having voted in the negative). I will ask if the Senator from Delaware [Mr. DU PONT] has voted.

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. CULBERSON. In view of my general pair with that Senator, I withdraw my vote.

Mr. MARTINE of New Jersey. I desire to announce the pair of the junior Senator from West Virginia [Mr. WATSON] and the senior Senator from New Jersey [Mr. BRIGGS].

Mr. RAYNER (after having voted in the negative). I am paired with the Senator from Utah [Mr. SUTHERLAND], and I withdraw my vote.

Mr. OLIVER. Has the junior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDENT pro tempore. The Chair is informed that the junior Senator from Oregon has not voted.

Mr. OLIVER. I have a general pair with the junior Senator from Oregon and therefore withhold my vote. The junior Senator from Oregon requested me to announce that he was compelled to leave the Chamber on important business.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Nebraska [Mr. BROWN] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. JOHNSON of Maine. I desire to announce that my colleague [Mr. GARDNER] is necessarily absent from the Senate. He is paired with the junior Senator from Massachusetts [Mr. CRANE.]

Mr. HEYBURN (after having voted in the affirmative). Mr. President, I voted. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Seeing him in the room I took it for granted that I was at liberty to vote. I would ask if he did vote.

The PRESIDENT pro tempore. He has voted.

Mr. HEYBURN. Then my vote will stand.

Mr. OLIVER. I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (after having voted in the negative). May I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from California has not voted.

Mr. OVERMAN. I have a general pair with the senior Senator from California, and therefore withdraw my vote.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], but he has released me from that pair on all these votes.

The roll call resulted—yeas 18, nays 25, as follows:

YEAS—18.

Bourne	Curtis	Lodge	Smoot
Bradley	Dillingham	McCumber	Stephenson
Bristow	Fall	Nelson	Wetmore
Catron	Gronna	Oliver	
Cummins	Heyburn	Sanders	

NAYS—25.

Ashurst	Gallinger	O'Gorman	Smith, Ariz.
Bacon	Gore	Page	Smith, Ga.
Bankhead	Hitchcock	Paynter	Tillman
Bryan	Johnson, Me.	Pomerene	Williams
Clark, Wyo.	Johnston, Ala.	Reed	
Clarke, Ark.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—52.

Bailey	Cullom	Lippitt	Richardson
Borah	Davis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Md.
Briggs	du Pont	Martin, Va.	Smith, Mich.
Brown	Foster	Newlands	Smith, S. C.
Burnham	Gamble	Nixon	Stone
Burton	Gardner	Overman	Sutherland
Chamberlain	Guggenheim	Owen	Swanson
Chilton	Jones	Penrose	Thornton
Clapp	Kenyon	Percy	Townsend
Crane	Kern	Perkins	Warren
Crawford	La Follette	Poindexter	Watson
Culberson	Lea	Rayner	Works

The PRESIDENT pro tempore. On the motion of the Senator from Idaho the yeas are 18 and the nays 25. The Senate refuses to adjourn. No quorum of the Senate is present.

Mr. SMOOT. Mr. President——

Mr. CULBERSON. The Chair having suggested the absence of a quorum, there is no alternative but to call the roll.

Mr. SMOOT. I was going to suggest that the names of the absentees be called.

Mr. CULBERSON. It will be necessary to call the roll first, I think.

The PRESIDENT pro tempore. On the call of the Senate no quorum was disclosed. Then a motion was made to adjourn. That motion has been lost; but under the call of the Senate there is not a quorum present, and it is proposed to take proceedings under that call.

Mr. CULBERSON. I think not. There was no question raised. The Chair suggested the absence of a quorum.

The PRESIDENT pro tempore. That was apparent on the vote.

Mr. CULBERSON. No Senator suggested the absence of a quorum. The Chair having suggested the absence of a quorum, I suggest now that the rule requires the roll to be called.

The PRESIDENT pro tempore. The Chair did not suggest the absence of a quorum. It was disclosed by the call of the roll for a quorum.

Mr. CULBERSON. On the initiative of the Chair, the Chair declared that it appeared there was no quorum present.

The PRESIDENT pro tempore. It appeared on the face of the call.

Mr. CULBERSON. It is not the usual custom for the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair was obliged to declare it.

Mr. CULBERSON. I think not. I respectfully submit that there is nothing in the rule which requires the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair held that the proceeding is under the previous call. Nothing is in order now but to call the roll.

Mr. CULBERSON. On the call of the roll it was disclosed that there was no quorum present, upon which a motion was made to adjourn. On declaring the result upon the motion to adjourn, the Chair suggested—or, to use the language of the Chair, it was disclosed in the statement of the Chair—that on the roll call upon the motion to adjourn there was no quorum present.

The PRESIDENT pro tempore. It was not disclosed on that vote. It was disclosed on the previous call.

Mr. GALLINGER. I ask that the roll be called.

Mr. CULBERSON. I submit to the Chair that, it having been suggested by the Chair that there is no quorum present, the rule requires a call of the roll upon the question as to whether there is a quorum present.

The PRESIDENT pro tempore. There was a call of the Senate, which disclosed the presence of only 43 Senators. There was only one motion in order, unless the Senate decided to proceed to compel the attendance of a quorum. That motion is a motion to adjourn. The failure of the motion to adjourn does not alter the fact disclosed by the roll call. The Senate is still proceeding under the roll call.

Mr. CULBERSON. I move, then——

The PRESIDENT pro tempore. The Chair did not state it on the face of the vote upon the motion, but the Chair stated it under the original call of the Senate.

Mr. CULBERSON. Let it be at that, then. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

Mr. OVERMAN. It seems to me that there ought to be a roll call, because there are a good many of us here who announced pairs.

The PRESIDENT pro tempore. That is undoubtedly in order, if it is demanded.

Mr. OVERMAN. I demand a call of the roll.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. CULBERSON. I submit that I myself suggested a roll call, and the Chair, as I understood it—I may have misunderstood the Chair—ruled that that could not be done.

The PRESIDENT pro tempore. The Chair did not mean to hold that it could not be done. What the Chair indicated was that it was not necessary, as the Senate was proceeding under the previous call. If Senators desire to make the point of no quorum and have a second roll call, there is nothing to prevent it.

Mr. GALLINGER. I ask for the regular order, which is the call of the roll.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Sanders
Bacon	Curtis	Martine, N. J.	Shively
Borah	Dillingham	Myers	Simmons
Bourne	Fall	Nelson	Smith, Ariz.
Bradley	Fletcher	O'Gorman	Smith, Ga.
Bristow	Gallinger	Oliver	Smoot
Bryan	Gore	Overman	Stephenson
Catron	Gronna	Page	Swanson
Clark, Wyo.	Heyburn	Paynter	Wetmore
Clarke, Ark.	Hitchcock	Pomerene	Williams.
Culberson	Johnson, Me.	Rayner	
Cullom	Johnston, Ala.	Reed	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names, not a quorum.

Mr. CULBERSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SUTHERLAND entered the Chamber, and answered to his name.

Mr. GALLINGER. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate adjourn. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CULBERSON and Mr. SIMMONS called for a division.

The question being put, there were on a division—ayes 22, noes 18.

The PRESIDENT pro tempore. The motion prevails.

Mr. CULBERSON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from West Virginia [Mr. CHILTON].

Mr. O'GORMAN (when his name was called). I do not see the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I have a general pair, in the Chamber. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. As he is not present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Nebraska [Mr. BROWN]. Were he present I should vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present I should vote "nay."

In this connection I desire also to state that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber, and therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BURNHAM. I have a general pair, as I have stated; but I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. SMITH of Georgia. I inquire whether the senior Senator from Indiana [Mr. SHIVELY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from Indiana has not voted.

Mr. SMITH of Georgia. I transfer my pair with the Senator from Nebraska [Mr. BROWN] to the Senator from Indiana [Mr. SHIVELY] and vote. I vote "nay."

Mr. WARREN. As already announced, I am paired with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the Senator from Iowa [Mr. KENYON] and vote. I vote "yea."

The result was announced—yeas 23, nays 23, as follows:

YEAS—23.

Bourne	Cummins	Heyburn	Sanders
Bradley	Curtis	Lodge	Smoot
Bristow	Dillingham	McCumber	Sutherland
Burnham	Fall	Nelson	Warren
Catron	Gallinger	Oliver	Wetmore
Cullom	Gronna	Page	

NAYS—23.

Ashurst	Culberson	Kern	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bankhead	Gore	Myers	Smith, Ga.
Borah	Hitchcock	Pomerene	Tillman
Bryan	Johnson, Me.	Rayner	Williams
Clarke, Ark.	Johnston, Ala.	Reed	

NOT VOTING—49.

Bailey	du Pont	Newlands	Smith, Md.
Brandegee	Foster	Nixon	Smith, Mich.
Briggs	Gamble	O'Gorman	Smith, S. C.
Brown	Gardner	Overman	Stephenson
Burton	Guggenheim	Owen	Stone
Chamberlain	Jones	Paynter	Swanson
Chilton	Kenyon	Penrose	Thornton
Clapp	La Follette	Percy	Townsend
Clark, Wyo.	Lea	Perkins	Watson
Crane	Lippitt	Poindexter	Works
Crawford	Lorimer	Richardson	
Davis	McLean	Root	
Dixon	Martin, Va.	Shively	

So the Senate refused to adjourn.

Mr. GALLINGER. Mr. President, I presume the motion of the Senator from Texas [Mr. CULBERSON], which was interrupted by the motion to adjourn, is now in order?

Mr. CULBERSON. My motion was for the Sergeant at Arms to request the presence of absentees.

The PRESIDENT pro tempore. The Chair's remembrance is that that motion was put and agreed to.

Mr. CULBERSON. Yes; but it was interrupted by the motion to adjourn.

The PRESIDENT pro tempore. But the motion of the Senator from Texas was agreed to and is in force.

Mr. CUMMINS. Did not the last vote disclose the presence of a quorum?

The PRESIDENT pro tempore. It did not.

Mr. CUMMINS. Is it not true that enough Senators have announced pairs, coupled with those who voted, to make a majority of all the Senators?

The PRESIDENT pro tempore. It has not been the practice of the Senate to count as present, in order to make a quorum, those Senators who announce pairs and refrain from voting.

Mr. CUMMINS. It seems to me—I do not know much about the rule—that one who is present for the purpose of announcing a pair must necessarily be present for the purpose of making a quorum. However, I yield to the better judgment of older Senators.

Mr. CULBERSON. Regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is the execution of the order of the Senate.

Mr. WILLIAMS. Mr. President, if it be in order, I will move that the roll be called, as the call of the roll would disclose the presence of a quorum. Senators present who refrained from voting, but announced pairs, will make up a quorum of the Senate.

Mr. CLARKE of Arkansas. I think at least there might be called the list of absentees, as disclosed by the roll call when we were seeking to ascertain the presence of a quorum.

Mr. SMOOT. Nothing is in order——

The PRESIDENT pro tempore. The Senator from Arkansas asks that the roll of absentees be called.

Mr. SMOOT. Is there anything in order other than the motion to adjourn until the order of the Senate has been executed?

The PRESIDENT pro tempore. Not until a quorum is developed——

Mr. SMOOT. Until a quorum is developed.

The PRESIDENT pro tempore. And there are only two ways of developing a quorum that the Chair knows of, and they are to call the roll or to call the roll of absentees.

Mr. OVERMAN. I think a call of the roll of absentees will show that a quorum is present.

Mr. CULBERSON. I suggested awhile ago a call of the absentees, but the Chair overruled the suggestion, if I mistake not. I made the motion——

The PRESIDENT pro tempore. The Chair is not aware that the Senator suggested a call of the absentees at all.

Mr. CULBERSON. I made the point of order that, instead of calling the absentees, the Sergeant at Arms be instructed to request the presence of the absentees.

The PRESIDENT pro tempore. That order was entered.

Mr. CULBERSON. I ask for the regular order, then, to execute the order of the Senate.

The PRESIDENT pro tempore. That is the regular order, and that order is supposed to be in execution; but the Chair takes it that it is within the power of the Senate at any time to call the roll of absentees if it so desires.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If a Senator in the room, who did not answer to his name at the roll call which disclosed the want of a quorum, were to rise in his place and have his name called it would be just as effective as though the Sergeant at Arms brought him into the Chamber, would it not?

The PRESIDENT pro tempore. As the Chair understands, that is the purpose of calling the roll of absentees.

Mr. GALLINGER. Let the roll be called.

Mr. OVERMAN. I demand a call of the absentees.

The PRESIDENT pro tempore. That has been asked for and ordered. The Secretary will call the roll of absentees.

The Secretary proceeded to call the names of the absentees, and Mr. BANKHEAD, Mr. KERN, and Mr. MCCUMBER answered to their names.

Mr. OVERMAN. I think the Secretary is calling the wrong roll, because I know I announced a pair. I am here present, and I know of several others who announced pairs who are not recorded on the last roll call.

The PRESIDENT pro tempore. The Secretary informs the Chair that he did not call the name of the Senator from North Carolina. He called the name of the Senator from Oklahoma [Mr. OWEN].

Mr. OVERMAN. But he ought to have called my name. The calling of the names of those who were here and announced pairs would develop a quorum, I think.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum. The absentees being called are not those on the yea-and-nay list on the motion to adjourn, but those who failed to respond to the call for a quorum.

Mr. GALLINGER. Let the call proceed.

The Secretary continued and concluded the calling of the list of absentees.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. I notice that the Secretary called the name of my colleague [Mr. BURNHAM] as an absentee. My colleague voted in the affirmative on the motion to adjourn, and if he is not recorded in that way he ought to be so recorded, and that would have carried the motion to adjourn.

The PRESIDENT pro tempore. If the Senator will allow the Chair a moment, the absentees are those who appeared as absent on the call for a quorum, and not those who failed to respond to their names on the yea-and-nay vote on the motion to adjourn, because the vote on the motion to adjourn does not require a quorum.

Mr. GALLINGER. I understand that; but, if the Chair will pardon me, it seems to me that the other procedure ought to be a proper one—to call the absentees who did not vote on the motion to adjourn. Some of them would appear and vote, and that would settle the matter of adjournment.

Mr. OVERMAN. Of course, Mr. President, that is right. On the yea-and-nay vote the result was announced 23 to 23, but it developed on that vote that there were four or five who were here and who are here now who announced pairs. The Sergeant at Arms can not bring them in, and it seems to me the absentees on that yea-and-nay vote ought to be called. That vote developed that there was no quorum voting, but if the absentees on that vote are called that would show that there is a quorum. How can we get along unless we do that? The Sergeant at Arms can not go and bring me in. I am here and have been here all the time, but I did not vote because I was paired with the Senator from California [Mr. PERKINS.].

The PRESIDENT pro tempore. The Senator is recorded as present on the roll call.

Mr. OVERMAN. No; I was paired.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum.

Mr. OVERMAN. I announced a pair, and therefore when the Chair stated the result as 23 to 23 I was not included in that vote, because I was paired, and so were several other Senators.

The PRESIDENT pro tempore. On the roll call which disclosed the absence of a quorum the Senator is recorded as being present. The Senator has never been absent according to the roll call.

Mr. OVERMAN. Mr. President, that is so. I was here then and responded to my name, but when the Chair announced the vote on the motion to adjourn as 23 to 23 I am not recorded as voting. That is also true of several other Senators who responded to their names on the first roll call. Now, if the Sergeant at Arms is executing the order of the Senate he can not do so as to me, and he can not execute it as to half a dozen others who are here. We know that a quorum is present.

The PRESIDENT pro tempore. The Chair will suggest that the call of the absentees has developed a quorum.

Mr. GALLINGER. Mr. President, business having intervened, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair thinks he is bound to state first that a quorum has been developed by the call of the absentees. Forty-nine Senators are present. If there be no objection, the order directing the Sergeant at Arms to request the attendance of absent Senators will be rescinded. The question is on the motion of the Senator from New Hampshire that the Senate adjourn. [Putting the question.] By the sound the ayes appear to have it.

Mr. CULBERSON, Mr. SMITH of Georgia, and others called for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a pair with the senior Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE].

I transfer that pair to the Senator from Connecticut [Mr. McLEAN] and vote. I vote "yea."

Mr. CULBERSON (when his name was called). Because of my general pair with the senior Senator from Delaware [Mr. DU PONT] I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer the pair to the Senator from Washington [Mr. JONES] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the Senator from Connecticut [Mr. BRANDEGEE], and will withhold my vote.

Mr. OLIVER (when his name was called). I transfer my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the senior Senator from California [Mr. PERKINS] and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present. Therefore I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. STEPHENSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I desire to inquire whether the senior Senator from Maryland [Mr. RAYNER] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). With the transfer of pairs by which the Senator from Louisiana [Mr. FOSTER] stands paired with the Senator from Iowa [Mr. KENYON] I will vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. BURNHAM. I have a pair, as I have stated. I transfer it to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Maryland [Mr. RAYNER] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. FOSTER entered the Chamber and voted.

Mr. WARREN. Noting that the Senator from Louisiana [Mr. FOSTER], with whom I stand paired, is present, I withdraw the announcement I made pairing the Senator from Louisiana with the Senator from Iowa, and as the Senator from Louisiana has voted, I shall allow my vote to stand.

The result was announced—yeas 24, nays 22, as follows:

YEAS—24.

Bourne	Cullom	Gronna	Page
Bradley	Cummins	Heyburn	Sanders
Bristow	Curtis	Lodge	Smoot
Burnham	Dillingham	McCumber	Sutherland
Catron	Fall	Nelson	Warren
Clark, Wyo.	Gallinger	Oliver	Wetmore

NAYS—22.

Ashurst	Culberson	Johnston, Ala.	Shively
Bacon	Fletcher	Kern	Simmons
Bankhead	Foster	Martine, N. J.	Smith, Ariz.
Borah	Gore	Myers	Williams
Bryan	Hitchcock	Pomerene	
Clarke, Ark.	Johnson, Me.	Reed	

NOT VOTING—49.

Bailey	Chamberlain	Davis	Guggenheim
Brandegee	Chilton	Dixon	Jones
Briggs	Clapp	du Pont	Kenyon
Brown	Crane	Gamble	La Follette
Burton	Crawford	Gardner	Lea
Lippitt	Owen	Root	Thornton
Lorimer	Paynter	Smith, Ga.	Tillman
McLean	Penrose	Smith, Md.	Townsend
Martin, Va.	Percy	Smith, Mich.	Watson
Newlands	Perkins	Smith, S. C.	Works
Nixon	Poindexter	Stephenson	
O'Gorman	Rayner	Stone	
Overman	Richardson	Swanson	

So the motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, May 27, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 25, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, in whom all our longings, hopes, and aspirations are centered, we approach Thee in the spirit of Him who taught us to pray—

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors, and lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair assigns the gentleman from Nebraska, Mr. LOBECK, to preside to-morrow at the memorial exercises for the late Judge LATTA.

LESLIE J. LYONS.

Mr. BORLAND. Mr. Speaker, I call up a privileged resolution (H. Res. 488).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Attorney General of the United States be, and he is hereby, directed, if not incompatible with public interest, to transmit forthwith to the House of Representatives a copy of the charges filed against Leslie J. Lyons, United States district attorney for the western district of Missouri, together with the report of Arthur T. Bagley, special agent detailed by the Department of Justice to investigate said charges, and a statement of the action of the Department of Justice, if any, upon said charges and report.

Mr. BORLAND. Mr. Speaker, this is a resolution of inquiry directed to the Attorney General, and it is in the same form as House resolution 439, which was passed by the House on March 12, 1912. It may appear——

Mr. CANNON. Is the resolution privileged?

Mr. BORLAND. The resolution is privileged.

Mr. PAYNE. Has it been reported by the committee?

Mr. BORLAND. It has been reported by the committee. I want to explain that this resolution is in the same form as the resolution of March 12, 1912. It calls for a report of the special examiner of the Department of Justice on the official conduct of the United States district attorney, Mr. Lyons, for the western district of Missouri.

Some time in December, 1911, some charges were filed against Mr. Lyons which, among other things, were that he was attorney for companies that were supposed to be violating the Federal law in reference to the fraudulent use of the mails. An investigation was made by the department under the charge of a man by the name of Bagley. That investigation was completed some time in February. At the time it was filed it was not made public, and has not been made public since. At that time there was pending against Mr. Lyons disbarment proceedings in the State courts of Missouri. On March 12 the House adopted the resolution 439, requesting the Department of Justice to transmit all papers relating to the charges against Lyons, and especially the Bagley report. March 13 the Attorney General replied, declining to submit them, on the ground that it was incompatible with the public interest so to do. He said that there were disbarment proceedings pending in the State courts of Missouri, and he did not think it advisable to transmit the papers. On April 5, the disbarment proceedings having terminated by a failure and dismissal of the case, the Attorney General sent to the Judiciary Committee the opinion of the State court of Missouri, with this statement:

This decision deals with substantially all the charges filed against Mr. Lyons with this department, and acquits him of any improper conduct in connection with any of them.

Thereafter I immediately filed the same resolution, in the same terms, on the ground that the proceedings in the State court of Missouri did not cover the charges filed with the

Department of Justice, and that they did not substantially dispose of those charges nor acquit Mr. Lyons of official misconduct in connection therewith.

That second resolution calling for Mr. Bagley's report was heard by the Committee on the Judiciary and by it reported favorably. Now, it develops that on the same day the Attorney General wrote the Committee on the Judiciary that all the charges were substantially disposed of by a decision of the court of appeals, he wrote a letter to Mr. Lyons himself, in which he used this language:

One other point remains to be mentioned, and that is the matter of your employment as attorney for the Oregon Valley Land Co. (see pp. 42 to 70 and 73 to 82 of Bagley's report). Mr. Bagley's report contains much data with reference to this matter which appears not to have been before the Kansas City Court of Appeals. This evidence seems to clearly indicate that the concerns referred to have been under investigation by the Post Office Department at different times; that they may become the objects of a criminal prosecution; and that they are not of a character which would tend to strengthen your usefulness as United States attorney. After reading Mr. Bagley's report on this subject, I feel that it would be very desirable for you to sever your professional connection with those concerns.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

Mr. MADDEN. Is the gentleman reading from a letter from the Attorney General?

Mr. BORLAND. Yes.

Mr. MADDEN. How did the gentleman from Missouri get that letter?

Mr. BORLAND. I have a copy of it, but I am not at liberty to state how I obtained it. I feel very sure that it is a correct copy, and if not, the Attorney General and Mr. Lyons are both familiar with the facts and can correct me if I am wrong about the contents of the letter.

I want to say that this shows that on April 5 the Attorney General transmitted to the House a statement saying that all the charges against Mr. Lyons were disposed of. On the same day he wrote this, calling Mr. Lyons's attention to the specific portion of the Bagley report stating these matters are not disposed of by the Kansas City Court of Appeals.

It has also come to my knowledge, a fact which I laid before the Judiciary Committee, that Mr. Lyons was not only connected with the Oregon Valley Land Co., but he was connected with some of the Florida land swindles, the evidence of which is largely a matter of record.

Now it is necessary, and I think the Attorney General will concede that it is entirely proper to transmit to the House the Bagley report in reference to the United States district attorney in order that we may take proper action in regard to this official.

Mr. DYER. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. DYER. Does the gentleman know whether or not the Attorney General has been made acquainted with these new additional charges in reference to the Florida land schemes?

Mr. BORLAND. Yes; the Attorney General had the matter referred to one of his assistants by the name of Harr. I have been there several times and had one or two talks with Mr. Harr, and I told him plainly and frankly that the proceedings of the Kansas City Court of Appeals related to individual matters with various lawyers and was not sufficiently strong to result in disbarment; that such proceedings would probably fail, but that the most important and grave matter was Mr. Lyons's connection with companies operating all over the United States through the mail in land-fraud schemes, and called his attention to some of the evidence which I then had.

Mr. DYER. I do not know whether my colleague is a member of the Judiciary Committee or not.

Mr. BORLAND. No; I am not.

Mr. DYER. Is this done at the request or direction of the Judiciary Committee?

Mr. BORLAND. Yes; this matter was heard by a subcommittee of the Committee on the Judiciary, and there were four Republicans and one Democrat present. They were unanimous in reporting the resolution a second time. It was then reported by the full committee. I was not present when the full committee acted upon it, but I understand there was no opposition to it in the full committee, and they agreed to the entire propriety of this report being laid before the House.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24565, the naval appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. HULL in the chair.

Mr. BUCHANAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

Mr. BUCHANAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 19, line 7:

"Purchase and manufacture of smokeless powder"——

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment at the end of the last paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "proposals," in line 6, page 19, insert the following: "*Provided further*, That no part of this appropriation shall be expended for the procuring or producing of such ordnance material and for such armament of ships as manufactured in a Government establishment from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of such work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the materials and armament named herein."

Mr. PADGETT. Mr. Chairman, I make the point of order against the amendment that the section to which this is an amendment was read on yesterday and completed, and it is now too late to offer an amendment, after the Clerk has begun the reading of the succeeding paragraph.

The CHAIRMAN. The Chair will state, with reference to that point of order, that the gentleman from Illinois had sought recognition before the Clerk began to read.

Mr. PADGETT. I also make the further point of order that it is a change in existing law, and is new legislation. This paragraph was completed yesterday, and the House adjourned, and it is too late to offer an amendment to a paragraph that was completed.

Mr. BUCHANAN. Mr. Chairman, as to the first point of order, I endeavored to secure the floor before the Clerk started to read the other paragraph.

The CHAIRMAN. The Chair has overruled the first point of order made by the gentleman from Tennessee for the reason stated.

Mr. BUCHANAN. Second, Mr. Chairman, I want to say there is such legislation now as applied to an appropriation bill. It is not new legislation. The current naval appropriation bill carries a paragraph similar to this. Therefore it is not new legislation. I do not care to take up the time of the Chair further. It seems to me this is a poor way to try to defeat something that has been established by this Congress for some time.

Mr. PADGETT. Mr. Chairman, I would suggest that the provisions of the current law are only law current with the appropriation bill itself. They do not establish any permanent law, unless they purport to be permanent law. The provision in last year's appropriation bill was limited to and applied only to that bill; hence it is not permanent law. Furthermore, it did not apply to this paragraph, and was under the increase of the Navy.

Mr. BUCHANAN. I would like to ask the gentleman if this point of order was raised when this amendment was offered in the last appropriation bill?

Mr. PADGETT. I am not able to say.

Mr. BUCHANAN. Then I will ask the Chair the same question.

Mr. PADGETT. I want to say to the gentleman that it is my purpose, when we reach the other part of the bill, to see if we can not agree upon the insertion of a general provision in the bill that will cover the whole question of the 8-hour law and not make it applicable to different portions of the bill. Hence I make the point of order at this time.

Mr. BUCHANAN. Mr. Chairman, if the amendment be left open for consideration at that time, in case we do not come to an agreement, that would be satisfactory to me. I have some other amendments on the same subject to offer to other parts of the bill. I would like to have this left open for consideration in case we do not agree upon the provisions that the gentleman has in mind.

Mr. PADGETT. Mr. Chairman, I have no objection, but I want to say to the gentleman I have nothing to conceal about

it. My idea was we would then incorporate into the bill the provisions embodied in the bill as it passed the House or may soon become a law.

Mr. BUCHANAN. I will be satisfied to accept that, leaving this pending in case it is not accepted. If it is accepted, then the amendments I have to offer need not be considered.

Mr. PADGETT. I have no objection to its being left that way, pending with the point of order reserved. I do not think it is good legislation to be injecting it all through the bill at different places.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the amendment of mine be considered as pending.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendments offered be considered as pending for the present. Is there objection?

Mr. MADDEN. Mr. Chairman, I object. Let the amendments be offered at the proper place, when the proper place is reached, and the point of order made against them then.

Mr. BUCHANAN. I would ask my colleague to reserve his objection.

Mr. PADGETT. I stated I was perfectly willing to pass the further consideration of this paragraph.

Mr. MADDEN. This paragraph was adopted, if I understood it correctly.

Mr. PADGETT. The Chairman ruled it had not been finally concluded. I made a point of order that the reading of the paragraph was concluded on adjournment yesterday afternoon.

Mr. MADDEN. There is no doubt about it.

Mr. PADGETT. But the Chair ruled otherwise.

Mr. BUCHANAN. I will say I do not think the gentleman's position is well taken. The fact is there was an amendment voted on the last thing of the session on yesterday afternoon.

Mr. MADDEN. And defeated.

Mr. BUCHANAN. And the amendment was defeated; but the amendment was not of this nature, and that certainly leaves the paragraph open for further amendment.

Mr. MADDEN. No.

Mr. PADGETT. I do not think it is necessary to discuss that, as the Chair has ruled and we have accepted his ruling.

Mr. BUCHANAN. I would like to ask my colleague what objection he has to my request to pass this paragraph for the present, and here is the reason that I am satisfied to leave it pending: In case the bill which the chairman of the Committee on Naval Affairs said he was going to offer, covering this whole matter, as I understand it, is accepted, these amendments will not be then necessary; but in case his proposition is not agreed to, then I would like to have the matter open for the consideration of these amendments.

Mr. MADDEN. What I understood my colleague to ask unanimous consent for was this: To have pending amendments to several paragraphs covering the eight-hour question.

Mr. PADGETT. The gentleman asked that the further consideration of this paragraph and this amendment be passed, not for other amendments but for this one paragraph and this one amendment.

Mr. MADDEN. My understanding was he asked unanimous consent to have pending a number of amendments.

Mr. BUCHANAN. On the same question. I desire to state the purpose of my amendment. This material that is being purchased by the Government I desire to be purchased from firms that have established the 8-hour day.

Mr. MADDEN. And I am opposed to that, I will say to my colleague.

Mr. BUCHANAN. The gentleman is opposed to it and the gentleman can oppose it when it comes up later as well as now, but the chairman of the Committee on Naval Affairs says he expects to offer the 8-hour bill as it passed here which will cover the same thing, as I understand it. If that provision is accepted in the bill then these amendments I have to offer will not be necessary to be considered. They will be considered after the provisions which the chairman of the Committee on Naval Affairs says he will offer at the end of the bill.

Mr. MADDEN. I think there ought not to be a blanket system of amendments understood as pending against various unknown paragraphs of this bill.

Mr. BUCHANAN. They are all on the same subject and if this provision suggested by the chairman of the committee is adopted it will cover them all.

Mr. MADDEN. If my colleague remains in his seat and watches the consideration of the bill when the paragraph to which an amendment would be germane is reached he can introduce his amendment, but I am going to object to having various blanket amendments pending against paragraphs we do not know anything about.

Mr. PADGETT. The proposition now is, if I may state it to the gentleman, is simply this, that on this paragraph he offers this amendment, and when we reach other paragraphs when he offers amendments to them we will dispose of them as we come to them.

Mr. MADDEN. That is the point. I simply wanted to object to permission being granted to offer a number of amendments that we do not know anything about to a number of paragraphs, when reached.

Mr. HOWARD. I understood the Chair to overrule the point of order made by the gentleman from Tennessee [Mr. PADGETT] that this amendment was out of order.

The CHAIRMAN. The Chair will state to the gentleman that he did not pass on the second point of order, that it is new legislation.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that this amendment be pending.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent that the amendment may be considered as pending and that the section be passed.

Mr. PADGETT. That is, subject of course to the point of order that is pending against the amendment?

The CHAIRMAN. To be sure.

Mr. PADGETT. And when passing the section or paragraph, it does not mean that any other amendment can be offered to it later on.

Mr. HOWARD. Mr. Chairman, if the Chair will permit me, on yesterday afternoon when this House adjourned the situation was this: The gentleman from Massachusetts [Mr. MURRAY] introduced an amendment. After some discussion a vote was taken upon that amendment and the gentleman from Massachusetts made the point of order that no quorum was present. Before the Chair could finish counting the number present in the House the gentleman from Massachusetts withdrew the point of no quorum, and a vote was taken on the amendment of the gentleman from Massachusetts [Mr. MURRAY]. Thereupon, immediately after that vote was taken, and without reading any other portion of this bill, the gentleman from Tennessee [Mr. PADGETT] moved that the committee rise. The committee rose, and then the House adjourned. This morning the gentleman from Illinois [Mr. BUCHANAN] offers an amendment to the very paragraph, or at the very point in the reading of the bill where the gentleman from Massachusetts [Mr. MURRAY] offered his amendment on yesterday afternoon. Now, if I understand the Chair, the Chair overruled the point of order made by the gentleman from Tennessee [Mr. PADGETT]. Why is not the amendment of the gentleman from Illinois [Mr. BUCHANAN] in order?

The CHAIRMAN. For the reason that an additional point of order was made against it by the gentleman from Tennessee [Mr. PADGETT], which is now pending. Is there objection to the request for unanimous consent made by the gentleman from Illinois?

Mr. MADDEN. If it applies to any paragraph than the one which is being considered now, I shall object.

Mr. PADGETT. It is only this paragraph and this particular amendment.

The CHAIRMAN. The request applies only to the paragraph to which the amendment was offered.

Mr. MADDEN. If that is all, I have no objection. If it applies to any other paragraph, I have.

Mr. PADGETT. Only this amendment and not other amendments.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, $1,150,000.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 7 and 8, page 19, and insert:
"Manufacture of smokeless powder, $900,000."

Mr. GOOD. Mr. Chairman, the provision that this amendment would strike from the bill provides for the purchase and manufacture of smokeless powder, $1,150,000. The amendment provides for the Government manufacture of smokeless powder and cuts down the appropriation $250,000. According to the testimony before the Committee on Naval Affairs, the Government could manufacture with $900,000 more smokeless powder than it can buy with $1,150,000. The testimony before the Committee on Naval Affairs is that the cheapest powder that has been purchased by the Government was purchased at the rate of 60 cents a pound. Last year the Navy purchased 3,000,000 pounds of powder. The Army and the Navy combined purchased 5,728,826 pounds of powder. Admiral Twining testifies that the actual cost of manufacturing powder at Indianhead is 33.6 cents per pound.

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. GOOD. As soon as I get through.

Mr. MADDEN. That is a good place. What does he include in the cost?

Mr. GOOD. The cost includes all material, all labor, and everything that goes into the manufacture of powder, except the admiral does not include interest on the investment; he does not include depreciation nor the pay of the officers' salaries. Let me remind the gentleman from Illinois, however, that the same depreciation is going on whether we manufacture 3,000,000 pounds or half a million pounds. The same officers' salaries will be paid whether we manufacture any powder or not; and the same interest on the investment must be borne whether we manufacture part of our powder or manufacture all of it. So every pound of powder that we manufacture now in excess of the million pounds that was manufactured last year will, at the utmost, not cost the Government to exceed 33.6 cents per pound.

I want to remind gentlemen on this side of the aisle who have been talking loud and long about economy that here is an opportunity to practice real economy. The purchase of 3,000,000 pounds of smokeless powder at 60 cents a pound will cost the Government of the United States $1,800,000; but if we manufacture that powder, the 3,000,000 pounds, at 33.6 cents per pound, we will effect a saving to the Government of $792,000 on this one item alone. And I want to say here that we have ample capacity to manufacture it all. Admiral Twining said we have capacity at Indianhead to manufacture 3,000,000 pounds of powder, and that we have the capacity at the Government arsenal at Dover, N. J., to manufacture 3,000,000 pounds for the Army, or a capacity to manufacture 6,000,000 pounds of powder altogether, which is 50,000 pounds more than the combined quantity that was purchased and manufactured during the past year.

What does that mean? It means that if the Government of the United States will manufacture its powder it will save every year on 5,728,886 pounds $1,512,425. Oh, but some one may say, "We are building up here a private institution in time of peace that will be valuable to the Government in time of war." I have read statements to that effect for 25 years, and what is the ultimate result? When the Spanish-American War broke out the Powder Trust did not have capacity for manufacturing smokeless powder, and they purchased from Germany the brown powder, and our gunners had to use it. What was the result? We had the best ships in the world, and we had the finest guns in the world. Our gunners surpassed in marksmanship the gunners of the world. And yet, with that brown powder at Santiago, we made less than 5 hits per 100 shots. To-day, after we have increased the quality of the powder, the same gunners, with the same guns and the same ships, are making more than 80 hits per 100 shots.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent that the time of the gentleman from Iowa [Mr. GOOD] be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. The gentleman in his enthusiasm made the statement that the same gunners, with the same guns and the same ships, are making 80 per cent of hits where they made only 5 per cent in the Spanish-American War. Does the gentleman think that that even approaches the truth and the facts? [Laughter.]

Mr. GOOD. I understand that that is the record of the Navy.

Mr. KOPP. It is not a fact, for the reason that they used different guns, different gunners, and different ships. They have now improved the sighting and the firing apparatus at least 300 per cent—so it is estimated by the naval authorities—since the Spanish-American War, and they have improved the guns themselves—the rifling; and these are the main reasons why the gunnery has improved, and not on account of any great improvement in the powder.

Mr. GOOD. The gentleman evidently has not read the reports and opinions of naval experts on the subject. If he had he would find that we had the poorest powder in those battles that the Government ever used in any conflict. [Applause.]

Mr. KOPP. If the gentleman will yield, I am willing to concede that, but I would like to ask the gentleman to give us his authority for his statement, that the powder is responsible for the low percentage of hits.

Mr. GOOD. Well, I will concede to the gentleman that we have been making improvements all along the line; we have made improvements in sighting and in gun practice and in ships and guns, but I want to say that it is the judgment of military men that the low percentage of hits at Santiago was due to the poor brown powder that was purchased by the Du Pont Co. from Germany, which was used in those guns. And in saying this I do so, not to detract but rather to add to the glory of our Navy in that great battle.

Mr. KOPP. Will the gentleman yield again?

Mr. GOOD. Yes.

Mr. KOPP. Who are the military authorities that the gentleman refers to?

Mr. GOOD. I have never seen that statement disputed, and I have seen the claim made a great many times.

Mr. KOPP. I do not deny the inefficiency of the powder, but I deny the assertion that military and naval authorities claim that the low percentage of hits was due to the powder.

Mr. GOOD. I suppose the gentleman has never discovered that we had very poor powder that was furnished by the Powder Trust during the Spanish-American War.

Mr. BYRNES of South Carolina. Does the gentleman think it is a fair test to compare accuracy of marksmanship when merely practicing with accuracy of marksmanship in the heat of battle?

Mr. GOOD. That may or may not be. I am not a military expert, and am not qualified to answer a question of that kind.

Mr. BYRNES of South Carolina. Would the gentleman think it fair to compare his own marksmanship when merely shooting at a target and his marksmanship when shooting at a man who was pointing a gun directly at him when the all-important question was which hit the other first?

Mr. GOOD. I can readily see how in the heat of battle a gunner might not have the same cool, deliberate judgment that he would have when he was simply practicing.

Mr. MADDEN. I would like to have the gentleman from Iowa tell the committee, if he can, in what respect the powder has anything to do with determining the direction of the shell toward the object at which it is pointed? Would it affect anything except the force of the shot?

Mr. GOOD. I am not a military expert and not able to enlighten the gentleman on that subject.

Mr. MADDEN. How can the powder have anything to do with the question whether they make a hit or a miss?

Mr. HAMILTON of Michigan. Poor powder would make a gun dirty, I should imagine.

Mr. GOOD. I have never seen the statement disputed before that the poor record of American gunners in the battle of Santiago was due to the poor powder. I want to say, Mr. Chairman, that I have read with great interest the hearings before the Committee on Naval Affairs, and I have been astounded at the efforts that were made by members of the committee to try to have Admiral Twining increase the figures that he had testified to as to the cost to the Government of manufacturing powder.

Mr. ROBERTS of Massachusetts. The gentleman attributes the poor marksmanship at Santiago to the inferior powder used. To what does he attribute the good marksmanship of Dewey's men at Manila?

Mr. GOOD. I will say that Dewey's fleet was supplied with smokeless power and was not forced to use the brown powder that had been purchased by the Powder Trust from Germany.

Mr. ROBERTS of Massachusetts. Does the gentleman make that as a statement of fact?

Mr. GOOD. I have seen that stated. Of course I do not know it to be a fact.

Mr. ROBERTS of Massachusetts. I will say to the gentleman that that is on a par with his statement that military authorities give the brown powder as a reason for the poor marksmanship at Santiago.

Mr. GOOD. I will say to the gentleman from Massachusetts that I will not be drawn into side issues in order to give the Powder Trust by this appropriation $750,000 more than they are entitled to. The issue here is whether the Government of the United States shall continue to give this greatest monopoly, which has been declared by the Federal court of Delaware to be a trust in restraint of trade, unreasonable profits on Government purchases. You gentlemen on that side have been saying in your platforms that you do not believe in this kind of legislation and that you will enact legislation that will prevent the very existence of the trusts, but here you are providing in an appropriation bill $792,000 profits to the Powder Trust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Iowa [Mr. GOOD] be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEALD. The gentleman says the powder manufacturers were responsible for the poor marksmanship of some of the ships of the Navy. I will ask the gentleman if he agrees with the opinion of Admiral Knight that the powder manufacturers are entirely at the mercy of the Government, and that the Government is not at the mercy of the manufacturers of powder?

Mr. GOOD. I do not know what that has to do with this issue. The issue here is whether the Government shall continue to manufacture powder at Indianhead and at the Army arsenals. I have no disposition to fight over the battle of Santiago.

We have passed two appropriation bills—one the Army appropriation bill and one the fortification bill—and now we are considering a bill that carries $1,150,000 for powder; and I am asking you on that side of the House, who have said that you were in favor of economy, whether or not you favor the manufacture of smokeless powder at Indianhead, which will produce more powder than the Government can use, or whether we shall continue giving lucrative contracts to the Powder Trust.

Mr. GARNER. What percentage of the Members on the gentleman's side of the House will he deliver?

Mr. GOOD. I am not speaking for my side of the House; I am appealing to the good judgment of that side to say whether or not you will carry out your declarations of economy.

Mr. GARNER. I understand that when the gentleman appeals to patriotism he appeals to this side of the House and leaves his side alone. [Laughter.]

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HAMILTON of Michigan. How much is the Government now paying for powder?

Mr. GOOD. The last contract entered into by the joint board was 60 cents per pound.

Mr. HAMILTON of Michigan. And what does the gentleman say it will cost the Government to manufacture it, the same quality of powder?

Mr. GOOD. I do not know; but according to the testimony of Admiral Twining, the cost to the Government is 33.6 cents per pound.

Mr. HAMILTON of Michigan. What are the facilities for the Government manufacturing powder? Are they sufficient to produce and manufacture all the powder that the Government needs?

Mr. GOOD. Admiral Twining, on page 54 of the hearings, says that during the fiscal year ending June 30, 1911, the Navy purchased 3,000,000 pounds of the Du Pont Powder Co., at 60 cents a pound, and that the capacity of the powder mill at Indianhead is 3,000,000 pounds per annum.

Mr. HAMILTON of Michigan. What arguments are advanced why the Government should not manufacture its own powder and save money?

Mr. GOOD. The only argument is that we should continue to pay the large profits to the Du Pont Powder Co., the only company that manufactures smokeless powder, and which has been declared by the Federal court in Delaware to be a trust and in restraint of trade, in order that that concern might supply powder in time of war.

Mr. HAMILTON of Michigan. They do not actually urge that as argument against the Government manufacturing powder, do they?

Mr. GOOD. That is the only reason that has been urged here so far, and that is the only reason, the only argument that the gentleman from Michigan will hear urged here to-day.

Mr. HOWARD. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HOWARD. In the gentleman's investigation in the cost and manufacture and price of powder paid to the Powder Trust, did he find that there was a difference between that paid to the Powder Trust and the cost of manufacture to the Government of about 14.7 cents; that the Government paid that much more than it cost to manufacture?

Mr. GOOD. According to the testimony of Admiral Twining the difference is 26.4 cents; that is the difference between what we paid and what it cost the Government to manufacture.

Mr. HOWARD. What was the amount of powder used last year by the Army and the Navy?

Mr. GOOD. A little over five and a half million pounds.

Mr. SIMS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. SIMS. Why should the country in a time of war be dependent upon any outside or private interest for the necessary material to successfully wage the war?

Mr. GOOD. I can not think of a single reason.

Mr. SIMS. If the Government powder manufactory is not sufficient to manufacture all that we need, and if we now manufacture a part, why should not the facilities for manufacturing be increased?

Mr. GOOD. The bill we are considering provides for increased facilities at Indianhead.

Mr. SIMS. What is the gentleman's proposition?

Mr. GOOD. The proposition in the bill is for the purchase and manufacture of powder, and my amendment provides for the manufacture of smokeless powder, and cuts down the appropriation for smokeless powder a quarter of a million dollars.

Mr. SIMS. Can the Government manufacture a sufficient amount of smokeless powder for its use until the increased facilities are provided for?

Mr. GOOD. Absolutely. The Navy is not equipped to manufacture quite that much. We are only running one shift, but by running three shifts of 8 hours each, it could be manufactured more cheaply, and we could manufacture 3,000,000 pounds.

Mr. SIMS. Is it against the law to work two or three shifts?

Mr. GOOD. No; both the Du Ponts and the Government at times use three shifts of 8 hours each.

Mr. SIMS. There is nothing in the organic law to prevent it?

Mr. GOOD. Nothing absolutely.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to ask one other question. What is the custom of other countries in this respect?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

Mr. PADGETT. Mr. Chairman, I do not want to cut off debate, but there have already been two extensions of time. We must get on with this bill. I shall not object to this, but I give notice now that hereafter, when there will be no personality in the matter at all, I am not going to consent to an extension of time indefinitely.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Iowa may be extended for two minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. I want to ask the gentleman a question. What is the custom of other countries in this respect? Do they manufacture their own powder or do they buy powder? What, for illustration, is the custom of Germany.

Mr. GOOD. Mr. Chairman, I could not tell the gentleman what the practice or custom is in Germany. I think the custom in France is for the Government to manufacture all of the powder; not only the military powder used by the Government, but France enforces a monopoly in the manufacture of powder and manufactures the powder for her army and navy, but the Government sells powder to individuals. We went into that question a little with Gen. Crozier, who testified that he did not have actual knowledge as to the cost of manufacturing powder in Germany and could not give us a statement as to the relative cost in this and other countries.

Mr. HAMILTON of Michigan. What about England?

Mr. GOOD. I do not know.

Mr. HEALD. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HEALD. Is it not a fact that the gentleman's attitude on the question of powder supplies to the Navy is at direct variance with the recommendations of the Navy Department and the officers therein?

Mr. GOOD. Mr. Chairman, I think it is fair to say that both the Army and Navy—Gen. Crozier for the Army and Admiral Twining for the Navy—believe the old policy of the Government of letting contracts to private individuals, not only for powder, but for the building of guns and limbers, ought to be continued. But, Mr. Chairman, in that connection it seems to me that Congress ought to have something to say. Gen. Crozier pointed out that we were paying for limbers and guns as high as 127 per cent more in purchasing them than it was costing the Government to manufacture them at its arsenals.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HAMILTON of Michigan. What is the argument of these gentlemen?

Mr. GOOD. Why, they have no argument. The gentleman from Michigan [Mr. HAMILTON] has heard none. He will hear none.

Mr. FOSS. Mr. Chairman, I do not hold any brief for the Du Pont Powder Co. They have been practically the only powder company in this country for a great many years. They have furnished powder in every war in the history of this country from the Revolutionary War down to the present time, but that is not material here. So far as the question of trusts

and monopolies is concerned, that will be settled in the courts. I suppose every day we are buying for the Government some supplies from trusts and monopolies, but the question of trusts and monopolies ought not to enter into this proposition. All such questions should be determined by the courts.

We must have powder for the Navy. We are spending $125,000,000 every year for the Navy, and yet the expenditure of this money is absolutely thrown to waste unless we have proper powder. Our guns and ships are worth nothing unless we have the powder, and it is a very small amount of money, comparatively speaking, that we use for the purchase of powder—$1,800,000 a year—a little over 1 per cent. Yet powder is the most important thing in connection with the Navy, because we could not use the guns and the ships without it. We do not want, by any action of ours, to cut down the efficiency of our powder or powder supply. We want the best powder and plenty of it, and our Government has pursued in the past, I think, a policy which has been wise and which has brought us to the condition to-day where we are using the best powder, in my judgment, of any navy in the world.

Some years ago, and it has only been in recent years, we discovered that the Government could manufacture this powder. The Committee on Naval Affairs recommended, I believe, an appropriation for the establishment of a powder factory, and Congress passed it; and let me say in this connection that the Du Pont Powder Co. cooperated with the Government and gave all its information, all its improvements in the manufacture of powder, to the Government free and clear, without any charge whatever. We are now manufacturing powder in connection with our Navy, and we have increased the capacity of the plant year after year, as fast as the Navy Department has advised, until to-day we manufacture—or did last year—a little over one million pounds of powder. We are in favor of increasing the manufacture; but at the same time I believe it is a wise policy on the part of this Government to give part of the contract to private concerns. I believe it is wise to encourage private powder manufacture, because in times of war it is infinitely easier for private concerns to extend their capacity than it is for the Government of the United States; and in time of war and great emergency it will take all the capacity of the Government plants and all the capacity of these private powder-manufacturing plants to supply the powder that we need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Let me say another thing——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that he be given five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Now, there is one thing which increases the cost of powder to a private concern: They do not manufacture all their powder in one factory. They have a number of factories in a position so that in times of war they can furnish us a large amount of powder.

Now, so far as my friend from Iowa [Mr. GOOD] is concerned in relation to the question of black powder, we did use black powder in the Spanish-American War. Smokeless powder is of a comparatively recent origin. There have been improvements in powder since the Spanish-American War, and improvements are going on to-day; but the specifications for powder during the Spanish-American War and before it and specifications for powder now, as I understand it, are made up in the Navy Department, and this company has to conform to the specifications of the Navy Department.

So far as the price of powder is concerned, that has been reduced, and now we are paying 60 cents a pound when only two years ago we paid 67 cents. How is that price fixed? Not by the Du Pont Powder Co., but by a joint Army and Navy board.

Mr. GOOD. Will the gentleman yield?

Mr. FOSS. Oh, yes.

Mr. GOOD. From what concern could the Government buy powder except from the Du Pont de Nemours—I refer to smokeless powder?

Mr. FOSS. That is the only concern that makes smokeless powder to-day except the Government.

Mr. GOOD. Then it is in a position to absolutely dictate the price, except as we limit the price that the Government can pay.

Mr. FOSS. I doubt if you can get any concern to go into the manufacture of powder when the only purchaser for it is the Government of the United States; and we buy a comparatively small amount. Why, the powder furnished by the Du Pont concern to the United States Government is only a small fraction of the tremendous business done by that great company—about 5 per cent, so the gentleman from Delaware tells me. Now, I said a moment ago the price of powder which we buy has been fixed by this General Army and Navy Board for a number of years, and it is based upon the actual cost to the Government in the manufacture of powder, so that the Government of the United States for a number of years has practically fixed the price and holds the whole matter in its hands.

Now, what about the cost of powder abroad? I am informed we are purchasing our powder cheaper than any country abroad, with the exception, possibly, of England, which country uses a cheaper powder—a cordite powder and a cheaper powder than ours. Germany pays 85 cents a pound for her powder. France manufactures powder which costs, I think, about 70 cents a pound.

Mr. SLAYDEN. Will the gentleman permit me to ask him if the general quality of powder which France has manufactured in her national plant would be regarded as being as good as the powder we get or other Governments get by purchase?

Mr. FOSS. No; I do not think it is regarded as being as good. I know in one of our hearings it was stated by an expert that the French powder was not as good as ours.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Illinois may have five minutes additional.

Mr. TRIBBLE. Mr. Chairman, I have not any objection, but I just want to ask if the Chairman is going to enforce the rule on this side of the House and let it go on that.

Mr. PADGETT. I did make an exception. We had four extensions—three extensions and the original one—and this is the second extension on that side.

Mr. TRIBBLE. I beg the gentleman's pardon; I understood him to say he would object to extensions by anybody.

Mr. PADGETT. No; I said I was not going to permit indeterminate extensions; that was the language I used.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Is there anything in the hearings this year that would indicate any test or comparison between our smokeless powder and that manufactured by the French Government?

Mr. FOSS. No; I think there is nothing.

Mr. GOOD. And, further, I will ask the gentleman if the officers of the Army and Navy have not refused to state at all times any difference in the quality now used by the two respective Governments? Is not that the case?

Mr. FOSS. I think it is true that they have not. They have stated confidentially, and it is not in the record. Sometimes, I will say to the gentleman from Iowa, we have confidential hearings, which we can not show in the record.

Mr. SIMS. Is the powder which the Government of the United States manufactures as good as that which it buys?

Mr. FOSS. I think it is just as good.

Mr. SIMS. So far as that is concerned, there is no reason for buying it from private individuals?

Mr. FOSS. The only question is as to the advisability of keeping in operation a private concern which we may have to call upon in time of war and in times of great emergency. We think it is a wise Government policy, so long as the Government fixes the price.

Mr. SIMS. In time of peace we keep on hand a vast number of warships that we do not need at all in order to have them when we do need them. Why not pursue the same policy in regard to the powder? Why not have a capacity in time of peace that we do need in time of war?

Mr. FOSS. Here is a concern which is interested in the manufacturing of powder all the time, and here is a Government concern. Improvements are going on all the time in the manufacture of powder, and the high standard of our powder is due in no small measure to the fact that we kept these two establishments, the Government establishment and the private establishment, working for the interests of the Government.

Mr. SIMS. Do they compete with each other in improvement of powder and in methods of manufacture? Is that the idea?

Mr. FOSS. A competition; yes. In that connection I will say that whenever the Du Pont Co. have seen an improvement in the process of manufacturing powder or have reached themselves an improvement in the constituent elements of the powder, they have given the information to the Government free, not charging a single dollar for it.

Mr. SIMS. If the Government only made what it really needs in time of peace, would not the Du Pont Co. go along

making these improvements? In other words, they do not sell all their smokeless powder to the Government?

Mr. FOSS. Yes; that is all.

Mr. SIMS. The Government is the only customer?

Mr. FOSS. The only customer; and they make it for nobody else.

Mr. SIMS. You think on account of its being for the Government the Government officials do not make the same effort or make the same study to bring about improvements that private enterprise would?

Mr. FOSS. The competition by the Army and Navy factories amounts to a competition in the improvement of powder as well as in price.

Mr. GOOD. Is not the gentleman aware of the fact that that competition was never effected until Congress wrote a limitation as to the amount the Army and Navy Board could pay for powder? We were paying $1.60 for smokeless powder, and it was not until Congress commenced to put limitations on the appropriation bill that we got the price down to 60 cents. And I will say to the gentleman on the question of manufacturing powder—and this is outside of the record—while Col. Buckner absolutely refused to tell the committee what it did cost to manufacture powder, the gentleman told me he knew what it cost the Du Ponts, that it cost less than 25 cents a pound, and when I take that statement in connection with the statement of Col. Buckner before your committee, where he would not give to the world his costs, I have a great deal of confidence in the statement of the gentleman who made it.

Mr. BORLAND. Will the gentleman state what, in his opinion, was the accuracy of those figures on the cost of manufacturing at the Government powder works, of 33 cents?

Mr. FOSS. Admiral Mason, former Chief of Bureau of Ordnance, came before the committee a year ago and made the statement that it cost about 45 cents for the Government to manufacture smokeless powder. Admiral Mason was the Chief of the Bureau of Ordnance for a great many years and had conducted the manufacture of smokeless powder over a period of a number of years. And his judgment was that that was about the actual cost, as he figured it, of manufacturing smokeless powder, but he did not take into consideration a large number of things which would be taken into consideration and made a part of the cost of powder in a private concern. Now, Admiral Twining this year—and he has been chief of the bureau only a short time—has figured out that we are making powder at a less cost than that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. FOSS. I will say just one word in conclusion: That the short experience which Admiral Twining has had in figuring the cost of powder is not entitled to perhaps the same consideration that the figures of Admiral Mason are entitled to as covering a series of years. But I have no doubt that there has been a decrease in the cost of the manufacture of powder.

Mr. BORLAND. Could you not, then, make a further decrease in the price paid to the Du Pont Co. from those figures?

Mr. TRIBBLE. Mr. Chairman, before proceeding with my remarks, I wish to submit a question to the chairman of the Committee on Naval Affairs. What is the price we pay to the Du Pont Co.?

Mr. PADGETT. Sixty cents.

Mr. TRIBBLE. I did not want to make a mistake about that. Now, Mr. Chairman, if the Members of the House will get the hearings and turn to page 602, they will find the testimony of a representative of the Du Pont Co. I admit that I am a new member on this committee, and I do not want to be a critic, but I turn to the first page of this volume that I hold in my hand and I find the names of the men who have testified before the Naval Committee; and if you will turn there and read with me you will find that I speak the truth. The names of every one of these men, save one, testifying before this committee on each question are those of officials—officials of the Government, of the Navy Department, Members of Congress, or some one in an official capacity of the Government who is presumed to come before the committee for the purpose of giving a fair statement of what the Government should do. In that coterie of distinguished men you will find a representative of the Du Pont Powder Co. appearing before the Committee on Naval Affairs, telling the committee what to do for the Du Pont Powder Co.

Now I submit, Mr. Chairman and gentlemen, that it is not fair to have a representative of a corporation come before the Committee on Naval Affairs to testify and explain why his powder is costing the Government more money and why the Committee on Naval Affairs should recommend to this Congress that we take his powder instead of making it cheaper.

Now, that is the situation that confronts us. As I said, I do not mean to criticize anybody, but there are the facts.

Now, we will turn to the hearings. You will find in these hearings that the statement is made that it costs the United States Government 33 cents and a fraction per pound to manufacture powder.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. When I get through; in a moment. I do not know whether my time is going to be extended or not. You will find there that it costs the Government of the United States 33 cents to make powder, the same powder for which we pay 60 cents to the Du Pont Co., and the gentleman to whom I referred undertakes to explain it. They go on and put in certain items of expense and get it up to 45 cents, and then they go on again and put in other items of expense and undertake to show additional expense to the Government. He puts in our machinery as a question of cost. We have got it. Why not use it?

Mr. SIMS. We have got to keep it up, anyway, whether it is running or not?

Mr. TRIBBLE. Yes; we have got to keep it up anyway. These gentlemen come in here and say we ought to have this machinery, and I fail to see the consistency in not using it.

Now, Mr. Chairman, the gentleman from Iowa [Mr. GOOD] introduced, in substance, the amendment I had already prepared, ready to be introduced. Being in substance the amendment which I intended to introduce, I shall support heartily his amendment.

Mr. CULLOP. Mr. Chairman, the proposition embraced in the amendment offered by the gentleman from Iowa [Mr. GOOD] is that the Government shall manufacture its own powder and thereby save at least a quarter of a million dollars a year, instead of buying it of the great Powder Trust, the Du Pont Powder Co.

The gentleman from Illinois [Mr. Foss] said:

> Let the Government go on buying of the trust and the monopoly and let the courts take care of the trust and the monopoly.

I am somewhat astonished at the statement of the gentleman from Illinois in the light of what has occurred in similar efforts, for if the courts and the officials charged with the prosecution of these trusts by the Government take as good care of the Powder Trust as they have taken of the Beef Trust there will not be a conviction in the next 25 years if either Mr. Taft or Mr. Roosevelt is continued President of the United States [applause], a thing which, however, is not probable, as the people under the revelations which have transpired in the last six weeks between these two aspirants have been convinced it is high time to retire both and secure a good Democrat for that important place. [Applause.]

I hold in my hand a chronological statement of the weary pathway that the prosecution of the Beef Trust has trodden through the courts of this country, which clearly proves the impotency of the Department of Justice and the courts to curb, suppress, or punish the Beef Trust, and is a splendid example of the manner in which the courts handle the trusts, and one which admonishes the whole country that but little hope can be reposed in them for speedy relief from the rapacious trusts. The history of the Beef Trust cases plodding their weary way through 10 years of futile litigation constitutes one of the darkest pages of judicial history ever recorded in any civilized country in the world. No loyal citizen of this country can refer to it without regret. The whole history supports the charge that it constitutes a travesty on justice. I submit it for the information of the country.

Mr. FOSS. Will the gentleman yield?

Mr. CULLOP. With pleasure.

Mr. FOSS. I wish to ask the gentleman whether he thinks it is very improper for the Government to buy powder from a trust?

Mr. CULLOP. I think one good way to suppress the trusts is for the Government to manufacture its own powder and quit patronizing the trusts. [Applause.] At the present rate of procedure in the courts, under the present methods of the administration of justice, none of the trusts are likely to be punished there.

Mr. FOSS. Does the gentleman pursue that course of conduct when he is buying his beef?

Mr. CULLOP. I buy where I can buy the cheapest, and I want every other citizen and every municipality in the country to do the same, especially the Government.

Now, Mr. Chairman, the first suit was commenced against the Beef Trust on May 10, 1902, the United States prosecuting a suit against Swift & Co. for a violation of the Sherman anti-trust law in restraint of trade. On the 20th day of May a temporary injunction was granted, and it ran its course until the

27th day of May, 1903, when the injunction was made permanent. An appeal was taken to the United States Supreme Court, and, with the great trust buster in the White House, it dragged along in that court until 1905 before the case was heard, when the judgment of the lower court was affirmed, and the injunction remained in force and is in force now. I insert as a part of my remarks the chronological history of this litigation, which was in the courts from May 10, 1902, until February, 1912, when it went out of court by a nonsuit in the Federal court at Chicago with a Scotch verdict, "Guilty, but not proven":

1902.

May 10: Government files petition for an injunction against the Beef Trust in the Federal court in Chicago.
May 20: Judge Peter S. Grosscup issues temporary injunction.
September 10: Packers file a demurrer, alleging they are not engaged in interstate commerce.

1903.

February 18: Judge Grosscup overrules the demurrer and orders the temporary injunction to remain in force, giving the packers till March 2, 1903, to answer, appeal, or default.
March 1: Counsel for packers announce their intention of appealing to Supreme Court of the United States against the overruling of their demurrer, but do not do so. Judge Grosscup then fixes April 18 as the date for the packers to file answer to the Government's bill.
May 27: Judge Grosscup makes the injunction permanent, and the packers enter an appeal to the Supreme Court against the injunction.
June: Mr. Cortelyou, as Secretary of Commerce and Labor, orders Commissioner of Corporations Garfield to investigate the Beef Trust.

1904.

The Government, considering the Grosscup injunction as a complete victory, waits for the defendant packers to ask the Supreme Court to fix a date for hearing the appeal.
July 25: President Roosevelt orders the Department of Justice, through Attorney General Moody, to advance the Beef Trust case to the calendar of the United States Supreme Court, in order that it might be tried early in October.

1905.

January 4: Briefs filed in the Supreme Court by both the Government and the packers.
January 16: Beef Trust case argued in the Supreme Court.
January 31: United States Supreme Court sustains Judge Grosscup's injunction, and the way is clear for the Federal authorities to prosecute and punish packers who continue to defy the decree of the lower court.
February 21: Special Federal grand jury called in Chicago to pass on evidence of violation of antitrust law by packers. Criminal indictments sought.
March 4: Roosevelt transmits to Congress Commissioner Garfield's report on the Beef Trust.
March 29: Thomas J. Conners, general superintendent of Armour & Co., indicted for attempting to influence a witness before the grand jury in Chicago.
April 14: Four officials of the Schwarzschild & Sulzberger Co. indicted for obstructing the service of Federal subpœnas.
July 1: Federal grand jury in Chicago indicts 17 individuals and 5 corporations; bonds fixed at $5,000 in each case.
September 4: Indicted packers obtain an adjournment on the ground they are not ready to plead.
September 21: Four officials of the Schwarzschild & Sulzberger Co. plead guilty to conspiracy to obtain rebates from railroads and are fined $25,000.
October 23: Packers file a special plea in bar claiming immunity from prosecution under the indictment on the ground that the evidence on which it was based had been obtained by the Bureau of Corporations under authority of Congress, and that immunity had been promised them by Commissioner Garfield.
November 17: In an official statement Attorney General Moody declares that no immunity was promised and that none of the information obtained by the Bureau of Corporations had been used before the grand jury.

1906.

February 22: Commissioner of Corporations Garfield admits under oath that he had worked in conjunction with the Department of Justice.
March 21: Judge J. Otis Humphrey holds that the individuals are immune from prosecution under the criminal indictments, but the indictments against the corporations stand.
April 6: Attorney General Moody decides that no appeal can be taken from Judge Humphrey's decision.
October 13: The Department of Justice decides to drop the prosecution.

1907.

September 18: Another Federal grand jury called in Chicago for the prosecution of the packers for violations of the antitrust law. No indictments returned.

1908.

December 7: Grand jury investigation of railroad rebates to the packers and violations by the latter of the antitrust law is begun in Chicago. No indictments.

1909.

February 9: Renewed investigation by a Federal grand jury of charges of rebating and price fixing and effort by Government to prove "that the Meat Trust exists and that the National Packing Co. is its operative machinery."

1910.

March 21: Attorney General Wickersham files a petition against the Beef Trust—the National Packing Co. and 10 subsidiary corporations—for restraint of trade.
September 12: Federal grand jury returns three indictments each against L. F. Swift, Edward H. Swift, Charles H. Swift, Francis A. Fowler, Edward Tilden, J. Ogden Armour, Arthur Meeker, Thomas J. Conners, Edward Morris, and Louis H. Heyman.
September 12: Following these indictments, the Government files a civil suit for the dissolution of the National Packing Co. and the appointment of a receiver. In this suit 10 subsidiary corporations and 16 additional firms and individuals are named.
September 13: The packers give bail in $30,000 apiece.
November 17: Packers protest Judge Landis on the ground that in 1895 he had been employed as a special assistant United States attorney in connection with a prosecution against them under the antitrust act.
December 15: The indictments against the packers are amended and strengthened.
December 24: The packers claim the right to have the civil suit tried before the criminal indictments.
December 27: Attorney General Wickersham orders the civil suit dismissed, in order to avoid delay in the criminal prosecutions.
December 28: Packers protest against the dismissal of the civil suit. Are overruled.

1911.

January 2: Judge Carpenter denies a motion of the packers that the Government be restrained from proceeding against them criminally.
March 22: Judge Carpenter overrules a demurrer by the packers, who allege that Judge Humphrey's immunity decision is continuing in its effects and covers all future time so long as the acts covered by the 1906 decision remain the same. Judge Carpenter denies a motion to quash the indictment.
April 13: Packers present a special plea that the antitrust act itself did not create any new crime, and hence, even if the packers disobey the statutes, they are committing no criminal act.
May 17: Packers come into court again to have the indictments quashed on the ground that there had been no "unreasonable" restraint of trade as defined by the Supreme Court in the Standard Oil decision.
June 3: Packers file briefs asking for rehearing of their motions to quash the indictment against them.
July 5: Packers plead "not guilty," and trial is fixed for November 20, 1911.

What was the result? When the Beef Trust was about to be cornered the President demanded that the Department of Commerce and Labor investigate it, and the Commissioner of Corporations, Mr. Garfield, was called upon to perform that duty, and he made his report to the Secretary of Commerce and Labor, and he reported that he found that this great trust was making small profits, that it should not be interfered with, whitewashing the same, and the Secretary of Commerce and Labor sent that report to the President, who transmitted the same to Congress, giving it a "clean bill of health." This was the course pursued by Mr. Roosevelt as the great "trust buster." It took four years to perform this great acrobatic performance. This is in part his disposition of this the greatest criminal combination in this country, and one which does injury to more people than any other. I desire here to submit an editorial from the New York World commenting on the Beef Trust cases:

THE BEEF TRUST'S CASE USED AS A FOOTBALL IN THE FEDERAL COURTS.

In an editorial leader published on September 5, the World thus comments on this shameful exhibition of judicial and executive inefficiency:

"Elsewhere on this page we print a chronology of the Beef Trust cases, showing how they have been used as a football in the Federal courts for more than nine years.

"No other trust so vitally affects the cost of living; no other trust has such tremendous power to oppress every class of citizens, from the richest to the poorest. Yet the Government's so-called prosecutions have been a continuing grant of immunity, and after nine years the first criminal case is yet to be brought to trial.

"Great corporations will never take the antitrust law seriously if the United States Government itself does not take the law seriously. They will never respect the criminal prohibition against restraint of trade if the Government itself does not respect it. The record in this case is a disgrace to American institutions. It is a scandalous thing that with all its power the Government of the United States in nine years has not yet brought a single packer to the bar of justice to prove his guilt or innocence.

"These prosecutions have served only to make the law ridiculous and to bring the authority of the Federal Government into contempt. In no other civilized country would such a record be possible."

This editorial admirably states the prevailing opinion existing, which we all deplore. Who is to blame for this deplorable condition? The courts and those charged with the administration of justice are solely responsible for the existing condition, and for the impatience manifested by the public over the procedure of the courts and the frequent miscarriage of justice, such as that furnished in the Beef Trust cases. It is in the power of the responsible parties to remove the distrust, to hush the criticism, and to restore confidence in this great department of our Government. But a repetition of such instances as exist in the Beef Trust cases will aggravate this condition and militate against the influence of this great department of our Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Indiana be extended for five minutes. Is there objection?

There was no objection.

Mr. CULLOP. I thank the gentleman from Illinois.

Mr. GOOD. The gentleman from Illinois [Mr. Foss] raised the question a minute ago with regard to the propriety of the Government purchasing trust-made goods, and in response to that I will say that the first Secretary of War under President Taft wrote an order that no powder or ordnance or ordnance stores be purchased from trusts.

Mr. CULLOP. I thank the gentleman for the information, because at that time the Secretary of War was a Democrat

from the State of Tennessee. [Applause on the Democratic side.]

Mr. GOOD. How does it come that he was in a Republican Cabinet, then?

Mr. CULLOP. I presume that the Republican President, in looking over the field of eligibles in the Republican Party, could not find a man whom he thought would be suitable for the place, and therefore he appointed a Democrat. [Applause on the Democratic side.]

Now, what more was done in the Beef Trust case? When they filed their plea for immunity, they set up the claim that Mr. Garfield, the Commissioner of Corporations, had granted them immunity. In a very short time the Attorney General of the United States denied that statement, and said that the Department of Justice had not cooperated with the Bureau of Corporations in procuring the indictment against the Beef Trust. Within less than 60 days after this statement was made, and the official statement of Attorney General Moody had been published to the world, James R. Garfield, the Commissioner of Corporations, filed a statement under oath in the court at Chicago that the information upon which the Beef Trust was indicted had been furnished by him, and the Beef Trust walked out of court scot free and went unwhipt of justice.

What was the next step? In less than 60 days the Attorney General dismissed the civil suit.

When the people began to get restless again under the great outrages of the Beef Trust, another Federal grand jury in Chicago was called to investigate their conduct, but it adjourned without returning an indictment, and again the great criminal combination was permitted to continue its plunder of a helpless people. Method after method was employed to suppress this great trust, but to no avail. Each and every suit was without success. Why was the Department of Justice unable to uphold the law, to enforce it?

The result of nearly 10 years of fruitless litigation strongly tends to establish it was. If this be true, then should it not be changed? Why did it bring so many suits and then dismiss them? Why did it fail to secure indictments, and when it did why did it not convict the indicted parties? Its failure is a humiliating confession that it appears to have been inadequate to meet public requirements. If not, then upon what theory can the result be explained?

We are now having the conduct of both Mr. Taft and Mr. Roosevelt's connection with the Harvester Trust presented to the public by each other. The course pursued by both is not commendable, but it enlightens the public as to how lenient both have been in dealing with the trusts, and relieving the public from the hardships which they impose. And yet, as the statement of these prosecutions show, all the time the injunction was in force, the injunction which had been issued by the district court of Chicago, affirmed by the Supreme Court of the United States, and never in a single instance did the Department of Justice under either one of these Presidents have the defendants cited for contempt for the violation of this injunction. It was suffered to remain dormant. The violation of it constituted a contempt of court for which severe punishment could be administered, but in all the 10 years of this litigation it was never invoked. Why did not the department proceed under it and enforce it, and destroy the power of this great combination in restraint of trade, instead of pursuing the fruitless litigation which has resulted in such ignominious failure?

The people, therefore, I say to the gentleman from Illinois, are not content to leave this question to the courts and not take advantage of the remedy presented here and now. [Applause.]

Mr. KOPP. Mr. Chairman, I have no concern as to whether the Government manufactures all of its powder or not, but I do think the committee ought to be possessed of the facts before it is called upon to vote. If the committee wishes to place its objection to the purchase of powder from the du Pont works on the ground that it is a trust, if it wishes to say that the Government shall not purchase anything from a trust, then I have nothing to say. But the other phase of the question I want to discuss.

The reason why all the Governments of the world buy part of their powder from private concerns is that there may be well-equipped factories to start the manufacture of smokeless powder upon the receipt of a telegram when an emergency comes. For many years France manufactured her own powder, as I am informed, but during the last year she has let a part to private concerns, realizing the necessity of having factories equipped and ready to do business if necessity required.

Now, in this country there are three factories in the manufacture of smokeless powder by private concerns. These three factories are owned by the Du Pont Powder Co. One is located in New Jersey, near New York, where there is a great navy yard; another in New Jersey, near Philadelphia, where there is another great navy yard. We have two owned by the Government—one near the navy yard here at Washington and another factory at Dover, near the seacoast. So that we have five factories; and if war should come, on the receipt of a telegram they would be prepared to manufacture smokeless powder for the use of the Army and the Navy.

There is no other purchaser of this powder but the Government. If the Government does not buy, of course the works will close that part of their factories devoted to the manufacture of smokeless powder for big guns. Of course that is a small percentage of the manufacture by these companies, but they have a special factory and special equipment for it, and if there are no purchasers anyone can see that that part of the factory will be closed.

Now, I ask the committee to do one of two things—and so far as I am concerned it is immaterial which—either to continue the law as it has been, so that we may have three factories located in various parts of the country, or vote us money enough to build two or three more, one near the Philadelphia Navy Yard and one near the New York Navy Yard.

The gentleman says that we have one here, and that we could run it with three shifts. Stop and think. Suppose war should come and we have only one powder factory at Indianhead, and let us concede that it is running with three shifts and manufacturing all the powder needed for the Navy. War comes. We may protect that as well as we please, but one well-directed charge of dynamite would put that factory out of business, and we would be as helpless as a new-born babe. We must have factories located in different parts of the country, to be called upon when an emergency comes. I care not whether it be a private factory or a Government factory. My plea is either that you authorize us to let a part of the purchase go to the Du Pont Powder Works, so as to keep them in existence, or vote the money here to-day to build and equip other reserve factories in different parts of the country near the navy yards, which may be available when the time comes.

Mr. BUCHANAN. Does the gentleman object to saving $250,000, instead of paying it to the Powder Trust, now under indictment by the United States Government?

Mr. KOPP. I would be a fool to violate my oath if I did not try to save every penny to the Government; but in saving for the Government I must not overlook the fact of my country's welfare and its safety.

Mr. GARNER. The gentleman would vote to a trust a million and a half dollars a year for the purpose of guaranteeing that we might have a powder factory in time of war.

Mr. KOPP. We do not donate anywhere near a million dollars to the trust.

Mr. GARNER. According to the gentleman from Iowa [Mr. GOOD] it costs about $1,000,000 more a year to purchase all the powder we have to purchase, if we have to purchase it from the trust, than it would if we were to manufacture it ourselves.

Mr. KOPP. I am referring to the Navy in any remarks that I make at this time.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. KOPP. Certainly.

Mr. GOOD. I will call the attention of the gentleman to the report made by the Chief of Ordnance of the Army, Gen. Crozier, for 1911, in which he says that the saving from the powder appropriation has, therefore, been about $188,500, which is $23,500 in excess of the cost of the powder factory.

Mr. KOPP. I concede that, but let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KOPP. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KOPP. We ought to meet this question without any prejudice. As I said a moment ago, I certainly hold no brief in any sense of the word for the Du Pont Powder Works.

Mr. GOOD. And I certainly have none.

Mr. KOPP. I know the gentleman has not. I am opposed to the trust, and I said in my opening remarks if the gentleman wants to place it upon that ground I am with him, but does the gentleman think that we ought to manufacture all of our own powder at Indianhead?

Mr. GOOD. No. Until we establish a factory upon the Pacific coast we ought to manufacture all of our powder at Indianhead and at Dover. We have ample facilities and can

save $1,524,000 a year by doing it, and until we have established a factory on the Pacific coast I favor the manufacture of every pound of smokeless powder in these two Government arsenals.

Mr. KOPP. Is the gentleman willing to appropriate money now for the building of a powder factory on the Pacific coast and one near Philadelphia or New York, where our greatest navy yards are?

Mr. GOOD. I think the two now in the East have capacity to manufacture all of the powder used by the Army and Navy. I am willing to appropriate money any time to build another Government powder factory on the Pacific coast.

Mr. KOPP. The gentleman overlooks the fact that it is not alone a question of capacity, but it is a question of expediency. It is a question of common defense. The gentleman must stop and reflect that if we should have war—and God forbid that we ever should—and had but one powder factory, and that was put out of business, we would be helpless.

Mr. GOOD. Well, where would we be if we had five factories and they should all be blown up? It is just as easy to blow up five factories as it is one.

Mr. KOPP. It is just five times as hard, and that is the only difference. If the gentleman wants to appropriate money for other factories, I am with him. My plea is to do one of two things, either continue the plan we have now or provide for the building of other factories.

Mr. BOEHNE. How much would one cost?

Mr. KOPP. I have not the figures.

Mr. HEALD. Mr. Chairman, the policy of monopolizing the manufacture of smokeless powder by the Government has not heretofore met with the approval of the officers of either the Army or the Navy. Of course I agree with the gentleman from Iowa [Mr. GOOD] that it is wholly within the province of Congress to say that we shall alone manufacture all of the powder supplies that we need, but up to this time the invariable opinion of the officers of the Army and the Navy has been that it is not advisable to do so, and I do not believe that, judging by the experience of the past, we are justified in doing so now. This House has always looked to officers of the service for advice and information in determining the policy we shall follow. Economy may be very shortsighted, but while we might save a few thousand dollars by the Government manufacturing all the smokeless powder we need at the present time, emergencies or accident might make it far from economy to be limited in our supplies to the capacity of the plants at Indianhead and Dover. We should not be unmindful of the fact that the smokeless-powder industry has been very largely developed by the private concerns which are to-day manufacturing smokeless powder for the Government only, and they are manufacturing it for the Government only at the behest and direction of the Government itself. The reports of the various officers, including the Chief of the Bureau of Ordnance, all go to show that it is their unprejudiced opinion that the national welfare—and I am quoting from the report of the Chief of the Bureau of Ordnance for the year 1908—requires the encouragement of these companies to keep up their plants and their trained forces, even if the output of the Government plants has to be kept much below their maximum capacity. Upon this point several reports of the Chief of the Bureau of Ordnance are interesting. In the report for the year 1907 we find the following:

> The specifications for the powder and most other points in connection with it are fixed by the joint board of officers of the Army and Navy, through whose labors not only the specifications have been improved, but the two services have been brought into perfect agreement as to the details of manufacture and inspection. Upon the recommendations of this board, made after careful consideration of all information available, but especially of that furnished by the Government powder factory at Indianhead, the price to be paid for powder purchased from private firms is fixed from year to year. This has been *found a* satisfactory way to regulate prices with the so-called Powder Trust, which has thus far accepted without serious protest both the price established by the board and the more exacting specifications which have been insisted upon. With the competition of the naval powder factory at Indianhead and the Army factory at Dover (soon to be completed), and with the revision of specifications and prices made each year by the joint board, the bureau has no fear of finding itself at the mercy of private manufacturers, and feels that it has much to gain by encouraging these manufacturers to keep up their factories and to maintain their valuable force of trained chemists, experimenters, and laborers.

In the annual report of the Chief of the Bureau of Ordnance to the Secretary of the Navy for the year 1908 we find the following:

> The joint Army and Navy powder board has continued its work in connection with the specifications, methods of inspection, etc., and the two services purchase and manufacture their powder under exactly the same conditions with regard to methods, processes, etc., with consequent simplification and economy. One duty of the powder board is to recommend the price to be paid for powder, basing their calculations upon data obtained in the operation of the Government plants, and a small reduction was made during the last fiscal year in view of the slightly lower price of raw materials. The capacities of the Government plants are probably now such that during the continuance of peace the Government may be considered nearly independent of the Du Pont powder companies, and there is no danger of its having to purchase powder at exorbitant prices. Indeed, the companies have always accepted the price named by the Government, and it is only fair to state that during the past few years, when the bureau was obliged to purchase large quantities of powder, these companies have never taken advantage of the situation to charge exorbitant prices. The national welfare requires the encouragement of these companies to keep up their plants and their trained forces, even if the output of the Government plants has to be kept much below their maximum capacity.

In the annual report of the Chief of the Bureau of Ordnance to the Secretary of the Navy for the year 1909 the following statement is made:

> The reserve supply of powder has been added to, although this reserve still remains inadequate. The situation, however, has improved since the last annual report. The extension of the naval powder factory at Indianhead has been taken in hand, and in about nine months the Government plant should be able to double its output. The policy of keeping in operation the private powder plants is a sound one. The manufacture of smokeless powder is attended with unusual hazards, the time required for its production is considerable, and the possibility of the Government plant becoming disabled through fire or other accidents is not to be overlooked. In time of war the Government plants, in spite of all the enlargement which could reasonably be made, would be altogether inadequate. These are sufficient reasons why private sources of supply should be fostered and the Government assured an unfailing supply of powder in case of emergency.

Now, Mr. Chairman, with reference to the manufacture of smokeless powder as a Government monopoly by France, about which the gentleman from Texas was asking some time ago, I will read from a statement of Admiral Knight, referring to an explosion which recently occurred, in which he says:

> Quite lately, as you gentlemen will remember, there have been two terrible disasters in the French navy. I have had occasion to study the evidence which has been brought out in connection with those accidents very carefully, and it has been made entirely apparent to me that the trouble was not in the formula by which these powders were made, but it was in the care with which they were made, or in the lack of care, rather, with which they were made. The powders were apparently good. They doubtless passed all the tests there.

It is clear from his further testimony that, in his opinion, the competition between the private-owned manufactures of powder and Government-manufactured powder does raise the standard and insure the quality of the product; and he further says that he would pass many sleepless nights on a boat where he was in doubt as to the stability of the powder which was in her magazines, and I have no doubt he would. For 100 years, Mr. Chairman, this Government has relied upon private industry for the powder which she has used.

During these more than hundred years the manufacture of powder has grown to enormous proportions, but never have the relations between the Government and the manufacturers of powder been other than amicable and satisfactory. As the Krupps have been relied upon by the German Empire for its guns, so this Government has relied upon the Du Pont Co. for its powder.

The annual expenditures of the Army and Navy are, in round numbers, about $300,000,000, and only about 1 per cent of this vast sum is spent for powder. The price of powder, when smokeless powder was in its experimental stage, was $1.50 per pound, and the last purchases made by the Government were at the rate of 60 cents per pound; and every evidence on the part of the department experts tends to show that this is a fair price. While this advance in manufacture was being made, the Du Pont Powder Co. was the first industrial concern in the United States to establish a service and accident pension for the benefit of its employees, which it is still maintaining.

We relied upon it for the powder which we used in the Mexican War, in the Civil War, and in the Spanish-American War, and to-day, according to the testimony that is before the Committee on Naval Affairs, the people who are manufacturing smokeless powder are maintaining three plants wholly for the service of the Government, wholly that the powder may be supplied to them when they want it, and in the quantities they want and at the price they want it, because it has been shown that the prices are absolutely fixed, and the testimony further shows that the contracts are not made with the manufacturers of smokeless powder for the delivery of powder, but that the price is fixed for the option to take such amount of powder as this Government might need, and at that price we purchase what we need if we need any.

It has been stated on the floor of this House at various times that during the Spanish-American War the Du Pont Powder Co. raised the price of powder to the Government. The evidence before the Committee on Naval Affairs not only shows that this is not true, but, on the contrary, the powder company actually reduced the price of powder in the midst of the war and released the Government from compliance with its part of

the contract to take 2,800,000 pounds, the balance on a contract of 5,000,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Delaware may proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Delaware may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEALD. Mr. Chairman, in the testimony that has been developed in the various hearings for many years past it has been shown that the development of smokeless powder in this country has been largely the result of experiments that have been conducted by private companies. The testimony shows that the manufacturers of smokeless powder—the Du Pont Powder Co.—to-day are spending on an average $300,000 to $400,000 in experiments to improve the quality of powder and explosives. All of that has been to the advantage of the Government, just the same as when we built the plants at Dover and at Indianhead these private manufacturers of powder furnished every blue print, every model of a piece of machinery, every process for making it, and even furnished them the men to conduct their plant. This has been acknowledged by the various chiefs of ordnance and admirals having charge of that branch of the service.

I do not urge this as any reason why the Government should not extend its industry in the line of the manufacture of smokeless powder, but I do urge as a reason why, in the light of the testimony of Admiral Knight, it is better, far better, for us to maintain competition as such in the hands of private individuals at the same time we are manufacturing on the part of the Government, in order that comparisons may be made, in order that stability may be given to these powders and that the Government may have in the future, as it has to-day, better powder than that furnished to any other Government in the world. The smokeless powder which we are using to-day, in comparison with that which is used in the German Navy and the English Navy, has been improved to a point where it gives to the life of the guns three to five times the life which the English powder gives to the life of the English gun. The English powder costs less than our powder, as has been stated by the gentleman from Illinois [Mr. Foss], but it is not cheap when you consider that the smokeless powder we are using prolongs the life of the gun from three to five times as long as the powder furnished to the English Navy. The statement of the gentleman from Wisconsin to the effect that the French Government during the past year, realizing the conditions to which I have called attention in the testimony of Admiral Knight, has determined in the future that it will no longer monopolize the manufacture of smokeless powder for its army and navy, but will encourage the manufacture at the hands of private individuals, tends to confirm the wisdom of the course we have pursued for so many years. There is no doubt but what this Government wants smokeless powder of the best quality. They want it in quantities when they want it, and there has not heretofore been any difference of opinion in the reports of the chairmen of the committees of the House, whether they have been on one side of the House or the other, as to the necessity of keeping alive these factories which are to-day manufacturing smokeless powder only for the Government.

Mr. TRIBBLE. Does the gentleman know how much powder the Government has in reserve?

Mr. HEALD. The powder which the Government had in reserve last year was certainly not enough powder to fire all its guns in an engagement lasting one hour and a half.

Mr. TRIBBLE. Does the gentleman mean that is all the powder that the Government has deposited here in the different places to be used in an emergency in the time of war?

Mr. HEALD. I am not referring to all the old brown powder.

Mr. TRIBBLE. That is what I am talking about.

Mr. HEALD. The old brown powder is not good at all.

Mr. TRIBBLE. Then you have not read this.

Mr. HEALD. I have.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. HEALD] has expired.

Mr. HEALD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT rose.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, it is possible that as a result of experience I may be able to cast a little light on some phases of this subject. At one time, some 15 years ago, I started out in an attempt to manufacture powder in competition with the so-called trust. I was making a powder of a different kind from the nitro powders, which was known as picrate powder, the nitrogen of which was contained in picric acid instead of nitric acid. In the course of that experience I had to learn the cost of smokeless sporting powder as made by the Du Pont people and others. I secured what I believed to be accurate figures at that time as to the cost of shotgun powder, which is practically the same as the Navy powder, a little different in formula, but practically about the same in composition and cost. At that time the nitro powder cost was about 35 cents, according to the best information that I could obtain. Since then there have been economies practiced, especially in what is known as the absorbent part of the powder. These nitro powders rely for explosve qualities on nitrogen gas confined in nitric acid mixed with glycerin and held by an absorbent medium. For cotton there have been substituted much cheaper absorbents, and, without any doubt, a cheapening in the powder. I feel sure it does not now actually cost to exceed 30 cents a pound, if, indeed, the cost is not below 30 cents.

The Government figures here show what a minor charge in plant cost there is in powder manufacture. As a matter of course manufacturers have studied to put as little as they can in powder plants, because by accident they are liable to lose the whole thing. The gentleman from Iowa [Mr. GOOD] said the Government has invested in two plants $400,000, which would amount to 13 cents a pound for one year's annual output of 3,000,000 pounds.

Mr. GOOD. Will the gentleman yield?

Mr. KENT. I do.

Mr. GOOD. He should state in connection with that that the plants are only run at one-third their capacity.

Mr. KENT. And still produce 3,000,000 pounds.

Mr. FOSS. They produce 1,000,000 pounds.

Mr. GOOD. Each plant produces 1,000,000 pounds, but at full capacity could produce 3,000,000 pounds.

Mr. KENT. Which shows the plant cost would be retired by an allowance of 13 cents a pound in one year's output, whereas the Government would pay to the trust about 30 cents profit per pound.

Now, taking another phase of it, if this powder costs not to exceed 30 cents, and the Government pays 60 cents per pound, the Government pays 100 per cent profit. If we wish to encourage private industry, why should we not go to a plant and say, "We wish you to manufacture some of the Government powder, and we shall pay you on a percentage basis"?

Should we give them 100 per cent on that basis? I imagine not. Thirty per cent, or about 40 cents per pound for cost and bonus, would be liberal and would then save the Government 20 cents per pound.

There is no secret about the manufacture of powder. There is no trouble about obtaining the quality in powder. The tests of powder are as definite as can be made in the manufacture of any known article. The tests for pressures, for velocities, the hydroscopic tests as regards the absorption of water, the temperature tests, the tests for breech pressure and deterioration are all simple, clear, and conclusive, and there is no reason why the Government powder should differ a particle from the Du Pont powder, when it is being made under exactly the same formula and with the same end in view.

There is no sanctity attaching to the Du Pont powder on account of the historical reputation of the company.

So far as the trust is concerned, I do not know that this is an item to be considered, except that when the Government pursues a policy of buying from private concerns it should have competitive bids. In the purchase of powder there is only one institution from which purchases can be made, as has been recognized and confessed by the gentlemen on the other side. That concern is a trust, and has been a most offensive and burdensome trust. I know that fact of my own knowledge; but that is neither here nor there.

Mr. HEALD. Will the gentleman yield for a question?

Mr. KENT. I do.

Mr. HEALD. The company to which the gentleman refers has undoubtedly been declared a trust in restraint of trade. Is it not true that the Government, in entering a decree for the dissolution of the company, provided that the plants which manufactured smokeless powder for the Government should be maintained all together under the control of one company?

Mr. KENT. I am not making a demagogic argument against the trust; I am making an economic argument against the policy of the Federal Government being robbed by trust methods by a trust.

Mr. HEALD. May I ask the gentleman another question? He gives the price of smokeless powder at 30 cents a pound. How does he obtain his figures, when the Government figures

and other figures bring the price up to between 40 and 50 cents per pound.

Mr. KENT. I do not know anything about Government figures, so called, or how derived. I spoke of what, to the best of my knowledge, were the facts.

Mr. SISSON. Mr. Chairman, I am disposed to support the amendment offered by the gentleman from Iowa [Mr. GOOD]. The one proposition that seems to be in the way is the question as to whether the Government is now capacitated, with its present output from its factories, for supplying the Government's present needs during the current year. Has the gentleman from Iowa any information or evidence as to the capacity of the factories and the amount of powder needed by the Government? If so, I would be glad if he would give that information.

Mr. GOOD. Answering the gentleman's question, I will say that last year we acquired 5,728,886 pounds of smokeless powder. The testimony of Admiral Twining is that the plant at Indianhead has a capacity of 3,000,000 pounds per annum and the plant at Dover, N. J., has a capacity of 3,000,000 pounds. I think Gen. Crozier claims that the plant at Dover has a larger capacity than that. I do not exactly recall his statement as to capacity.

Mr. SISSON. That would supply the present needs of the Government?

Mr. GOOD. That would not only supply the present needs, but this 5,728,886 pounds is partly composed of reserve powder that the Government has been purchasing—purchasing it for reserve in time of war.

Mr. SISSON. Now, I have one other question. I notice that something over $5,000,000 is carried in this bill for enlarging these two plants that the Government now owns.

Mr. PADGETT. Oh, no; there is nothing for enlarging them.

Mr. SISSON. What was it for?

Mr. GOOD. I will say to the gentleman that the items he refers to provide for the maintenance of the powder factory and proving grounds, and things of that sort.

Mr. PADGETT. There is nothing for an extension.

Mr. SISSON. How much of this reserve powder is carried over? Does the gentleman know how much is bought from the trust that is carried over and never used?

Mr. GOOD. I do have those figures. I think I am safe in saying that a considerable part was reserve powder. Is it not so, Mr. Foss?

Mr. FOSS. I think so.

Mr. SISSON. So that if the powder bought by the Government is not used for the current year it is reserve powder?

Mr. PADGETT. The purchase of the Navy was 3,000,000, and there was placed in reserve a portion of that.

Mr. SISSON. Then, I will ask the chairman of the committee this additional question, which was suggested by the statement made by the gentleman from Iowa [Mr. GOOD]: In reference to the cost of the powder, has the committee any information that that powder can be manufactured at, say, from 25 to 30 cents per pound?

Mr. PADGETT. None whatever; and Admiral Twining states that the actual money cost of the items that he includes was 33.6, and then he does not include various other items which legitimately go into it, which he says if added would run it up to 45 cents and something; and then that does not include any allowance for pensions to employees or taxes or insurance, or anything of that kind, so that it would go above that.

Mr. SISSON. Now, I want to ask the gentleman from Iowa a question. The gentleman from Iowa said something about an agreement in which Gen. Buckner figured. Has the gentleman any information of the nature and character of that agreement?

Mr. GOOD. I will say to the gentleman that that agreement was put in evidence in the suit that was brought by the Government against the Du Pont Trust in the Federal court in the State of Delaware, and it shows that powder manufacturers had divided up the various States among the powder companies; and in 1897 they entered into an agreement as to the territory of the world and agreed that the United States territory should be the property of the Du Pont Powder Trust, and that no other powder company in any country in the world could furnish any powder to any concern in the United States, even to the Government of the United States.

And again, in answer to that question, I want to quote from the testimony taken before the Committee on Naval Affairs last year when Mr. THOMAS asked a pertinent question of Gen. Buckner, who was the manager of the Du Pont Powder Trust. This is the extract:

Mr. THOMAS. As to the cost you start with, the 40 cents, I understand, and a fraction.

Mr. DAWSON. 43.21.

Mr. THOMAS. You start with that basis. Now, what is your actual cost?

Mr. BUCKNER. I submit that this is hardly a fair question. The Government is one customer of ours, and we have competition all over the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask that the gentleman may have one minute more. I want to ask him one more question.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended one minute. Is there objection?

There was no objection.

Mr. GOOD. He further said:

If I give my cost on powder to you I give it to the world.

And yet he had an agreement with the world that the world would not interfere with him or his company, and it made no difference to the world what it cost him to manufacture powder. [Applause.]

Mr. SISSON. Has the gentleman from Iowa any information as to what effect a failure on the part of the Government to purchase any powder from the trust would have on that institution in the conduct of its present business?

Mr. GOOD. I can answer that by quoting the language of Gen. Buckner again, the vice president of the trust. When he was asked a question as to the improved character of powder, he said before the Naval Committee:

They want—

That is, the Government—

They want what we want and they make us produce it. They get behind us and discover weaknesses in our powder, and insist that the powder shall be what they want.

So it is the Government that is producing the good powder and that makes the Du Pont Powder Co. supply good powder. [Applause.]

Mr. SLAYDEN. Mr. Chairman, this is precisely the same fight that was made against a corresponding item in the Army appropriation bill that was under consideration here a few weeks ago. No new arguments have been advanced. The enemy is the same—the trust. The chief assailant is the same—the gentleman from Iowa [Mr. GOOD]. He has said nothing new.

I think we may assume that the trusts are damned by everybody; certainly by everybody in this House. Having condemned them, we may proceed to the consideration of a business problem pertaining to the conduct of the business of this Government in a businesslike way. The trusts have no friends. We will admit that and go on without beclouding our thinking, if that be possible, by constantly injecting it into the consideration of this trust question.

The Government powder plant was established a few years ago for the purpose of an economic safety valve. It was intended to be regulatory. It was intended to prevent unjust exactions in the way of price by private manufacturers who sold munitions of war to the Government. It has served that purpose. I am glad that it has, because it happens that the plant established for and by the Army was precisely in accordance with the limitations in a bill that I myself offered for the creation of that plant. It has worked admirably. Coincidentally with the operation of that plant, the price of powder has gone down. Now, he would be a rash individual who would say that it has gone down solely because the Government established that plant. There have been steady improvements in the manufacture of powder, just as there has been a steady improvement in the manufacture of nearly everything which involves an intellectual process and where there are students engaged in the manufacture of that particular article. I am told—how true it is I do not know—that the Du Pont Powder Trust has on its pay roll gentlemen who command salaries ranging up to $20,000 and $25,000 a year. If that be so, it is because those men have knowledge and skill that are of that much value to the industrial plant that we refer to here in terms of opprobrium as the Powder Trust. I am also told—not by Gen. Buckner or any other employee of the Powder Trust, but by honorable, high-placed officials of this Government—that such improvements as have been made from time to time in the manufacture of powder, such developments of the chemical processes required in the manufacture of powder as have been made in the laboratory of that company through the efforts of its privately paid individual employees, have been given freely to the Government. If that be so, it is a patriotic service on the part of those citizens, and for that at least they ought to be commended and not condemned.

When the Government plant was established it was not anticipated that we would ever manufacture all of our powder, and in spite of the fact that circumstances may compel us to buy a large part of our supply from a trust, I say to you that I am not in favor of the Government manufacturing all of its own powder now any more than I would be in favor of the Government manufacturing all the shoes that are re-

quired for its soldiers or all the blankets that it uses to cover their bodies at night or all the clothing that they wear during the day.

I do not believe in having the Government engage in private business operations that may be done as well or better by the citizens, but I do not want to be misunderstood on that point. I want the Government to exercise the power which the citizen has, the opportunity of resisting the unjust exactions of private corporations, and for that reason I favored the creation of a powder plant for the Army; but I believe that it would be wise, while we keep the Army powder plant up to the maximum of efficiency and keep it ready at all times to manufacture the necessary ammunition for war, I believe it would be wise to buy the bulk of our munitions of war from private individuals.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Now, Mr. Chairman, if I may have the five minutes undisturbed I will agree to quit. There may come a time when we will absolutely need, and urgently need, the help of private citizens in equipping the Army and Navy for the defense of the country. It was said by a man who came from the State of my friend on my right, Mr. GREGG, that he went 20 years without needing a pistol, but when he did need it, he needed it like hell. [Laughter.] That may be our condition in reference to powder made by private plants. I do not want to be in the position that we were placed in at the opening of the Spanish-American War. My friend from Georgia [Mr. TRIBBLE] said that he thrilled and throbbed with pride at the performance of Admiral Dewey in Manila Bay. Why, Mr. Chairman, I did not get a single thrill or a throb out of that enterprise. After he had sailed into that bay, over that particular part of the bay that was supposed to be mined, he was in absolute safety, and he anchored off at a perfectly safe distance and engaged in practice with Spanish ships, that were entirely powerless to do us any harm, as targets. There was not much opportunity for thrills there. It was a good excuse for eloquence, but not for real thrills, and, as I suggested to the gentleman privately, in the interest of true history I hope he will correct that statement. We destroyed the Spaniards, but they did us very little harm.

Now, it is unwise, in my judgment, to leave these private plants out of consideration, to leave us in the position that we were in at the beginning of the Spanish-American War, when we did not have in reserve enough ammunition to quell an ordinary street riot. If we had had an enemy of any size, if we had had an enemy sufficiently powerful to occupy a high place in the military world, we would have been in a lamentable condition in the way of being utterly unable to defend ourselves.

Now, Mr. Chairman, this proposition is to deny the Government the right to buy. It is proposing to take away from the Federal Government the power and the privilege of protecting itself in a crisis by going into the market and buying what it may require for the defense of the integrity of our soil. Whatever may be my hostility to the manufacturers of powder, however much I may condemn them for monopoly, however pressing may be the political necessity for denouncing the trusts at home, I would never be willing to put my country in the attitude of helplessness, with its hands bound, denied the privilege of doing what the citizen may do for himself—go into the markets of the world and buy what it needs for self-defense. [Applause.]

Mr. PROUTY. Mr. Chairman, I understand it to be the declared policy of this country to oppose monopoly in so far as the sales are to individuals. I believe it is equally the policy of this Government, or at least should be its policy, to prevent monopoly in those things that the Government is compelled to use. I am sure that on this side of the House we have candidly said and candidly believed that monopoly was a dangerous thing. I am sure that that side of the House has protested it on many occasions, and yet I am quite surprised to-day to find men on both sides of this Chamber standing up and defending in the most vigorous way a thing that every man who has spoken here has said was the most complete monopoly in the world.

Now, I am not going to abuse monopolies. I am not going to discuss that question, but I am going to point a finger of warning to the American people against the condition of having an instrument of war, a thing absolutely vital for the Government to have in case of war, under the control and domination of a complete monopoly. The gentleman says, "Suppose that our plants should blow up, then where would we get our powder?" Let me ask the gentleman, Suppose this monopoly should refuse to sell powder to us in time of war, where would you be? [Applause.] It has already been shown here that this company has a contract with every other country in the world that they shall not sell us powder, and if this company should say they would not sell us powder, I then venture the assertion that the Federal Government would be put in a position where it would at least be willing to compromise the suit it now has against the Powder Trust.

Mr. HEALD. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. HEALD. If the gentleman has read the record, and it is in the hearings here and in court, he would find that the contract, to which the gentleman from Iowa referred, with foreign countries was canceled in 1908.

Mr. PROUTY. I have not read that, and of course I do not know whether that is true or not.

Mr. HEALD. It is in the record.

Mr. PROUTY. Assuming it is true, no man has stood on this floor and said they did not have a complete monopoly of the powder business in this country.

Mr. KOPP. Of smokeless powder.

Mr. PROUTY. Of smokeless powder; yes. The gentleman says that we have been purchasing powder of that company for 100 years for the purpose of prosecuting our wars. That is true. But let me call the attention of the gentleman to the fact that they have not had a complete monopoly for 100 years. It is comparatively recent that they have become a complete monopoly. The gentleman from Texas [Mr. SLAYDEN], in discussing the question, stated that he was not in favor of the Government going into business. He said that he was not in favor of making shoes and clothing for the soldiers. Let me ask the gentleman this question: If there was but one concern in the United States that could or would make shoes for the soldiers of the Army, would he be willing to say that the Government should not then go into the business of making shoes for its own soldiers? Would he rely upon a complete and merciless monopoly to furnish necessary equipment for our soldiers? I think not.

Mr. TRIBBLE. And I can suggest right there to the gentleman that the record shows here that the Government has only one bidder for powder, and that is the Du Pont Powder Co.

Mr. PROUTY. I understand that. Every man has admitted that. I do not claim to have any knowledge or information upon this subject except what I have learned on this floor, but every man who has spoken on both sides of the House has said that they are a complete monopoly; and if the Government did not have any means of its own of making powder the Du Pont Powder people could charge any price they pleased in case of war. Is that a safe situation? I am unwilling to leave this great country at the mercy of any institution. Either break up the trust so there can be numerous manufacturers to whom we can go in time of war or have the Government equipped to take care of itself.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. CULLOP. It has been said here that through the liberality of this Du Pont Powder Co. there has been furnished to the Government all of the improved processes of making powder which it has learned in the manufacture of the same. Have they not been paid very liberally for that gratuity on their part—at the rate of 27.6 cents a pound?

Mr. PROUTY. Mr. Chairman, I was going to make that suggestion. I had a minute of it upon my paper; that if they have been kind to us some fellow has certainly been very kind to them. The facts, as disclosed by my colleague [Mr. GOOD], show that we have paid at least $1,000,000 for that courtesy, and it suggests to me—I do not know whether it so suggests itself to you—in view of what else I have heard on this floor that there is a wonderfully close working relation between certain members of the Government and this trust. I do not say that disparagingly, but it does awaken in my mind a suspicion that there is a close working relation.

[The time of Mr. PROUTY having expired, by unanimous consent he was granted five minutes more.]

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. KOPP. The gentleman stated a moment ago that one reason why he favored the Government manufacturing powder was because it was purchasing it from a monopoly.

Mr. PROUTY. Not exactly that.

Mr. KOPP. That was his direct statement. The question I have to ask is this: Does the gentleman favor the Government undertaking to manufacture every article that it uses that is purchased from a monopoly or a trust?

Mr. PROUTY. No; I did not say that. What I meant to say was this: It is the duty of the Government, if it can—and it has been shown that it can—to divorce itself from the power of the trust to throttle it in time of war.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Mr. Chairman, I believe I shall have to take a few minutes of my own time.

Mr. FOWLER. Just one question.

Mr. PROUTY. Very well.

Mr. FOWLER. I want to ask the gentleman if it is not better for the Government to go into the manufacture of material which it needs to carry on the great departments of the Government, if it becomes necessary to break up a monopoly, than to allow the monopoly to prevail and to patronize that monopoly?

Mr. PROUTY. Yes; I certainly believe that; but I certainly believe that with a commodity that is absolutely necessary in times of war, when the life of the Nation depends upon it, that the Government that has not the courage to go forward and create the instrumentality that constitutes its own instrument of defense is weak indeed, and it shows a marvelous surrender to this monopoly. Now, to go to the real thought that I arose to discuss——

Mr. SLAYDEN. Will the gentleman permit a question, in common fairness? Has anybody on the floor of the House advocated any such thing as he suggests?

Mr. PROUTY. Yes, sir; I will be frank. They may not have put it in those words, but the effect is the same. You say there is nobody who makes it but the trust, and for fear the Government might not get powder enough we are in favor of aiding the trust by buying from it, so it will not be put out of business. If that is not stimulating and encouraging and helping the trust, why I do not know anything about it. [Applause.]

Let me discuss my question for just a moment, please. Every man who has spoken on that side of the question has said when driven to the wall that the war officials have recommended this course, and that is the question that I arose to discuss. I have been in this Congress but a short time. I came from the prairies of Iowa, fresh from the people, and the few months I have spent here has raised a question in my mind whether I have any business here or not. It has become a question in my mind whether the departments are running this Government or whether the American Congress, elected by the people, are running it. I am willing that the war officials shall control certain questions, but I am not willing that the American Congress shall surrender its rights to determine great economic policies to a few fellows who are sitting down in a chair in charge of a department of this Government. Congress created these departments, and it was intended that Congress should direct them, and not that they should direct Congress. [Applause.]. We have said upon every platform in every section of this country that we are opposed to monopoly, and we are going to do what we can to protect all the individuals against the monopolistic effect of those institutions, and yet good men, honest men, stand here on this floor and advocate that the Government shall turn right around and stimulate and help these trusts by buying from them, and frankly say that they are buying of the trust so it will not go out of this business. [Applause.] Now, I would not be so deaf to the argument those people have offered—that we will not have any place to manufacture this powder—if I did not know a little about the powder business myself. I have had just a little bit of experience about that. It does not take any great plant to manufacture powder. If you give me a great big high fence, tin roof, and a few tanks, and a few chemicals, and men to handle them, I can start a powder plant. I am speaking of it in general terms. It is not like building arsenals, it is not like building great plants with vast machinery, it is an ordinary simple process after you have the chemical formula. It is almost as simple as making country soap, if you only know how. I can not do it, you can not do it, but there are fellows who can. There are fellows who can make powder who can not make soap, and there are fellows who can make soap who can not make powder. But our Government has demonstrated that it can make powder cheaper than it can buy it, and that it is just as good or better, and I am in favor of its doing it and beginning now. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLEPAGE. Mr. Chairman, this discussion has been a very beneficial one to the country and, indeed, a very educational one to the membership of this House, and I am reminded of a country scene, which I presented here, of a Texas steer, 3 years old, turned out with his head and tail up, that goes upon the range, and pretty soon the ticks begin to congregate around his legs and sides until before the fall season comes on he is literally covered with ticks sapping out his lifeblood. Well, the people in the West have arranged what they call the "dip." A hole is dug in the ground and filled with liquid, and they arrange so as to drive the steers through or make them jump or swim in this dip to get rid of the ticks that are killing the cattle. Now, what is this picture? Uncle Sam on one side has fastened upon him the Steel Trust, on another side of him the Sugar Trust, on his back the Meat Trust, on his belly the Food Trust, on his rump the Tobacco Trust, on his head the oil, paper, salt, leather, and the Lord only knows how many other trusts that the American people are bedeviled to death with, until the time has now come when the people, through this Congress, are going to apply the dip. [Applause.] Here is an opportunity to save, as I understand it, $1,120,000 per year to the American people, and it is not strange to say Republican insurgents on the other side have admitted that all these years of Republican administration of this Government, that the administration has been paying out this money year after year without any objection. [Applause from the Democratic side.] Now, Mr. Chairman, I am in favor of retrenchment and keeping our promises to the people; I am in favor of taking care of Uncle Sam as best we may, and eliminate these trusts from the body politic. There is no doubt but the Steel Trust, having been fostered by a Republican administration of this Government, has made fabulous fortunes off of the people. [Applause.] The Sugar Trust has made millions and millions off the people as the result of special privileges until the time has come when the people on the Democratic side of this House, with the assistance of the insurgent Republicans, and, God bless you, I admire and appreciate you for it, you are going to stand up in the limelight and let the people see you are going to join with the Democrats in trying to secure for the people the protection which the Government ought to give to our own people.

Let ex-President Roosevelt and President Taft cry and accuse each other of being corrupt, if they will. The people of this country are ashamed of such conduct, as it sets a terrible example before the people of this great country and humiliates us abroad in other and foreign lands.

Let us stand by our guns and defend the people of this land against graft and dishonor. Let us save the taxpayers this $1,150,000 each year by voting for this amendment, and show our colors, our interest in and friendship for our country. I am against the trusts. They have about bursted the Republican Party—the only good thing they have ever accomplished.

It is a remarkable spectacle, Mr. Chairman, that we all witness here on this occasion, when there is an opportunity to save $1,150,000 for the people. The time, I say, has come when the people are about ready to apply the dip to the trust. Let us get rid of these ticks; let the taxes be reduced; let the poor men of this country have meat on their tables at least once a day once more. When we do this, we help each other; and when we help each other, the world grows better and men nobler. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. Mr. Chairman, I will not trespass upon the time of the House except to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOBSON. Mr. Chairman, I appreciate how long this debate has run on this one amendment. I do not propose to detain the committee further myself, but there have been two references during the course of this debate which, in my judgment, were uncalled for and should not be allowed to pass without some remark. One of these references would belittle the execution of our fleet in the Battle of Santiago and the other would belittle our victory at Manila Bay.

It happens that I was in prison when the Battle of Santiago was fought, and I can, therefore, with propriety speak of it. Three days after that battle I was a member of the official board which examined every one of the Spanish wrecks. We went from stem to stern on every ship. I want this Congress to know when anyone reflects upon the marksmanship that in actuality it is not fair to compare percentages of hits on that day with percentages of hits to-day, because the conditions have been completely changed. The percentages of hits were high for those days. In addition the ships were burned fore and aft. Many shots struck them in the woodwork and inflammable portions, where they could not be counted. As we went from ship to ship we found that the execution was something remarkable, never before equaled in a fleet engagement.

Do not let anyone imagine that the Spaniards did not have good ships. They had four armored ships of the latest types in the world. They were homogeneous, of 21 knots speed. If they had come out and formed in squadron, utilized their powers of speed, and stood off and maintained 21 knots or 20 or even 19 or 18 knots, our fleet, made up of heterogeneous craft, in which we had not a single battleship of more than 16 knots speed, would have been strung out by night over a distance of 100 miles, and the Spanish fleet could have turned around and swallowed our fleet one ship at a time. What did happen? The Spanish ships of 21 knots speed made 16 knots in battle. The American ships of 16 knots speed made 17 knots in battle. [Applause.]

Ship after ship was so riddled with the fire of our shells that the conflagration that sprung up on them drove them to the beach. Admiral Cervera told me that you could not conceive how terrific the execution was aboard the ships. Speaking of his flagship, the *Teresa*, upon which the execution was not as severe as on the *Vizcaya* and *Oquendo*, he described how shot after shot came in and set them on fire, and the fire soon got beyond control. He said, "There was not a space as big as the palm of your hand where an insect could have lived. And the men had to get off of those ships or be burned." The wreckage, with dead men strewn about, showed that our execution was appalling. It could not have been greater. It is in very poor form for Members to get up superficially and reflect upon the execution of our Navy in that battle. Do you know it is the first time in the history of the world that any fleet ever totally destroyed another fleet?

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. I am not certain that the gentleman is referring to what I said.

Mr. HOBSON. Not yet; I will in a minute.

Mr. SLAYDEN. I want to say to the gentleman that I said nothing reflecting on the execution of the fleet at Santiago. What I said was that the Spaniards had poor execution.

Mr. TRIBBLE. The gentleman will recall that I paid a very high tribute to our fleet.

Mr. HOBSON. Neither of the gentlemen are involved. But I want it to be understood here that our Navy attained a marvelous efficiency in that war. There never had been a case in the history of the world before where one fleet totally destroyed another one. Neither has there been a case in the history of the world when in a fleet action one fleet gained a victory without suffering serious loss.

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MADDEN. Then it is not a fact that the inadequacy of the powder prevented the execution which the guns were able to do?

Mr. HOBSON. Of course the gentleman must realize in ballistics that the homogeneity of the powder, its uniformity, is as much of a battle factor as the gun itself in the execution of marksmanship.

That is because the sights are set on the assumption that with a certain elevation you will attain a certain range. Now, if the powder is not uniform, if the powder does not fulfill the assumed qualities of the powder in the ballastic calculations, you will either fall short or go over or vary. It is just as important a part in the marksmanship as the gun itself.

Mr. MADDEN. But, as a matter of fact, the powder did not prevent the execution on the part of the guns in the case referred to by the gentleman from Iowa [Mr. GOOD].

Mr. HOBSON. No; it did not. I wish to say, though, that it was a great pity that our Government was not supplied in the Spanish War with smokeless powder.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANNON. Make it 10 minutes if it is going to be as interesting as this.

Mr. GOOD. The gentleman referred, I suppose, to the statement that there was less than 5 per cent of hits made by the American gunners in the Battle of Santiago?

Mr. HOBSON. Yes.

Mr. GOOD. I think I said that I was merely quoting what I had read.

Mr. HOBSON. Yes.

Mr. GOOD. I would like to ask the gentleman, because I am confident he knows, what is considered to be the true percentage of hits in the Battle of Santiago?

Mr. HOBSON. I will say to the gentleman that, in my judgment, no fleet battle had ever been fought in the history of the world where 5 per cent of hits had been attained before. I do not say that such a percentage would be high now. I did not mean that.

Mr. GOOD. I will ask the gentleman what is the percentage now?

Mr. TRIBBLE. I want to say to the gentleman that the fact was brought out that the powder has to be worked over every five years.

Mr. HOBSON. They have to work over the old powder, but not so much now as formerly. The new powder is more stable.

Now, out of my prison window in Santiago I saw the Spanish soldiers using smokeless powder. It was impressed upon me so much because I could not see them. I knew where they were and could follow them by the sound, but I could not see them, whereas our troops were supplied with the smoke powder. I could see them. The effect was to put us at a very serious disadvantage.

Likewise in the Battle of Santiago, the ships of our fleet, with perhaps one exception—the *New Orleans*, I think, brought some smokeless powder from abroad—had to use the smoke powder. The Spanish fleet was using the smokeless powder. But the point I wanted to bring out is that it has been more or less a frequent occurrence in print for Americans to reflect upon the Battle of Santiago and the execution of our fleet. I wish the critics could have gone aboard those Spanish wrecks and seen where, as the Spanish admiral said, an insect could not have lived, but would have had to get out or else be burned up. That was the case with every last one of them. It was the first time in the history of the world where a fleet was totally destroyed, and it was the first time in the history of the world where the victor came off without suffering serious loss.

Now, then, as to the Battle of Manila Bay, I was likewise out there after the war, and I reconstructed the ships that Dewey sank, and I know what happened to those ships. It was a gallant and a daring thing to proceed over the mines in that harbor. The fact that those mines did not destroy our ships ought not to be any detraction from the courage and gallantry of the act of going over them. As to the Battle of Manila Bay, some Englishman said, "Why did not you close in, where they could hit and hurt you?" We stood off to reduce their execution, in a very strategic way, and we finally won a victory with the same unparalleled efficiency as won at Santiago. The Spanish ships at Manila Bay were under the protection of the Spanish guns ashore, and whenever a fleet is under such protection it puts any opposing fleet at a serious disadvantage. Dewey could not go around the Spanish ships. He could not "T" them or cap them or go across them. He had to take the fire of their shore guns as well as that of the guns of their fleet.

I do not intend to reflect upon the Spaniards. As I say, I saw the dead men on the decks of those ships. I saw a whole gun's crew where every man was dead at his post. No. 1 was just about ready to fire his gun, No. 2 was training it, No. 3 was elevating it. It was a gun's crew of the dead. I saw the men there dead at their posts of duty all over those ships. No one ought to reflect on the Spaniards, for they fought like the brave and good and noble men they were; but the point is, let it be known now, as far as I can help it to be known, that there is no occasion for any American, at least, to reflect upon those victories at Manila Bay or Santiago. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. I ask that the gentleman be given five minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Alabama have five minutes more. Is there objection?

There was no objection?

Mr. HOBSON. I will try not to take all the time. I did not intend to go so far into this question. As I understand the gentleman's amendment, it would strike $750,000 out of the appropriation?

Mr. PADGETT. No.

Mr. GOOD. It would strike out $250,000 and limit the acquisition of powder from these manufacturers.

Mr. MADDEN. As a matter of fact, what it really does is to prohibit the Government of the United States from purchasing powder under any circumstances.

Mr. HOBSON. I was not here when the amendment was offered, and only had it from hearsay. Now, as to the situation in the manufacture of powder. It has been illuminating to hear the gentleman from California [Mr. KENT] and the gentleman from Iowa [Mr. PROUTY] make statements as to the manufacture of powder, and I want to say that they are correct in

stating that it does not take a great plant to manufacture powder, but it does take organization and the development of experts, probably to a higher degree than in any other manufacturing process in the world. It would be a sound policy to increase the plant of the Government for manufacturing this material and all similar war materials that require this training. [Applause.] Our Committee on Naval Affairs has taken this into account. I believe also, equally as firmly, that where it can be properly done there ought to be encouragement for private establishments to increase their plants.

This fight comes up twice every year when the Military Affairs Committee and the Naval Affairs Committee present their appropriation bills to the House. My impression is that the agitation of this question in the last few years has brought about a decided improvement and amelioration in existing conditions, and that the resulting arrangement now adopted by the Government, by which the Army and Navy get together and practically determine the specifications and in large measure the price of powder for both services, is a sound method. We should continue it. I will not undertake a discussion of the question of the price. I am inclined to think the price is more nearly reasonable now than many Members believe. The method is a good one, and a wise course to pursue is not to be radical in any respect, but to increase the capacity of our plant and keep a watch over the price each year. Now, as to our present plant—when the gentleman says we can practically treble our capacity that would mean three shifts a day, and we do not want that. You ought to have a larger capacity, so that you can run up our production of powder to double or treble what it is now on a single shift. That ought to be our policy.

Mr. GOOD. Will the gentleman yield?

Mr. HOBSON. I will.

Mr. GOOD. Considerable has been said in regard to the credit due to the Du Pont Powder Trust for developing smokeless powder. My opinion is, and I have tried to get at it from every source, that the real credit belongs to the officers of the Army and the Navy of the United States.

Mr. HOBSON. I am glad the gentleman brought that up, because some of the officers of the Army and Navy have practically devoted their lives to that matter and have taken great risk when the experiments in that direction were unsafe. I want to pay tribute to the late Lieut. Commander Bernadou, who was wounded at the time Bagley was killed. Bernadou put in years at Newport at the torpedo station when we began to develop the plant. He was assigned to the duty of investigating the development of smokeless powder. We had other expert officers, and if I had time I would mention them and describe the history of the development of powder by our officers. I do not believe that we ought to detract from the credit that properly belongs to private firms in this country, and all countries—it is true they did it for their own commercial advantage—and I do not believe that credit should be given them one jot or tittle more than is due to our officers and specialists in the Army and Navy. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I suppose what I shall have to say will fall flat after the speech of the eloquent gentleman from Alabama [Mr. HOBSON]. But I am somewhat surprised at the arguments made by some Members against this amendment, and also astonished at the weight it seems to have had. This amendment provides for reducing the expenses of the Government $250,000, and there is really no sound argument against it. It is said by some of those who have spoken that it is necessary for us to buy from the criminal trusts, for instance, so that we may be able to have powder in time of war. Do not you gentlemen think it would be much safer for the Government to save the $250,000 a year and establish and equip plants of its own which it would have absolute control of?

I want to say that many bugaboos have been presented here and through the newspapers of the country about a war. I want to warn those who are here and the people in this country, and you can take it from history of the wars in the past, that the greatest danger we have of a war is from the plutocracy of this country operating through the trusts and the system at the present time. [Applause.] It is remarkable that gentlemen say the trusts are condemned, and ought to be condemned; but it does not seem so by the action of this Congress. It is true we made the effort to have this same thing done in a previous bill, but failed. I believe that if the constituents of any Member of this House knew the conditions that exist and the harm that the trusts have done to the country, any man who would vote to favor the trusts and the profits that they are making, as this bill provides without this amendment, it would be at the sacrifice of his position in this House.

I want to say that I could not go back and face my constituents under the charge that I had voted against an amendment of this kind to reduce the cost to the Government $250,000 annually, also protect it against the inroads that the trust is making on it.

Now, the argument is raised when some of us desire that the Government shall construct its own battleships, that it costs too much money. We are weighing, then, the profits of the big business in the scale, and the argument is that it costs the Government too much, and therefore we ought not to do it. The statement is made by the officials of the Navy Department that it costs the Government 50 per cent more to construct battleships at the Government yards than it does in the private yards of private shipbuilding corporations. Let us see if that be so. If it be true, it is due to bad management. Let us suppose that bad management exists in the powder factories. If it were properly managed, where it is now understood that it costs 33 cents a pound, if properly managed, if there is the same difference in cost in this powder factory that exists in other bureaus, instead of its costing the Powder Trust what it claims it should, it may only cost them about 22 cents a pound to manufacture the powder.

I would not be surprised if we really found, after you take out the dividends on the large blocks of watered stock and the excessive salaries that are paid and other extravagant payments, that powder could be produced for 22 cents a pound instead of what is claimed by the Powder Trust. It has been said that figures will not lie but that liars will figure, and I have found in my experience that the reason that the criminal trusts and corporations of the country pay their agents large salaries is for the purpose of effectively deceiving the people. [Applause.]

Mr. PADGETT. Mr. Chairman, at the conclusion of my remarks I desire to take a vote. I have already indulged this debate quite a while. I now ask unanimous consent that I may have 10 minutes, and then I shall ask for a vote.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. HEFLIN. Mr. Chairman, does the gentleman propose at the end of that time to conclude the debate?

Mr. PADGETT. Yes. It has been running since 11 o'clock.

Mr. HEFLIN. I would like to have five minutes myself.

Mr. PADGETT. The gentleman can have five minutes at some other time on something else.

Mr. HEFLIN. But I want five minutes upon this particular subject, because I am in favor of the amendment.

Mr. PADGETT. Then I shall yield the floor now, Mr. Chairman, and let the gentleman from Alabama proceed for five minutes, but I must close this debate.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HEFLIN. Mr. Chairman, it seems to me that this is a perfectly plain proposition of economy for the Government, that it is a safe and sane step for this Congress to take. There is a difference of 14 cents per pound in powder manufactured by the Government for its own use and that purchased from the Powder Trust. Can any gentleman hesitate as to how he will cast his vote with that proposition looking him in the face? And yet we are frightened here with suggestions that something might happen to the Government powder plant and you could not buy powder on the outside. I have never seen the occasion arise in this House when the trusts were involved, and Members here were seeking to overthrow or dissolve them, that the trusts did not try to frighten us away from our purpose. [Applause.] If you permit this trust to flourish to the destruction of the Government powder-manufacturing establishments, what would you do in case of war with the Government out of the business of manufacturing powder for its own use? [Applause.] We would be helpless in the hands of the trust. How high would the price of powder go under those conditions? [Applause.] You remember the cotton famine during the war, from 1860 to 1865? Cotton sold for $1.27 a pound. Cotton was scarce. What would this Powder Trust do in case of war? It would put the price of powder high. Sixty cents a pound would not touch it. It would be $1.20 a pound; it might be $2.50 a pound. By the step suggested by this amendment we encourage the Government to make its own supply of powder, and we are dealing a body blow to one of the greatest trusts in the United States. [Applause.] Let us go back to the country, this side, at least, and say that we have kept our pledges; that we have fulfilled our platform, and that whenever we could we dealt a

blow to every trust that came within reach of this Democratic House. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I further ask unanimous consent that at the conclusion of my remarks debate on the paragraph and all amendments thereto be closed.

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, does that deny the right to introduce further amendments?

Mr. PADGETT. Not to introduce them, but it does to debate them.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and pending amendments close in 10 minutes. Is there objection?

Mr. TRIBBLE. Mr. Chairman, I object. I do not want to speak myself, but I object to the latter part of that request.

Mr. PADGETT. Then, Mr. Chairman, I move that at the end of 10 minutes debate on the paragraph and all amendments thereto close.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that at the expiration of 10 minutes debate on the paragraph and all amendments thereto close.

Mr. TRIBBLE. Mr. Chairman, I withdraw my objection.

The question was taken, and the motion was agreed to.

Mr. PADGETT. Mr. Chairman, I desire in the few minutes that I shall occupy to address myself to the conservative judgment and the business sense of the committee. When I was a boy I heard the remark that whenever a preacher did not have much sermon he jumped on the Jews. [Laughter.] I know it is an easy matter to jump on the trusts. It is popular, and it finds a responsive chord. I have no more sympathy with the trusts than the most extreme man in this body; but that is not the question before this House. What is the proposition? It is that the Government, under no circumstances, under no condition or crisis that might arise within the fiscal year, could purchase a pound of powder.

Now, is that a sensible, conservative proposition? Can we forecast the events until July 1, 1913, and tell what contingencies or what emergencies might arise and say we will absolutely tie the hands of the Government and forbid the purchase of powder?

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. I can not in the time I have.

Mr. GARNER. It is a question at that point with reference——

Mr. PADGETT. I can not yield in the time, but must proceed with my remarks.

Mr. GARNER. I think it is unfair for the gentleman to cite as an illustration an emergency of that kind, when he should know that we could not have it without consideration of the Congress.

Mr. GOOD. Will the gentleman yield to me for just a correction? Does not the gentleman know we have already appropriated over two and a half million dollars that can be used for the purchase of powder in that time? [Applause.]

Mr. PADGETT. Of course, there are some appropriations, but I am speaking about this one. Now, let me invite your attention to some facts. The devil is entitled to his due. It is said that the Du Pont people are a trust. Assuming that they are and granted that they are. When the Spanish-American War broke out they did not raise the price of powder one fraction of a cent during the whole Spanish War, but continued to sell powder to the Government during the war at the same price at which they had been selling it under the conditions prior to the war. I want to state another fact, that the Government, in the exigencies of the war, made a contract for a very large amount of powder, and when the war terminated and we did not need the powder the company voluntarily gave up its contract, and told the Government to pay simply for what they had purchased and used, and they canceled the surplus and unused part of the contract. That is in the testimony before the committee taken two years ago. Now, then, I want to call attention to another fact. The gentleman from California [Mr. KENT] stated that the whole investment of the Government in the powder plant at Indianhead and Picatinny, in New Jersey, near Dover, was something a little over four hundred and twenty-odd thousand dollars.

Mr. GOOD. In each plant.

Mr. PADGETT. In each plant. As a matter of fact, if the gentleman will look on page 111 of the present hearings before the Naval Committee he will find that the value of the plant, as submitted by the bureau, for the manufacture of powder and the reworking of powder at Indianhead is $1,422,840. Now, let me call attention to another fact. We say it is a trust. The essential conditions will always make it so. There is only one purchaser for smokeless powder; that is the Government; and there only being one purchaser, there will never be but one manufacturer, because the Government does not purchase and does not use enough to justify the investment and the business enterprise of manufacturing this much smokeless powder used for large arms.

The amount of smokeless powder that is sold to the Government is a very small percentage of the output of their factories. It is a side product, so to speak. Now, then, if you destroy this enterprise you can only replace it with some other single unit. You can not and will not have two manufacturers under individual enterprises. Now, what are the facts further? The Government prescribes the conditions, the requirements, and specifications according to which the powder is to be manufactured, and the Government fixes a board composed of Army officers and Navy officers who fix the price. Now, then, when the Government fixes the quality of the powder and fixes the price of the powder, is not that a fair determination of that transaction, whether it is a trust or is not a trust? The Government fixes the price at which it purchases the powder. Now, the gentleman from Iowa [Mr. GOOD] made the statement, as I understood it, conveying the impression that the powder company was selling powder at more than $1 a pound and continued at that price until Congress fixed a limitation upon the price. My recollection is that when Congress fixed the limitation at 64 cents, the first time they fixed the limitation upon the purchasing price, powder was selling under the price fixed by the company and the joint Army and Navy board at 68 to 70 cents instead of a dollar and something.

Mr. GOOD. The gentleman realizes the price originally obtained was $1.60 a pound.

Mr. PADGETT. Several years before that when it was in an experimental stage, when we first began to make smokeless powder—like everything else. I believe that there was a time when steel rails in this country sold at $80 or $90—$100, some one says. Reduction, volume of business, improvement in process and methods have gradually carried this down, like other things; and now, gentlemen, we come back to deal with this question as business men. The Government is manufacturing powder. Only last year the Naval Committee reported an appropriation, and it became the law, appropriating $250,000 to enlarge the plant at Indianhead, showing that we are not neglecting that enterprise. Only within the last year the $250,000 has been used, but you realize that under Government manufacture, under Government operation, you can not in an emergency have an expansion and an enlargement of business, as you can under individual enterprise and initiative. Do we desire to place the Goverment absolutely upon its own manufacture, with all the machinery that is required to expand, which we know is slow and awkward in its movements?

We do not desire to place the Navy dependent solely upon one institution. We want our own and we want others. If we destroy the one that we have, we have either to substitute somebody else or have to rely absolutely upon ourselves. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 37.

Mr. PADGETT. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Tennessee, Mr. PADGETT, and the gentleman from Iowa, Mr. GOOD, will take their places as tellers.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] The point of no quorum made by the gentleman from Illinois [Mr. MADDEN] is well taken.

The Clerk will call the roll.

Mr. SLOAN. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The inquiry is not in order. The Chair, in the absence of a quorum, has directed the Clerk to call the roll.

Mr. YOUNG of Kansas. Mr. Chairman, I ask unanimous consent to have the amendment reported.

Mr. BARTLETT. There is nothing in order except the calling of the roll.

The CHAIRMAN. There is nothing in order except the calling of the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Davis, W. Va.	James	Plumley
Aiken, S. C.	De Forest	Johnson, S. C.	Porter
Allen	Denver	Kahn	Post
Ames	Dickinson, Mo.	Kendall	Prince
Anderson, Ohio	Dickson, Miss.	Kindred	Pujo
Andrus	Difenderfer	Kinkead, N. J.	Randell
Anthony	Donohoe	Kitchin	Redfield
Ashbrook	Draper	Konig	Reilly
Ayres	Driscoll, D. A.	Lafean	Reyburn
Barchfeld	Dupré	Lafferty	Roberts, Nev.
Bartholdt	Evans	Langley	Roddenbery
Bates	Fairchild	Lee, Ga.	Rodenberg
Beall, Tex.	Fields	Legare	Rouse
Bell, Ga.	Fowler	Lever	Rucker, Colo.
Berger	Fuller	Levy	Rucker, Mo.
Bowman	Gallagher	Lindbergh	Scully
Bradley	Gardner, Mass.	Lindsay	Shackleford
Broussard	Gardner, N. J.	Linthicum	Sheppard
Brown	Glass	Littleton	Sherley
Browning	Goeke	Lloyd	Sherwood
Burgess	Goldfogle	Loud	Slemp
Burke, Pa.	Gould	McCall	Small
Burke, S. Dak.	Gray	McCoy	Smith, Cal.
Burke, Wis.	Griest	McDermott	Sparkman
Burleson	Gudger	McGillicuddy	Speer
Burnett	Guernsey	McHenry	Stack
Byrnes, S. C.	Hamill	McLaughlin	Stanley
Calder	Hamlin	Malby	Sulzer
Campbell	Hanna	Mann	Sweet
Cannon	Hardy	Mays	Switzer
Cantrill	Harrison, N. Y.	Miller	Taylor, Ala.
Carlin	Hartman	Moon, Pa.	Thomas
Carter	Hayes	Moore, Pa.	Townsend
Clark, Fla.	Helm	Moore, Tex.	Utter
Claypool	Henry, Tex.	Mott	Vare
Cline	Hill	Murdock	Vreeland
Connell	Hinds	Norris	Warburton
Copley	Hobson	Nye	Wickliffe
Covington	Howland	Olmsted	Wilder
Cox, Ind.	Hubbard	O'Shaunessy	Wilson, Ill.
Cox, Ohio	Hughes, Ga.	Parran	Wilson, N. Y.
Cravens	Hughes, N. J.	Patton, Pa.	Witherspoon
Currier	Hughes, W. Va.	Pepper	Woods, Iowa
Davenport	Humphreys, Miss.	Pickett	

Thereupon the committee rose; and Mr. UNDERWOOD having assumed the chair as Speaker pro tempore, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, finding itself without a quorum, the Chairman had ordered the roll to be called, 181 Members answered present, and that he presented herewith the list of the absentees.

The committee resumed its session.

The CHAIRMAN. Tellers on the amendment offered by the gentleman from Iowa [Mr. GOOD] have been ordered, and the gentleman from Tennessee, Mr. PADGETT, and the gentleman from Iowa, Mr. GOOD, will take their places as tellers.

The committee again divided; and there were—ayes 91, noes 54.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $125,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word of this item on lines 12 and 13 for the purpose of asking the chairman of the committee a question. I notice that the committee has enlarged the appropriation for machinery, cupolas, furnaces, and for new foundry. This is a new item in the bill, is it not?

Mr. PADGETT. No. In the appropriation bill of last year a new foundry was authorized, and also its equipment, and the limit of cost of all equipment was fixed at $125,000. But upon investigation we find that $100,000 will be sufficient, and we are reporting only $100,000 instead of $125,000 as authorized in the bill of last year.

Mr. MADDEN. Was any part of the $100,000 appropriated last year left?

Mr. PADGETT. Nothing was appropriated last year. It was only an authorization made.

Mr. MADDEN. Was any money expended on the equipment?

Mr. PADGETT. Yes; on the furnaces, but not on the equipment.

Mr. MADDEN. This is a saving of $25,000?

Mr. PADGETT. Yes.

Mr. MADDEN. I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his pro forma amendment.

Mr. PADGETT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 19, line 12, after the word "furnaces," insert the words "foundry equipment."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For lining and hooping to the muzzle 8-inch 40-caliber Mark V guns, $60,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee whether this is not a new item, this appropriation of $60,000, and whether it is deemed to be essential?

Mr. PADGETT. It was not in the bill of last year. Of course, in these matters of repairing and modernizing the different guns the amounts may vary in different years. Some years certain guns will have to be modernized, and the next year a different type may be modernized, owing to different contingencies in the service. This is in the general proposition of modernizing and repairing and improving the guns in the Navy.

Mr. MADDEN. Mr. Chairman, I withdraw my pro forma amendment.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his pro forma amendment, and the gentleman from Texas [Mr. GREGG] moves to strike out the last two words.

Mr. GREGG of Texas. Mr. Chairman, on Thursday I made an address to the House in which I undertook to demonstrate the top-heavy and deplorable condition of our Navy because of our shortage in torpedo craft protection, such as destroyers and submarines and other necessary auxiliaries. This morning's Washington Post has an editorial, possibly inspired, in which it admits that top-heavy condition, but shifts the responsibility from the Navy Department to the Committee on Naval Affairs and to the House.

Now, what are the facts? In 1909 the Secretary of the Navy, in the building program recommended by him to Congress, asked for two battleships and one repair ship. The Committee on Naval Affairs recommended and the House authorized two battleships, two fleet colliers, four submarines, and six torpedo-boat destroyers. Congress therefore authorized ten times as many of these auxiliaries as the Secretary of the Navy submitted in his building program.

In 1910, in the building program submitted by the Navy Department, there were recommended two battleships, one collier, one gunboat, one river gunboat, two seagoing tugs, two submarine torpedo boats, and one submarine tender. The Committee on Naval Affairs recommended and the House authorized two battleships, two fleet colliers, eight torpedo-boat destroyers, four submarines, one submarine tender, one gunboat, one river gunboat, and two sea-going tugs. In this instance we authorized twice as many of the auxiliaries as was recommended in the building program of the Navy Department.

In 1911 the Navy Department, in its recommended building program, advocated the construction of two battleships and two colliers. The committee, however, has this year recommended two fuel ships, six torpedo-boat destroyers, one tender to the destroyers, and four submarine torpedo boats. So in this case we have recommended six times as many of these necessary auxiliaries as were recommended in the building program of the Secretary of the Navy.

Now, why should a newspaper with the pretensions of the Washington Post publish an editorial without taking the trouble to inform itself, so as not to mislead its readers? This recklessness has destroyed the power of the press as molders of public opinion in this country. The people know that some of the newspapers ignorantly mislead them and that others willfully deceive them; therefore they lose confidence in the whole.

This is not true of the entire press of the country. I am glad to say that the largest portion of the press is reliable and dependable; but the few have destroyed confidence in the whole, just as a few shysters bring discredit upon the whole profession of lawyers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For modifying 5-inch 50-caliber Mark V guns, $75,000.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, and I ask that it be considered as pending.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 4, page 20, insert the following: "*Provided*, That no part of the several appropriations named hereinbefore for new batteries for ships of the Navy shall be expended for the purchase, manufacture, construction, or repair of such of the materials named hereinbefore, as manufactured in a Government establishment, from or by any person, firm, or corporation which has not at the time of the commencement and during the prosecution of said work established an 8-hour work day for all employees, laborers, and mechanics engaged, or to be engaged, in the work on the materials named hereinbefore."

Mr. BUCHANAN. I ask unanimous consent that that amendment be considered as pending, like the other one, and that the paragraph be passed over.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this amendment be considered as pending and that the section be passed for the present. Is there objection?

There was no objection.

The Clerk read as follows:

Small arms and machine guns: For new small arms and machine guns for ships, $203,000.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order to the paragraph, commencing with line 15 on page 20 and ending with line 21.

Mr. PADGETT. That paragraph has been passed and the next paragraph has been read.

The CHAIRMAN. The gentleman from Indiana is too late, because that paragraph has been passed.

Mr. CULLOP. I ask unanimous consent to return to it.

Mr. PADGETT. I decline to do that.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] has offered an amendment, which must first be read.

The Clerk read as follows:

After the word "dollars," in line 24, page 20, insert the following: "*Provided*, That no part of this appropriation shall be expended for the purchase or manufacture of such small arms or machine guns, for ships, as have been or are being manufactured in a Government establishment, from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of the work on said small arms and machine guns established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the materials named herein."

Mr. BUCHANAN. I ask unanimous consent that this amendment be pending until the end of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this amendment be pending and that the paragraph be passed for the present. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Chairman, I move to return to the paragraph indicated by me.

The CHAIRMAN. The gentleman from Indiana can not move to return. He will have to ask unanimous consent.

Mr. CULLOP. I ask unanimous consent to return to that paragraph in order that a point of order may be reserved or made against it.

Mr. PADGETT. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to return to the paragraph beginning with line 15, page 20. Is there objection?

Mr. PADGETT. I object.

The CHAIRMAN. The gentleman from Tennessee objects. The clerk will read.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterment, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, including salaries of the necessary clerical force and office expenses in the Navy Department, at Washington, D. C., $125,000.

Mr. MADDEN. Mr. Chairman, I make a point of order against the language in line 8, down to and including the words "District of Columbia," in line 10, page 22.

The Navy Department has no authority to expend money for salaries, clerical force, and office expenses in the city of Washington. That is an item which should be provided in the legislative, executive, and judicial appropriation bill.

Mr. PADGETT. Will the gentleman reserve his point of order?

Mr. MADDEN. I will.

Mr. PADGETT. The legislative, executive, and judicial appropriation bill has provided, as it passed the House and is pending in the Senate, for these clerks, but directs that it shall be paid out of this money. I think the provision had better be left in here. The authorization for clerks is a matter that belongs in the legislative bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call attention to the fact that if this provision is allowed to remain in the bill as written it will give this bureau not only the clerical assistance allowed in the legislative bill, but an unlimited authority to employ any additional number.

Mr. PADGETT. Not at all, because it expressly limits it in the legislative bill to the number specified.

Mr. BYRNS of Tennessee. There is no limitation on the number in this bill, and, if passed, it will be subsequent to the other and will supersede it.

Mr. PADGETT. I acknowledge that it is subject to a point of order, if the chairman please.

Mr. MADDEN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSS. Mr. Chairman, I will state that I hold in my hand a bill which has been reported to the House to improve the efficiency of the naval militia of the several States.

Mr. PADGETT. Will the gentleman allow me to make one observation?

Mr. FOSS. I will yield to the gentleman.

Mr. PADGETT. I think the gentleman from Illinois has gone a little too far in his point of order. I do not think he intends to cut off the office expenses. He ought to limit his point of order to the clerks that go in the legislative bill, "including salaries of the necessary clerical force," and leave the words "office expenses" in.

Mr. MADDEN. Then, Mr. Chairman, I will modify my point of order in accordance with the gentleman's suggestion.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order against the words which the gentleman from Tennessee has just pointed out, "office expenses."

Mr. PADGETT. I will say to the gentleman that the office expenses are always provided for in this bill and do not come under the legislative bill.

Mr. BYRNS of Tennessee. What are the office expenses?

Mr. PADGETT. Furniture and supplies amounting to $404.88.

Mr. BYRNS of Tennessee. This is not a new provision.

Mr. PADGETT. It was put in last year for the first time.

Mr. BYRNS of Tennessee. They have furniture and supplies connected with the office now.

Mr. BARTLETT. If the gentleman will allow me, I want to suggest that if it were necessary to have additional money for office expenses it ought to have been provided for by the legislative bill and been estimated for. No estimate was submitted, and therefore the Appropriations Committee made no appropriation.

Mr. PADGETT. The legislative bill provides for salaries but does not undertake to provide for these expenses.

Mr. BARTLETT. But the legislative bill would provide for these expenses if there had been any estimate furnished by the head of the Navy Department, or anything presented to the committee showing it to be necessary.

Mr. PADGETT. I understand that the legislative bill does not take care of it; that the jurisdiction of those items does not pertain to the committee.

Mr. BYRNS of Tennessee. I think the gentleman is mistaken. It has jurisdiction of all the bureaus in the city of Washington, and if the head of the department had come before the Committee on Appropriations and asked for it in the usual and proper way it would have been allowed if proper. I want to suggest to the gentleman, when he says that there may be some money needed for furniture, that this office has been in existence but a little more than a year and evidently does not need furniture, and I presume when the head of the bureau came before the Appropriations Committee he did not ask for anything of the kind for that reason.

Mr. PADGETT. No; it was submitted to our committee. It is an old office and has existed for a great many years.

Mr. BYRNS of Tennessee. The proper committee for the head of the bureau to have gone before to ask for such expenses was the Committee on Appropriations and have it go in the legislative appropriation bill. Now, this is a practice that not only creates confusion, but is liable to involve the Government in a great deal of useless expense. If we have supplies in one bill and a little in another bill, there is great danger of confusion and unnecessary expense. There ought to be one bill for these items, so that the House may understand when it makes an appropriation that it is making the entire appropriation necessary for the year.

Mr. BARTLETT. I submit that the estimates ought to have been submitted to the Committee on Appropriations, the com-

mittee authorized by the rules of the House to provide for all these items.

Mr. BYRNS of Tennessee. Precisely.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to suggest to the gentleman from Tennessee that, so far as my knowledge goes, the Committee on Appropriations have not heretofore provided for furniture in the Bureau of Navigation or the Marine Corps or any of the subdivisions of the Navy Department. They provide for the clerical force and the naval appropriation bill carries in it the provisions for the supplies and office expenses. Under this wording here, "office expenses," are included not only such small items of furniture as they need, but stationery, pens, ink, and things of that sort.

Mr. BYRNS of Tennessee. Mr. Chairman, if the gentleman will get the legislative, executive, and judicial appropriation bill which passed the House and is now pending in the Senate, he will find a liberal appropriation made in that bill for all the office expenses necessary—furniture, stationery, and everything else for the running of the offices in Washington—and I repeat that if we are to provide in one bill for the expenses of an office, and in a separate bill, a bill which does not have jurisdiction of these matters, an additional appropriation for the same purpose, the House will never be able to know what it is appropriating. In other words, it would be a double appropriation for the same purpose. I insist, for that reason, on the point of order.

The CHAIRMAN. The Chair has already sustained the point of order.

Mr. FOSS. Mr. Chairman, as I stated before, the Committee on Naval Affairs has unanimously reported a bill which is now on the calendar of the House to promote the efficiency of the Naval Militia. This bill is meritorious, and passed the last Congress and, I believe, the preceding Congress. I realize that it is subject to a point of order, but I ask unanimous consent that I may offer it as an amendment and that it may be considered as pending at this time.

The CHAIRMAN. Does the gentleman desire to have the bill read?

Mr. FOSS. Mr. Chairman, I simply ask unanimous consent that this bill—the Naval Militia bill—may be offered as an amendment in connection with the naval appropriation bill at this time and be considered by the committee.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill (H. R. 2588) to promote the efficiency of the Naval Militia, and for other purposes, which is now on the calendar, be offered as an amendment at this particular time. Is there objection?

Mr. RUBEY. Mr. Chairman, reserving the right to object, I would like to have the matter explained a little bit.

Mr. FOSS. Mr. Chairman, I would say to the gentleman that this practically defines the relations of the Naval Militia to the Regular Navy and puts the Naval Militia on practically the same basis as the Regular Militia to the Army is under the Dick bill, which was passed a number of years ago.

Mr. RUBEY. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri objects.

The Clerk read as follows:

Equipment of vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; purchase, repair, and exchange of typewriters for ships; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; aviation outfits; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, docks, and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of land as necessary for sites for wireless telegraph shore stations; instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in wireless telegraphy at the naval wireless telegraph laboratory; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus, $3,843,300: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1913, shall not exceed $209,093.60: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for wireless telegraph shore stations shall not exceed $50,000: *Provided further*, That the total expenditures under this appropriation at the naval wireless telegraph laboratory shall not exceed $5,000.

Mr. RAUCH. Mr. Chairman, I reserve the point of order against the second proviso, beginning on line 23, page 24, providing for a sum to be paid out of this appropriation with reference to land.

Mr. PADGETT. Mr. Chairman, I want to say to the gentleman in that connection that it is not authorizing an additional amount, but we are placing a limitation on the amount that may be expended out of the general sum to not exceed a certain amount. There are wireless stations and they desire to get land along the Atlantic coast and some on the Pacific coast in developing a shore-station wireless system. We are limiting the amount that they may expend for land for that purpose.

Mr. RAUCH. How many stations are intended to be covered?

Mr. PADGETT. My recollection is seven or eight.

Mr. RAUCH. I would ask the chairman of the committee if the station near the city of Washington is included in this proviso?

Mr. PADGETT. The next paragraph provides for the land for the Arlington station. I also understand that some is wanted down on the Florida coast and some in Alaska, and they want to get one on the Pacific coast. I could not say, without refreshing my recollection, as to the other points.

Mr. RAUCH. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The following-described part of the Government land in Alexandria County, State of Virginia, known as the Arlington estate is hereby transferred to, and placed under the control and jurisdiction of, the Navy Department for use for naval purposes: Beginning with the stone monument at the southwestern corner of the Arlington Military Reservation, Va., and extending thence north 4° 5′ west 633.34 feet to a stake; thence south 89° 5′ east 1,110.23 feet to a stake; thence south 10° 44′ east 404.89 feet to a stone in the southern boundary of said reservation; thence south 79° 16′ west 1,160.7 feet to the place of beginning, containing 13.4 acres more or less. All bearings refer to the magnetic north.

Mr. TILSON. Mr. Chairman, I reserve the point of order against the paragraph in order to ask the gentleman from Tennessee to explain just what this does.

Mr. PADGETT. Mr. Chairman, the gentleman knows that over here on the Arlington property they are building a powerful wireless station.

Mr. TILSON. The towers are quite visible from the Capitol.

Mr. PADGETT. Yes. The land on which it is built is under the jurisdiction and control of the War Department. The War Department and the Navy Department have recommended that this little portion of land on which this wireless station is situated be placed under the jurisdiction of the Navy Department. The Navy Department operates and has control and jurisdiction of the wireless telegraph.

Mr. TILSON. Then it is entirely with the consent of the War Department?

Mr. PADGETT. Yes, sir.

Mr. TILSON. And it is not sufficient to interfere with Fort Myer or the reservation there?

Mr. PADGETT. It is only a question of the control of jurisdiction. Of course the Government still owns the land and it is only a question of the Navy Department having jurisdiction and control over that small part of 13 acres out of the one or two thousand acre tract over there on which the wireless towers are built.

Mr. TILSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For the purchase of battle compasses for ships of the Navy heretofore completed, $120,000.

Mr. RUBEY. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. PADGETT. I will be glad if the gentleman will state his point of order.

Mr. RUBEY. I understand that this is new language, is it not?

Mr. PADGETT. No, sir; the purchase of compasses and outfittings for ships is entirely in order, and also the caring for those we purchase. This is a purchase of new kind of compass, but it is not a new business and the point of order does not lie, nor is there any law prescribing what kind of compasses shall be purchased. We are buying these compasses, which are considered to be the best, for the purpose of putting

them on ships, it being considered that they are the most reliable compass for navigation.

Mr. RUBEY. Mr. Chairman, I reserved the point of order for the purpose of getting information. I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman whether we could not reach some agreement about the next section, whether it should be passed without prejudice? I do not want to lose my right to offer an amendment to the paragraph.

Mr. PADGETT. The gentleman can offer his amendment and then we can agree to pass it by without prejudice, if he desires to do so, until we reach the other part of the bill.

Mr. HUMPHREY of Washington. The gentleman prefers to have the amendment pending?

Mr. PADGETT. Yes, sir.

Mr. HUMPHREY of Washington. I withdraw the pro forma amendment.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,000,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 7, after the word "dollars," insert:
"*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of Navy vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or in the Philippine Islands, or to navy yards situated in those islands."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order upon the amendment. Then the gentleman from Tennessee desires to pass this paragraph with this amendment pending subject to the point of order worded that the undisputed parts of the bill may be read and then return to it?

Mr. PADGETT. Yes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that this amendment may be considered as pending, that the point of order be reserved against the amendment, and that the section and amendment may be passed without prejudice for the present. Is there objection?

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry. I desire to know—of course, this amendment as offered will be printed in the RECORD, so Members will see what it is?

Mr. PADGETT. That is the reason I ask that it be passed now.

Mr. HUMPHREY of Washington. It will be understood we return to this paragraph and dispose of it before the item for the increase of the Navy.

Mr. PADGETT. Yes; we want to dispose of everything before we take up the increase of the Navy.

Mr. HUMPHREY of Washington. I would like to have that understood.

Mr. LITTLEPAGE. If the gentleman will permit, I would like to ask him how soon this matter will be reached.

Mr. PADGETT. I can not tell the gentleman exactly, but I would presume we would reach it upon the next day in which we had a full consideration of the bill. We may reach the item some time in the afternoon or might not reach it; but I think we would reach it during the next full day's consideration.

Mr. LITTLEPAGE. That would be likely on Monday or Tuesday?

Mr. PADGETT. I do not know we will get Monday, but we will get Tuesday, and I am going to try to get Monday.

Mr. TRIBBLE. What is the purpose of carrying this to the heel of the bill?

Mr. PADGETT. It is a question that has been up before, and we want to dispose of the undisputed parts; and then Members want to see the amendment in the RECORD, so as to be able to familiarize themselves with it.

Mr. TRIBBLE. What is the difference between this and the one we had up on yesterday which Members of the committee had never seen and the gentleman refused to allow it to take its course, although I, as a member of the committee, requested it?

Mr. PADGETT. Because we had the matter under debate, and we had been debating it when the request was made.

Mr. TRIBBLE. I do not know that I object, but I can not see the difference. If any, I think the difference is in my favor.

Mr. PADGETT. We were in the heat of debate when the request was made.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to House joint resolution 142.

The message also announced that the Senate had passed the following resolution (S. Res. 320):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President pro tempore of the Senate, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power wireless telegraph stations (cost not to exceed $1,000,000), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, $400,000, to be available until expended.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the item.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the paragraph.

Mr. FITZGERALD. I desire to ask the gentleman from Tennessee [Mr. PADGETT] what is contemplated by this provision?

Mr. PADGETT. I think it fairly well explains itself. It is to establish a world-wide wireless-telegraph system, with a station in Panama, one on the California coast, one in the Hawaiian Islands, one in Guam, one in American Samoa, and one in the Philippines.

Mr. FITZGERALD. What expense will be involved in addition to the million dollars limited here?

Mr. PADGETT. I do not think a great deal will be involved. There will be one operator at each place, of course.

Mr. FITZGERALD. Is this a matter of very great urgency?

Mr. PADGETT. It is regarded as such, especially so in view of the disaster of the *Titanic* recently.

Mr. FITZGERALD. Mr. Chairman, there are several objections I have to the item. One of them, if there were no others, is the provision providing for the station on the Isthmus of Panama. Conditions on the Isthmus are such that the wireless station necessary there should not be under the control of the Navy Department, but should be under the control of the operating force of the canal. At present the Government has a wireless station at the Isthmus of Panama and the information necessary to be obtained from vessels approaching the canal is obtained only with the utmost difficulty.

The only messages, I was informed, that were ever transmitted with any degree of rapidity are the messages which announced the success of the Naval Academy in athletic contests with the Military Academy. In the operation of the canal it will be of the utmost importance that information be furnished to those in charge as to the approach of vessels, so that arrangements may be made for their passage and as to the character and amount of supplies. The information should not be sifted through some other source. But there is another reason why at this time I am very strongly opposed to this provision. The act of June 22, 1906, provides as follows:

Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

The act of March 4, 1909, provides:

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year,

and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how, in his judgment, the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not, in his judgment, practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The purpose of these provisions is very apparent. They were enacted to put an end to the practice that had been existing of transmitting to Congress estimates which were palpably insufficient, and after the annual statement was issued to the press by the Secretary of the Treasury as to the relative situation regarding estimates for appropriations and revenues, subsequently to flood Congress with an accession of new estimates, making the statement absolutely worthless.

They were enacted further to place upon the President some responsibility for the expenditures of the Government and to compel him to exercise some authority in preventing estimates being submitted to the Congress grossly in excess of the estimated revenues. No estimate was submitted for this particular service in the regular estimates, but in a letter dated March 2, 1912, it was submitted as a supplemental estimate. In compliance with the law requiring the head of the department to state the reasons for its imperative necessity and for its omission from the regular estimates, the following was submitted to the Congress by the Secretary of the Navy through the Secretary of the Treasury:

I have the honor to transmit herewith, for transmission to Congress, a supplemental estimate of appropriation required for the Naval Establishment for the fiscal year ending June 30, 1913, as follows:

Bureau of Equipment: Navy wireless telegraph stations, $1,000,000.

This item was not included in the original estimates transmitted to you for transmission to Congress, as the department was desirous of keeping the total of the estimates to as low a figure as possible.

In other words, for the purpose of misleading the public and the Congress, an estimate, which is now submitted as necessary for the public service, was withheld from the Congress until after the statement issued by the Secretary of the Treasury had been made.

I took occasion at the outset of this session of Congress to call attention to the fact that the statement made by the Secretary of the Treasury to the effect that this administration was submitting for the next fiscal year estimates lower than the estimated revenues for the next fiscal year was grossly misleading.

I recall that in some of the partisan press of the country my statement was very severely condemned. Yet this is but one of several instances in which the departments have shown a contempt for the law of the land by presuming to send in such a statement as a compliance with the requirement that they should submit no new or supplemental estimates other than those included in the regular Book of Estimates, except to carry out some law subsequently enacted or because of conditions arising in the service which would imperatively require the appropriation to be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes longer.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Since the 4th day of March the Committee on Appropriations has been engaged in the consideration of the sundry civil appropriation bill. We have already taken five volumes of testimony upon the estimated appropriations required for the public service during the next ensuing fiscal year. Every department of the Government has been aware of the fact that the committee has been working under the utmost difficulty and the greatest pressure in an effort to prepare this bill for submission to the House. To-day estimates have been submitted for $97,000 in one item, and yesterday in the sum of $575,000 for two additional items, in the belief, apparently, that a department needs but to submit an estimate to Congress to have its action ratified by an appropriation without consideration or investigation.

This particular service is not of such an urgent character that it is necessary to make this appropriation at this time, nor were the conditions such that it was not possible for the department to make the estimate in accordance with the law. So far as I am able to do, I propose to compel the executive departments of the Government to comply with the laws which have been enacted, without regard to partisan considerations, in an attempt to put the business of the Government on an intelligent and legitimate basis, and I propose in this instance to insist upon the point of order. If the gentleman from Tennessee wishes to make a statement, however, I shall reserve it for the time being.

Mr. PADGETT. Mr. Chairman, the provision is subject to a point of order. But I want to say that the committee, at least the chairman of the committee and others, had in mind the laws that the gentleman has cited, and we also appreciated the fact that the estimates were not submitted and should have been. I concur fully in what the gentleman from New York has said with reference to the conduct of the department in not submitting estimates. All of the departments send in supplemental estimates. I do not think it is a good practice. At the same time, bearing in mind all these things and thinking of the importance and necessity of this matter and the great humanitarian benefit that would accrue from the establishment of such a wireless system, the committee felt constrained to waive that and to report the measure. If the gentleman insists upon the point of order, it is well taken.

Mr. FITZGERALD. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

Navy yard, Portsmouth, N. H.: Crane track and railroad extension, $20,000; tool house for naval station, $2,000; quarters for commanding officer, naval prison, $12,000; improvement and additions to power plant, $10,000; in all, $44,000.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against the item for quarters for commanding officer as being new legislation and not authorized by law.

Mr. PADGETT. Mr. Chairman, I do not think the point of order is well taken. Appropriations for the improvement of yards are always provided for in this bill.

Mr. BARTLETT. May I inquire of the gentleman how much of this is new legislation?

Mr. PADGETT. Perhaps everything under public works is more or less new legislation in this sense, that it provides for something that has not heretofore been provided for. The Bureau of Yards and Docks is charged with the duty and responsibility of making these repairs and improvements. For instance, here is the crane track and railroad extension, $20,000. That extension is needed to reach other points on the yard, and it is simply a continuation of work already authorized.

Mr. BARTLETT. Is this a new crane track and railroad?

Mr. PADGETT. It is an extension of the track that is already there.

Mr. BARTLETT. The tool house for naval prison, quarters for commanding officer, and improvement and additions to power plant are all new provisions, are they?

Mr. PADGETT. No; they are continuations of existing projects or improvements.

Mr. BARTLETT. What law authorizes them?

Mr. PADGETT. The law that established the yard, and the law that heretofore authorized the establishment of a railroad there. This is simply an extension of that railroad.

Mr. BARTLETT. Does the gentleman mean permanent law or some current appropriation bill?

Mr. PADGETT. I do not know whether it was on an appropriation bill, but it was sufficient if it was.

Mr. BARTLETT. Oh, no; an appropriation bill only makes the law for that year.

Mr. PADGETT. True; but if it establishes an institution, then under the rulings of the House an enlargement or extension of that existing institution is in order. If an appropriation bill authorizes the building of quarters, then a provision for the enlargement of those quarters is in order.

Mr. BARTLETT. I think I understand the rule very well, and I understand it to be that where Congress has authorized a public work, a continuance of that public work is in order; but have these officers' quarters been authorized in any bill, or are they a part of any public work now to be done?

Mr. PADGETT. The bills that we have had heretofore have authorized various buildings for this yard.

Mr. BARTLETT. I have particular reference to quarters for commanding officer, naval prison. What law is there now that authorizes such a work?

Mr. PADGETT. As I said, when they established the yard they authorized the construction of buildings, and among those buildings were officers' quarters. Now, this is simply an addition to the general scheme that is already there.

Mr. BARTLETT. As I understand the gentleman, then, it is proposed to appropriate for a commanding officer's quarters upon an authorization for yards and docks at Portsmouth.

Mr. PADGETT. The yard is there, and various things have been authorized there.

Mr. BARTLETT. I am trying to get the gentleman to state what has heretofore been specifically authorized.

Mr. PADGETT. I could not tell the gentleman that. The creation of a naval station there has been authorized, and then there have been various things authorized as parts of that naval station. As I was trying to explain to the gentleman, there was a crane track and a railroad authorized there.

Mr. BARTLETT. Has that been completed?

Mr. PADGETT. I do not know that it is completed, because the length of it has not been limited. They simply authorized a track there and appropriated some money to build it.

Mr. BARTLETT. Is it being used?

Mr. PADGETT. Yes; the part of it that is completed.

Mr. BARTLETT. And this is to extend it?

Mr. PADGETT. Yes.

Mr. BARTLETT. Does the gentleman think that is a continuation of a public work?

Mr. PADGETT. Yes.

Mr. BARTLETT. If you build a house, can you go on and build another house without further authorization?

Mr. PADGETT. That has been expressly held.

Mr. BARTLETT. I think not.

Mr. PADGETT. I think so—on the question of marine barracks. It has been held that where it is an extension or enlargement of barracks already built it is clearly in order to appropriate to add to it or to enlarge it.

Mr. TRIBBLE. Mr. Chairman, suppose at the navy yard at Philadelphia previous legislation had authorized a canal 100 feet long from the river, I will ask the gentleman if he thinks that a subsequent House could have appropriated to extend the canal to New York?

Mr. PADGETT. The rulings are that whenever a public work is in progress, it is in order on a subsequent appropriation bill to enlarge or extend it.

Mr. TRIBBLE. Well, that would be an extension of the canal from the yard at Philadelphia so that they could get through to New York Harbor. Would that be subject to a point of order?

Mr. PADGETT. The extension of a canal and improvements of harbors do not come under this bill.

Mr. TRIBBLE. The gentleman does not mean to say that we have nothing to do with navy yards?

Mr. PADGETT. I say that this bill has nothing to do with the construction of canals or the improvement of harbors; that belongs to the river and harbor bill.

Mr. TRIBBLE. You have been digging a good many canals.

Mr. PADGETT. But not under the naval appropriation bill.

Mr. TRIBBLE. Now, here is an appropriation for a building for the commandant to live in.

Mr. PADGETT. Yes; when we authorized the naval station it carried with it authority for the construction of places for people to work in and for people to live in. It is the general part and scope of the purpose of the bill to authorize the improvement of the naval station.

Mr. TRIBBLE. My answer and objection is that it is creating too many houses for officers to live in on the land and nothing on the sea. That is the reason I object to it.

Now, Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] wants to make a point of order to the whole paragraph, but I by my point of order cut him out, and therefore I will make a point of order to the whole paragraph.

Mr. PADGETT. I want to say as to the point of order to the whole paragraph, Mr. Chairman, that this is reported for the purpose of improving the yard, to extend and maintain the work; and that having already been authorized, its enlargement and extension as a public work is not subject to a point of order, and the point of order is entirely too broad.

Mr. BARTLETT. Mr. Chairman, I understand that my colleague has made a point of order specifically against "quarters of the commanding officer," and then he makes in addition to that a point of order to the other parts of the paragraph. I have unsuccessfully attempted to find out from the chairman of the committee any law authorizing the erection of quarters for a commanding officer. There is a law that establishes this naval station in the navy yard at New Hampshire, and there may be a law carried in the appropriation bill authorizing the building of a railroad extension.

Mr. CANNON. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. CANNON. Does the gentleman claim that there being a law establishing a navy yard at Portsmouth, that you can not provide for the building of a crane, the building of quarters for the officers, the building of a public-service station; that it is subject to a point of order unless you have a report from the committee and legislation that there shall be these things at the navy yard that exists by law?

Mr. BARTLETT. I think I know the rule very well—that wherever a public work is authorized and begun you can in an appropriation bill appropriate money to complete it or carry on the public work. Where the public work has been completed, as building a railroad seems to have been done, authority to build another railroad can not be carried in a subsequent appropriation bill.

Mr. CANNON. I think the gentleman is too narrow in his construction. I do not think it ever has been so held.

Mr. BARTLETT. Now, an appropriation for quarters for a commanding officer—I suppose we have had quarters for the commanding officer there. I suppose a naval prison is not absolutely necessary to carry on a public work.

Mr. SULLOWAY. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. SULLOWAY. I know that there are such quarters there and have been for years. I know the railroad is there and has been there not for a great many years. There is nothing in this section that I see that I do not know of my own knowledge to exist there, and it is only continuing it.

Mr. BARTLETT. The fact that the gentleman from New Hampshire knows all about it will be accepted by me.

Mr. SULLOWAY. I state it as a matter of fact.

Mr. BARTLETT. Whatever facts the gentleman from New Hampshire states I accept without question, but it looks to me that the rule would be carried very far if Congress, after establishing a navy yard and appropriating money to build it, as the gentleman from New Hampshire states, after getting the commander's quarters and officers' quarters erected, could build others under guise of "improvements."

Mr. SULLOWAY. I suggest there have been quarters there for some time. It is an improvement of those quarters.

Mr. TRIBBLE. Those quarters are completed, are they not? They are not in the process of construction?

Mr. SULLOWAY. They are not completed in that sense.

Mr. BARTLETT. They need newer and better ones, I apprehend?

Mr. SULLOWAY. I do not know about the better part of it, but I guess they want something that will protect them from the dropping of rain through the roof.

Mr. CANNON. Mr. Chairman, here is a naval station established by law. Suppose it burned down, is it subject to a point of order to reconstruct it? It may be that this station is not needed. It may be that a majority of the naval stations—the one at Pensacola, the one at Portsmouth, the one at Mare Island, the one at New Orleans—are not needed, but the point is whether or not, being established by law, it is in order for the House of Representatives on an appropriation bill to construct a prison and construct the railway.

Mr. BARTLETT. This is said to be a naval prison.

Mr. CANNON. Yes.

Mr. BARTLETT. Have we established a naval station at Portsmouth?

Mr. CANNON. You have established a naval yard there.

Mr. HOBSON. The prison has been there for 15 years.

Mr. SULLOWAY. There is a prison there.

Mr. HOBSON. It was there when I was cruising as a midshipman 20 years ago.

Mr. TRIBBLE. Then what is the need of another one?

Mr. BARTLETT. Mr. Chairman, I insist that if this rule means what these gentlemen say it does, then there is no limit, and you can build 50 yards of railroad and complete 50 miles in addition to it.

Mr. CANNON. If the gentleman will allow me, it will be in order, the naval station being there, established by law and occupied, so far as this rule is concerned, to add $50,000,000 in improvements on that navy yard, building officers' quarters, and prisons, and public-service stations, and what not. That does not mean, however, that the House would do it.

Mr. BARTLETT. I know the rule is pretty broad, but I never dreamed it would go that far.

Mr. TRIBBLE. Mr. Chairman, I withdraw the point of order, except as to quarters for commanding officer.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] makes the point of order against that clause in the paragraph reading "quarters for commanding officer." The Chair finds a ruling on an identical state of facts, which the Clerk will read, being in volume 4 of Hinds' Precedents, section 3758, page 506.

The Clerk read as follows:

An appropriation for officers' quarters at a navy yard is not in order on the naval appropriation bill as in continuance of a public work. On February 13, 1907, the naval appropriation bill was under consid-

eration in Committee of the Whole House on the state of the Union, when the Clerk read:

"Naval station, New Orleans, La.: Improvement of water front, $25,000; levee improvement and grading, $25,000; central electric light and power plant, extension, $50,000; railroad system, $5,000; drainage system, $10,000; central heating plant, $18,000; paving, $10,000; quarters for commandant, $12,000; fitting up yard buildings 8 and 16, $4,300; dispensary building, $9,000; in all, navy yard, New Orleans, $168,300."

Mr. JAMES R. MANN, of Illinois, made the point of order against the words, "quarters for commandant, $12,000."

After debate, the Chairman sustained the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. CANNON. Mr. Chairman, I do not know who was in the chair at that time, probably a good parliamentarian, but I have a recollection that you can find conflicting decisions touching that matter on such amendments. I recollect away back in the early seventies and also in the nineties such decisions were made, but I am quite sure, without having examined the matter, that there are contrary decisions, and if the Chair will indulge me, I just want to say that, in my judgment, everything that goes to perfect that public work, including officers' quarters, in the light of the rule or any sensible construction of it, as it seems to me, although I do not desire to criticize either the Chairman who made that decision or the present Chairman, would be in order. I merely want to register my protest against the continuation of a ruling founded upon that precedent.

Mr. PADGETT. I was going to offer an amendment to reduce the amount from $44,000 to $32,000, and the $12,000 has gone out, and I want to ask general consent that the Clerk be authorized to correct all totals, as that will save going through it item by item. That is the customary practice.

The CHAIRMAN. Without objection that will be done. [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy yard, New York, N. Y.: One 50-ton locomotive crane, $50,000; paving and grading, $15,000; yard railroad, extension, $10,000; dredging, $50,000; in all, navy yard, New York, N. Y., $125,000.

Mr. MAHER. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 4, after the word "dollars" insert "to continue improvement water front, $175,000."

Mr. MAHER. Mr. Chairman, the department has approved an appropriation for this purpose of $350,000. The Brooklyn Navy Yard has just completed the building of what we believe to be the largest governmental dry dock in the United States. This new dry dock just completed is able to dock ships drawing 33 feet of water, and if necessary 35 feet. The basin at the Brooklyn Navy Yard has never been dredged to a depth of over 30 feet and the newer first-class battleships draw between 28 and 29 feet. The amount of $50,000 allowed by the committee is insufficient to perform the work of dredging so as to fully utilize this immense dry dock. My amendment reduces the amount approved by the department by one-half. If we can only have $50,000 to do this work that is absolutely necessary to be done in that yard, why we might just as well try to get along without it, because it is in no sense a sufficient amount. I therefore hope that my amendment will pass in order that the basin may be properly dredged so as to enable the department in Brooklyn to dock the first-class battleships when they need repair.

Mr. PADGETT. Mr. Chairman, all I desire to say in regard to this amendment is that the committee first left out the whole proposition, but on the 15th of April I received a letter from the Secretary of the Navy calling my attention to the dock which has just been completed and the necessity of dredging in front of it in order to make it available, and he asked for $50,000, and we have included that $50,000 in the bill, so we have met the request of the department in this particular matter, and the other amount is not needed at this time for the general matter.

Mr. MAHER. May I ask the gentleman a question?

Mr. PADGETT. Certainly.

Mr. MAHER. Have you given any consideration to the improvement of the water front at that yard?

Mr. PADGETT. Yes; we considered that. The department asked $350,000 in the general estimate, but the committee decided not to allow it; and the gentleman will remember that the department is considering, and the Secretary has given out some interviews relative to, the disposing of the navy yard at New York, and also at Boston and other places, and consolidating all of them in a great navy yard at Narragansett Bay. He stated to the committee that he had not yet reached any conclusion in the matter, and that it was only in the investigation stage; and while the matter is being investigated and until the department is prepared to make definite arrangement, we do not think it advisable to make extensive appropriations. But when he sent a letter to the committee that in order to use this dock it was necessary to have $50,000 to dredge it so ships could get in there, the committee thought that we had met the needs of the service.

Mr. MAHER. My information is that $50,000 will not be sufficient to do the necessary work there.

Mr. PADGETT. That is all that was asked for, and they said it would be sufficient, and it came from the engineers.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Naval station, Key West, Fla.: Power plant, $25,000; grading and paving, $5,000; paving and grading on Whitehead, Front, and Green Streets where abutting on naval station, $5,500, or so much thereof as may be necessary: *Provided, however,* That the cost of the United States Government's share for paving and grading said streets shall not exceed one-fourth of the total cost thereof; in all, $35,500.

Mr. MADDEN. Mr. Chairman, I make the point of order against the paragraph as far as it relates to paving of streets.

Mr. PADGETT. I did not hear the gentleman's point of order.

Mr. MADDEN. That part of the paragraph which refers to pavement of streets at the naval station, Key West, Fla.

Mr. PADGETT. I will say to the gentleman the object of that is there are two streets that surround the navy yard, and they are to be improved. They are public streets, and they have a system there that the abutting property owner contributes his part, and then it provides that the Government shall pay one-fourh of the cost, which is a little more than $5,000.

Mr. MADDEN. Mr. Chairman, I desire to say this: In every city in the United States where the Government has a building, or in every State in the United States where the Government has a building, the law provides that it will not take title until the State provides that no tax of any kind shall be levied against the Government for any improvement.

In the city of Chicago we have a Federal building surrounded by four streets. Under our system of assessments, the abutting property is taxed for the improvement of the streets. For a number of years the Government of the United States refused to pave the side of the streets which came next to the Federal building. I undertook, by an amendment to a bill on the floor of the House, to have a provision inserted providing that the Government should pay for the paving of the streets abutting this property. A point of order was made against the amendment.

Arguments were made for and against the point of order. The point of order was sustained, and, as far as I know, no appropriation has ever been made for the pavement of a public street fronting a Federal public building.

Mr. BARTLETT. May I interrupt the gentleman a moment?

Mr. MADDEN. Yes, sir.

Mr. BARTLETT. Not only has it not been made, but it has been refused to be made by the Appropriations Committee or any other one.

Mr. MADDEN. Yes.

Mr. BARTLETT. And time and again the gentleman from Illinois, Mr. Boutell, a former Member of this House, offered an amendment to pay for more pavement in front of the public building in Chicago, and at the same time I offered one to pave such a street in my own State, calling for about $2,000, where we had paved the street, and the Treasury Department said it ought to be paid, but they were not authorized by law to do it. And uniformly it has been so held.

Mr. MADDEN. I agree with the gentleman that there never has been a case, so far as I know.

Mr. BARTLETT. They did get one through without a point of order being made on it.

Mr. MADDEN. So far as I know, there has never been such a case, and——

Mr. BARTLETT. I call the gentleman's attention to the following from volume 4, section 3779, of Hinds' Precedents:

Nor is it in order to repair paving adjacent to a public building but in a city street, although it may have been laid originally by the Government.

Mr. MADDEN. There is no question but that it is prohibited under the rules of the House.

Mr. PAYNE. I think there is no such case except one. I think the paving of the part of the streets in front of the post-office building at Chicago was done at Government expense, and afterwards there was appropriation offered to pave more of the street and the House promptly voted it down.

Mr. MADDEN. I beg the gentleman's pardon, but he is wrong.

Mr. PAYNE. If the gentleman will look it up, he will find I am right.

Mr. MADDEN. We made a strenuous effort to get the Government to pave the street——

Mr. PAYNE. It was put on the ground that they had already commenced a public work there, and it was ruled out.

Mr. MADDEN. Here is what the situation was there——

Mr. PAYNE. There is no law for it.

Mr. MADDEN. The street on the side of the Government building was left unpaved—one-half of four streets—for a long time, and the final outcome of the thing was that the citizens owning the property on the opposite side of these streets were taxed not only for the pavement on the side of the streets on which they owned property, but for the side of the streets on which the Government owned its property. And if that be the case in the matter of the Federal building in Chicago, and all other Federal buildings that I know anything about, there is no reason why this particular case should be made an exception to the rule. Therefore, I make the point of order.

Mr. PADGETT. May I interrupt the gentleman a moment?

Mr. MADDEN. Yes, sir.

Mr. PADGETT. I want to say that the city of Key West has made no assessment that I know of.

Mr. MADDEN. It could not make an assessment against the Government.

Mr. PADGETT. It has made no assessment nor attempted any. It has simply preferred a request that we should pay one-fourth of the expense.

Mr. MADDEN. The city of Key West has no power to make an assessment against the Federal Government.

Mr. PADGETT. I know that, and it has not attempted to do so. I simply stated it made the request.

Mr. MADDEN. And there was no attempt to assess the property I have reference to. They simply assessed the private owners of property.

Mr. PADGETT. Yes. I want to say that last year there was a provision for paving Burwell Avenue, in Bremerton, in the State of Washington, at $1,000. There is a precedent. I will state that it is subject to a point of order, if the gentleman makes it.

Mr. MADDEN. I make the point of order.

Mr. GARNER. Could I ask the gentleman before he takes his seat, as well as the chairman of the committee, what is their idea of the policy of the Government having a law to pay one-half of the street work where they own property on the street?

Mr. MADDEN. I think they ought to have it without any doubt, but they have not it. They ought to have such a law.

Mr. PADGETT. I think it is entirely equitable and right and fair that the Government should do the same as it compels others to do.

Mr. MADDEN. Yes; but it ought not to be done in a particular case unless it is applied to every other case.

Mr. CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The unexpended balance of the appropriation made in the naval act approved March 2, 1907, "For construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," and the naval act approved May 13, 1908, "To complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000," is hereby reappropriated and made available for the erection of officers' quarters and improving grounds at the naval station, Key West, Fla.

Mr. MADDEN. Mr. Chairman, I make a point of order against that paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes a point of order.

Mr. BARTLETT. Mr. Chairman, I desire to call the attention of the Chair to the section preceding that.

Mr. MADDEN. I reserve the point of order, Mr. Chairman.

Mr. BARTLETT. The proviso on page 31, line 20, ought to go out, too.

Mr. PADGETT. It has gone out. The whole thing has gone out, including line 22, up to the words "in all," and so forth. All that goes out.

The CHAIRMAN. Without objection, that will be eliminated. The gentleman from Illinois [Mr. MADDEN] makes the point of order against the paragraph just read.

Mr. PADGETT rose.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. PADGETT. Mr. Chairman, I want to state to the gentleman, if I can have the attention of the gentleman from Illinois [Mr. MADDEN], that he will notice that the appropriations heretofore referred to have already been made, and this is to construct buildings at Pensacola. The department informs us that they do not desire to construct buildings at Pensacola, but they do need and desire to construct buildings at Key West. This is not an additional appropriation. It is simply the transfer of an appropriation and an authorization to use the funds heretofore appropriated for Pensacola to be used for the necessary purposes at Key West.

Now, then, if it is not permitted, the department will be at perfect liberty to go ahead and spend the money at Pensacola.

Mr. SLAYDEN. Will they do it?

Mr. PADGETT. I do not know whether they will or not.

Mr. SLAYDEN. It is not desirable?

Mr. PADGETT. I say they have authority to do it.

Mr. MADDEN. The gentleman does not think they would expend the money at Pensacola if it was not transferred to some other place?

Mr. PADGETT. No; but they have authority to do it. This is simply to transfer the fund that has already been authorized to Pensacola.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I want to ask the gentleman from Tennessee, the chairman of the committee, what rank these officers have for whom it is proposed to build quarters, and whether these quarter are to cost $10,000 each or $5,000 each?

Mr. PADGETT. As I understand it, the amount is $14,000 for the two sets of quarters, or $7,000 each, and then the difference between the amounts is $995. The $14,000 is to be used for the construction of two sets of quarters, which would be $7,000 each, while the $995, or so much thereof as may be necessary, will be used in the improvement of the grounds immediately surrounding the quarters.

Mr. SLAYDEN. What is the rank of these officers?

Mr. ROBERTS of Massachusetts. I understand the commanding officer at Key West is an admiral, but his successor may be a captain.

Mr. SLAYDEN. Is that the place where Admiral Young was living?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SLAYDEN. Is it proposed to rebuild the house for him?

Mr. ROBERTS of Massachusetts. I understand additional quarters are desired.

Mr. SLAYDEN. The text of the bill is clear on that. It says:

The unexpended balance of the appropriation made in naval act approved March 2, 1907, "for construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," etc.

Now, was that appropriation of $10,000 the total, $5,000 each to be expended on quarters?

Mr. ROBERTS of Massachusetts. Fifteen thousand dollars in all; $10,000 under one act and $5,000 in another.

Mr. PADGETT. But they were for different purposes. Five thousand dollars each was for officers' quarters at Pensacola, and then by a subsequent act, "to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000." That makes $15,000.

Mr. SLAYDEN. Then the amount to be made available for the construction of quarters at Key West is $15,000?

Mr. PADGETT. Fifteen thousand dollars, less $5, which has already been expended.

Mr. SLAYDEN. Practically $15,000. That is for two officers, including the admiral?

Mr. PADGETT. Two marine officers; not an admiral, but two marine officers.

Mr. SLAYDEN. Of what rank?

Mr. PADGETT. Of the higher rank. I could not tell the gentleman the exact rank. I do not know.

Mr. SLAYDEN. The gentleman means of the higher rank in Key West.

Mr. PADGETT. They have a rear admiral there.

Mr. SLAYDEN. They have no admirals in the marines.

Mr. PADGETT. No.

Mr. SLAYDEN. The gentleman said they were marine officers.

Mr. PADGETT. They do not go by the naval designations in the Marine Corps. They go by the Army designations. It would be a lieutenant colonel or a major.

Mr. SLAYDEN. It strikes me it is a pretty extravagant house.

Mr. PADGETT. Seven thousand dollars.

Mr. SLAYDEN. Yes.

Mr. TRIBBLE. Mr. Chairman, I appeal to the gentleman from Illinois [Mr. MADDEN] not to insist on this point of order. There is a principle of administration involved in the question raised here, and I believe that when the gentleman hears what I have to say about it he will withdraw his point of order.

You will find that the Navy Department has withdrawn almost every semblance of defense from the Gulf coast. You will find that the department has undertaken to abandon Pensacola, although it is the deepest harbor we have. You will find that the department has undertaken to abandon New Orleans, which is the mouth of the interior of our country, and protects the whole Mississippi Valley. You will find that the department has totally abandoned Charleston, S. C., and all of the southern ports, and surely the little sum proposed by this committee for Key West will not be swept away also.

Mr. MADDEN. I will not make the point of order.

Mr. CANNON. Mr. Chairman, I do make the point of order, and I want to be heard to say just a word.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] renews the point of order.

Mr. CANNON. I am not here to say that there ought not to be officers' quarters at Key West. I am not here to say that there ought to be officers' quarters at Portsmouth; but the gentleman from Georgia [Mr. TRIBBLE] makes the point of order, which is sustained as to Portsmouth, and insists upon it, taking from the Committee of the Whole the power to pass upon the desirability of erecting the officers' quarters there, and now, somebody else's ox being gored, he protests against the point of order.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. TRIBBLE. Does the gentleman know that the department has cared for all the yards on the eastern coast and left out those on the Gulf coast?

Mr. CANNON. I care not whether they be on the Gulf coast, the Pacific coast, or the Atlantic coast. The gentleman invokes a ruling that I think never ought to have been made, to prevent the erection of quarters at Portsmouth; but when it comes down to a place near his own home, where I think very likely the quarters ought to be erected, when the point of order is made, the gentleman from Georgia says, "Well, I hope the House will be allowed to pass upon it."

I insist on the point of order.

Mr. GARNER. Mr. Chairman, I suggest that it may be advisable to repeal this section in case this appropriation can not be given in this bill, because it is not going to be used.

Mr. CANNON. That would be in order under the Holman rule.

Mr. GARNER. I suggest to the chairman of the Committee on Naval Affairs [Mr. PADGETT] that not knowing whether they would exercise this discretion, it would be well to repeal this section of the law.

Mr. PADGETT. If this goes out on a point of order, I am going to offer an amendment of that kind. I hoped, however, that it might be available.

Mr. MADDEN. In passing over pages 29, 30, and 31 of the bill I noticed there were items for paving—on page 29, at the Boston Navy Yard; on page 30, at the New York Navy Yard; and on page 31, at the Charleston Navy Yard. I assume that these items provide for paving within the grounds, and so I did not make the point of order, but I wish to ask the chairman of the committee whether my assumption was correct.

Mr. PADGETT. It is entirely correct. This paving is entirely within the yards.

Mr. MADDEN. So that it would not come within the rule.

Mr. PADGETT. Not at all.

Mr. MADDEN. That is the point I wish to have appear in the RECORD.

Mr. PADGETT. Yes.

Mr. MADDEN. Because I do not want it to appear that the point was made with reference to one item and not made with reference to three other items, if they all came under the same rule.

Mr. PADGETT. This paving is all within the grounds, and is clearly in order. Has the Chairman ruled upon the point of order made by the gentleman from Illinois [Mr. CANNON]?

The CHAIRMAN. The Chair is of opinion that, under the citations submitted a few minutes ago in connection with a similar point of order, the clause in this paragraph relating to officers' quarters, if the point of order is made, is well taken. The decision the Chair cited was rendered in 1907 by the present Vice President, and it seems to have taken into consideration all the former precedents on this subject, and for that reason the Chair feels assured that it contains the weight of authority. So the point of order is sustained.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment, and as I have not prepared it, I will ask the Clerk to write it down. Amend by inserting:

The act approved March 2, 1907, for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000, and the naval act approved May 13, 1908, to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000, are hereby repealed.

Mr. ROBERTS of Massachusetts. Mr. Chairman, may I offer a suggestion to the gentleman that he make the amendment read so much of these acts as provides for these things "is hereby repealed." As I understand the gentleman's amendment, as he stated it, it repeals the entire act, and it should be so much of the act as relates to these matters.

Mr. PADGETT. I will modify my amendment to that extent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting at bottom of page 31 the following:

"So much of the naval act approved March 2, 1907, for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000, and so much of the naval act approved May 13, 1908, to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000, are hereby repealed."

Mr. TRIBBLE. Mr. Chairman, I may be the only one to resist that amendment offered by the gentleman from Tennessee, but I want to say to this House that I do not concede that the Secretary of the Navy has the right to nullify the laws of this Congress that have been passed. This House provided for Pensacola in a previous Congress. I do not live within 400 miles of Pensacola; no, as my colleague, Judge BARTLETT, suggests, not within 500 miles; but, Mr. Chairman, the Secretary of the Navy, as I have said, has undertaken to abandon every defense on the Gulf coast. The Panama Canal is being built in that section of the world, and it is claimed by naval officers, and others who study the map of the world, that if we have any wars in the future they will be fought on the Caribbean Sea, Gulf of Mexico, or Pacific Ocean, in that section of the world lying near the Panama Canal. And yet all the navy yards on the east coast are accorded permanent improvements, so that they can not be abandoned in the future, while every semblance of defense is being taken from the southern coast; and yet some southern gentlemen sit here and vote for appropriations that provide abundantly for the eastern coast and the navy yards on the east coast, and support all the appropriations asked for them, and open not their mouth on questions affecting our southern defense. This little pittance that provided for Pensacola is proposed by the chairman of this committee to be taken from the Gulf coast and to be covered back into the Treasury, and have a law of this Congress nullified thereby because the Secretary of the Navy says so. I, for one, will not stand here and not raise my voice in protest.

Now, Mr. Chairman, before we proceed further on the sections in this bill, I want to put gentlemen on notice that we are coming to provisions appropriating two or three million dollars for the Hawaiian Islands at Pearl Harbor, that pet of the Committee on Naval Affairs. I presume they have spent something like $5,000,000 over there in Honolulu, or Pearl Harbor, on these islands. I put them on notice right now that I will knock every item I possibly can out of the bill when you come to your baby on the Pacific Ocean. I have not been able to knock out those on the Atlantic coast, because I have not raised my voice in protest, except in a few instances. I say the time has come for that part of the country bordering on the Gulf and South Atlantic to be heard from. It is not a question of the South; it is not a question of the East or the North or the West; but it is a question whether or not the protection to the seaboard and navy yards of the South shall be abandoned simply because the Secretary of the Navy happens, forsooth, to say so, and then follow it up to the extent of nullifying an act of this Congress by taking from Pensacola the little pittance that was given her in the last Congress.

Now, it was provided by this committee to make a small appropriation to Key West and start up a small navy yard in one place on the Gulf coast. It is a very small appropriation; it is just a starter; and I felt like we ought to have something permanent, so that in a future Congress I or any other Member who stands for naval stations for the South as well as other sections could point back and say that we started a little navy yard down there and we will keep it up; but now you want to wipe out the last vestige by this amendment, and I protest with all the power I have.

Mr. CANNON. Mr. Chairman, I have listened with much surprise to the gentleman from Georgia [Mr. TRIBBLE]. Touching this appropriation, we have our possessions here in the United States; we have Hawaii, for which we are responsible, being as it is a part of the territory of the United States; we are responsible for the Philippines; we have the great Atlantic Ocean as well as the great Pacific Ocean washing our shores. I do not know whether this appropriation for Pensacola should be transferred to Key West or not. I am quite sure I stand ready to vote for such improvements for the naval station at Key West as are desired. I voted for a dry dock at Beaufort, which had to be abandoned. The *Indiana* got in there, and we

thought it would never get out. I have even voted to build a great navy yard at Charleston. I did not want to do so, because I did not believe there was sufficient water at Charleston Harbor, but I voted for the appropriation bill that carried it. I voted for a navy yard at New Orleans, and I expect to vote for these general bills, although not with the idea that they will be perfect; but I want to say to the gentleman from Georgia [Mr. TRIBBLE] in all kindness that when he rises, representing a constituency the equal of the one I represent, and, speaking for that constituency, says that if the amendment transferring this appropriation from Pensacola prevails, he will on that account make points of order as to items affecting stations on the Pacific Ocean and in the Philippines, on which points of order will lie, it sounds very strange to hear him then turn round and say there is no North, no South, no East, and no West. I want to say to the gentleman that I shall consider the merits of each proposition and register my approval or disapproval by my voice and vote, but he will have to tarry in Jericho until his beard grows before he will coerce my vote or action as a Member of this House.

Mr. HOWARD. Mr. Chairman, when I became a Member of this House I hoped that before I reached the city of Washington to enter upon the discharge of my duties the CONGRESSIONAL RECORDS containing the sectional arguments just made by the gentleman from Illinois [Mr. CANNON], incited by a point of order made by my colleague from Georgia, Mr. TRIBBLE, would have been put into a bonfire and burned, and such sentiments forever eliminated from the transactions of public business in this House. I think the time has arrived when we ought to discuss these matters coolly and deliberately, without regard to what section the appropriations are to go, and we should think only whether the appropriations will be economically expended and are needful. The gentleman from Illinois [Mr. CANNON] has made a point of order against an appropriation carrying $15,000 for the purpose of erecting two officers' quarters at Key West, Fla. Upon what ground did the gentleman from Illinois make his point of order? Because of the fact that the gentleman from Georgia [Mr. TRIBBLE] had made a point of order against a certain appropriation carried in this bill for Portsmouth, N. H.

The point of order made by the gentleman from Georgia carried an appropriation for $12,000. The point of order made by the gentleman from Illinois carried an appropriation for $15,000. My colleague placed himself in the surprising position of being euchered out of $3,000 on the deal. [Laughter.]

That is the ridiculous position this House is placed in when dealing with an appropriation carrying money to maintain one of the greatest establishments of the Government. I am really surprised to see so often in debate in this House this question of where a certain amount of money is to be expended. I want to be governed in what I do and what I say and how I vote upon this bill by the cool, deliberate judgment of these gentlemen who have had this discussion before the committee and who know whether or not these are economical expenditures, and whether they are necessary expenditures, and why they are necessary.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Certainly.

Mr. TRIBBLE. Mr. Chairman, I am a member of the Naval Affairs Committee from the same section of the country as the gentleman who has the floor, and if the Committee on Naval Affairs overrides my efforts to prevent the Secretary of the Navy from abandoning all the naval yards in that section of the United States, does not the gentleman from Georgia think that if I am patriotic, and if I believe in patriotism and in *my section* of the country, it is my duty to come in here and fight for what I conceive to be just on the floor of the House?

Mr. HOWARD. Mr. Chairman, I believe it is the duty of every man in this House to do what his conscience dictates to him he should do as a public servant in the discharge of his duty, but I do not believe that because of the fact that we can not always have our way about things we should take the bit in our mouths and run away with the cart and say, "You can not have anything because of the fact that I can not have my way." That is not the way we should legislate for the American people; that is not the way the people who send us here expect us to legislate for them, and I think that both the gentlemen from Illinois [Mr. CANNON] and my colleague, the gentleman from Georgia [Mr. TRIBBLE], are wrong when they come down to the proposition——

Mr. AKIN of New York. May I interrupt the gentleman to ask in regard to the $3,000, if the gentleman does not think that he had better grow whiskers, and he may get the $3,000?

Mr. HOWARD. Grow what? I do not think that question is pertinent to the discussion.

Mr. AKIN of New York. Will the gentleman yield——

Mr. HOWARD. No; I have but five minutes. I have a proposition here that I do not think ought to be treated lightly, and I am serious about this matter.

Now, it is said that points of order are going to be made against Pearl Harbor, against San Francisco, or anywhere else that an appropriation is to be carried, if it is new legislation, or if it is subject to the point of order, not taking into consideraton the question of whether or not it is necessary for the welfare of this country that that money should be so expended there.

Mr. TRIBBLE. Will my colleague yield?

Mr. HOWARD. Certainly.

Mr. TRIBBLE. Mr. Chairman, I desire to correct the gentleman. I have made the statement that I propose to make the point of order on the Hawaiian Islands, and there I stopped. As a member of the Naval Committee I am expected to take interest in this bill and to guard the Treasury, as well as spend millions on the Hawaiian Islands at Pearl Harbor.

Mr. HOWARD. I do not know anything about Pearl Harbor, and I do not care anything about Pearl Harbor other than to say if this money at Pearl Harbor is to be economically and judiciously expended I would support Pearl Harbor, Portsmouth, N. H., or anywhere else in the United States, if the money so appropriated is essential for the protection of my country's honor and the preservation of its institutions. For the sake of our glorious Union, for the sake of our future welfare, let us stop this everlasting agitation that breaks out here once in a while in the heat of debate about sections, and let us all say with the immortal Henry W. Grady, "There is no North, no South, no East, no West, but one united country."

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of pointing out that this amendment proposed will actually precipitate the question of abandoning these yards. I want to call to the attention of members of the Committee on Naval Affairs as well as members of the Committee of the Whole House that the question of abandoning particular stations on the Gulf of Mexico is under serious consideration and that as a matter of policy we have decided not to determine it at this session.

Mr. TRIBBLE. Who has decided it?

Mr. HOBSON. Our committee.

Mr. HIGGINS. I would like to know, as a matter of information, has not the present Secretary of the Navy, either this year or the year before, recommended the abandonment of those stations?

Mr. HOBSON. The gentleman is perfectly correct; the Secretary has requested it year in and year out, but with the opening of the Panama Canal the whole question of location of the battle water of America is being shifted southward, and the question of the Gulf and the Caribbean is assuming a new and prime importance; and the Secretary's policy of the abandonment of the stations in the South is more in accord with the old conditions.

This whole question is of great importance and ought not to be passed on in a flurry of exchange of compliments or points of order, and I do not think that this question of reappropriations should be decided from an afterthought following the point of order just made. If that point of order had not been made the amendment offered by the chairman would not have been made. Now, the point of order may prove of no effect in the Senate, but if the amendment of the chairman should prevail, it simply means that Congress is held down to the prejudgment of the Secretary of the Navy without a full investigation——

Mr. GARNER. If we could get the gentleman from Illinois [Mr. CANNON], by some persuasion, to withhold his point of order and let the bill go through as it is we would cut out all this time.

Mr. HOBSON. I will say to the gentleman from Texas I can understand how the gentleman from Illinois feels.

Mr. GARNER. I understand that.

Mr. HOBSON. And I actually believe, in the interest of this House, that, with all due respect to the Chairman's rulings, that you can not go and appropriate for a building or any other part of a public work in connection with a station; it simply ties your hands for all time in matters of expenditure and the efficiency of this service and of all similar services. I think it is a great pity that we are confronted to-day with the proposition that a Member can rise here and there and prevent us from carrying out the policies of a generation.

But that is not before us. It is not involved in the amendment of the chairman. Irrespective of whether the previous paragraph goes out on the point of order or not, we ought not to decide here whether we are going to abandon stations on the Gulf of Mexico. We put the whole proposition on the Senate to put back these measures if the gentleman does not withdraw his point of order.

Mr. CANNON. I quite agree with the gentleman, and therefore I shall vote against the amendment, the reasons having been assigned therefor. I am perfectly willing the House shall vote; but I for one shall vote in the negative.

Mr. GARNER. Would not the gentleman from Illinois, in deference to the judgment of the Committee on Naval Affairs bringing in this change of location in this appropriation bill, after he has heard these Members of the House and expressed himself with reference to his feeling for the gentleman from Georgia, be willing to withdraw his point of order?

Mr. CANNON. I shall not withdraw the point of order.

Mr. HOBSON. Could the gentleman from Georgia [Mr. TRIBBLE] go back and withdraw his points of order and let us all get along in harmony? Could not that be done by unanimous consent, Mr. Chairman?

Mr. PADGETT. Mr. Chairman, I withdraw the amendment I offered and let it go out on the point of order.

The CHAIRMAN. Without objection, the gentleman from Tennessee will withdraw the amendment.

Mr. PADGETT. It does not require unanimous consent.

Mr. BARTLETT. Regular order, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to return to page 29 of the bill, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] asks unanimous consent to return to page 29, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, on line 10, page 29, after the word "dollars," I move to insert:

Quarters for commanding officer, naval prison, $12,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 10, after the word "dollars," insert the words: "Quarters for commanding officer, naval prison, $12,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. SLAYDEN. Mr. Chairman, I want to offer an amendment to the amendment. I move to amend by striking out the word "twelve," in line 11, page 29, and insert the word "eight."

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "twelve" in the amendment and insert in lieu thereof the word "eight."

Mr. SLAYDEN. Now, Mr. Chairman, I would like to say one word. I believe $8,000 will build an entirely satisfactory residence for the governor of a small prison.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to say to the gentleman from Texas that this amount of $12,000 was fixed by the Committee on Naval Affairs on the basis of cost of quarters as fixed by the Army. The commander of this prison is an officer of a certain rank. Under the practice—and I am not certain but what it is a law; at least, we are trying to give it the force of law in the Naval Committee—we base the cost of quarters for different stations in the same proportion as is the practice under Army appropriations. And this price was fixed at $12,000 on that theory and that theory alone. So the gentleman will see, if his amendment should be adopted, that it is going to cut the quarters down below those that an officer of his corresponding rank should occupy and below what would be occupied by an officer of the same rank in the Army, and I do not think the gentleman wants to do that.

Mr. SLAYDEN. Mr. Chairman, if I thought $12,000 or $20,000 was needed in order to get adequate quarters, I would not interpose the objection; but I want to suggest to the gentleman a fact with which he is perhaps not familiar. In the construction of quarters for officers of the Army the administrative officials went wild for a while. They built palaces for colonels and majors and captains. But we have fixed a limit and reduced the amount that may be appropriated for quarters, grading them according to rank.

Mr. ROBERTS of Massachusetts. That is just exactly what we have done here, I will say to the gentleman from Texas, and it is based exactly on the Army scale. That is why I wanted to call that point to the attention of the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I think if the gentleman will consult the Quartermaster's Department he will find there is no such allowance now made for the officers of the rank of the man who, if I am correctly informed, is to occupy this position at Portsmouth as the governor of the prison. I think $8,000 is an adequate sum. And even if the quarters for the officers of the Army of corresponding rank were fixed at a higher rate, which they are not, I still would not be influenced by that. I do not believe in the style of reasoning that increases the compensation of an officer of a certain rank in the Navy because an officer in the corresponding rank in the Army has had it, or vice versa. I do not believe in that style of argument. I think $8,000 will build an adequate house, and it is as much as is being allowed now for officers in the Army of corresponding grade. And I want to say to the gentleman that the officers of the Army have welcomed the change. Before we made that reduction the Government was constructing palaces for officers of limited income to live in.

They were beyond their means to keep up. It was an extravagance which was unwarranted, and it was an extravagance which was embarrassing to the occupant of the house. I shall insist, Mr. Chairman, on having a vote on the amendment to the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to say, in answer to the remarks of the gentleman from Texas [Mr. SLAYDEN], that the Naval Committee have been through the same experience exactly with regard to the cost of quarters for officers at the various navy yards and stations. There have been in the past very expensive and elaborate quarters provided, and the Committee on Naval Affairs have sought to bring down the expense for those quarters, so we have fixed upon the basis adopted by the Army for quarters to be occupied by naval officers of a corresponding rank.

We hold in our bill to the amount that was adopted in the Army bill for an officer of the same rank. That is the case here. I do not think the gentleman is narrow in his views at all, and I do not think he objects to an officer of the Navy whose rank corresponds to that of an officer of the Army having equal quarters.

Mr. SLAYDEN. I do not.

Mr. ROBERTS of Massachusetts. I thought the gentleman would not object to that, and I think he ought to accept my statement that this bill provides for quarters for an officer who corresponds in rank with an Army officer and who should have quarters of the same value.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. ROBERTS of Massachusetts. Certainly; I yield.

Mr. SLAYDEN. My information is that these quarters would be occupied by a major or lieutenant colonel of the Marine Corps. We are not providing quarters for officers of the corresponding rank in the Army that cost more than $8,000. At one time, as I tell the gentleman, they did so, but they do not any more. It is now a good time to reform, and to stand by the reformation. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN] to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBERTS of Massachusetts. A division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 29.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 31 and offer an amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 31 for the purpose of offering an amendment, which the Clerk will report.

Mr. PADGETT. It should follow after line 23. At the end of line 23 add, as a new paragraph, the following:

The unexpended balance of the appropriation made in the naval act approved March 2, 1907, "for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," and that made in the naval act approved May 13, 1908, "to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000," is hereby appropriated and made available for the erection of officers' quarters and improving grounds at the naval station, Key West, Fla.

I ask unanimous consent, Mr. Chairman, to return to page 31 and offer that amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 31 for the purpose of offering the amendment which the gentleman has just read. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I desire to say merely a word about that. I think this amendment should be agreed to, and if I may be indulged for a moment, I want to say, with the highest respect for the officer presiding over the Committee of the Whole, as a presiding officer and as a Representative, if I

had been placed as he has been, I apprehend that, relying upon the precedents—and I am sure that there are other precedents that might be invoked—I should have ruled as the presiding officer has ruled; and yet considering, for instance, improvements for the New York Navy Yard, similar to those provisions for which were ruled out, or improvements in the navy yard at Honolulu or in the Philippines or at Guantanamo, I would let the House settle the construction, in the view of former precedents and the rulings in harmony with those precedents. Let us see where we are placed. I am quite in harmony with the principle of preventing legislation upon appropriation bills. I believe it is a wise rule, but the Senate has the power to amend, and after we have placed a narrow construction upon a rule, a construction that does not come within its reason or spirit and is not for the benefit of the public service, and an item goes out upon a point of order, then Members of this House go hot-foot to the Senate and the Senate reinserts the item in the shape of an amendment. Speaking with the highest respect for that great body, they have practically no rules, because if there is anything anybody wants they submit the question whether it is in order. So, in my judgment, we ought to construe our rules liberally, giving the House freedom to express its will through a majority. Otherwise the practice will continue to grow that has been growing, to my knowledge, for almost 40 years, that we cut off our power to originate and submit to the power of the Senate to originate at the sweet will of that body, and then we can not get rid of Senate amendments by points of order.

Mr. GARNER. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. GARNER. Where a point of order is made against a provision that is reported by the committee, and that provision is inserted in the Senate, are not the hands of the House conferees virtually tied, and are they not compelled to agree to that amendment in conference?

Mr. CANNON. Possibly so in the contest in conference; but the conference report is submitted to the House. If it does not meet with the approval of the House, a majority can turn it down, as I have seen conference reports turned down in many scores of instances, and the bills sent back to conference again.

I have asked the indulgence of the House to make these remarks. Perhaps I owe the House an apology. If so, I make it. If I have appeared to exhibit any temper in the last 30 minutes, I regret having exhibited it. It seemed to me that the position taken by the gentleman from Georgia [Mr. TRIBBLE] ought to be combated; and while I may have seemed to have temper, I really had no temper, and after unanimous consent was given to the gentleman from Massachusetts [Mr. ROBERTS] I did not make any point of order against the amendment of the gentleman from Tennessee [Mr. PADGETT]. The truth of the matter is that both appropriations are exceedingly limited in importance in comparison with the great ocean of legislation on appropriation bills which involve annually, including the permanent appropriations, almost $1,000,000,000 for the public service.

Mr. TRIBBLE. Mr. Chairman, I admit that for some time I have been smarting under what I have conceived to be unjust treatment of the Gulf coast by the Secretary of the Navy. My enthusiasm this afternoon has been in the interest of what I conceive to be right. I do not think I was wrong, as is shown by the headlines in the afternoon paper which has just been handed to me. My earnestness on behalf of the continuation of the appropriation for Key West was because I felt that it was an urgent need. Some kind gentleman has sent to me during the heat of this discussion the afternoon paper, with headlines reading as follows:

Warships to be sent to Key West—Navy Department issues orders at request of State officials—Greatest mobilization since Hudson celebration—Presence of vessels expected to awe rebels.

Mr. Chairman, I think what I have said this afternoon in regard to the Gulf ports, navy yards, and harbors being abandoned by the Secretary of the Navy, and in regard to the efforts which have been made absolutely to nullify the laws of this Congress that have been passed heretofore, was absolutely justified.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question being taken, the amendment was agreed to.

The Clerk read as follows:

Naval Station, Pearl Harbor, Hawaii: Dry dock (limit of cost is hereby increased to $3,350,000), to complete, $1,050,000; water-front development, $100,000; street paving, $25,000; water system, $17,000; power distribution, mains and conduits, $75,000; metal and lumber storehouse, $25,000; paint and rigging loft, $25,000; pattern shop, $60,000; storehouses, $100,000; latrines, $10,000; railroad equipment, $45,000; floating crane, to complete, $210,000; in all, $1,742,000.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against two small items of this enormous appropriation. I make the point of order against these two items: Lines 1 and 2, page 33, "street paving, $25,000," and lines 4 and 5, "metal and lumber storehouse, $25,000." It will be noticed that the next item is "a paint and rigging loft, $25,000." It seems to me that one building is all that is necessary, and that a paint and rigging loft is enough for both of them.

Mr. PADGETT. Mr. Chairman, I do not think the point of order is well taken. The act establishing the naval station at Pearl Harbor provided:

The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore purchased for that purpose, and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings.

So that Congress does not fix any limit, does not define the scope of such buildings as may be necessary. It is in the discretion of the Congress and, of course, is in order on an appropriation bill. It was so held two years ago, when a similar point of order came up.

Mr. BARTLETT. What is this item for the paving of streets?

Mr. PADGETT. Pearl Harbor is a new place, out on an island, but there is nothing there in the way of highways. This paving of streets is simply the making of roads, so that the heavy machinery and things that are being carried there—heavy guns, and so forth—can be hauled over the roads.

Mr. BARTLETT. It is not a paving of streets adjacent to the land of the Government, but is on the Government land?

Mr. PADGETT. Yes; on the Government land, in front of the buildings, so that these heavy articles—machinery, implements necessary to put it in condition, heavy guns, and so forth—can be hauled over the road.

Mr. BARTLETT. It is paving its own land, and not land adjacent to the Government land?

Mr. PADGETT. It is right on the reservation.

Mr. CURLEY. If the gentleman will allow me, it is a fact, is it not, that there are no natural highways there of such a nature as would be cut out of the rock itself?

Mr. PADGETT. No; there is no road there.

Mr. CURLEY. And it is necessary to have a paved street or a rigid highway in order to reach the dry dock with heavy loads?

Mr. PADGETT. Yes; and to reach the storehouses and the buildings we are putting there. It is really the building of roads instead of paving.

Mr. BARTLETT. How much paving will this $25,000 do? Is that all that has been appropriated?

Mr. PADGETT. That is all, so far.

Mr. BARTLETT. The gentleman does not know what amount of street that will pave?

Mr. PADGETT. There was a general program submitted a year or so ago giving the various items.

Mr. BARTLETT. Will $25,000 complete the paving or building of the roads necessary to be constructed?

Mr. PADGETT. As I say, this paving is really road building. It is not sidewalk; it is the streets or highways themselves. We use the words "street paving," but it is really road construction.

Mr. BARTLETT. The language in the bill is street paving.

Mr. PADGETT. Yes; that is the language used in regard to all of these yards.

Mr. SLAYDEN. Has the gentleman any estimate of the amount of road construction or paving that will have to be done?

Mr. PADGETT. Yes; it is here, and I have asked the Clerk to find it. It was submitted a year or so ago.

Mr. SLAYDEN. I just want to know what we are going into.

Mr. PADGETT. Here is a table submitted January 12, 1911, the dredging of the channel, $3,445,000. The amount appropriated was $2,800,000, and the amount in the later estimate is $545,000. All that is taken care of.

Mr. SLAYDEN. That is dredging, and I am asking about road building.

Mr. PADGETT. The street paving, grading, and so forth, $200,000.

Mr. SLAYDEN. Does that "and so forth" mean road building?

Mr. PADGETT. Yes; street paving, grading, and road building.

Mr. SLAYDEN. Is that the estimate that the whole thing will cost?

Mr. PADGETT. Yes.

Mr. SLAYDEN. Well, it will cost a good deal more than that, but it is something to have an estimate of the limit.

Mr. PADGETT. The total estimate for the whole thing is $9,448,000.

Mr. SLAYDEN. I am willing to appropriate money for the development and protection of Pearl Harbor, for I have some timid friends on the Pacific coast, whose fears I want to allay.

Mr. PADGETT. Mr. Chairman, I would like to make the statement that the island on which Pearl Harbor is situated, on which this naval station is being built, is an undeveloped island which is not adjacent to any city. I think it is about 8 to 12 miles from Honolulu. It can not be reached except across the water. It is entirely undeveloped; so that when Congress directed the Secretary of the Navy to establish a naval station there and proceed with its establishment, that direction necessarily carried with it the opening and establishing of means of communication from one portion of the ground to another. At one part a building is placed and at another part a different building. At one portion there is a dry dock and at another portion there is another building. The establishment of a naval station from the very necessity of the case carries with it the authority to communicate from one part of the ground to another.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I would request the gentleman from Pennsylvania [Mr. BATES] to speak upon this subject, because it was his bill, and we went into the subject quite thoroughly on the subcommittee and then reported it to the full committee.

Mr. BATES. Mr. Chairman, the authority for these appropriations for Pearl Harbor is based upon an absolute piece of legislation passed as a distinct act by itself, without reference to any appropriation bill. This was some four years ago. As chairman of the subcommittee of the Naval Affairs Committee on navy yards, I had the honor of preparing the bill. It was reported by the subcommittee and by the full Naval Committee, and then, practically by unanimous vote, passed the House and Senate and was approved by the President. It was a distinct piece of legislation authorizing the Secretary of the Navy to establish at Pearl Harbor a naval station and navy yard, with all necessary adjuncts, and naming those specific features of the navy yard which came in logical order, such as the dredging, the dry docks, and the necessary buildings and machine shops, and all the appurtenances of a well-equipped navy yard. Since then the general Army and Navy board have, by unanimous vote, decided to practically abandon Olongapo and Cavite and make Pearl Harbor the principal naval base and station in the Pacific Ocean. The items of appropriation in this pending bill were all contemplated and authorized by the original act. They are not new legislation and are not subject to the point of order made by the gentleman from South Carolina. I therefore trust that the Chair will overrule the point of order.

The CHAIRMAN. The Chair is of opinion that under the provisions of the organic act that authority is given for the items against which the point of order is made, and the Chair, therefore, overrules the point of order.

The Clerk read as follows:

For the proper control, protection, and defense of the naval station, harbor, and entrance channel at Pearl Harbor, Territory of Hawaii, the Secretary of the Navy is hereby authorized, empowered, and directed to adopt and prescribe suitable rules and regulations governing the navigation movement, and anchorage of vessels of whatsoever character in the waters of Pearl Harbor, island of Oahu, Hawaiian Islands, and in the entrance channel to said harbor, and to take all necessary measures for the proper enforcement of such rules and regulations.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I crave the indulgence of the committee once more. It is somewhat doubtful if I can be present when the bill has been finally concluded, and I ask unanimous consent, therefore, to return to page 3 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 3 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after line 8, page 3, the following:
"The grades of the active list of the Pay Corps of the Navy are hereby increased by 10 additional paymasters, in all 86 paymasters, and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters: *Provided*, That the total increase of the Pay Corps of the Navy shall not exceed 20 during the first fiscal year."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. BARTLETT. Mr. Chairman, I understood the gentleman to ask unanimous consent to return to a section of the bill.

The CHAIRMAN. The Chair submitted the request for unanimous consent to the committee at the time it was asked, and it was granted.

Mr. SLAYDEN. Is this an increase of the Pay Corps?

Mr. ROBERTS of Massachusetts. It is an increase of the Pay Corps, very much needed.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent to return to page 6 of the bill, at the end of line 7, for the purpose of offering an amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 6 of the bill for the purpose of offering an amendment. Is there objection?

The Clerk read as follows:

Amend by adding after the word "rank," in line 7, page 6, the following:
"*Provided further*, That the service of a midshipman at the United States Naval Academy or of a cadet at the United States Military Academy who shall hereafter be appointed shall not be counted in computing for any purpose the length of service of any officer of the Navy."

The CHAIRMAN. Is there objection?

Mr. HOBSON. Mr. Chairman, I am very sorry——

Mr. HENSLEY. I hope the gentleman will not object. It was put on in the Army bill, and there is no sort of reason why this should not be adopted at this place. There are other places in the bill where it might be adopted, but this seems to be the place for it.

Mr. HOBSON. It would be out of order in any place on an appropriation bill, because under the existing law the service at Annapolis is counted, and, furthermore, it ought to be counted. I have known class after class to leave Annapolis to go to the front and go to war, and I know the service there is as arduous as the service out of the academy, and it tends to give us younger officers.

Mr. HENSLEY. I can not agree with the gentleman from Alabama in the position he takes. This amendment was adopted to apply to the Army bill, and if it applies to the Army bill why should it not also apply to the Navy?

Mr. HOBSON. I think we had a rule with regard to the Army bill, but I am not sure; but this is certainly new legislation.

The CHAIRMAN. Is there objection to the request of the gentleman for unanimous consent to offer this amendment?

Mr. HOBSON. To protect these officers I must utilize the power of objecting, which I seldom utilize. I think it is the first time I have objected to such a request.

Mr. SLAYDEN. Will the gentleman withhold his objection for just a moment?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. Mr. Chairman, an amendment almost precisely like this was put on the Army appropriation bill—a provision to save the people of this country a quarter of a million dollars a year. It simply says, in effect, that the schoolboy period of officers shall not be counted in computing the longevity service for any purpose whatever. It was brought out very elaborately in debate, and the House by an overwhelming majority sustained the contention, that these young men who receive an education at public expense, who are given an honorable profession at good pay, and when they reach the age of 62 years—I believe it is, in the Navy—are retired on three-fourths pay, are not treated harshly if academy service is not counted in computing for any purpose whatever. They are not officers. They graduate from the school to become officers.

Now, that has been adopted as to the Army, and there is no reason I can see why it should not be stopped as to the Navy. Of course the gentleman may interpose a technical objection to returning to the paragraph for the purpose of considering it now. A courtesy of that sort was just shown to the gentleman from Massachusetts [Mr. ROBERTS], and I can see no reason why an equal courtesy should not be shown to the gentleman from Missouri. Of course there is no debate on the question of the point of order. It is legislation, but so is the other.

Mr. PADGETT. Will the gentleman permit me to call his attention to a suggestion?

Mr. SLAYDEN. I understand it is not a question of order yet, but it is a question simply of returning.

Mr. PADGETT. The question I want to suggest was, it has been called to my attention that there is this difference between the Army and the Navy, and it occurs to me the gentleman from Missouri might well look to this in perfecting his amendment. I want to suggest this about the perfecting of his amendment. In the Army there is no such thing as constructive service, and in the Navy there is such a thing as constructive service. Now, the Staff Corps that comes in from civil life are credited with five years of constructive service.

Mr. SLAYDEN. What does the gentleman mean by that?

Mr. PADGETT. In other words, whenever he enters he is credited at once with having been in the service five years.

Mr. SLAYDEN. Whether he was or not? That ought to be stopped by law right now. [Applause.] Does the gentleman stand up here and justify a practice like that?

Mr. PADGETT. I am not saying anything about it one way or the other.

Mr. SLAYDEN. Would the gentleman justify it?

Mr. PADGETT. I think it should be adjusted properly, but the fact that that practice exists, if the amendment goes in as it is, it will affect the line only and leave the staff stand as it is. Therefore I suggest to the gentleman that it might be well for him to withhold his request for a moment to prepare his amendment so as to take care of the whole question in a just and proper way.

Mr. SLAYDEN. Mr. Chairman, I am inclined to think that the gentleman has urged an excellent argument in support of it, and also a good reason why the gentleman from Missouri [Mr. HENSLEY] might defer it and offer it later, and cut out that constructive service which is not an hour long.

Mr. HENSLEY. I withdraw the amendment at this time.

The CHAIRMAN. Without objection, the gentleman will withdraw the amendment.

There was no objection.

The Clerk read as follows:

Buildings and grounds, Naval Academy: For removing overhead wires, providing underground conduits, $60,000; reenforced concrete bridge across Dorsey Creek (to cost $50,000), $25,000; in all, $85,000.

Mr. TRIBBLE. Mr. Chairman, reserving a point of order, I would like to make some inquiries. What is the reason for taking down the wires and putting them under ground?

Mr. PADGETT. The Government has erected and established an institution down there at a cost, I think, of something like ten or eleven millions of dollars. These wires are running overhead. It is recognized that wires put underground render a much better service and are much safer. Then, these overhead wires furnish power as well as light, and atmospheric conditions, I am told, interfere very seriously at times with the efficiency of the service. And it has been recommended for several years that the wires should be put underground, both for ornamental reasons and for more efficient service reasons.

Mr. TRIBBLE. The previous Congress has refused to do it.

Mr. PADGETT. Just as we in this one have refused a great many items. We have struck out of this bill under this very bureau something like $4,000,000. Other items will come up next year. We never in any Congress allow all of the estimates that are submitted. We allow some. The others pass over to the next year, so that there is always a waiting list.

Mr. TRIBBLE. Mr. Chairman, does not the evidence show that this bridge there is not in serious condition?

Mr. PADGETT. It is in serious condition, and the position is this: There is an old wooden bridge there that is dangerous and must be repaired, and authority for the new bridge has been granted by the previous act, mentioned on page 34, beginning with line 3, the next paragraph of the bill. Last year we authorized the new bridge and appropriated $25,000. That was for a wooden bridge. When the Board of Vistors were there last year looking into it and considering the whole question, they recommended that the Secretary hold up the use of this $25,000 and that a recommendation be made to Congress for an additional appropriation of that amount and construct a concrete bridge that would be a permanent structure, instead of a wooden bridge which would necessarily be of limited duration. And this is carrying out the recommendation of the Board of Visitors, that was composed of three Members of the House, two Members of the Senate, and seven appointed by the President, coming from different States of the Union, who were there and inspected the situation.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against the words:

For removing overhead wires, providing underground conduits, sixty thousand dollars.

The CHAIRMAN. The gentleman from Georgia makes the point of order against the clause which he has read.

Mr. PADGETT. Mr. Chairman, I submit to the Chair the question as to whether or not it is subject to a point of order. There is an electric system there, and there is a power system. This is simply an alteration. It is simply a change, or, if you see fit to so call it, it is an extension. It is not an enlargement, but it is a repair or an improvement, and therefore is a continuation of a public work. The work is there, the system is there, and this is simply modifying it and changing it, and therefore I think it is not subject to a point of order. The wires were put up there in one way, and this is simply changing them to a modified construction, and therefore I do not believe it is subject to a point of order.

The CHAIRMAN. The Chair thinks this is authorized and overrules the point of order. The Clerk will read.

The Clerk read as follows:

Naval torpedo station, Newport, R. I.: New power house, toward building (cost not to exceed $60,000) and equipment (cost not to exceed $120,000), to complete, $120,000; paving, $5,000; extension of fresh-water, steam-heating, and conduit systems, $10,000; in all, $135,000.

Mr. PADGETT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

Page 36, line 12, strike out the word "equipment" and insert in lieu thereof the word "equipping."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Naval magazine, Hingham, Mass.: Improvement of channel, $40,000.

Mr. HOWARD. Mr. Chairman, I reserve a point of order against that particular item.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] reserves a point of order against the item.

Mr. CANNON. Mr. Chairman, there is evidently not a quorum here, and I believe the colored folks quit at noon on Saturdays. That is my understanding. It seems to me we ought to have a quorum. I suggest to the gentleman whether it would not be agreeable to him to make the motion to rise.

Mr. PADGETT. I wanted, in view of final adjournment, to expedite the consideration of the appropriation bills as much as possible.

Mr. CANNON. I will say to the gentleman that he has made wonderful progress, and I congratulate him on it.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24565, the naval appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON of West Virginia, indefinitely, on account of sickness in his family.

To Mr. MORRISON, until May 31, on account of important business.

FEDERAL COURT, SOUTHERN DISTRICT OF TEXAS.

The SPEAKER laid before the House the following resolution (H. Res. 551), presented by Mr. GARNER:

Resolved, That the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, be recommitted to the Committee on Enrolled Bills, with instructions that it be reenrolled as a bill of the second session of the Sixty-second Congress.

The SPEAKER. That is the bill that was signed by myself and the Vice President, and was sent over to the White House, and the Senate passed a resolution asking that it be recalled because the Senate had not adopted the conference report. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to the Twin City Co. by an act approved February 29, 1908.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 22999. Providing for the construction and maintenance by the city of St. Louis, Mo., and of an intake tower in the Mississippi River at St. Louis, Mo.; and

H. R. 5602. Authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Sunday, May 26, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation required by the War Department for topographic maps (H. Doc. No. 773); to the Committee on Appropriations and ordered to be printed.

2. A letter from the First Assistant Secretary of the Interior, submitting list of lands reserved from location in connection with irrigation within the Blackfeet Indian Reservation (S. Doc. No. 718); to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate of appropriation to provide payment for conveying to the seat of Government the votes of the electors of the different States for President and Vice President of the United States (H. Doc. No. 771); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting revised estimate for appropriation for Public Health and Marine-Hospial Service (H. Doc. No. 772); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, submitting estimate of deficiencies required by the various departments of the Government to complete service for the fiscal year ending June 30, 1912 (H. Doc. No. 777); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $200,665.27, which require an appropriation for their payment (H. Doc. No. 775); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication submitting three judgments rendered against the United States and recommending an appropriation to pay same (H. Doc. No. 774); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, amounting to $39,971 (H. Doc. No. 776); to the Committee an Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 20739) providing for the issue of patents to allotments on White Earth Reservation in certain uncontested cases, reported the same with amendment, accompanied by a report (No. 760), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, reported the same with amendment, accompanied by a report (No. 761), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24853) authorizing and directing the Secretary of Agriculture to purchase site and put in operation an agricultural and live-stock experimental station in the first congressional district of Georgia; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24854) to amend an act entitled "An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States," approved June 9, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. REILLY: A bill (H. R. 24855) to protect fraternal organizations from infringement on their titles or names; to the Committee on Patents.

By Mr. EDWARDS: Resolution (H. Res. 548) requiring the Attorney General to investigate the Fertilizer Trust; to the Committee on the Judiciary.

Also, resolution (H. Res. 549) calling upon the Attorney General for an investigation of the trust or combination controlling the price of cotton bagging and cotton ties in the United States; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: Resolution (H. Res. 550) requesting the President to furnish the House of Representatives certain information; to the Committee on the Judiciary.

By Mr. CULLOP: Joint resolution (H. J. Res. 320) relative to the rebuilding of levees on the Wabash River; to the Committee on Rivers and Harbors.

By Mr. HAYDEN: A memorial from the Legislature of the State of Arizona relating to mineral lands included within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24856) granting an increase of pension to Clinton Scoville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24857) granting an increase of pension to Walter Barbo; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 24858) granting an increase of pension to James Boley; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 24859) for the relief of the heirs of Benjamin Grayson; to the Committee on War Claims.

Also, a bill (H. R. 24860) for the relief of the heirs of Evaline Davis; to the Committee on War Claims.

Also, a bill (H. R. 24861) for the relief of A. J. Collett, administrator of the estate of Thomas Collett, deceased; to the Committee on War Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 24862) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 24863) granting a pension to Joseph Miley; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24864) for the relief of John P. Stanton; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 24865) to refund certain taxes paid by J. H. W. Steele; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 24866) granting a pension to Guadalupe G. Martinez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24867) granting a pension to Bernard Higgins; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24868) granting a pension to William H. Withers; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 24869) granting an increase of pension to Jerome S. Pinney; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 24870) granting a pension to George F. Willard; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 24871) for the relief of N. Ferro; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 24872) for the relief of Henry N. Penfield; to the Committee on Military Affairs.

Also, a bill (H. R. 24873) granting a pension to Elizabeth Mulvaney; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24874) granting an increase of pension to William S. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24875) to reimburse Stalnaker Marteney for property lost during the Civil War and for unpaid salary; to the Committee on War Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24876) granting an increase of pension to Mary A. Andrews; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24877) granting an increase of pension to James S. Armstrong; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 24878) granting an increase of pension to Henry C. Johnson; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24879) granting an increase of pension to Inez S. Bacon; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24880) granting a pension to Anna A. Boeck; to the Committee on Pensions.

Also, a bill (H. R. 24881) granting an increase of pension to Mary Ordner; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24882) granting a pension to Daniel Madigan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Hebrew-American Typographical Union, No. 83, of New York, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Woman's Christian Temperance Union of Stewartsville, and citizens of Dekalb County, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of John W. Brown and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of New York, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, for vocational education; to the Committee on Agriculture.

Also, petition of Branch No. 180, Workmen's Sick and Death Benefit Fund, in opposition to passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Resolutions of the Departmental Conference on Temperance of the Southern Sociological Congress, at Nashville, Tenn., favoring passage of antishipping liquor bill; to the Committee on the Judiciary.

By Mr. BROWN: Papers to accompany bill for the relief of estate of Eveline Davis; to the Committee on War Claims.

By Mr. CARY: Petition of citizens of Milwaukee, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. CALDER: Petition of Lion Renault, of New York, against passage of the Works bill, relative to license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Hamilton Lodge, No. 107, Order B'rith Abraham, of New York City, N. Y., against passage of the Dillingham bill, rstricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Anna T. Kehr, of Brooklyn, N. Y., favoring passage of bill for the sanitary and medical uplift of the natives of Alaska; to the Committee on the Territories.

Also, petition of Nicholas Ehrlich, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, resolution of the National Lumber Manufacturers Association, relative to the control of floods in the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

Also, petition of Charles M. Hart, of Brooklyn, N. Y., against passage of the Oldfield bill, to change the present patent law; to the Committee on Patents.

Also, petition of C. J. Hudson, of East Norwich, Long Island, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), for the protection of migratory birds; to the Committee on Agriculture.

Also, petitions of Frank Edgar Dixon, of Foster, R. I., favoring passage of House bill 17222, prohibiting the shipping of unweaned calves; of the Mount Sinai Hospital, of New York, favoring passage of House bill 24068, relative to Public Health and Marine-Hospital Service, regarding hospitals, etc.; and of the New York Board of Trade and Transportation, favoring passage of Senate bill 2117, relative to the pay of the commissioned medical officers of the Public Health and Marine-Hospital Service of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER (by request): Petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Petitions of the Boston Lettish Workmen's Association, Roxbury, Mass.; Freedom Lodge, No. 393, United States Grand Lodge, Order B'rith Abraham, Boston; and the Political Refugees' Defense League, Boston, Mass., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIDSON: Petition of Rev. S. A. Elbert and other citizens of Stevens Point, Wis., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the Grand Army of the Republic, Department of Missouri, St. Louis, Mo., indorsing the action of the Missouri Members of Congress in their efforts to secure for the members of the Enrolled Missouri Militia who rendered active service a pensionable status; to the Committee on Invalid Pensions.

Also, resolutions of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357, that the Secretary of Commerce and Labor be directed, through the Bureau of Corporations, to make a complete investigation of the business of foreign and domestic fire insurance corporations; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Julius Mile Sons & Co., of New York, against passage of the Works bill, relative to the license law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of the Chicago Flexible Shaft Co., against passage of the Oldfield bill (H. R. 23417) relating to certain proposed amendments to the patent law; to the Committee on Patents.

Also, petition of the prayer meeting class of the First Congregational Church of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the city council of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Capt. George D. Phinney, of Milwaukee, Wis., favoring passage of House bill 1339, to grant increase of pension to certain survivors of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of citizens of Portland, Me., favoring passage of the Gardner bill prohibiting the landing of fish in the United States caught by the beam or other trawl; to the Committee on the Merchant Marine and Fisheries.

Also (by request of Mr. HINDS), petition of Pine Tree Division, No. 66, Order Railway Conductors, of Portland, Me., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Resolutions of the Departmental Conference on Temperance of the Southern Sociological Congress, at Nashville, Tenn., favoring passage of the antishipping liquor bill; to the Committee on the Judiciary.

Also, resolutions of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Local No. 725, United Brotherhood of Carpenters and Joiners of America, Salt Lake City, Utah, and Lodge No. 106, International Association of Machinists, Salt Lake City, Utah, favoring passage of House bill 22339, to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of the Farmers' Union, the Patriotic Order Sons of America, and the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Billings Chamber of Commerce, Billings, Mont., relative to establishment of a Weather Bureau observatory in Billings, Mont.; to the Committee on Agriculture.

By Mr. HUGHES of New Jersey: Petition of Paterson Tolks Lodge, No. 122, Independent Order Ahawas Israel, of Paterson, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the sixth congressional district of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Petitions of Kingsley Martin and C. J. Hudson, of New York, praying for legislation for the protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the Prospects Heights Citizens' Association, of New York, favoring legislation providing education in trades, industries, and home economics; to the Committee on Agriculture.

Also, petition of the American Association of Foreign Language Newspapers, protesting against patent legislation that would prohibit owners of patents establishing and maintaining prices on their products; to the Committee on Patents.

Also, memorial of State Camp, Patriotic Order Sons of America, favoring the literacy test for immigration into the United States; to the Committee on Immigration and Naturalization.

Also, memorial of the German Machinists' Benevolent Association, asking Congress to defeat the Root amendment to Senate bill 3175, providing a literacy test for immigrants entering the United States; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of J. Racow, Brooklyn, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Louis Heyman Lodge, No. 633, Independent Order B'rith Abraham, Brooklyn, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Joshua Pack; to the Committee on Invalid Pensions.

By Mr. PARRAN: Petition of 21 citizens of Savage, Howard County, Md., members of American Star Council, No. 32, Junior Order United American Mechanics, favoring passage of bills providing for the literacy test, etc.; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Resolutions of the Chamber of Commerce of Richmond, Cal., relative to creating sentiment in favor of a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolutions of the Southern Sociological Congress, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, letter from the port of Boston, Mass., to accompany House bill 21969, relative to a proposed amendment to the Panama Canal bill relating to steamship companies in which any railway company is interested; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Shipowners' Association of the Pacific Coast, San Francisco, Cal., against passage of House bill 21100 and all bills restricting the salutary powers of courts in the matter of injunctions and restraining orders; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the United Italian Societies and the New Haven Peddlers' Protective Association, of New Haven, Conn., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Grand Army of the Republic, Department of Missouri, favoring the Enrolled Missouri Militia being put on a pensionable status; to the Committee on Pensions.

By Mr. ROBINSON: Resolutions of Cotton Belt Lodge, No. 7, Brotherhood of Railway Conductors of America, against passage of the workmen's compensation act (S. 5782); to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of merchants of Buffalo, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. SPEER: Papers to accompany bill granting an increase of pension to Clay L. Sherman; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: Resolutions of the Manufacturers' Association of New York, favoring passage of Senate bill 3, known as the Page vocational educational bill; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Connecticut Civil Service Reform Association, protesting against section 5 of the legislative, executive, and judicial appropriation bill; to the Committee on the Judiciary.

Also, resolution of the New Haven Peddlers' Protective Association and the United Italian Societies, of New Haven, Conn., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 18327, relative to printing national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the Manufacturers' Association of New York, favoring passage of Senate bill 3, for vocational education; to the Committee on Agriculture.

Also, petitions of the Brotherhood of Locomotive Engineers, Harrisburg, Pa.; the Patriotic Order Sons of America; the Farmers' Union; State Camp, Patriotic Order Sons of America, of North Carolina; and citizens of Philadelphia, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Society of the United States Military Telegraph Corps, of Indianapolis, Ind., favoring passage of House bill 2920, for relief of members of the United States military telegraph corps; to the Committee on Invalid Pensions.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of the vocational educational bill, known as the Page bill; to the Committee on Agriculture.

Also, petition of the American Association of Foreign Newspapers of New York, against passage of the Brown-Oldfield bills, amending the patent laws; to the Committee on Patents.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 26, 1912.*

The House met at 12 o'clock noon, and was called to order by Mr. LOBECK as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast called us into being and filled our souls with longings, hopes, and aspirations which time nor space can measure; our wisdom, strength, and love are but reflections of Thy wisdom, power, and goodness. Thou knowest the beginning and the end; we are Thine, dependent upon Thee. Increase our faith and confidence, and awaken in us the brightest hopes, that we may lean on Thee and look forward without fear, since Thy love encircles all. It were not more difficult for Thee to extend our being into some one of Thy many mansions than to have called us into existence. Thou hast taught us to love life; to think of annihilation is overwhelming. When our friends are taken from us our hearts are rent and torn with sorrow and grief, but the angel of love whispers:

Be still, sad heart, and cease repining;
Behind the clouds is the sun still shining.

We can not think our friends out of existence; they remain a part of us. Be this our solace as we here gather on this quiet, peaceful Sabbath day in memory of one who served his State and Nation as a legislator under the Dome of this great Capitol, chosen for the high station by the people who knew him and had confidence in his integrity and ability to serve them. May his bereaved wife and children cherish his virtues and look forward with the brightest anticipations to a reunion beyond the confines of this transitory existence, where they will dwell with him forever, and everlasting praise be Thine through Him who taught us Thy love and the immortality of the soul. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to dispense with the further reading of the Journal. Is there objection?

There was no objection.

The Journal was approved.

THE LATE REPRESENTATIVE JAMES P. LATTA.

Mr. STEPHENS of Nebraska. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Nebraska offers a resolution, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 552.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. JAMES P. LATTA, late a Member of the House from the State of Nebraska.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. STEPHENS of Nebraska. Mr. Speaker, we have gathered here to-day to pay tribute to the memory of one of the grand old men of this country, the Hon. JAMES P. LATTA, late Member of Congress from the third Nebraska district. He was born near Ashland, Ohio, October 31, 1844, and died at Rochester, Minn., where he had undergone a surgical operation, on September 11, 1911. He was, therefore, nearly 67 years of age at his death. He spent the early part of his life in eastern Iowa, and when he was 18 years of age he set out for the Territory of Nebraska, traveling alone and on foot the 400 miles across Iowa to his future home in Burt County, where he took up a homestead and where he lived the remainder of his life. His homestead at his death consisted of 3,000 acres of rich Nebraska land lying in the valley at the foot of the Missouri River bluffs. On the slope of the bluffs he built his first home, overlooking the endless miles of rich land untouched by the hand of man. From his doorstep he could see the tall wild grasses glinting and billowing in the sun for 25 miles lying spread out at his feet in a panorama of beauty. It was truly a land of magnificent distances and of great promise of rich reward to those who would subdue it. And to this home he brought his young bride, and there in that beautiful environment they reared their two splendid sons and have materially aided in the development of a great Commonwealth.

Men partake of the character of the country that produces them, and it naturally follows, as day follows night, that our friend should have been a man of large parts. He saw everything in a large way in its relation to the country as a whole, rather than how it might affect him personally at the time. He was never petty either in politics, religion, or business, and never separated his interests from that of the community. He grew so rapidly in business because of the responsiveness of that hospitable land to intelligent effort that in a very short time he became a large factor in the county and State, not only in business but in politics as well. From a farmer, stockman, and beef producer on a large scale he became a banker, and later on a member of the house and senate in the State legislature. In fact he became the financial backbone of his county in times of drought and panic when the small men took to cover to protect themselves. In 1893, after a few years of drought, when the faith of the hard-pressed farmers was about all oozed out, the panic came on to cap the climax. Mr. LATTA had already about exhausted his resources in backing up his faith in the country's future, and this final blow would have completely discouraged and driven to cover all but the bravest and best. But he never wavered in his faith or turned aside in his course. He simply gathered up another bunch of farm mortgages and started East on a hunt for more money with which to save the farmers from utter ruin. By pledging his honor and credit to the last dollar he always came back smiling with succor for the needy. When the broken and totally discouraged farmers, battling against the vicissitudes of nature and the cowardly fear of money lenders, would come to him he put heart into them and sent them back with the assurance that as long as he could hold out he would stand by them. No man knows what a friend like that means to him until he has been pressed to the very brink and is being pushed off, as were those poor drought-stricken farmers in the panic of 1893.

He was a benefactor to his people and for years after, as liquidation was extremely slow, it took all the courage he could muster to keep hundreds of discouraged men from abandoning their lands and giving up the fight. Here is where the devil took our friend up in the mountain top and showed him an empire he could take possession of by the mere acceptance as a gift, what all these men wanted to give, to get rid of further struggle against what seemed to them great odds. They wanted to turn over their lands and cancel the debts. The real test of manhood does not come when men are holding positions of trust under the public eye. It is easy enough to be a man when the band is playing a triumphant march and the world is applauding, but it is quite another thing to do your duty when you are hard pressed and no one but God and yourself are looking on. In such cases even God is sometimes forgotten. Yet I am glad to record that our friend whose memory we revere to-day stood the test. With the mere act of acceptance he could have taken the titles to thousands of acres of the richest land in the world, but instead he gave these broken-spirited men hope to work on, and in a few years the tide turned in their favor.

Cæsar put aside the crown offered him by his countrymen, but the plaudits of the multitude were ringing in his ears. But here our dead friend put aside great wealth that was being thrust upon him because he believed in the Golden Rule and practiced it in his business. He knew these broken-spirited men could not get a fair view of their situation because of their distress, and he was too big to take advantage of them.

As the years went by and prosperity returned these men baptized in the fires of hard times and misfortune of every kind began to come into their own, and one by one they redeemed their homes and got back their titles and never paid a cent of tribute for the splendid service this grand old man of Nebraska rendered them. So it leads me to say that after all it matters little when a man was born or when he died or what station he reached in life, but it matters greatly how he lived. The history of northeastern Nebraska is largely a history of the life and work of Mr. LATTA, and when the end came and we all gathered around his bier it was largely a gathering of those seasoned pioneers who had felt the grip of his friendly hand in times of stress—men who had carved an empire out of the wilderness and made it into the garden spot of the world.

He was just the sort of man required for the work of conquering a new land. He was big and brawny in body and clear of mind. Having been born and raised on the frontier he had little school advantages, yet, in spite of this handicap, he was one of the best-educated men I have ever known, according to my own standards of what the word education means. If that man is best educated who can do the most useful things, then, according to that test, our friend had no peer in the West. He has a record of accomplishments that very few men possess. He has demonstrated his ability to successfully perform every class of work from that of a farm hand to that of a legislator in Congress. There was not a single occupation followed by our people of the West that Congressman LATTA did not master and could not do better than his fellows. He knew the secrets of nature better than any schooled scientist knew them, and he knew how to wrestle from the kindly old earth her glad tribute to those who understand her ways.

It was a most remarkable gathering of pioneers who assembled around his bier when we laid his body away on an eminence overlooking the great Valley of the Missouri. There he had stood as a boy and viewed the splendid prospect with much satisfaction, and there we laid his body nearly 50 years afterwards, where the first rays of the morning sun would silver the grasses over his grave.

The tribute to his memory paid him by these neighbors and friends was the most touching and beautiful I have ever witnessed, and it proved beyond a question of doubt that the rewards of an honest and unselfish life of service are beyond human understanding. It inspired me to hope that I might live long enough to be as useful and well beloved by my neighbors and countrymen as was he.

But the finest tribute of all was paid him daily by his two splendid sons, in their loyalty and admiration of him. These boys, now grown to be busy men of large affairs, up to the day of their father's illness were his constant companions, and every day of their lives, if circumstances permitted, they spent an hour or so with their father talking over their affairs, their hopes and ambitions. I have never known greater appreciation shown a father than these boys showed for theirs. It is a touching proof of the great and kindly intelligent soul of the man who could command the love and admiration of his grown sons in such a manner.

We can not prove by scientific data what the condition of life is on the finer planes of matter where men go after they have laid off their earthly garments, but by analogy we can approximate it, and it is reasonable to assume that the conditions there are closely related to the conditions here, and that the process of growth continues in an unbroken line. That would seem to be a universal law, and we need have no fear of crossing this line of demarcation. The God of the universe only puts us to sleep while the crossing is being made, and I anticipate that our dear old friend has found plenty to do in that new land across the border. I hope he has found work befitting his great strength and courage, and that his life will be as useful there as it has been here.

Mr. Speaker, I ask unanimous consent to have incorporated in my remarks a biographical sketch of Mr. LATTA, written by a close personal friend of his and published in the Burt

County (Nebr.) Herald, and also an account of the funeral services.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to print in the RECORD a biographical sketch and account of the funeral of the late Representative LATTA. Is there objection? There was no objection.

The biographical sketch and description of the funeral of Mr. LATTA are as follows:

"IN MEMORY OF CONGRESSMAN LATTA.

"[By J. R. Sutherland, editor Burt County Herald.]

"'Congressman JAMES P. LATTA died at 7.20 this evening,' was the Associated Press dispatch flashed over the wire from Rochester, Minn., Monday evening that brought deep sorrow into many a home in Tekamah, the home town of the deceased.

"It was here where he came when a boy of 18 years. It was here where he began life by working by the month, chopping wood, breaking prairie, or teaching school. It was here where he bought his first 40 acres and built his first cabin. He commenced farming and raising and feeding cattle, at which he was very successful. He kept on increasing his land holdings until now he owned nearly 3,000 acres. It was here where he engaged in the banking business in 1877 and in 1890 organized the First National Bank of Tekamah, of which he continued to be president until his death. It was here where he was married December 29, 1870, to Miss Libbie Jonas, of Jackson County, Iowa, and reared and educated their two sons, Ed and Bur, in our schools.

"No man could be held in higher esteem by the people whom he associated with all these years than was Mr. LATTA. He had their confidence and respect to such an extent that they loved to honor him in every way possible. He served the city as mayor, councilman, and treasurer; he served the county in the legislature in the session of 1887; he was elected State senator in 1906, and was a member of that reform session of 1907. It was Mr. LATTA who introduced the first bill for the present 2-cent passenger fare. In public matters he knew no party lines; with him it was what is best for the public welfare. He assisted in the passage of all reform measures in that memorable session. It was his record in the senate that singled him out for his party as a winning candidate for Congress in this third congressional district in 1908. He was again reelected in 1910 by the largest majority ever received by a Congressman in Nebraska. In the Masonic order of which he was an early member of the local lodge, he was master for several terms, and he was past high priest of the Royal Arch and past commander of the Jordan Commandery of Knights Templar.

"We have no gift of eloquence or command of language with which to grace a splendid eulogy, ours is the simple tribute of a friend—a friend who knows no words commensurate with the mighty flood of feeling that surges through his breast. Why eulogy? Are not his own life and character his most eloquent eulogy?

"When we remember how he succeeded in every field that he engaged his interests in and to which he gave his endeavor, when we remember his unswerving loyalty to every cause that he espoused, to every promise that he made, to every friend that he had, we begin to appreciate his true worth—he was a man made to be loved, and he was loved. To-day the world seems to be lonesome without him. We miss his kindly face, his cordial handclasp, his genial companionship, his helpful council. To those who knew him as we knew him for more than 40 years, he was an unusually lovable man. He was bright, cheery, kind, strong, and ever ready to lend a helping hand. Combined with these characteristics, he was blessed with good intellectual endowment, a powerful physique, and a pleasing personality, an agreeable voice, and an absolute freedom from affectation. His conceptions were quick and remarkably accurate. His judgment was uncommonly good of both men and measures. He had a wonderful faculty of approaching men, although at times almost bluntly, in such a manner as to prepossess them favorably both as to himself and his object. Few men have been favored with such a rare combination of faculties and powers as he possessed, and yet lacked qualities ordinarily deemed indispensable to success.

"He was not a scholarly man, nor a student in the ordinary sense. At the age of 2 years he came to Jackson County, Iowa, with his parents in 1846, which was then the frontier, and his education was limited to a few terms in a log schoolhouse. His training and experience as a business man enabled him to comprehend accurately and appreciate fully every problem that confronted him. He did not pretend to have the powers of the college bred; he belonged to an altogether different class of men. Although a pleasant and agreeable speaker, capable of presenting his views in a logical manner, he made no attempt at oratory and did not seek to mold audiences by the persuasive powers of eloquence. In Congress he directed his energy in an effort to obtain relief from extortion practiced by the eastern manufacturer on the western farmer. He was only in Congress 14 days when he engaged in a spirited debate for the reduction of the cost of wire fence. Being a new Member, an effort was made to ignore him, but his keen sense of what was right spurred him on until he won his point and secured him recognition that proved much to his advantage through the entire session. He was also very successful in securing increased pensions for old soldiers, and at the close of the session the RECORD showed that he had more special pensions allowed than any other Member of Congress, and had the honor of being the only Member who added an amendment to the Payne-Aldrich tariff bill. He adhorred unfairness; nothing could swerve him from the course that his sense of justice and right marked out for him. It was this splendid side of his character that so endeared him to his fellow men, regardless of political affiliations, and enshrined him in their affections.

"The world is better because he lived. So exalted was his character, so noble and unselfish were his ambitions, that life gave him up reluctantly, and death was proud to take him. But death can not take from us the memory of what he was and what he did. Men come and go; he alone lives in the hearts of his countrymen who truly loves and serves his brother man. Though dead, this immortality, this endless life of human heart and history, is the supreme, the sovereign reward of JAMES P. LATTA."

FUNERAL OF THE LATE CONGRESSMAN LATTA.

The following report of Congressman LATTA's funeral is reproduced from the Omaha Daily World-Herald, of September 16, 1911, whose special reporter was present at the obsequies:

"By the rugged rock of granite that marks the family burial lot on the highest point of Tekamah Cemetery, the body of Congressman JAMES P. LATTA was buried this afternoon—a place typical of the rugged character which had chosen the place in years gone by.

"It was after a funeral service such as Tekamah has never known before, because Congressman LATTA belonged not alone to Tekamah, but to all Nebraska, and from far and near his old friends came with sorrowing hearts. The early train from the south brought many; two coaches attached to an early afternoon freight from the north brought large delegations from Bancroft, Lyons, Oakland, and other points; by automobile and carriage they arrived by the hundred.

"The funeral service was at the LATTA home, where on the large lawn were arranged hundreds of seats and where those for whom seats had not been reserved remained standing while Canon Marsh, of Blair, said the Episcopal service. A quartet composed of Miss Irene Sutherland, Mrs. Neil Cameron, Ralph D. Conkling, and N. W. Preston, the private secretary of Mr. LATTA, sang sweetly, "Softly the Day Fades," "In the Hour of Trial," "Abide with Me," with Miss Adelaide Thomas at the piano.

"The body had rested in the parlor of the old home during the day, surrounded by a wondrous gift of flowers and guarded by Knights Templar in uniform, while thousands passed by to view for the last time the face of their beloved old friend. As the hour approached for the funeral service the casket was borne to the lawn, where the deceased Congressman had passed many happy hours with his family and friends, now meeting again to weep where once all had been joy and laughter.

"After the service was taken up the long march over the hills to the cemetery, located on the crest of one of them. The Masonic fraternity at this moment took charge of the services. Tekamah Lodge, No. 31, Ancient Free and Accepted Masons, of which Mr. LATTA had been a member for 32 years, of which he had been master for two terms and of which he had been treasurer for many years up to the time of his death, Fred Wixer now being master. Jordan Commandery of Knights Templar, of Blair, of which Mr. LATTA was past eminent commander, of which all the Knights Templar are members, was the escort. The active pallbearers were: T. A. Minier and Oscar Samson, of Oakland; C. A. Darling, of Lyons; E. A. Hansen, of Decatur; John Harrington, of Wayne; E. C. Houston, C. Jeep, and L. D. Phipps, of Tekamah. The honorary pallbearers were Col. Wellington Harrington, J. R. Sutherland, R. A. Templeton, sr., and S. T. Story, of Tekamah; Dr. J. B. Whittier, Decatur; Dan V. Stephens, Fremont; Charles P. Mathewson, Walthill; James Parry, Jackson; Watson Tyson, Blair; J. B. Garland and H. A. Garland, who were boyhood friends of the late Congressman, from Jackson County, Iowa. Col. John P. Cameron was marshal.

"The order of march consisted of Jordan Commandery of Knights Templar; Tekamah Lodge, Ancient Free and Accepted Masons; the hearse and pallbearers; relatives and friends in carriages; relatives and friends in automobiles.

"At the cemetery the Masonic burial ritual was observed with all of the pathos and impressiveness and tender sentiment possible. Robert E. French, grand custodian of the Grand Lodge of Nebraska, was in charge of the ceremonials committing the body to earth.

"Official recognition of the dead Congressman was given by the presence of the entire congressional delegation of Nebraska, consisting of Congressmen C. O. LOBECK, of Omaha; JOHN A. MAGUIRE, of Lincoln; CHARLES H. SLOAN, of Geneva; MOSES P. KINKAID, of O'Neill; and GEORGE W. NORRIS, of McCook; and PHILIP P. CAMPBELL, of Pittsburg, Kans.; and I. D. YOUNG, of Beloit, Kans., appointed members of the House committee by Speaker CLARK; and by the presence of Nebraska's two United States Senators, NORRIS BROWN and G. M. HITCHCOCK.

"Other men prominent in public life present were: Acting Gov. John H. Moorehead, of Falls City; Speaker John Kuhl, of Randolph; Senator George W. Wiltse, of Randolph; Willis D. Reed, of Madison; Senator Fred Volpp, of Scribner; DAN V. STEPHENS, of Fremont; Judge W. L. Stark, of Aurora; Gen. John C. Cowin, William Wallace, B. H. Robison, Robert Robison, Herman Peters, and Thomas J. Nolen, all of Omaha; Rev. John F. Poucher, of Stanton; Editors Don C. Van Dusen and Thomas Osterman, and Judge Clark O'Hanlion, of Blair; Senator Philip H. Kohl, of Wayne; Col. John A. Ehrhart, of Stanton; Col. J. C. Elliott and P. Moodie, of West Point; C. E. Bardwell, of Lincoln; Judge Walton and Charles Selleck, of Blair; besides many other friends from over the county and State.

"The relatives and intimate family friends from abroad were:

"Mr. and Mrs. John Harrington, Mrs. Chris Astor, and Mr. and Mrs. Dan Harrington, of Wayne; Miss Margaret Latta, Mrs. Ryan, and Miss Powell, of Omaha; Ed Callery and P. T. Flynn, sons-in-law of the late John Latta, of Duncomb, Iowa; J. B. and H. A. Garland, of Cranston, Iowa; Mrs. Bectol and Mrs. Goza, of Tama, Iowa; Dr. N. P. Hansen, of Elk Creek, Nebr.

"Among the elegant gifts of flowers was a huge shield done in colors, the offering of the United States Congress, besides lodge offerings and many from friends near and far.

"It was just such a funeral in just such a place as would pull the hardest on the heartstrings of the members of the family who are left to mourn, as it would bring more vividly to memory the tender moments that had been spent on the same spot with the deceased in his life. Yet there was something about it— the deep shade of the trees, the songs of the birds, the music selected for the occasion, the words of the minister, the sorrowing friends, the solemnity of the scene— that seemed to designate it as the funeral of the deceased and made to be just the kind of a funeral he himself would have desired had he been able to plan it for himself.

"Those of the immediate family who survive him are: His wife and two sons, Ed and Bur; a sister, Miss Louise Latta; and a brother, George C. Latta; also a cousin, W. W. Latta, who has during all these years been as a brother, so close have been their associations."

Mr. COLLIER. Mr. Speaker, it was my good fortune to become intimately acquainted with Mr. JAMES P. LATTA. We entered Congress at the same time, and for nearly two years we lived at the same hotel. Notwithstanding the difference in our ages, a warm and lasting friendship sprang up between us. Living under the same roof, seeing him nearly every day, I had an opportunity to know his worth and appreciate his merits.

Mr. LATTA was a self-made man. He many times recounted to me the hardships and trials of his early life. When a mere boy, he followed the star of empire westward and, unaided and alone, "exacted from the grasp of reluctant fortune" that success which characterized all his efforts.

Prudent, resourceful, painstaking, and honest, it did not take Mr. LATTA long to acquire what men call a competency. He was not a brilliant man, nor a great orator, but he was rich in that great gift which, for want of a better name, is called common sense. When some question would arise in the House affecting the interest of the people of his district or that of the people of the entire country, I have seen Mr. LATTA rise in his seat, and in earnest tones, and with an eloquence born of the justness of the cause he was advocating, become convincing, forceful, logical, and persuasive.

He was at all times armed with the courage of his convictions. His pioneer training gave him that self-confidence with which he met and vanquished the difficulties which so often confronted him.

His fearless nature, his rugged honesty, his independent spirit, his plain matter-of-fact manner, his industrious habits, his cordial greeting, his genial disposition, his innate modesty, his sterling worth, and true merit were recognized by all who knew him, and the possession of these qualities not alone endeared him to his friends, but gained for him an enviable position in the House of Representatives.

Faithful, conscientious, true to himself and his friends, in the fullness of his strength he accomplished his daily tasks and performed well his work in this busy world of ours.

He left behind him as a heritage to his family an "honest name, the memory of earnest deeds well done."

Death had no terrors for JAMES LATTA. He was firm in that faith which is founded upon the Rock of Ages. He believed with the poet who said that—

Death is but an angel, who to man at last his freedom brings;
And the grave is but a nest in which the soul shall find its wings.

JAMES P. LATTA fought a good fight; he kept the faith; he was affectionate to his family; he was true to his friends; he was devoted to his country; he was faithful to his party and conscientious in his convictions.

His colleagues sincerely mourn his death, and though these historic Halls will echo no more with the sound of his voice, and his pleasant smile, his cordial greeting, and his hearty handclasp have gone forever, yet he is not forgotten.

Death is a mystery which all the intellectual forces of mankind have vainly endeavored to solve.

The lips of the young inquiring "whence" and the old asking "whither" are alike unanswered.

Why some are called in the early morning of youth and some fall asleep in the evening of their days we know not; we can but wonder.

When childhood, tender childhood, meets the dread messenger, though our hearts may be torn with grief, yet we are comforted by the thought that, safe from life's trials and temptations and hardships, ignorant even of the knowledge of evil, the little ones sleep secure in the Master's arms. When death halts the faltering steps of old age, we draw some comfort from the knowledge that threescore years and ten is the allotment for usefulness here on earth. But when the bitter stroke descends unexpected, unannounced, upon vigorous manhood, we stand appalled, our hearts are troubled, and we wonder why this should be. But in this hour of doubt and trouble and grief there comes to comfort the aching heart "the Divine assurance that He doeth all things well."

For 'tis idle to talk of the future, the sad might have been mid our tears.
God knew all about it, yet took him away from the oncoming years.
God knows all about those that love Him; how bitter this parting must be.
And yet through it all God is loving and knows so much better than we.

Mr. RAINEY. Mr. Speaker, we have assembled here to-day to do honor to one who in all the affairs of life in which he participated discharged his full duty as a public servant and as an honest man. JAMES P. LATTA was born 68 years ago on a farm near Ashland, Ohio. He came from a race of sturdy pioneers. He belonged to that class of our citizens which pushed sturdily forward ahead of the march of civilization, which for a hundred years came down our rivers in flatboats and through our long forest avenues in oxcarts, pushing always forward toward the undeveloped sections of the great West. While he was yet a child, his parents yielded again to the call of the West, and in the old, primitive way which characterized the westward march of the early settlers, moved across the States of Indiana and Illinois, then being rapidly settled up, across the great river which flows through the center of the country, and found a home on its western bank in the State of Iowa. They were among the very earliest pioneers in that section of the country.

Here young LATTA grew to manhood, working on a farm during the spring and summer and fall—and farm work in those days was the hardest kind of toil—acquiring in the winter time, in a district school, the rudiments of the education which he afterwards developed in the hard school of practical everyday life. When he attained the age of 19 years, the call of the West came again to him. The section of Iowa in which he lived had rapidly settled up. He started out on foot and traveled alone across the great State, having in view, as he often told me himself, but one definite object—the finding of a new country with fertile soil and those natural advantages which could be developed by the population he felt sure would settle there.

An old friend of his in a Mississippi River town had given him this advice:

If you ever go farther west, travel until you reach a river and then settle on its western bank. The most important towns and cities in the interior of the country along the rivers which flow south are on the western banks of those rivers, and the most valuable land is there.

With this advice to guide him, before he attained his majority, with no money in his pockets, with no capital except his own buoyant spirits, his own hopeful disposition, his splendid, vigorous health, and his hard common sense, he started on his long march toward the West, until finally he reached the Missouri River; and, following the advice of his old friend, he crossed the river, and on the other side, in the Territory of Nebraska, he made his home.

He took up a homestead and commenced to develop it. Seven years later he married an Iowa girl, who stood by his side during the years that followed, fighting with him the hard battle of life on a Nebraska farm. Prosperity came to them as the years passed. He acquired more and more land; the land he acquired increased in value under his skillful methods of development, until finally, at the time of his death, he had accumulated for himself and his wife and his children a comfortable fortune. He organized the First National Bank of Tekamah, now one of the strong financial institutions of that section of Nebraska. He represented his district in the State legislature and in the State senate, and was finally elected to Congress.

He journeyed toward the west across the State of Iowa ahead of the railroads. He lived long enough to see the Territory in which he settled grow into one of our greatest States. He saw the section which he selected as his home develop until on every hand there were cultivated farms, thriving villages, towns, and cities, and a happy, cultured, prosperous, contented population.

He discharged his full duty in all the walks of life—loved by his family and the citizens of the community in which he lived, respected by all who lived within his adopted State. I knew him during the entire period of his service in Congress. Early in our acquaintance I learned to admire his rugged honesty and his keen perception of the duties of the high office he filled so well. I knew him better than most Members of Congress and I profited many times by his judgment in important matters of legislation.

He belonged to that type of men who have made this Nation great. He served courageously, honorably, and honestly the people of his State. He was a good citizen, a faithful, honest public servant, a kind husband and father, a true friend. He discharged with honor to himself and his family and neighbors and friends all the duties imposed upon him in the many years of his active, useful life. He possessed the confidence of men; he never betrayed those who believed in him. He was my friend; I desire to add my tribute to his memory.

Mr. SHARP. Mr. Speaker, during the past four years, which measure the length of my service in this honorable body, the hand of death has visited with unusual frequency its membership. In looking over the personnel of those who have been taken from among us we have been made painfully aware of the fact that those whose services to their country in these legislative halls could be least spared, and whose association with their colleagues has been most helpful, have been conspicuous. Though on account of the brevity of his service he was not so prominent as some of those whose deaths we have come to mourn, yet JAMES P. LATTA, even in the brief period of his membership in this House, not only endeared himself to his associates but left upon them his impress as a man of sterling worth and unusually good judgment. Assiduous and conscientious in the discharge of his duties, he reflected the highest credit upon his constituency.

Early attracted to him by his genial manner, I had an added interest in his career from the fact that he was born in Ashland County, Ohio, which forms a part of the district which I have the honor to represent. While the element of environment has necessarily an important influence upon the career of all men, yet to that of heredity must still be credited the greatest force in giving bent to and shaping that career. I think this must have been essentially true of the one whose death we mourn to-day, for the Lattas of Ashland County, and the branches of that family tree, were people of sterling worth and character. The stock from which he descended was, I take it, typically representative of the so-called Pennsylvania Dutch families who have contributed so much to the prosperity and good name of that splendid county. Though he moved, with his parents, to the West early in life, yet it is easy to imagine that the sturdy characteristics of such people well fitted him for the hardy undertakings which confronted the western settler of 60 years ago. Indeed, we could hardly expect any other result from the life work of such a man than the achievements which were his and which were so signally recognized by the people among whom he lived.

While it is difficult, in a comparative sense, to measure the value of the work of Members of this House, yet there can be no such thing as relativity in those traits which make for integrity of character and personal honor. It is a wise dispensation of Providence which endows men with different abilities and varied attributes. The varieties of the fields of usefulness could hardly take a wider range than is exemplified by the services of the Members of this House, and perhaps in no other assembly of men is the value of such service more accurately gauged than by its membership. To some are given that power of fluency of speech sufficient to exert a potent influence in shaping important measures which come up for discussion upon the floor of the House. With the keenest logic and most forceful rhetoric, fallacious theories are exposed, while to others to whom such endowments have been denied are left the more plodding but not less useful work of framing the essentials of legislative work in the committees. It is in this latter field that our late friend and associate must have been of much practical service, for his experience in agricultural pursuits and wide acquaintance in that work which still has to do with the consideration and treatment of the rights of our Indian population were intimate and accurate.

There is another phase to be considered in connection with men in public life beyond that of mere capacity for usefulness. Is it too much to say that fundamentally in the appreciation of a Member's work lies that element of genuineness of character and integrity of conduct? Judged by this criterion, our friend who has gone before, whose death we mourn, and in whose praise we speak to-day, stood very high in the estimation of his colleagues. With him, even in this day, when party ties bind so lightly and partisanship is almost a thing of the past, his attitude upon all public questions was singularly free from bias and prejudice. His was truly a high conception of the duties of his office. The membership of this House never had a more faithful coworker nor American citizenship a higher standard of fidelity to its best interest. Though it was not vouchsafed to him to occupy a conspicuous place in our country's affairs—for he was rather a private in the ranks of duty—yet in all the essentials that constitute the warp and woof of manhood's structure none possessed them in a higher degree. Truly, in his death not only the people of Nebraska have lost a faithful Representative, but his colleagues a kindly friend.

Mr. KOPP. Mr. Speaker, JAMES P. LATTA, in whose memory we have assembled to-day, was born in Ohio, in 1844. Ohio at that time was of the older civilization. When but a child of 2 years his parents moved to Iowa and became pioneers in that Territory. As the settlers increased and the land went under the dominion of man's labor the spirit of the pioneer moved JAMES P. LATTA, then a boy of 18, to again turn his face toward the setting sun. It was during the dark days of the great War between the States, when the land was stirred with civil strife. With indomitable courage and a determined perseverance this boy started for the Territory of Nebraska, walking the entire distance. The pioneer will always do his part when he has nature's heritage—

> Stout muscles and a sinewy heart,
> A hardy frame and a hardier spirit;
> King of his two hands, he does his part
> In every useful toil and art.

The spirit of the pioneer has been the motive power of our civilization. It seems to have been an instinct in the Caucasian race. We know not what developed it in the centuries past, but we do know that it led our people from their original home in Asia across mountains and sea, over river and plain, ever and ever to the westward. Meeting every obstacle, enduring every hardship, overcoming every impediment, it reached our Atlantic seaboard; from thence, with renewed determination, it again moved to the westward; heeding not the war cry of the savage, the stealth of the wild beasts, nor the hardships of nature, it went on and on to the rolling Pacific, leaving in its wake fertile plains, beautiful cities, and happy homes. The pioneer sowed the seed. Those of us who are so fortunate as to live in this century are reaping the harvest. In the State of Nebraska JAMES P. LATTA was a pioneer.

Here he lived and here he died; here he married and reared his family; here he received the bountiful return of nature for his hard labor, and accumulated a competency; here he received the plaudits of his neighbors, and was repeatedly honered by them in being sent to both houses of the State legislature and the Sixty-first and Sixty-second Congresses. This tells the general story of his span of life.

One of the greatest blessings of our system of government is that an open door and a free field is constantly before all our sons and daughters. The humblest, the lowest may ascend to

the highest field of usefulness and success. The poorest boy with a clear conscience, a rugged body, a vigorous mind, and a stout heart has no limitations. Merit—intrinsic merit—is what finally prevails. Mr. LATTA possessed these qualities of heart, of soul, and of mind. He made a success of everything he undertook, because to him failure was unknown. In his lexicon there was no such word as "can't."

It was my good fortune on coming to Washington at the opening of the Sixty-first Congress to be thrown in close touch with JAMES P. LATTA and his devoted wife. While he was my senior by many years, we became close friends. I grew to love him as a father, and when I learned that the angel of death had summoned him it seemed as though one of close kin had been taken away. Death is always an unwelcome guest, and to JAMES P. LATTA an unannounced one. Strong and vigorous of stature, it was little dreamed by those who knew him best that a dreaded malady had fastened upon him its poisonous fangs. He was hurried to the greatest hospital in the world, but there told that life was his but a few weeks longer. With that fortitude which had characterized the every act of his life he prepared for his departure to the unknown world from whose bourn no traveler returns. He had lived his life well; he had performed every duty to the best of his ability and went to the future with no dread, save that dread of parting from those who were near and dear to him.

Our congressional life has many joys and pleasures, many sorrows and vicissitudes. Most that we say here will never be heeded; much that we do here will soon be forgotten; but one thing will never—no, never—perish—sweet friendship, the most delightful relationship of life, will remain like the evergreen and leave us only when body and soul are parted. JAMES P. LATTA has gone, but the memories of his friendship will be with us forever.

Farewell: A word that has been and must be
A word that makes us linger—yet—farewell.

Mr. FOSTER. Mr. Speaker, I am honored by being able to say something of the life and character of Hon. JAMES P. LATTA, formerly a Member of this House.

On Mr. LATTA's entrance into Congress it was my fortune to become acquainted with him immediately, and I lived in the same house with him during his entire service in the House of Representatives.

Mr. LATTA was of that pioneer, rugged stock that knew what it was to fight for what you get in life. He was deprived of an education, except what he could secure at the public schools of that early time. His education, though, was the learning of good common sense, honesty, industry, and integrity.

When a young man, scarcely 19 years of age, he left his home in Iowa and all that was dear to him then, and started across the country afoot, traveling several hundred miles, settling in the Territory of Nebraska, there to seek his fortune and make his way in the world.

We who have not had that experience little realize what it means to go out into a new country and make a home. I have always felt that those who go into the wilderness, go into a new country, and blaze the way, deserve great credit. It is an easier thing to follow the trail after it has been blazed than it is to start out and make the trail. Mr. LATTA, having industry, integrity, and character and force of determination to win, did win in his new home and became one of the prominent citizens of that great State. He was honored by the people of his State by being elected to the lower house of the legislature, and on his election to Congress he was then a member of the State senate of Nebraska. In these positions he showed his worth as a man. He stood for the right of the people; he knew what it was to struggle. He knew what it was to be poor, and when he became independent, so far as this world's goods are concerned, he did not forget those less fortunate, and his sympathy was always with them.

As a Member of this House he discharged his duties with great credit, which was reflected upon his district, upon the State, and upon the Nation. He took an interest in public affairs and was always at his post of duty, ready to discharge whatever duties might be necessary to be performed as a Member of this House. I feel that the Nation has been honored by the election of such a man as JAMES P. LATTA to Congress. It is to be regretted that he did not live long enough to serve his term and pass to higher honors in the State and the Nation, where he might be of even greater service to the people.

His domestic life was of the happiest. He was a devoted husband and father and took great delight in the company of his family, and he was happy when he was with them. He always tried to make the life of his devoted wife one of pleasure, and she was his constant companion.

And so, my friends, we can offer but little comfort to the sorrowing family in the loss of this dear man, but we can offer them the hope that when they look above and beyond this life they will some day meet the husband and the father there; because we read in the Good Book that it is said, "I will go and prepare a place for you," and I believe that JAMES P. LATTA's spirit rests with his Maker above, and that when his spirit ascended on high was received, it was said, "Well done, thou good and faithful servant; enter thou into the joy of the Lord."

Mr. CULLOP. Mr. Speaker, the frequency of such occasions as has called this House together to-day admonishes us of the uncertainty of life and the irrevocable fate of all humanity. Travel as man may and the same fate is his ultimate destiny, from which there is no rescue.

JAMES P. LATTA, whose memory we have convened to honor, has traveled the great highway of life from one terminal to the other, and entered into the enjoyment of his well-earned reward. His was an unusual life, full of the experiences which few men have enjoyed. Twice a pioneer on the western frontier, he bore witness to the marvelous development which has transpired in the last half century in a great and growing section of our country.

Born in the State of Ohio, at the age of 3 years his parents moved with him to the far distant Iowa, then the western limit of civilization, and there began the life of a pioneer. He was reared among the hazards and dangers of frontier life until he was about 20 years of age, when he resolved to move westward and become a pioneer on his own responsibility. Not a single mile of railroad or telegraph had been built west of the Missouri River, and the prairie schooner and stagecoach on the old National Trail were the only means of transportation which invaded that boundless territory, with its inexhaustible resources, awaiting the advent of a civilized people to open nature's great storehouses.

Before he had attained his majority, armed with dauntless courage, supported by stalwart manhood and a fixed determination, he started for the frontier in northern Nebraska to found a home and carve out a fortune for himself. He had been educated in the great school of human experience, with limited facilities to cultivate his mind and but few opportunities to apply the fragmentary rudiments of the meager education afforded the old settlers. For 200 miles he penetrated the West on foot, seeking the place of his future home, where he lived until he died. He was one of the first settlers who carried the flickering lamp of civilization into that land where the painted and plumed barbarian held undisputed sway, that its feeble rays might radiate over the expansive prairies and announce the beginning of a new era. He built his home with the hostile Indians as his only neighbors, where the moan of the buffalo, the howl of the wolf, and the scream of the eagle alone broke the silent vigils of the long weary nights.

His pioneer cabin was home, and around it the winds which swept the broad untamed prairies sang requiems to break the monotony of slowly speeding time. But time worked its weary way, and the civilization of which he was the advance guard came trooping along in its westward march, and the uncivilized red man reluctantly, like the Arab, folded his tent and moved along toward the setting sun. As the processes of a never-ceasing evolution unfolded its progress before him for review, he saw the Indian villages disappear, and towns and cities, hives of human industry and thrift, erected on their ruins; he saw the wigwam decay and the home of the sturdy settler take its place; the schoolhouse and the church builded for the diffusion of knowledge and civilization, and the arts of peace supplant the habits and customs of barbarism. He saw the great prairies over which herds of wild beasts had fed and roamed reduced to cultivation and produce beyond the sanguine expectations of the most optimistic; he saw the dry and parched desert drink of the living waters of the streams flowing along its borders and become rich and fertile lands, teeming with products to supply the wants of the people at home, and furnish a surplus to swell the markets in distant sections and aid the ever growing commerce of a mighty people in the greatest country on the globe.

All these occurred within his time, passed under his review like a panorama, and in their marvelous growth he had been a potent factor, and in the important part he had played in this wonderful transformation, this great and good work, his people recognized his merit, his real worth, and confided greater responsibilities to him. They elected him to represent them in their State legislature, where he acquitted himself so satisfactorily that they chose him to represent them in the State senate, and for his faithful attention and splendid work they called

him twice to serve them in the United States Congress, which he was doing when his untimely end came. In every public capacity he was the same true and faithful public servant and never betrayed their confidence or forfeited their esteem.

His experience, covering the many stations he had occupied from a pioneer homesteader to the position of a man of wealth and influence and high public position, enabled him to understand the various wants of the people engaged in various vocations, and his sturdy character and unflinching integrity made him a positive force in advocating the cause of his constituency, which he ably and faithfully did as a Member of this body.

The pioneer is rapidly passing from among us; soon, ah, much too soon, we will know him no more. Their places will not be easily filled. They were heroes whose virtues should be extolled. Their contribution to civilization, to the country's progress, deserves particular attention, and their characters, standing out boldly among the most useful the country has produced, should be impressed upon posterity as great, good, and patriotic. But few, if any, can excel them; their work speaks for itself, and we are forcibly reminded of their wise endeavors in every institution in our common country as the product of their handiwork.

Their work, unaided by example or experience from which they could pattern, dedicated to the foundation of a new civilization, the organization of society and the creation of a new Government, called for the exercise of the best faculties of the head and heart, and the truest wisdom with which man could be endowed, the highest order of integrity and patriotism the world could furnish, in order that what they created might meet the requirements of succeeding ages and measure up to the responsibilities which the future would demand of them. Imbued with this great responsibility, penetrating the darkness in which the future was veiled, estimating with almost mathematical certainty the marvelous progress which would follow their endeavor, they accomplished their work with such wonderful accuracy, with such unselfish patriotism and untiring devotion to public welfare, that it has adequately performed every purpose to which it was dedicated, and as time unfolds the secrets hidden from view, their wisdom and capacity is the more firmly established and revealed.

We venerate the names of our military heroes and great statesmen by the erection of monuments and statues to show our appreciation of their great services to their country; we signalize their achievements in story and song; we glorify their virtues by emulating their examples, but we have failed to pay the proper amount of attention, I fear, to the sturdy characters of our pioneers, who, amid the dangers and hardships, formed settlements, established civilization, and founded social government among hostile foes and conquered the enemies of progress.

To them the country's posterity for all time owes a debt of gratitude which it can never pay. The sturdy pioneer performed a work which redounds to his glory, erected for himself a monument in the hearts of the people which will endure long after monuments of marble and statues of brass have crumbled to dust and have perished from the minds of men. His work was dedicated to the uplift of humanity, and an appreciative posterity will regard it as the greatest heritage ever bequeathed to the human race. Time will not diminish its importance, the people can not underestimate its value, and the future will keep secure their fame and revere their precious memories. In the demise of our lamented colleague a pioneer has fallen and the country suffers because of his removal, but his example is left as a precious legacy to his family and friends. "Peace to his ashes."

Mr. STEPHENS of Texas. Mr. Speaker, the Members of this House are once more called upon to mourn the loss of one of its most useful Members—Hon. JAMES P. LATTA, of Tekamah, Nebr.—near the close of the Sixty-first Congress. He represented the third congressional district of Nebraska, having received 26,832 votes to 24,865 cast for his Republican opponent, Hon. John F. Boyd, in a district that had for many years been a strong Republican district. Mr. LATTA was a member of the State senate at the time of his election to this House. Who has not observed the wonderful, although undefinable, power some men possess over their fellows? Is it personal magnetism or electricity, or is it to be found in what we sometimes hear called electrobiology or mesmerism? Is it the mysterious force of the human will? Is it a secret or unknown power which the human mind can not understand? Whatever it may be, this power was possessed by Congressman LATTA in a remarkable degree. He drew men to him by his earnest, direct, and convincing manner. It has been truthfully said that an honest man is the noblest work of God. The honesty and integrity of Mr. LATTA were unquestioned, and impressed themselves on the voters of his district and his associates in this House in so convincing a manner that they regarded him as one of God's noblemen. And for this reason we who knew him best as a Member of this House reverence his memory the most. Mr. LATTA was a good father, husband, friend, and legislator, and always so impressed himself on his associates. I served on the same committee—the Committee on Indian Affairs—with him, and he was my close personal friend and party associate, and there was no man on the committee for whom I had a higher personal regard. He possessed a remarkably clear judgment on all business affairs, having been a very successful man himself. He very readily grasped the many business matters coming before our committee relating to Indian affairs. He was regarded as one of the safest and best legislators on the committee.

Mr. LATTA was born near Ashland, Ohio, and when 2 years old his father removed to eastern Iowa, being one of the earliest pioneers of that country. His father was a farmer, and young LATTA worked on the farm during crop seasons, and attended school during the winter months, where he acquired his limited education. In 1863, at the age of 19 years, he emigrated to Nebraska, where he lived at the time of his death. He walked several hundred miles in making this change of residence. There were no railroads in this country at that time, and Nebraska was then a Territory. Mr. LATTA was a pioneer and an original homesteader of Nebraska, and grew up and prospered with his State. Mr. LATTA is the only Congressman I ever knew who moved to strike from a bill under consideration in the House an appropriation of money to be expended in his State. Yet this is exactly what he did on February 1, 1910. Page 1345 of the CONGRESSIONAL RECORD shows that the Clerk read the following clause of the Agriculture appropriation bill:

Nebraska National Forest Reserve, $18,250.

Mr. LATTA rose and said:

Mr. Chairman, I move to strike out the last word. I have listened yesterday and to-day to this discussion about the appropriations for these national forest reserves. In my State of Nebraska you appropriate $18,000 for the maintenance of a national reserve. You can buy all the timber on that reserve for less than $5,000. You can not propagate timber there, because the reserve is leased to sheepmen, and the sheep eat off every bush that grows. I agree with the gentleman from Wyoming [Mr. MONDELL] that these appropriations seem extravagant, unreasonable, and uncalled for. We commenced in 1901 with an appropriation of $90,000. In nine years we have increased it to $5,000,000. Now, what have we got for it? Are we making parks or pleasure reserves, or are we trying to propagate and increase the growth of timber? If we are trying to increase the growth of timber, we are also leasing these reserves to men who are grazing sheep, goats, and cattle and horses on them, and thereby destroying every small tree and bush. Now, the two things do not work together. It is unwarranted extravagance and misjudgment, in my opinion. I am not criticizing the members of this committee, but are the people getting value received for the money expended? It looks to me as though they are not.

Mr. LATTA then offered an amendment to strike out this Nebraska appropriation, but his amendment was defeated by other Members of Congress from Nebraska. But this incident shows the self-denial and honesty of purpose of our deceased friend. Refusing this needless, in my judgment, appropriation of public funds places Mr. LATTA in a class by himself.

Mr. LATTA did not believe in landlordism and was opposed to large landed estates, and believed that some equitable means should be devised of dividing them up into small holdings, so that the tenants on large farms and ranches and Indian and other land reservations could become the owners of small tracts by making small annual payments therefor. He said that he would be glad to divide up his own large farm and ranch property in the same way, and that he had often advanced money to young tenants on his ranches to pay for their land on the annual installment plan. The members of our committee valued very highly the advice given us by this excellent business man and kind-hearted philanthropist in regard to the best disposition of the large Indian landed estates of the West.

Mr. LATTA was born, lived, and died on the outskirts of American civilization, where he helped to settle and civilize one of the best States in the Union. All honor to this old sturdy pioneer, statesman, loving husband, kind and indulgent father, safe adviser, and faithful friend. This fast-fading school of old pioneers may well be described as—

Tall and strong, and swift of foot were they,
Beyond the dwarfing city's pale abortions;
Because their thoughts had never been the prey
Of care or gain: the green woods were their portions.
No sinking spirits told them they grew gray;
No fashion made them apes of her distortions.
Simple they were, not savage; and their rifles,
Though very true, were not yet used for trifles.

Motion was in their days, rest in their slumbers,
And cheerfulness the handmaid of their toil;
Nor yet too many nor too few their numbers,
Corruption could not make their hearts her soil.
The lust which stings, the splendor which encumbers,
With the free foresters divide no spoil.
Serene nor sullen were the solitudes
Of this unsighing people of the West.

Mr. MAGUIRE of Nebraska. Mr. Speaker, we have laid aside the usual routine of public business and assemble here this afternoon to pay a brief tribute to the life and services of a late Member and our lamented colleague, Hon. JAMES P. LATTA.

He was born near Ashland, Ohio, October 31, 1844, and when a child of but 2 years of age he moved with his parents to the eastern part of the Territory of Iowa. He grew to manhood with much the same training and surroundings as other boys of his time—working on his father's farm and attending district school during the winter months. In 1863, before overland railroads were constructed, he traveled across Iowa and into Nebraska Territory, where he located on a Government homestead in Burt County, near the Missouri River and close to the present town of Tekamah. He lived on this farm, which has been enlarged to 3,000 acres, and in the town of Tekamah till his death on September 11, 1911. A few weeks before his death he sought relief for stomach trouble and underwent an operation, from which he never recovered. He leaves in his immediate family a widow and two sons to mourn his loss.

While we are eulogizing the memory of Mr. LATTA here in this House more particularly from the point of view of his public service, still I can not fail to recall the more realistic and vivid story of his life as told by his friends and neighbors at his home on the day of his funeral, which I attended as one of the official congressional party. The people had gathered there not only from among his neighbors and fellow townsmen, but also from many parts of the State to pay their respects to a departed friend. Each one in that gathering felt a personal loss in Mr. LATTA's death. The simple but eloquent story of his everyday life was in the minds and upon the lips of the thousands of those who knew almost his every deed and act and thought. To them his life was an open book, and in it they prided themselves in having a part. Friends vied with each other in relating his many acts of charity, kindness, and early sacrifice. The people of his district had implicit confidence in his honesty, his industry, and his ability. To travel with him over his large district seemed like going through his own neighborhood, where each one had a personal interest in his welfare and all knew him as "Uncle JIM LATTA."

Mr. LATTA was a man of simple tastes and democratic in manner and sympathy. Because of his companionable disposition, large experience, and good judgment it was indeed a pleasure and a profit to accept his hospitality. Entering Congress at the same time and living at the same hotel, I found it a privilege to have the advantage of his association. Although a man of strong convictions, still he was tolerant and charitable in thought and accorded to others the right to follow their own standards of right living. His long experience gave him a keen insight into the problems and trials which multiply around the average man. When there was conflict of ideas among men he saw and understood how honest differences of opinion might arise among many minds and diversity of environment. He did not fail to take the larger view of life. He was an optimist and had unfaltering faith in the future. Courage and hope rather than fear and despair characterized his attitude toward life. Integrity of word and action made him understood by all, and you always knew what he meant by what he said. Physically he was large, strong, and rugged, and conserved to the last his energies. Temperate in all his personal conduct and habits, he was able, therefore, to lead an active and strenuous life to the very close.

While he directed most of his efforts to the building up and development of the new country and to the care of his increasing properties, still he had been the recipient, more particularly in later years, of many public honors, which he modestly accepted. In 1887 he represented his district in the lower house of the Nebraska State Legislature and in 1907 was a member of the State senate. In 1908 he was elected as a Democrat from the third Nebraska district to the Sixty-first Congress and was reelected to the Sixty-second Congress. Where he played the larger part, I believe, was as a pioneer and Nation builder. He was contemporaneous with the last and greatest epoch of our history which comprehended our industrial and civic expansion and growing nationality.

The rounded character of the man made it possible for him to become a potential force in our industrial expansion, while his constructive nature helped in the organization of political society. When he reached Nebraska Territory he found the Indian and buffalo in possession, with only a few scattered settlements of white men. Natural obstacles in the new country yielded slowly at first. The blizzards, droughts, grasshopper pests, and hard times made up some of the conditions which tried the courage of men, and many were the pioneers who were compelled to surrender the heroic struggle. But with Mr. LATTA he refused to yield and ultimately reaped a comfortable reward, but not more than he deserved. He was a man who was not satisfied with meeting simple situations, but insisted on overcoming great obstacles. When he had passed from the stage of poverty and hardships he did not forget nor cease to help those who still suffered through misfortune. He gave freely to those in need and without any assurance or guaranty of return. While he lived his later years in the new surroundings, still he felt the early spirit and sympathized with the old conditions. When he was called into the larger activities of life and the complex problems of expanding business he never forgot the joys and sorrows of his friends and neighbors.

While his congressional career was not long, still it was an enduring one of splendid service. He was a constant attendant at his committees and in the House and to all his congressional duties up to the time of his last illness. His large fund of information and practical experience were brought to bear in the examination of every question, and in the material and economic development he spoke with some authority. He held a high conception of the public service and left the impress of his life and character as a contribution to the parliamentary history of his country. He ceased to act and laid down life's activities only when the ministering angel of death approached. When the soul of this man passed to its Creator and the earth closed in upon all that was mortal of JAMES P. LATTA, then ended the career of a Christian soldier, a true man, and an honorable public servant.

Mr. KINKAID of Nebraska. Mr. Speaker, as a Member from the great agricultural State of Nebraska, which sent JAMES P. LATTA to Congress, I desire also to add tribute to his memory. My remarks will not be based upon a long and intimate personal acquaintance. Though I had been a resident of Nebraska for nearly 30 years, I had not actually become personally acquainted with Mr. LATTA until I met him here in Washington as Member elect of the third Nebraska district. But, Mr. Speaker, energetic and enterprising men, who for years have helped to build up and advance their communities, their home towns, counties, and States, become known for their citizenship; they gain a reputation which makes them known farther and wider than it is practicable, even, to one with much travel to extend his acquaintance. A man may do so little as never to be heard of beyond the confines of his small community. On the other hand, he may achieve so much as to become widely and favorably known for his great value as a citizen, by reputation merely, throughout a great country like ours and even beyond the seas. LATTA was so much a part of his part of Nebraska that its history could not be written without making him, among its other strong pioneers, one of the principal factors.

Thus it was that for nearly 30 years before I met him here as a Representative of his district I had known him well by his well-earned reputation as one of the leading men and citizens, not only of his home county, but of the territory which comprises the congressional district he so ably and faithfully represented. We had seldom caught sight of each other in Nebraska from the circumstance that we lived on different railway lines which carried us to the metropolis and to the capital of the State and, in a measure, that we were not both Democrats. It was on account of what Mr. LATTA was doing as a business man—a large landowner and farmer, a breeder of pure-bred and high-grade live stock, a leading, active, and popular banker, and a Democratic political factor—that, incidentally, I came to know him by reputation. If prominent farmers and live-stock raisers were being talked of, LATTA was one of them. If popular bankers were the subject, LATTA was sure to receive favorable mention. If a Democratic district or State convention was being discussed, "JIM" LATTA, of Burt, was sure to be taken into the reckoning. So, while I had not really become acquainted with LATTA before his coming here, I knew him as you may know parts of your State or country you have never seen—by learning its geography from a map.

LATTA was so much a part of the business, citizenship, and political geography of his part of the State; he had put himself on the map of northeast Nebraska so conspicuously in its upbuilding that he became, in the county of Burt, in particular, one of its early landmarks, and so he remained during life. LATTA grew as the country grew. Every time a new map had to be made, on account of the development and advancement of his section of the State, such as the formation of new counties and new political divisions, his prominence as a landmark thereon became increased. His progress and development kept pace with that of the new and rapidly developing country which

he had chosen as his home. He made good the advice of Greeley, "Go west and grow up with the country." He helped to develop and advance his section of the State and by so doing developed and advanced himself.

But, Mr. Speaker, it is due mutually to LATTA and northeast Nebraska as a section to observe that his section was not lacking in strong men, successful men—successful in business, prominent as citizens—some who were entitled to be considered as financiers in a great State, others prominent for their citizenship. In fact, the county of Burt, his home, can boast of a number of men who became conspicuous for their ability and achievements in commercial and in public life. The county seat town of Tekamah, where he made his home for nearly 50 years, produced, noticeably, a number of men who distinguished themselves in official life. As a consequence, the favorable estimate to be placed upon LATTA is increased rather than diminished by the character of his environments. It was necessary that he be found worthy in comparison and in proportion with his surroundings in order that he should become politically honored, and it is to his credit that he was found thus worthy, with the standard of the citizenship of his town and county so high.

Taking a wider view, going away from his home to the other counties of his congressional district, the estimate is legitimately increased by the fact that situated therein are some of the best towns and foremost men of Nebraska, men who, like LATTA, distinguished themselves as business men and financiers and, at the same time, for their high qualities and attainments in the best citizenship—political and official honors included.

Mr. Speaker, observation and reflection have convinced me that two particular qualifications contribute largely to exceptional or extraordinary success. From the practical business standpoint, one possessed with the faculty to perceive opportunities, coupled with the ability to improve them, to turn them to his advantage, such a man becomes a capitalist by the possession of these qualities alone. A scholar who was a world-wide traveler declared, having the United States particularly in mind, that "America" was another name for "opportunity." The history of our country, its rapid growth in population, in development, and wealth, and its relative standing with the civilized nations of the world, together with the attainments and achievements realized by persons of humble beginnings, abundantly prove the declaration to have been true. Our United States, over all its broad domain, has been a country of unusual opportunities, and the newer and less developed part has all the time afforded, according to the popular idea, the best opportunities for making a start.

The star of empire has all the time moved from the East westward into the new and undeveloped West. Young men have emulated the example set by their pioneer fathers by leaving their old homes and going West to grow up with the country. It would seem likely LATTA inherited this predilection, his parents having removed from Ohio to eastern Iowa, and this inheritance, Mr. Speaker, proved a rich legacy to LATTA. He was possessed of a practical turn of mind. To him was given the clear vision to recognize opportunities large and small, and he was possessed of the qualifications to make each his own. In his make-up he was not lacking in confidence; neither was he overconfident. A good, sound judgment secured for him about the right balance. Many men perceive opportunities to be good, but have not the ability or confidence or courage to improve them. Others pass opportunities by for want of the faculty to perceive them. It is the few who both perceive and avail themselves of the advantage of the better or best opportunities. It is easy enough to look backward and see the numerous valuable opportunities we have passed, but this constitutes only observation and experience; thus we see what we have lost or missed. It is the foresight which makes for success, Mr. Speaker. Hope pictures the future better than the past or present and sees the distant land superior to the home neighborhood. Distance lends enchantment to the imaginative view, and the farther away the more alluring.

> Thus with delight we linger to survey
> The promised joys of life's unmeasured way.
> Thus from afar each dim discovered scene
> More pleasing seems than all the past hath been.

Young LATTA might have done well at that period, 1863, to have remained near the parental homestead in eastern Iowa. It is certain that on his journey across the State for the Missouri River he passed through much virgin country, affording opportunities equal to what he found in eastern Nebraska, but the imagination of the son of the pioneer parents brought to him the view of the country west of the Missouri as a promise land, where it appeared to him his success might become equal to that of the most successful within the limits of his hitherto limited observation. At this time—1863—the Missouri River Valley did abound in great opportunities—chances commensurate with the work and worth of industrious and virile men.

New communities were to be established; towns, cities, and a capital and metropolis were to spring up in Nebraska; but the new and fertile farm lands were the infallible investment. They were certain to reach a value tenfold, if not a hundredfold or two hundred fold more than then could be realized. LATTA saw this, and he proceeded to make the most of it. He acquired lands and live stock, and continued to expand in these until he had become one of the leading men of business and wealth in his community. Finally, his surplus of money being adequate, he embarked in a bank. When drought, grasshoppers, and, as a result thereof, depression came, he did not lose faith, but persevered, maintaining his faith in the future of the country and the people as well. He banked on his faith in the future of the country; one less farsighted, resourceful, courageous, and magnanimous might have viewed it that he even banked his bank on risks taken with his patrons in their financial exigencies; but LATTA'S never-erring business prescience reassured him and he firmly adhered to it. When the patrons of his bank were confronted with executions and mortgage foreclosure, chattel and real, he did not forsake them, even when their holdings, judged by their selling value at the time, did not warrant the risks which he took.

But LATTA looked beyond the exceptional conditions; he reasoned that the country possessed a sure foundation for a prosperous future. He reasoned that the crop failures caused by drought would be followed by a succession of abundant crops, and that grasshoppers might never return again, and his faith was vindicated. The risks his bank took, which in some cases caused his wisdom as a banker to be challenged, turned out to be bread cast upon the waters to bring him an hundredfold. Prosperity restored, business men and farmers, who had been borrowers of his bank, with a few years of good crops and good business became themselves money lenders and depositors, with the result that the deposits of LATTA'S bank were greatly augmented. I have not heard that Mr. LATTA in his young manhood aspired to a political career, and infer that his going into politics, being elected first as a representative to the Nebraska State Legislature, and afterwards to the State Senate, was the result of his successful and popular business and citizenship reputation. I deem it probable this was the evolution of circumstances. He had proven, even vindicated, his faith in the country and his confidence in his fellow men, and how could they better return the compliment than by showing their confidence in him by choosing him, first as their State legislator and thereafter as their Congressman? With two terms in Congress, his political ambition was fully gratified.

For some time previous to receiving any warning of his affliction which proved to be fatal he had declared his intention to not be a candidate for renomination or reelection. He had also stated to friends that he would not entertain the thought of a candidacy for governor, for which he had received favorable mention. He regarded his two terms in Congress as a testimonial, a reward, of his previous career, the merits of his citizenship, business and otherwise, including, also, his two terms in the State legislature. Politically, his cup was full, and it was his desire to go back to the sunlit prairies, to his large farm, and behold the broad acres, heavy with grain, to hear the low of countless cattle grazing on green pastures, the industrious rattle of the mower and reaper, to scent the clover and apple blossoms, enjoy the songs of birds, and watch his herd of deer and antelope race and gambol over the hills of the ample park they feel they own.

Mr. Speaker, for his locality LATTA was a man of large wealth, and his constituents had conferred a well-earned distinction by several times choosing him as their lawmaker, state and national. He was fortunate in his domestic life. He could not have wished for more. He is survived by a most estimable wife, with sons who have already become successful and prominent and promising in business spheres. One of them has been honored by being elected mayor of the home town, which office, I think, he now holds. These worthy young men are sure to conserve and add to the property not only they inherit, but as well the good name of their distinguished father.

Mr. Speaker, with other Congressmen I was present at the funeral of Mr. LATTA. The capacity of the town to accommodate even for the daytime the thousands of friends and admirers who came to pay their last tribute of respect to the deceased was taxed to its limit, if not overtaxed. During my stay of 24 hours it was my pleasure to converse with many who had known Mr. LATTA for years and had known as well

the people of Burt County by whom Mr. LATTA was so well known, and I was deeply impressed by the numerous expressions voluntarily made of the high esteem in which he was held. The personal popularity of which I was so strongly convinced he had enjoyed and deserved to enjoy explained fully to me why it was and how it was that Mr. LATTA, a Democrat, in a county which was normally Republican by seven or eight hundred had been able in his several campaigns to carry the county by so large a majority.

In the throng that assembled at the tomb on the green tableland which overlooks the peaceful Missouri Valley were men of every calling and every variation of political faith. Settlers who had been carried through depression, pioneers whose faltering courage had been sustained in seasons of distress, and business men who had found help in periods of panic came to mourn the loss of the man who was ever a vitalizing force in the community where he had established his home. And while older men remembered many a kindly act, the young looked away from the quiet resting place, there in the State which had been the land of promise to the Iowa boy of long ago, and felt within them the power to make much of their opportunities.

Surely, the value of a man's life, the true meaning of his span of years, shall be measured not in material possessions or even in special achievements, but in his relations to his fellow men. If he shall have in him the spirit which recognizes the universal brotherhood, and if he shall be guided by that spirit, then he is to be numbered among those whose sojourn in the world has made the world better. By this measure JAMES P. LATTA is to be remembered as one of the Nation's builders, a man who labored conscientiously in a small way at first, because he could cheerfully accept as his task whatever was nearest to his hand. With a large faith in humanity, as well as in opportunity, he held himself loyally to the work of developing his part of the country, and thus he contributed liberally to the general welfare—thus he set the example of noble citizenship which prepares wisely and abundantly for future generations.

In the years that are coming the influence of JAMES P. LATTA will remain potent. The love and gratitude which he kindled in the hearts of all who knew him will stimulate effort and preserve high ideals which will be passed on. This is the rich heritage that he left, and all who contemplate it must bow in reverence to the name that will stand in Nebraska for all the sterling virtues, the kindly sympathies, the unselfish traits, and the exalted ideals which combine to make a man the representative of the highest type of American citizenship.

Mr. NORRIS. Mr. Speaker, when the history of the great West is written and the story of the development and the advancement, the civilization, the progress of education on the great plains is told it will be found that to JAMES P. LATTA, late Member of this body, and to other men like him, is due more than to any other class of people the wonderful development of that country, the wonderful progress of education, of civilization, and of advancement.

Born of humble parents, living, as I understand it, a life of poverty, he struggled along through life learning from his own experience every one of the trials and difficulties that beset the pioneer. That he was successful in his life financially and politically and in every other honorable respect only goes to demonstrate that he was made of the stuff that constitutes the truest and the noblest manhood.

In our great Commonwealth Congressman LATTA took a prominent part in every one of its steps of advancement. He was there at the beginning; he saw it develop into a great garden spot. He came into the country when it was uninhabited, save by the red men; he saw it pass through all its trials and its troubles, and finally develop into one of the greatest agricultural sections of the country, if not of the entire civilized world. He lived in the midst of its greatest development. He was part and parcel of the advancement that it made. He was moved, Mr. Speaker, by no great personal ambition; he had no particular desire for honor or achievement, but he did every day what he believed was his duty to perform.

Many are the incidents that could be recounted, in addition to those that have been spoken of, that showed, during his life and the development of his great State, the wonderful tenderness of his heart as well as the ability of the man in a business direction. He never sought public office. He had decided, long before it was known either to him or to his friends that his days were numbered, that he would not again be a candidate for election to the House of Representatives. When this announcement was made in the newspapers of Nebraska there was immediate mention of his name in connection with the governorship of our State, but he promptly stated through the public press that at the expiration of his term he would never again seek or accept public office.

He had led an eventful life, marked by honorable deeds all the way through. He had been successful in business, and he desired to put in the balance of his days in living a quiet life in his own home, enjoying the well-earned competency that his efforts had brought to him, and therefore he declined all further political honor. If he had consented to the use of his name as a candidate, it is my judgment that there would have been but little if any opposition to his nomination for that office. His life is emblematic of what comes to the life of the higher class of pioneers. They are courageous, honest, and tenderhearted. The many deeds of kindness that marked his pathway through this world would be an honor to the heritage of any man, and if at his funeral, around his open grave, every man to whom he had done a favor or a kind deed would have thrown upon the coffin a rose of recollection his grave would have been filled with the fragrant flowers of remembrance.

Mr. Speaker, I believe in an immortality. I believe that beyond this life there is an existence better, higher, and happier than the life we live here—a life of everlasting peace, of eternal bliss. We can not brush away the tear from the aged widow's cheek; we can not banish the sorrow from the hearts of loving children and loyal friends, but we can even in this hour reach a condition of satisfaction, almost of joy, at the thought that he whose loss we now mourn, while he was among us, planted along the thorny pathway we must all tread flowers that are blooming for our benefit, for our happiness, and for the comfort and pleasure of those who follow. Mr. Speaker, the Kingdom of God is not meat and drink, but it is love, peace, and joy. Into that kingdom Congressman LATTA has entered, and that peace he now enjoys. We can confer no greater honor upon his memory than to practice the virtues that the story of his life has taught us. We can do nothing greater or grander for the upbuilding of humanity than to remember the example of his every-day life from the time he was a penniless boy walking across the plains of Iowa to his pioneer Nebraska home up to the time of the close of his eventful career. Believing in the life he led, having faith in his honesty, in his integrity, recognizing the benefit that his life has been to humanity, to a broader belief in the Fatherhood of God and the fraternity of humanity, I want to say, honor to his memory here, peace to his ashes now; rest and repose to his soul beyond.

Mr. SLOAN. Mr. Speaker, a stalwart member of our Nebraska delegation, in his late sixties has fallen. The affliction which wasted his vigor and drained his life was brief.

Few men of his age came to this House with form so erect, carriage so virile, and such goodly physique as JAMES P. LATTA. His name, personality, and presence would trace his ancestry near unto the channel which divides the land of Moore and Burns. His facial dress and courteous bearing favor an earlier ancestral strain. So, I believe, we had in him a mingling of the Celt and Gaul.

He was a distant neighbor of my parents in eastern Iowa. He left that place the year I was born. His span of life and activities covered two pioneer periods; one of these in a forest county bordering the Mississippi, the other a somewhat similar county in Nebraska bordering the Missouri. Before his life ended the Nebraska pioneer period had passed; its boundaries had inclosed as fair a field, subdued and adorned by the arts of genius and industry, and its people registered as great an intellectual and moral advance as any part of this superb Union.

I visited his farm home and saw his devotion to the tree planters' cause in the care of the natural forestry as well as the magnificent trees of his own early planting. He was an advocate of tree planting for which our State is named and famed. Among these sported the herds of deer and antelope—forest denizens, which he kept and for which he cared. It was a devotion to the lessons and memory of his youth to love the trees, to preserve and build the forest, and so follow the motto of Nebraska's great secretary, who, in season and out of season, bade the world "Plant trees."

So I thought of my friend LATTA's untimely taking off in figure and imagery of trees. His fall from the appearance of health and strength was the fall of the oak. In the country where he and I spent our respective youths there grew the bending willow, the swaying birch, and the monarch oak. I have seen all of these lashed by the storm. I have seen the droop and disfigurement of willow and birch, but the oak, in all its sturdy grandeur, stood defiant. I have seen a later storm further wound and disfigure willow and birch which still stood to live a weakened life and a delayed dissolution; but the oak, once betraying a weakened heart, defective body, or decayed

root, under the blast of the elements fell with mighty crash, there prone to lie in sublime humility where the shadow of its once proud form had rested. So the human willow or birch oft becomes the scriptural trespasser of fourscore years, while the human oak is not permitted its span of threescore and ten.

There are men who strive for the unattainable and expend their energies in vain though perhaps laudable pursuit; there are those whose faith would move mountains; and there are those whose ideals, pressed with industry and vigor, inspire the living and generations to come. Congressman LATTA was not one of these. There are those who, attempting to move no mountains, lift from the human path obstructing stones; there are those who see the immediate problems of life and solve them; and there are those who see a present task and hasten to perform it with what diligence and ability they possess. Of this latter class was the Congressman. Through a useful and active life he met with resolution and industry the tasks and problems which confronted him. He did not pause to regret yesterday's lost opportunity or dream of to-morrow's mighty achievement. He did the homely duty of to-day. He was a type of Nebraska pioneers; one of that class who came and stayed; the class that inconvenience of frontier life did not fret, frowning nature did not frighten, pestilence did not dishearten, and poverty did not present itself as tarrying guest.

He had faith in the golden West, but he looked not for metal in Pikes Peak slope or California gulch. He looked to his steps and saw beneath his feet more gold in the rich and fecund soil of Nebraska plains than all the Rocky Mountain yield or added coasts' production or yet the product of the Klondike or South Africa's golden store. In this he saw not wealth in lucky strike or deep and devious vein. That, to be pursued, meant leaving the sunshine and pure air of heaven to dig and delve in darkened pit where nauseous gases are. He saw, in prospect, reasonable wealth to be had by stirring seasonably the rich surface, seeding with scientific purpose, cultivating with the art of an engineer, garnering with care and marketing like an economist. Good results and fair reward for him and those about him of his bent and energy followed, so that Mr. LATTA, in building up himself and fortune, drew his community measurably with him.

In the economy of sentiment and practice "neighbor" is a great word. From a neighborhood there can not be banished envy, jealousy, unwarranted grudge, or even hate. But the man who can overstep these, reduce each of them to a minimum, and command the respect, obtain the support of not only friend and ally, but those of different political faith or business affiliation, has not lived his life in vain. That man has achieved one of earth's sweetest, if not most commanding, distinctions.

JAMES P. LATTA was a neighborhood man. His business associates depended on his ripened judgment. His competitors respected his methods and admired his ability. His fellow citizens, overlooking party ties, supported most liberally his political aspirations. His church valued highly his attendance and support, his lodge esteemed his fraternal support, and his family saw in him the qualities of which devoted husband and worthy father are composed.

I had met him casually in Nebraska and found him friendly and courteous. When I first came to Washington, we talked about many practical matters touching a new Congressman's work. Of these he seemed to have a special grasp and freely communicated many helpful suggestions. As I saw more of him I learned more of why he stood so well at home. His bent of mind and corresponding course of action followed practical lines. He talked with a calm and modest pride of his district, its people, and its resources. I assume that, thinking of these, talking of these, and acting concerning these, in his everyday intercourse and relation with his neighbors, inspired a confidence in his honesty and rectitude, which, after all, goes a long way to supplant ultrapartisanship. So it was, whenever he appealed to the people of his county their response was generous and whole-hearted.

Our friend LATTA has answered the question of his being—"whither?" We do not know what message he would return if the question of time should be submitted to him in regions eternal. We are taught the equality of action and reaction, and the unerring relation of cause and effect. Every lesson of well-founded faith indicates the life to come to be a realization of the feeble suggestions read in the acts of this life. If doing well the tasks of earth is warrant for fitting compensation when time shall cease, then Congressman LATTA is enjoying his reward.

Mr. MAGUIRE of Nebraska took the chair as Speaker pro tempore.

Mr. LOBECK. Mr. Speaker, we meet to-day to pay tribute to the memory of our friend and colleague, the Hon. JAMES P. LATTA.

For over 30 years it was my great privilege to know, personally, Congressman LATTA, and from the first day I became acquainted with him I realized I was in the presence of a manly man, a strong, noble character, whose word was as good as the safest bond and who commanded, by his daily life, the respect and confidence of his neighbors in every avenue of life's activity.

During life he was actively engaged in the banking business, also attending to and supervising his farms near Tekamah. Being a keen observer of events, with great foresight, he acquired much land near his home, which has since become very valuable. His great success in life in all his undertakings may be attributed to the uprightness and honesty which he displayed in all his dealings with his fellow man, observing in his daily practice the golden rule—doing unto others as he would be done by.

Congressman LATTA was a strong man of the common people. His ability to use common sense, his knowledge of men, and his foresightedness were keen and his judgment clear on all matters that confronted him. These characteristics made him a giant among all men, and his opinion and judgment were eagerly sought and accepted as coming from one clothed with authority.

In his dealings with the pioneer settlers of northeastern Nebraska he was kind and fair; he knew their struggles in developing that new country; he held out to them a helping hand; and many well-to-do, aye, even wealthy, farmers in his region owe a large measure of their success to the kindness of JAMES P. LATTA. No better corroboration of this statement can be made than the high respect in which he was held by these pioneer settlers. They showed their devotion for him throughout his political career. No office in his State, had he desired it, would they have withheld. They gave further evidence of their love and respect for him when, with the great men of their State, they gathered from near and far to pay their last loving tribute in accompanying his remains to their last resting place.

I met him first when I was a commercial traveler. Often, and on nearly every trip, it was a pleasure to me to go into his bank and visit him. He was so strong, yet so kind and cheerful, that when I left him the world seemed brighter for having met him. The greatest inspiration to our fellow men is to scatter sunshine as we pass by with a happy smile, a cheerful word, kindly advice, and by lending a helping hand. This was one of his strong characteristics. The Master, the gentle Nazarene, understood kindness, taught it, and it has ever been so and will be until the end of time.

I knew Congressman LATTA in public life as a member of the law-making bodies of the State of Nebraska. He commanded, while serving in this capacity, the respect of his fellow legislators and his opinion was eagerly sought by his colleagues and his votes always cast on the basis of equal justice to all. It was my pleasure to campaign in his district at his first election to Congress. Everywhere I went the pioneers knew "JIM LATTA," and everyone loved and respected him. When, later, my people honored me by electing me a Member of this Congress, among the first to congratulate me was JAMES P. LATTA.

Upon coming here, he personally gave me the benefit of his experience; to me he was as a brother—nay, more, a wise counselor—and was so kind in helping me in every way that I at once felt at home in my new work and new associations.

When his illness came he could not understand it. To me it seemed so strange to see this strong, rugged man feel weary; but it was the final call. When he left for his home to rest, as he hoped for, we waited for good news. Every day the Members would ask me, "How is Mr. LATTA?" They knew him, respected, and loved him. We hoped and wished for a speedy recovery and watched for news from the sick room until one day, the news flashed over the wires, "JAMES P. LATTA is no more."

It was my sad privilege to attend the funeral of my friend. A great concourse of neighbors were present to pay final tribute, thus showing the esteem in which he was held. Gentle hands laid him away on a great hill overlooking to the east the State of Iowa, to the north and south the great Missouri River, and to the west the beautiful farms of Nebraska.

JAMES P. LATTA loved his country, his flag, and the Nation. He loved, too, his adopted State of Nebraska. He had known the State for nearly a lifetime. He and his beloved companion knew by experience the struggles of the pioneer. He had seen

his great State grow. He had helped develop it to become one of the greatest agricultural lands, and it was fitting that at the close of his busy life he should be laid away along the banks of the great Missouri, overlooking the fairest of lands, the States he loved best.

No language or words of mine could do justice to the strong character and upright manhood of JAMES P. LATTA. His daily life is his best eulogy. In his passing away his city, his State, and the Nation lost a noble, true-hearted, and upright citizen.

To me it was a personal loss. He was my counselor and my friend, and I accord it a high privilege to pay tribute to his memory here to-day.

Mr. STEPHENS of Nebraska. Mr. Speaker, a number of the Members of the House who desired to speak to-day are necessarily absent, and I ask unanimous consent that those who wish to do so may have the privilege for five days of extending remarks in the RECORD upon the life, character, and services of the late Hon. JAMES P. LATTA.

The SPEAKER pro tempore (Mr. LOBECK). The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent that Members wishing to extend their remarks may have that privilege. Is there objection?

There was no objection.

ADJOURNMENT.

In accordance with the resolution previously agreed to, and as a further mark of respect to the memory of Mr. LATTA, the House (at 2 o'clock and 9 minutes p. m.) adjourned until to-morrow, Monday, May 27, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *May 27, 1912.*

Prayer by Rev. John J. Van Schaick, of the city of Washington.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SHOE AND LEATHER TRADE IN THE UNITED KINGDOM (S. DOC. NO. 719).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report of Commercial Agent Arthur B. Butman containing the result of his investigations of the shoe and leather trade in the United Kingdom, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16661) to reliquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted Twin City Power Co. by an act approved February 29, 1908;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial adopted by the Legislature of Arizona, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate of the First Legislature of the State of Arizona, the House of Representatives concurring therein, respectfully represent:

Whereas by section 24 of the act of Congress entitled "An act to enable the people of New Mexico and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," the Congress of the United States granted to the State of Arizona sections 2 and 32 of every township in said State, in addition to sections 16 and 36, for the support of the common schools of Arizona; and

Whereas said act of Congress further provides that where sections 2, 16, 32, and 36, or any part thereof, are mineral, or have been sold, reserved, or otherwise appropriated, or reserved by or under the authority of any act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof, with a view to desert-land entry, has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections 2275 and 2276 of the Revised Statutes, and acts amendatory thereof and supplementary thereto, are made applicable; and

Whereas said act of Congress further provides that the grants of sections 2, 16, 32, and 36 to said State within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; and

Whereas the operation of the grant in said act of Congress to the State of Arizona is, through local conditions, existing in the State of Arizona, bereft of most of its practical value to the State, and the potential value of said grant to the State indefinitely postponed; and

Whereas it is necessary to the welfare of the State of Arizona and to the proper maintenance of its common-school system that the benefits of said grants to the State be immediately secured:

Therefore your memorialists respectfully pray, That the said grants to the State of Arizona contained in said act of Congress, and as circumscribed by said sections 2275 and 2276, be augmented by further legislation by your bodies authorizing the said State of Arizona to make its lieu selection from any lands of the public domain of the United States whatsoever, including lands reserved for national forests now existing or proclaimed under such terms as may be provided, and that the title thereto, when so selected, immediately vest in the State of Arizona; also to immediately vest title in the State of Arizona to said sections 2, 16, 32, and 36 within the national forests now existing or proclaimed; now, be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States, the presiding officers of the Senate and the House of Representatives of the Congress of the United States, and to the United States Senators, and the Representatives in Congress for Arizona a copy of this memorial.

May 2, 1912, passed the senate by vote of 19 ayes, 0 noes.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 25 ayes, 9 noes, 1 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a joint memorial adopted by the Legislature of Arizona, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate of the First Legislature of the State of Arizona, the House of Representatives concurring therein, respectfully represent:

Whereas the homesteaders in Arizona who occupy that portion of the State known as the dry-farming sections have found themselves at great disadvantage in trying to make a living upon their homesteads for the first few years of settlement, unless they absent themselves from such homesteads for a considerable portion of the time and find employment elsewhere; and

Whereas United States Senate bill 3367, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads," which passed the Senate of the United States on February 5, 1912, is now before the House of Representatives for the consideration of that body; and

Whereas the above-mentioned act provides for final proof with three years' residence and permits absence from the homestead for six months out of the year; and

Whereas such law would result in great benefit to the homesteaders of the State of Arizona by making the acquiring of homesteads here more practical and thus encouraging the immigration of home builders: Now therefore be it

Resolved, That the First Legislature of the State of Arizona respectfully requests the passage of the above-mentioned act, now pending in Congress; now be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the Presi-

dent of the United States and the presiding officers of the Senate and House of Representatives of the Congress of the United States and to the United States Senators and the Representative in Congress for Arizona a copy of this memorial.

May 3, 1912, passed senate by vote of 19 ayes, 0 noes.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 34 ayes, 1 no.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a joint memorial of the Legislature of Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 6.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate of the first State Legislature of Arizona, the House of Representatives concurring therein, most respectfully represent:

Whereas on the 22d day of June, 1907, the Reclamation Service, on the part of the United States Government, entered into a certain contract with the Pacific Gas & Electric Co., a corporation having its principal place of business in Phoenix, Ariz., which said contract related to the sale of electric power to be generated in the future by the Roosevelt reclamation project, in the Territory of Arizona, now the State of Arizona, and which said contract sold to said Pacific Gas & Electric Co. all of the electric power generated by said project to be used in the city of Phoenix, Territory of Arizona, now State of Arizona under the following terms contained in article 2 of said contract, to wit:

"ART. 2. The party of the first part (the Government) further agrees while serving to the party of the second part (Pacific Gas & Electric Co.) under the terms of this contract, to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone to be sold again or retailed. It is agreed, however, that the party of the first part shall have the right to sell or lease power in the city of Phoenix at any time in blocks of 100 to 500 kilowats and over to anyone to be used in manufacturing industries, waterworks, or pumping plants"; and

Whereas said clause in said contract creates a monopoly and a trust in favor of said Pacific Gas & Electric Co., in said city of Phoenix, relieving it from competition and allowing it to charge consumers in the city of Phoenix charges for electric power controlled and governed only by its desire and conscience; and

Whereas the Twenty-fifth Territorial Legislature of the Territory of Arizona, in session in January and February, 1909, petitioned Congress to call upon the Secretary of the Interior to investigate said contract, to the end that, if found illegal, action be taken to annul same, and the civic organizations of the city of Phoenix, its mayor, and council protested to the Secretary of the Interior against said monopolistic contract, all without avail; and

Whereas a committee, appointed by the house of representatives, is now making a general investigation of the Roosevelt reclamation project, the records of which will be available to determine certain facts as to said contract: Therefore be it

Resolved by the First Legislature of the State of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States, in Congress assembled, to call upon the Attorney General of the United States to procure said contract and all correspondence and papers relating thereto and to investigate said contract, and if upon investigation it appears that said contract is unjust, illegal, and creative of monopoly, the proper proceedings be brought to obtain abrogation and annulment of the same, at least to the extent of abrogating such portion of said article 2 as grants to said Pacific Gas & Electric Co. an exclusive monopoly; and now be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States and the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to the United States Senators and the Representatives in Congress for Arizona a copy of this memorial.

Adopted by the senate by vote of 18 ayes, 1 excused.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 32 ayes, 1 no, 2 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a petition of the Woman's Christian Temperance Union of Dadeville, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Auxiliary of St. Luke's Church, of Charlestown, N. H., and a petition of the Exeter Branch of the Woman's Auxiliary of the State of New Hampshire, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

Mr. SMITH of Arizona. I present a joint memorial adopted by the Legislature of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Memorial to the Senate and House of Representatives of the United States of America, in Congress assembled.

Your memorialists, the First Legislature of the State of Arizona, in session convened, respectfully represent:

Whereas by an act of Congress of the United States passed March 3, 1865, certain lands lying along the east side of the Colorado River, in Yuma County, Ariz., now known as the Colorado River Indian Reservation, were set apart for Indian purposes; and

Whereas by Executive orders dated November 22, 1873, November 16, 1874, and May 15, 1876, the boundaries of said Indian reservation were described as follows, to wit:

Beginning at a point where La Paz Arroyo enters the Colorado River, about 4 miles above Ehrenburg, Ariz.; thence easterly, following the course of said arroyo, to a point south of the crest of La Paz Mountain; thence following the crest of said mountain in a northerly direction to the top of Black Mountain; thence in a northwesterly direction over the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, in California; thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning; and

Whereas the description as given in said Executive orders is ambiguous and uncertain, in that there is much dispute as to which mountain peak is meant by La Paz Mountain, as well as the crest of that mountain to be followed in a northerly direction; and

Whereas the Commissioner of the General Land Office at Washington, D. C., has recently had surveyed the lands embraced within said Indian reservation as per Executive orders as above set forth, and the southeast corner of said reservation has been established on a certain mountain peak purporting to be the particular mountain described in said Executive orders as La Paz Mountain, and a line run from said point to a certain mountain called Black Mountain; and

Whereas the line so run has established the south and east lines of said reservation; and

Whereas the said survey as now established will include within the said reservation a large amount of mineral land, including mines and mining claims that have been owned and worked by citizens of Arizona since 1861; and

Whereas owing to the uncertainty during the past 35 years of the exact location of the boundary lines of said reservation, many prospectors have located, worked, or sold their mining claims to innocent purchasers, who have in turn expended large amounts of money in development work, erecting costly hoisting works, building roads, and otherwise building up this section of the country; and

Whereas the citizens of that community firmly believe that it was the intention of the Congress of the United States, in setting apart the lands embraced within the Colorado River Indian Reservation, to include within its boundaries only such lands as could be used for agricultural purposes, and did not intend to include mineral land; and

Whereas the only land within said reservation which can be used for agricultural purposes, grazing, or timber lands lies in the valley along the eastern side of the Colorado River; and

Whereas that portion of the land now taken in by recent survey, as set forth above, which lies on the mesas or the mountain east of the valley, does not contain one single acre of tillable land, contains no timber nor pasture, hence is of no value whatever, except for the mineral contained in the gravel on the mesas or in the veins of ore in the mountains: Now therefore be it

Resolved by the House of Representatives and the Senate of the State of Arizona, That we call upon the Congress of the United States to enact such law as may be necessary to furnish relief to owners of mines and mining claims located and worked prior to the recent survey as above set forth, lying within the boundary lines of the said Colorado River Indian Reservation, to the end that title to said mineral lands be confirmed to their present owners or their assigns; be it further

Resolved, That a copy of this resolution be forwarded to our Representatives in Congress, the Hon. MARCUS A. SMITH, the Hon. HENRY F. ASHURST, and the Hon. CARL F. HAYDEN, and that they be requested to do all in their power to bring about the passage of an act that will afford the relief as above prayed for.

May 13, 1912, passed the house by vote of 33 ayes, 1 no, 1 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

May 17, 1912, passed the senate by vote of majority.

M. G. CUNIFF,
President of the Senate.

We, B. F. Thum, chief clerk of the House of Representatives, and J. W. McCollum, secretary of the Senate of the Legislature, of the State of Arizona now in session, do hereby severally certify to the above and foregoing as a full, true, and correct copy of house joint memorial No. 4, and the whole thereof, as adopted by the legislature of the said State of Arizona.

Witness our hands this 16th day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
J. W. MCCULLUM,
Secretary of the Senate.

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying that the grants of public lands heretofore made by the United States to the State of Arizona be augmented by further legislation authorizing the State of Arizona to make its lieu selection from any lands of the public domain, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD. (See p. 7200.)

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying for the adoption of an amendment to sections 2291 and 2297 of the Revised Statutes providing for final proof with three years' residence on homesteads, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD. (See p. 7200.)

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying for the enactment of legislation authorizing the abrogation of certain clauses in a contract entered into between the United States and the Pacific Gas & Electric Co., of Phoenix, Ariz., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD. (See first column of this page.)

Mr. SMITH of Arizona presented a resolution adopted by the Chamber of Commerce of Graham County, Ariz., favoring an appropriation of $1,000,000 for building levees on the Gila River

to prevent the further destruction of farms, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Bisbee, Ariz., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. DILLINGHAM presented a memorial of sundry citizens of Lyndonville, Vt., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a memorial of members of the Connecticut Civil Service Reform Association, remonstrating against the enactment of legislation providing a five-year tenure of office for civil-service employees, which was referred to the Committee on Appropriations.

He also presented an affidavit in support of the bill (S. 6274) for the relief of Edward W. Whitaker, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Lodge No. 21, Order B'rith Abraham, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WATSON presented resolutions adopted by the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States at Wheeling, W. Va., favoring the enactment of legislation permitting the inscription of any insignia or emblems of that order upon monuments, tombstones, etc., in the national cemeteries of the country, which were referred to the Committee on Military Affairs.

He also presented a petition of Potomac Chapter, No. 132, American Insurance Union, of Piedmont, W. Va., praying for the enactment of legislation granting the privilege of inserting advertisements in the official journals of fraternal associations, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER. I present a resolution adopted by the Board of Trade of Tampa, Fla., which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolution adopted by Board of Trade of Tampa, Fla.

Whereas the continuance of the work of promoting economy and efficiency in the administration of the Federal Government, begun by a staff of experts appointed by the President of the United States under act of Congress, depends in no small measure upon an appropriation of $200,000 asked for by the present Congress; and

Whereas the important economics already effected and others made possible by this expert commission are in direct line with that policy of retrenchment so strongly advocated by both the President and the Congress: Therefore be it

Resolved, That the Board of Trade of the city of Tampa, Fla., in session Wednesday, May 22, 1912, urges upon Congress the appropriation of $200,000 required to continue this efficiency commission and directs that this preamble and resolution be communicated to the Committees on Appropriations of the Senate and the House and that other important commercial organizations throughout the country be requested to take similar action.

[SEAL.] F. C. BOWYER, *President.*

Attest:

W. B. POWELL, *Secretary.*

Mr. BRISTOW presented petitions of sundry citizens of McPherson, Augusta, and Topeka, all in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Milan and Argonia, in the State of Kansas, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. CURTIS presented petitions of sundry citizens of Stafford and Sterling, in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 4693) for the relief of R. W. Branson, reported it with amendments and submitted a report (No. 799) thereon.

Mr. OVERMAN. I present the views of the minority (Rept. No. 770, Pt. II) on the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which I ask may be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 98) fixing the number of presidential electors, and for other purposes, submitted an adverse report (No. 800) thereon, which was agreed to, and the joint resolution was postponed indefinitely.

Mr. SIMMONS. On behalf of the Senator from Indiana [Mr. KERN], who prepared the report, I submit the views of the minority (Rept. No. 765, Pt. II) on the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, which I ask may be printed.

The VICE PRESIDENT. Without objection, the report will be received and printed.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," reported it with an amendment and submitted a report (No. 802) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1901, reported it without amendment.

Mr. OLIVER. The joint commission appointed with reference to the fiftieth anniversary of the Battle of Gettysburg has prepared a bill and has requested me to present it. I therefore introduce the bill and ask that it lie on the table.

The bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill was read twice by its title and, with the accompanying paper, ordered to lie on the table.

URGENCY DEFICIENCY APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, I report it favorably with an amendment, and I submit a report (No. 801) thereon. I ask unanimous consent for its immediate consideration. It is short and involves a very small amount of money.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on Appropriations with an amendment, on page 1, after line 6, to insert:

SENATE.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, to continue available during the fiscal year 1913, $3,000.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURNHAM:

A bill (S. 6956) granting a pension to John C. Hardy; and

A bill (S. 6957) granting an increase of pension to James F. Wyman; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6958) granting an increase of pension to E. Alice Camp; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6959) providing for the honorable discharge of George W. Tribett (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6960) granting an increase of pension to Jane Lutz (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6961) granting a pension to Annie Walker Burch; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6962) for the relief of the heirs of Zimri A. Carter, deceased; to the Committee on Claims.

By Mr. BACON:

A bill (S. 6963) to pay to the heirs of Lieut. Col. John McIntosh, late of McIntosh County, Ga., certain moneys due for his services in the War of the American Revolution; to the Committee on Claims.

AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL.

Mr. JONES submitted an amendment relative to one clerk at $2,000 in the Nautical Almanac Office who may also act as or be appointed director of that office, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on Public Health and National Quarantine from $1,440 per annum to $1,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

THE METAL SCHEDULE.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

EQUAL SUFFRAGE IN COLORADO (S. DOC. NO. 722).

Mr. SUTHERLAND. I send to the desk a speech delivered by Congressman EDWARD T. TAYLOR, of Colorado, in the House of Representatives April 26, 1912, on the subject of equal suffrage in Colorado. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

LIMITATIONS OF FEDERAL CONTROL OF WATER POWERS (S. DOC. NO. 721).

Mr. ROOT. I ask to have printed as a document an argument on the limitations of Federal control of water powers, made before the National Waterways Commission by Mr. Rome G. Brown, of Minneapolis, Minn. There is a great deal of useful material in it, and I think it will be of very great use to the Senate in its deliberations.

Mr. WILLIAMS. What was the request of the Senator from New York? I did not catch it.

The VICE PRESIDENT. Will the Senator from New York restate his request for the benefit of the Senator from Mississippi?

Mr. ROOT. The discussion is a presentation of the law relating to Federal control of water powers, and is a very illuminative and instructive discussion.

Mr. WILLIAMS. By whom was it compiled?

Mr. ROOT. By Mr. Rome G. Brown, of Minneapolis.

Mr. HEYBURN. Mr. President, is it asked that it be printed as a Senate document?

The VICE PRESIDENT. The Chair so understands. Without objection, an order therefor will be entered.

RECALL OF JUDGES (S. DOC. NO. 723).

Mr. NELSON. I ask to have printed as a Senate document an article on the recall of judges by John H. Hazelton, a member of the New York bar.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

ST. LOUIS SOUTHWESTERN RAILWAY BRIDGES IN ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of a bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 2, line 12, after the word "repealed," to insert a colon and the following proviso:

Provided, That this act shall not be construed as legalizing the construction nor as authorizing the reconstruction of the bridge across Saline River as it now exists, but in rebuilding said bridge such changes shall be made therein as the Secretary of War and the Chief of Engineers may deem necessary and order in the interest of navigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I submit a conference report on the Army appropriation bill.

The VICE PRESIDENT. The report will be read.

The Secretary proceeded to read the conference report.

Mr. CURTIS. Is consideration asked for the measure at this time?

The VICE PRESIDENT. It is being read, and the question whether it shall be considered will be put after the report is read.

Mr. SMOOT. I would not like to give consent to its consideration at this time. I should like to have it go over and lie on the table.

Mr. CURTIS. Let it be printed in the RECORD.

Mr. SMOOT. Let it be printed in the RECORD, so that we may understand what it is.

The VICE PRESIDENT. Without objection, the conference report will go over and it will be printed in the RECORD.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 9, 11, 13, 15, 16, 21, 22, 29, 30, 32, 38, 41, 58, 61, 63, 64, 65, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 14, 18, 19, 20, 24, 25, 26, 34, 36, 39, 44, 47, 49, 52, 53, 54, 55, 56, 60, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment, as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

"In lieu of the matter proposed by said amendment insert the following: : *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission with rank below that of lieutenant colonel shall not have been actually present for at least two of the last preceding six years in that branch of the Army in which he shall hold said commission and with the organization, if any, to which he shall have been assigned by competent authority, such officer shall not be detached nor permitted to remain detached from said branch or from said organization; and all pay and allowances shall be forfeited by any superior officer for any period during which, by his order, or with his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any other officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso: *Provided further*, That nothing in the foregoing proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join that branch in which he shall hold a permanent commission and the organization, if any, to which he shall be assigned by competent authority, nor shall it be held to apply in the case of any officer

absent temporarily on courts-martial or military boards, or upon leaves of absence authorized by existing law: *And provided further*, That hereafter details to the Ordnance Department may continue to be made as authorized by existing law, and, in the discretion of the President, those details, or any of them, now existing to the Philippine Constabulary need not be terminated until the 1st day of January, 1913."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 19 of the matter proposed to be inserted by said amendment, after the word "reenlist," insert the words "while not over 45 years of age"; and after the word "Corps," in the same line, insert the words "or Hospital Corps"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the word "an" and insert in lieu thereof the word "any," and in line 8, beginning with the word "who," strike out all down to and including the comma after the word "thereto," in line 10; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available, and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed upon by the two appraisers first designated, $1,700,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and in lieu of the matter proposed in said amendment insert the following:

"*Provided*, That a commission to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and forty-five thousand six hundred"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14 of the matter proposed to be inserted by said amendment, beginning with the words "*Provided further*," strike out all down to and including the colon, after the word "acres," in line 28; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell Target and Maneuver Reservation, Wyo., may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu

of the amount proposed in said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$300,118.30"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the words "National Guard or"; and in line 3 strike out the words "National Guard or"; and in lieu of the amount proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 2. That hereafter all enlistments in the Army shall be made for the term of four years, and for all enlistments hereafter accomplished four years shall be counted as an enlistment period in computing continuous-service pay."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment, with amendments as follows: After the word "rank," in line 30 of the amendment, strike out the period and the word "so" and insert ": *Provided*, That when a permanent officer is promoted he shall take the relative rank of the officers in the grade to which he is promoted which he held as indicated in the relative rank of the Army on the Army Register of 1912: *Provided further*, That so"; and after the word "occurred," in line 37, strike out the period and the word "the" and insert ": *Provided further*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That the"; and after the word "*Provided*," in line 44, strike out the comma and the word "That" and insert "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 18; and"; in line 48, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 52, after the words "one hundred," insert "and two"; in line 68, after the word "perform," insert ", but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organizations to which they belong"; in line 75, after the words "major general," insert "during the service as such of the first incumbent of the office, and thereafter the rank of brigadier general"; in line 81, after the word "first," strike out the word "vacancy" and insert "two vacancies"; in line 84, after the word "occur," strike out the words "that vacancy" and insert "those vacancies"; in line 85, after the word "the," strike out the words "vacancy occurs" and insert "vacancies occur"; and at the end of the amendment, after the word "law," in line 90, insert ": *Provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the major general herein provided for immediately upon the passage of this act, and it shall be the duty of the said major general, under direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment, amended as follows: In line 9, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army; neither shall any officer, after the 5th day of March, 1913, be detailed, nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, one of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the two general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." All officers of the line of the Army now detailed for service in any staff corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the staff corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any staff corps, or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department, from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74,

and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

Renumber the two sections at the end of the bill, so as to read "Sec. 7" and "Sec. 8," instead of "Sec. 8" and "Sec. 9."

H. A. DU PONT,
F. E. WARREN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. LODGE. The report involves new legislation, which the Senate has never examined, and I ask, as a matter of convenience, that a print be made in bill form, showing the bill as it passed the Senate and the bill as reported from conference in parallel columns or in parallel pages for the convenienee of the Senate.

The VICE PRESIDENT. In the absence of objection it is so ordered.

LAWS OF PORTO RICO (S. DOC. NO. 720).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the journal of the executive council of Porto Rico for the second session of the extraordinary session of the sixth legislative assembly, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 27, 1912.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 20, 1912:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

On May 27, 1912:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana;

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.; and

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

STATISTICS OF CORPORATIONS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read Senate resolution No. 321, submitted by Mr. HITCHCOCK on the 25th instant, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

Mr. HITCHCOCK. Mr. President, my reason for introducing this resolution is to procure exact information, even though it be from a prejudiced source, which shall show under oath the amount of capital invested in the particular industry asking this Congress to continue the high protective tariff which has been in force for a number of years and the amount of profit that industry has made.

Mr. President, here is rather a remarkable situation. We have an average tariff of something like 35 per cent, as I recall it, for the "protection," so called, of the iron and steel industry of the United States. Upon the Republican theory this tariff is for the purpose of enabling the iron and steel manufacturers of the United States to compete in the United States with the foreign iron and steel manufacturers who might be disposed to sell their products here. Yet the fact is that the iron and steel manufacturers of the United States to-day produce in the leading products of the iron and steel industry more than Great Britain produces, more than Germany produces, more than France produces, and more than all those great countries combined produce. Nevertheless, the representatives of the Republican Party in Congress, notwithstanding the gigantic size of that industry, have taken the position that it still must be coddled and protected and that at this Congress not a single schedule shall be reduced a single per cent.

Mr. President, when the bill passed the House of Representatives and was sent to the Senate I had hopes that there would be some one of the dominant party upon the Committee on Finance who would be willing to report some bill for the modification of this tariff. Instead of doing so, however, the Republican majority has contented itself with reporting against any revision of the iron and steel schedule. They have done this notwithstanding the fact that the American manufacturers now enjoy a practical monopoly of the iron and steel market in the United States, and on top of that the manufacturers can and do send to foreign countries $230,000,000 worth of iron and steel products every year.

In other words, the present tariff is sufficient not only to keep out anything but a small importation of iron and steel products from abroad, but the condition of the industry in the United States is such that our manufacturers were able last year to manufacture and sell $230,000,000 worth of their products in other countries in competition with the world. Any reasonable man might conclude from that that if they could sell those products in other countries in competition with the world they do not need the great protection provided by the present law.

I was a good deal interested in the statement made by the Senator from Iowa [Mr. CUMMINS] in attempting to take a fair position from the Republican standpoint and in attempting to show to his associates on the Republican side that even on the Republican theory the present tariff is excessive. The Senator from Iowa declared it as his opinion that this protected iron and steel industry is now exacting of the American people $100,000,000 more than it should charge for the products which it makes, and the Senator from Iowa makes that estimate upon the basis largely of his own investigation and also upon the basis of the annual statement of profits, as I understand it, made by the great Steel Trust.

I am glad the Senator from Iowa has been fair enough to make that statement. I believe, however, it is far too moderate. I believe that if the iron and steel business of the United States amounts, as has been stated, to three thousand million dollars a year it is not unreasonable to say that those manufacturers are charging the American people 10 per cent in excess of what they would charge without the tariff or should charge to make a fair profit even from the Republican standpoint; and 10 per cent on three thousand million dollars would be $300,000,000 a year exacted from the American people in excess of the prices which they should charge for their goods.

We know from the figures presented by the Steel Trust that it controls only about 60 per cent of the iron and steel business. We know that the net profits of that corporation for the past 10 years have been $789,000,000, and we know from the admission made by the Senator from Iowa that all the capital invested in that corporation 10 years ago was less than $700,000,000. In other words, during the last 10 years that single corporation, with an investment of less than $700,000,000 has taken nearly $800,000,000 of profits out of the business at the expense of the American people and has, besides its original investment, a surplus to-day of $344,000,000 accumulated out of profits.

Mr. President, I believe it would be within reason to say, and almost susceptible of proof by a careful examination of the profits of all classes of the privileged capital of the United States, that the exactions from the American people at this time of all the protected industries over and above a fair profit exceed a thousand million dollars a year. That is to say, that with the capital invested in these protected industries which are given a practical monopoly of the American market by the laws of the United States those corporations are exacting from the American people at least one thousand million dollars more than they should exact to secure a fair profit on their investments.

Now, what is the effect of these exactions, Mr. President? As we know, the first effect is the multiplying of millionaires in the country. During the last 25 years we have seen an era during which the number of millionaires has increased beyond the experience of the United States and beyond the experience of the whole world. We have seen our business come into a form of imperialism, and we have seen created such a disparity of wealth as the world has never known even in monarchical countries. The effect is not only to centralize the wealth in the hands of a comparatively few, but it is to intensify the struggle for existence among the industrial classes, and not only among the industrial classes, but among those who labor for fixed salaries, among those who have limited incomes, among the workers of the United States. In spite of the figures which were produced here by the Senator from Utah [Mr. SMOOT] showing the growing wealth of the United States, it is easy to point to the statistics of recent years and show that there has been a constant tendency during the last quarter of a century to intensify the struggle for existence among those who must work to live.

We see this in many ways. We see it in the constant strikes. During the last 25 years in the United States there have been something like 36,756 strikes, 40 per cent of them by men who felt under the necessity to have higher wages. We have seen during that time over 6,000,000 of the workers of the United States participate in strikes. These strikes have been due, as we all know, to the constant increase in the cost of living, the constantly rising tide of necessary expenditures caused by excessive profits of privileged tariff-protected capital.

We have seen during that time another influence of tariff legislation; we have seen a premium put upon the industrial enterprises; we have seen a blight put upon the agricultural growth of the country. During the last 25 years, as we all know, there has been a great increase in the urban population. Every census shows a larger per cent of city population and a smaller per cent of agricultural or country population. Why is it? It is because the agriculture of the country has been taxed for the purpose of building up these industrial centers, and that constant burden upon agriculture and that premium upon city growth have been developed until we have seen the figures grow to astonishing proportions.

Let me put this in a nutshell. In 20 years the increase of population of the United States has been 30 per cent. New York increased 50 per cent, Pennsylvania 51 per cent, Massachusetts 50 per cent, Rhode Island 60 per cent, all of them manufacturing centers. The premium that has been put upon the manufacturing industries of the country, the inducement that was given to people to go into those industrial pursuits resulted in this enormous increase of those industrial States, those States where great industries are located.

How has it been in the agricultural States of the country? It is not so very many years ago that Horace Greeley said to the young men, "Go West and grow up with the country." Let me show you how the West has been growing. During the same period that the United States increased 30 per cent and the manufacturing States of the Union about 50 per cent in population, Iowa—the great agricultural State of Iowa—increased but 16 per cent; my own State, Nebraska, increased 12 per cent; Kansas increased 18 per cent. Those three representative agricultural States were practically stunted, practically blighted in their development because of the burden placed upon their chief occupation, agriculture, for the benefit of the manufacturing industries of the East.

Mr. President, we might not complain if the benefits of that industrial development came to all alike; but we all know that that is not so. We all know that in those industries in the East, privileged by law under the so-called protective tariff, the effect has been to yield enormous dividends to the invested capital, and on top of that, enormous dividends on pretended capital that was not invested. The captains of industry have not stopped at claiming a return upon the money that they invested, but they have resorted to absolute fraud, to a confidence game upon the American people, by watering their stock and by insisting on paying enormous dividends upon stock that cost them not a penny.

So, Mr. President, I have introduced this resolution for the purpose of securing from the President of the United States a statement of what these iron and steel industries claim to be their invested capital and what they admit their profits were last year, as shown by their tax reports. Before the resolution is put to a vote, I shall ask to modify it so as to also include the year 1910. I do this because the Senator from Pennsylvania [Mr. OLIVER] has called attention to the fact, by the newspaper clipping which he published in the RECORD, that the year 1911 was a far less prosperous year for the iron and steel manufacturers of the country than the year 1910, and, for that reason, was probably not an average showing of the profits of those concerns.

But right here, Mr. President, let me call the attention of my Republican friends to this fact, which is shown by the clipping which the Senator from Pennsylvania has put into the RECORD. It shows the utter folly of the Republican attempt to measure the protective tariff by the difference between the cost of manufacturing in this country and abroad, including also a margin of profit. The last Republican platform declared that the proper principle of protection should be to have a tariff high enough to compensate the American manufacturers for the difference between the cost of manufacture in this country and in other countries and to also guarantee them a reasonable profit. It so happens that the clipping which the Senator from Pennsylvania has put into the RECORD reveals the utter impossibility of fixing the cost in the United States, because it shows such a variation between the cost of manufacturing iron and steel products in various American plants. For instance, his statement shows that the Bethlehem Steel Co. made a profit of $3.40 a ton; it shows that the Cambria Steel Co. during the same year made a profit of $3.50 a ton; that the Lackawanna Steel Co. made a profit of 11 cents a ton; that the United States Steel Co. made a profit of $5.82 a ton; and that the Pennsylvania Steel Co. made a profit of $1.38 a ton. How shall the tariff be adjusted? Shall it be adjusted so as to enable the Lackawanna Steel Co. to make what it calls a fair profit, or shall it be adjusted so as to enable the United States Steel Co. to make a fair profit? They are far apart, and the figures themselves afford a convincing proof that to fix the American tariff for the purpose of guaranteeing to all manufacturers of a certain product a fair profit is practically impossible.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do.

Mr. OLIVER. Mr. President, the Senator from Nebraska is assuming that the profits of the United States Steel Corporation are the ordinary manufacturing profits of the steel business. He must bear in mind that the profits of the United States Steel Corporation are the accumulation of a great number of profits, embracing not only several kinds of manufacturing profits, several steps in the way of manufacturing profits, but also the profits of transportation lines and the profits of merchandising, which do not ordinarily come under the head of manufacturing profits. The United States Steel Corporation is a jobber, as well as a manufacturer; and where the ordinary steel manufacturer producing merchant wares sells to the jobbing merchant, the United States Steel Corporation gets down closer to the consumer, and thereby acquires the jobbing profit as well. Some, at least, of the other large corporations mentioned in the list to which the Senator has referred are simply manufacturers. They do not embrace as many manufacturing profits as the United States Steel Corporation; their list of profits does not include any transportation profits, and practically no merchandising profits.

While I am on the floor, Mr. President, I should like to ask the Senator from Nebraska what he would consider a fair return upon the actual capital invested for a corporation engaged in a business which involves the various risks that steel manufacturing involves? I would merely like to get his ideas on that proposition.

Mr. HITCHCOCK. Mr. President, if the powerful Government of the United States under the control of the dominant party proposes to guarantee profits, those guaranteed profits should be no larger than any guaranteed bond or any guaranteed stock, and the Senator from Pennsylvania well knows that such profits would not exceed 5, 6, or 7 per cent. But what I charge upon the companies for whom the Senator speaks is this, that they have been compelled——

Mr. OLIVER. Mr. President, I want the Senator to understand that I speak for no corporation, and I do not want him to

place me in the position of being an advocate on the floor of the Senate of any corporation. I am speaking for the working people of the United States, to whom accrues the benefit of the protective tariff, and not as the advocate of any corporation or any set of corporations.

Mr. HITCHCOCK. I will change the statement and say, then, that I charge that the corporations, in whose interest the protective tariff has been framed and for whose benefit it has been maintained, and who by campaign contributions have supported the party which has kept it for them—I charge that those corporations have not only attempted to earn dividends upon the real capital invested, but that they have injected a great amount of fraudulent capital and have been attempting to pay dividends upon that fraudulent capital, which had no existence whatever, but on which they have continued to pay dividends at the expense of the American people by charging exorbitant prices for their goods.

Mr. President, I repudiate the idea that the tariff as maintained has been for the benefit of the laboring classes. I charge that the protected industries pay lower wages to their employees than do the unprotected industries of the United States; I charge that there have been more strikes in the protected industries than there have been in the other industries of the United States; I charge that the protected industries, particularly the iron and steel industry, have been particularly outrageous in the extent to which they have oppressed their employees. The Steel Trust, whose great business is in the State represented by the Senator from Pennsylvania, has been convicted of working 50,000 of its men excessive hours; it has been convicted of working those men 12 hours a day and 7 days a week until the public has been outraged. That great trust has been convicted of having crushed out labor organizations in order that it might grind the individual laborer.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Certainly.

Mr. GALLINGER. The Senator says that there have been more strikes in the protected industries in the United States *than in others*. Have there been any more serious strikes in the United States than in Great Britain, a free-trade country?

Mr. HITCHCOCK. Most of the strikes in Great Britain have been in the transportation companies in recent years.

Mr. GALLINGER. Oh, no.

Mr. HITCHCOCK. But the fact is that in the industries of Great Britain labor is allowed to organize and that the strikes which have been called there have been called by organized labor, while the strikes in this country in the protected industries have, as a rule, been forced by exactions on unorganized employees. I call the Senator's attention to the strike two years ago in the great Bethlehem steel plant, where some 9,000 men were employed. What was the cause of that strike? It was due to the fact that the company was forcing the men to work on Sundays; forcing them to work 12 hours a day; driving them like slaves, and prohibiting them from having organizations for their own protection. In England men in the big industries work 54 hours a week, which is far below the average in America.

Mr. GALLINGER. The testimony taken by the Committee on Finance shows that in the limited number of cases where men have worked 12 hours a day they wanted to work 12 hours a day; and it further shows that, in deference to a popular sentiment, which I think is proper—and I join in it; and I said so to the witnesses—they are, as fast as they can, eliminating that condition.

Now, the Senator says that the strikes in Great Britain have been in matters of transportation. The Senator is familiar with the great coal strike in Great Britain and with the textile strikes in Great Britain, if he has kept well informed on current affairs, as I judge he has. He is not ignorant of those facts.

Mr. HITCHCOCK. I have said that the larger strikes in recent years in Great Britain have been upon transportation companies. There have been strikes in Great Britain, strikes in Germany, strikes in France, but the fact is that the industrial classes in Great Britain are more content than they formerly were, and the fact is that the immigration which formerly came from Great Britain to the United States in large numbers, because industrial opportunities were greater in this country, has fallen to one-half of what it formerly was; and the only large immigration which we get from Europe at the present time comes, not from Great Britain, not from Germany, not from France, because the industrial classes in those countries are content to stay at home, but it comes from the other less-favored countries of Europe, and is induced very largely by the protected industries in this country, which use that labor when it gets here to the exclusion of American labor.

Mr. GALLINGER. And yet the Senator knows that in Great Britain the laboring man is getting but 50 per cent of the wage paid the laboring man in this country.

Mr. HITCHCOCK. I know that the laboring man in Great Britain, with a much lower cost of living, as is shown by the fact that he stays at home, is content with his plight, rather than to come to the United States.

Mr. GALLINGER. They are immigrating to Canada by the tens and hundreds of thousands.

Mr. HITCHCOCK. I know that the laboring men in the iron and steel industries of Great Britain work only 54 hours a week, while a large per cent of the men in the iron and steel industries in the United States work from 72 to 84 hours a week.

Mr. GALLINGER. Mr. President, that is not a fair statement. The Senator may say that a small proportion, an infinitesimal proportion, of those men work 12 hours a day; but some of them work only 4 or 5 hours a day. It is all in the testimony.

Mr. HITCHCOCK. I can give the Senator some testimony.

Mr. GALLINGER. The Senator knows that in Great Britain there are now 100,000 men on strike.

Mr. HITCHCOCK. At Bethlehem the result as ascertained by the investigation of agents of the United States developed these facts: Out of 9,184 employees, 2,322 worked 12 hours a day for 7 days a week; 2,233 worked 12 hours a day for 6 days a week. Ninety-nine per cent worked over 10 hours a day and 29 per cent worked 7 days a week—practical slavery.

Not only that, but this great industry, maintained at the expense of the American people, which asks for this protection for the benefit, so called and so pretended, of its American labor, employs 60 per cent of its employees from those born in foreign countries. This industry chooses to employ only, or at least chiefly, newly arrived immigrants who are willing to work long hours at low pay.

Mr. GALLINGER. I will ask the Senator if he is willing to join in a propaganda to prohibit those people from coming to this country?

Mr. HITCHCOCK. What people?

Mr. GALLINGER. The people the Senator alludes to—the foreigners to whom the Senator has referred to in that statement as being employed in that industry.

Mr. HITCHCOCK. I am in favor of an immigration law not much different from what we have at present. But I do say it is a false pretense for the smug and smuck capitalists to come to Congress for protection to labor when they chose the cheapest labor they can introduce in this country.

Mr. GALLINGER. Does the Senator seriously think these men can be displaced and Americans be induced to take their places?

Mr. HITCHCOCK. American labor, foreign or naturalized, originally had those places. They were displaced by immigrants whom manufacturers could lure here and then oppress.

Mr. GALLINGER. Does the Senator know of any American laborers now out of employment who formerly had those employments?

Mr. HITCHCOCK. Pennsylvania had its iron mills nearly 100 years ago. For many years they were worked by Americans, and now 60 per cent of the labor is foreign born, and practically all of it is without the self-protection of organization.

Mr. GALLINGER. Does the Senator really think that the iron mills of Pennsylvania could now be manned by American laboring men?

Mr. HITCHCOCK. I will answer that by saying, that so long as they pay 18 cents an hour for labor, it is not likely that American labor, whether native born or naturalized, will accept the positions, and as long as they will not permit the laborers to be organized Americans will not work in those mills.

Now, I want to say to the Senator from New Hampshire that 5,538 of the 9,100 laborers in the Bethlehem mills receive less than 18 cents an hour for their labor.

Mr. GALLINGER. The Senator knows that that is the minimum wage, and it applies only to the men who come here utterly unskilled.

Mr. HITCHCOCK. Of the 9,084 employees 5,558 receive less than 18 cents an hour.

Mr. GALLINGER. They were unskilled.

Mr. HITCHCOCK. I do not know.

Mr. GALLINGER. Why do they come here and not go back to their own countries if they are laboring under these deplorable conditions? There are steamships running to Italy and other countries from which they came, and if they are so terribly downtrodden—they have been sending home thousands and thousands of dollars every year—why do they not go back?

Mr. STONE. I should like to answer that question.

Mr. HITCHCOCK. I yield to the Senator from Missouri.

Mr. STONE. In answer to the Senator's question, Why do they come? I will say because inducements have been held out to them.

Mr. GALLINGER. By whom?

Mr. STONE. By the iron and steel manufacturers.

Mr. GALLINGER. Is there testimony to that effect?

Mr. STONE. Yes, sir; there is testimony to that effect.

Mr. SMOOT. Mr. President——

Mr. STONE. There is testimony from the manufacturers themselves. The laboring men go off a ship and direct to some works.

Mr. GALLINGER. Instead of sending their money home by the million of dollars, they could use the money to go home if their condition here were as deplorable as it is depicted.

Mr. OLIVER. Anybody who knows anything about modern steel manufacture in the larger lines knows that a very large proportion of the labor used in that line of manufacture is absolutely unskilled labor, because the whole theory of modern steel manufacture and practice lies in substituting machinery for man, and the man is only the tender of the machine. Any person who will go to one of these great establishments and watch its operations will see that there are very few exceptions to this rule. These unskilled men are not kept continuously at work. They work by spells. In the operation, they work by heats. The heat comes out only once in four hours, and it requires very hard and trying work of the entire force for a comparatively short time. In the intervals they have spells to rest. In the casting department or the open-hearth department it is the same way. The men lay off and rest. It does not amount to 12 hours a day at one machine, and the men who receive these lower rates of wages necessarily form the majority in number of men about the establishment.

Senators in discussing this question ought to be fair. There is no such undue oppression and there is no such slavery as have been charged in the debate upon this subject.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. I merely desire to say to the Senator from Missouri that if he has evidence showing that inducements have been offered to these immigrants to come here, it is against the law, and if he will put the evidence in the possession of the district attorney the guilty persons will be prosecuted. The law was much improved in that respect by the measure that was passed for that purpose, against which the Senator from Missouri voted.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. I yield.

Mr. STONE. I have no evidence from the mouth of any employer that any organized effort was made in Europe to bring workmen to this country. They denied that. They might well deny it, for confessing would subject them to prosecution, as indicated by the Senator from Massachusetts, for violating the law.

But I have evidence in the record that is before me now on my desk that thousands of men have come across the sea in ships from southern Europe and landed and went from the port where they landed directly to the establishment and entered into employment.

Mr. GALLINGER. They were in search of employment, and they went where they thought they could get it.

Mr. STONE. I should like to know how these men coming from Europe knew just where to go when they landed in New York.

Mr. LODGE and Mr. SMOOT addressed the Chair.

Mr. STONE. I did not ask the President pro tempore to answer. I asked Senators here to answer how these people get off the boat, take a train, and go directly to the works unless they know they will there find employment?

Mr. LODGE. I do not want to interrupt any further the Senator's speech, but that has been investigated and the facts are in testimony. They come here by reason of the fact that their relatives and friends, now in employment here, write them that they can here earn more money. But if there is any evidence of any inducement offered by any employer, that employer becomes subject to the law. The purpose of the bill just passed is to strengthen that part of the law. The immigrants come here through their friends and relatives. It is all in the testimony.

Mr. STONE. The Senator says there is no evidence——

Mr. LODGE. I did not say there was no evidence. The Senator from Missouri said there was no evidence, after having said there was.

Mr. STONE. I do not say that. I said that no employer had ever admitted that he had ever violated the law.

Mr. LODGE. Does the Senator think we must wait until the employer has confessed before we can convict him?

Mr. STONE. No; I do not think so.

Mr. LODGE. If there is any evidence, it is the Senator's duty, as it is that of any other law-abiding citizen, to lay it before the district attorney.

Mr. STONE. There is more than one kind of evidence. You need not have the confession from the lips of the employer who had made a contract or offered some inducement to immigrants in Europe to come here and enter into his employ. I should like to know if the circumstances are not almost beyond contradiction that there are some secret arrangement, when the proof is that six or eight thousand men in the employment of a single manufacturing establishment have come from Europe and gone directly to that establishment and entered into its employ. It is remarkable that they should come without some kind of inducement being offered. There is a circumstantial fact, convincing to my mind, that there was an inducement offered and that they left Europe to come to that very employment.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. For a question.

Mr. GALLINGER. If it is just a question, certainly. Does not the Senator from Missouri think these steamship companies who are inducing these people to come here have information as to where they can get employment? The captains of these foreign ships, which the Senator always seems to favor in preference to the American merchant marine——

Mr. STONE. I do not care to go into the question of the merchant marine, and the Senator's statement is an unfair statement as to my position and is an inaccurate statement.

Mr. GALLINGER. While I think my statement was accurate, I will withdraw that part of it. Does not the Senator think that foreign steamships have been inducing these people to come here?

Mr. STONE. I do not know what agencies are employed. I say the fact that six or eight thousand men have come from Europe and gone directly from the landing point——

Mr. GALLINGER. Not at one time.

Mr. STONE. I did not say at one time.

Mr. GALLINGER. If a hundred came to-day, could not they communicate with another hundred as to their chances of employment here, and do they not actually do this?

Mr. STONE. There is no such happy industrial condition in that particular industry as would, it seems to me, induce men to write their relatives to come.

Mr. GALLINGER. But the fact is that they do write asking them to come.

Mr. STONE. It may be there have been letters, but when I find that at that particular establishment these conditions disclosed by this testimony, of the men receiving salaries scarcely enough to live on and working from 10 to 12 hours a day, frequently 76 hours a week, getting barely enough on which to maintain a family, I hesitate to believe there has been a great flood of letters from Bethlehem to Europe inviting those kinsmen to enjoy the prosperity there prevailing.

Mr. HITCHCOCK. I am rather surprised to hear the statement made by the Senator from Pennsylvania that a very small proportion of these men are required to work those long hours. Let me read what was officially reported after the Government investigation was made:

> During May, 1910, the period covered by this investigation, 50,000, or 29 per cent, of the 173,000 employees of blast furnaces and steel works and rolling mills covered by this report customarily worked 7 days per week, and 20 per cent of them worked 84 hours or more per week, which, in effect, means a 12-hour working day every day in the week, including Sunday. The evil of 7-day work was particularly accentuated by the fact developed in the investigation that the 7-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked 7 days a week, but it was also found that to a considerable extent in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating 7 days a week for commercial reasons only.

It was not confined to the blast furnaces, as the Senator from Pennsylvania said.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do for a question. I should like to go on and complete my remarks.

Mr. OLIVER. I simply want to explain that I did not claim that the seven days' work was confined to blast furnaces. It is just as necessary to a certain extent in the open-hearth processes as in blast furnaces.

I further say, Mr. President, that I do not want to be considered as standing here and defending unnecessary Sunday work, and wherever it is found to be unnecessary, as it is unnecessary in the rolling-mill department and in the Bessemer department, I will be found as heartily condemning it as the Senator from Nebraska.

I beg the Senator's pardon for interrupting him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. BORAH. May I interrupt the Senator long enough to quote a paragraph or two from the report of the stockholders of the United States Steel Corporation with reference to this particular subject?

Mr. HITCHCOCK. I shall be very glad to have the Senator do so.

Mr. BORAH. It ought to be a fair statement of the situation. It is quite in accord with the statements which were made by the Bureau of Commerce and Labor in regard to this matter. They say, upon page 3 of their report:

> As a result of the several meetings held by the committee for the study of the article under discussion, as also through conference with Messrs. Cabot and Fitch, it seemed that the main questions calling for consideration were:
> (a) The 7-day week and long turn.
> (b) The 12-hour day.
> (c) *The speeding* of the workmen.
> (d) The repression of the men.
> Before taking up these questions singly, we believe we but state the facts in saying that no one of these practices was inaugurated by the United States Steel Corporation. Rather were they in vogue, to a greater or less degree, in the various companies which were brought into one when the Steel Corporation was organized.

The result of this report is, however, in full that all these different things exist in this industry. The 7-day week, working sometimes 12 hours a day and sometimes 18 and 24 hours on a shift, the speeding of the workmen, and the repression of the men were the subjects which the stockholders felt necessary to investigate.

Now, I am not interested just at this moment as to the tariff feature of this discussion, but I am interested in the other proposition which has come into this discussion because of the measure which is now pending before the Senate. There is no necessity of trying to conceal the fact that there is a species of industrial peonage which exists in this industry, and the sooner we take hold of it the quicker we will discharge our full obligation to those people.

Mr. HITCHCOCK. Mr. President, it is a remarkable fact that the chief complaint in the United States to-day for the overworking and underpaying of employees comes from those industries for whose benefit the American people are paying an enormous tax in increased cost of living, possibly a thousand million dollars a year. The very industry whose hypocritical owners knock at the door of Congress and ask to have taxes levied for the pretended reason that they may pay American wages to American workingmen are the very ones who are working their men 12 hours a day and 7 days a week. They are the ones who are prohibiting labor organizations and who are, as I believe, and as the Senator from Missouri [Mr. STONE] has stated, stimulating immigration, not from England, because the English laborer will not come to America to work for those wages; not from Germany, because the German laborer has refused in recent years to come here; nor from France, from whose industries we have practically no immigration, but from those countries of Europe that are pointed to as unhappy and unfortunate, as far as their industrial classes are concerned.

It is a strange case of circumstantial evidence against the iron and steel industry. If the fact can not be proven, as the Senator from Missouri has charged, that they have induced and procured this immigration, it is a strange case of circumstantial evidence against them that they are the ones who take advantage of that immigration when it comes here.

In the current number of the North American Review, which the Senator from Texas [Mr. CULBERSON] has just been kind enough to hand me, I find a statement discussing Lawrence labor difficulties. We all know that during the present session of Congress a great uproar was produced in this country because of a strike, followed by bloody riots and the practical suspension of the rights of American citizens in the town of Lawrence. It developed in that strike that a very large percentage of the men and women employed in those mills were foreign born. It developed that they were underpaid, earning six, seven, and eight dollars a week.

Now, look at the table published in this article, and I say this is circumstantial evidence against the protected industries. If they are not inducing this immigration, by reason of their connection with the steamship companies, they certainly appear to be the beneficiaries of this immigration.

In the manufacture of agricultural implements and vehicles 59 per cent of the employees are foreign born. In cotton manufactures 68 per cent of the employees are foreign born. In the manufacture of glass 39 per cent are foreign born. In the iron and steel industry 57 per cent are foreign born. In iron-ore mining 52 per cent are foreign born. In the woolen and worsted goods industry 61 per cent are foreign born. That is some circumstantial evidence against these protected industries which are asking to have maintained this exorbitant tariff for the benefit, as they pretend, of the American workingman.

Mr. President, I have already taken up more time than I expected to, and I want to conclude by this statement: The great problem before the American people is not the problem of increasing the wealth of the country. It is the problem of securing a fair distribution of what is annually produced.

Mr. SIMMONS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator is about to conclude his argument, and I think he did not probably hear a statement made by the Senator from Pennsylvania [Mr. OLIVER] with respect to the profits of the steel company. The Senator from Pennsylvania said that the profits of the steel company come from various subsidiary companies, a part of it profits of mines, a part of it the profits of transportation, a part of it profits of manufacture, and a part of it as far down, probably, as to reach the sales to the consumer; and these profits should be added together in reaching the sum total of profits that were charged against the United States Steel Co.

The Bureau of Corporations, in its investigation into the profits of the United States Steel Co., reached its conclusion as to the actual amount of profits that company was realizing not by adding the profits of these various integrations, but by taking the total capital invested by the steel corporation in all its business operations out of which the final result is the manufactured product of steel and iron and estimating the profits of that company upon the total capital that was invested by that company in these various processes from the ore in the mine to the finished product. I do not think the Senator gave the statement of the Bureau of Corporations as to that.

Mr. HITCHCOCK. I should be very glad to have the Senator give it.

Mr. SIMMONS. I shall now, if the Senator will permit me, give it.

The Bureau of Corporations gives these profits year by year, beginning with the year 1901 and including the year 1910. It first gives them by the year and then gives them by average. For those nine years the profits of the steel corporation estimated in this way—"total investment in tangible property as computed by the bureau" and then "earnings as adjusted by the bureau"—were 14.8 per cent; in 1902 the profits of the steel corporation were ,5.9 per cent; in 1903, 11.7; in 1904, 7.6; in 1905, 12.9; in 1906, 15.1; in 1907, 14.4; in 1908, 7.8; in 1909, 10.5; in 1910, 10.7. Average for the period of time—1901 to 1910—of the profits of the steel company, estimated upon the total investment, 12 per cent.

Mr. HITCHCOCK. Mr. President, I am glad to have the figures put in by the Senator from North Carolina.

Before I conclude I want to draw attention to an analysis of the figures presented by the Senator from Utah [Mr. SMOOT]. He made some effort to show that there had been, as I recall it, an improvement in the wages paid in the steel industry. It seems to me that his table proves exactly the contrary. He shows that the iron and steel product of the United States for the year 1899 was $804,000,000; the amount of wages paid, $120,000,000. I am leaving off the odd hundred thousand. On that basis the labor working in the iron and steel industry received 15 per cent—that is to say, out of every dollar's worth of iron and steel product labor received 15 cents.

His figures for the year 1907 show that the total product was $1,377,000,000; wages paid, $187,000,000, or 13.6 per cent for labor; in other words, labor received 13.6 cents out of every dollar's worth of product made, as against 15 cents eight years before that time.

Mr. OLIVER. I will ask the Senator from what he is reading.

Mr. HITCHCOCK. I am reading from the tabulated statement which the Senator from Utah displayed upon the wall at the time he made his speech.

Mr. OLIVER. And only 13 per cent of the entire expense went to labor?

Mr. HITCHCOCK. No; out of very dollar's worth of goods made labor receives 13.6 per cent at the present time, and 10 years ago labor received 15 cents out of every dollar's worth of product.

Mr. OLIVER. I think there is something wrong in the Senator's statement.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. There is nothing wrong with either one of the statements, but perhaps it needs explanation, at least to the Senator from Nebraska. The figures given in the table were the figures applying to the finished product, and the labor is not taken into consideration in producing any of the intermediary processes. If the Senator had studied the question in the Statistical Abstract of any great item of manufacture in this country, he would have found that the same rule applies. For instance, the labor in the finished product here does not take into consideration the labor that was put into the manufacture of the ore to pig iron. You can take the Statistical Abstract as to the woolen industry. There are many manufacturers of woolen yarn only and they do not produce a yard of finished product. There are many manufacturers who buy yarns only and then they make the cloth, and the cloth is the finished product. All the labor that was employed in the making of the yarn is taken no account of in the mill that makes the yarn into cloth.

Mr. HITCHCOCK. Mr. President, I shall have to object to the Senator going into a new subject. I have quoted the Senator's figures. I think he can hardly question that he said the iron and steel manufactures of the United States in 1899 amounted to $804,000,000, and that in making those manufactures $120,000,000 was paid in wages. As a mathematical proposition, that is 15 per cent. Now, eight years later, in 1907, the product was valued at $1,377,000,000; the wages paid in manufacturing it were $187,000,000; and that, as a mathematical proposition, is 13.6 per cent. So, where the labor in the steel and iron industry formerly received 15 cents out of every dollar's worth of product, it now receives 13.6 cents out of every dollar's worth of product.

Mr. SMOOT. That is absolutely true, as far as the finished product is concerned.

Mr. HITCHCOCK. No; the Senator is mistaken.

Mr. SMOOT. I am not mistaken.

Mr. HITCHCOCK. I did not take the figures from the finished product; I took the Senator's figures from the total iron and steel industry; and his figures in the iron and steel industry embraced the wages paid to all labor in the iron and steel industry.

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. His statement was not confined to the finished product.

Mr. SMOOT. I presume I know as well as the Senator what the figures were taken from. I thought the Senator knew they were not taken in the way he states. I say to the Senator the labor that was put into the manufacture of pig iron was not taken into consideration in the figures that were submitted in the diagram that I presented to the Senate. The figures show the prices upon the finished product and not upon any of the intermediary subjects in the manufacture of steel and iron.

Mr. HITCHCOCK. Mr. President, the Senator's table said nothing about the finished product; it said the total iron and steel manufactures of the United States.

Mr. SMOOT. That means the total of the manufactured product in the United States.

Mr. HITCHCOCK. Even on the Senator's present theory, however, it remains true that in the labor paid, as he now says, in making the finished product there has been a decline in those eight years from 15 per cent to 13¾ per cent, and if there has been a decline in that kind of labor it would naturally follow that there had probably been a decline in the other.

Mr. SMOOT. Not at all. That all depends on what is the cost unit of producing in this country, as to whether a man with modern machinery, with the modern improvements, can produce a ton of steel in this country to-day cheaper than he did at that particular time. It is not a question, Mr. President, as to what was paid the man per day at that particular time; it is a question of the cost of the unit at the different times; and in that regard the statement made by me shows the absolute facts.

Mr. HITCHCOCK. I am making the statement as it appeared upon the Senator's tabulated statement and as it appeared in the CONGRESSIONAL RECORD. It was the total iron and steel manufactures of the United States and the total amount of wages paid in making those manufactures.

Mr. President, I feel like apologizing for having taken up more time than I expected, but interruptions have rather diverted me from the line I had intended to discuss. I want to conclude by saying again that there is only one real great political problem in the United States that involves the welfare of the people, although it appears in many forms. It is not the problem of creating wealth; it is not the problem of producing wealth in this country year by year.

This country is now producing and always must produce more wealth than any other country. This country is now producing more than any other country has ever produced in history, and it is because this country has superior natural advantages: It has the richest mines in the world; it has the most fertile agricultural fields in the world; it has the most marvelous people in the world, for no other people equal the American people with their native-born American stock and engrafted upon it the admirable stock from Europe. The American people are the most industrious people in the world; they have the most nervous energy; they have the greatest ingenuity. America will always produce. The problem is not one of production in this country; but the great problem in this country with which we are confronted in every political measure which comes up is the problem of the distribution fairly of what is annually produced, and this is where the Republican program breaks down. There is a total failure to fairly distribute the production of the energy of the American people.

I heard a statement made—I think it was by the Senator from Idaho [Mr. HEYBURN]—that in the savings banks of this country there was something like four thousand million dollars, representing the savings of the industrial classes. I thought, after all, what a pitiful thing to point to—29,000,000 people engaged in working, and the amount they have saved up, after these generations of work in this country, amounts to four thousand million dollars. Ten million of the 29,000,000 working people have deposits, but the average is only $420 per depositor. At 4 per cent, each depositor would have the munificent income of $17 per year—certainly not much to boast of and not much to depend on.

Mr. President, when I think of the possibilities of wealth production in this country I am reminded of that story of the newly arrived foreigner who was taken to see Niagara Falls. His Irish friend said to him, as he pointed out the natural wonder, "Pat, is not that a wonderful sight?" "Well," said Pat, "I do not know." "Why," his friend said, "is it not wonderful the way that great body of water pours over those rocks and drops down into that abyss?" "Well," said Pat, "what's to hinder it?" [Laughter.] So when I look over this country and see how marvelously it is equipped with natural resources, how wonderfully it is circumstanced in the matter of climate, how it is in a virgin New World beginning where the Old world left off, populated as it is with a wonderful people, having the richest mines and the most fertile fields, with people of the greatest industry, education, and ingenuity—I say, what is to hinder the production of wealth? That is not the problem, but the problem is to see that there is a fair distribution of what is annually produced. When the Congress of the United States is asked to continue tariff taxation for the benefit of certain privileged capital, which has exceeded its rights, when that capital has grown arrogant and fraudulent at the same time, and when the labor that it has employed is the most distressed labor in the United States, then I am disposed to say the time has come to look more to the distribution of the wealth that is annually produced and less to the problem of producing it.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. HEYBURN. Mr. President, I should be glad to have any suggestion as to how legislation could affect the distribution of the product of labor. If the Senator has it in mind to explain that or to suggest any method by which legislation can control the distribution of the product of a man's labor, I think it would be welcomed by the Senate and by the country.

Mr. HITCHCOCK. Well, Mr. President, I think Mr. Andrew Carnegie, now a Scottish laird, is in possession of some four or five hundred millions of wealth that was produced in this

country, if it was produced anywhere, and he got it by reason of a protective tariff, which gave to his industry a monopoly value, which monopoly value enabled him to unload it upon American capitalists at the price he received.

Mr. HEYBURN. Mr. President, I must have misunderstood the Senator. I did not know that he was confining his proposition to the distribution of money. I thought he was referring to the distribution of labor and the products of labor. Of course you can confiscate a man's money, I suppose, or get it away from him; but my mind was not pointed in that direction, but it went to the question of the distribution of the result of labor.

Mr. HITCHCOCK. I was referring to the fact that this country was producing enormous wealth every year, and that, by virtue of the tariff law, much of that wealth has been centered in the hands of a few people, and the existence of others has been made correspondingly more difficult. The struggle for existence has increased in this country. More and more women are compelled to enter the productive work of this country every year; more and more children are compelled to enter the productive industries of the country every year simply because the struggle for existence in this country has become harder among the industrial classes and the cost of living, by constand increase largely due to the protective tariff, has brought this about.

Mr. WILLIAMS. Will the Senator from Nebraska pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I yield to the Senator from Mississippi.

Mr. WILLIAMS. May it not well be that the present bad distribution of wealth, which wealth is a product of labor, of course, has been brought about by the hypocritical pretense underlying the protective tariff system? Is it not true that the pretense underlying this system was to give to the American laboring man a higher wage and better remuneration for his labor? Is it not true that somewhere between the law and the result it happened that Carnegie took a toll of $300,000,000 that never reached the laboring man, the pretended ultimate distributee, at all? Is not that somewhat of an answer to the question put by the Senator from Idaho [Mr. HEYBURN]?

To go a bit further, is it not somewhat of an answer that men with great capital and with great political influence in this great alliance that has existed between national politics and big business have hidden behind that tariff shield to effect monopolies, or near monopolies, with the ability to reap just what portion of the product of labor they thought it safe in the face of organized labor to attempt to reap? Is it not true that the pretense has been that the protective tariff was instituted for the benefit of the laboring man? The pretense has been that the tariff would make these great capitalists able to pay more, and also make them willing to do so, whereas the fact is God had to make them willing by special grace, and He never has seen fit to intervene for that purpose.

If the Senator from Nebraska will pardon me, in connection with the great trust evil, which has grown out of this system—not altogether, but for the most part—I will say that I received a letter this morning with a sentence or two in it which strikes me as good, and I want to put in the RECORD a part of it as a proposition for a plank in the platform to be promulgated by the approaching Democratic convention, which, by the way, will declare the policies which shall rule this country for the next four years, because after the two Kilkenny cats who are now representing the Republican Party get through with one another there will not be any material Republican Party left. "There were two cats in Kilkenny who fit and who fit until of cats there weren't any." The Democratic Party is apt to come in by default, because one or the other of the defendants will have left the court with all of his witnesses.

In this connection, if the Senator from Nebraska will pardon me—I seem to be taking up a good deal of his time, but we have until 2 o'clock—I notice that not only the distinguished ex-President of the United States has never come out in favor of a single reduction of a single tariff duty, thereby appealing to the tariff barons for campaign contributions, but that when he had to meet the great trust evil with a proposed remedy he met it with a proposition which seemed to be very welcome to Perkins and to Gary and to all of the men who are at the head of all the trusts in this country, thus likewise appealing to them for campaign contributions, to wit, a policy of "controlling" or "regulating" the trusts, not putting an end to their exploitation, but "regulating" their exploitation through the instrumentality of a presidential or Roosevelt bureau at Washington.

Whether or not these distinguished trust magnates imagined that they could come just about as near regulating the bureau as the bureau could come to regulating them I can not say; but, at any rate, this was their proposal for solving the trust evil, and it was readily seized upon by the ex-President, who has been so much dissatisfied during the last three years and a half because he ascertained that he could not be both ex-President and President at the same time. [Laughter.] As it now seems evident that the "regulars" in the Republican Party are going to be run over by the "insurgents," and this gentleman is to be the nominee of the so-called Republican Party and is to receive the support of the so-called "regulars," it may be pertinent to read what follows as a plank in a Democratic platform directly opposed to the views of the ex-President and directly opposed to the idea that he has as to a proper one, by the promulgation of which he would control trusts.

And as the present President, who will soon be an ex-President, has made a proposition to control trusts by means of Federal incorporation, this plank would also furnish a declaration squarely in the teeth of his proposition. Now, I ask the careful attention of the Senator from Nebraska, because I want his judgment upon this:

> Monopolies are contrary to the genius of free institutions—

That is the first sentence—

> They are not to be tolerated upon any pretext, excuse, or condition whatsoever. The existing corporate trusts in this country must be *disintegrated* in *fact* as well as in *form*.

I call the attention of the Senator from Nebraska to the fact that the present Republican incumbent of the White House wanted to disintegrate them in *form*, and has succeeded to some extent, but not in *fact*, and that the ex-President—the other Republican candidate—always said, substantially, that he did not want to disintegrate them at all; but that they were the natural outcroppings of modern industrial conditions and ought to be "regulated" so as not to do "too much harm," and that he divided them into two classes—"good" ones; that is, those that were subservient to the administration and would not fight back if they were fought—you remember Perkins threatened that he would fight back and that made his company at once a good trust—and bad ones, the sort that were inimical to the Roosevelt administration.

But let me continue to read this proposed trust, or, rather, antitrust plank:

> We pledge our party to this accomplishment if elected to office. The high protective tariff has furnished the opportunity, and the grant of unrestricted corporate powers has been the creating cause of modern monopoly and the means whereby it has evaded existing antitrust laws. The existing law must be enforced civilly and criminally, and the tariff must be reduced, and the corporations must be made safe instruments of commerce and of legitimate business. Corporations with unsafe charter powers or without adequate charter restrictions against monopoly and near monopoly must be excluded from interstate commerce by a specific Federal law. Its requirements must be explicit and effective to destroy holding companies, interlocking directors, intercorporate control and watered stock. Its penalties must be adequate and self-sufficient, and its enforcement must not be optional with a Federal Executive or bureau, nor must it be subject to special Executive or bureau dispensation in particular cases.
>
> We oppose Federal incorporation of license to work monopolistic exploitation of the people as wholly unnecessary and as mere blinds to fasten existing industrial evils on the Nation. Their object is to prevent disintegration, to revolutionize the Government to fit the trusts, instead of reforming the corporations to fit the genius of the Government, to extend and centralize the unlawful existing union of politics and big business, to make each dependent on the other, to make the alliance between the two offensive and defensive, and to make the whole dependent on an oligarchy of presidential favorites and bureaucrats, whose very existence must be fatal to commercial, industrial, and political freedom. Existing evils are due to special privileges of the past and present, to corrupt and incompetent government, and to the chartered libertinage of corporate control. They are not to be corrected by new privileges, by more bureaucracy, by more government, but by punitive and restrictive laws, by the destruction of existing privileges, by reestablishing, confirming, and maintaining the institutions of democracy in their true spirit for the benefit of ourselves and our posterity. Our evils are due to Republican departures in the Federal Government and in the State legislatures from those institutions. Our remedy is to return to them by Democratic watchfulness of corporation grants in the State legislatures and by the virile exercise of the interstate-commerce power conferred upon the Congress of the United States by the Constitution.

Mr. STONE. Mr. President, I should like to know who the able gentleman is who prepared that paper. I think his name ought to be known.

Mr. WILLIAMS. I do not know that I have the gentleman's permission to communicate the fact to the Senate, and I shall, for that reason, not do so; but I regard it as apropos of the question asked by the Senator from Idaho—in fact, as quite an exhaustive answer to him, as well as a suggestion to the Democracy and insurgent Republicans for blazing out a future policy of a rapidly approaching Democratic administration, built upon demonstrated Democratic wisdom and upon equally

well-demonstrated Republican incompetency in the field of constructive statesmanship.

Mr. HITCHCOCK. I regard it as such an appropriate suggestion that I will let it to go in in that way, and I ask unanimous consent to amend my resolution by inserting, after the word "and," in line 4, the words "ten and also nineteen hundred and," so as to have the resolution read:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1910 and also 1911, so arranged as to show the following facts:

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The question is on the adoption of the amendment.

Mr. GALLINGER. Mr. President, I was glad to note that our amiable and delightfully witty colleague the Senator from Mississippi [Mr. WILLIAMS] suggested that certain things would be accomplished by the Democratic Party during the next four years. I am glad the Senator did not extend the tenure beyond that time. If I understand the Senator correctly, the Senator from Missouri is anxious to know what remarkable intellect produced the famous declaration from which the Senator from Mississippi read. Mr. President, I recall with a great deal of vividness the declaration of the Democratic Party on the subject of the tariff in 1892, and I want to read briefly from that platform:

We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation; we indorse the efforts made by the Democrats of the present Congress to modify its most oppressive feature in the direction of free raw materials—

Our Democratic friends do not seem to be very well united now on free raw materials. I think there is about as much division in their ranks on that subject as there is between the two Republicans contending for the nomination at Chicago.

Mr. BACON. That is putting it very strongly.

Mr. GALLINGER. I have heard it put quite as strongly as that on the Democratic side—

and cheaper manufactured goods that enter into general consumption, and we promise its repeal as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic Party.

Mr. President, the American people did intrust power to the Democratic Party upon that platform, but it will require a keener intellect than even the Senator from Mississippi possesses to discover the benefits which followed. I know it is a little unfashionable to allude to what followed that election of 1892 so far as concerns the industrial interests of the American people, but I will not now spend much time in calling attention to the unfortunate results which flowed from that Democratic triumph, achieved upon the platform from which I have just read.

Mr. BACON. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. With pleasure.

Mr. BACON. We have heard a great deal upon a great many occasions——

Mr. BORAH. I had the recognition of the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BORAH. I did not know the Senator from New Hampshire had the disposal of the time.

Mr. BACON. I am perfectly willing the Senator from Idaho should go ahead.

The PRESIDING OFFICER. The Senator from New Hampshire had not yielded the floor.

Mr. GALLINGER. I shall be pleased to yield to the Senator from Georgia or the Senator from Idaho for a question.

Mr. BACON. I desire to ask a question. Will the Senator tell us why it is that the act of 1893 was responsible for the panic which followed and that the act of 1907 was not responsible for that of 1907?

Mr. GALLINGER. That question has been asked and answered so often I did not——

Mr. BACON. I do not recall the answer.

Mr. GALLINGER. The Senator's memory is a little at fault. We all know what caused the panic of 1907. It was not an industrial panic in any sense of the word. If the Senator from Georgia will charge his mind with the condition that existed under the tariff law which was enacted by the Democratic Party after their triumph upon the platform from which I have read, he can not fail to remember that there was infinitely more wretchedness and sorrow in the country then than existed in 1907.

I live in an industrial community. I know precisely what happened when the Democratic Party came into power in 1892, and I know what happened in 1907, and I wish to say to the Senator that there is no similarity between the two cases. But, Mr. President, I simply made the remark I did in answer to the suggestion of my genial friend, the Senator from Mississippi, that the Democratic Party is to have four years more of power. The Democratic Party always carries the country in May and June, but they seldom carry it in November, and probably they will meet with their usual disappointment this year.

I want to say to the Senator from Mississippi, who seldom misses an opportunity to excoriate the ex-President, who is a candidate for the presidential nomination on the Republican ticket, that it is amusing to see how our Democratic friends are trembling literally in their boots for fear he be nominated as the Republican standard bearer. I will do what I can to prevent his nomination, and thus contribute to the peace of mind of our Democratic friends.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. If the Senator will not speak of the squalor and the wretchedness which he always says the existing tariff produces, I will gladly yield.

Mr. MARTINE of New Jersey. On the contrary, I will present a picture that will make you glow with admiration.

I hold in my hand a paper known as the Elizabeth Daily Journal published in Elizabeth County, N. J. It is Republican. What attracted my attention is this glaring advertisement:

BRIGGS LORIMER BRIGGS LORIMER BRIGGS LORIMER

BRIGGS LORIMER BRIGGS LORIMER

AFTER SEVEN YEARS
of
THEODORE ROOSEVELT
New Jersey
Went Republican
by
80,000!

AFTER TWO YEARS
of
WILLIAM HOWARD TAFT
New Jersey
Went Democratic
by
50,000!
WHY?
Paid for by J. P. Storm, agent.

BRIGGS LORIMER BRIGGS LORIMER

BRIGGS LORIMER BRIGGS LORIMER BRIGGS LORIMER

They ask why. That is the conundrum I leave to the Senator from New Hampshire to solve, and he need not dream that the great Democratic Party is shaking in its boots in fear of the election of a Republican President.

Mr. GALLINGER. That paid advertisement does not trouble me at all. I remember that a great writer once said:

When sorrows come, they come not single spies, but in battalions.

We had political sorrows two years ago, due to Democratic misrepresentations, but they will not be repeated; and I do not think a paid advertisement in a Republican newspaper, if indeed it is a Republican newspaper, is of much value in this argument.

I want to say a few words, and only a few words, in reply to the Senator from Nebraska [Mr. HITCHCOCK], who was very courteous in yielding to interruptions.

The Senator spoke about the population of the eastern industrial States and the population of the western agricultural States, and found fault because more of the immigrants from Europe come to the Eastern States than to the agricultural States of the West. If the Senator could devise some means by which 50 per cent of those immigrants or more would go to the West and engage in agricultural pursuits, it would be a wise solution of what I regard as a serious industrial situation in this country.

I want to ask the Senator why if there is great profit in manufacturing the people of Nebraska and Kansas and Iowa do not engage in it. There is no law against it. There is no reason why manufacturing should not prosper there as well as in Pennsylvania or Ohio or New England or New York, and I commend to the Senator's attention the suggestion that possibly he will find a solution of the troubles that seem to be disturbing his mind if he will see to it that manufacturing enterprises are established in some of the States of the Middle West.

Mr. HITCHCOCK. Is it not a fact that under the trust and the Republican tariff of the last century your industrial enterprises number about 600 plants as compared with something like a thousand before the trust began? How do you expect us

on the western prairies, without coal and without iron, to build up manufacturing establishments when you in the East can not maintain them?

Mr. GALLINGER. I have not been aware of the fact that we are not maintaining a fair share of industrial enterprises in the East. It may not be in iron and steel, but it is in the manufacture of various other commodities that the Middle West might engage in if it sought to do so. The people of the Middle West are directing their energies in other ways. They have become rich by accumulating land. Our people put their money into savings banks. In the Middle West they put it in broad acres. They are a very rich people. I am not sure that it is not wise policy on their part, and they ought not to complain of us because we direct our energies in other channels.

Mr. HITCHCOCK rose.

Mr. GALLINGER. I am very much afraid to yield to the Senator from Nebraska because he has been conferring with the Senator from Georgia.

Mr. HITCHCOCK. I merely want to ask whether the Senator would object to passing the resolution?

Mr. GALLINGER. The Senator's resolution would probably have passed before now if it had not been for the tariff discussion he precipitated.

Mr. HITCHCOCK. I am only asking for information that is in possession of the administration.

Mr. GALLINGER. Probably the resolution will pass in the near future.

Mr. HITCHCOCK. It will have to be passed at once or it will have to go to the calendar.

Mr. GALLINGER. Some of our friends say we are going to be here until next October. I am sorry if that is to be the case, but if it is we can pass a good many resolutions between now and then.

Mr. HITCHCOCK. I think it would be interesting to have *this* information before the tariff debate closes.

Mr. GALLINGER. The Senator from Idaho at my right [Mr. HEYBURN] says that the tariff debate is not going to close immediately. I wish it might. I should like to close it to-day. But the resolution can wait.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the resolution will go to the calendar. The Chair lays before the Senate the unfinished business, which is House bill 18642.

Mr. HITCHCOCK subsequently said: Mr. President, I ask unanimous consent to have printed, in connection with the discussion to-day, an advertisement which appeared in the Philadelphia Inquirer and other papers of May 23, of the Bethlehem Steel Co., offering to sell $15,200,000 of 5 per cent bonds, and setting forth, among other things, that during the past five years the company has, out of its earnings, expended $13,608,628 upon the enlargement of its plant, in addition to the payment of interest out of its earnings upon its bonded indebtedness.

In this connection, I wish to say that this company, which has made these enormous earnings, has had a paid-in capital of only $300,000, as shown by the testimony of Mr. Schwab himself. It is the same company which has been compelling its men to work 12 hours a day, 76 hours a week, in a large proportion of cases, and the same company which incurred a large strike by reason of insisting that the men should work on Sunday. I ask that this advertisement be printed in the RECORD as a statement of the company itself as to its financial condition.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. Do I understand the Senator from Nebraska to say that all the capital stock that was paid in in that company was $300,000?

Mr. HITCHCOCK. Three hundred thousand dollars is all the capital that the Bethlehem Steel Co. have ever put in.

Mr. SMOOT. Mr. President, that statement has been contradicted time and time again. I know that it has been made here upon the floor, but I have not yet seen any authority for it, and Mr. Schwab says it is not true.

Mr. HITCHCOCK. Let me read what Mr. Schwab said.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska for the printing of the statement referred to by him?

Mr. CUMMINS. I do not believe that question can be settled at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska to print in the RECORD the statement which he presents? The Chair hears none.

The statement referred to is as follows:

[From the Philadelphia Inquirer May 23, 1912.]

Fifteen million two hundred thousand dollar Bethlehem Steel Co. first lien and refunding mortgage 5 per cent 30-year gold bonds. Principal payable May 1, 1942. Interest payable May 1 and November 1. Principal and interest guaranteed by Bethlehem Steel Corporation by indorsement on each bond. Coupon bonds of $1,000 and $500 denominations with full privileges of registration. Coupon and registered bonds interchangeable. Annual sinking fund of 2½ per cent of the face value of bonds of this issue outstanding with minimum sinking-fund limit of $300,000 per year. All or any part of the issue redeemable at the option of the company at 105 per cent and accrued interest on any interest date upon 12 weeks' notice. Equitable Trust Co. of New York, trustee.

FREE OF TAX IN PENNSYLVANIA.

Attention is directed to a letter of Mr. C. M. Schwab, president of the Bethlehem Steel Corporation (copies of which can be obtained from the undersigned), which he summarizes as follows:

Purposes of issue: The proceeds of the $15,200,000 bonds sold to you, in conjunction with Messrs. Kuhn, Loeb & Co., New York, are to be used—

To retire the entire outstanding amount of $6,428,000 Bethlehem Steel Co. 5-year 6 per cent secured gold notes.

To purchase $2,668,000 Bethlehem Steel Co. first extension mortgage 5 per cent bonds, thereby reducing the outstanding amount of that issue to $8,000,000.

To provide additional working capital.

Two million three hundred thousand dollars in bonds remain in the treasury for the general purposes of the company, and the balance of the authorized issue of $50,000,000 bonds is to be reserved under carefully drawn restrictions of the morgtage for refunding the $8,000,000 first extension mortgage 5 per cent bonds, and for construction or acquisition of additional property at not exceeding 90 per cent of its cost, with limitations in issuing bonds for the latter purpose, having reference to net earnings of the Bethlehem Steel Corporation.

Lien of the mortgage: Bonds of this issue will be secured by a mortgage upon the real estate and manufacturing plants of the Bethlehem Steel Co., subject only to its purchase money mortgage ($7,500,000 outstanding), and its first extension mortgage ($8,000,000, as above shown, outstanding, for the retirement of which a sufficient amount of bonds of this issue will be reserved).

These bonds will also be secured by a first mortgage lien upon real estate and manufacturing plants hereafter acquired by the Bethlehem Steel Co., subject only to the after acquired property clauses of the first extension mortgage (so far as applicable), and to any purchase money or other mortgages subject to which such property may be acquired, but against which an equal face amount of bonds of this issue shall be reserved.

Value of assets back of bonds: Upon the issue of $15,200,000 bonds sold, the assets of the Bethlehem Steel Co. over and above its other liabilities, including its prior mortgages above referred to, will be $25,880,758, and the value of other properties represented by stocks to be pledged to secure the guaranty of Bethlehem Steel Corporation will be $6,766,869, making a total of $32,647,627 of assets back of these first lien and refunding mortgage bonds, or more than double the amount sold at this time. To the above values of properties represented by stocks pledged about $28,000,000 should be added to represent the real worth of mining properties of the corporation.

Earnings: The accounts of the Bethlehem Steel Corporation and its subsidiary companies have been audited annually from the date of incorporation to the close of the last fiscal year by Messrs. Price, Waterhouse & Co., and the statements of earnings which follow are based upon the audited accounts.

On the basis of net earnings of the corporation for 1911, before providing for depreciation or for exploitation and exhaustion of minerals, there is available after the payment of all charges, including amortization on prior issues, $3,826,618 with which to meet the interest charges on these $15,200,000 first lien and refunding mortgage bonds. This is over five times the amount so required and over three times the amount of the entire charges on these bonds, including sinking fund and amortization.

In general: The Bethlehem Steel Corporation is one of the most important and successful of the independent steel companies. Its growth and progress have been consistent and steady since its incorporation. Its annual business in 1905 was $14,554,117; in 1911 it was $30,093,022. During the first quarter of 1912 it booked orders aggregating about $12,250,000. Total orders on hand March 31, 1912, about $21,000,000.

The plants are modern and up to date in all particulars and are maintained in a high state of efficiency and repair, as is evidenced by the expenditure or appropriation of $13,608,628 out of earnings during the last five years for this purpose.

The Bethlehem Steel Corporation is well rounded out and self-contained and occupies an independent position, with ample supplies of ore, coal, and other raw materials, which it either owns or controls.

Application will be made to list this issue on the New York Stock Exchange and, if deemed desirable, on one or more foreign exchanges.

Temporary certificates, exchangeable later for engraved bonds, are now ready for delivery.

The form of bonds, the creation of the mortgage, and all legal proceedings connected therewith are to be approved by our counsel, Messrs. Simpson, Thacher & Bartlett.

Having placed a large majority of this issue here and in Europe, we will receive subscriptions for the unsold balance at 91½ and accrued interest.

The subscription will be opened on Thursday, May 23, 1912, at 10 o'clock a. m. and closed at 3 o'clock p. m. the same day or earlier, at the option of the undersigned. The right is reserved to reject any application and to allot a smaller amount than applied for. Payment in full to be made upon allotment. Subscription blanks may be obtained from the undersigned.

A simultaneous issue will be made by Messrs. Hope & Co., Amsterdam, and by Messrs. Salomon & Co., London.

HALLGARTEN & Co.,
5 Nassau Street, New York.
HARVEY FISK & SONS,
62 Cedar Street, New York.
WILLIAM SALOMON & Co.,
25 Broad Street, New York.

Subscriptions will also be received by—

EDWARD B. SMITH & Co.,
Bankers, Broad and Chestnut Streets, Philadelphia.
BROWN BROS. & Co.,
Bankers, Fourth and Chestnut Streets, Philadelphia.

MAY 21, 1912.

Mr. HITCHCOCK. Mr. President, I also ask to have inserted in the RECORD a paragraph from a letter written by Mr. Schwab on November 5, 1909, upon the subject of the capital stock of this company.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

The capital stock of the Bethlehem Steel Co. amounts to $15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at $50 par. While nominally only $1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from New Hampshire has the floor.

Mr. GALLINGER. The Senator from Nebraska, Mr. President, called attention to the fact that in the savings banks of the country the deposits are only $400 per capita.

Mr. HITCHCOCK. I think the Senator is mistaken; I said $400 per depositor.

Mr. GALLINGER. Per depositor. That is what I meant by per capita.

Mr. HITCHCOCK. Not per capita.

Mr. GALLINGER. Yes; per capita of the depositors. That is correct.

Mr. HITCHCOCK. That is an income of about $17 a year.

Mr. GALLINGER. The Senator seemed to be troubled over the fact as it struck him that that was all that those people possess.

Mr. President, in my little State the deposits in the savings banks are a little less than $400 per depositor, but almost one-half of the men, women, and children in New Hampshire have accounts in the savings banks, and almost the entire sum on deposit—about $78,000,000 I believe it is—in savings banks in my State has been put there by the farmers and the men and women who work in our mills. Yet the average deposit is less than $400 per capita, or was the last time I examined the figures.

Mr. President, a little time ago a very intelligent Englishman visited my city. He came with a letter of introduction to me, and I suggested to him that I would like to show him around the town. I took him in my carriage, and we traversed almost every street in the city of Concord. It is not a great manufacturing city, but we have some important industries there. Most of our people are laboring people. When I brought him back to his hotel and assisted him out of the carriage he said to me: "Senator, where do your working people live?" He had been through almost every street in the town; he had seen those beautiful little houses, painted white with green blinds, where our workingmen live; and it was a surprise to him that he did not find any portion of our city where there were evidences of sorrow and suffering and want such as have been pictured here. It does not exist. It does not exist in the city of Lawrence, notwithstanding all the talk that has been made concerning the conditions there. It does not exist in any industrial city or town in New England, notwithstanding the frightful pictures that have been painted of squalor and rags and wretchedness. Our people are prosperous. They put a portion of their surplus money in the savings banks, and in addition to that they have enough to buy little homes in many cases. Why, in that very city of Lawrence a very considerable proportion of the homes are owned by laboring people. The Senator is wrong when he supposes that $400 is all that those people have saved during a lifetime or during a generation.

Now, Mr. President, if the Senator from Nebraska will give me his attention, I want to say that he seems to think if we take a duty off of an article the American people are going to benefit to the amount of that duty. We tried it when we took the duty off of hides. What a beautiful picture was painted here of the beneficial effect on the consumer of taking off that duty! I did not believe that it would reduce the price of either leather or boots and shoes to the American people, and I said so then, but there were pictures painted here of the benefits that would accrue to the working people of this country if we removed that duty. We were going to have cheaper hides, and, as a consequence, cheaper leather, cheaper boots, and cheaper shoes.

The duty was removed, and the Senator from Nebraska knows that the price of leather and of boots and shoes almost immediately increased, and they are at a higher price to-day than they were when we took the duty off of hides.

Now, I should like the Senator from Nebraska to give me a list—I will not insist upon his giving it to me now; he can take his time to make the investigation—of the articles that have been very largely decreased in price by the removal of the duties.

Mr. JOHNSTON of Alabama and Mr. WILLIAMS addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield, and to whom?

Mr. GALLINGER. I will yield first to the Senator from Alabama.

Mr. JOHNSTON of Alabama. I want to ask the Senator if the price of boots and shoes and leather increased in value, who absorbed that profit? Did any of it go to the workingman? Were his wages increased?

Mr. GALLINGER. That is the very thing I am complaining of. I am complaining of the fact that our Democratic friends and others insisted that the laboring man would get the benefit, and he did not get it.

Mr. JOHNSTON of Alabama. Was not all the reduction absorbed by the manufacturer?

Mr. GALLINGER. I doubt that very much, indeed, because I will say to the Senator that they are making shoes in my State by the hundreds of thousands on which the manufacturer gets a profit of only about 2 cents a pair.

Mr. STONE. How do lower duties increase the price of the manufactured article?

Mr. GALLINGER. I am stating a fact. I am not going to try to interpret what I have said.

Mr. STONE. If the duty is reduced, and if the price of the manufactured article is thereby advanced, the price of the workingman's wages might also be advanced.

Mr. GALLINGER. The Senator is more troubled about matters of that kind than I am. The workingman is not troubled in my part of the country about wages. He is pretty well satisfied. The profit, if there is any, goes more largely to the jobber and the retailer than to the manufacturer.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I understood the Senator from New Hampshire to ask for an instance where the removal of the duty had reduced the price.

Mr. GALLINGER. There may be one instance, but I asked for a list of such articles.

Mr. WILLIAMS. A man can not give a list when on his feet without previous warning very easily.

Mr. GALLINGER. I gave the Senator from Nebraska time to look it up.

Mr. WILLIAMS. In partial reply to the Senator's question I will give one instance known to everybody, and that was the effect of the removal of the duty on quinine. I suppose the Senator is familiar with that.

Mr. GALLINGER. I am somewhat familiar with it, but it may be that there were other reasons entering into that particular case.

Mr. WILLIAMS. Does not the Senator remember that quinine was over $4 and that there was a cry raised that every manufacturer of quinine in the United States would have to go out of business if we put quinine upon the free list and that the consumers, the sick people, would not be benefited a particle? We did put quinine on the free list, and it went down to less than a dollar, and the manufacturers, although they threatened to go out of business, remained in business and are doing very well here.

Mr. GALLINGER. Mr. President, that may have been due to other causes. I remember that aluminum cost the American people—I have forgotten how much, but several dollars a pound—and I also remember that aluminum, which has remained at the same rate of duty as was imposed years ago, has been reduced in price to less than one-tenth of what it was then. So the tariff has not had anything to do with that.

Mr. WILLIAMS. May I ask the Senator another question?

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. What is the object of putting a protective duty upon an article? Is it not to raise its price?

Mr. GALLINGER. No; not at all.

Mr. WILLIAMS. How can the manufacturer be protected, save by raising the price?

Mr. GALLINGER. He can be protected by keeping the foreign manufacturer out of our market, and thus keeping his plant in operation.

Mr. WILLIAMS. How can the foreign manufacturer be kept out of our market, save by making the price of the article, when imported into the United States, higher than it otherwise would have been?

Mr. GALLINGER. I do not agree to that. I——

Mr. WILLIAMS. Does the Senator mean to say that the object of putting a protective tariff upon an article imported into the United States is not to make it more difficult for the American consumer to purchase that article?

Mr. GALLINGER. That is not the object at all.

Mr. WILLIAMS. And that the only way whereby that difficulty is made is by raising its price to the American consumer?

Mr. GALLINGER. That is not the object at all. The object of putting the duty on is to keep the foreign article—to some extent, at least—out of our markets——

Mr. WILLIAMS. I understand that.

Mr. GALLINGER. And enable the American manufacturer to employ labor and to keep our money at home.

Mr. WILLIAMS. But how does putting the protective duty upon the article keep the foreign manufacturer out of our market, except by making it necessary for him to sell the article at a higher price if he wants to get into our market?

Mr. GALLINGER. Does the Senator remember what happened to borax?

Mr. WILLIAMS. I do not remember that particular verse of the chapter right now, but I should like to have the Senator answer the question I have propounded.

Mr. GALLINGER. I will answer it. Borax was taken from the free list and a duty, as I remember it, of 2 cents per pound was put on it. Since then the price has come down 100 per cent, the consumer formerly paying 9 cents per pound for it, while now it is 4½ cents.

Mr. WILLIAMS. The Senator has just said that the object is to keep the foreign manufacturing competitor, to a certain extent, out of competition in the home market with American manufacturers.

Mr. GALLINGER. And have competition among our own manufacturers.

Mr. WILLIAMS. Yes; with our own manufacturers. Now, my question is, How can the duty operate to accomplish that result save by making the price of the foreign article when imported into the United States higher to the American consumer?

Mr. GALLINGER. I will answer that by two illustrations that are very familiar to the Senator. Does the Senator remember what we paid for steel rails when we did not make any steel rails in this country?

Mr. WILLIAMS. Oh, yes. I do not remember the exact figures, but it is lower now than when we first put a duty on steel rails.

Mr. GALLINGER. From $100 to $170 a ton was the price when we depended on England for them.

Mr. WILLIAMS. Does the Senator from New Hampshire contend that the reduction in the price of steel rails not only in America, but in Great Britain and in France and in Germany and all over the world was owing to the fact that we placed a duty on them in the American market?

Mr. GALLINGER. I absolutely do contend that. We put a duty on steel rails, and the monopoly in England was broken, the price went down, we commenced their manufacture, and now they are being sold for $28 a ton in place of from $100 to $170 a ton. The same thing happened in relation to tin plate; the same thing happened in relation to nails when we were not manufacturing any of them.

Mr. WILLIAMS. In each case the price of the article has gone down, not only in the American market, but abroad, and in almost every case the price has gone down further abroad than it has gone down in America.

Mr. GALLINGER. They had to put it down abroad, to compete with us.

Mr. WILLIAMS. The price decreased here and stopped at the tariff standard. We put the price down to compete with not one foreigner, but a thousand foreigners.

Mr. GALLINGER. They had to put it down abroad because if they wanted to get into our markets at all they had to reduce their price.

Mr. WILLIAMS. Yes; and if we were to prevent them from getting into our market, we had to reduce prices. But to come back to our mutton, how is it possible for the object of a protective tariff, which is to protect the American producer from the foreign producer, to be accomplished at all save by raising the price of the article when imported, and therefore rendering it more difficult for the foreign producer to send it here by rendering it more difficult, because it is at a higher price for the American consumer to purchase it?

Mr. GALLINGER. If we strike down our own industries and give foreign nations the control of our markets, foreign nations can put any price on their product they want, which is the very thing they did when they had control of certain articles of manufacture.

Mr. WILLIAMS. Does not the Senator from New Hampshire admit that wherever a duty is put upon an article and it does not have the immediate result, at any rate, whatever the result may be 50 years from now, to raise its price the object of putting the duty on it has failed? In other words, if protectionism has failed to raise prices of the American-produced article has not protectionism failed of its purpose?

Mr. GALLINGER. Not at all, Mr. President. The prime object, the elementary object, is to keep work in our own factories, to keep capital actively employed at home, and give our manufacturers the privilege of manufacturing for our own people.

Mr. WILLIAMS. Now, assuming that that is the case, assuming that the object of putting the duty on is to enable the American manufacturer to produce the article with American capital and with American labor, how can putting the duty on enable him to do it save by raising the price of the article produced by the foreigner and sought to be imported?

Mr. GALLINGER. Mr. President, I am going to be entirely frank with the Senator from Mississippi. I do not say there are not instances where that follows, but I do say that by keeping the work at home and our money invested at home there will be competition among our own manufacturers. There is competition in almost every line of industrial activity in this country, and the price is not increased, but, on the contrary, in a great many instances it is very largely decreased.

Mr. President, a gentleman called my attention to a watch the other day. He said it cost 65 cents, and it was a good timekeeper. He said there was 46 per cent duty on it. I do not know whether that is the duty on watches. I guess it is higher than that. Now, does the Senator from Mississippi insist that that duty on watches has increased the price of a 65-cent watch and that if we took off the duty it would lower the price?

Mr. WILLIAMS. I am not personally acquainted with the watch which the Senator had shown to him, and if the Senator would show it to me I would not know what it cost to produce it, or how many watches of the same sort are manufactured abroad; but I do know that if a duty of 46 per cent were placed on that watch with the idea in the minds of the protectionists of preventing the foreigner from entering into competition with the maker of that watch in America, and if it did not increase the price to the extent of preventing that competition and did not to some extent thereby increase the price of the foreign article and even of the domestic production to the American consumer, then the object sought to be obtained by the protectionists who levied that duty was defeated by something else; some other factor. Certainly the lowness of its price could not be due to the fact of the highness of the tax.

Mr. GALLINGER. I do not agree with the Senator at all. I was not educated to the extent the Senator has been; I did not have his opportunities; but in the matter of economics we were educated in different schools, and I do not agree with the Senator in his contention. The fact is that the duty on watches enables us to run that great Elgin factory in the State which my distinguished friend [Mr. CULLOM] so ably represents. The duty on watches enables the Waltham factory in Massachusetts to be able to employ several thousands of men—I have forgotten how many, but a very large number—and to give them good wages and to give them steady employment. There is the keenest competition between the Elgin factory, the Waltham factory, and other watch factories in this country. They are making watches at the lowest possible price, in open competition. But if the duty should be removed and Switzerland should invade our market, the Senator knows that it would be a very serious blow to the watch factories of our country.

Mr. WILLIAMS. Now, Mr. President, if the Senator will pardon me——

Mr. GALLINGER. Yes.

Mr. WILLIAMS. He used the word "invade." I always like to hear that word. It always sound like——

Mr. GALLINGER. The Senator can change it to suit himself. It is an invasion, and nothing else.

Mr. WILLIAMS. It sounds like an injurious flood of valuable things at a cheap price. How would the Swiss manufacturer of watches invade the American market unless he put in it a watch of the same quality at a cheaper price?

Mr. GALLINGER. Which he could afford to do with his cheaper labor.

Mr. WILLIAMS. Suppose he could. Now, then, if that be true, and the only way in which he could invade the American market would be by putting a watch in it of the same quality at a cheaper price, then, is not the very instance which the Senator has given, is not the very fear that he has expressed, a direct contradiction of his statement a moment ago that raising the duty did not raise the price?

Mr. GALLINGER. Not at all. If the Swiss manufacturers are permitted to flood this market—I will say "flood" in place of "invade," if it suits the Senator better, because that is what they would do—with the product of their factories, and the American factories went out of business as a result, then the Swiss manufacturer could put any price on his product he pleased.

Mr. WILLIAMS. Mr. President, does the Senator from New Hampshire contend that any particular Swiss manufacturer or all the Swiss manufacturers put together possess a monopoly of watchmaking in the world?

Mr. GALLINGER. Not at all.

Mr. WILLIAMS. Does the Senator intend the Senate and the country to believe that because these people could "invade" America and sell watches, therefore competition between themselves and other foreigners in any selling of watches, and competition between them and American manufacturers likewise, would cease to operate to fix a price?

Mr. GALLINGER. I mean to say, Mr. President——

Mr. WILLIAMS. In other words, the Senator knows that the so-called foreigner is not one man.

Mr. GALLINGER. No; that is the trouble. I wish he was.

Mr. WILLIAMS. But you always talk about him as if he was just one fellow with one product and had the monopoly of it, and all he had to do was to fix a certain price.

Mr. GALLINGER. Not at all. I was unfortunate in my language if I conveyed that idea. I understand that there are other countries that make watches, and I understand that when we remove the bars those countries will put their prices low enough to put our manufacturers out of business, because ours is the best market in the world, and then they will increase their prices. There is no question about that in my mind at all. And here let me say, about this matter of a protective rate; that there is a good deal of misconception in the minds of many men. There are Senators who have proposed to make a horizontal reduction of 25 per cent on our tariff duties.

They seriously have proposed that. I have heard it during this session. Now, 40 per cent may be the line of safety so far as our manufactures are concerned; that rate may keep out the foreign manufactures sufficiently to keep our own people employed; it may not be prohibitory, but it keeps enough of the foreign manufactures out to keep our own mills running and our people employed. But 38 per cent, or even 39 per cent, may be absolutely destructive to our industries. When we get below the protective point, it is not a question of percentages. Five per cent reduction may be as destructive to our industries as absolute free trade. As I said, there is a good deal of misconception on that point on the part of Senators who gravely discuss this question of the tariff. But, Mr. President——

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. Certainly.

Mr. CUMMINS. I rise simply to mention to the Senator from New Hampshire that he undoubtedly made a mistake with regard to the duty on watches.

Mr. GALLINGER. I took it from the statement of another party, and neglected to verify it.

Mr. CUMMINS. The statement he read may be found in some of these comparative tables. The truth is that the duty on watches such as he described under the present law would be 70 cents for the watch, without any ad valorem duty. Therefore, if it is worth 50 cents abroad, of course the duty would be 120 or 130 per cent.

Mr. GALLINGER. I thank the Senator. It is much higher than I suggested. I took it from the statement made to me by another party. But, Mr. President, the American people are not as badly off as our Democratic friends picture them to be. A correspondent of mine, writing from Detroit, Mich., a man now over 78 years of age, a few days ago called my attention to the fact that he remembers the time when a farmer's wife brought into town 20 dozen of eggs to exchange for 8 yards of calico for a dress pattern, while now a silk dress pattern can be got for that number of eggs, while a dozen and a half of them would buy the calico. He adds that it is not necessary for farmers' wives to wear calico any more. The same gentleman says that "We don't know when we are well off. There is danger of our having a Democratic victory in November and the experience of a Democratic administration for the next four years. The youngsters need the lesson, and were it not for the misery and injury to the workers I would be content. I was a mechanic for 30 years. Men in my trade received then at the highest $2 per day. Now they get $4, and the men who sweep and clean our streets get the $2." That is good protection doctrine, and scores of similar illustrations could be cited if necessary.

In the Payne-Aldrich tariff law the tariff was reduced on gloves, meats, shoes, hides, a great majority of the chemicals, certain high-priced cotton goods, and greatly reduced in many of the steel schedules, in many cases as much as 50 per cent. Has anybody heard of a reduction in price to the consumer of any one of these articles since the passage of that law? If the duty had been sufficiently reduced to allow foreign manufacturers to gain control of the American market, and in that way destroy American industries, then, in place of a reduction, there would have been a large increase in price, for the reason that the foreigner could then make his own price without fear of American competition.

Now, Mr. President, that the RECORD may be right, I want to read as briefly as may be from the testimony that was given before the Committee on Finance in reference to a phase that the Senator from Nebraska [Mr. HITCHCOCK] discussed at great length, namely, the employment of labor in the steel mills of the country. I will not weary the Senate, I hope, by calling attention to certain testimony that was given.

It will be said, Mr. President, as it has been said, that it is "interested" testimony, but I am bound to believe that the gentlemen coming before the committee, some of whom were invited and some of whom volunteered, are honorable men, and that they were not stating a deliberate falsehood for the purpose of misleading the committee when the facts could be ascertained later on. I know there have been men before the Committee on Finance from my own State whose word is as good as their bond, who would not for their lives make a misstatement as to conditions or as to facts. Sitting as a member of that committee, I felt that I could believe the men who testified before us. While they might be mistaken, possibly, as to some matters they presented, on the whole they were honorable men, men of integrity and uprightness, who came there to state the exact truth.

Mr. President, Mr. Schwab gave some testimony in regard to this matter of 12-hour labor, and he presented it as being a condition that exists the world over; that in continuous metallurgical work men have been required to labor 12 hours a day. I interrogated Mr. Schwab on that point, because I do not believe in men working in steel mills 12 hours a day. I believe it ought to be stopped. Mr. Schwab gave the assurance to the committee that the matter was being taken up very seriously, and that the purpose was to get rid of it as far as it was possible to do so, and I have knowledge that that is being done.

Another gentleman who appeared before the committee was a Mr. John A. Topping, who is connected with the Republic Iron & Steel Co. He gave interesting testimony. By turning to page 1334 of the hearings Mr. Topping is found to have said:

> The 12-hour system was established—
>
> Mr. Topping further said, and it is an interesting fact—
>
> The 12-hour system was established absolutely by the unions, and it is not an institution of the trusts. It is not an institution of manufacturers.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly.

Mr. BORAH. The 12-hour system was established by the unions to get rid of the 14-hour system and the 16-hour system.

Mr. GALLINGER. Very well; they could have gotten rid of the 12-hour system at the same time, I suppose, if they had wanted to do so.

Mr. BORAH. It was more difficult to make progress in the matter, judging by the experience to-day.

Mr. GALLINGER. The Senator knows that this matter was submitted to the men who labor in that industry 12 hours a day, and they almost unanimously said they preferred that it remain as it is. I assume that the Senator knows that.

Mr. BORAH. The Senator does not. I would be glad to know where the information comes from.

Mr. GALLINGER. It comes from the men who were denominated a few days ago "so-called witnesses" by the Senator from Mississippi.

Mr. BORAH. I am not reflecting upon the witnesses, but I did not know that any such information was before the committee of the Senate. I know that no such information came before the committee whose particular duty it was to investigate this particular matter.

Mr. GALLINGER. I think I will find it.

Mr. BORAH. I do know this——

Mr. GALLINGER. I will give the Senator my authority on that point. It was Mr. Schwab, who was a very interesting and, apparently, a very frank witness. I do not think Mr. Schwab intentionally made a single misrepresentation to our committee. He said:

I can only say that the steel interests a year ago met in New York with a view of changing this condition of affairs by putting on a sixth extra workman, and by making such changes as would give a workman one day a week off. The experiment is now being tried at one of the Steel Corporation's works in Pittsburgh, which we are following with great interest. We proposed it to our workmen, and almost unanimously they desired that the condition continue as it is at present.

Mr. BORAH. It will have no particular value, I presume, nor be very relevant for me to say of my own initiative that I do not think the statement is borne out by the facts. There is certainly evidence that can be gathered without limit to the effect that that is not the desire of the workmen. In addition to that, only a little application of common sense would suggest that no man desires to work 12 hours a day under the conditions under which those men work if they can be permitted to work 8 hours and for the same compensation.

Mr. GALLINGER. I will call the Senator's attention to the conditions in a moment. Here is the testimony of Mr. Topping. Perhaps his testimony can be impeached, but I will call the Senator's attention to what he said on that point. Here it is:

I well remember that we tried to put into effect a three-turn shift in our sheet mills and tin mills some years ago, before it was finally adopted. The unions that were then in control objected to that plan, because it meant the introduction of more apprentices—

That is something the unions always object to which, I think, is all wrong, because I believe there ought to be apprentices in all these industries—

because it meant the introduction of more apprentices, more new factors in the union, and they perhaps could not control labor as well with that condition if apprenticeship increased as they could with the restricted number that they had under control.

Mr. Topping continues:

So the 12-hour system has been with us a great many years. We admit that we have it, but the men who work 12 hours do not work continuously. They work intermittently. They work 12 hours in preference to working a less number of hours, because if you reduced the hours of labor it would mean reduced pay per day.

In this point in the hearings, Senator HEYBURN said:

That is an interesting proposition, and I wish you would particularize that somewhat, because the impression has gone out that where witnesses have testified to men or boys working 12 hours it meant 12 continuous hours. I wish you would emphasize that a little and apply it to the different classes of 12-hour labor.

Mr. TOPPING. There are no employees that I know of in the steel business that work continuously 12 hours.

The CHAIRMAN. Out of the 12 hours, how many hours do they probably work? Mr. Schwab said some of them only work an hour out of the 12.

Mr. TOPPING. I think it would be very conservative to say that many who work 12 hours do not work continuously over 6.

* * * * *

The CHAIRMAN. You can state in a general way, I suppose, what it shows.

Mr. TOPPING. I have stated that in a general way, Senator. I think, taking the blast-furnace man, he would not average six hours. Take the open-hearth man. He would average rather more than that, because during the period of casts is longer than in making a melt in a blast furnace, so that between periods men sit down and smoke, and if you do not watch them some of them take a drink. We watch that, however.

Senator CULLOM. How does the impression go out that such a man works 12 hours when he actually only works 6?

Mr. TOPPING. Because the men are on duty 12 hours, although subject to an interval of time between hours of work for the materials charged into the blast furnace to be smelted before they can be tapped. For instance, take the man who has charge of the work of charging the furnace—that is, putting the raw materials in the top of the furnace. After he has filled up that furnace for each group of men they sit down and wait until the furnace melts down its charge and it is tapped by the tappers below and taken away. As soon as that operation is complete the chargers come back, alternating, charge it again, and the melters below are waiting for the minerals to melt. So while one crew works the other waits, and vice versa.

Senator CULLOM. The man is really on duty all the time?

Mr. TOPPING. He is on duty 12 hours, but he has to work only about half the time.

Senator HEYBURN. How long does it take to tap the furnace?

Mr. TOPPING. It depends somewhat upon the character of the materials you are working and the condition of your furnace. I think there is an interval there of about two hours.

Senator MCCUMBER. His duties consist of six hours of labor and six hours of smoking?

Mr. TOPPING. Whatever he cares to do.

The CHAIRMAN. Reading the newspapers, I suppose, and discussing political questions?

Mr. TOPPING. Yes; reading a "Hunky" paper, as we call the Hungarian papers.

Mr. President, I know nothing about this matter at all beyond what these men have testified, but I have no doubt——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. With pleasure?

Mr. BORAH. Mr. President, the picture which is drawn there is a delightful one, for it seems that it is all at the instigation and insistence of the laboring men and that they are engaged practically a part of the time in smoking and reading newspapers, and, I presume, discussing political matters, and so forth. It would be interesting to know what the laboring men said before the committee upon this subject. I have never been able to find a representative of them or the men individually who indorse those propositions.

Mr. GALLINGER. Has the Senator any protests signed by them against it?

Mr. BORAH. How is that?

Mr. GALLINGER. Has the Senator any protests signed by the laboring men against it? I want the Senator to understand that personally I am against it, and I want it changed.

Mr. BORAH. Well, every man with any feeling of humanity should be against it.

Mr. GALLINGER. Mr. President, that depends. As I said the other day, there was a period in my life when I worked 16 hours a day, and the man who would have compelled me or the government that would have compelled me to have worked a less number of hours would have been the worst possible enemy I could have had on earth.

Mr. BORAH. The Senator from New Hampshire was not working in those places and under those circumstances and in those environments which are characteristic of the places where these men must work.

Mr. GALLINGER. I was working continuously, which is not true of these men.

Mr. BORAH. The continuous work of the Senator in the place where he did work was better for him than for these men to be sitting idly at the places where they sit.

Mr. GALLINGER. Of course, that can not be proven.

Mr. BORAH. Yes, it can be proven; and it is proven every day of the year; it is proven by the condition in which these men are left in middle manhood; it is proven by the condition that they are in when they are thrown off after 10 or 15 years of their life, unable to earn a livelihood, broken down physically, broken down mentally, and destroyed morally.

Mr. GALLINGER. It is not very profitable for the Senator from Idaho and the Senator from New Hampshire to discuss that question further, because I agree with the Senator that this system ought to be changed, and I have the assurance, as the committee had the assurance, that the manufacturers are engaged in changing it at the present time, and have already made considerable progress in that direction. I have no doubt that it will be changed, but there are very grave considerations involved in this question, and the Senator knows that it is not an easy matter overnight to change a situation of this kind, where a continuous metallurgical condition exists, and to say, "You shall not work more than eight hours a day," and stop there and let the industry go to destruction.

Mr. President, I wanted to put into the RECORD this testimony. I have no interest whatever in the question. There was a time in the dim and distant past when we had an iron industry in the State of New Hampshire, but that passed away long before I saw the light of day. We have no interest in it whatever, except in a general way. While New England has little interest in it, I want to say that I do not particularly relish the denunciation of these concerns which are operating on precisely the same principles that similar industries are being operated in every other country of the world with which they have to compete. The Senator knows that in every European country this continuous metallurgical work is carried on, and that men work 12 hours a day; at least that is my information.

Mr. BORAH. Mr. President, the Senator from Idaho has never done anything in regard to this matter other than to present the cold facts as they have been gathered by the Department of Commerce and Labor and as they have been gathered by the committee having the matter under investigation, and the presentation of the facts is the conclusive condemnation of the work. Further than that I have not gone. The Senator from Idaho has not presented here an arraignment stronger than the arraignment that is presented by the stockholders of the United States Steel Co.; it is here upon my desk, and I presume other Senators have it. This committee recognizes that it is an indefensible condition, and seem to recognize that as a mere matter of humanity and for the purpose of preserving American citizenship, upon which the Republic must rest, some change must be had in this situation.

Mr. GALLINGER. Well, Mr. President, the directors of the Steel Corporation were not at all unanimous in that view.

Mr. BORAH. You will always find in a large group of men some men who will calculate dollars and cents rather than humanity.

Mr. GALLINGER. That is true undoubtedly, and I fear it is too often true, not only in the operations of the so-called Steel Trust, but in other operations with which the Senator himself is familiar. I know that one of the directors of that company living in New England sent out thousands of letters asking that this condition should be changed and that, largely in response to what that gentleman said, the process of change is now being carried forward.

Mr. BORAH. Exactly; and that, Mr .President, of itself justifies all that the Senator from Idaho has ever said, because, if it had not been a matter which appealed to the humanity of that man with extraordinary force, he would not have sent out those letters.

Mr. GALLINGER. Certainly not.

Mr. BORAH. It was a condition which could not be defended even by a man whose financial interests were involved.

Mr. GALLINGER. I quite agree with that.

Mr. BORAH. It being true that it is of such a condition and such a nature as to appeal to the heart and mind of such a man, it ought doubly to appeal to the Senate of the United States.

Mr. GALLINGER. The only trouble with the Senator from Idaho is that his humanity, I fear, has run away with his discretion.

Mr. BORAH. If my discretion is going to be run away with at all, Mr. President, I want it to be run away with by humanity.

Mr. GALLINGER. That is a very proper suggestion. The Senator from Idaho in other legislation has always called attention to this condition existing in the works of the so-called Steel Trust as a reason why we should legislate for the purpose of controlling the hours of labor of the workmen in the country, as a whole. I do not think the evil is quite serious enough to warrant that.

The Senator from Idaho cites what the department has found. Why, Mr. President, it is a well-known fact that the department sends out a man or a woman—one or the other—and usually a $1,200 clerk, to make these investigations, and they are likely to find something.

A condition exists at a particular moment that, perhaps, does not exist the next hour. They have got to find something. There is not a special agent of any department of this Government who is sent out to investigate anything who, if he came back without having found something, would not be—in his mind, at least—in danger of losing his job. They think they have got to find something to justify their employment, and they indulge in wild exaggerations sometimes.

Mr. BORAH. Mr. President, if the evidence of the Department of Commerce and Labor breaks down, I will call the stockholders of the corporation.

Mr. GALLINGER. Yes.

Mr. BORAH. They support it in full. There is not to be found anywhere a more remarkable indictment of an industrial condition than comes from those men themselves.

Mr. GALLINGER. Well, I think the Senator perhaps has somewhat misjudged exactly what the stockholders meant to say; but, however that may be, it is in the record and it will speak for itself.

Mr. President, I am through. I had not intended to occupy a moment of the time of the Senate in discussing the tariff or anything relating to it. I used to do that when I was younger than I now am, and I thought I would leave it to the others at this session of Congress; but what I said was largely drawn out by certain statements made by the Senator from Nebraska [Mr. HITCHCOCK] which I felt ought to be answered. I do not think it wise for any man in public life to indulge in general denunciation of the manufacturers of this country. They are doing a great work. There are wrongs, undoubtedly, connected with their enterprises, as there are wrongs connected with everything in life; and I think it may be well for us to give pause and ask ourselves the serious question whether we are not somewhat overworking this subject in the matter of what are supposed to be, or may be, wrongs perpetrated upon the workmen engaged in those great industries.

We can only get reform by agitation. I am glad the Senator from Idaho is an agitator upon this subjct. I think the Senator goes to an extreme length sometimes; but, after all, it is friction that develops thought; it is agitation that brings about reforms; and I will join most heartily with the Senator from Idaho in any propaganda to reform certain conditions in the steel industry of which he complains; but I am not willing to do it overnight.

Mr. BORAH. Mr. President, the Senator again seems to limit my indictment to the steel industry alone. I have only referred to the steel industry to-day because of the fact that it was the particular subject under discussion, and because of the further fact that the reports upon it are more complete. I have no doubt that the steel industry has an immense amount of company; so much so that I have no idea in the world that it feels at all lonesome in this business, and, when the facts are presented, it will be found that whatever has been said in reference to this industry only describes a condition rather than the singling out of a single industry.

Mr. GALLINGER. Now, Mr. President, the Senator enlarges his indictment and applies it to manufacturers in general, I assume. The Senator nods his acquiescence. Well, Mr. President, I think the Senator is just as much mistaken in that matter as he ever was mistaken in anything in his life. It certainly does not apply to the manufacturing concerns of which I have knowledge; it does not apply to hundreds of manufacturing enterprises in the New England and other Northern States. On the contrary, the welfare of the men is being looked into with the greatest possible care. I have in mind a great manufacturing industry in my own State which employs 13,000 men and women, where the comfort of the employees is a matter of earnest solicitude on the part of the employers. Everything possible is being done for the comfort and happiness of the working people, and where they are giving fair wages to their employees. There is no friction there unless the Industrial Workers of the World, or other agitators, try to produce it.

Mr. BORAH. A great many industries in the Senator's State employ men only 8 hours a day.

Mr. GALLINGER. Yes; that is true.

Mr. BORAH. The only object I have in the world in agitating the question is to compel the other manufacturing industries of the country to follow those men who are leading the way and trying to do the humane thing. But the Senator will agree with me that unless it becomes practically a universal proposition one or two industries here and there can not stand out against the competition which results from this kind of continuous employment.

Mr. GALLINGER. I differ from the Senator—and I am going to conclude with this sentence—I differ with the Senator from Idaho in the view that it is an unmixed evil for men to work more than 8 hours a day; and I take sharp issue with the Senator when, in a bill that he is going to pass through the Senate in the near future, he not only compels the contractor for the Government, but the subcontractor and the subsubcontractor to see to it that their men do not work more than 8 hours a day; and if they work a single minute over that time the contractor is to be held to accountability and suffer fines and penalties as the result of what the subcontractor, whom, perhaps, he has never seen, has done. I do not agree with the Senator on that proposition; but the Senator had votes enough to carry that on a record vote, and, of course, those of us who do not agree to it have to yield as gracefully as we can.

Mr. President, I do hope that as this debate progresses Senators will try to persuade themselves that the men who are engaged in manufacturing in this country, as a rule, are honorable, high-minded, well-meaning men; and I feel very sure that the Senator from Idaho will not be able, industrious as he is and acute as he is, to find justification for the indictment against the other manufacturing enterprises of this country which he seems to frame when he says that the Steel Trust is not by any means the only offender, but that it will be found to be a very common practice. That is all, Mr. President, I care to say.

FORT OGLETHORPE, GA.

Mr. CLARKE of Arkansas. Mr. President, about two months since I reported from the Committee on Military Affairs a bill of a local nature, consideration of which has been delayed somewhat because of the pendency of another matter connected with it. That other matter is now out of the way, and I ask unanimous consent for the present consideration of the bill, it being House bill 17029.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

Mr. SMOOT. Let the bill be read. I do not remember what it is.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. SMOOT. Mr. President, I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. STONE obtained the floor.

Mr. SMOOT. Mr. President, I understand that the Senator from Wyoming [Mr. WARREN] desired to be present when this bill was considered; in fact, he told me on several occasions that, if he were not here, he wanted to be notified before the bill was taken up for consideration. It is for that reason that I objected to the bill. The junior Senator from Tennessee [Mr. SANDERS] now informs me that the Senator from Wyoming has withdrawn his objection to the passage of the bill, and that being the case I will not object to its consideration at this time.

Mr. CLARKE of Arkansas. Mr. President, I should not have made the request I did if I had not been advised that the Senator from Wyoming had withdrawn his opposition to the consideration of the bill.

Mr. STONE. Mr. President, I was recognized, I believe, but I will yield for the consideration of this measure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, the Senator from Idaho [Mr. HEYBURN] has just entered the Chamber. If the Senator from Idaho has no objection to the present consideration of the bill, I will not object; but I did not want it to be considered in his absence.

Mr. HEYBURN. I ask the status of the bill.

The PRESIDING OFFICER. The bill is being read for the information of the Senate, subject to objection.

Mr. HEYBURN. I shall be glad to hear the bill read before passing upon it.

The Secretary resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post.

SEC. 2. That the Secretary of War, in his discretion, may locate and construct buildings necessary for the use and accommodation of the troops of the brigade at any point in the Chickamauga and Chattanooga National Military Park, whether the same be contiguous to Fort Oglethorpe or not, said buildings to be used for the accommodation of part of the brigade to be located at Fort Oglethorpe: *Provided*, That for the fiscal year 1914 and thereafter the Secretary of War shall submit detailed estimates of any buildings and improvements to be made at said post to Congress for its approval before proceeding further to the construction thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I do not desire to object to the bill because there is not enough on the face of it to indicate whether or not it is objectionable. I presume the committee having charge of it has given it consideration.

The PRESIDING OFFICER. It has been favorably reported from the Committee on Military Affairs.

Mr. CLARKE of Arkansas. I will say to the Senator from Idaho that the Committee on Military Affairs have considered the bill and unanimously recommended its passage.

Mr. HEYBURN. I am not objecting to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. STONE. Mr. President——

Mr. LEA. Mr. President, with the permission of the Senator from Missouri, I should like to ask unanimous consent for the present consideration——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. SMOOT. I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for, which is House bill 18642.

[Mr. STONE addressed the Senate. See Appendix.]

Mr. CUMMINS. I ask that my proposed substitute shall be taken from the table, and that I may be permitted to perfect it before I offer it.

The VICE PRESIDENT. No action has been taken upon the substitute. The Senator can modify it in such manner as he sees fit.

Mr. CUMMINS. I think I can best do that from my place upon the floor.

The VICE PRESIDENT. The Secretary will note the modification of the proposed substitute which the Senator from Iowa desires made.

Mr. CUMMINS. In line 22, page 3—I will send from time to time to the Secretary's desk the changes that I ask——

Mr. BAILEY. Make them in your own way.

Mr. CUMMINS. I desire to mention them as I propose them. In line 22, on page 3, immediately after the word "spiegeleisen," insert the words "ferrosilicon, containing no more than 15 per cent of silicon."

This was a mere omission. As everybody knows, ferrosilicon containing less than 15 per cent of silicon is simply one grade of pig iron.

Mr. WILLIAMS. Mr. President, is the Senator from Iowa offering that amendment to the House bill or to his own substitute?

Mr. CUMMINS. I am perfecting my own proposed amendment.

Mr. WILLIAMS. Very well.

Mr. CUMMINS. In line 7, page 19, paragraph 49, I desire to insert after the word "ferrosilicon," the words "containing more than 15 per centum"; also to strike out the word "fifteen," which now occurs in line 7, on page 19, and substitute "twenty." The effect of this change is to include ferrosilicon containing more than 15 per cent of silicon as one of the ferro-alloys and to raise the duty upon the entire paragraph by 5 per cent, making it 20 per cent instead of 15 per cent.

I desire to insert after the word "tools" and the semicolon, in line 17, page 11, the following:

Crucible or tool steel, in whatever stage of manufacture, not otherwise provided for.

The Senator from Pennsylvania [Mr. OLIVER] in his address a few days ago sharply criticized my proposed amendment because I attached a duty of $1.60 per ton to steel ingots, and he called the attention of the Senate to the fact that there was a kind of steel which might be imported in ingots of very much greater value than the ordinary ingot.

The Senator from Pennsylvania seemed to think that I had made a grave mistake in forgetting or in not knowing of these higher grades of steel or so-called steel. I did not make, Mr. President, any mistake about it, although it may be that the phraseology which I used to express the idea might be made somewhat clearer. The steel mentioned by the Senator from Pennsylvania is not steel at all. A metal composed of 18 per cent of tungsten with a slight percentage of titanium and vanadium is not steel and is not recognized as steel scientifically anywhere, although it is often termed steel in common conversation. Such a metal is an alloy used as a substitute for steel, and I supposed that I had provided for it fully in paragraph 28, which contains this description:

Alloys used as substitutes for steel in the manufacture of tools.

I have no doubt this description will cover the particular metal the Senator from Pennsylvania had in view; but I do not want to leave my amendment susceptible to any misconstruction whatever, and therefore I have proposed the addition which I now send to the desk.

Having made the change just suggested in paragraph 28, it becomes necessary to make a change in paragraph 4, which I do by adding after the word "forms," in line 2, page 4, the words "not exceeding in value 1 cent per pound."

I desire to change paragraph 54. The paragraph as I originally proposed it reads as follows:

54. Monazite sand and thorite, 3 cents per pound; thorium, oxide of and salts of, gas mantles treated with chemicals or metallic oxides, and gas-mantle scraps consisting in chief value of metallic oxides, 30 per cent ad valorem.

After very considerable reflection I have reached the conclusion that the only commodity properly dutiable in this paragraph is the gas mantle; and inasmuch as the thorium out of which the gas mantle is largely made comes from monazite sand, and inasmuch as we do not produce any monazite sand in this country, although there is some, but apparently not accessible enough to warrant gathering together, I have concluded that monazite sand and thorite should be put upon the free list, as well as mantle scrap, and I propose, therefore, to change the paragraph to read as follows:

Gas mantles treated with chemicals or metallic oxides, 30 per cent ad valorem. Monazite sand and thorite, oxide and salts of thorium, and gas-mantle scrap consisting in chief value of metallic oxides shall be admitted free of duty.

This will leave more ample protection to the manufacturer of gas mantles and leave his raw material to enter the country free.

I change paragraph 53 by adding to it:

Tungsten-bearing ores shall pay a duty of 10 per cent ad valorem.

I believed, Mr. President, that that was the true conception of the law when I offered my amendment, and I believe so still; but I have been presented with a decision of the General Board of Appraisers that seems to create some doubt of the application

of that general section of the act of 1909 to tungsten ores, and therefore I make it certain by this change, for I intend that tungsten ores shall bear a duty of 10 per cent.

I add a paragraph to the proposed amendment, as follows:

Molders' and metal workers' patterns, patterns for machinery, and all similar patterns, of which metal is the component part of chief value, 35 per cent ad valorem.

The value of these patterns consists wholly, or practically wholly, in labor bestowed upon them. They are the models from which castings are taken; they require a very large expenditure of work and skill; and therefore I believe they should bear the duty I have suggested.

I strike out, in lines 4 and 5, on page 21, the word "thirty-five" and substitute "twenty-five." The amendment as originally drafted proposed a duty of 35 per cent upon automobiles and parts of automobiles. I have reached the conclusion that there is no possible justification for a duty of more than 25 per cent on automobiles. The bill passed by the House contains a duty of 35 per cent, I believe, which is altogether too high.

I do not intend just at this moment to enter upon a discussion of the automobile paragraph; but I may say that the United States manufactures two-thirds of all the automobiles manufactured in the world. It exports more automobiles than are manufactured in any other country on earth except France. We export more automobiles than England makes altogether, more automobiles than Germany makes altogether, or than Italy makes. We make in this country about 175,000 automobiles per year, and we exported last year $20,000,000 worth of automobiles. Germany made about 15,000 automobiles, England between 10,000 and 15,000, and France about 50,000. France exported, I think, something like 3,000 cars, and we exported, as I have said, $20,000,000 worth of automobiles.

Mr. JOHNSTON of Alabama. Will the Senator please state what the duty on automobiles is under the existing law?

Mr. CUMMINS. The duty at present is 45 per cent ad valorem. The House bill reduced that, as I remember, to 35 per cent. I do not look upon automobiles as a luxury. They have come into such general use, they are needed and desired by men of such moderate income, that it seems to me in the highest degree wrong to keep the duty above 25 per cent. We exported, as I have said, $20,000,000 worth of automobiles last year, and we imported about $2,000,000 worth. Automobiles are a little like fancy patterns in silks and high-grade cotton; one's desire is governed somewhat by his taste or his liking for a particular kind of car. At any rate, no one can defend from the protective standpoint a duty of more than 25 per cent upon this particular commodity; and I have accordingly changed the proposal which I originally made.

Thus modified, Mr. President, I offer the amendment by way of a substitute for House bill 18642; and inasmuch as I intend to say a few words upon the general subject in reply to the very learned arguments made by the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. OLIVER], and the Senator from North Dakota [Mr. MCCUMBER], and inasmuch as but one of those Senators is present, and I am sure that the others would feel that they were deprived of one of the opportunities of their lives if I proceeded in their absence, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Simmons
Bacon	Curtis	Martine, N. J.	Smith, Ga.
Bailey	Dillingham	Myers	Smoot
Borah	du Pont	Nelson	Stephenson
Bourne	Fletcher	O'Gorman	Sutherland
Bradley	Foster	Oliver	Swanson
Bristow	Gallinger	Overman	Tillman
Bryan	Gore	Page	Townsend
Burnham	Gronna	Paynter	Warren
Burton	Heyburn	Percy	Watson
Catron	Hitchcock	Perkins	Wetmore
Chamberlain	Johnston, Ala.	Pomerene	Williams
Chilton	Jones	Rayner	Works
Clark, Wyo.	Lea	Richardson	
Clarke, Ark.	Lippitt	Root	
Cullom	Lodge	Sanders	

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is detained from the Senate on important business.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] has been called from the Chamber on important public business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CUMMINS. Mr. President, with the indulgence of the Senate, I intend now to reply as briefly as I can, with due regard to the importance of the subject, to the speeches made by the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. OLIVER], and the Senator from North Dakota [Mr. MCCUMBER].

I think I ought to say at the very outset that if there be no further discussion of the amendment I have proposed after I have finished, I intend to ask a vote upon it to-night. It is only fair, I think, to make that statement, in order that Senators may arrange their time accordingly.

I reiterate a statement that I have very frequently made. I view this subject from the standpoint of a protectionist, and I subject every duty which I have proposed in my amendment to the protective test. I have no desire to enlarge the importations of competitive products. I have the keenest desire to help perfect a system that will at once enable American producers to supply our markets, but prohibit American producers from monopolizing our markets under arrangements which enable them to exact unfair, unjust, unreasonable profits from those who buy and consume.

This leads me for a moment to consider a question which has been propounded more than once during this debate, especially by the senior Senator from Idaho, with regard to the classification which one makes when he speaks of producers and consumers.

It is said in a somewhat triumphant way that inasmuch as we are practically all producers and all consumers, there can not be any such classification or division of the people. To me it is a superficial suggestion. The steel industry of the United States is the producer of the commodities embraced within the schedule now under consideration, and all the rest of the people are either directly or indirectly consumers of those commodities. There is always a producing class of a particular article or commodity, and there is always a consuming class of that article or commodity, and therefore when I say it is our duty to give some heed to the needs, wants, and equities of the consuming class, I am not uttering a vain generality. I am dividing the people of the country accurately when I use that phrase, and I therefore reiterate that it is our duty to protect them as well as to protect the producer; and whenever, as I remarked the other day, the duty upon a particular article is raised so high that the price, following after, reaches the point of the duty and its effect is not to correspondingly increase the price of the things that the consumers of that particular article produce and sell, the protective tariff becomes absolutely indefensible. It is in the hope that we can maintain this just equilibrium and be able to vindicate the policy by the result which I have just indicated, that I have so persistently appealed to the Senate and to the country for a readjustment of these duties so that it will not be within the power of any producer to raise his price to a point that will exclude the remainder of the people from participation in the advantages and the benefits of that increase in price.

I remarked the other day, and I repeat it now, that my first proposition with respect to the metal schedule is that pig iron can be produced as cheaply in the United States, taken as a whole, as it can be produced in the countries with which we must compete.

Mr. WILLIAMS. Before the Senator leaves that particular phase of the matter, I should like to ask him a question.

Mr. CUMMINS. Certainly.

Mr. WILLIAMS. Does the Senator know what percentage of the population of the United States is engaged either as employers owning, or as laborers working in, the various factories that make steel and metal? About what percentage would they form of the total population of the United States?

Mr. CUMMINS. I do not know, Mr. President; but, of course, the percentage is very small.

Mr. WILLIAMS. Does the Senator think it would run over 1½ per cent?

Mr. CUMMINS. I do not think it would run 1 per cent of the entire population of the United States.

Mr. WILLIAMS. I mean by that, of course, including the families dependent upon the laborers.

Mr. CUMMINS. Assuming that we have substantially 100,000,000 population, it may be said that the steel industry would draw within its scope three or four million people, which would be more than 1 per cent, but I would not undertake to name a proportion——

Mr. SMOOT. At least 5 per cent.

Mr. CUMMINS. With enough accuracy to warrant comment upon it. At any rate, it is a very small proportion of the whole people. But it is the most important industry in the United States.

Mr. WILLIAMS. The most important protected manufacturing industry.

Mr. CUMMINS. That is quite true. It is because it is the most important industry, because it employs more capital and more men and has more power than any other manufacturing enterprise in this country, that I am so earnest and so persistent with respect to a proper readjustment of the duties covering the commodities embraced within this schedule.

I said the other day, and I may as well comment upon that now, in view of the developments that have occurred since I made my statement, that in my judgment the iron and steel products covered by this schedule could be sold in this country and to the people abroad for $100,000,000 less than they are sold for now, and that those who produce the articles would still reap a fair and reasonable profit upon the capital invested, continuing to pay the wages that are now prevailing and continuing to do all the work that is now being done, so that no man who lives in America would lose a single day's labor by reason of the reduction in price.

When the Senator from Nebraska [Mr. HITCHCOCK] presented his resolution for further information, followed as it was by the introduction of the article or the news statement in the Wall Street Journal, I took occasion to refer to the report of the United States Steel Corporation for the year 1911. I now intend to refer to its report for 1910 and compare it with 1911. Generally it can be said that 1911 was not a good year in this country for the manufacturer. It was bad as compared with some prior years. The volume of output was diminished, and it is quite probable that the prices in some respects at which these articles were sold were less. But it is instructive to look at the results of the work of the United States Steel Corporation during the year before.

One might think that I had some feeling against that corporation. It is not so. I want very clearly to distinguish between the duty of Congress so to adjust its laws that men can not take advantage of each other in the struggle of life and the obligation of men to refrain from taking advantage of each other.

The United States Steel Corporation is engaged in business, and it is idle to expect that it will sell its products for any less than it can get in the warfare in which it is engaged; and therefore when I refer to the history of this corporation it is not as some paper has said with regard to my remarks, an exhibition of malice. If I were to attempt to characterize my own feeling about it, I should say that it was an exhibition, rather, of great admiration for the capacity of these men, coupled with very great regret that our laws are so weak and so ineffective as to permit the results which are recorded in this report.

We will never be able to correct the mistakes that have occurred. It is marvelous to me that the Congress of the United States could sit here all these years that have gone and allow to remain unchanged laws under which such an organization as the United States Steel Corporation could have been brought together. It is strange to me that we are proposing to adjourn this session without amending our laws so as to make it impossible that this instance shall ever have a successor; that in all our talk here about getting away, in the hurry and desire to leave Washington, we seem to be blind to and forgetful of the fact that aside from the tariff and aside from the Lorimer case and aside from the appropriation bills and aside from the Panama Canal bill, there is an imperious necessity for a supplement to the antitrust laws, so that in the future, at least, the American people can and will be protected against the power that was created when this corporation was organized.

But turning to the report that I mentioned, this company ought to be complimented for one thing, at least. It makes an annual report, not secretly, to the Secretary of the Treasury or the Commissioner of Internal Revenue, but it makes it so that all men can read it, and there is no difficulty whatsoever in knowing what the United States Steel Corporation has been doing during the 10 or 11 years of its existence.

We find that for the year 1910 it reports:

> The total earnings of all [its] properties after deducting all expenses incident to operations, including those for ordinary repairs and maintenance (approximately $41,000,000), employees' compensation under bonus plan, provisional allowance for corporation excise tax, and also interest on bonds and fixed charges of the subsidiary companies, amounted to $141,054,754.51.

Mr. SMOOT. From what page is the Senator reading?

Mr. CUMMINS. From page 5. The table then deducts from that the following items:

> Less charges and allowances for the following purposes, viz, sinking funds on bonds of subsidiary companies, $2,176,041.81.

No one will claim, of course, that in ascertaining the profit of the corporation there can be deducted a sinking fund for the purpose of retiring capitalization. When this company proceeds, as it has been proceeding, it will after a few years out of its profits have retired all of its outstanding indebtedness, and therefore all its earnings will be applicable to the payment of dividends upon its stock.

Mr. SMOOT. The Senator recognizes the fact, however, that the working capital provided for the subsidiary companies is not included in the capital stock of the company.

Mr. CUMMINS. I do not know how the $25,000,000, which was originally collected as working capital, is distributed, but that does not make any difference. This company was organized and issued certain bonds. Its subsidiary companies had theretofore issued certain bonds, and they constitute, together with this stock, the capital of the company; and it is the policy of the company—and it is a wise enough policy, too—to take out of its profits every year a sum to pay off its bonds, or create a sinking fund for that purpose.

I am not criticizing the fact that it is doing so. I am only analyzing its table to show what the real results are. The next item is—

Depreciation and extraordinary replacement funds, $22,140,555.53.

An extraordinary replacement fund, as those words are used by this corporation, really means a fund for additions to its property. It is quite right that there should be a sum deducted for depreciation, but there should be no sum deducted for an extraordinary replacement fund; and the remainder of this report shows that about $8,000,000 was used the year before out of this fund for that purpose.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I know the Senator wants to be accurate in the matter. As I understand the extraordinary replacement fund it is this: When machines are thrown out and others purchased to take their place that is a replacement fund and not an addition to the plant. Am I not correct in that?

Mr. CUMMINS. I think not.

Mr. SMOOT. That is as I understand it, Mr. President.

Mr. CUMMINS. I do not think that is the application made of it here, and if that were the application it would be altogether wrong. The proper way in which to keep its books, if that were done, would be to charge up to capital the value of the new machinery in excess of the value of the old machinery that was displaced. But that is not done by this company, and it is not what this extraordinary replacement fund means.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. Mr. President, I do not know anything about what this replacement fund means, but it seems to me, if the Senator is correct in his statement, it is for additions, and the term "replacement" is a misnomer. It can hardly be a replacement, but it is an addition, it seems to me.

Mr. CUMMINS. That is quite true. If it simply used the word "replacement" that would be quite understandable. It must have had some purpose in using the words "extraordinary replacement"; and if the Senator from Utah will go further along in the report he will see what that means. I do not wish to take up time in discussing it. The report shows what it means exactly. It means that property that it does not want to use any longer is thrown away and new property is put in its place.

Mr. SMOOT. That is as I understand it.

Mr. CUMMINS. Certainly; and that is a capital account. It is not an expense account. That is what I am suggesting. I will not discuss it now with the Senator from Utah. He knows just as well as I do that when worthless property or property that is no longer desirable for use is taken out and thrown away the value of the new property in excess of the value of the old property, when new, ought to be charged to the capital account or construction account, and not to expenses.

Mr. SMOOT. I dispute that. I know that if a mill of any kind uses a piece of machinery until it is worn out and it is replaced, that should not be added to the capital stock of the concern. If it did, the capital stock would increase immensely. I do not think that the $22,000,000 found in the statement, taking into consideration the immense amount of machinery that the company has, is an extraordinary amount for repairs or replacement of machinery worn out. Now, I do not——

Mr. CUMMINS. There has been $41,000,000 taken out for repairs before this item is reached.

Mr. SMOOT. The life of a mill of this kind and many other mills is not to exceed 10 years. Companies must take a part of the profit each year to provide for replacements.

I am not going to discuss the question as to whether this is too much or too little. I thought the Senator wanted to get at the real purpose of a replacement fund. I do not believe that a replacement fund should be charged to the expense account.

Mr. CUMMINS. Just a moment. Allow me——

The VICE PRESIDENT. The Senator from Iowa has the floor.

Mr. CUMMINS. Allow me to answer the Senator from Utah a moment. There is every year charged to the depreciation fund a certain percentage of the value of the entire property. That depreciation fund, if properly apportioned, pays for the property when it is worn out. The Senator from Utah knows how it is done. If I do not know very much about the tariff, I do know a good deal about construction accounts, for I have been all my life in a professional way engaged in dealing with them; and I know what is proper to be charged to a construction account or capital account, and what is proper to be charged to a maintenance, repair, or expense account. This is the rule which is adopted by every intelligent and honest corporation with which I am familiar, and it is the rule adopted by this corporation in everything save the extraordinary replacement. It gives warning to the public and suggests just what it is when it terms it an extraordinary replacement account.

If a railroad has a locomotive engine and it wears out and it buys an engine twice as large to take its place, what does it do? If it has kept no depreciation account, it charges the original value of the engine displaced to expense and the added value of the new engine to capital. If it has a wooden bridge and finds it necessary to replace it with a steel bridge, it charges the cost of the original bridge to expense of maintenance and the added value of the steel bridge to capital.

That is precisely what the United States Steel Corporation does, and very properly does. But then it comes to a class of replacements that do not come within that rule, and it calls them extraordinary replacements. That is, if I correctly understand the report, when it finds that it can make a little more money out of a larger plant, a larger converter, a larger mill, it scraps or sells the old mill, the old converter, and it then charges up to extraordinary replacement the expense of building new and larger converters or other mills.

I have no objection to the company doing this, but I do have very great objection when we are trying to ascertain what profit the company is making to have such expenditures charged up to the expenses of the corporation instead of to the capital of the corporation. I proceed.

There is deducted also the payment for the interest upon the 50-year 5 per cent gold bonds. That is right; $13,803,476.64; also the interest upon the 60-year 5 per cent gold bonds of $9,563,383.89. It then seeks to deduct from its net earnings $5,881,089.47 for the creation of a sinking fund upon its own bonds. These bonds, just recited, it desires to retire some time; they will be due some time; and therefore it creates from year to year a fund which when these bonds mature will pay them. It is creating a fund out of the profits which it from year to year earns for that purpose, and not only does it charge up the sinking fund itself, but it charged $1,831,089.47 for interest upon bonds that are in the sinking fund. It then charges $25,219,677 for the dividends on the preferred stock and $25,415,125 for dividends upon the common stock, and after all these sums are deducted from the net earnings there remains a sum of $36,772,382.82.

Mr. GORE. That is velvet.

Mr. CUMMINS. My friend from Oklahoma says that is velvet. That is a part of the velvet, but it is a small part. Now, let us see just what this account would be if it were properly reckoned. If we deduct or eliminate the item for the sinking fund of the subsidiary companies and eliminate $8,000,000 of the $22,000,000 of the extraordinary replacement—and that is a very small estimate—and also eliminate the $5,000,000 and more for the sinking fund of its own bonds, with their interest, and eliminate the dividends upon its stock, just what would happen? We would have a net earning by this company for the year 1910, after paying everything for operation, maintenance, repair, and all the great wages of which we have heard so much, and after paying all the interest upon its bonds, but paying nothing upon its stock, of $103,464,315.47.

That is what this company did in 1910. The bonds of this company represented substantially all its honest capital. There never ought to have been any such amount of preferred stock and there should have been no common stock whatever. Whatever the American people pay as dividends upon the preferred and common stock is just so much that we can charge up to our own negligence. I do not charge it half so much to the avarice or the wrong of those who organized the United States Steel Corporation as I do to the American Congress. Think of it! If honest capital only had been recognized in that organization and it had gone on and done as well as it has done for the year 1910, after paying 7 per cent interest on half of it, 5 per cent interest on the other half, it would have made $100,000,000 in excess of interest upon its capital.

Let us see how that would affect the price of its product. Of the finished products of iron and steel during the year 1910 it sold 10,733,995 tons. If it made $100,000,000 more upon the 10,000,000 tons that it needed to have made in order to compensate its real capital fairly and honestly, it could have sold these 10,000,000 tons on an average of $10 per ton less than it did sell the 10,000,000 tons for.

I do not pretend that this is mathematically accurate, because there is in the product a small amount of spelter, a small amount of sulphite of iron, and a large number of barrels of cement, but the conclusion is accurate enough to enforce the idea that I have in view. But suppose that we allow the preferred stock to represent honest value and take the dividends upon it from the profit I have already named, we still have $78,244,638 of profit, after making all the payments I have suggested, leaving nothing unrewarded save the common stock; and there is no man in America who will assert that the common stock of this great company represented anything whatsoever except the genius of the men who organized it and the weakness of the law under which it was organized.

If we so diminish the profit, it still remains true that the United States Steel Corporation could, in 1910, have sold its entire product for substantially $7 a ton less than the price it received and had good wages for its men, good maintenance for its works, a good reward for its capital, and good promise for the future.

Now, what do my friends on this side of the Chamber say about that? What are you going to say to the American people in the face of a showing of that sort All that you do say is that is true that the United States Steel Corporation is unjustly and excessively protected, but it has a great many poor, feeble associates that must be protected, even though it needs no help. In a measure that is true. I have heard it said elsewhere, but I am not one of those who believe, that the United States Steel Corporation has no advantage over its competitors. I think it has a very considerable advantage. I think that as conditions now are it produces for less, taken as a whole, than any of its rivals, although there are some things which it produces which it can not produce as cheaply as some of its competitors. But will the Senator from Utah say to the Senate or to the country that the United States Steel Corporation can, upon an average, turn out its product for $7 per ton less than can its competitors?

Mr. SMOOT. Mr. President, I certainly would not make any such statement, because it would be absolutely untrue. The Senator has been figuring upon the basis that there was just as much made on a ton of steel rails as there would be upon a ton of highly finished product, because he has taken the total product of all classes of steel made by the United States Steel Corporation.

Further, I want to call the Senator's attention to the fact that in all branches of business they have successful years and lean years. The year 1910 was a very successful year for the United States Steel Corporation, while for the year 1911, figuring exactly upon the same basis as the Senator has figured, the amount of net income was $32,106,888.04 less than it was for the year 1910. With 10,000,000 tons per annum produced, that means in itself $3.20 less profit per ton made in the year 1911 than was made in the year 1910.

I say to the Senator that, of course, I would not claim the United States Steel Corporation could make goods for $7 a ton less than its competitors; that is out of the question. I would also say that the comparison by the ton is not a fair comparison upon which to base a reduction on any one item. I know the Senator will agree with me there.

Mr. President, I could perhaps point out some highly finished product made by the United States Steel Corporation where a reduction of $3 or $4 or $5 a ton would not ruin it, whereas as to great quantities, many tons, if a reduction were made, it would take off all the profit.

Mr. CUMMINS. Mr. President, my admiration of the skill of the Senator from Utah increases every time he addresses himself to this subject or to any other subject.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. NELSON. I should be glad—I will put it in that form—if Senators would give me information on this point: What

has been the effect on prices since the Steel Trust was formed? Have commodities which they manufacture and produce become cheaper or have they become dearer since the Steel Trust was formed? In the case of the Harvester Trust we farmers know by experience what the result of that has been. For our binders, our mowers, and all other agricultural machinery, notwithstanding the combination, notwithstanding the reduction in the cost of production and in the cost of marketing the product, we have had to pay a bigger price than we paid before the Harvester Trust was formed. Has that been the case with the Steel Trust? I should like to hear something on that point.

Mr. CUMMINS. Mr. President, answering the Senator from Minnesota first——

Mr. WILLIAMS. Before the Senator goes to that——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Before the Senator goes to that, and in keeping with it, I will say I agree with the Senator that the United States Steel Corporation has some advantage over most other companies; but is not that advantage rather exaggerated, in view of the fact that during the last three or four years the so-called independent companies have been getting a larger and larger and and the Steel Corporation has been getting a smaller and smaller percentage of the total trade? They are in competition, as I understand, to some extent.

Mr. CUMMINS. I will answer the Senator from Mississippi in turn. Replying to the Senator from Minnesota, I may say that the United States Steel Corporation was the combination of several existing trusts. I think that the prices on the whole are higher than they were in 1901; certainly the prices have been higher during the last 10 years than they were during the 10 years before. It is impossible, I think, to close one's eyes to the fact that when in 1901 the United States Steel Corporation came together, it absorbed several existing combinations, which, in and of themselves, had dominated the industry in which they were engaged. For instance, the American Steel & Wire Co., with which my friend from Pennsylvania [Mr. OLIVER] is very familiar, became a part of the United States Steel Corporation. I do not believe that the price of wire was raised immediately after—possibly not at all—the United States Steel Corporation was organized, but the American Steel & Wire Co., which was substantially a monopoly, was organized in 1898 or 1899—I think in 1898—and the prices of some forms of wire which it manufactured almost doubled immediately after its organization, and the United States Steel Co., I suppose, has maintained those prices, although I am not sure about that.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I want to add, in that connection, from my own experience and certain knowledge, that since they got control of the barbed-wire business, the barbed wire has deteriorated, especially what we call their black or painted wire. That, as well as the galvanized wire, has become of an inferior quality. It is not to be compared in durability with the wire we had 20 years ago. It will not stand heat or cold as did the wire we had in the old times.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I think I can give some information in reply to the inquiry of the Senator from Minnesota [Mr. NELSON]. I think that to-day the price of steel products is probably lower than it was in 1901, but it is not so low as it was in 1899. I do not think after the organization of the Steel Corporation there was any material advance in prices over the prices which had generally prevailed in the year or two preceding; but the Steel Corporation has aimed to maintain—and I should like the Senator from Iowa to listen to this, because I think he will probably know something about it—what might be termed a moderate or what they term a moderate level of prices, an average level. But what the Senator from Iowa says about the events of the two or three years immediately preceding is correct. There had been combinations formed which did advance the prices. Nobody will maintain, Mr. President, that the organization of the Steel Corporation or the combination or consolidation of individual plants into great concerns is done either for the purpose of reducing prices or has the effect of reducing prices, nor, as I believe, will they contend that it is for the good of the public.

Mr. NELSON. Will the Senator allow me to interrupt him there?

Mr. OLIVER. Certainly.

Mr. NELSON. If that be true, what is the justification, either on moral, ethical, or legal grounds, for the creation of a trust?

Mr. OLIVER. I am not trying to justify it. That is just exactly what I am saying, that it would be far better for the country, as I said the other day, if the business were in the hands of individuals and if each individual managed his own plant and ran his own factory.

Now, I want to say a word with regard to deterioration in barbed wire and in fencing wire. I think the deterioration to which the Senator alludes dates further back than the organization of the Steel Corporation. It began some years before the organization of the American Steel & Wire Co., but was brought about by the efforts of the manufacturers to reduce the quantity of zinc which they placed upon the wire, and consequently they wiped the wire too close, and the coating is not heavy enough to give it that protection against the weather that it otherwise would have. I do not think that is necessarily chargeable to the combination. It was begun by individual manufacturers.

Mr. CUMMINS. Mr. President, answering the inquiry of the Senator from Mississippi [Mr. WILLIAMS], I suggest that, while the United States Steel Corporation has the power to reduce prices and, I think, very seriously injure its competitors, it has been a benevolent despot, and I think it has been in the minds of those who have managed it that it would be wise if the independents were permitted to grow, so as to maintain at least the appearance of a competition and rivalry that would shield the Steel Corporation from the charge of monopoly or unfair treatment of those engaged in the same business.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him there?

Mr. CUMMINS. Yes.

Mr. NELSON. The Senator is aware of the fact, I presume, that it is the gospel of one of the candidates for the Presidency to change the antitrust law and put all corporations under a commission, which is to regulate them and fix prices and prevent discriminations, as in the case of railroads. I should be glad to hear the Senator's views on that question.

Mr. CUMMINS. Mr. President, I would be glad to respond to the Senator from Minnesota if I dared to do so. The reason I do not dare to do so is because it would take so much of the time that I desire to devote to the discussion of the tariff that the Senate would become impatient. I may say, however, that I am a believer in competition. I believe that the country can be restored to fair and substantial competition. My views upon that subject are rather accurately and somewhat comprehensively set out in a bill that I have introduced and which is now before the Committee on Interstate Commerce. If that committee shall be as diligent as I hope it will be, we may be able to secure a report; and I will defer my remarks upon that subject until the report comes in. [Laughter.]

The Senator from Utah [Mr. SMOOT] was not quite accurate—possibly, however, I may have misunderstood him—if in his last suggestion he referred to 1911. If he did, he was in error, according to my figures. If I were to recast the account of the United States Steel Corporation for 1911 in the same way that I have pointed it out for 1910, the result would be this: That, including dividends of 7 per cent upon the preferred stock, the net earnings were $44,831,585.65, and excluding dividends on stock, the net earnings were $70,051,262.65. The tons produced were 9,476,248. If we exclude all dividends, there could have been a reduction of $7 per ton upon the average without injuring the capital of the company. If we include the $25,000,000 of dividends, there could have been a reduction of more than $4 per ton without impairing in any way the profit upon the honest capital.

I instance, Mr. President, these results not for the purpose of bringing them forward as guides for the establishment of tariff duties, but to answer the oft-repeated statement that if we reduce these duties so that the present producers of iron and steel are compelled to sell their product at a less price than they now sell, somebody will go out of business—either the Steel Corporation or the independents. There are abundant profits remaining after these prices are reduced; they are beyond the amount that I suggested the other day when I said that we could save $100,000,000.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. Will the Senator permit me to ask him whether or not, in his judgment, it would decrease the volume of the business of the Steel Trust to adopt the suggestions in his proposed amendment?

Mr. CUMMINS. I do not think it would increase the volume of business of the Steel Trust.

Mr. HEYBURN. I asked if it would decrease the volume of their business?

Mr. CUMMINS. I do not think it would have any effect upon that particular matter. I think the Steel Trust can exterminate its rivals if it desires to do it. I think it can do it under the present duty, and I think it could do it under any reduced duty.

Mr. HEYBURN. The Senator thinks it would do it under a reduced duty?

Mr. CUMMINS. I do not believe so.

Mr. HEYBURN. What would be accomplished, then, by an adjustment of the duty on the articles that are controlled by the Steet Trust?

Mr. CUMMINS. I would hope that the Steel Trust, fearing that it might meet a formidable competitor from abroad, would itself reduce the price of the articles and that its competitors in this country would also reduce their price; and in that way the people would receive or could receive some benefit from the reduction in duties.

Mr. HEYBURN. Do you think they would reduce the cost to the purchaser or the consumer and still maintain the volume of business?

Mr. CUMMINS. I do. I think the tendency would be to increase the volume of their business, rather than to decrease it.

Mr. HEYBURN. But the profit would be less.

Mr. CUMMINS. It might be less, but it would be ample.

Mr. HEYBURN. If they increased the volume that might compensate for lessened profits.

Mr. CUMMINS. I thought the Senator was asking whether the volume would be increased as compared with the business done by independent companies.

Mr. HEYBURN. No; I mean in the abstract.

Mr. CUMMINS. I believe there would be an increase of business, as there nearly always is an increase in the volume of business when prices are reduced, simply because people are better able to buy under reduced prices than they are with the abnormal or unreasonably high prices.

I repeat what I said when interrupted by the Senator from Idaho, that I am not using this as a measure of the duties. I have other information, which to me is very much more conclusive and satisfactory and which I submitted to the Senate upon a former occasion, with regard to the duties necessary to protect this industry.

I am using these reports simply to show that the fear which it was sought to create here, that if we reduce the duties the United States Steel Corporation might exist, but that the independents or smaller companies would have to go out of business, is without foundation. I think I have shown beyond any reasonable controversy that the prices in this country might be reduced far beyond the reduction which I have proposed in the duties and that still the independent or smaller companies would earn enough on their capital to encourage them in still further expanding their business.

Mr. HEYBURN. One more question, if the Senator will permit.

Mr. CUMMINS. Certainly.

Mr. HEYBURN. Would the Steel Trust in consideration of their reduced profits reduce wages?

Mr. CUMMINS. I do not think so. The wages in this country are not determined by the profits of a particular industry. The United States Steel Corporation pays no higher wages on the whole than are paid by a rival corporation with much less profit. I am not now inquiring whether the corporation is to be blamed for not dividing its profits with its employees. That is not the way business is carried on in this country, but I say the wages of a particular enterprise or manufacturing concern are not fixed with reference to the profits of that particular concern. The wages are determined by the general standard of life in our country, and so long as the United States Steel Corporation or any other corporation engaged in that business can make a fair profit out of its production wages will not be reduced, of course. It would be charging them with inhumanity, as well as charging them with want of intelligence, to believe that wages would be reduced under those circumstances.

Mr. HEYBURN. I have here to-day heard them charged with inhumanity.

Mr. CUMMINS. You have not heard the Senator from Iowa charging them in tariff debate with inhumanity.

Mr. OLIVER. Before the Senator from Iowa departs from the consideration of this matter I should like to have him apply his reasoning to the case of the Lackawanna Steel Co., for instance, which last year showed an average profit, without paying any dividends, of 11 cents a ton on its entire product.

Mr. CUMMINS. It would be utterly impossible for me to apply it to the business of the Lackawanna Steel Co. I have never seen any report of that company. I have never analyzed its work. I do not know anything about the sagacity or skill of its managers. There is no business in the world that has not its derelicts; there is no business that does not leave behind it certain wrecks and failures. It is the history of business life in the United States, I think, that 90 per cent of the men engaged in independent business have some time during the course of their business lives failed. At least I remember that it is a very large percentage. We can not guarantee by any tariff law the capacity to carry on a great business in competition with other people.

Mr. OLIVER. I will say that the plant of the Lackawanna Co. is the most modern. It has been built in the last 10 years, and completed in the last one or two years. It is located in the city of Buffalo, on the lake, and it has every possible advantage of manufacture. I have never heard its management criticized. But somehow or other it made only 11 cents a ton last year.

Mr. GALLINGER. I ask the Senator from Iowa to yield to me for a moment.

Mr. CUMMINS. I yield with pleasure to the Senator from New Hampshire.

Mr. GALLINGER. In view of the press of business to-morrow, which I need not enumerate, I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

Mr. HEYBURN. I hope the Senate will not meet at that hour.

Mr. GALLINGER. It is not a debatable motion.

Mr. HEYBURN. I can express my dissent from the proposition. If I can not do it now, I will do it later.

The PRESIDING OFFICER (Mr. PAGE in the chair). The question is on agreeing to the motion of the Senator from New Hampshire, that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning. [Putting the question.] The ayes seem to have it.

Mr. BACON. Let us have a division.

There were, on a division—ayes 28, noes 10.

The PRESIDING OFFICER. The motion is carried.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I suggest that the Chair put the question again. Hands were held up on the other side of the Chamber after the decision was announced.

Mr. GALLINGER. I object.

Mr. HEYBURN. I ask for the statement of the Chair with respect to the call for the yeas and nays.

The PRESIDING OFFICER. They were not ordered. Only two or three supported the demand. The motion is agreed to.

Mr. GALLINGER. The regular order.

Mr. CUMMINS. I have now submitted all that I desire to submit with respect to the collateral matter of profits as shown by the report of the United States Steel Corporation, and if a proposition is subject to proof at all, I think I have established that there can be a very material reduction in the prices of these products without injuring the prosperity or taking away the reasonable reward of those engaged in the business.

I now come to the reply which I intend to make to the arguments submitted by the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. OLIVER]. I restate my proposition: That pig iron, which is the basic material of all these products, can be produced more cheaply or as cheaply in the United States as in any other country of the world. I do not in that statement include China. There are sporadic productions in China which may fall under the cost of productions in the United States. If the Senate believes that pig iron can be produced as cheaply in this country as in any other country, then it has only to determine the cost of converting pig iron entering into the various commodities to which a duty is to be attached; and I want to explain to the Senate the basis of the measure which I have submitted as a substitute for the Democratic bill.

I have assumed that pig iron in the hands of various manufacturers in this country has cost them no more than pig iron in the hands of their rivals in other countries. I am willing to say to my brother Republicans that thereafter I will assume that labor in our country costs twice as much as labor in competitive countries. I do not believe it is true, for I believe that in many of our operations, although we pay higher wages, the labor cost is not greater than it is abroad. The reason of that is that we do business upon a larger scale than any other country in the world. We make things therefore more cheaply than any other country in the world so far as concerns the employment of machinery.

Let me restate what I said about the automobiles. There is not a country in the world that makes as many automobiles

as one single concern in the United States. I pause. I did not state that accurately. There is one concern in the United States which will make next year more automobiles than all the manufacturers of any other country on the earth. That company can employ machinery to an extent unknown elsewhere. It can make operations through machinery which are utterly impossible to its rivals across the sea.

Just so with many forms of iron and steel. Our enterprises are so much larger than they are abroad that they employ machinery to so much greater advantage than can their competitors that our labor cost, though the wages are higher, is in many instances lower than the labor cost abroad.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Gladly.

Mr. NELSON. I interrupt the Senator from Iowa for the purpose of inquiring whether it would not be agreeable to him to have the Senate adjourn at this time, and he can resume his remarks in the morning.

Mr. CUMMINS. I do not feel like deciding that matter. I have said to all the Senators who have asked me about it that I rather expected to close to-night and that a vote would be taken upon my amendment. But I did not anticipate then that so much of the time would be occupied by interruptions. It will require an hour at least for me to conclude what I have to say upon the subject. I might compress it within three-quarters of an hour, but that is not quite likely. Therefore the Senate may do as it thinks wise, and I will be entirely content.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield to the Senator from New York.

Mr. ROOT. It is desirable that there should be an executive session for a very few minutes. The Senator from Illinois [Mr. CULLOM] was fatigued and went home, and he asked me when he left if I would make the motion. If it suits the Senator from Iowa, I will make that motion.

Mr. CUMMINS. Under the present conditions I do not feel that I ought to control the matter, although it is very courteous and kind on the part of Senators to suggest that I may do so. As I have said, whatever the Senate desires to do in that respect will be agreeable to me.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I do.

Mr. MARTIN of Virginia. I have no desire to ask a continuance of the session if the Senator from Iowa feels disinclined to proceed further to-night, but I am exceedingly anxious to see progress made. I think it is the general sentiment that we should get to a vote on the substitute before we adjourn this evening, and I think with a little patience we might do that and have the executive session too. Unless the Senator from Iowa feels the fatigue of speech and would prefer to discontinue, I would myself be very glad to see that much progress made to-night.

Mr. CUMMINS. I never felt better in my life. I was about to say never so fresh, but that might be misunderstood. Therefore, whatever the Senate does, it must do without any regard to me.

Mr. MARTIN of Virginia. If the Senator can stand the fatigue of speaking, surely we can remain, and I hope the Senate will hear him through and then vote on his substitute.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, if I am compelled to restate an argument every half hour or 15 minutes, it will greatly prolong my remarks. I am compelled to say again that my amendment is based upon, first, the proposition that pig iron can be produced as cheaply in the United States as anywhere in the world; second, upon the proposition that labor costs twice as much in the United States as in any rival country. I am willing to allow every duty that will be found in my amendment to be tested by that standard.

I would like to know if there is a Senator here who believes that we ought to make a tariff bill upon the hypothesis that labor costs more than twice as much here as abroad; that is, in the iron and steel industry. If there is, then I intend to satisfy even him, for while assuming that labor costs twice as much here as abroad I have added in every case an additional sum so that even the most captious of the protectionists would not be able to quarrel with or question my results.

Now, I intend to ask your consideration to the table presented a few days ago by the Senator from Utah, the conclusion of which is that the labor cost which enters into a ton of pig iron is $4.50. That is true only in the sense that the entire value of pig iron or the material which enters into pig iron may be labor. There is a sense in which that can be sustained. I remarked upon that the other day, and I do not intend to repeat it. But I ask you to turn with me to the table supplied to us by the Bureau of Corporations. We have here a table, on page 16 of part 2, of the report that comprises 106,268,728 tons of iron ore mined during the period from 1902 to 1906. The average labor cost per ton of all these tons of ore comprised in the table is 45 cents. We have here information from the Marquette Range, the Menominee Range, the Gogebic Range, the Vermilion Range, and the Mesabi Range, and the labor cost is 45 cents; other mining cost is 37 cents; the royalty is 25 cents; making a total at the mine on a ton of ore of $1.07. The railroad freight upon each ton of ore is 67 cents. That has been reduced, but that is what it was when this table was made. The Lake freight was 74 cents, making a cost at the lower lake ports of $2.48. There is added 16 cents a ton for general charges, making a total of $2.64 a ton at the lower lake ports.

Mr. SMOOT. That is for the ore?

Mr. CUMMINS. That is for the ore alone. Now, if the Senate will remember that carefully, I come forward to the next table, and one upon which I commented at very great length before, namely, a table showing the cost of producing pig iron.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Allow me to finish this thought, and then I will gladly yield.

In that table the cost of the metallic mixture for a ton of the highest priced pig iron is stated by the Commissioner of Corporations to be $7.30. I accept that. Now, let us see what that includes. It includes the labor paid in the mines; it includes the other mining expense; it includes the royalty; it includes the rail freight; it includes the lake freight; it includes the freight from the lake port to the furnace; and it includes the general charges. Therefore the statement made in the table of $4.50 for the labor cost in a ton of pig iron is misleading, or if it is not misleading, it is not at all in conflict with the proof that I submitted formerly that the metallic mixture for a ton of pig iron cost $7.30.

Mr. SMOOT. I agree with the Senator.

Mr. CUMMINS. Very well.

Mr. SMOOT. But, if the Senator will allow me now, so that I may understand just what his argument is based upon, I should like to ask him if there is an item in the labor cost of $4.50 that is reported by myself that is not absolutely correct. The figures given by me are the actual figures that it cost the manufacturers, and they pay that amount out in actual dollars to labor for securing the conversion of ore into pig iron.

Mr. CUMMINS. Mr. President, I do not know whether the figures presented by the Senator from Utah are accurate or not. I do not intend to question them, and therefore I have not investigated them. My intent is to show that they are immaterial to the conclusion which I formerly attempted to enforce upon the Senate.

Mr. SMOOT. The only object I had in presenting them was to show that the actual labor cost from the time of beginning to dig the ore until it is in pig iron is $4.50 a ton, and if there is a difference of labor in this country of 50 per cent, then as far as the labor itself is concerned the foreigner would have an advantage of $2.25 a ton. In all the statements which I have made to the Senate I have not stated that that was the exact amount that should be imposed as a duty upon pig iron.

Mr. CUMMINS. I did not finish a sentence which I began a short while ago when some one interrupted me. The Senator from Utah is not only indefatigable in investigation and very skillful in making inquiries, but he has the faculty of diverting one's attention from the real point and absorbing him in some curious and interesting excursion in another direction. I realize his power in that respect. I think he made some impression the other day upon the Senate when he announced that the labor cost of a ton of pig iron was $4.50, and the conclusion he sought to draw from it was that there ought to be at least $2.25 per ton duty upon pig iron in order to prevent importation. But now——

Mr. SMOOT. Everything else being equal.

Mr. CUMMINS. But everything else, Mr. President, is not equal, and therein lies the whole fallacy of his argument. The Senator from Utah in his address the other day did not show everything else to be equal. He did not enter into the cost of the material. He did not inquire into the many actual outlays of the men at the furnace in order to secure enough ore and

enough coke and other material to manufacture a ton of pig iron. I am not blaming him for it, because he wants to defeat my bill. I am afraid that he is much fonder of the Democratic bill than he is of mine. If I have been correctly advised, he or some of his associates, anyhow, intend in a negative way to defeat my amendment by allowing the Democratic bill to pass.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. However, I will not quarrel with him about that.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Mr. President, I think the Senator went altogether too far in intimating that I had withheld certain information as to what the other articles that go into the production of pig iron and steel rails cost in a foreign country.

Mr. CUMMINS. No; I did not suggest anything of that kind.

Mr. SMOOT. Mr. President, I can take the report as submitted by Mr. Charles M. Pepper, and he gives it as the information that he collected while abroad, and show that England herself claims that she is in a better position to produce pig iron than America ever will be. I suppose the Senator has read that report. It shows in detail why they have an advantage over the American manufacturer. I presented that statement to the Senate, and I believe that it is just as worthy of consideration as any other statement reported by Mr. Pepper.

Mr. CUMMINS. The Senator from Utah has illustrated in what he has just said my charge against him. He has now drawn the Senate entirely away from the cost of producing pig iron in this country to the cost of producing it abroad. I had not come within an ocean's width, so far as this argument at this moment is concerned, of reaching the cost of making pig iron abroad. I call him back and I call the Senate back to the subject I was discussing, namely, the cost of pig iron in the United States.

The Senator from Utah produced a table, in which it appeared that the labor element in a ton of pig iron cost $4.50. I did not accuse him of withholding any information. I did say that he did not pursue the argument to its legitimate end. I can not blame him for not making an argument against his side of the controversy, but I am supplying the omission which is found in his observations.

Mr. SMOOT. Mr. President, I wish to say to the Senator that I agree with him entirely as to what it costs to produce pig iron in this country. I take the Herbert Knox Smith report and accept that report. The only difference between the Senator and myself is as to the amount of labor it takes to produce a ton of pig iron. I do not take anybody's report outside of the man who pays the money, and it costs in labor $4.50 to take ore from the ground and put it into pig iron. That is the statement I made, and I do not hesitate to make it now, and I do not hesitate to say that it can be proven by the books of the manufacturers of this country.

Now, the Senator says that the labor is 77 cents. That is true from the metallic mixture to pig iron, if you do not take into consideration any labor that goes into the handling of the coke, or the limestone, or the other operating expenses, such as steam, and items of that sort, every one of them requiring men's labor. Then 77 cents, as shown on that diagram, is true; but I say again that to take the ore from the ground and put the ore into a ton of pig iron, the labor of transforming it into that ton of pig iron is $4.50. I can not make it any plainer than that.

Mr. CUMMINS. The Senator from Utah can have every opportunity that I can afford him to make it just as plain as is possible. I repeat that I do not know whether his table is correct or not. I have not investigated that particular phase of the subject, and I make no assertion here that is not the result of some fair study upon my part. I reiterate that it is utterly immaterial, so far as the present controversy is concerned, whether there is $4.50 of labor in a ton of pig iron or not. What we are trying to do, if I understand our platform, is to attach a duty that will measure the difference between the cost of production at home and abroad.

Now, if the labor costs more here and the material costs less, it might be still true that, although there was $4.50 of labor in a ton of pig iron here and only $3 of labor in a ton of pig iron abroad, nevertheless our ton of pig iron costs us less than it costs our competitor in England or Germany or France. Therefore I have brought this table to your attention again simply to dismiss it. It makes no difference whether it is true or false. I want to dislodge it from its place in the senatorial mind and come back to a statement which my friend from Utah admits is true, namely, that in this country for the highest-priced pig iron, the best pig iron that is made in the world, the metallic mixture costs the man who puts it in the blast furnace $7.30. That includes the wages of the mine, the profits of the mine; it includes the wages of the railway men, the profits of the railway company; it includes the transportation upon the Great Lakes and the profits on transportation. Therefore, it would be almost illogical for us to concern ourselves about protecting this labor which has already been paid by the American standard and which altogether combines in it the sum of $7.30.

Now, what I have said of the metallic mixture is true of coke. The labor of mining the coal, transporting the coal, turning it into coke, and getting the coke to the blast furnace are all in the item of $3.89; and so with the limestone. So that we are left with the result, as admitted by the Senator from Utah, of Bessemer pig iron at a cost of $13.26 with the additional cost, which means depreciation and general office expenses, of 75 cents, making a total of $14.01; and that includes, as I demonstrated in my former discussion, $1.79 for profit of intermediate companies, that ought not to be taken into account in determining the cost of pig iron. I therefore repeat, upon the showing formerly made, that if we proceed to lay duties upon iron and steel, upon the hypothesis that pig iron costs in this country more than it costs abroad, we will do violence to the truth; we will repudiate the work of men whom we commissioned to make the investigation on our behalf or on behalf of all the people of the country, and we will perpetuate a burden which has already grown so grievous that the voters of the United States take every opportunity which they have of expressing their dissent from our action or inaction in that respect.

I will not go further with regard to pig iron. If I have proven that pig iron can be produced as cheaply in this country as abroad, I will take up the next item.

Mr. BACON. Mr. President, I desire to ask the Senator if he will yield for a moment.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. Certainly.

Mr. BACON. I think it is a very great imposition on those of us who are constant in our attendance on the Senate day after day and month after month that we should be required to go through these extraordinary hours. Many of us have been on duty since 10 o'clock this morning, and it is an imposition upon Senators, in the absence of any great emergency, that we should be required to remain here longer. Some of us stay here all the time, and I do hope that the Senate will allow the Senator from Iowa to suspend and resume his argument in the morning.

It is a very easy matter, Mr. President, if a Senator does not stay in the Chamber, for him to accommodate himself to such hours as are now forced upon us, but there are some Senators who are constant in their attendance, and they ought not to be subjected to such hardship in the absence of any necessity for it.

Some of us serve upon committees that require daily work. If there are not regular committees in session, there are subcommittees. I know the Senator from New York [Mr. ROOT] will bear me out in the statement, because I serve with him on a number of subcommittees. There is scarcely a morning that we do not have this extra work to perform, and it leaves us no time whatever for our office work. It was half past 2 o'clock to-day before I even saw the inside of my office, and we have got to meet here to-morrow morning at 11 o'clock.

I therefore ask, if I may be permitted to do so, that we now—I do not desire to make a motion, because it should properly come from the other side of the Chamber—that we now suspend our labors, which have been protracted to-day. We have been here six hours and a half, to say nothing of the other work we have to do.

I want to say for myself that I do not shirk any labor. I have, since the Senate met in December, never lost a day from this Chamber; I have not only been here every day, but I have been here all the time every day; and I am not shirking any labor when I make this suggestion. I am simply saying that it is more than we ought to be required to do when there is no great emergency for it.

Mr. SIMMONS. Mr. President, I think most Senators here are expecting a vote to be taken upon the substitute of the Senator from Iowa to-night. So I trust we shall stay here until the Senator has finished his speech, and that we may then take a vote.

Mr. BACON. Well, Mr. President, of course I have not made any motion to adjourn; but I want to say that if Senators insist that we shall remain in session at unusual times and unusual hours I shall also insist, so far as I can do so, that Senators shall all attend. It is an ungracious thing to be calling for a quorum frequently—and I do not intend to ask for a call

now—but starting to-morrow morning, if we have got to come here at an unusual hour and remain after the usual hour, I shall ask that all Senators bear their part of the burden.

Mr. SIMMONS. Mr. President, there are an unusual number of Senators here now.

Mr. BACON. That does not speak very much for the number usually present, then.

Mr. CUMMINS. Mr. President, as I said a while ago, I do not intend to ask the Senate to adjourn in order to accommodate me. I appreciate the willingness of Senators to do so; but I do ask them one thing, and that is that my remarks shall not be interspersed every few minutes with a discussion with regard to adjournment. If I am to go on until I finish, I shall try to do so; but it is hardly fair to have constant recurrence to the matter of adjournment.

Mr. OLIVER. Mr. President, before the Senator resumes, I should like to ask him a question. He expressed himself half an hour ago as thinking that he might finish in three-quarters of an hour. Almost half an hour has been taken up by interruptions, and I should like to have his opinion as to how much longer he will take.

Mr. CUMMINS. Mr. President, I can not answer that question. I intend to present my amendment as fairly and fully as I can, and the length of time I will consume depends wholly upon the colloquies that may arise with my brother Senators concerning various phases of the subject. I think, though, that by 8 o'clock, anyhow, I shall be able to finish, even with the interruptions which may occur.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield to the Senator.

Mr. BRISTOW. I understand the Senator from Iowa is chairman of a subcommittee of a committee of the Senate which has a hearing set for 8 o'clock to-night.

Mr. CUMMINS. That is true.

Mr. BRISTOW. There are to be other Senators there at that hearing, and it seems to me, under the circumstances, we ought to adjourn.

Mr. CUMMINS. It occurred to me that if I——

Mr. BRISTOW. Mr. President, I move that the Senate adjourn.

Mr. SIMMONS. Did I understand the Senator from Iowa to say that he had another engagement?

Mr. CUMMINS. There is a subcommittee of the Judiciary Committee which meets at 8 o'clock this evening. I did not, however, have that in mind.

Mr. SIMMONS. If the Senator from Iowa himself desires that we adjourn, I shall not interpose any objection.

Mr. BRANDEGEE. Mr. President, the motion is not debatable.

Mr. SIMMONS. If the Senator himself desires an adjournment, I will not object.

The PRESIDING OFFICER. The Senator from Kansas [Mr. BRISTOW] has moved that the Senate adjourn.

Mr. SMOOT. Mr. President, I should like to call the Senator's attention to the fact that the senior Senator from Illinois [Mr. CULLOM] desires that there shall be a short executive session held. Will the Senator object to having a brief executive session and then adjourning?

EXECUTIVE SESSION.

Mr. BRISTOW. I withdraw the motion to adjourn, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 28, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 27, 1912.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. John L. Hines, Nineteenth Infantry, to be major from May 23, 1912, vice Maj. Stephen M. Hackney, Sixth Infantry, retired from active service May 22, 1912.

First Lieut. A. Owen Seaman, Fifteenth Infantry, to be captain from May 23, 1912, vice Capt. John L. Hines, Nineteenth Infantry, promoted.

COAST ARTILLERY CORPS.

Second Lieut. Roy R. Lyon, Coast Artillery Corps, to be first lieutenant from May 23, 1912, vice First Lieut. William C. Whitaker, detached from his proper command.

CHAPLAIN.

Chaplain Simon M. Lutz, Eighth Infantry, to be chaplain with the rank of captain from May 1, 1912, after seven years' service in the grade of first lieutenant, in accordance with the provisions of an act of Congress approved April 21, 1904.

APPOINTMENTS BY TRANSFER IN THE ARMY.

Second Lieut. Lewis V. Greer, Fourth Cavalry, to be second lieutenant of Infantry, with rank from June 13, 1911.

Second Lieut. John F. Wall, Eighteenth Infantry, to be second lieutenant of Cavalry, with rank from June 13, 1911.

POSTMASTERS.

ALABAMA.

James L. Carwile to be postmaster at Ashland, Ala. Office became presidential January 1, 1911.

John T. Stewart to be postmaster at Wylam, Ala. Office became presidential October 1, 1910.

ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Ark., in place of Dan S. Collins. Incumbent's commission expired May 23, 1912.

E. T. Luckey to be postmaster at Monticello, Ark., in place of Nannie H. Savage. Incumbent's commission expired April 28, 1912.

Eva V. Moss to be postmaster at Earl, Ark., in place of Eva V. Moss. Incumbent's commission expired April 28, 1912.

CALIFORNIA.

Charles C. Cockley to be postmaster at Calexico, Cal., in place of H. H. Griswold, resigned.

FLORIDA.

Roy S. Hanna to be postmaster at St. Petersburg, Fla., in place of Roy S. Hanna. Incumbent's commission expired April 9, 1912.

GEORGIA.

Harry S. Edwards to be postmaster at Macon, Ga., in place of Harry S. Edwards. Incumbent's commission expired May 7, 1912.

Julius Peacock to be postmaster at Vidalia, Ga., in place of Julius Peacock. Incumbent's commission expired February 27, 1912.

Albert N. Tumlin to be postmaster at Cave Springs, Ga., in place of Albert N. Tumlin. Incumbent's commission expired May 7, 1912.

INDIANA.

John W. Call to be postmaster at Gary, Ind., in place of John W. Call. Incumbent's commission expired April 22, 1912.

James E. Carson to be postmaster at Hebron, Ind., in place of James E. Carson. Incumbent's commission expired December 11, 1911.

Charles Hosford to be postmaster at Cayuga, Ind., in place of George L. Watson. Incumbent's commission expired May 20, 1912.

KANSAS.

Theodore C. Conklin to be postmaster at Mulvane, Kans., in place of Charles Hodgson, resigned.

LOUISIANA.

Levi P. Carter to be postmaster at Bunkie, La., in place of Levi P. Carter. Incumbent's commission expired May 14, 1912.

Robert A. Giddens to be postmaster at Coushatta, La., in place of Robert A. Giddens. Incumbent's commission expired May 14, 1912.

Robert P. Halphen to be postmaster at St. Martinville, La., in place of Raoul J. Bienvenu. Incumbent's commission expired May 14, 1912.

Bernard Isaacs to be postmaster at Gueydan, La., in place of Bernard Isaacs. Incumbent's commission expired May 14, 1912.

Mildred P. T. Prescott to be postmaster at Lutcher, La., in place of Mildred P. T. Prescott. Incumbent's commission expired May 14, 1912.

Lou E. Russell to be postmaster at West Monroe, La., in place of Lou E. Russell. Incumbent's commission expired May 14, 1912.

W. M. Terry to be postmaster at Welsh, La., in place of W. M. Terry. Incumbent's commission expired May 14, 1912.

Claude H. Wallis to be postmaster at Houma, La., in place of Claude H. Wallis. Incumbent's commission expired May 14, 1912.

Thomas M. Wells to be postmaster at Colfax, La., in place of Thomas M. Wells. Incumbent's commission expired May 14, 1912.

MASSACHUSETTS.

Gertrude L. Campbell to be postmaster at North Grafton, Mass., in place of John F. Mitchell, deceased.

MICHIGAN.

Ellsworth C. Corbett to be postmaster at Reading, Mich., in place of Ellsworth C. Corbett. Incumbent's commission expired March 10, 1912.

Montague W. Ripley to be postmaster at Montague, Mich., in place of Montague W. Ripley. Incumbent's commission expired April 22, 1912.

Charles N. Spear to be postmaster at Pittsford, Mich., in place of Charles N. Spear. Incumbent's commission expired April 13, 1912.

MISSOURI.

Frank A. Hardin to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired March 10, 1912.

William H. Howe to be postmaster at Hardin, Mo., in place of William Howe, resigned.

James E. Nichols to be postmaster at Breckenridge, Mo., in place of George W. Goins. Incumbent's commission expired April 28, 1912.

NEW JERSEY.

Thomas J. Knight to be postmaster at Stanhope, N. J., in place of Thomas J. Knight. Incumbent's commission expired April 24, 1912.

NEW MEXICO.

T. V. Shelpman to be postmaster at Nara Visa, N. Mex., in place of George Bringle. Incumbent's commission expired May 26, 1912.

NORTH DAKOTA.

George F. Abelein to be postmaster at Anamoose, N. Dak., in place of George F. Abelein. Incumbent's commission expired April 29, 1912.

Iver O. Fosse to be postmaster at Mayville, N. Dak., in place of J. M. Stewart, resigned.

OHIO.

William J. Weirick to be postmaster at Loudonville, Ohio, in place of William J. Weirick. Incumbent's commission expired April 29, 1912.

OKLAHOMA.

George C. Barber to be postmaster at Prague, Okla., in place of George C. Barber. Incumbent's commission expired April 28, 1912.

PENNSYLVANIA.

Daniel M. Bennett to be postmaster at Bridgeville, Pa., in place of Daniel M. Bennett. Incumbent's commission expired May 14, 1912.

Jared H. Buckbee to be postmaster at Elkland, Pa., in place of Clark B. Bailey. Incumbent's commission expired February 10, 1912.

Harry L. Cooper to be postmaster at Edinboro, Pa., in place of Harry L. Cooper. Incumbent's commission expired May 23, 1912.

John S. Edmundson to be postmaster at Duquesne, Pa., in place of John S. Edmundson. Incumbent's commission expired May 7, 1912.

Albert M. Ehart to be postmaster at Wayne, Pa., in place of Albert M. Ehart. Incumbent's commission expired May 11, 1912.

Caroline E. Hall to be postmaster at Swarthmore, Pa., in place of Caroline E. Hall. Incumbent's commission expired April 24, 1912.

Chauncey S. Ickes to be postmaster at Boswell, Pa., in place of Forrest L. Ferrell. Incumbent's commission expired April 6, 1912.

John Leyshon to be postmaster at Farrell (late South Sharon), Pa., in place of John W. Miller, resigned. (To change name of office.)

John B. Moffitt to be postmaster at West Brownsville, Pa., in place of John B. Moffitt. Incumbent's commission expired April 29, 1912.

Louis F. Senn to be postmaster at Brackenridge, Pa., in place of Charles E. King. Incumbent's commission expired January 9, 1912.

SOUTH CAROLINA.

W. J. Adams to be postmaster at Dillon, S. C., in place of Thomas E. Husbands, resigned.

Alonzo T. Folger to be postmaster at Easley, S. C., in place of Alonzo M. Folger, resigned.

A. W. Knight to be postmaster at Bamberg, S. C., in place of Joseph P. Murphy. Incumbent's commission expired April 29, 1912.

TENNESSEE.

William B. Pickering to be postmaster at Carthage, Tenn., in place of William B. Pickering. Incumbent's commission expired May 15, 1912.

UTAH.

T. G. Wimmer to be postmaster at Greenriver, Utah, in place of Thomas L. McCarty, resigned.

VERMONT.

Charles S. Forbes to be postmaster at St. Albans, Vt., in place of George T. Childs, deceased.

WISCONSIN.

Adolph H. Jessell to be postmaster at Birnamwood, Wis., in place of Adolph H. Jessell. Incumbent's commission expired May 14, 1912.

William Vanzile to be postmaster at Crandon, Wis., in place of William Vanzile. Incumbent's commission expired May 4, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1912.

SURVEYOR OF CUSTOMS.

Samuel L. Daniels, sr., to be surveyor of customs for the port of Burlington, in the State of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Joseph Francis Farley, jr., to be third lieutenant.
Cadet William Patrick Kain to be third lieutenant.
Cadet David Patterson Marvin to be third lieutenant.
Cadet Floyd Jesse Sexton to be third lieutenant.
Cadet Edward Mount Webster to be third lieutenant.
Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain.
Gunner James A. Martin to be a chief gunner.
Lieut. Commander Powers Symington to be a commander.
Lieut. (Junior Grade) Robert A. White to be a lieutenant.
Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant.
Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant.
Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant.
Capt. Frank E. Beatty to be a rear admiral.
Second Lieut. Nedom A. Eastman to be a first lieutenant in the Marine Corps.
Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps.

POSTMASTERS.

ALABAMA.

W. E. Bosworth, Lafayette.

GEORGIA.

Robert L. Williams, Griffin.

MISSOURI.

Wilbur J. Clark, Hamilton.
Louis Haeffner, Valley Park.
Percy P. Hummel, Laddonia.
John M. Mathes, Aurora.
Thomas B. Milton, Carl Junction.
Philip G. Wild, Spickard.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 27, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we have not lived to the highest ideals in the past. We have done many things which we ought not to have done and left undone many things which we ought to have done. But a new day is before us. Thou knowest our weakness, the foibles of human nature. We pray for Thy forgiveness, that we may spend no time in vain regrets, but with new zeal, energy, and courage we may press toward the mark for the prize of the high calling of God, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Sunday, May 26, 1912, was read and approved.

CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 16661) relating to the Creek Indian lands in Alabama.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 759).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the 9th day of August, 1814, and at Washington on the 24th day of March, 1832, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however*, That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States."

Amend the title by adding at the conclusion thereof the following: "and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814."

And the Senate agree to the same.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,
Managers on the part of the House.

CHARLES CURTIS,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, submit the following report or written statement in explanation of the effect of the act agreed upon and recommended in the accompanying report:

The bill as agreed upon is substantially a redraft of the bill adopted by the House. While the form is somewhat changed, the substance of the House bill is retained. The only substantial changes made are, first, the addition of the treaty between the United States and the Creek Tribe of August 9, 1814, and, second, a proviso declaring that this act shall not be construed to convey or dispose of the right that any member of the Creek Nation may have to the lands described in the bill.

This proviso, of course, adds nothing to the bill, since, as originally passed by the House and as now agreed on in conference, it is nothing more than a quitclaim on the part of the United States. This, of course, could not have the effect of disposing of the title of any third person.

The committee thought it necessary to include the treaty of August 9, 1814, as well as that of March 24, 1832, because in this treaty certain described lands in the State of Alabama were ceded by the Creek Nation to the United States; but in said treaty there were certain reservations to certain chiefs or warriors who had been friendly to the United States and had taken an active part in subduing the Indians. This reservation provided that upon voluntary abandonment of such reservations by such chiefs or warriors the right of possession and occupancy should devolve to the United States. As this treaty of 1814 is older by a good many years than the treaty of 1832, which was the treaty of cession of all the lands, and as it is the evident purpose of the Government not to assert any right itself to reservations made so many years ago for and on behalf of the Indians, and in order to fully settle the title to such reservations in the State of Alabama, so far as the Government is concerned, it was thought best to include this treaty of August 9, 1814, in the bill.

The incorporation of this treaty in the body of the bill necessitated, of course, a change to this extent in its title.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,
Managers on the part of the House.

Mr. DENT. Mr. Speaker, I yield to my colleague, the gentleman from Alabama, Mr. CLAYTON.

Mr. CLAYTON. Before I proceed, I ask that the bill H. R. 16661 as it passed the House be read, so that the House will see that the bill which has been agreed upon by the conference committee is almost in language exactly as it originally passed the House. Certainly it is the same in substance, with no material change except the treaty of 1814 has been added.

The Clerk read the bill, as follows:

An act (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to all the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, or any member or members thereof, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians at Washington on the 24th day of March, 1832, by which all the lands of the said Creek Tribe or Nation of Indians lying east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether the conditions of such reservation or sales were complied with or not, and whether or not patents were issued therefor by the United States of America.

The purpose and intent of this act is to estop the United States of America from now or hereafter asserting any claim whatever to the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved or set apart under the said treaty to or for the Creek Tribe or Nation of Indians, or any member or members thereof, in any manner or upon any condition whatever, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit or on behalf of any Creek Indian or Indians, whether patents were issued therefor or not.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. CLAYTON. Mr. Speaker, this bill, H. R. 16661, was originally prepared by me, after conference with my colleagues, Messrs. DENT, BLACKMON, and HEFLIN, representing the districts in Alabama where lie most if not all of the lands which are involved in the original Creek Indian treaty.

This bill passed the House substantially in the form in which it is now presented by the conference report and substantially as just read.

When the bill went to the Senate it was not understood over there, and never was understood by the Senate until my colleague Mr. DENT went into conference with the Senate conferees, and finally persuaded the Senate conferees to adopt the House view of this matter.

After we passed this bill through the House, the Senate passed and sent over here the bill which sought to provide for the issuance of patents to the landowners down there, taking the view that that was a complete remedy and was all that would be necessary to afford relief to the landowners in Alabama. Of course, that was no remedy at all. It was worse than no remedy. It opened up troublesome questions and put the matter in far worse shape than if no legislation at all were had.

But after the Senate were acquainted with the correct view of the matter, which was fully developed in the hearings had before the House Committee on the Public Lands, in which hearings my colleagues, Messrs. HEFLIN, BLACKMON, DENT, and myself participated, the Senate has come to the House view, and has adopted in most particulars the language and substance of the House bill, and have added the treaty of 1814, which I think is well to be added. That treaty of 1814 does not seem to affect any lands in the districts of the Representatives who participated in the hearings of the House, but it does perhaps affect some of the lands in another district in Alabama, and we have no objection to making the bill cover the treaty of 1814. Of course, the title should be amended to conform to this one amendment.

This bill, H. R. 16661, was amended in the Senate on March 16 by striking from it all after the enacting clause and inserting in lieu of the bill stricken out the following:

That the United States hereby relinquishes all of its right, title, and interest in and to the lands set apart or allotted to the Indians under the Choctaw treaty of September 27, 1830, and the Creek treaty of March 24, 1832, and the Secretary of the Interior is authorized to issue patents, without awaiting applications therefor, to those shown by the records of that department to be entitled thereto: *Provided*, That this act shall not be construed to affect any right of the original Indian owners of said land or their heirs.

The insuperable objection to this Senate substitute or amendment is that the records and original papers in many cases involving different parts of these lands, have been either destroyed by fire, or otherwise lost, during the stretch of years constituting three-quarters of a century or more; and under this Senate amendment no relief would be afforded to the owners of these lands. My colleagues, Messrs. DENT, HEFLIN, and BLACKMON, made this clear in the hearings before the Committee on Public Lands on January 10 and 16, 1912. So I affirm, Mr. Speaker, without the fear of successful contradiction, that the Senate amendment would afford no relief to the landowners, but would keep alive the existing uncertainty or cloud upon their title, and would undoubtedly permit the Government to maintain suits for many parts of these lands. The bill as it passed the House and as agreed upon by the conferees quitclaims all right and title of the United States to all these lands.

Of course, as I explained to the House when this bill originally passed here, the United States has no title to any of these lands except the technical title, founded upon the fact that patents had not issued years ago when they should have been issued.

Another change that was made in the House bill was this: The House bill contained, on page 2, line 15, the statement that the United States is estopped. That was precautionary and was a reiteration, in effect, of what was said in another part of the bill. The House conferees yielded to what is, I think, a fastidious notion, and struck out those, it may be, unnecessary words. I am gratified to be able to state that the bill as originally suggested, drawn, and advocated, to afford relief to the people in Alabama in accordance with the plan suggested by my colleague and myself, has finally met with the intelligent consideration and approval of the Senate. [Applause.] I therefore move the adoption of the conference report.

Mr. PAYNE. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. CLAYTON. With great pleasure.

Mr. PAYNE. I understand the gentleman to say that the bill reported from the conference is substantially the same as the original House bill?

Mr. CLAYTON. Yes.

Mr. PAYNE. But that the principal change is a reenactment of the treaty of 1814.

Mr. CLAYTON. That was one of the changes.

Mr. PAYNE. I understood that was the principal change.

Mr. CLAYTON. I think that may be said to be correct.

Mr. PAYNE. What is the treaty of 1814, and what is the reason for reenacting it now?

Mr. CLAYTON. My colleague, Mr. DENT, desires to answer that question.

Mr. DENT. We do not reenact the treaty of 1814; we simply include the land described in the treaty of 1814 as well as the land described in the treaty of 1832, because both treaties were made between the Government of the United States and the Creek Tribe of Indians and relate to the same subject matter. The treaty of 1832, which included all the lands east of the Mississippi River, might have been sufficient; but, as a matter of precaution, we also described the lands in the former treaty.

Mr. PAYNE. I understood the gentleman from Alabama to say that the other amendment is principally a choice of language between the House bill and the Senate.

Mr. DENT. That is all.

Mr. CLAYTON. The Senate in the main used substantially the House language. The Senate entirely receded from its position. The little bill or amendment which the Senate proposed when this bill went over there was entirely abandoned, because that bill or amendment was futile in its nature and afforded no relief. I am glad to say that the Senate, in its superior wisdom and exalted patriotism, rose to the occasion and adopted in substance the House bill.

Mr. PAYNE. I understand that the same spirit of exalted wisdom, and so forth——

Mr. CLAYTON. Patriotism, if you please, and not "and so forth." The Senate is never actuated by "and so forth," but by patriotism. [Laughter.]

Mr. PAYNE. And the gentleman thinks that the other amendment does not change the original bill?

Mr. CLAYTON. It does not. At least, Mr. Speaker, the Members of the House from Alabama are glad to get the relief afforded by this bill, and we think it is a relief that the House originally said that the people in Alabama were entitled to.

Mr. PAYNE. Of course I know that the gentlemen from Alabama would take care of their constituents. What I was looking after was the interest of the United States a little bit.

Mr. CLAYTON. The United States has not suffered.

Mr. CANNON. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. CANNON. I am not particularly familiar with the bill or the conference report. I see the conference report is signed by the gentleman from Oklahoma [Mr. FERRIS], the gentleman from Alabama [Mr. DENT], and the gentleman from Wyoming [Mr. MONDELL], and also by the three Senate conferees. If I understand the case, this conference report when agreed to will release not a real claim that the United States has——

Mr. CLAYTON. The gentleman is correct.

Mr. CANNON. But what is supposed by some to be a claim of a legal title that in fact the United States does not own and does not interfere in any way between individuals that have the title by setting up any such claim of title; that is, the parties litigate and settle between themselves. In this legislation the United States says, in effect:

We quitclaim any real or conceivable interest that the United States has in those lands.

Mr. CLAYTON. I may say to the gentleman from Illinois that if I had studied over the case a month how to express it in a sententious way, fully and clearly, I could not improve upon the statement made by the gentleman from Illinois.

Mr. CANNON. I gathered from what the gentleman said——

Mr. CLAYTON. The gentleman compliments me, and I am glad my utterances have been so well understood.

Mr. CANNON. I also understand that the gentleman spoke of reenacting these treaties, which were modified by the gentleman from Alabama [Mr. DENT]. Now, there is nothing in this bill, aliunde the matters just referred to, but a quitclaim on the part of the United States to these lands, and nothing that would entail any obligation whatever upon the United States, and nothing upon which to base a claim on the part of any Indian tribes or any individual or anybody else.

Mr. CLAYTON. There is no such claim on the part of the United States nor anybody else, nor can there be growing out of the old treaties or the legislation. It is simply to clear up the title in these lands that these people in Alabama have held, for the most part undisturbed in occupation and cultivation, for 75 years. There is no pretense but that they are the bona fide owners. There are happy homes on many of these lands, and some of our towns and villages are situated on some of these lands. It was never dreamed that anybody would assert any claim to them until about a year or so ago, when some action was brought by a district attorney down there which I do not think met with the approval of the land department.

Mr. CANNON. The gentleman's statement is entirely satisfactory to me.

Mr. CLAYTON. Under the leave to print I insert in the RECORD the following report made by my colleague [Mr. DENT] on this bill when it was originally before the House:

[House Report No. 357, Sixty-second Congress, second session.]

TITLE TO CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT, from the Committee on the Public Lands, submitted the following report to accompany House bill 16661:

The Committee on the Public Lands, to which was referred the bill (H. R. 16661) to relinquish and quitclaim the title and interest of the United States in and to lands formerly owned by the Creek Tribe or Nation of Indians in Alabama, having met and carefully considered the same, together with the facts furnished by the office of the Commissioner of Public Lands and that of the Commissioner of Indian Affairs, as well as other testimony given at hearings had by the committee, respectfully recommend that the said bill do pass with the following amendment, to wit.

At the end of line 26, page 2, add the following paragraphs:

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

"That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases."

By a treaty entered into between the Government of the United States and the Creek Nation or Tribe of Indians on March 24, 1832, (7 Stat. L., 366) the said Creek Tribe of Indians ceded to the United States all of their land east of the Mississippi River. A further treaty entered into between the Government of the United States and the said Creek Nation or Tribe of Indians on the 7th day of August, 1856 (11 Stat. L., 699), confirmed the cession of these lands. There were certain reservations in the original treaty on behalf of the chiefs of tribes, the heads of families, and orphan children. Articles II, III, IV, and VI refer to these reservations, and are as follows:

"ART. II. The United States engage to survey the said land as soon as the same can be conveniently done, after the ratification of this treaty, and when the same is surveyed to allow 90 principal chiefs of the Creek Tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made; and if not, then all the persons belonging to the same town, entitled to selections, and who can not make the same so as to include their improvements, shall take them in one body in a proper form. And 20 sections shall be selected, under the direction of the President, for the orphan children of the Creeks and divided and retained or sold for their benefit as the President may direct: *Provided, however,* That no selections or locations under this treaty shall be so made as to include the agency reserve.

"ART. III. These tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. The contract shall be certified by some person appointed by the President for that purpose, but shall not be valid till the President approves the same. A title shall be given by the United States on completion of the payment.

"ART. IV. At the end of five years all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor in fee simple from the United States.

"ART. VI. Twenty-nine sections in addition to the foregoing may be located, and patents for the same shall then issue to those persons, being Creeks, to whom the same may be assigned by the Creek Tribe."

These reservations were to be disposed of by the chiefs and heads of families within a period of five years from March 24, 1832, by private sale, subject to the approval of the President of the United States. The sections reserved for the orphan children were to be retained or disposed of for their benefit under the direction of the President. There were further provisions to the effect that at the end of the five years all the Creeks entitled to select these reservations and desiring to remain in Alabama should receive patents therefor from the United States. It further appears that by the act approved March 3, 1837, the President was authorized to sell all of the reservations remaining unsold on the 4th day of April, 1837, at public auction in the Creek country and to cause patents to be issued. This sale was made.

In the opinion of the Department of Justice, it is held that whatever may have been the title of the Indians prior to the expiration of the five-year period fixed by the treaty of March 24, 1832, all claim, right, title, and interest of the Indians were, after that, divested out of them.

Representatives of the Land and Indian Offices who appeared before the committee state that there were about 990 cases involved in which purchases had been made in good faith and the money paid but patents were for some reason not issued. They further stated that out of the total number of cases the record disclosed only 14 which did not appear to have a perfect contract right under the law, and that, even in those cases, a further investigation would probably disclose that the original purchaser had bought in good faith. These lands, for the most part, were bought more than 70 years ago; and the present claimants have been in bona fide, open, and notorious possession, paying taxes thereon, during a long period of time—either by themselves or through those under whom they claim.

During all these years these lands have not been treated as a part of the public domain. They have not been subject to homestead entry. All of these people who own and occupy these lands have believed that they had a perfect right to them; and none of them had any thought to the contrary until just prior to a recent action of ejectment which was brought by the Government against the holder of one of these tracts. The Government of the United States has no equitable right or title to these lands. At most, it has merely a technical legal title owing to the fact that patents, which ought to have heretofore issued, have not been issued. And it is proper to say in this connection that even this merely technical title has not been attempted to be asserted by the Government during the lapse of about three-quarters of a century.

In view of the fact that the Creek Tribe or Nation of Indians have not any title whatever left in them, your committee is of the opinion that the Government should quitclaim whatever title remains in it.

In other words, the committee is of the opinion that, so far as the Government of the United States is concerned, there should be a complete relinquishment of its title.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The SPEAKER. Before the Chair puts this motion he thinks it is proper to all concerned to make a short statement about the condition of affairs. This is District day, and the chairman, the gentleman from Kentucky [Mr. JOHNSON], is anxious to go on with the business of the District, and of course the District business ought to be attended to and must be attended to; but there is a general agreement among Members on both sides of the House to press matters before Congress at this particular juncture so as to get rid of the four appropriation bills—the naval appropriation bill, the Military Academy, the sundry civil, and the general deficiency bills.

By recognizing the gentleman from Tennessee [Mr. PADGETT] to make this motion, it is understood on the part of the Speaker and everybody concerned, that as quickly as we can get these appropriation bills out of the way, the District of Columbia Committee shall have its full day, and as far as the Chair is concerned, he is inclined to say if it takes more than one day that committee shall have time enough to get the necessary District business concluded.

This statement is made for the benefit of the Members of the House and for the benefit of the District Committee and for the benefit of the newspapers in the city of Washington, so that there will be no misunderstanding about it, and that everybody may know that there is no disposition to sidetrack District business.

Mr. CANNON. Mr. Speaker, suppose the present appropriation bill be completed to-morrow or Thursday or Friday, and there be no other appropriation bill ready, what then would happen under the rules of the House?

The SPEAKER. The Chair is of the opinion that if it did not happen to be Calendar Wednesday the House would give unanimous consent that the District Committee might have its day.

Mr. LLOYD. Mr. Speaker, I would suggest that there is an appropriation bill now on the calendar, the Military Academy appropriation bill, which is ready to be taken up.

Mr. CANNON. I would suggest to the gentleman from Kentucky [Mr. JOHNSON] that he ask unanimous consent that when this bill is concluded a day should be then given to the Committee on the District of Columbia, not to interfere with conference reports or appropriation bills, or any day that might come, except Calendar Wednesday. Then the agreement would be made.

Mr. FITZGERALD. Mr. Speaker, in view of the fact that the gentleman from Alabama [Mr. UNDERWOOD] felt constrained a few days ago to object to such a request made on behalf of the Committee on Pensions, I shall at this time be obliged to object.

The SPEAKER. The Chair thinks there will not be any difficulty about it.

Mr. CANNON. Then, let us exclude pension day also.

Mr. FITZGERALD. We might be tied up with a number of other matters.

Mr. CANNON. Mr. Speaker, I am interested in District business, and I propose to ask unanimous consent that on the completion of this bill the Committee on the District of Columbia shall have a day, not to interfere, first, with pensions; second, with appropriation bills or conference reports and, of course, Calendar Wednesday or unanimous-consent day, if that is desired.

Mr. FOSTER. If these are all included does the gentleman think there will be anything left?

Mr. FITZGERALD. Mr. Speaker, for the reasons stated a moment ago, I shall object.

The SPEAKER. The question is on the motion of the gentleman from Tennessee, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to abandon and dispose of the naval reservations at San Juan and Culebra, P. R.; Port Royal, S. C.; New London, Conn.; and Sacketts Harbor, N. Y., and to transfer such property, machinery, and other material as may be of use in the Naval Establishment to other navy yards and stations; and he is further authorized and directed to dispose of the real estate in the manner most advantageous to the United States Government, and shall report to Congress the disposition of said material and real estate at its next regular session: *Provided*, That the real estate comprising the naval reservations at San Juan and Culebra, P. R., shall be transferred to the civil government of Porto Rico.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to amend lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. GOOD. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that his amendment is not in order until the point of order has been disposed of.

Mr. GOOD. Mr. Chairman, if there is no statement to be made in regard to it, then I make the point of order.

Mr. PADGETT. Mr. Chairman, I do not think it is subject to a point of order. It clearly comes within the rule. It is a matter of economy, getting rid of what we suppose to be unnecessary and expensive yards. This is to cut down the expense of maintenance. I think it is clearly not subject to a point of order.

I have some other things to say with reference to the amendment, when the point of order is disposed of.

The CHAIRMAN. Will the gentleman from Iowa please state the grounds of his point of order?

Mr. GOOD. It is new legislation. It might be said to be in the interest of economy if the Government in this bill authorized the sale of all of its battleships, but it would be new legislation.

Mr. PADGETT. But new legislation is in order now.

Mr. GOOD. The Holman rule can not be stretched into any such construction as that. This is authorizing the Secretary of the Navy to dispose of a great deal of land—a great many different sites.

Mr. PADGETT. Mr. Chairman, under the rule legislation is now in order on appropriation bills, if the direct effect of it is to economize and reduce expenses. The Committee on Naval Affairs has jurisdiction of the matters proposed to be legislated upon, and I want to state that the department has recommended this action, but has modified it with reference to a part of it, which, when we reach the question of the amendment, I shall take up.

Mr. HIGGINS. Will the gentleman state how far this modification goes?

Mr. PADGETT. I have a letter here from Acting Secretary of the Navy Winthrop, stating that Port Royal, S. C., be made a detention and training camp——

Mr. HIGGINS. Is that the only particular in which the department has changed its recommendations?

Mr. PADGETT. That is the only one they have communicated to me. I will state, however, to the gentleman that I understand that the gentleman has a suggestion he wants to make in connection with New London.

Mr. HIGGINS. The gentleman is correct.

Mr. PADGETT. Which perhaps will address itself to my favorable consideration.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa [Mr. GOOD] makes the point of order against the paragraph on the ground that it is new legislation. Under section 2 of Rule XXI, one provision is that a provision in a bill reported by a committee shall be germane and also shall in its effect retrench expenditures. The Chair is of opinion, according to the plain meaning of the paragraph which in its effect directs the abandonment and disposal of certain naval reservations, would be a retrenchment of expenditure, and therefore comes within section 2 of Rule XXI. The point of order is overruled.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask to have my amendment reported.

The Clerk read as follows:

Amend, lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. BYRNES of South Carolina. Mr. Chairman, I trust that the committee will accept the amendment, because it is evident that the item is included in this bill through a misunderstanding as to the recommendation of the Secretary of the Navy. It is true that several years ago the Secretary recommended that Port Royal, together with other naval stations, be abandoned, and in the absence of congressional authority the department proceeded to "starve out" the station. I am informed that all the machinery and property which might be of service to other naval establishments has already been transferred and nothing but the real estate is left. Since this recommendation was made by the Secretary, in fact, during the past year, the Secretary of the Navy decided to utilize this building for the purpose of establishing disciplinary barracks. For this purpose the buildings were put in shape at some expense, and several hundred men are now confined there. To sell this property under these circumstances would mean that it would be sold at a sacrifice and the Government be put to the expense of erecting new buildings for the same purpose at some other place. I believe that the Secretary has to-day written the chairman of the committee asking him to amend the bill as I have suggested, and, in the interest of economy, I ask that his suggestion be accepted and my amendment adopted.

Mr. PADGETT. Mr. Chairman, some time ago the department recommended the discontinuance and disposition of these places together with others, and the committee included these places, but I am in receipt of a letter from Mr. Winthrop as Acting Secretary of the Navy stating that recently the department has established a disciplinary barracks there or a training school for minor offenses, a kind of reformatory institution, so instead of sending sailors to prison they go to a reformatory or training school there and thereby it saves them the odium of a prison sentence. I think it is a good matter and I ask to insert this letter in the RECORD and that the amendment offered by the gentleman be agreed to.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks by inserting a letter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, May 25, 1912.

Hon. L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In August of last year the department established a disciplinary barracks at Port Royal, S. C., for the detention and training of enlisted men, both in the Navy and Marine Corps, found guilty of minor military offenses. It had for some time considered that it was not right to punish by prison sentence men guilty of certain offenses which were due to thoughtlessness, ignorance, or lack of training rather than to any vicious instinct. It is the intention of the department to return to the Navy such of the detentioners at Port Royal as demonstrate their fitness for service in the Navy. In other words, Port Royal is intended to be a corrective institution rather than a prison.

The number of detentioners in the barracks on May 18 was 267, but a far larger number, of course, have been sent there since the establishment of the barracks in August last. Thus far the plan has proved a success, and I consider it desirable to continue this station as a disciplinary barracks. I therefore request that the words "Port Royal, S. C.," be stricken from the naval bill where they appear on page 37, lines 20 and 21.

Sincerely, yours,
BEEKMAN WINTHROP,
Acting Secretary of the Navy.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Mr. Chairman, I move to amend by striking out the words "New London, Conn.," where they appear on page 37, line 21.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 21, strike out the words "New London, Conn."

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. HIGGINS. Mr. Chairman, one of the questions raised by my amendment to strike out "New London, Conn.," from this paragraph is distinctly a moral one. Does this Congress propose to break faith with the State of Connecticut and repudiate a solemn pledge made after careful consideration by scientific men and recorded in the laws of this country, in the statutes of Connecticut, and in the land records of that State?

The acquisition of this beautiful tract of land, with its extensive water front, for naval purposes did not cost the Federal Government one cent. The issue raised by my amendment is not one of economy, but one of keeping faith with the State of Connecticut. This country, in consideration of the gift of this magnificent property to it, agreed by legislative act to establish and maintain it for naval purposes. It was presented to the Federal Government for that purpose, and upon that condition it has been held.

The State of Connecticut has never been a raider of the Federal Treasury. It has never clamored for Federal appropriations, and from the earliest days it has contributed vastly more to the upbuilding of this Union than it has taken from it. Now, in this bill, without any regard to the facts, without any regard for the conditions, without any regard for the needs of the Navy, it is proposed to break faith with the State of Connecticut

and attempt to sell and dispose of something which this country can not give any title to.

This recommendation comes from the Naval Committee, and I venture the prediction that few, if any, members of that committee have ever seen this station. It is included in this bill at the suggestion of the Secretary of the Navy, who, in recommending it, does not assign a single good reason for such action and goes contrary to what the most experienced naval authorities in this country have held and do hold.

It is quite as important, if not more so, to the people of Brooklyn and New York City as it is to my people. Before it was established the Chamber of Commerce of the city of New York petitioned Congress, asking for it, and adopted strong resolutions urging it as a military necessity and as part of the defenses of New York, and that is urged now by every naval man who is worthy to command a ship or has any practical knowledge of naval tactics.

The history of the location of this station goes back to before 1862. At the direction of Congress in the early sixties the Secretary of the Navy appointed a naval board, composed of the most intelligent naval officers then in the service, to examine Narragansett Bay, the harbor of New London, and League Island, and to report back to Congress which would best serve the public interest. Commanders Stringham, Gardner, and Van Brundt and Chief Engineer Sanger composed this board, and to the report which they made was appended the following resolution:

Resolved, That the harbor of New London possesses greater advantages for a navy yard and naval depot than any other location examined by this board.

In 1864 Congress directed the Naval Committee of the House to visit the proposed site at New London to make a thorough investigation and report back to the House. They made a personal examination, and their report concluded in the following language:

The site near New London, presenting such great natural and economical advantages, has been tendered as a free gift to the Government. The committee recommend its acceptance, and for the purpose of locating thereat a navy yard and depot such as is contemplated by the naval authorities they recommend the passage of the accompanying bill for a public act.

Congress in 1867, convinced of the wisdom of locating a station at this point, passed the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, authorized to receive and accept a deed of gift when offered by the State of Connecticut of a tract of land with not less than 1 mile of shore front on the Thames River, near New London, Conn., to be held by the United States for naval purposes.

The State of Connecticut appropriated $15,000 for the purchase of this tract of land, and in addition the city of New London was authorized to appropriate any sum of money not to exceed $75,000 for the purchase of land to be deeded to the Federal Government for naval purposes, and the city of New London joined with the State in the gift. I will print as an appendix to my remarks a certified copy of the deed, which conveyed this land to the National Government upon a distinct condition and for a definite purpose, and it was accepted by the Government upon that condition.

This conveyance was made on the 11th day of April, 1868, and this Government entered into possession and has been in possession ever since, holding it, as agreed, for naval purposes.

The legal proposition involved requires no discussion. Not only the land thus conveyed but the improvements, now a part of the realty which the Government made, will also revert to the original owners. Only $253,852.47 has been spent on this station, both in the equipment and its repair, during the past 44 years, and this money has been well spent. The buildings are reported by the Secretary of the Navy as being in good condition. A dock over 800 feet long faces a channel over 600 feet wide. The water is of sufficient depth to float the largest ships of the American Navy, and upon the authority of one of our most distinguished admirals, now deceased, I can state to this House that he said that there would not be the slightest difficulty in taking a ship of the type and tonnage of the *Connecticut* up to that station, docking her, and turning her around.

In 1872, or shortly after the Government was presented with this property for naval purposes, the Secretary of the Navy in his report said:

I have heretofore spoken of the claims of the New London station on the liberality of Congress. Some of these are to be found in a good harbor, easy of access from all directions and conveniently situated between two great commercial cities, an industrious and an ingenious people, whose labor is skillful and cheap, and a site for the station already acquired through the liberality of the State, to the improvement of which the Government seems to be virtually pledged. It is already a station of convenience to the service and with moderate expenditure its use could be largely increased.

The last naval appropriation bill carried a provision similar in terms, but it was stricken out in the House upon my motion and I then explained, as I am attempting to do now, the conditions which surround this station. And the Secretary of the Navy has had his attention called to the forfeiture in the deed.

Ample reasons exist for the continuance of this station other than the solemn moral and legal obligations which this Government assumed when it was established. As a result of the findings of the Belknap Board a coaling station was established there. That station is now fully equipped and the present Secretary of the Navy officially reported on February 20, 1911, that it was in good condition.

Secretary von Meyer's predecessors in office have in their annual reports all referred to this station as a necessary and essential part of our Naval Establishment. I will review what they have said quoting from their annual reports to Congress. Their judgment and opinion is not to be treated lightly and is founded upon an appreciation of the true conditions.

Secretary Long in 1899:

The expenses of the bureau at this station during the last fiscal year have been small, chiefly for coal, water, and ash lighters. New London being located near and inside of the outer defenses of the city of New York is a very important strategic point and affords a valuable harbor for torpedo boats and other small ships. It is also an important site for the storage of coal for war purposes. In accordance with the recommendation of the coal board, of which Rear Admiral Charles E. Belknap was president, buildings for the storage of 25,000 tons are now in process of construction.

Again, in 1900, Secretary Long said:

During the past year a modern coal-storage house constructed of granite and steel has been completed at this station. It is located conveniently for the transportation of coal to and from the pier built some years ago. Modern steam-power coal-conveying apparatus of the Brown type has been installed, the pier being strengthened as necessary for the purpose. During the past summer the *Texas* and several other smaller vessels coaled at this station and reported favorably on the facilities for so doing. It is contemplated to add coal pockets to this station, in order to enable torpedo boats to be coaled with great rapidity. Its location inside of the outer defenses of the port of New York renders this coal depot of much importance in time of war.

Again, in 1901, Secretary Long said:

This depot has been much used by small vessels during the past year. To make it more efficient, coal pockets or bunkers of moderate capacity have been constructed on the pier for the purpose of supplying torpedo boats and small craft rapidly. Incidentally, it also prevents the necessity of raising steam on the power plant every time one of these small vessels requires coal. The appliances for storing coal at this depot were the first built and are capable of improvement, which is contemplated in the near future.

In 1902 Secretary Moody said:

The coal depot at this station has been of much service to the fleet during the past summer; for the month of August the average number of ships receiving coal was more than one a day. The new coal pockets have been found very useful for coaling torpedo boats and small craft. Some improvements in the appliances of this depot, the necessity for which has been demonstrated by experience, are contemplated in the future. The capacity of the depot, without storing coal deep enough to endanger its safety from spontaneous combustion, is about 7,000 tons. Its importance is due to the fact that it is located just inside the outer defenses of New York City.

Secretary Moody in 1903 reports:

The coal depot at this station has done efficient service during the past year. No changes or extensive repairs have been made.

Secretary Morton, for the year 1904, reports:

An extension to the plant at this depot has been commenced under the supervision of the Bureau of Yards and Docks.

In 1905 Secretary Bonaparte reports:

Capacity, 11,300 tons. Water storage for ships' use, 100,000 gallons, in tanks.

This language of Secretary Bonaparte is followed in succeeding reports until the present Secretary of the Navy recommends its abolishment and proposes to sell that which the Government can not sell, for it does not possess it except for a stated purpose.

All naval experts, as well as Secretaries of the Navy, reported in favor of this station until Secretary Newberry, whose tenure of office in that position was very short, divided the subject of purchase, transportation and storage of coal, which had all been handled by the Bureau of Equipment since the Civil War, among five bureaus.

Now to follow the history of this station a little further, and this during the term of the present Secretary of the Navy, who now advocates and urges repudiation and recommends that this Government break its solemn pledge. Eighteen thousand dollars was spent at this station for Marine barracks within a few years. The buildings that were already on the property and had been for years were repaired, and in addition a Marine training school was established. The coaling station was, however, continued and is now in good working form.

It was generally considered by those the best able to judge that it afforded an ideal location for a Marine training school. There is an abundance of fresh water available on this property. The New York, New Haven & Hartford Railroad bisects it. It is easily accessible to all eastern centers of population; but even after the expenditure of this money for the Marines, their satisfaction with the surroundings, and with no reason assigned, they were shipped elsewhere and this school was aban-

doned. Two or three men now hold the fort at this naval station. But $21,626.12 has been spent on this property in 44 years for repairs, and the Secretary now reports the buildings in good condition. It has been abandoned for naval purposes, so far as the Secretary of the Navy can do so without legislative action. This was done soon after Congress refused to pass legislation to abandon it. The present cost of maintenance of this station is a mere bagatelle as compared with the expense which the Secretary of the Navy proposes in dismantling it. And why dismantle it at all?

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman what would be the saving if this station were abolished.

Mr. HIGGINS. My dear sir, the saving would be a mere bagatelle. In fact, it would increase the cost to the Government. I do not think that this provision comes within the Holman rule. No money would be saved by its abolishment. There are two or three men who are holding the fort there now, but I am not speaking for those two or three men. The Secretary of the Navy is trying and has tried to do away with that station, but why I do not know. It is being starved out now as much as it can be. I have heard some reasons given as to why, which I would not care to express upon the floor of the House at this time. I would not urge the continuance of this station if ample scientific authority did not recommend its continuance. There ought to be some definite business policy adhered to for a sufficient length of time for us to demonstrate its wisdom. These sporadic recommendations do not and will not accomplish the purpose sought.

The eastern defenses of New York lie off New London Harbor. There is no coaling station west until you get to Brooklyn. There is no coaling station east until you get to Narragansett. In the event of war any fleet protecting New York from the east would rendezvous at New London Harbor, which can float the navies of the world. These eastern forts are now supplied from New London. This station lies within sight of the harbor and but 2 miles from it. It does not require scientific knowledge to appreciate the strategic value of this station. It has been said that strategy was only common sense, and that is all that I ask should be applied to this proposition. We ought to profit somewhat by our experiences during the Spanish War. The Belknap Board appreciated the value of this station to the Navy. Their reasons and arguments have never been controverted. They can not be successfully. The action proposed is not only unjust but unreasonable and unsound as a military proposition.

Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense. Her gift of this tract of land is only one of many acts which have demonstrated her patriotism and unselfishness. She seeks at all times to cooperate with the Federal Government and not to defy it; but this proposed action is so unwarranted by any test that you may choose to apply, is so founded upon injustice, that its adoption will work a graver injury than the mere abolishment of what misguided and uninformed persons choose to call a useless naval station.

If this is proposed under the guise of economy, great disappointment is in store for the advocates of the proposition. If it is deemed as not being essential to our military establishment, I say to you that if war does come, and may God forbid it, that in the hurry of urgent and vital necessity a coaling station will be improvised at or near this point, and the very lack of it at a critical time will expose Long Island Sound to invasion with consequences that I do not want to contemplate. [Applause.]

The Secretary of the Navy, in a report under date of February 20, 1911, as to the condition of this station, reported as follows:

New London.

No.	Character.	Cost.	Condition.	Use.
1	Brick	$9,000.00	Fair	Storehouse and offices.
2	do	9,000.00	do	Storehouse and pumping room.
3	do	18,000.00	Good	Marine barracks.
4	Wood	700.00	Poor	Machine shop.
5	do	800.00	Fair	Watch house.
6	do	2,060.00	do	Stable.
7	Steel	70,000.00	Good	Coal shed.
8	do	22,500.00	do	North bridge tramway.
9	do	22,500.00	do	South bridge tramway.
10	Steel tower, wood tank	4,473.00	do	Water tank and tower.
11	Wood	3,000.00	do	Coal pockets.
12	do	5,432.10	do	Do.
13	do	24,321.25	do	Do.
A	do	1,500.00	Poor	Quarters.
C	do	4,000.00	Fair	Do.

Original cost of buildings	$232,226.35
Expenditures for repairs	21,626.12
Total	253,852.47

The deed by which the Government holds title to this station is as follows:

Whereas by an act of the General Assembly of the State of Connecticut entitled "An act in addition to and in alteration of an act entitled 'An act concerning land,'" approved July 27, 1867, it is provided as follows:

Whereas the Congress of the United States, by act approved March 2, 1867, has authorized and directed the Secretary of the Navy "to receive and accept a deed of gift here offered by the State of Connecticut of a tract of land on the Thames River, near New London, Conn., with a water front of not less than one mile, to be held by the United States for naval purposes; and

Whereas this State is desirous of cooperating with the Federal Government in its purpose to locate a navy yard, naval depot, or naval establishment upon said Thames River: Therefore be it

Enacted by the senate and house of representatives in general assembly convened;

SECTION 1. That his excellency, the governor, be, and he is hereby, authorized to appoint the commissioners to select and designate the tract of land so to be conveyed, and to request the Secretary of the Navy to appoint some officer to act with said commissioners in behalf of the United States in the selection of said tract.

SEC. 2. The city of New London is authorized to acquire title to said land, by purchase or otherwise, in trust, and for the purpose of conveying the same to the United States.

SEC. 3. And in case the city can not agree with the party in interest relative to the purchase of said interest, the city may proceed in all respects as provided in sections 50, 51, 52, and 53 of the act entitled "An act for the cession of jurisdiction over certain lands to the United States."

SEC. 4. And when said city has obtained title to the land designated as aforesaid the mayor of said city shall inform the comptroller of this State, and said comptroller, upon being satisfied thereof, shall sign an order upon the treasurer of this State, payable to the city of New London, for the sum of $15,000, to aid in the purchase of said land, and said treasurer shall pay said order to the mayor of said city or its legally authorized agent or attorney.

SEC. 5. And the said commissioners appointed by the governor shall join with said city as agents of the State in the conveyance of the said land to the United States and the cession of jurisdiction thereto for naval purposes.

SEC. 6. The city of New London, at a meeting called for the purpose, may appropriate any sum of money, not exceeding $75,000, for the purchase of land designated as aforesaid.

SEC. 7. Section 48 of the act to which this is an alteration and addition is hereby repealed.

SEC. 8. And the appropriation of the State in aid of the land aforesaid made hereby shall be in lieu of all appropriations heretofore proposed to be made.

Approved July 27, 1867.

And whereas the governor of said State by authority of said act appointed Charles R. Ingersoll, of New Haven; Lorenzo Blackstone, of Norwich; and Ephriam Williams, of Stonington, in said State of Connecticut, to select and designate the tract of land to be conveyed to the United States as therein contemplated; and

Whereas said commissioners in cooperation with Commander J. P. McKinstry, an officer of the United States Navy appointed thereto in behalf of the United States by the Secretary of the Navy, have selected and designated for the purposes in said act declared a tract of land on the Thames River near New London, in the towns of Groton and Ledyard in said State of Connecticut, a particular description of which is hereinafter set forth; and

Whereas the city of New London has acquired to said tract of land so selected and designated as aforesaid, as authorized and by virtue of said act. Therefore for the purpose of conveying to the United States the title to said land, so acquired as aforesaid, and ceding to the United States the jurisdiction of the State of Connecticut over the same as provided in said act

Know all men by these presents:

That the State of Connecticut, acting hereby by Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, commissioners appointed hereto as aforesaid, and the mayor, aldermen, common council, and freemen of the city of New London, acting herein by Hon. Frederic L. Allen, mayor of said city of New London, their duly authorized agent for the purpose, in consideration of the premises and of $1 and other valuable considerations received by them to their full satisfaction of the United States of America do give, grant, bargain, and sell and confirm unto the said United States of America the following tract of land (described) in the towns of Groton and Ledyard, in said State of Connecticut, bounded westerly on the Thames River and contained within the lines hereinafter mentioned and particularly delineated on a map of said tract of land made by David A. Daboll, surveyor, dated the —— day of November, A. D. 1867, and to accompany this deed; that is to say,

Beginning at a mere stone marked —0— on the east shore of the Thames River on land of Jonathan Colver, being 150 feet northerly of the Pentway, so called, which point is marked "A" on the said map; thence N. 89¾° E. crossing the river road, so called, 650 feet to a mere stone marked —0— in said Colver's orchard and continues the same course 41¾ feet to a point in said orchard (the aforesaid line called AB); thence N. 13° W. on land of said Colver about 1,570 feet to a point on Fort Rock, so called, which point is 41¾ feet east of a stone marked —0— (call said last line BC); thence N. 3° E. about 1,548 feet partly on land of said Colver and partly on land lately owned by Courtland Chapman to a point 41¾ feet east of a mere stone marked —0— on land lately owned by said Chapman (call said last line CD); thence N. 3¾° E. about 2,160 feet partly on land lately owned by said Chapman and partly on land lately owned by Solomon Perkins to a point on said Perkins's land 41¾ feet easterly of a mere stone marked —0— (call said last line DE); thence N. 84° W. 41¾ feet to said mere stone, and continue the same course about 680 feet, crossing said river road to a mere stone marked —0— on the shore of the Thames River (this point is marked F on said map); thence southerly bounding by and with said Thames River about 351 rods to the place of beginning, to be held by the said United States for naval purposes as contemplated by said act of Congress of the United States relative thereto, approved March 2, 1867, and the act of the General Assembly of the State of Connecticut hereinbefore mentioned, reserving the right to remove all the buildings from said described tract before the 1st day of July, A. D. 1868.

To have and to hold the aforesaid premises with all the appurtenances thereof unto the said United States and their assigns for naval

purposes, according to the provisions of said act of Congress and the act of the General Assembly of said State of Connecticut hereinbefore mentioned.

And the said mayor, aldermen, and common council and freemen of said city of New London do covenant with the United States and their assigns that they have full power and authority to grant and convey said premises as aforesaid, and they do for themselves, their successors, and assigns, covenant with the said United States and their assigns to warrant and defend the same to the said United States and their assigns against any person and persons claiming by, from, or under them and from all incumbrances done or suffered by them.

And the said State of Connecticut does here cede to the United States of America all jurisdiction over said land hereby conveyed within the limits hereinafter set forth and described, only reserving to the said State of Connecticut the right to serve and execute all civil criminal process therein .

In witness whereof the said grantors have hereunto set their hands by their agents duly authorized thereto as aforesaid and have caused their respective seals to be affixed on this 11th day of April, 1868.

[SEAL.] J. R. INGERSOLL,
LORENZO BLACKSTONE,
EPHRIAM WILLIAMS,
Commissioners as aforesaid.

Signed, sealed, and delivered in presence of—
ABRIL CONVERSE.
CALEB MIX, Jr.
LUTHER R. CASE.

[SEAL.] FREDERICK L. ALLEN,
Mayor and agent of said city of New London, duly authorized as aforesaid.

Witnesses to L. C. Allen, for New London—
ABRIL CONVERSE.
I. W. SMITH.

—

STATE OF CONNECTICUT,
New Haven County, New Haven, ss:

Be it known that on the 11th day of April, A. D. 1868, before me, Abril Converse, a notary public by lawful authority, duly commissioned and sworn and residing in said State, comes the said State of Connecticut by and in person of said commissioners, Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, who have signed the foregoing deed in my presence as such commissioners and acknowledged the same to be their free act and deed of said State of Connecticut.

In testimony whereof I have hereunto set my hand and fixed my notarial seal the day aforesaid written.

[SEAL.] ABRIL CONVERSE,
Notary Public.

—

STATE OF CONNECTICUT,
New London County, New London, ss:

Be it known that on this 17th day of April, 1868, before me, Abril Converse, a public notary in aforesaid State of Connecticut by lawful authority, duly appointed and sworn and residing in said State, and the mayor, aldermen, common council, and freemen of the city of New London, and in person of Frederick L. Allen, mayor and agent of said city of New London, thereunto duly authorized and by a vote of said city, and acknowledged the same to be their free act and deed of said city of New London.

In testimony whereof I have hereto fixed my hand and seal and affixed my notarial seal the day before written.

[SEAL.] ABRIL CONVERSE,
Notary Public.

Received for record January 26, 1901, at 11 o'clock a. m.

[SEAL.] J. A. MORGAN,
Assistant Town Clerk.

—

OFFICE OF THE TOWN CLERK OF GROTON.

STATE OF CONNECTICUT,
County of New London, ss:

I, Henry L. Bailey, town clerk of said town of Groton, it being an office of record, with a seal, which is hereto affixed, the records and seal of which office I have the custody, do hereby, in the performance of my duty as said clerk, certify and attest, that the hereunto attached instrument is a true and correct copy of record as will appear in volume 41, pages 609–612, of Groton records.

Witness my hand and the seal of said town of Groton, in said county and State, this 8th day of February, 1911.

Attest:
[SEAL.] HENRY L. BAILEY,
Town Clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Connecticut [Mr. HIGGINS] asks unanimous consent for three minutes more. Is there objection?

Mr. PADGETT. I think I can dispose of the matter for the gentleman if he will simply extend his remarks.

Mr. HIGGINS. Mr. Chairman, I withdraw my request for additional time and ask unanimous consent to extend my remarks in the RECORD.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, I think I can expedite the matter. I want to say that some time ago the department made a recommendation to abolish various yards, among them the ones included in this paragraph, but since that time the department has appointed a board composed of Navy officers and Army officers to take up and consider the whole scheme and project of a reorganization of the navy yards of the country, including the larger ones and the smaller ones. Then they sent me the letter which I put in the RECORD with reference to the changes they have made at Port Royal and the new work they have established there.

And it is also called to our attention that we have not yet established finally our policy, so far as the Caribbean Sea is concerned and the San Juan and Culebra yards there. If we release that land it goes back to the civil government, and in view of these recent changes and developments I am going to enlarge the motion, and move to amend by striking the whole paragraph out.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee to strike out the entire paragraph.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Did I understand the gentleman from Tennessee to say that a board had been created now by the Secretary of the Navy proposing to make some recommendations as to these yards?

Mr. PADGETT. With reference to all of the yards—the whole yard system of the country. It has been operating, I think, for some time.

Mr. HIGGINS. If we can get some scientific system, based upon facts, in the department as constituted now, with reference to these navy yards, naval stations, and coaling stations, I think it would be very wholesome and work to the lasting benefit of the Navy, and I had an amendment to do that very thing, which I had expected to offer, but in view of the statement of the chairman of the Naval Committee I will not offer it now.

Mr. PADGETT. That is being worked out now in the way I have stated.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 20, 1912:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

On May 22, 1912:

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year.

On May 27, 1912:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton;

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile am-

bulances, and harness; purchase of feed for horses and cows; trees, plants, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington; naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses; in all, $82,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. On page 39, lines 5, 6, and 7, I see a provision for "rent of rooms for naval dispensary, not to exceed $1,200." Is that something new?

Mr. PADGETT. It is new in this respect. In the growth of business and in the accumulation of documents, and so forth, the authorities have certified to the Navy Department that the weight of the load stored away in the building up here—in the Naval Annex, the Mills Building—has become so heavy that it is endangering the building. Consequently, the Secretary is compelled to move some of the force out of that building, and in order to do so he must rent another one in which to accumulate and take care of the supplies. Here is a letter to me, dated April 12, in which he says:

I have the honor to transmit herewith a copy of a report received from the superintendent of the State, War, and Navy Department Building, calling attention to the fact that some of the rooms in the Navy Department Annex (Mills Building) are dangerously overloaded. Immediately upon the receipt of this report, instructions were given to remove the overload as far as possible by rearrangement of furniture and the transfer of inactive files of papers to the navy yard, Washington, D. C. The Bureau of Medicine and Surgery has reported that when it moved into the Mills Building, less than two years ago, only active files were taken there, and that none of the papers in rooms 701 and 703 can be spared. In order to remove the overload in these two rooms the bureau has suggested that the three rooms in the Mills Building now assigned to the naval dispensary be assigned to the bureau and quarters found elsewhere for the naval dispensary. It will be necessary to rent quarters for the naval dispensary, and inasmuch as the act of March 3, 1877, prohibits the renting of any building or the part of a building in the District of Columbia until an appropriation therefor shall have been made in terms, it is recommended there be restored to the appropriation "contingent, medicine and surgery, 1913," the provision formerly carried in the appropriation "for rent of rooms for naval dispensary, Washington, D. C.," to be inserted—

And so forth.

Mr. TILSON. Mr. Chairman, the explanation is entirely clear and satisfactory, and I withdraw the pro forma amendment.

The Clerk read as follows:

That a Medical Reserve Corps, to be a constituent part of the Medical Department of the Navy, is hereby established under the same provisions, in all respects (except as may be necessary to adapt the said provisions to the Navy), as those providing a Medical Reserve Corps for the Army, and as set forth in the act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The amendment is not in order until the point of order is disposed of.

Mr. FOSTER. Is not this new legislation?

Mr. PADGETT. Yes; it is new legislation. It is subject to a point of order if it should be made. But I want to say that it does not involve any expense. A similar institution is provided for in the Army. This is proposed in order to enable the department——

Mr. SLAYDEN. What is it?

Mr. PADGETT. It is a Medical Reserve Corps, similar to that provided for in the Army. Dr. Stokes, the Surgeon General of the Navy, states that it is desirable that we should have a reserve organization of physicians and surgeons throughout the country, to have them identified with the Navy as they are with the Army. There is no appropriation, no salary, no expense involved; simply a connection, so that if war should break out or an emergency should arise, and Congress should authorize it, the Medical Department of the Navy could be in immediate communication with these men and bring them to the aid and support of the Navy.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes, sir; I yield the floor to the gentleman.

Mr. SLAYDEN. I wanted to make a brief statement.

Mr. Chairman, what the gentleman says has no doubt been told to him, but ultimately it will involve increased appropriations. The Army had contract surgeons, and still has a few, but there have been gradually substituted for them medical reserve officers, who have gone into the Army, and little by little, with increasing celerity, too, the contract surgeons have been taken out of the service and regularly commissioned Army surgeons have been substituted for them.

Now, the additional cost that will come from that will be due to this fact, largely: In the first place, they get a rapid promotion at fixed intervals and more pay than the contract surgeon gets, and, in the second place, after having had a certain number of years' service, they will go on the retired list, which a contract surgeon did not do. Any gentleman will see upon a moment's reflection that that will increase the expenses of the service.

Mr. PADGETT. But this does not put them on the active list or on the retired list.

Mr. SLAYDEN. Neither was that done in the Army, but they take the places of the contract surgeons, and they have retiring privileges.

Mr. PADGETT. This provision does not carry any appropriation and it does not identify them in a strictly official sense with the organization of the Navy.

Mr. SLAYDEN. I am not contending that it may not be wise. I am only contending that the statement of the gentleman that it will not involve any additional expense is not accurate.

Mr. PADGETT. I say it will not involve any additional expense unless Congress hereafter by legislation authorizes their payment or authorizes their enlistment in some way.

Mr. SLAYDEN. Have you contract surgeons in the Navy now?

Mr. PADGETT. No, sir.

Mr. SLAYDEN. You have no contract surgeons?

Mr. PADGETT. No.

Mr. SLAYDEN. It may be a wise thing, Mr. Chairman. I am not prepared to say that it is not. But when we make provision for a class of men to go on the retired list it is going to increase the expenses, no matter what gentlemen may say about it.

Mr. TRIBBLE. Will it not be true that as the years go round these men will be knocking at the doors of Congress to be put on the retired list by a special bill?

Mr. PADGETT. I think not. This is simply to get the highest class of surgeons and physicians in the country on a list, so that, should an emergency arise, these men will be available for the Navy. I do not imagine that that class of men, the eminent physicians and surgeons throughout the country, would surrender their practice for the purpose of coming into the Navy unless it was from a patriotic motive or patriotic purpose, if an emergency arose, such as war. I contemplate no condition that would be inimical to the best interests of the country or of the Navy at all.

Mr. FOSTER. This is intended simply to have these physicians and surgeons as a reserve that may be called upon?

Mr. PADGETT. Yes; should Congress authorize it.

Mr. FOSTER. Is it intended, under this provision, that the surgeons of the Navy shall be in consultation with this reserve corps in reference to matters medical concerning the Navy?

Mr. PADGETT. The Surgeon General thought that the surgeons of the Navy would get the benefit of their service, but it would involve no pay. It would simply mean that, courtesy and contact with these men in the reserve corps being established, he would feel at liberty to consult with them as you would with your neighbor. It does not involve a consultation with resulting fees.

Mr. FOSTER. The gentleman is undoubtedly aware of the fact that under the present law a surgeon is not taken into the Navy beyond a certain age?

Mr. PADGETT. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. This is on a point of order, and the five-minute rule does not apply.

Mr. FOSTER. I would like to be recognized, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FOSTER. They are not appointed in the Navy when they are above a certain age. I take it that this Reserve Corps will not be so limited.

Mr. PADGETT. That is correct.

Mr. FOSTER. This is similar to the provision for the Reserve Corps in the Army, is it?

Mr. PADGETT. Yes; upon identically the same basis.

Mr. FOSTER. So that they may make surgeons members of the Reserve Corps in the Navy when they are beyond the age at which they are taken into the Navy as surgeons. That is true, is it not?

Mr. PADGETT. I so understand.

Mr. FOSTER. So that in time of war there might be surgeons who would be members of the Medical Reserve Corps of the Navy who would be beyond the age for service in the Navy as now provided.

Mr. TALBOTT of Maryland. Who would not be eligible to appointment.

Mr. PADGETT. Yes; they might come in. This is mostly for consultation——

Mr. FOSTER. It is largely for the purpose of consultation and getting the ideas of the surgeons of the country in private practice, for the good they may do the surgeons in the Navy.

Mr. PADGETT. I so understand it.

Mr. FOSTER. So that there will be cooperation between physicians in private practice and those who are in the service of the Navy.

Mr. PADGETT. And give the Navy the benefit of their cooperation and coordination.

Mr. FOSTER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I should like to get some information from the chairman with reference to this particular section. As I understand its provisions, it is practically the same as was enacted in 1908 for the Army.

Mr. PADGETT. It is identically the same provision, changed so as to adapt it to the Navy.

Mr. HOWARD. As I understand the terms of that provision, the appointment of these surgeons in the reserve corps is simply honorary, and in time of war the Government can call upon these surgeons for their services. The regular surgeons in the Navy will, of course, be engaged in their active duties, and these others are supposed to be held in reserve, so that when the hospital ships bring in the sick and wounded they can care for them.

Now, I want to ask what provision is made for dental surgeons in this section, or is there any provision made?

Mr. PADGETT. You will remember that the other day we offered as a committee amendment a provision for dental surgeons, and it went out upon a point of order. I will state to the gentleman that before the conclusion of the bill I am going to ask unanimous consent to return and reoffer it, to see if upon reflection and further investigation of the matter those who objected to it before may not be willing to let it go in.

Mr. HOWARD. Will the gentleman state, for the information of the House, whether the Navy Department has any dental surgeons at all now?

Mr. PADGETT. The Navy has a makeshift arrangement.

Mr. HOWARD. Do not the men have to pay for the service?

Mr. PADGETT. The Navy has no dental corps, and it needs one very much. The committee reported a dental-surgeon bill, which is on the calendar, and by authority of the committee I offered it earlier in the consideration of this bill, but it was objected to and went out on a point of order. A dental corps exists in the Army, and the provision that we reported and asked to incorporate in the bill was identical with the Army provision. With the more than 60,000 men that we have in the Navy, and with no dental corps, the efficiency, health, and even the lives of the sailors are unnecessarily jeopardized by this lack.

Mr. HOWARD. Under the present law the Army gets the benefit of dental surgery.

Mr. PADGETT. Yes.

Mr. HOWARD. But the Navy does not; and if the men get the benefit of dental surgery they have to pay for it out of their own pockets?

Mr. PADGETT. To some extent.

Mr. HOWARD. Not the regular rates, but they do pay an appreciable amount for the service?

Mr. PADGETT. Yes; and then they get inferior service.

Mr. HOWARD. Mr. Chairman, as I understand, there is no point of order against this section, and I want to offer this amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to line 16, page 40:

"*Provided*, That the professional degree and qualification prescribed as a requirement for appointment to said Reserve Corps shall be varied to include, in suitable proportion to conserve the health and efficiency of the personnel of the naval service, the professional degree and qualification required by standard American universities and colleges for graduation in dental surgery."

Mr. FOSTER. Mr. Chairman, I did not quite catch that. Is that intended to have a dental reserve corps?

Mr. HOWARD. Yes.

Mr. PADGETT. Mr. Chairman, I move as a substitute for the amendment the dental surgeon bill that covers the whole question. It is the bill that was offered the other day, is identical with the Army provision, and creates a dental corps in the Navy identical with that in the Army, so that we can look after the welfare of the 60,000 men in the Navy.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the amendment and the substitute.

Mr. GOOD. I reserve a point of order on the amendment and the substitute.

Mr. PADGETT. That comes too late to offer it to the amendment after we have debated it.

The CHAIRMAN. The point of order of the gentleman from Tennessee is well taken as to the amendment offered by the gentleman from Georgia.

Mr. FOSTER. It might not be germane to this particular item in the bill.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 40, after line 16, insert the following measure:

"That the appointment of not more than 30 assistant dental surgeons be, and the same is hereby, authorized, said assistant dental surgeons to be a part of the Medical Department of the United States Navy, to serve professionally the personnel of the naval service, and to perform such other duties as may be prescribed by competent authority.

"That all original appointments herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States between 24 and 32 years of age, and shall be graduates of standard medical or dental colleges trained in the several branches of dentistry, of good moral character, of unquestionable professional repute, and before appointment shall pass satisfactory physical and professional examinations, including tests of skill in practical dentistry, of proficiency in the several usual subjects in a standard dental college course, and in such other subjects of general education as are now or may hereafter be required for admission to the Medical Corps of the Navy.

"That at the end of three years from the passage of this act all acting assistant dental surgeons who have had two or more years' service under their original appointment, as herein provided, shall undergo such physical and competitive professional examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade), in the order of standing as determined by the professional examinations provided for in this section.

"That after the competitive examinations provided for in section 3 of this act have been held, acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and, if found qualified, they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

"That if any acting assistant dental surgeon shall fail upon the examinations prescribed in sections 3 and 4 of this act he shall be honorably discharged from the naval service, and the appointment of an acting dental surgeon may be revoked at any time in the discretion of the Secretary of the Navy.

"That all appointees authorized by this act shall take rank and precedence next below other officers of the rank of lieutenant (junior grade) now or hereafter commissioned in the Navy, and shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

"That all officers authorized by this act shall receive the same pay and allowances as officers of corresponding rank and length of service in the Medical Corps of the Navy.

"That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized: *And provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

"That the Secretary of the Navy is hereby authorized to appoint, for temporary service, suitably qualified acting dental surgeons when necessary to the health and efficiency of the personnel of the naval service: *Provided*, That the total strength of the dental corps, including those appointed for temporary service under this section, shall not exceed the proportion of one to each thousand of the authorized enlisted strength of the Navy and Marine Corps: *Provided further*, That appointments issued under authority of this section may be revoked at any time, shall have no legal force or effect except for the time the temporary appointee is in active service, and shall include no right of retirement.

"That all appointments authorized by this act, except the appointment of acting dental surgeons, shall be made by the President, by and with the advice and consent of the Senate.

"That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. HOWARD. Mr. Chairman, I want to offer an amendment to the substitute.

The CHAIRMAN. The point of order is pending.

Mr. FOSTER. Mr. Chairman, while I am not in favor of increasing officers in the Government service where it is not necessary, yet we have had in the Army a Dental Reserve Corps and dentists connected with the Army. It is even of more importance, it seems to me, that we should have dentists in the Navy than it is in the Army. When a man goes to sea he is away from where he can secure the proper services of a dentist if treatment may be necessary. It is well known now that teeth to a man in the Navy or the Army or in civil life is a very important thing, and if not in proper condition may seriously affect his health. We know that when one is suffering with a severe case of toothache he is not fit for any kind of duty.

Mr. BUTLER. Not even that of a soldier.

Mr. FOSTER. No; nor that of a sailor. It seems to me that it is important to the Navy of our country, because on every battleship we have a thousand or more men. I say it is of even more importance to the Navy than it is to the Army. I shall be very glad, indeed, to support this amendment, believing that it is very necessary for the success and welfare of the Navy.

There is one matter in this substitute which I think ought to be changed, that is that it provides for men going into the dental service of the Navy at 32 years of age. It is now provided in the Army that they go in at not over 27 years of age, as I am informed by the gentleman from Texas [Mr. SLAYDEN]. I think the substitute ought to be changed in that respect.

Mr. PADGETT. I will ask, Mr. Chairman, unanimous consent that my amendment be modified by striking out the word "thirty-two" and inserting "twenty-seven."

Mr. SLAYDEN. Mr. Chairman, the substitute now reads, "and all appointees to such grades shall be citizens of the United States between 24 and 32 years of age." As I understand it, the chairman of the committee has consented to modify his amendment, and I suggest the language be amended to read that "appointees to such grades shall be citizens of the United States not over 27 years of age." That will make it correspond to the act providing for a dental corps in the Army. I will accept that modification, Mr. Chairman.

The CHAIRMAN. The Clerk will read the provision as modified.

The Clerk read as follows:

That all original appointees herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States not over 27 years of age.

The CHAIRMAN. Without objection, the modification to the amendment in the nature of a substitute will be agreed to.

There was no objection.

Mr. GOOD. Mr. Chairman, personally I have no objection to this provision. I would like to ask the gentleman from Tennessee what the cost will be to the Government, and also if the provision has been recommended by the Secretary of the Navy?

Mr. PADGETT. It has been recommended for years and years by the different Secretaries and by the Surgeons General of the Navy, and we reported it out, I think, in the last Congress and put it on the calendar, but in the press of business could not get it considered. It is on the calendar now by unanimous report of the members of the committee, and we were authorized by committee action to ask permission to put it in this bill so as to get consideration of it, as there is but little prospect of reaching consideration under the calendar procedure.

Mr. GOOD. What becomes of these dentists after their service in the Navy? Are they placed on the retired list at any pay?

Mr. PADGETT. Yes; just as in the Army, after they reach the age of 62 years and have a service of 30 years they will be placed on the retired list with a grade of lieutenant, as I remember. They can not get above the grade of lieutenant.

Mr. GOOD. As I understand the amendment, they are limited so that they can not perform this service after they are 34 years of age.

Mr. PADGETT. Oh, no; they can not be appointed; they must be young men when they are appointed.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

Mr. SLAYDEN. Mr. Chairman, here is the paragraph that the gentleman from Iowa [Mr. GOOD] was asking about which defines their official rank:

That after the competitive examinations provided for in section 3 of this act have been held acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

It is in connection with this definition of the naval rank that I wanted to ask a question of the gentleman from Tennessee. To what rank in the Army does the rank of lieutenant in the junior grade correspond?

Mr. PADGETT. First lieutenant.

Mr. SLAYDEN. Then they are appointed practically as first lieutenants in the Army?

Mr. PADGETT. Yes; after three years of service.

Mr. SLAYDEN. I assume that you provide here for promotion at stated periods in their service?

Mr. PADGETT. I think they are limited in their promotions.

Mr. SLAYDEN. That is what I wanted to find out. It was impossible to tell from the reading of the Clerk.

Mr. FOSTER. Mr. Chairman, while these gentlemen are looking that up I think it is of some importance that we should know something about how promotions are to be made. The gentleman from Texas [Mr. SLAYDEN] and the gentleman from Tennessee [Mr. PADGETT] are trying to find out if this makes ample provision for these promotions in the proper way and whether the bill ought to be changed——

Mr. PADGETT. As I say, they do not have any promotion. They are limited to lieutenants of the junior grade.

Mr. SLAYDEN. What about the pay? Don't they get an increase of pay?

Mr. PADGETT. I understand they do.

The CHAIRMAN. To whom does the gentleman from Illinois yield?

Mr. FOSTER. The gentleman from Tennessee.

Mr. PADGETT. They get the pay provided for lieutenant of the junior grade. I understand that both in the Army and in the Navy after five years of service they get an increase of pay, but they do not get any increase of grade. They are held to the position of lieutenants of the junior grade, and with five years of service they get an increase of pay just as in the Army.

Mr. SLAYDEN. Then do they get fogey pay, as they call it in the Army, for each five years of service until they shall have had it four times? Is that the rule in the Navy?

Mr. PADGETT. Yes.

Mr. SLAYDEN. Do they get the longevity pay equal to that of similar rank in the Army?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I would like to ask the gentleman from Tennessee what this language in section 8 means:

SEC. 8. That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized.

I would like to ask the chairman of the committee to inform the House what that refers to. What does section 1445 of the Revised Statutes mean?

Mr. PADGETT. I can not tell you right now. I looked it up, but it has escaped my mind at this moment. The Clerk will get it.

Mr. HOWARD. I have it here—section 1445 of the Revised Statutes.

Mr. PADGETT. There is the statute right there.

Mr. SLAYDEN. Mr. Chairman, without knowledge of the influence on this legislation that the statute referred to may have, it is legislating in the dark. We do not know what privileges we are granting this new class of officers. We do not know what limit there will be in the end even on the expenditures touching them. There is a statement in the same paragraph that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. I take it for granted that the dentist at the Naval Academy is a more highly paid person; and I can look a little bit ahead and see the time come when, as an employee of the Government at better pay than is provided for these dentists who are to be appointed, he will come in here with a special bill, after having reached the age of 62 years, or approximately that, and ask to be retired with the pay and allowances of a lieutenant dentist.

Mr. HOWARD. I have the statute here if the gentleman wants to hear it.

Mr. SLAYDEN. I yield to the gentleman from Georgia to read the section of the Revised Statutes that applies to this legislation.

Mr. HOWARD. You have to read 1443 and 1444 in order to get the sense of 1445:

SEC. 1443. When any officer of the Navy has been 40 years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer before the rank of vice admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service.

SEC. 1445. The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer, and such officers shall not be placed on the retired list except on account of physical or mental disability

Mr. SLAYDEN. Mr. Chairman, I suppose the gentleman from Massachusetts [Mr. ROBERTS] is familiar with it. I will ask him if this is intended to be a limitation upon their retirement?

Mr. ROBERTS of Massachusetts. Certainly.

Mr. SLAYDEN. And they will not retire at the age of 62 years?

Mr. ROBERTS of Massachusetts. No; the idea is they will retire at 62. If you read sections 1743 and 1744——

Mr. SLAYDEN. This is section 1445 I am referring to.

Mr. ROBERTS of Massachusetts. Section 1445, taken with the two preceding sections, shows precisely what is meant.

Mr. PADGETT. Section 1445 provides that certain officers are to be retired only for disability. A lieutenant of the junior grade is included in this provision. Now, this gives the retirement privilege for age, and gives them the privilege, when they reach the rank of lieutenant of the junior grade, that they can be retired at 62 years of age. This statute we do not want to apply to them, because this statute prohibits retirement except for physical disabilities.

Mr. SLAYDEN. You mean to say officers covered by that section of the Revised Statutes retire at 62 now?

Mr. PADGETT. It says:

The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Mr. SLAYDEN. No matter what their age?

Mr. PADGETT. But this gives them the right to retire at the age of 62. These dental surgeons are given the right to retire at 62, and for that reason it is excepted from the provisions of the bill.

Mr. SLAYDEN. I would like to ask the gentleman another question about this and I would like to have the gentleman from Massachusetts give his attention to it also. It says that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. Who is he, and why not?

Mr. PADGETT. There is one dentist who is provided by law for the Naval Academy for the 900 midshipmen that are there. He is not under the Medical Corps. This establishment of the dental corps is intended for the general Navy of the enlisted sailormen.

Mr. SLAYDEN. Is the dentist now employed in the Navy an officer?

Mr. PADGETT. Yes.

Mr. SLAYDEN. How did he become an officer? By special act?

Mr. PADGETT. By some special act; yes, sir.

Mr. SLAYDEN. What rank has he?

Mr. PADGETT. I think it is lieutenant, junior grade.

Mr. SLAYDEN. Are you sure he is an officer?

Mr. PADGETT. That is my understanding; yes, sir.

Mr. SLAYDEN. This does not indicate it. It says "the dentist now employed at the Naval Academy."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I would like to know what is the compensation of the dentist at the Naval Academy, because I suspect that he is being employed at a figure very much higher than is to be paid to the lieutenant, junior grade, and the reason he is not taken into that corps by legislation is that he wants the advantage of the additional salary he is now receiving.

Mr. PADGETT. I find that he is not an officer.

Mr. SLAYDEN. It is as I suspected. The dentist employed at the Naval Academy is not an officer, as the gentleman from Tennessee [Mr. PADGETT] seemed for a moment to think, but is employed at a compensation in excess of that which is provided for the lieutenants of the junior grade that will be created by this act. I do not know what his age is. But I think the bill ought to be amended in that particular, at least, and that we ought not to have a dentist now in the naval service who is having higher compensation than officers in the corps will get and who will, beyond all doubt, come later and ask for special legislative retirement.

Mr. TALBOTT of Maryland. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] is recognized.

Mr. TALBOTT of Maryland. The dentist at the Naval Academy has charge of all the dental work at the academy. He is the only dentist there.

Mr. PADGETT. West Point has two.

Mr. TALBOTT of Maryland. West Point has two. The dentist at the academy is obliged to maintain his establishment, support his family, and does not get any allowances from the Government except his salary, and has 900 cadets to look after at all times, except during the short period of vacation. This is not the place to reduce a salary, and I hope the gentleman from Texas will not attempt to interfere with the management of the Naval Academy.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Tennessee [Mr. PADGETT] to the amedment of the gentleman from Georgia [Mr. HOWARD].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment in the nature of a substitute.

The question was taken, and the substitute as amended was agreed to.

Mr. HOWARD. Mr. Chairman, I want to ask the Chair for the situation here as to this item in the bill. As I understand, this substitute was introduced as a substitute for an amendment offered by myself, and that amendment was to this particular section in this bill providing for the Medical Reserve Corps in the Navy. Now, as I understand the situation, there is no Medical Reserve Corps in the Navy, and the substitute offered by the gentleman from Tennessee and just adopted provides for an active——

Mr. PADGETT. Dental corps.

Mr. HOWARD. Dental corps. His substitute does not provide for anything that my amendment provided for. My amendment provided for an additional number of dental surgeons to the reserve corps, and specifying they should come under a certain grade of examination, or should be graduates of certain standard colleges. Now, then, the effect of the substitute of the gentleman from Tennessee [Mr. PADGETT] is that he has added to the active list in the Navy certain dental surgeons, but he has made no provision by that substitute for what my amendment sought to reach, by providing for dental surgeons in the reserve corps.

Mr. FOSTER. We do not care so much for the reserve corps.

Mr. HOWARD. The proposition is simply this: As I understand the situation, since 1796 there have been medical officers in the Army, and about 50 years after that they commenced having some dentists in the Army. But I would like to get recognition in this substitute provision here for the dental surgeons. In other words, in a battle, if these men are brought to shore and they have got these officers in reserve there, very likely a shell will burst and knock a fellow's teeth out, or break them off, and they need the dental surgeons as well as medical surgeons. And my amendment to the amendment prepared by the gentleman from Massachusetts [Mr. ROBERTS] simply provides for the selection of certain dental surgeons to be placed in reserve.

The CHAIRMAN. The Chair would state to the gentleman that when his amendment was pending the gentleman from Tennessee [Mr. PADGETT] offered a substitute which replaced the entire plan with respect to the organization of the dental corps. No point of order was made, and the committee adopted the substitute and fastened that on the original provisions of the bill. And it is not the province of the Chair to say what would be the effect of the amendment or the substitute. The committee has taken that course.

Mr. PADGETT. I will state to the gentleman that as it is in the bill, it gives us a Medical Reserve Corps, and the amendment gives us an active dental corps.

Mr. HOWARD. The thing I want to reach is not the active dental surgeons at all. I simply offered an amendment, which was germane to this section, providing for dental surgeons in the reserve corps. I do not know whether the gentleman's substitute absorbed this or not.

Mr. PADGETT. The substitute adopted provides for the employment of a certain number of contract dental surgeons, as well as the enlisted men, and I think that takes care of the question fully.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The Clerk read as follows:

Provided, That the test of qualifications for appointment to the said reserve corps and to the dental corps may be varied to suit the subjects of such branch of the healing art or specialty of surgery of which specialists may be required, and in the discretion of the Secretary of the Navy such specialists may be grouped separately.

Mr. GOOD. I reserve a point of order on that.

Mr. ROBERTS of Massachusetts. The purpose of the provision, Mr. Chairman, is to ascertain the qualifications of doctors, dentists, eye specialists, and ear specialists, whatever they may be, who may come into the reserve corps or into the dental corps by men who are themselves specialists in those branches. In other words, if in the Medical Reserve Corps we want some ear specialists, we do not want their qualifications to be ascertained by dentists. If we want dentists, we do not want their qualifications to be ascertained by eye specialists. That is the only purpose of the amendment—to enable the Secretary of the Navy to have specialists determine upon the qualifications for admission to either of these corps by specialists of the same kind.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SLAYDEN. Are you not making provision in that amendment for something of a revolution in the manner of admitting medical officers to the Navy?

Mr. ROBERTS of Massachusetts. This applies only to the reserve corps and the dental corps that has been established. It does not apply to the admission of surgeons into the Navy. It applies only to admissions to the reserve corps and the dental corps that we are creating.

Mr. SLAYDEN. The law prescribes the class of examinations required for admission in the Medical Corps now and the persons by whom the board of examiners shall be appointed and who the members of the board shall be. That is a regulation, I suppose, that the gentleman is proposing?

Mr. ROBERTS of Massachusetts. Yes. We are undertaking to allow the Secretary of the Navy to prescribe specialists to pass upon the qualifications of specialists.

Mr. SLAYDEN. May I ask the gentleman if under the authority to make regulations the Secretary of the Navy could not do that now, provided he did not involve the Government in unauthorized expenditures?

Mr. ROBERTS of Massachusetts. I am not certain whether he can or not, but this makes it absolutely clear that he may. There is no objection in the slightest to the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval-hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; labor in general storehouses and paymasters' offices in navy yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under the general account of advances; and for the purchase of United States Army emergency rations, as required: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses and paymasters' offices of the navy yards and naval stations for the fiscal year ending June 30, 1913, shall not exceed $492,299.36; in all, $8,542,328.25.

Mr. TRIBBLE. Mr. Chairman, I must admit that I am at a loss to know how to reach in this very large appropriation contained in this paragraph the items I conceive to be subject to a point of order. Upon investigation the Chairman will see that this appropriation exceeds that of the preceding year by nearly a million dollars.

Mr. PADGETT. May I interrupt the gentleman just a moment?

Mr. TRIBBLE. Yes. I will be glad to have any information I can get.

Mr. PADGETT. There is an increase of $532,768 on account of the 4,000 enlisted men that we have authorized in the first part of the bill, and——

Mr. TRIBBLE. Before the gentleman leaves that point, I think the chairman of the committee is mistaken on that. The evidence shows on the two hundred and eighty-third page that the amount of increase is $261,000.

Mr. PADGETT. The gentleman will remember that that was for 2,000 additional men and that the committee subsequently reported 4,000 men, so that it doubles that amount. That makes the $532,761.

Now, then, you will remember that there has been an increase in the daily ration for all of the men. For 48,000 men there is an increase in the cost of the daily ration.

Mr. TRIBBLE. Does the gentleman mean to say that it has been recommended by the committee that there shall be an increase?

Mr. PADGETT. No; there is an actual increase in the prices that they have to pay for food for the men. This is for feeding the men, caring for them, and purchasing the supplies. It is just a matter of mathematical calculation. There are so many men and so many other things provided for, and with these additional men and with the additional cost of food, and so forth, it takes just that much more. That is one of the paragraphs in the bill that is just based upon a mathematical calculation.

Mr. TRIBBLE. I understand that, but the evidence shows that it is vague. On page 283 of the hearings you will find that Admiral Cowie testified that the recommendation was for $8,325,943.95, but that the Secretary of the Navy thought that could be cut $50,000, and they cut it $50,000.

Mr. PADGETT. Yes.

Mr. TRIBBLE. It looks to me a loose way of doing. Millions are involved; the Secretary of the Navy recommends one thing, and then with the stroke of a pen changes his estimates. This carries out my argument that the committee thoroughly investigate and not let the department's recommendation necessarily control.

Mr. PADGETT. There is a very clear explanation there, if the gentleman will just read it. The Secretary first asked for 2,000 more enlisted men, and he said that the total cost would be $8,325,943.95 for the establishment, but he said that it would be impossible for him to enlist all of the 2,000 men at one time, and that they would not all be chargeable for the total 365 days in the year. He thought that on account of not being able to enlist them all at the beginning of the fiscal year he could reduce the amount by $50,000, and the committee accepted that; but later developments occurred, with the new ships coming into commission and under contingencies and emergencies arising, so that it was deemed proper to report in favor of 4,000 additional men.

Mr. TRIBBLE. Who deemed it proper to report 4,000 additional men.

Mr. PADGETT. It was submitted to the full committee, and was agreed to by a unanimous vote. There was not a single man present who voted against it.

Mr. TRIBBLE. It did not receive my vote. Not only that, I protested against the amount in this bill, both in committee room and on the floor of this House, and was always present at the hearings.

Mr. PADGETT. I do not know about that, but I know it was submitted to the committee, and the committee agreed to it, and directed an increase of 4,000 men. Therefore we had to double the amount that would be required for 2,000 men, and that made $532,000 for 4,000 men.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For fuel, books and blanks, stationery, interior fittings for general storehouses and pay offices in navy yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same; tolls, ferriages, yeoman's stores, safes, newspapers, and other incidental expenses, $200,000: *Provided*, That hereafter worn-out typewriting and computing machines for the naval establishment may be exchanged as a part of the purchase price of new ones.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. What has been done with the old typewriters and computing machines heretofore?

Mr. PADGETT. Heretofore they have just been sold for what they could get for them and the money turned into the Treasury; but it has been represented to us that if they were allowed, as individuals are when they go to purchase, to put in their old machines, they could get far more for them when put in with the company in that way than they could get by buying and paying all cash for the new machines and selling the old ones for junk. This is giving the department that business discretion.

Mr. HOWARD. I withdraw my pro forma amendment.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes (not to exceed $10,000), and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,479,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of

the same size and like material: *Provided further,* That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Connecticut, $250,000; Vermont, $250,000; Albany, $350,000; New Orleans, $350,000; Minneapolis, $284,000; Columbia, $292,000; Sylvia, $14,000; Solace, $120,000; Panther, $100,000; Piscataqua, $45,000; Active, $38,000; Unadilla, $43,000; Uncas, $33,000; Penacook, $23,000; Samoset, $23,000; Pompey, $38,000; Yantic, $38,000; Prometheus, to convert to a repair ship, $350,000; in all, $2,641,000: *Provided further,* That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1913, shall not exceed $808,039.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 21, after the word "Prometheus," add the words "or Vestal."

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at page 45, line 5, by striking out the period, inserting a semicolon, and adding:

"*Provided,* No part of any money appropriated in this act shall be used for construction or repair of vessels at navy yards or naval stations in the United States by enlisted men of the Navy."

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that that amendment be passed for the present and be considered as pending.

Mr. PADGETT. I suppose we might dispose of it now. Is there any special reason why the gentleman wants it passed over?

Mr. MURRAY. The only reason is that it is in line with the labor amendments heretofore offered by the gentleman from Illinois [Mr. BUCHANAN], which have been passed over.

Mr. TRIBBLE. Mr. Chairman, I reserve a point of order, if the gentleman from Tennessee does not.

Mr. MURRAY. Mr. Chairman, I have no doubt that the amendment is in order, but I raise the point of order that the gentleman from Georgia is too late.

The CHAIRMAN. The gentleman thinks that the point of order made by the gentleman from Massachusetts is well taken.

Mr. MURRAY. The only purpose I have in having the matter postponed is that the gentleman from Illinois [Mr. BUCHANAN], a member of the committee, has several labor amendments which are practically on the same subject matter and which have already been passed and are pending.

Mr. PADGETT. Very well, Mr. Chairman, I will consent to its being passed over.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Massachusetts will be passed for the present and considered pending.

There was no objection.

The Clerk read as follows:

The Secretaries of War and Navy are authorized to cause to be made from any parts of the wreck of the Maine or its equipment that are suitable for the purpose tablets for donation as relics in conformity with the provisions of the act of December 22, 1911, making appropriations to supply urgent deficiencies: *Provided,* That the cost of such tablets may be charged against any unexpended balances of appropriations heretofore made for the removal of the wreck of the Maine and that the municipalities and other bodies receiving such tablets shall defray the cost thereof, which cost shall be reimbursed to the proper appropriation.

Mr. GOOD. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. PADGETT. Mr. Chairman, I have a letter upon that matter from the Secretary of the Navy that gives such a clear explanation that I think I will read it. It is as follows:

NAVY DEPARTMENT,
Washington, March 7, 1912.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR CONGRESSMAN: Referring to the provision in the urgent deficiency appropriations act of December 22, 1911, that authorizes the distribution of relics of the wreck of the *Maine,* I have the honor to say that the articles, materials, and parts of the vessel that are of such a character as to show what they are or, so to say, speak for themselves, are not numerous enough to supply those asking for and entitled to mementos. There are available other materials and parts that could, with comparatively slight expense, be made into tablets authenticating the fact that they were once a part of the *Maine,* and such tablets would be equally valuable with other articles from the vessel.

It is believed that the best way to accomplish a satisfactory disposition of mementos of this latter kind would be for the department to have the tablets made and carry the expense thereof in each case until reimbursement could be made by the donee, and in order to facilitate such distribution it is requested that the provision of law mentioned above be amended so as to authorize the use temporarily of funds appropriated for work on the wreck of the *Maine* upon condition that the beneficiaries shall defray such expenses and the proper appropriations be reimbursed accordingly.

Inclosed herewith is a draft of provision that would, it is believed, accomplish this purpose satisfactorily. The effect of it would be simply to enable the War and Navy Departments to have tablets made up to suit organizations and municipalities requesting relics without waiting for estimates of cost to be made, approved, and accepted, while providing at the same time that, as required by the original law, no part of the expense of distribution of relics shall be ultimately borne by the Government.

This draft is in such form that it may be introduced as a separate measure or inserted as a provision in some other appropriate bill.

It is requested that this amendment receive favorable and early consideration by the committee.

Faithfully, yours,

G. V. L. MEYER.

In other words, there are large parts of the wreck of iron and steel that can be made into tablets with an inscription upon it authenticating that it was a part of the battleship *Maine.* They can be distributed to any city, hamlet, town, or community, or association, or Grand Army post, who would only have to pay the actual cost of molding these into tablets.

Mr. GOOD. How much remains of the unexpended balance appropriated for raising the wreck?

Mr. PADGETT. I do not know that I can tell.

Mr. ROBERTS of Massachusetts. I will say to the gentleman from Iowa that I have been advised by the Navy Department that the total expense of making these tablets will not exceed $1,500.

Mr. GOOD. What assurance has the department that the municipalities or associations authorized under the law to receive them will order them and pay for them?

Mr. ROBERTS of Massachusetts. They have more applications now than they can grant.

Mr. GOOD. Yes; but those are free applications.

Mr. ROBERTS of Massachusetts. They have to pay the cost of transportation.

Mr. PADGETT. Under the existing law they have to pay the expenses of transportation and handling, and this additional expense will be comparatively small. Of course, it would depend upon the demand for them, but the department says it is flooded now with demands for these relics, and that they are incapable of meeting them, and the suggestion is made to make these mementoes out of what remains of the wreck and supply this great demand, and the Government at the same time will be put to no expense.

Mr. GOOD. Is the gentleman satisfied that there will be no expense to the Government in the manufacturing and disposing of these mementoes?

Mr. PADGETT. I should think the cost of it would be so little that it would be entirely covered, but if it should not be, and they were left on the hands of the Government, the cost would be very small. The gentleman must remember that as time rolls around the value of these mementoes will become much greater.

Mr. BARTLETT. Mr. Chairman, did the gentleman from Iowa reserve a point of order?

Mr. ROBERTS of Massachusetts. A point of order is reserved.

Mr. BARTLETT. A point of order is reserved, and the point of order is good, I apprehend. I desire to ask the gentleman from Tennessee in what way this amends the urgent deficiency bill passed at this session of Congress providing funds for the raising of the *Maine* and the disposition of the various parts of the wreck that might be preserved.

Mr. PADGETT. It does not in terms amend the act.

Mr. BARTLETT. It changes the law.

Mr. PADGETT. By this subsequent legislation it will give authority to take this old material and make it into tablets with an inscription on it authenticating the fact that it was made out of a part of the battleship, and that the expense of it shall be borne by the recipients of the tablets.

Mr. BARTLETT. The Subcommittee on Appropriations had hearings and went into this matter very thoroughly. The Secretary of the Navy submitted to it at that time a plan, which was agreed to by the subcommittee, the full committee, and reported to the House, by which it was determined in what manner certain parts of this battleship should be disposed of, and to whom it should be disposed of. It was discussed on the floor of the House, amendments were offered, and it was thought proper then, when the matter was fresh in the minds of the House, that nothing further should be done about the matter than was done in that bill, reported to and passed upon by the House. We knew that from all parts of the country would come innumerable requests for parts of this ship, to be preserved as memorials or relics, and it was then thought proper to confine

it in such a way that it could be used only in a certain way. This appropriation bill proposes to do an entirely different thing, and to add to or amend that act.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. ROBERTS of Massachusetts. This act does not change the societies that are to receive the relics.

Mr. BARTLETT. I understand that.

Mr. ROBERTS of Massachusetts. But when they came to collect the relics from the *Maine*, if we may term them such, it was found that the greater portion of the material available is in such shape or form as to be not at all desirable by anybody for relics. In other words, it is broken and twisted iron, brass, copper, and bronze that does not on its face indicate that it ever was on the *Maine* or anywhere near it. So far as its appearance goes, it might have been taken from any junk pile in any junk dealer's yard. The people who are entitled to relics and who are applying for them can not get suitable relics from the department because the department has not got them, because there were so few that were saved from that ship. The whole purpose of this provision is to make available for the very purposes of the act to which the gentleman alludes this mass of scrap, which can be cast into tablets carrying on their face the fact that they are from the battleship *Maine*.

Mr. BARTLETT. But that is not the purpose of it. The whole purpose is to authorize a certain class of persons to receive them other than those already authorized.

Mr. ROBERTS of Massachusetts. Oh, no; I beg the gentleman's pardon. He has not thoroughly read the amendment.

Mr. PADGETT. It does not enlarge the beneficiaries or the recipients that are limited by the act which was reported by the Committee on Appropriations. This is simply to authorize putting these relics into shape for distribution to the ones authorized by the former act. The language is:

> For donation as relics, in conformity with the provisions of the act of December 22, 1911, making appropriations to supply deficiencies, etc.

It does not enlarge the scope of that act.

Mr. BARTLETT. We appropriated money for the raising of the *Maine* and we appropriated money for this purpose in that deficiency bill.

Mr. PADGETT. Yes; and this is simply to allow them to change the character of the relics so as to make them available, and for identification so that if they should accept a relic it would show what it is, but no other beneficiary, no other donee can get one except those provided for in the act reported by the Committee on Appropriations and passed by Congress.

Mr. BARTLETT. It does not change the manner of distribution?

Mr. ROBERTS of Massachusetts. Not at all.

Mr. BARTLETT. Nor the persons or municipalities?

Mr. ROBERTS of Massachusetts. Not at all. Let me say further to the gentleman, there are pieces of brass piping and sheets of copper that indicate nothing on their face. The Spanish War camp, the municipality, or the Grand Army post that is entitled to a relic from the *Maine*, on application under the existing law, does not care for a common piece of brass piping which means nothing. It is no ornament, and this merely provides the manner by which this junk—and that is what it is—can be put into a form that will be acceptable and desirable on the part of those who are entitled to receive the relics, and the whole cost is to be paid by those people.

Mr. BARTLETT. This is not to incur any expense?

Mr. PADGETT. None whatever to the Government.

Mr. ROBERTS of Massachusetts. It is simply to carry out and expedite the provisions of the act to which the gentleman referred. The unexpended money for the raising of the *Maine* is to be made available and is to be reimbursed by the people who receive the relics at the cost of preparing the tablets.

Mr. BARTLETT. Mr. Chairman, I am not going to make the point of order after that statement, but I thought, on reading the provision of the bill, that it was an effort to amend a proposition which had been very carefully considered by the Committee on Appropriations, and we thought we had reached a conclusion which was satisfactory to the Navy Department.

Mr. ROBERTS of Massachusetts. And it is perfectly satisfactory to our committee.

Mr. FOWLER. Mr. Chairman, I desire to reserve the point of order for the purpose of asking the chairman of the committee a question or two about this unexpended balance. I do not know whether there is an unexpended balance of the money appropriated for the raising of the *Maine*.

Mr. PADGETT. I understand that there is, and that is a matter that is under the jurisdiction of the Committee on Appropriations, and not under the jurisdiction of the Committee on Naval Affairs; hence I have not gone into the expenditure of that. This matter does not involve the question of the accounting for the amount appropriated. That is altogether with the other committee. Ours is simply to authorize to put this junk of material in a condition so that if a town in your district applies for a piece it would get something that would be identified.

Mr. FOWLER. I understand that; but that is not my object. I want to know if it is not true that the unexpended balance appropriated for any definite purpose reverts back into the Treasury of the United States?

Mr. PADGETT. Certainly it does; yes.

Mr. FOWLER. Now, I want to know if it is not a further fact that before an unexpended balance can be used for any purpose it must be reappropriated for the new use?

Mr. PADGETT. If it is already appropriated, and if we enlarge the uses to which it might be applied, the authorization would be sufficient under the law, it having already been appropriated.

Mr. BARTLETT. That is what is proposed to be done here—to give that authorization.

Mr. PADGETT. That is right; that is the proposition.

Mr. FOWLER. The gentleman considers that the transforming of a part of the wreck of the *Maine* into relics is only an addition to the idea of the original appropriation, and that it can be carried into effect without making a reappropriation of the money?

Mr. PADGETT. It does not need an additional appropriation of money. We have already appropriated the money, and this is simply for authority to use it in addition to the purposes specified in the appropriation.

Mr. FOWLER. Suppose there is not an unexpended balance?

Mr. PADGETT. Then there would have to be an appropriation, but when there is an unexpended balance—for instance, once that the Constitution is complied with and Congress has appropriated, there can be an authorization which simply enlarges the scope of the original proposition.

Mr. FOWLER. This provision simply intends to enlarge the scope of a former appropriation with reference to the same subject matter.

Mr. PADGETT. Yes, sir.

Mr. FOWLER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I am not very much worried about the great expense that it is going to cost, because I do not think it is going to amount to very much, because there is a provision for the return of the amount expended to the Government. What I am worried about is, are we going to get enough of these relics to go around?

Mr. PADGETT. That is what the department is trying to do now.

Mr. HOWARD. Has the gentleman any idea that it is going to give enough to go around to all the towns and municipalities that may want it? For instance, I know now since this agitation has gotten up every town in my district practically wants a relic, and I want to know if there is going to be enough to go around. If there are, I should be for it, and if not, I think I should be against it.

Mr. PADGETT. I do not know how many relics it will make, but I will say, as far as my district is concerned, I have had only one application.

Mr. HOWARD. The gentleman's district is very modest, because they know he gets so many other things.

Mr. PADGETT. I have only one request from my district. The object is to break this old junk up and make it into available tablets.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

> Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, aeroplane, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches, and for pay of classified force under the bureau, $4,250,000: *Provided*, That the sum to be paid out of this appropriation for aeroplane machinery shall not exceed $20,000.

Mr. HOWARD. Mr. Chairman, I would like to ask the chairman of the committee if we did not have a provision for this aeroplane proposition the other day? Do not we have this aeroplane proposition carried further on in the bill?

Mr. PADGETT. Yes; there is still another place in the bill. Under the Bureau of Navigation there was appropriated $10,000, and under the Bureau of Steam Engineering there is an appropriation of $20,000; and then under the Bureau of Construction and Repair there is an appropriation of $10,000; making $40,000. Under the different bureaus under the law they have

certain functions to perform. For instance, the Bureau of Steam Engineering has to deal with engines and machinery. The Bureau of Construction and Repair has to deal with what you might call the hull; and if we compare the flying machines and airships, that is the part that is outside of the machinery——

Mr. HOWARD. I understand; you appropriate separately for each one.

Mr. PADGETT. Yes; for each department.

Mr. HOWARD. I understand.

Mr. FOWLER. I wanted to ask a question about the appropriation for the aeroplane. I saw in another place an appropriation for the same thing.

Mr. PADGETT. There are three places in there. I just explained it to the gentlemen. The appropriation is provided so as to meet the duties as distributed by law to the different bureaus. For instance, under the Bureau of Navigation, which has to do with the personnel of the Navy, the men who fly, we made the appropriation of $10,000 to meet their requirement.

Mr. FOWLER. That is on page 43?

Mr. PADGETT. That is on page 4 or 5, away back in the first part of the bill. Then on page 45, here, we have $20,000 under the Bureau of Steam Engineering. That relates to the engines and the machinery and the machine parts of the aeroplanes. Then, under the Bureau of Construction and Repair there is an appropriation of $10,000, which relates to that part of the aeroplane which might be called the hull or body.

The law, in apportioning the duties of these different bureaus, limits them to certain parts. For instance, the Bureau of Steam Engineering can handle the machinery, but can not have anything to do with the handling of the body of the machine. The Bureau of Construction and Repair must make the body of the machine, but it can not deal with making the engines or purchasing the engines.

Mr. FOWLER. Is that the reason the appropriation was not consolidated in one appropriation?

Mr. PADGETT. Yes, sir; because no one bureau alone was qualified to handle the whole proposition.

The Clerk read as follows:

Machinery plant, naval station, Pearl Harbor, Hawaii: For machine tools and appliances required for the equipment of shops, $300,000.

Mr. HOWARD. Mr. Chairman, did we not provide for machine tools and appliances $200,000 for this same plant just a moment ago?

Mr. PADGETT. We provided under the Bureau of Construction and Repair for their part of the building. This is for the machinery that goes into the building and for the Bureau of Steam Engineering. It is a different bureau. This is not a duplication.

Mr. RUCKER of Colorado. Mr. Chairman, I just came into the Chamber when the aeroplane section was being discussed, and I wish the opportunity of recurring to that for a moment, but not for the purpose of an amendment. I want to know of the chairman if he thinks a sufficient appropriation has been made for aeroplanes, or what may be better determined now, so far as naval warfare is concerned, water planes, and whether or not the chairman and the committee have the most recent reports from discoveries along those lines that have been made and inventions applied in the English navy?

Mr. PADGETT. I will state to the gentleman that the committee was in hearty sympathy with the development of the aeroplanes. We had before us the chiefs of the different bureaus that have to deal with them—the Bureau of Navigation, that deals with the personnel; the chief of the Bureau of Construction and Repair, that deals with the body of it; and the Bureau of Steam Engineering, which deals with the engines and machinery. And we carry in the bill the exact amount they asked for, and which they said would meet all their demands and requirements for the coming year.

Mr. RUCKER of Colorado. How much is that?

Mr. PADGETT. Something over $40,000.

Mr. RUCKER of Colorado. Well, Mr. Chairman——

Mr. PADGETT. They said it was all they could use and all they required.

Mr. RUCKER of Colorado. Will the chairman answer this question: What time was that hearing held, and at what time did these experts come before the committee?

Mr. PADGETT. It may have been during the month of April or the month of March that we had them before us, or it may have been the latter part of February. I am not sure.

Mr. RUCKER of Colorado. I wish to say in this connection, if the chairman will pardon me for a moment, that I have been constantly, and as I thought consistently, against the building of any more battleships, based upon the idea that we would never get into a war with any country on the globe which would require more battleships.

But inasmuch, since the 10th day of this month, when the aeroplane, or waterplane, of a Mr. Horace Short, in England, has been so thoroughly tested that it could fly from a ship or fly from the water, the question has come to my mind whether we should build more battleships or whether we should build more aeroplanes or what is better known as the waterplanes. The point is this, that in my judgment we are doing the wrong thing in building any more battleships or the further fortification of any section of our coasts, especially upon the Panama Canal, where we now propose to spend untold millions, because a waterplane can ascend from the water or ascend from a ship, 250 miles away from any fortification or fleet, and drop not only a bombshell but a pig of iron or an ingot of steel, and will do the same damage to a fortress or vessel that would be done by the exploded bomb. It was demonstrated thoroughly by the English Navy that the battles of the future would be upon the sea, but not fought by the battleships. They will be fought by the aeroplanes or the waterplanes.

Therefore, with a coast from which can be sent up any number of aeroplanes, it stands to reason that no fleet can ever successfully attack this country. If we are going to attack another country, then it would be a battleship proposition, but as long as we are going to stand upon our own dunghill and fight, we are bound to and can successfully do it by the aeroplane.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I ask leave, Mr. Chairman, to extend my remarks in the RECORD, by inserting an article from the London Mirror and Daily Mail, to which I had reference in my remarks.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

[Special correspondence The New York Times.]

WONDERFUL BRITISH NAVAL WATERPLANE HAS STARTLED THE OTHER POWERS—SCENES AT THE NAVAL REVIEW AT WEYMOUTH, AT WHICH THE HYDROPLANE INVENTED BY HORACE SHORT, PREVIOUSLY SURROUNDED BY COMPLETE SECRECY, AMAZED ALL THE SPECTATORS, INCLUDING KING GEORGE, WHO NOW DESIRES TO TAKE A TRIP IN IT.

LONDON, *May 10.*

No pleasanter surprise for the English nation has been prepared in the last half century than that provided at the naval review at Weymouth by the biplane-hydroplane, or "waterplane"—the more convenient word already on everyone's tongue—which has been invented by Horace Short.

Officially, this extraordinary machine is called the *S 41*, and, according to The Daily Mirror, Great Britain's triumph with it has "stunned the admiralties of Europe, including our own."

The same paper says that every aerial expert in Europe realizes that the naval airmen operating at Weymouth this week are inaugurating a new era in naval warfare.

The King has grasped the tremendous possibilities of the aeroplane that can float in security with or without the additional capacity of rising from the water. His Majesty's enthusiasm is compelling the nation to recognize that Britain's chance to secure the dominion of the air as well as that of the sea has come and must be seized.

"I have," says The Mirror's correspondent at Weymouth, "been privileged to learn a great deal of what is going on that is not public knowledge, and I am able to say with absolute assurance that within two years every British warship larger than a destroyer will carry one or more aeroplanes. It will be possible for these aeroplanes to be launched from the deck without any run at all, and to float even in a rough sea till taken on board. They will be fitted with wireless telegraphy apparatus, controlled by a passenger wearing a sound-proof helmet, and provided with bombs and a rifle. They will command from even only 1,000 feet altitude an area of 50 miles square. They will be capable of alighting on land as easily as on the water.

"The *Hibernia* and *Africa*, which have already been fitted with launching platforms, can lift an aeroplane from the sea alongside with a single hook, and swing it on board. It can be taken to pieces and stowed away. In another 10 minutes, when required, it can be put together again and launched on another flight.

"There are two machines here of incomparable importance, for their achievements are arousing the wonder of the world. They are the amazing biplane-hydroplane, called *S 41*, which has already made Commander Samson, its pilot, famous, and the biplane *S 38*, flown by both Commander Samson and Lieut. Gregory, which is also fitted with floats to enable it to rest on the surface of the sea, but can not arise from the water.

"I have positive knowledge that emissaries from at least two other naval powers are here straining every effort to obtain plans and photographs of the details of *S 41*, and a number of detectives are also here to assist the naval authorities in preventing them."

The *S 41* is launched on wheels, which fall off as she touches the water, and is not adapted for alighting on anything but water; but it is only a simple matter to fit gear to her which will enable her to alight with equal success on land or water. Her stability and security are proved by the fact that Admiral Callaghan's daughter was permitted to make a flight as a passenger in her. She carries petrol enough to keep her aloft for seven hours.

France possesses eight hydroplanes, and Germany has been secretly experimenting and possesses several; but neither power has designed anything so efficient as *S 41*.

The fastest French machine has a speed of only 42 miles an hour. *S 41* has a speed of 55 miles an hour. Here are some other facts about her:

No battleship could hit her at 2,000-foot altitude.

She could drop 300 pounds of high explosive upon the biggest ship and utterly destroy it.

She has made dozens of flights, rising from and descending into the water at will, without the slightest mishap.

In an article on "The waterplane—What it will do," Horace Short, its inventor, says in The Daily Mail:

"The last few months have shown to the world that aviation is no longer a dream, no longer a mere risky sport, but a stern and powerful reality, a science full of enormous possibilities, the scope and consequences of which no man to-day can predict for 20 years hence.

"The continental armies already have their air scouts in actual warfare. A British fleet has seen its sons 3,000 feet above the decks, borne through the air at 60 miles per hour on duty, following a predetermined course, carrying out a specified object, regardless of wind, fog, and rain squalls through which they flew, being only visible to those below when crossing a chance rift in the mist and cloud laden atmosphere. Their speed is double that of the fastest destroyer; their range almost that of the torpedo boat of a few years ago. They have detected the mighty naval fighting arm, the submarine, when it thought itself secure from view, submerged, with only its tiny periscope above the surface. They have carried and dropped, with close precision, ponderous masses of metal, which might have been bombs sufficient to sink or wreck a good-sized warship. They have risen from and alighted on the water, flown from the deck of a battleship, carried dispatches to shore and vessel. They have carried out maneuvers to a time-table without a hitch.

"The lookout has caught a fleeting glimpse of a distant, rapidly moving speck through a chance rift in the clouds. The air scout has seen the fleet. The admiral must realize that all his well-planned scheme has been discovered. What should he do? Change all his well-thought-out plans or boldly continue, with the haunting suspicion—which probably in his mind amounts to a certainty—that his carefully thought out strategical movement has been fully divulged to his opponent long before he can reach the critical position?

"That tiny speck in the cloud rift has vanished long before the guns are loaded and trained upon it, and the admiral well knows that in a few more minutes the full details of his formation, together with true photographs in plan of his mighty fleet, will be discussed by his opponent.

"The human occupants in that tiny speck have fully ascertained—

"1. The composition of his fleet.

"2. Its formation.

"3. And its course.

"And in 30 minutes this information is 40 miles away, irrecoverable.

"The experience of airmanship already at hand leads one to predict that the offensive and defensive hydroaeroplane of the very near future will be constructed so that it can safely remain resting on the open sea in company with the floating sea scouts and torpedo flotillas, while the parent ship will be able to render them assistance in case of need. They will arise and alight on the sea with ease. They must go from the deck of a ship and land on the water or the land, carrying three or four persons, who include two pilots, an observer, wireless operator, and a gunner, and sufficient petrol and provisions for a 500-mile journey at a speed of 60 or 65 miles per hour.

"A duplex power plant of 500 horsepower will enable an efficient design to be made, at the same time giving that further security against engine troubles which is all essential. At the same time the aerial *Dreadnought* will carry its 'dinghy,' sufficient for the crew to leave her when resting on the water if they wish to do so. Her speed on the water when 'skimming' will enable her far to outdistance the fleetest war vessels, so that in case of a forced descent one or both of her engines can be used to propel her through and over the water until she regains her parent ship or shelter harbor. Her offensive armament will consist of special quick-firing guns and bombs, and her wireless equipment will enable her to keep well in touch with the air scouts and the main fleet. Thus the mobility of the aerial *Dreadnought* in either element will far surpass the mobility of the water scout in its single element.

"The air scout, to carry a pilot and observer, will have a speed of 80 or 90 miles per hour and be of about 120 horsepower, fitted to float safely on the water and rise. It will resemble somewhat the *Dreadnought*, its larger brother, but will be of a lighter construction.

"There is to-day only one thing that limits the size of the aeroplane, and that is the engine. When engines are made of 1,000 horsepower, light, efficient, and reliable, the aerial *Dreadnought* will be still more reliable and controllable, and more effective than its smaller type. The engines, too, will be placed in such positions as to be accessible to the mechanic while in flight; so going another step further to obtain that reliability which will always be of the first importance in naval and military warfare.

"Emerging from the experimental stage, the aeroplane now only requires the thought and study of highly trained engineers and designers, working with experienced naval and military officers, to make it one of the finest fighting machines and an indispensable arm for both army and navy."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EDWARDS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

One professor of mathematics, 1 of mechanical drawing, 1 of English, 1 of French, and 1 of Spanish, at $3,000 each.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The Clerk read as follows:

Amend by adding at the end of line 17, page 47: "*Provided*, That no part of the appropriation made in this bill shall be paid to civilian professors of mathematics placed on the retired list of officers after July 1, 1912."

Mr. TRIBBLE. Mr. Chairman, on page 740 of the Navy Yearbook of 1909 you will find professors of mathematics, six on the retired list. There are more of them now. On page 739 you will see that on the active list of professors of mathematics there are 14. If you will turn with me to page 749 you will find there a number of professors provided for as captains and commanders, some drawing salaries at $5,500.

Now, Mr. Chairman, the purpose of my amendment is to undertake to cut off from the retired list people who are not entitled to go on the retired list, and I hope the House will give me a patient hearing on this question. I have not taken up much of the time of this House, and I believe I am fair, and I believe I can convince Members on the floor of this House who have not made up their minds that this is a fair proposition.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TRIBBLE. Now, on page 481 of the hearings you will find statements in regard to an effort to get additional professors on the retired list as officers. Bills were introduced before the Committee on Naval Affairs, and this evidence was incidentally brought out in the naval hearings, and I will read for the information of the House some extracts therefrom.

Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment?

Mr. TRIBBLE. Yes.

Mr. PADGETT. I want to call the gentleman's attention to the fact that on the 30th day of June of the present year, a little more than 30 days from now, the law becomes operative to the effect that no officer on the retired list can be employed in any Government service—I mean in any of the commissioned services—so that a provision prohibiting the thing that the gentleman is complaining of—that retired officers are at work—will go into effect. But these are the active professors at the academy, who are doing the actual teaching, and the gentleman surely does not wish to cripple them or their salaries.

Mr. TRIBBLE. I think I understand the proposition, Mr. Chairman. There are on the list of professors of mathematics not only professors of mathematics proper, but also one professor of physics, and instructors in language. I read:

Mr. TRIBBLE. There is no provision of law at the present time to put them on the retired list?

Capt. GIBBONS. No, sir; they go out with nothing except what they have saved. As I say, the objection has been generally to many of these coming in. I think everybody who is there as an instructor or a professor has a bill for some form of pension. There has never been any other objection.

Mr. TRIBBLE. Do you think that their capacity to teach has been in any way impaired?

Capt. GIBBONS. No, sir; I think Prof. Terry now is an excellent man, but he is getting on and I do not know how long he will last.

Mr. TRIBBLE. Do you not think an active life is a good thing for an old man if he can give proper service?

Capt. GIBBONS. He does not want to retire until he has to. He is performing satisfactory service now.

Mr. TRIBBLE. Why should he be put on the retired list?

Capt. GIBBONS. Simply because of his long service at the Naval Academy.

Mr. TRIBBLE. He is still able to continue his service and is not asking for it?

Capt. GIBBONS. He is not asking for the retired list now.

Mr. GREGG. We have before the committee one of Capt. HOBSON'S bills, H. R. 19234?

Capt. GIBBONS. This is a similar bill for Prof. Corbesier, the sword master at the institution. He has been there even longer than Prof. Terry. This bill is to give the sword master the same pay as the sword master at the Military Academy.

* * * * * * *

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

Capt. GIBBONS. I favor both of them on sentimental reasons.

Mr. TRIBBLE. But not on business reasons?

Capt. GIBBONS. That is up to you gentlemen.

Mr. TRIBBLE. You have just stated that these men were capable and that they were not impaired at all?

Capt. GIBBONS. The sword master is near the limit.

Mr. TRIBBLE. From a business standpoint you do not favor the bills, but from a sentimental standpoint you do?

Capt. GIBBONS. From a sentimental standpoint, I do.

I call particular attention to this question:

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

His answer is:

Capt. GIBBONS. I favor both of them on sentimental reasons.

Now, Mr. Chairman and gentlemen of this committee, I say that the time has come when the people of this country ought to understand that professors at the Naval Academy are carried on the retired list; men who have never smelled powder, men who, if there had been a battle on every hilltop and in every valley in the United States, would never have been in the

service; men absolutely immune from service; men who are not as likely to be in the service as gentlemen on this floor, because they are over here at the Naval Academy employed as teachers. Yet by some method they have managed to get on the retired list at salaries of $4,000 or $5,000 a year. The people want a seagoing Navy, a fighting Navy, and not a sentimental land substitute. [Applause.] That is the position I have been taking before this House, and I believe the House will agree with me.

In the hearing I made this statement, which I read to the committee because it is in line with the thought that I am trying to emphasize here to-day:

Mr. TRIBBLE. They were very fortunate in their younger days to get these appointments, they considered themselves highly honored, and as a matter of fact, they sought them?

Capt. GIBBONS. I should say they did.

Mr. TRIBBLE. And they have had a good salary all their lives. Teachers of equal capacity in the various counties and towns all over the United States are not retired when they reach 65 years of age on a salary?

Capt. GIBBONS. No, sir.

Now, Mr. Chairman and gentlemen, the point I want to make is this, that men apply for these positions as professors at Annapolis. They seek them, and at the time when they apply there are a number of others who are seeking these appointments, too. They strive for them. One secures an appointment and another goes back to the private walks of life. He may follow the plow, he may stand behind the counter, he may work in a sawmill, or any other position in life. He struggles and competes with his fellow men.

The other man who is fortunate is up there at the Naval Academy, draws a big salary, and lives sumptuously all the days of his life. Now, what right has such a professor to be retired at 65 on salary? The poor fellow who was unsuccessful and who went back to the private walks of life, possibly working in a sawmill, has to pay a tax in order to support the man who has lived in luxury all the days of his life, and then after retirement to help support him in ease as a retired officer. I say you have no more right to take these professors out of the Naval Academy and put them on the retired list as commanders or lieutenant commanders, positions in which they never served, and a rank which they never expected to attain—you have no more right to do that than you have to go down into my State and take a man out of the State University of Georgia, or to go out into the country to the town of Bowman, or some other place, and pick out a professor there and put him on the retired list and pay him a salary. Now, right is right and fair is fair, and the people are going to watch this thing. Your constituents will see my remarks in the CONGRESSIONAL RECORD and they will read the testimony before the committee that I propose to put into the RECORD. Look at the number of retired officers in the Navy—rear admirals 151, commodores 40, captains 53, and so on.

I am not considering at this time men in the active service as officers. I am complaining against the method of placing civilians, men who are simply professors in the Naval Academy, being carried on the retired list of this Government and the people having to pay the taxes to support them. I want to illustrate the retirement question by holding up before you a drawing of a ladder. A good deal has been said here about these officers being retired and other officers taking their places, and that such retirement does not cost the Government any material sum. I want you to look at this ladder which I have drawn on this paper, so that you can understand the point I am trying to make. At the top of the ladder is carried admirals at $9,672.32; this is represented as the top round.

Now they are set aside at three-quarters salary, $7,265. He is at the top of the ladder, retired, and goes off the ladder. When you move him off every man on the ladder moves up a round, and each round represents many, many thousands of dollars. Am I right about this proposition, or are gentlemen right who take the position on the other side?

Take a commander; he is lower down on the ladder. He gets $4,479. That commander may retire 20 years before his age of retirement by the plucking board. Estimate how much he has drawn out of the Treasury during that 20 years of his retirement before the age limit and you will find that it amounts to $89,580. When one officer is taken out of the service there is an upward movement in all the ranks, new positions with increased salary. On the active list of officers there are—admirals, 26; captains, 83; commanders, 117; lieutenant commanders, 209; lieutenants, 354. On the retired list there are—admirals, 151; commodores, 119; captains 53; lieutenants, 73. This is only the head of the list of commissioned officers, and you will see nearly as many in the statement given on the retired list as there are on the active list—doing nothing and drawing from $3,000 to $6,000 per year—and yet my amendment to nullify the power of the plucking board was defeated, and this board will continue to retire 15 officers each year before such officers reach the age of retirement.

Mr. PADGETT. Mr. Chairman, the amendment offered by the gentleman from Georgia provides that no part of the appropriation made in this bill—it does not apply to the section, but to the whole bill—shall be paid to any civilian professor of mathematics placed on the retired list of officers after the 1st of July, 1912. I want to say that civilian professors of mathematics are not placed on the retired list at any time. Civilian professors have been trying for years to get the committee to report a bill placing them on the retired list, but we have steadfastly refused to do so. There are a number of such bills pending before the committee at this time, but the committee has never reported a bill to place civilian professors on the retired list.

Mr. BOWMAN. If the civilian professors do as good work as the other professors, why should they not be put on the retired list the same as an officer promoted for a similar service?

Mr. PADGETT. That is a question not involved at this time, and it would open a door to a civil retirement list which would bankrupt the country very promptly.

The gentleman from Georgia refers to the number of professors in mathematics who may be on the retired list, but they are all commissioned officers and held the position and rank of professor of mathematics with the rank of captain, commander, and so forth, as provided in the law under which they were commissioned.

Then the amendment provides against placing professors on the retired list after July 12, 1912, so that it would not affect any on the retired list at this time. In the next place, the general law prohibits the employment of retired officers on the active list for any purpose after June 30, 1912. I therefore hope the amendment will not prevail, as it would only complicate matters and be of no service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Four instructors, at $2,160 each.

Mr. LITTLEPAGE. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. Has there been any complaint lodged with the committee with reference to the method of examination of the boys appointed by the Members of this House and by Senators for the Naval Academy that the examination has been so hard as to keep the poor boys out of the institution at Annapolis and also at West Point?

Mr. PADGETT. There has been no complaint lodged in the sense of a public complaint or any communication. Members of the committee have discussed the question among themselves whether or not the examination was rigid, but there has been no formal or official complaint. We have recognized that the examinations are difficult and that quite a number of boys have failed to pass them. The other day in a hearing before the committee Capt. Smith was heard on the personnel bill, and we discussed in connection with the legislative requirements of the general personnel reorganization the question of academic examinations, and so forth, and we had quite a hearing upon that. I will state to the gentleman that the curriculum and quality of examinations are fixed by an academic board at the academy, and they can change it, raise it, or lower it as they see fit. Perhaps if the matter was taken up with them they might revise it. It does not require legislation. That academic board is like the faculty of a school that determines the method and course of study.

Mr. LITTLEPAGE. I recently had occasion to examine the questions propounded some time ago to the boys who were appointed, and it struck me that the questions were to a considerable extent catch questions in order to keep boys from passing, and that they thereby keep out many deserving young men in the country who have a great ambition to enter either the one or the other of those institutions. I thought perhaps the matter might have been brought to the attention of the committee and that it might feel called upon to make some recommendation with a view of modifying the method of examination and the curriculum.

Mr. PADGETT. Mr. Chairman, I would say to the gentleman that the committee has discussed the matter. It would be a matter very difficult to deal with in legislation. I have never been impressed with the idea that they were catch questions, but I had been impressed with the idea that it was a very rigid and severe examination for the reason that the standard at the school is very high, and it may be that the board

will take cognizance of the discussions here and may consider it.

Mr. LITTLEPAGE. Mr. Chairman, in that connection, does not the chairman, as well as the committee, feel that the examinations as reported from time to time are entirely too rigid with reference to the opportunities of the young men of the country, and especially the poor young men of the country, to pass them and enter these institutions?

Mr. PADGETT. I do not know that I can say that. I can only say that in my experience the poorest young man whom I ever appointed to one of the institutions made the highest grade in his examinations and in his graduation, while some of the richer ones that I appointed did not make better grades.

Mr. BOWMAN. Mr. Chairman, if the gentleman from West Virginia will permit, I think I can shed a little light on this proposition. A young man who failed in his examination in his first year came to my office a few days ago trying to secure a reappointment. I had brought to my attention the question of the character of these entrance examination papers, and I asked him what he thought about them—if he thought they were too severe or filled with catch questions. He said no; he did not. He thought the questions were calculated to bring out the knowledge the young men might have of the matters at issue.

Mr. LITTLEPAGE. The examinations are certainly so rigid now that it is almost impossible, it seems to me, for boys to pass them.

Mr. TALBOTT of Maryland. But they do get in, however.

Mr. LITTLEPAGE. And I did not know but that it would be a good time and occasion to let the RECORD show that at least some Members of this body feel that in many cases the boys are really being imposed upon. I do not say that with a view of reflecting discredit upon any department of the Government.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to say to the gentleman from West Virginia that I recall a member of the Naval Affairs Committee some 10 years ago complaining that the examinations for entrance were so rigid that he could not get boys in his district to pass. So that it would seem that this complaint is not of recent origin. A similar complaint, so far as I know, has been made ever since I have been a member of the Committee on Naval Affairs, some 12 years.

Mr. PALMER. Mr. Chairman, while we are discussing the requirements for admission and the regulations governing entrance to the Naval Academy at Annapolis, I feel I would like to call the attention of the Committee on Naval Affairs to one feature of those regulations which to my mind demands some attention.

As far as I am personally concerned, I have never had any complaints that the examinations were too rigid. On the contrary, the applicants from my district have never had much difficulty in passing the mental examinations; and, like the distinguished chairman of the committee, I, as doubtless many other Members of the House have done, have tried to send to Annapolis and to West Point young men who otherwise would be prevented from securing an education—bright young fellows whose parents are of limited means. I have been struck, however, by the fact that a considerable proportion of the young men who have gone there have found it extremely difficult to pay the sum of $280 in cash which is required to be paid by the boy when he enters the academy.

I was formerly of the impression that the salaries paid to the young men at the academy were sufficient to cover all expenses, purchase of books, equipments, and so forth, and I was of the impression that when this $280 deposit was paid by the boy there was some way for him to secure it back; but I am advised by the Bureau of Navigation and the Secretary of the Navy that there is no way by which it can be returned. I have recently appointed to the academy a young man to whom this $280 is just as much as a million. He is of a family which can not afford to pay that sum upon his entrance to the academy, and it puts him to the necessity of asking somebody to give him this money or to trust him for several years until he is able to pay it back. I offered to the Navy Department personally to guarantee this sum of $280. I was told that the guaranty was all right, but that it was against the rules and regulations to take it.

Assuming that the necessary amount would be loaned to the young man, I tried to arrange so it would be paid back to the person who loaned the money out of the young man's salary, but I find that this plan is not possible with the $50 a month, or whatever it is that a young man gets at Annapolis, as his salary is entirely consumed in the necessary expenses during his residence at the academy.

I do not know whether this is the proper place to consider it, but it does seem to me that as it is a comparatively small thing to the Government and a very large matter to these young men, there ought to be some way by which we can free them from the necessity of putting up that money when they enter the academy.

Mr. PADGETT. I will state to the gentleman that not long since we raised the allowance of the young men at the academy $100, so that they are now getting a little more than $700 a year.

Mr. PALMER. When did that begin?

Mr. PADGETT. Two or three years ago.

Mr. PALMER. Well, I have been told within the last week by the Navy Department that the allowance is not sufficient for them to take out this $280 from the salary, and they told me that is the only way for the young man to get into the academy. This particular young man from my district has passed a most creditable examination both physically and mentally, and the only way for him to get in is to go out and solicit from his friends the loan of $280.

Mr. PADGETT. They do have to get their uniforms, and so forth, at the beginning, but when they get their $600 during the course of the year they could draw enough to repay that out of the money, and there are a number of young men, I have been told when I have been down there, who come out of the academy with a small surplus.

Mr. PALMER. I know the gentleman from Tennessee has wide knowledge of the conditions in the Navy and doubtless at the academy, but I put against his statement that the young men can pay this $280 out of their salary the statement of the Bureau of Navigation and of the Assistant Secretary of the Navy, both of whom told me within the last week that this very thing can not be done with this pay; that they can not arrange it with the small sum which they receive of $50 a month, as this is only sufficient to cover the necessary expenses at the academy.

Mr. PADGETT. There is a certain amount deducted every month, which is to be used after graduation for the purpose of their outfit.

Mr. PALMER. But the amount which is taken out every month from the salary is all taken up with the graduation outfit. At the commencement time, after the four years' course, they are obliged to purchase a certain number of supplies, and in order that the boys shall not expend all the money during the four years they credit a special account with an amount of money every month, and that takes up so much of the salary of the boys that they can not pay back this $280 which they have to pay at the beginning.

Mr. PADGETT. I think the gentleman will find that a boy observing reasonable economy may absorb and take this in and cancel it during his term, because I have been told—and I have been on the Board of Visitors several times and inquired about it—there are boys to-day who upon graduation have to their credit some money over and above even their graduation outfit.

Mr. PALMER. There doubtless are cases.

Mr. PADGETT. That shows that it can be done.

Mr. PALMER. But the trouble with that, if the gentleman will permit, is that the Naval Academy will not permit the withdrawal of a certain amount every month from the salary of these young men in order to pay this $280 back. If the boys could collect it out of their spending money in the course of three or four years perhaps they might pay it all back, but the Navy Department will not permit the withdrawal of the funds to pay back to the person who loans the money to the boy.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PADGETT. The committee will look into that matter.

Mr. PALMER. I ask for a couple minutes more, in order that we may thrash out this matter a little.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. PALMER. I just want to ask the gentleman if it would not be possible for the committee to suggest an additional allowance to cover this original investment and put it on this bill?

Mr. PADGETT. I do not think we could afford to undertake to increase the allowance of 900 boys at the academy by $280 apiece for the year. That would be a considerable sum.

Mr. PALMER. It is not annual.

Mr. TALBOTT of Maryland. Where will you draw the line between who you pay the $280 to?

Mr. PADGETT. We are allowing them now $701 a year, I think it is.

Mr. PALMER. It seems to me it would be possible for a fund to be put at the disposal of the Bureau of Navigation, for instance, to take care of deserving cases.

Mr. PADGETT. That is a question of the regulations of the Navy Department; it is not a law.

Mr. PALMER. That is what I am complaining about; I can not control them, but this House can control them.

The Navy Department is making a regulation which, in my judgment, is unfair to these young men.

Mr. PADGETT. We will take the matter up, and we might make some suggestion to the department to change the regulation; but I do not think we ought to attempt to do so at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

One swordmaster, $1,600; 1 assistant, $1,200; and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200; and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 2 clerks, $1,500 each; 4 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks at $900 each; 2 clerks, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; 1 dentist, $2,520; services of organist at chapel, $300; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; 3 telephone switchboard operators, at $600 each. In all, pay of professors and others, Naval Academy, $124,676.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, on page 48, in lines 22, 23, and 24, the words, "1 second captain of the watch, $828; 22 watchmen," and insert "12 watchmen."

Mr. TRIBBLE. Mr. Chairman and gentlemen of the House, I think if you will give a hearing to the words of the testimony of the officials of the Academy, as it appears in this book, you will join me in this little move of economy. I have advocated economy in this bill in many particulars, but I have not stricken or advocated the striking from this bill one word that will affect the efficiency of the Navy, and I think you will find when this bill is finished that there has been anywhere from $3,000,000 to $4,000,000 stricken from it; and feeling as I do that the efficiency of the Navy has not been affected, I have no apologies to make for the attacks I have made on this bill.

Now, Mr. Chairman, there are 24 watchmen down there to guard the Naval Academy. In addition to that there are 2 captains of the watch to look after them. Somebody may say, "You will need these watchmen because you have soldiers there." But these watchmen do not have a thing to do with the soldiers. The soldiers have their own watchmen and their own guarding of the gates.

Now, Mr. Chairman and gentlemen of this House, I say there are four gates down there and they have 24 men with which to guard them. Now, if you will give 12 men, as I have provided in this amendment, you can have a change every eight hours for each day. And why in the name of reason do you want more than the 12 watchmen at the expense of the Government down there to guard a few buildings on the college campus?

Now, here is the testimony:

Mr. TRIBBLE. What is the reason one watchman could not properly perform that duty?

Commander COLE. When he was at one gate unauthorized persons might go out the other gate.

Now, listen, please. I want you to listen to this testimony:

Mr. TRIBBLE. Who?

Commander COLE. People who may want to acquire property which is not their own.

Mr. Chairman, who wants anything or who would steal anything from the Naval Academy? Now, I took him up on that proposition:

Mr. TRIBBLE. The visitors would not trouble anything.

Commander COLE. We can not tell.

And then another officer there, who was in the room, saw that I had driven Commander Cole into a hole, and he said:

There are a number of colored people who come in and go out; there is a large class of undesirable people who come in there, I am sorry to say.

And then I said to him:

I would like to have you enumerate some pieces of property that could be carried away from there that there is danger of being stolen, so as to show the necessity of these watchmen.

What is his answer? He says:

A lot of people go there to get relics. They will break off a piece of stone or bricks that is a relic in the academy as a souvenir.

Who ever heard of such an excuse for 26 men to guard relics and pieces of stone? The Government had better build a new stone building down there occasionally than to keep 26 men there on pay of the Government to guard four gates. Changing every eight hours there would be two for each gate, one fellow to watch the other to see that he does not leave.

Now, gentlemen, I ask that you vote for my amendment and pass it.

Mr. PADGETT. There are about 150 acres of ground embraced in the reservation. There are a number of buildings. The outlay that Congress has made there is something over $10,000,000. There are about 900 students, and there are multitudes of visitors going in and out, both foreign and from the city, of different grades and classes, and there is much valuable property there about the dormitories and the buildings, in the way of books, valuable relics on exhibition in the way of flags and other things.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. PADGETT. Yes, sir.

Mr. TRIBBLE. Have you not got the same law down there in that State as anywhere else? If anything is stolen, can not you prosecute the thief in court?

Mr. PADGETT. If you catch him. But it is a very poor solution to have a relic stolen that perhaps could not be replaced at any price if it were destroyed. We remember that only a few weeks ago, right here in this building, with all the guards around here, one of the most valuable paintings was mutilated and very badly injured—right out there in the hall. I do not think there would be any economy in striking out these watchmen there with the great value we have there and the great number of interests to be watched and to be safeguarded, and therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of the Board of Visitors to the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, $3,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amend by striking out all after the word "Academy," in line 16, down to and including the word "thousand," in line 19, and substituting therefor the following: "six hundred," and add after the word "dollars" the following:

"*Provided*, That so much of the act approved February 14, 1879, as relates to the constitution of the Board of Visitors to the Naval Academy be amended and reenacted as follows: 'That hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Naval Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately, as the said committees may elect, during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the Board of Visitors shall be their actual expenses while actually engaged upon their duties as members of said board and their actual expenses of travel by the shortest mail routes: *Provided further*, That so much of the act approved February 14, 1879, making appropriations for the naval service for the year ending June 30, 1880, and for other purposes, as is inconsistent with the provisions of this act is hereby repealed.'"

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that the amendment is not subject to a point of order. It comes clearly under the provisions of the Holman rule and reduces expenditures.

Mr. GOOD. Then I will make the point of order, because it is not evident on the face of the amendment that it will reduce expenditures. I understand that the previous rulings of the Chair have been that it must be evident on the face of the amendment and the provision it seeks to amend that it reduces expenditures.

Mr. BYRNS of Tennessee. Mr. Chairman, the amendment on its face undertakes to reduce the appropriation from $3,000 to $600. Therefore it is clearly within the provisions of the Holman rule.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PADGETT. I want to call the attention of the gentleman from Tennessee [Mr. BYRNS], before he begins, to the language of his amendment. That, in my opinion, leaves a very wide-open door in the bill. It provides that the actual expenses shall be paid. I know that down at the academy the hotel rates run from $3.50 a day to large amounts a day for rooms during the June week at the academy, and it seems to me that it would

be better for the gentleman to state in his amendment that there shall be a per diem allowance, as there is now under existing law, of $5 per day to pay his expenses, instead of just saying that the actual expenses shall be paid, and let him go down there and engage a room at a large cost a day while he is attending the commencement.

Mr. BYRNS of Tennessee. I would be very glad, Mr. Chairman, to accept an amendment providing that "the expenses of the members of the board shall be their actual expenses while engaged in their duties as members of said board provided the same shall not exceed the sum of $5 per day."

Mr. PADGETT. I think it would be better to provide a certain mileage. I believe they are allowed now not exceeding 8 cents a mile and $5 per diem for expenses. My experience down there has been that the hotel charges the per diem that you get for a room, about the cheapest you can get. About $4.50 or $5 is about the cheapest you can get, and from that up. Then, if you start out with actual traveling expenses, there is a question of what may be the actual traveling expenses.

Mr. SLAYDEN. The actual traveling expenses from Washington to Annapolis?

Mr. PADGETT. Every other year Congress will not be in session, because in the odd years Congress adjourns on the 4th of March, and the members will go from their home cities.

Mr. BYRNS of Tennessee. This provides for the actual traveling expenses.

Mr. SLAYDEN. The gentleman did not catch the actual reading of the amendment. As it was shown to me it provides that they shall go during the sessions of Congress and investigate it just as they would have a hearing in the city of Washington. Their expenses in going from here to Annapolis and back will certainly be very little.

Mr. PADGETT. You do not intend that they shall necessarily go during the commencement week?

Mr. BYRNS of Tennessee. The amendment expressly provides that they shall go during the sessions of Congress, at such times as the committees may determine.

Mr. PADGETT. I overlooked that limitation on the time.

Mr. BYRNS of Tennessee. If this amendment is adopted, it will provide that only members of the Senate and House Committees on Naval Affairs shall be members of the Board of Visitors. I hardly think it probable that any Member of the Senate or House would abuse the privilege of going to Annapolis and paying any exorbitant sum for hotel accommodations.

Mr. PADGETT. I think it is better to place a per diem limitation, if for no other reason, so that the hotel men can not say, "It is an unlimited amount, with the Treasury behind you," and charge an exorbitant figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I should like five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. At the outset I want to say that I am perfectly willing to accept an amendment, and will be glad to do so, which will provide that the hotel expenses shall not exceed the sum of $5 per day. This amendment is in the interest of economy, and also, in my judgment, in the interest of good legislation. I hope the gentleman in charge of the bill will agree that it may be adopted. Under the present law the President appoints seven members of the Board of Visitors. In addition two members of the Committee on Naval Affairs of the Senate and three members of the Committee on Naval Affairs of the House are appointed, making a board of twelve who visit the academy during the commencement exercises, as I understand. If this amendment is adopted, it will not reduce the number on the board, for it provides that the board shall consist of five Members of the Senate, to be chosen from the Senate Committee on Naval Affairs, and seven Members of the House, who shall be chosen from the House Committee on Naval Affairs. It does not reduce the number of the board, but it certainly reduces the expenses to a very great extent.

In addition to that, it is practical in its operation, because if it is adopted then the members of the two great Naval Committees of the House and Senate will have the opportunity to go to the academy and to examine and investigate the conditions of the Naval Academy while it is actively in operation. They are the men who shape the legislation, the men who prepare the bills and introduce them, and advise Congress as to what ought to be done with reference to the Naval Academy. As it is now, the President appoints seven men. I am not criticizing his selection. I do not know who has been appointed in the past. I am sure he has appointed good men and representative citizens of the country, but they are not charged with the responsibility of legislation. They are not charged with any responsibility with reference to the Naval Academy. They go there during the commencement exercises, when the students and everybody are on dress parade. They are no doubt dined by the officers, and it is very proper that they should be. They get their ideas as to what the Naval Academy is from what they see there during commencement week; but this amendment, if adopted, will provide that members of the House and Senate Naval Affairs Committees shall visit the academy not on the day of commencement but during the sessions of Congress, at very little expense, I submit, because we know it is only 40 or 50 miles from here.

As an instance of the economy which will result, I call your attention to the fact that four or five years ago this Congress passed a law providing that the Board of Visitors to West Point Military Academy should consist of members of the Military Affairs Committees of the respective Houses. In other words, they cut off the right of the President to make appointments. As a result they have reduced the appropriation for the Board of Visitors to West Point Academy from $3,000 to $1,000, and I am informed that it only costs about $700 or $800 every year, whereas this bill undertakes to carry $3,000 for the Board of Visitors to the Naval Academy. Now, if this amendment is adopted the appropriation will be cut down to $600. I submit that this board of 12 going from Washington to Annnapolis, a distance of 40 or 50 miles, can go for a much less sum.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have long been in favor of a similar proposition to that now offered by the gentleman from Tennessee, and if my memory serves me the plan has been recommended several times in the past by the Board of Visitors at Annapolis. The only criticism of the gentleman's amendment that I would make is that the amount of money he makes available, $600, is too small. He provides for 12 members of that board, and as I understand, there is to be a limitation of $5 per diem for hotel expenses. That would make $60 per day for 12, and if they remained a week that would be $360 out of the $600, for rooms, meals, and living—too small an amount, in my judgment, for transportation back and forth and for incidental expenses of the board while there.

Mr. BYRNS of Tennessee. I submit to the gentleman that Congress only appropriates $1,000 for the Board of Visitors to West Point, which, as the gentleman knows, is much farther distant; and, it seems to me, taking the distance into consideration, this is much more liberal than the appropriation Congress has been in the habit of making for the visitors to West Point.

Mr. ROBERTS of Massachusetts. I have never been on the Board of Visitors to West Point, and do not know how much territory there is to be covered by that board of inspection. I have been at Annapolis, and I know the grounds are extensive; and I know it is unreasonable to expect a Board of Visitors to walk all over those grounds, and it is necessary, as an incident to the visit of any board, that there be carriages provided to carry them over the reservation. That is another reason why I think the gentleman's amount is too small. It should be at least $750, in order that the members of this board would be enabled to make the proper visit and inspection of the academy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, it will not take $600 to make the inspection. Four days is all we have ever consumed heretofore at any time, even during graduation week, with the entertainment and various things of that kind. So that three or four days would give ample time. You can get a round-trip ticket from here for $1.25, so that I think $600 is ample. The only question is as to the limitation upon the per diem, if it is not deemed necessary to limit that, so that one man would not engage a room at $20 and another at $3.50.

Mr. BYRNS of Tennessee. I want to ask the gentleman if it will be acceptable if the amendment is modified so as to read, "the expenses of the members of the board shall be the actual expenses while engaged in their duties as members of said board, not exceeding $5 a day, and actual expenses of travel by the shortest mail route."

Mr. PADGETT. That is all right.

Mr. TALBOTT of Maryland. As I understand, this amendment excludes any but Senators and Representatives from the Board of Visitors?

Mr. BYRNS of Tennessee. Yes.

Mr. TALBOTT of Maryland. Mr. Chairman, I do not think that is exactly the right thing to do. I think an institution like the Naval Academy should have on the visiting board at least three persons not connected with Congress or legislation affecting the institution. Now, as to the compensation

of the Senators and Representatives, I do not see any necessity for allowing them a per diem. They are receiving a per diem now. All they ought to ask for is their actual expenses. I really believe that, for the good of the Navy, there ought to be some one else on the board besides Members of the House and Senate. We have all the rights now that this will give us. We could go down and inspect the Naval Academy, and the Naval Committee of the House or of the Senate can go there and inspect the academy. They can send for the officials, they can send for the commandant and any other officials and bring them here and examine them. I believe, for the good of the service and for the better satisfaction of the people, it would be wiser to have two or three civilians on the board. If you do, they ought to have a per diem and ought to have mileage.

Mr. PADGETT. Members of Congress get a per diem now and mileage.

Mr. BYRNS of Tennessee. This does not provide for a per diem, but for the actual expenses.

Mr. TALBOTT of Maryland. Nobody objects to that, but, as I said, there ought to be some one on the board besides Members of the Senate and the House, and if you have outside people they are entitled to some compensation, because they receive nothing from the Government, and they would be entitled to a per diem and traveling expenses.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be modified as suggested by the gentleman from Tennessee. Is there objection?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, I rose to advocate the amendment, but since the gentleman from Tennessee accepted it, I shall not take the time of the committee.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For contingencies for the superintendent of the academy, to be expended in his discretion, $2,000.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 21, insert, after the word "academy," the following: "And to provide for equipment of needy applicants at the time of admission to the academy," and strike out the word "two" and insert the word "six."

Mr. PALMER. Mr. Chairman, a few moments ago I called the attention of the committee to the fact that young men at the academy are required under the naval regulations to make a deposit of $280 and some cents upon their entering the academy to cover initial equipment of clothing and necessary household goods with which they supply their rooms in the barracks. The Navy Department insists that this sum of $280 can not be deducted from the salary received by the young men while they are in the academy. The purpose of this amendment is to put in the hands of the superintendent of the academy the sum of $4,000 with which he may at his discretion give aid to such persons upon their entering the academy as absolutely need it.

Mr. PADGETT. Mr. Chairman, does the gentleman mean that this is to be an increase—a bonus—to them, or is it to be deducted out of the $700 they receive?

Mr. PALMER. My idea of it would be that this sum of $4,000 be put in the hands of the superintendent to be used at his discretion. When a young man passes a creditable examination for admission to the academy, and shows that he is absolutely without funds—that he can not enter the academy unless he receives some help to make this deposit—then let the superintendent of the academy give him such help; and this sum of $4,000 would provide the entire deposit for 15 or 16 boys, and would provide half the deposit for 30 boys, which unquestionably would be all in any given year which would actually need this amount of money.

Mr. PADGETT. Then the gentleman is making a disproportion between the boys and a discrimination which will result in confusion and dissatisfaction. If it is to be used as a fund to advance the boy and to be later deducted from the pay of the boys throughout their course, it might be all right, but if it is to be given in addition, it will be a disturbing factor; an element for disquiet.

Mr. PALMER. Mr. Chairman, I am perfectly willing that it should be deducted, but in leaving the matter to the discretion of the superintendent I have no doubt that is the way that he would work it out. There is nothing in the objection which the gentleman from Tennessee urges—that this would mean discrimination in favor of one student as against another. Every college in the country has endowment funds from which needy students are given assistance, and nobody in the academy will ever express any criticism because some other person in the academy needs it and has been assisted by the Government in order to get into the academy. I say that it is far worse that these young men should be compelled to resort to private charity or the assistance of friends at home and get money in that way to go into the academy of the United States than it is to have them know that Uncle Sam is going to help them when they need it.

Mr. PADGETT. Mr. Chairman, I may say to the gentleman that the amendment is subject to a point of order, and I purposely did not make it, because I wanted it to be considered upon its merits.

Mr. PALMER. I do not think that it is subject to a point of order.

Mr. PADGETT. It certainly is subject to a point of order. There is no law authorizing it, and it does not reduce expenditures.

Mr. PALMER. That is true, but you are making an appropriation here to the superintendent of the academy for contingencies, and all that I am doing is to define those contingencies and increase the amount.

Mr. PADGETT. But the gentleman is not putting it as a contingency. He is naming a specific purpose. I did not raise any point of order because I thought it could be considered upon its merits, but I do think that the gentleman ought to amend it so as to provide that this amount shall be refunded from time to time out of the pay of the young men either before or after graduation. For this reason——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I take five minutes in my own right, and will yield to the gentleman from Pennsylvania. I just want to suggest that at the academy they have very rigid rules in regard to equality. The richest young man who goes there is not allowed any more money allowance than the poorest. His people are not allowed to send him anything. He is allowed to expend no more than the others; everything is held upon an absolute equality with reference to money and to finances, so that to incorporate this amendment, to give to one more than another, under the traditions and customs that prevail there, would not be beneficial, and I think in view of that, while I am willing that this contingent fund should be placed there for use as intended, I think it ought to be turned back to the Treasury in order to preserve an absolute equality among the young men.

Mr. ROBERTS of Massachusetts. Will the gentleman yield there for a moment? Did I understand the gentleman's motion increased the contingent fund to $6,000, to increase the superintendent's contingent fund from $2,000 to $6,000?

Mr. PALMER. Yes; to be used for the purpose I mentioned.

Mr. ROBERTS of Massachusetts. Does the gentleman's motion define the purposes for which the additional $4,000 is to be used?

Mr. PALMER. I have increased the contingent fund of the superintendent to $6,000 and defined the uses to which the entire contingent fund may be put. It would not mean, I suppose, that all of the $4,000 should be used for that purpose.

Mr. ROBERTS of Massachusetts. The gentleman realizes that the present contingent fund of $2,000 is practically a fund placed at the disposal of the superintendent of the academy for the purpose of entertainment.

Mr. PALMER. So I understand.

Mr. ROBERTS of Massachusetts. And unless there was a very careful distinction made by the motion of the gentleman it might be possible in any given year that the superintendent would have $6,000 with which he could entertain. If he had no application for this deposit to be taken out, he might possibly have the whole $6,000, and I suggest to the gentleman the better way to get at it would be to make a separate provision, a separate contingent fund for that purpose, and not interfere with the present contingent fund.

Mr. PALMER. I will say to the gentleman the reason I offered the amendment in this way was in order to escape the point of order, which, I think, can not lie against the amendment as it is now written, because, after all, it simply defines the contingencies for which this money can be expended; but the idea of the gentleman from Massachusetts is perfectly proper, and if there be no point of order raised against it I will be willing to make that separate amendment and offer it separately instead of an amendment at this point.

Mr. ROBERTS of Massachusetts. I think, Mr. Chairman, the members of the committee are in full sympathy with the

purposes indicated by the gentleman from Pennsylvania, and I doubt very much if any point of order would be raised against such a worthy amendment as that.

Mr. PALMER. Then, Mr. Chairman, I ask unanimous consent to modify the amendment——

Mr. TALBOTT of Maryland. Mr. Chairman, I reserve the point of order; I do not say I will make it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment——

Mr. PALMER. So it may appear, after line 21, page 51, as follows:

For contingencies for the superintendent of the academy: To provide for equipment of needy applicants at the time of admission to the academy, to be refunded out of salary before or after graduation.

I think, Mr. Chairman, that is sufficiently definite to be regulated by the department.

Mr. GOOD. Mr. Chairman, I reserve a point of order. [Cries of "Too late!"]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his amendment may be modified as stated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Chairman, I call for a vote.

Mr. GOOD. Mr. Chairman, I do not believe the House ought to agree to this amendment. A few moments ago the gentleman from West Virginia [Mr. LITTLEPAGE] complained because certain applicants to West Point and Annapolis were not able to pass the examinations, and if any inference is to be drawn from his remarks it must be we are to reduce the standard so that applicants to these institutions can obtain entrance more easily. Now for the first time it has been intimated that certain worthy young men, or rather a young man in the district of the gentleman from Pennsylvania was not able to pay the expenses incident to his entrance. I think it is apparent to everybody that Members of this House have fivefold more applications than they can grant in the way of recommending ambitious young men as cadets to these institutions. This is the first time I have ever heard the point raised that a young man could not enter the Academy at West Point or Annapolis because he could not raise the necessary incidental expenses. I do not believe there is a young man anywhere who desires to go through West Point or Annapolis who can not live on the $700 a year that is allowed him and pay all incidental expenses out of this Government allowance.

This amendment is placing a premium upon the applications of those who will in the future be applicants for entrance to these institutions, and I think we are writing into the statutes to-day something that we will regret if we adopt amendments like this. It will be but the beginning of a reform that will in the end let down the standard of entrance to these institutions and will place a premium upon the applications for entrance to these institutions. And I oppose the amendment.

Mr. TRIBBLE. Mr. Chairman, the very purpose of the gentleman's amendment is to take off any premium, so that poor boys can get in as well as the rich. Now, I think we all agree that, if possible, we ought to select the boys who are not able to educate themselves. I represent a rural district. We have a few city schools in the district, and there are but a few of those schools prepared to advance a boy high enough to assure his entrance at Annapolis. In this statement I do not include the universities, but I can safely say the common schools do not prepare them sufficiently for entrance at Annapolis. If he is a poor boy and not able to attend the universities, in order to enter he must go to a special school. If his father is a poor man, the father must put up the money to send him to a special school in order that he may go to Annapolis. He exhausts all the funds he can get before the boy is ready to enter. This amendment provides that nothing shall be taken out of the Treasury of the United States that is not now taken out of the Treasury. It simply provides that the poor boy may enter the academy and be relieved of paying the sum now required. The entrance fee of $250 now required is considered a loan by this amendment, and he is required to reimburse the Government out of the funds now provided for the monthly pay of the cadet after his entrance.

I approve this amendment, and say, further, I shall keep up the fight to lower the examination for entrance at the Naval Academy and give the poor boys, whose opportunities have been limited, an opportunity to enter the Government school.

Mr. AUSTIN. Mr. Chairman, I am going to give this amendment my earnest support. [Applause.] And the very reason enunciated here in opposition to it is a controlling reason that appeals to my sense of justice in giving it my approval.

The gentleman from Georgia [Mr. TRIBBLE] well said that the average boy, in order to obtain admission to either the Military Academy or Naval Academy, must go to a special preparatory school and fit himself to pass the rigid examination of admission. These preparatory schools are expensive to a poor boy. If you do not send your boy or applicant to one of them, the chances are he is going to fail on his examination. I believe the percentage of failures of those who fail to take advantage of a special preparatory school is about 50 per cent and of those who enter such schools, where there is a special course and trained and experienced instructors, 95 per cent succeed in passing the examination. The two best institutions, I believe, in the world are located at West Point and Annapolis. The rich man can send his son to Harvard, Princeton, or Yale, or any of the other leading institutions of this land, but many of the ambitious sons of poor men are prohibited from entering either one of these Government academies for the reason stated by the author of this amendment [Mr. PALMER] and the gentleman from Georgia [Mr. TRIBBLE].

One of the brightest stars in the American Navy was Commodore Farragut. Had this requirement, the payment of this money, $280, been exacted in his day he never would have entered the Naval Academy. His father was a very poor man and lived in my town, Knoxville, Tenn. There is a marker upon a farm near that city showing it was the birthplace of Commodore Farragut. The senior Farragut made his living in the city of Knoxville by peddling water from the near-by springs, for, in the early days of that city, they were without modern waterworks. Old man Farragut drove his cart with a barrel of water upon it, drawn by a single horse, through the streets of that city. And accompanying him on those daily trips in the delivery of this water was his son, who afterwards entered the Naval Academy—Commodore Farragut. [Applause.] This barefooted boy delivered the water from the cart to the citizens.

This amendment should appeal to every man who feels for and sympathizes with the deserving and ambitious poor boys in the land who desire to enter the Military or Naval Academy.

Mr. CANNON. Will the gentleman allow me a question?

Mr. KOPP. Will the gentleman yield?

Mr. CANNON. I care nothing about the amount involved, so far as the expense is concerned, but has the gentleman considered the question as to whether the water cart and the development of good manhood in the boy were not more responsible for his success than the training in the Naval Academy?

Mr. AUSTIN. His school of adversity and early hardships were of great value, but he needed the training in the Naval Academy to make him the great naval hero of Mobile Bay and of the Civil War, Mr. Chairman, and that is what we must do for every boy in this land who has a chance or opportunity to secure one of these appointments, either to the Military Academy at West Point or the Naval Academy at Annapolis, and let him make something of himself—give him a chance.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. AUSTIN. Yes.

Mr. KOPP. Is the gentleman in favor of increasing the appropriation of each boy to that extent?

Mr. AUSTIN. For every boy who is unable to raise this amount, $280, and needs the aid or the credit of this Government advanced to him, and under the provisions of this amendment to repay it out of his salary, either as a student or a commissioned officer in the Navy.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to continue two minutes more. I wish to ask him a question.

Mr. PADGETT. I shall have to object, Mr. Chairman, and call for a vote. This discussion is not essential.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I would like to say a word just here, before a vote is had.

Mr. PADGETT. Well, go ahead.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, since I have been in Congress I have in every instance made recommendations to the Naval Academy and to the Military Academy in pursuance of competitive examinations. I have always thrown those examinations open to every boy in the district within the required age, and I have gone before those classes before they took the examination and said, "It will cost this Government $20,000 or $30,000 to educate the boy who wins out here and is admitted to the academy. I do not want any one of you to take the examination unless you pledge me here that if you get in and complete your course you will stay in the service of the United States during the balance of your life. I do not propose to recommend any boy to either of these academies to get an

education at the expense of the Government and after a few years have him get out and go into private service and make more money or do something more pleasing to him." I have held that promise open, so that the boys think it is the law and not discretion on my part. The best boy in the examination wins if he passes the physical examination. I have not known an instance where any of these boys who got in did not raise the money to pay for his uniform.

I sometimes think that learning is made too easy these days. I sometimes think that a little trial, a little adversity, a little uphill work, will do for a boy quite as much good as the mathematics and Latin and Greek that he will get in college. [Applause.] We are doing much, it seems to me, to smooth the path for the young men and young women. While we are giving them luxurious rooms and accommodations, we propose also to pepsinize and pulverize and pump the intellectual pabulum into them without requiring them to do anything for themselves. I believe in their doing something for themselves. I do not believe in the Government doing everything for them. I do not think there is any boy in the country who can not get, by borrowing or otherwise, enough money to buy a uniform until he can pay it back out of the $700 a year that he gets from the Government. The Government is doing enough for him. Let him do a little for himself. [Applause.]

Mr. PALMER. Mr. Chairman, I suspect that sufficient has been said with reference to this amendment, yet I can not allow the debate to be closed without making some reference to the statement of the gentleman from Iowa [Mr. GOOD], who said that he had never, in his experience, heard of any boy who was prevented from entering the academy by reason of this charge of $280, and that nobody had ever mentioned any case, except that now it is brought forward, because a young man in my district was unable to pay the money.

Of course, Mr. Chairman, my attention was called to this matter by the fact that a young man in my district was affected by it. But he will not be affected by this amendment if it becomes a law; and it is not to assist anybody in my district, either the young man or anybody else, that the amendment is proposed. It would not go into operation until after it would be beneficial to this young man, for he will have entered before the appropriation would be available.

Mr. GOOD. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. GOOD. There was nothing personal in my statement. I only intended to convey the information that this was the first time I had ever heard the matter urged at all.

Mr. KOPP. Mr. Chairman, does the gentleman think the Government ought to donate this money or any part of it to a certain class of boys and not to the others?

Mr. PALMER. No; I am not asking the Government to do it.

Mr. KOPP. Has the gentleman thought of this contingency: Suppose the boy receives the $280, and then he meets the fate that so many boys meet and is dropped at the end of the first year; what are you going to do in that case?

Mr. PALMER. I think in that case the Government could afford to lose the small sum. [Applause.]

Mr. KOPP. The gentleman is willing to donate part of it if it is necessary?

Mr. PALMER. If that happens.

Mr. KOPP. That is the reason I asked the gentleman the question, to find out his position.

Mr. PALMER. There is no doubt—all of us know it perfectly well from our experience—that a certain proportion of the young men who enter the academy find this $280 an insuperable obstacle as far as their own resources are concerned. They must do one of two things: They must either go out to an individual and beg the money as a gift, which I submit is not a good thing in building the character of the boy, or they must borrow the money from somebody.

If they borrow it from an individual, he treats it as a gift, because he knows he can get no security for it. The Government will not permit the young man to pay it out of his salary month by month; and my proposition simply is that the young man in that event should be permitted to borrow this money from his Government, offering to the Government the security which the Government knows is safe—his salary as an officer of that Government. My entire idea in the thing is to make the young man free and independent. These boys who go into places of this kind as objects of charity, through assistance by individuals, will not get out of the life and experience at the academy all that they are entitled to; but if they are needy and the Government is lending them the money to go through, they will not suffer from the influence which is bound to follow upon making them in a sense objects of charity.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. PALMER. Yes.

Mr. MICHAEL E. DRISCOLL. Is a young man who is old enough to enter the Naval Academy, or the Military Academy, or any other college, who borrows money and gives his note or his word, and treats that as a solemn and binding obligation that he will pay it back with interest, an object of charity? And if he pays it back, does not that tend to develop character and independence? If a boy who does that is an object of charity, then I was an object of charity, because I worked my way through college, and I borrowed the money and paid it back with interest.

Mr. PALMER. The gentleman knows what the difficulties would be in the way of a young boy securing money in that way and how easy it is for kind friends to get together, and instead of one man loaning the $280, to pass the hat and make a present to the boy of this amount, which he has got to have to enter the academy.

It happens in four cases out of five that instead of some person loaning it to the boy, somebody gives it to him, and then the young man is impressed with just the idea that the gentleman from New York wants him to escape—that his education is coming to him too easily, and he will be harmed more by that gift of money for his original equipment than he would by a loan, and much more than he would by the advancement of it by his Government.

Mr. MICHAEL E. DRISCOLL. This is the first time it has ever been brought before the House since I have been here, that it is necessary to borrow this money in this way. It seems to me a law should not be passed here on account of this particular case in Pennsylvania which the gentleman has in mind.

Mr. PALMER. The gentleman must know that the cases are very common all over the country.

Mr. MICHAEL E. DRISCOLL. I never heard of one before.

Mr. PALMER. I am not responsible for the gentleman's lack of knowledge.

Mr. BOWMAN. Does not the gentleman know that some small colleges have a fund that they loan to students under similar circumstances? I know of a number of young men who never would have been able to go through college if it had not been for the amount of money advanced to them out of these funds.

Mr. PALMER. That is a common practice in every college in the land. There is an endowment fund for the very purpose of allowing the heads of the institution to exercise discretion in helping poor students.

Mr. MICHAEL E. DRISCOLL. They do not advance money to get them in, but they pay their expenses after they are in, whereas the Government pays $20,000 or $30,000 each year to these students.

Mr. PALMER. That is a distinction without a difference.

Mr. PADGETT. Mr. Chairman, I move that all debate upon the pending amendment and all amendments to this paragraph be now closed. We are expending more value in time to debate it than it would take to pay it.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate upon this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be reported again.

There was no objection, and the Clerk again read the amendment.

Mr. LITTLEPAGE. Mr. Chairman, unless the motion of the gentleman from Tennessee prevailed, I move to strike out the last word.

The CHAIRMAN. Debate on this amendment has been closed by vote of the committee.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 26, noes 32.

Mr. PALMER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers. All those in favor of taking a vote by tellers will rise. [After counting.] Thirteen Members have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymasters, five

in all, and for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants, $936,278.

Mr. GOOD. Mr. Chairman, I reserve a point of order on the following language:

And for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants.

Mr. PADGETT. Mr. Chairman, it does not occur to me that the point of order is well taken, for the reason that, under the law, the question of the number of the enlisted force of the Marine Corps is not a fixed number, but the law expressly provides that it shall be such as Congress from time to time shall establish. It was left in that form for the purpose of Congress legislating as it might see fit on the appropriation bills each year.

Now, with reference to the active list of the Navy, the commissioned officers, it is different. The personnel bill of 1899 fixed a certain number of admirals, a certain number of captains, a certain number of commanders, lieutenants, and so forth, and a point of order would lie against that, because that is fixed and prescribed by law. In reference to the enlisted men, it provides that the enlisted force shall be such as Congress shall from time to time establish, and hence it is in order to report it upon the bill each year.

Mr. GOOD. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GOOD. Do I understand the gentleman to say that the law does not prescribe the number of officers in the Marine Corps?

Mr. PADGETT. It does not in the Marine Corps; it provides that the Marine Corps shall be one-fifth, or 20 per cent, of the enlisted force of the Army, and the number of officers is proportioned to the enlisted men, so as to have a proper military organization.

Mr. GOOD. The language here is "for the following additional officers," implying that the law does fix a certain number of officers.

Mr. PADGETT. It provides for such number as Congress from time to time shall authorize, and in the former bill we authorized certain ones, and that leaves it so that at each time when we make an increase we necessarily say "additional," because, as Congress legislates from year to year, it is fixed for the time being.

Mr. GOOD. While the gentleman is on his feet, let me ask him this question. At the bottom of the page there is a provision for four sergeants; does the same rule apply?

Mr. PADGETT. Yes; and as to the 400 men authorized. Those are noncommissioned officers, and make part of the 400 marines. Really, under the law we could have reported for 800 and doubled the number of enlisted men. The law says that the Marine Corps may be one-fifth of the enlisted force, and we have made it only one-tenth.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Provided, That the gunnery sergeants of the Marine Corps shall hereafter receive the same pay and be entitled to the allowances, rank, continuous-service pay, and retired pay of a first sergeant in said corps.

Mr. GOOD. Mr. Chairman, I reserve a point of order to page 54, lines 16 to 19, including the words "in all."

Mr. PADGETT. Mr. Chairman, I will state that if the gentleman insists on it, this is subject to a point of order, but I think he would perhaps not make it when advised of the conditions. Under the previous legislation the pay of the first sergeant was fixed by law, and the gunnery sergeant does now, under the regulations, the same duty, and the department thinks he should receive the same pay for like services that is fixed for the other.

It is a small item, but it is subject to a point of order if the gentleman sees fit to insist upon it. It was overlooked in the former reorganization, and this is simply to equalize them with the others who receive the pay. They perform the same service.

Mr. GOOD. Mr. Chairman, what is the difference in the pay?

Mr. PADGETT. Mr. Chairman, I will read from the hearings, at page 514:

Col. RICHARDS. Gunnery sergeants are now and have been since the establishment of the Marine Corps regularly detailed to duty as first sergeants, both on shore and on vessels of the Navy. The act of May 11, 1908, increased the pay of first sergeants of the Army from $25 to $45, and the pay of all other noncommissioned officers was also increased in the same act. This grade of gunnery sergeant was the only one where the pay was not increased by legislation. The purpose of this language is to so provide that gunnery sergeants will have the pay which corresponds to their rank and duty of first sergeant. Originally their pay was $35. The pay of a first sergeant is now $45, and the intent is to establish their pay exactly upon the same footing as that of first sergeants. The letter of July 27, 1911, is filed herewith.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Fuel, Marine Corps: For heat and light for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and sales to officers, $164,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 58, line 4, after the word "dollars," insert:
"*Provided*, That no part of this appropriation shall be expended for foreign coal."

Mr. PADGETT. Mr. Chairman, I reserve the point of order against the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not think that the point of order lies against the amendment. This is clearly a limitation upon the expenditure of the appropriation.

Mr. PADGETT. What is the object of the gentleman's amendment?

Mr. HUMPHREY of Washington. The amendment provides that no part of this appropriation shall be expended for foreign coal for the use of the Marine Corps. I will tell the gentleman why I offer the amendment. I hold in my hand a telegram which I received, which reads as follows:

SEATTLE, WASH., *April 15, 1912.*

Hon. W. E. HUMPHREY, M. C.,
Washington, D. C.:

United States Marine Corps are calling for bids to be opened May 24, and eliminate competition by specifying that all of the coal called for for marine barracks at Bremerton should be British Columbia Wellington coal, notwithstanding the fact that there are two or three different coals mined in Washington that are equal to the Wellington coal. This is shown by the analysis by the United States Bureau of Mines. Would appreciate it if you could get this clause eliminated and have Marine Corps buy coal the same as Quartermaster's Department, based on the British thermal heat units.

C. E. HOUSTON.

Mr. Houston represents the Pacific Coast Coal Co. After I received that dispatch I made some inquiry to ascertain why such a provision as that was ever inserted in a call for bids. I had considerable trouble to ascertain why it was done. I must say in justification, however, that the head of the Marine Corps at that time was in Panama. After calling their attention to the matter three or four times, and finally telling them that I intended to introduce a resolution to find out why they were going to use British Columbia coal, I ascertained that some officer out there at Bremerton thought that this British Columbia coal was better than the American coal. I then called the attention of the Assistant Secretary of the Navy, Mr. Winthrop, to it, and immediately he ordered that this call for bids be canceled and that new ones be issued.

Mr. PADGETT. If they have canceled that order by administrative action, is not that far better than to put this legislation on this bill and deprive the department of the opportunity of buying coal in the open market, forcing them to buy from some particular man over there at such price as he may see fit to fix? The department has redressed the gentleman's grievance. He is now seeking to put on a limitation that would tie the hands of the Government and force it to buy from a limited number, and the Government would be at their mercy.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman is entirely mistaken.

Mr. PADGETT. I think not.

Mr. HUMPHREY of Washington. I think that the gentleman is, and I will explain why. What I wanted to do was to place a limitation on the expenditure. We can not legislate judgment and patriotism into the officers of the Navy, but we can limit them in the expenditure of the money. I received a letter this morning respecting the matter of furnishing coal at the Bremerton Yard. I do not know whether it is the same officer who called for the former bids or not. This is another bid for 500 tons, but he makes a limitation that no coal miner in the State of Washington or in the United States can meet. Now, there are several different companies in the State of Washington, and any official who has no more patriotism or regard for the interests of the country than to call for bids and specify that the coal shall come from one particular company, and that a foreign company, ought to be restricted in the expenditure of the money and be reprimanded by the department. There is no reason in the world why we should use foreign coal in the Marine Corps. There is not even the excuse that they are going to use it on vessels. It is for the use of the Marine Corps at Bremerton Navy Yard. I think we ought to go on record now as condemning any such proposition.

Mr. BOWMAN. I would like to ask the gentleman, Is there any reason why the officer should specify any given grade of

coal? Is not that giving an opening for some bargaining between him and the owner of some colliery? I have seen all sorts of wickedness creep in that way.

Mr. BUTLER. Let me answer that if I can.

Mr. BOWMAN. No given coal should be specified; it should be based on the British thermal unit.

Mr. HUMPHREY of Washington. They specified only one company, and that a foreign company, when there is plenty of coal in the United States on the Pacific coast, that can be purchased just as cheaply and that is equally good.

Mr. BUTLER. Do they specify one company?

Mr. HUMPHREY of Washington. They do. They say Wellington coal, British Columbia, because, presumably, some officers think it better. They have not given any reason for it. Then another point: In the last case I mentioned, they put in a condition which it is impossible for any company to comply with, although they do not limit as to who may bid.

Mr. PADGETT. What is the impossibility?

Mr. HUMPHREY of Washington. They specify for bituminous coal that it shall not go through a mesh less than 2½ inches, something that there is no mine in America that can comply with, except when you select it, and when you select it it costs much more and there is no reason for putting in such conditions. They want to use it under boilers and the only reason is that it is a little cleaner and will keep the dust off of some officer's uniform, perhaps.

Mr. PADGETT. I would not put it that way. They have a right to make some sort of specifications. Now, treat them squarely in the matter. Has the gentleman submitted the last matter to the department to see whether, they having remedied the gentleman's first complaint, they will not remedy this?

Mr. HUMPHREY of Washington. I have not, because I did not get it until this morning.

Mr. PADGETT. Does the gentleman think it is appropriate, before you have submitted it to the department, when they have corrected your first grievance, to put on here legislation that is prohibitive, the result of which is to force the Government into a limited way in which they can purchase? It appears to me it is not wise or good legislation.

Mr. HUMPHREY of Washington. It took me about three weeks to get them to make the change in the first call for bids. I do not see any excuse in the world for the Navy Department wanting to purchase abroad coal of this cheap class.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. LITTLEPAGE addressed the committee. See Appendix.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to call the attention of the gentleman from Washington [Mr. HUMPHREY] to the full scope of the limitation that he has offered to the amendment to this paragraph. This paragraph provides for the fuel to be used by the Marine Corps, not only within the territorial limits of the United States, but wherever there may be marines using fuel. We have marines in the Philippines and in Samoa, and I do not know in how many different parts of the world marines are stationed, and permanently stationed. Now, if the limitation of the gentleman is adopted it will compel the Navy Department to send American coal in very small quantities to these remote parts of the world, and I suggest to the gentleman that he make his limitation apply only to coal used by the Marine Corps within the territorial limits of the United States.

Mr. HUMPHREY of Washington. I will be very glad to accept an amendment of that kind, as I had no intention of limiting it except to the Pacific coast, where I want them to use our own coal. I am perfectly willing for them to use the coal of West Virginia at other places if they desire and it is economical for them to do so.

Mr. HOWARD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I have not the floor.

Mr. ROBERTS of Massachusetts. I would suggest that the gentleman from Washington indicate to the Clerk a modification of his amendment.

Mr. HUMPHREY of Washington. I suggest it be limited to the use of the Marine Corps on the Pacific coast of the United States.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment to the amendment.

Mr. HUMPHREY of Washington. I simply asked to modify it by placing the further limitation that it be restricted to the Pacific coast of the United States.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 58, line 4, after the word "dollars" insert:
"*Provided*, That no part of this appropriation be expended for foreign coal to be used by the Marine Corps on the Pacific coast of the United States."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PADGETT. Mr. Chairman, that is a limitation. I think it would be unwise legislation.

The gentleman has not submitted any reasons, it occurs to me, that are valid and sufficient and of that urgency and importance that would require us to place restrictive legislation of this character upon this provision.

Now, the gentleman stated that there were some bids and proposals for bids for the purchase of coal that were objectionable, and that he called the attention of the department to the matter and that the department at once canceled the bids and sought to remedy it; and he also stated that to-day he has received additional information that some officer out there has called for bids that are objectionable on account of the rigidity of the specifications.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUMPHREY of Washington. I want to be exactly just to the department. The Assistant Secretary of the Navy remedied it within a day or so after I called it to his attention, but I tried for two weeks to get the Marine Corps to remedy it, and they refused to do it.

Mr. PADGETT. All the dealings of the Marine Corps are subject to the direction of the Navy Department, and the Navy Department remedied the matter.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGET. Yes.

Mr. McKENZIE. I want to ask the gentleman this question: What is the practice in the purchase of coal for the Navy at the present time? Is it done by competitive bids or not?

Mr. PADGETT. Yes; by competitive bids, published and advertised broadcast; and everyone who desires to offer coal is invited to bid.

Mr. BUTLER. Provided he can get up to 15,500 thermal units?

Mr. PADGETT. Provided he meets the specifications.

Mr. HUMPHREY of Washington. What I am complaining about in this particular case is that they do not call for bids generally, but for one particular kind of coal.

Mr. PADGETT. And the gentleman also stated that he had gotten that information this morning and had not called it to the attention of the department.

Mr. HUMPHREY of Washington. That is the other one.

Mr. KNOWLAND. I understand that this amendment would give them authority to advertise, but that would confine this to the United States. They could get Pennsylvania bids and get bids from other parts of the United States?

Mr. PADGETT. Yes; but the freight rates would be absolutely prohibitive, and then by cutting off the opportunity of the Government to purchase on the British Islands, a few miles away, and restricting it from any but the few there in the State of Washington, it would tend to establish a trust, about which we have heard so much denunciation in this body. [Applause.]

Mr. HOWARD. I would like to ask the gentleman a question. Was it not testified before the Committee on Naval Affairs at this very hearing that the coal in the country that the gentleman from Washington was talking about was unfit for use on the vessels of the Navy?

Mr. PADGETT. It is clearly shown that it is not adequate for use on the vessels of the Navy, but this coal is for land purposes.

Mr. HUMPHREY of Washington. There is no claim made that there is any better coal than that of Washington.

Mr. HOWARD. If this coal is not of superior quality, good for use on vessels, then, of course, its inferiority would be characterized by the same percentage of inferiority for the purposes on land, would it not?

Mr. PADGETT. Yes. It might be sufficient on land, but not sufficient for coaling ships. But the whole policy of the Govment's tying its hands and restricting itself and not getting the benefit of an open market is wrong. [Applause.] I call for a vote, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. PROUTY. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The Clerk read as follows:

Add the following: "But in purchasing such articles preference shall be given to those produced in the United States."

Mr. PADGETT. I move to amend the substitute by adding "which can be procured at the same price."

Mr. PROUTY. "At the same price and quality." I will put that in.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the substitute offered by the gentleman from Iowa [Mr. PROUTY], which the Clerk will report.

The Clerk read as follows:

Add to the substitute the words "which can be procured at the same price and quality."

Mr. PROUTY. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SISSON. Mr. Chairman, I should like to ask the gentleman from Tennessee and the gentleman from Kansas whether or not they propose to carry along some sort of a tester, to be used when a man wants to buy coal?

Mr. PADGETT. The Government tests all coal that it buys, and requires it to meet certain specifications.

Mr. SISSON. In case of emergency, how could the Government buy coal under that amendment?

Mr. PADGETT. This is not emergency coal. It is coal that is bought for general purposes, and fuel for the Marine Corps, advertised for and bought under bids.

The CHAIRMAN. The question is on agreeing to the amendment to the substitute.

Mr. PROUTY. I have accepted the amendment.

Mr. BUTLER. The gentleman can not accept the amendment against protest, and I protest. This is a purely Democratic proposition.

Mr. PADGETT. The gentleman bears fine testimony to the Democratic Party when he says that we give the Government an opportunity to get coal under the best circumstances, at the best price.

The CHAIRMAN. The question is on the amendment to the substitute.

The question being taken, the amendment to the substitute was agreed to.

Mr. CANNON. I desire to offer another amendment to the substitute:

Provided, That the coal shall be mined by labor that is employed not exceeding eight hours a day.

[Applause.]

The CHAIRMAN. The gentleman from Illinois offers an amendment which the clerk will report.

The clerk read as follows:

Add to the substitute the following: "*Provided*, That the coal shall be mined by labor that is employed not exceeding eight hours a day."

Mr. CANNON. Mr. Chairman, I want to be heard briefly on that amendment. In the United States, so far as I know and am informed and believe, coal is mined by eight-hour labor, and in some instances less than eight hours.

Mr. BUCHANAN. Thanks to organized labor.

Mr. CANNON. From an economic standpoint if no other, I think that in that kind of labor, dangerous and underground, eight hours are a sufficient number of hours out of the 24 to be employed.

That being the case, the bids for this coal for the use of the United States are free to all the world, which practically includes British Columbia and Australia, why should the American citizen who employs eight-hour labor—American labor—be compelled to compete with the man in foreign countries who, in the first place, pays his labor less than we pay ours, and, in the second place, works that labor more than eight hours? [Applause.] In other words, I do not want to discriminate against the American citizen in organized labor or in unorganized labor. Therefore, I offer the amendment.

Mr. FOSTER. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Illinois, to add the words "and by union labor," so that it shall be an 8-hour day and also by union labor.

Mr. CANNON. That amendment is not in order. When my amendment is disposed of then the gentleman's amendment will be in order. My amendment is an amendment to the substitute, and a substitute is amendable only in the first degree.

Mr. FOSTER. I offer my amendment to the amendment of the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. That amendment is not in order at this time.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] has the floor if he desires it.

Mr. FOSTER. I yield to my colleague.

Mr. BUCHANAN. I should like to suggest that if you make the provision that union labor be employed you can cut out the other part of it, because it will be an eight-hour day. Organized labor has already secured an eight-hour day in most industries which are organized.

Mr. FOSTER. I think it would be well to put in the amendment, so that there can be no question about it.

Mr. CANNON. When my amendment is disposed of the gentleman can offer any amendment that is in order.

Mr. FOSTER. Will not the gentleman accept that modification?

Mr. CANNON. I will not accept any amendment to my amendment, because when it is either agreed to or rejected my colleague Mr. FOSTER can offer any amendment he sees fit to offer; and I think the gentleman, with his knowledge of parliamentary law and his great zeal for the public service, is quite competent to stand upon his own merits, without seeking to fasten himself upon my coat tails. [Laughter.]

Mr. FOSTER. I will say to my friend from Illinois that I am very glad to see that he has come to a time in this House when he is taking the opportunity to recognize union labor. [Applause.] I congratulate the country and the House that this amendment has been offered at this time. I am glad indeed to know that my colleague has offered it. I do not desire to cling to his coat tails in this matter, but I would like to have him go a little further and accept a modified amendment and make it apply to union scale of wages, so the worker may not only have a shorter day, but a living wage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute.

The question was taken, and the amendment to the substitute was agreed to.

Mr. CANNON. Now it is in order for the gentleman from Illinois to offer his amendment.

Mr. FOSTER. Mr. Chairman, I offer an amendment "and by union labor," to follow the words "eight hours a day."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "day," in the substitute, the words "and by union labor."

Mr. FOSTER. Mr. Chairman, I think this amendment speaks for itself, that the coal which the Government proposes to buy shall be mined under the 8-hour day provision, as offered by my colleague from Illinois, and also that there shall be employed union labor, which is an organized effort for fair pay and better conditions in the mines; that these men who employ pauper labor, that do not pay a living wage, can not furnish coal to the Government. I am glad, indeed, that this provision for 8 hours a day has been put in the bill, and I hope this amendment that I offer will be adopted and that my colleague, the gentleman from Illinois [Mr. CANNON] having done good work in putting restrictions on the bill for 8 hours a day, will join with me, and that the labor in this country will be given consideration by the Government in the purchase of the coal under these conditions, so the wages will be fair.

Mr. MICHAEL E. DRISCOLL. And it will be a stand-off between you.

Mr. FOSTER. I hope my colleague will support my amendment as heartily as I supported his.

Mr. CANNON. Mr. Chairman, I desire to say, touching the amendment of my colleague from Illinois, that I never yet in this House have offered an amendment touching the public service that abounded in demagogy, nor have I ever failed to voice my true sentiments upon any question that was presented touching the public service.

I offered the amendment in the best of faith, realizing, if you choose, that through organization and a wise public sentiment we had an eight-hour day in the coal-mining industry.

Let me say to my colleague that union labor in the United States has always received my approval. I have been called upon to defend my position touching union labor. I have received the assaults of people who profess to lead federated labor, not in one campaign, but two, aye, three, and I have always taken the position that if I lived by labor, in the sweat of my face, under the changed and changing conditions in production, that in simple self-protection I would federate with my co-laborers, unite for the purpose of making a contract between one employer, whether it be a person or corporation, and on the other hand, the employees—thousands and thousands and tens of thousands of whom could not singly act effectively, each one making a separate contract. That has been my position always, and it is my position now. [Applause.]

Now, the man in union labor goes there voluntarily, and I say again that if I was a coal miner or a worker in the machine shop or operating on the railway I would combine for the purpose indicated. I have appealed, when attacked by Samuel Gompers and some other labor leaders who came in person and sent walking delegates into my district to defeat me—I have frankly said to the 12,000 men federated in the building trades and operating in the mines exactly my position as I have indicated it here. Then I have turned and appealed to them and said, "I have stated everywhere that you do not want excep-

tional legislation, class legislation, for your protection; you are American citizens, thank God, and you never mortgaged your manhood, you never mortgaged your politics, to the dictation of any man or men. You organized for a specific purpose and for no other; and I want to say to you that I am satisfied that I always received 95 per cent of the Republicans of the 12,000 people that were organized in union labor in my district." [Applause on the Republican side.]

A man has a right to be federated—to join the union. A man also has a right not to join a union. They are all American citizens. There are said to be 2,000,000 voters among the federated labor unions of the country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, there are said to be about 2,000,000 voters among those who are federated in labor organizations. That includes the railway employees who are not federated but who have very efficient organizations without being federated. There are 92,000,000 of people in the United States——

Mr. HAMILTON of Michigan. Ninety-six.

Mr. CANNON. Ninety-six, says my friend from Michigan. There are, say, twenty-five to thirty millions of men laboring on and off the farm and elsewhere who are not unionized, as against the 2,000,000 who are unionized. They have just as much right under the Constitution and under the law to their liberty and protection as has the man who is unionized. Does my friend say they have not? Does any man here within the sound of my voice say they have not? I pause for a reply. I pause for a reply from my other colleague [Mr. BUCHANAN], who was a labor leader. I get no reply. Therefore, when my colleague Mr. FOSTER offers an amendment that the coal shall be produced under an 8-hour day, and that the labor by which it is produced must be unionized, he seeks to say that every man who is not unionized shall be shut out of that industry, and by the same rule out of every industry; and that before he can assert his constitutional right to liberty and equality of opportunity he must be unionized. God save the unions of this country from such statesmanship! [Applause.]

Is there any man on that side of the House who does not agree with what I say? If so let him stand up and speak now. I pause for an answer. No one answers nay. Let us be honest with ourselves. Cooperation and unionization of labor is here to stay. Thank God, it ought to stay. I indorse it, but I defend the multiplied thousands that are so organized and so federated against the hot-footed man or men who wants to pick them out of all the 92,000,000 people of this country and say, "You shall be preferred by law over the other 90,000,000." Shame on such a position!

Mr. Chairman, I am ready for a vote. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. FOWLER. Mr. Chairman, I desire to ask my colleague if under the regulations of coal mining to-day in America it is not practically impossible to mine coal except by labor that is organized?

Mr. CANNON. Why, the labor is organized and it is mining the coal and it is improving its condition. It is improving its hours, improving it from every standpoint. That is the condition. I am for maintaining it. It has been achieved without such proposed legislation as my colleague suggests, and it is not necessary. I deal with practical questions, and not with possibilities.

Mr. BUCHANAN. Mr. Chairman, I am certainly pleased at the turn that matters have taken in regard to an eight-hour day, and pleased to have the support of my colleague in securing legislation providing that work shall be done under an eight-hour day and fair conditions for labor. I am of the opinion, however, that the pending amendment probably would not stand a constitutional test. Having been in the labor movement for a number of years, I have had some experience in securing the passage of city ordinances and State legislation for the betterment of labor and to throw greater safeguards around the life and limb of the workers. I have always considered that where we had a provision for the employment of union labor, it would be considered class legislation. I am somewhat surprised at the absence of our constitutional lawyers to-day. They seem to be very numerous at times.

I have never made any pretense of knowing much about the law, but still I have had some experience with it. I want to say, in addition to what my distinguished colleague and friend, Mr. CANNON, has said, that I have had a wide experience in the organized-labor movement, and I believe, and my record will show, that my efforts have been quite successful. The splendid results of union labor should, it seems to me, bring all labor to the realization of the need of uniting their forces for protecting their interests. Labor, as will be seen, if you look over the history of the world, has never obtained any great consideration in the way of reduction of hours, increase of wages, or betterment of conditions except through unity of action in organized labor. [Applause.] They are sometimes given assistance by those who think they might be a power in politics, and that it might not be safe for a public man to deny the legitimate and fair requests of organized labor. If labor would unite for political action, regardless of past party affiliations, public men who denied their requests for remedial legislation would soon be relegated to the political scrap pile.

I want to say that so far as I am concerned, although I spent the best years of my life for the uplifting and betterment of the workingmen, I do not make any claims to be able to receive 95 per cent of the labor votes, as does my colleague Mr. CANNON. I do not believe that labor has come to a realization of the need of that yet. I have in my endeavors toward organized labor tried to point out to its members the need of their exercising their influence in a wise, legitimate political policy for the purpose of securing legislation giving them their rights as organized workingmen and equality in the legislation and administration of the law. They have never been, and would not be, justified in asking remedial legislation that would not apply to all the people, and they never have asked it, to my knowledge.

Now, something has been said here about the president of the American Federation of Labor in regard to his activity in political affairs. I know something about that matter. I know Mr. Gompers personally, and respect and admire him for his brilliant intellect, rugged honesty, sincerity of purpose, and fidelity to a principle, and I know something about his record as a laboring man. Mr. Gompers hesitated to go into politics, and when he did go into it, it was to carry out the demands of a conference that was held, if my memory serves me right, in March, 1907, and which might be called a special convention which had representatives not only of those organizations affiliated with the American Federation of Labor, but those that were not affiliated with the American Federation of Labor, and I suppose so far as representation is concerned it was one of the largest conventions that the laboring people of this country have ever had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. That meeting or convention instructed the executive officers of the American Federation of Labor as to what they should do. The plan, as I remember it, was to appeal to Congress for redress, and appeal to the President or to anyone from whom they might get results in the way of remedial legislation against the abuses of injunctions and other policies which were obstructing their fundamental and constitutional rights as organized American workingmen. [Applause.]

Their appeals to the Republican House of Representatives were received with deaf ears. They appealed to the President without avail, and then went to the Republican convention, where they were again turned down. They next went to the Democratic convention, and what they asked for was put in the Democratic platform. What else could these people do under the circumstances except support those who had complied with their wishes and oppose those who had received their appeals with deaf ears? They would have been ingrates and not worthy of the respect and confidence reposed in them if they had not supported the Democratic candidate for President, whose record had been favorable to labor legislation.

The American Federation of Labor never has been a partisan organization. Its political influence has never been used only to support its friends and oppose its enemies. The Socialists in the labor movement endeavored at times to make the Federation of Labor a tool for that political group, but failed. The American trade-union movement has refused to be the tail of the kite of any political organization. [Applause.] Mr. Gompers's political position has been the position of organized labor, and that is what I desire to make clear to you, that Mr. Gompers should not be attacked for what he has done in political matters unless you attack the trade-unions, because

he was carrying out what he had been instructed to do by the representatives of the unions, and I think it was a credit to him to make the political fight he did in 1908. To do so was answering the call of duty.

Mr. GARNER. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. GARNER. Does the gentleman know of any instance where Mr. Gompers or any other national representative of the Federation of Labor has ever asked that their union be officially recognized by the Congress of the United States?

Mr. BUCHANAN. I do not remember that they have ever asked for legislation that would require the Government or any employer to employ union labor. What they have asked for is fair conditions and a square deal. Organized labor is willing to take its chance to get work if you will give it the conditions [applause], because it has the most efficient workmen in its ranks. The question of efficiency, however, is a speech in itself, but I want to say that by personal experience I have learned that where you give the shortest workday and the greatest amount of liberty consistent with the work that is being done you will find the greatest efficiency and, in my opinion, the best products and the labor cost cheapest.

I regret that it seems to be necessary to take up the time of the House to-day in regard to this matter, but the question has been raised in a way which necessitates my making certain explanations. There have been things that have occurred with the organization that I had the honor to represent four years previous to 1905, when I retired from activity in the labor movement, that have cast reflections upon organized labor. My four years as international president of the Structural Iron Workers of this country gave me an insight into what is being done in the industries of this country. There are the so-called captains of industry—I would think that some who are parading as captains of industry would be better named if they were called captains of highbinders instead—and I want to make a distinction here between what I consider the honest, legitimate employers and what I consider commercial and industrial pirates.

The interests of organized labor and honest, legitimate business can not be separated. They lie together, and when they are fighting it is like the right arm fighting the left; and while the legitimate employer and employees are fighting, spurious capital, watered-stock jugglers, and frenzied financiers are robbing them all, yet they continue to jump at each other's throats, apparently ignorant of what the real trouble is.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUCHANAN. Could I impose upon the committee for five minutes more?

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks that the time of his colleague [Mr. BUCHANAN] be extended for five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I shall make this distinction so that I will be understood, because as a representative laboring man I endeavored to teach the members of my organization that their interests lay in the success of the industry in which they worked, and that if the organization became sufficiently powerful to enforce rules that would result in the obstruction of that industry the enforcement of such rules would be antagonistic with their own interests.

While international president of the Structural Iron Workers in 1903 I discovered that some of the big employers in the building industry in New York City were in collusion with a group of unscrupulous and dishonest labor men for the purpose of destroying competition. This naturally developed a system whose disreputable methods and tactics made it incumbent upon me, as the executive head of the ironworkers' organization, to enter into a contest to bring about its overthrow. This group of unprincipled men in the labor movement was applying the resources of the union to their own personal use and ambitions at the sacrifice of the interests and almost the existence of the organization. Upon entering this contest I realized that I was opposing a dangerous, violent crowd and probably taking chances on my life. In fact, many of my friends and associates cautioned me repeatedly of the fact that they might do me bodily injury, but I felt that the interests if not the existence of the organization depended upon the overthrow of this malicious element. I found that the dishonest employer was largely responsible for the methods that were practiced, and once, when I told the president of the Building Employers' Association in New York City that the employers were more responsible for existing conditions than the labor unions, he said to me, "BUCHANAN, you can get no argument out of me about that; I know it better than you do."

This plutocratic element of industrial highbinders and commercial pirates which is preying upon and sucking the lifeblood out of the business world as well as the laboring men has its poisoned fangs stuck into all these movements with a view to creating turmoil and disruption within their ranks and in that way bring about their probable destruction.

It is encouraging to me to have men like my colleague from Illinois [Mr. CANNON] recognize the rights of the laboring people and the need of shorter hours and better conditions. I believe in the labor movement, in that conservative, sensible element which is working earnestly and honestly to uplift the labor interests of this country and thereby make it better and brighter. I believe that when their efforts are understood the better element of business men—which element is in the great majority, if you please; the commercial highbinders and pirates of whom I have spoken are very much in the minority in the business world—the legitimate, fair-minded business men will give organized labor their indorsement when they find that the minority—the highbinders and pirates—on account of greed and avarice, in collusion with the unscrupulous and dishonest element in the labor movement, have been able to retard the real progress of that movement in establishing equitable conditions.

Mr. BATHRICK. Here is an amendment requiring that all the labor of a coal mine furnishing coal to the Government, as I understand it, must be union labor. Is that the way you understand the amendment?

Mr. BUCHANAN. Yes.

Mr. BATHRICK. Do you not think an amendment so radical as this is antagonistic to the labor interests of the country?

Mr. BUCHANAN. No; do not misunderstand me. I believe that the Government should recognize trade-union conditions, because organized labor has established a better wage scale and more favorable conditions than where labor has not been effectively organized; and since the prosperity of the country depends upon labor's interests being protected, I believe legislation favoring union conditions would be advantageous to the people of our country. But, due to many decisions rendered by our judges, labor seems to be impressed that judges are receiving their convictions from the sources that secure them their positions, which are the big business interests and trusts of the country; and while I favor the principle of the amendment, yet I think it would be unwise to pass such legislation, because it would not stand the constitutional test.

Mr. BATHRICK. Now, I am in favor of the eight-hour law——

Mr. BUCHANAN. So am I. I worked for it a number of years and have given the best part of my life to secure it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. PADGETT. Let me ask, Mr. Chairman, that this debate come to a conclusion. I do not want to object, but the gentleman's time has been extended already two or three times. I ask that it be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I want to finish my question. I wish to state that I am in favor of the employment of eight-hour labor on the goods that the Government buys—that is the Government's right the same as a private employer—but I can not be in favor of a proposition which compels the people who manufacture these goods to employ union labor entirely on all classes of goods, shutting out all other kinds of labor by law. I want to ask you if you are in favor of that provision?

Mr. BUCHANAN. I am in favor of the principle of that provision; yes; but I think my colleague ought to withdraw it, because it would be unconstitutional and poor public policy.

Mr. BATHRICK. I thought it was so radical that it was impossible to pass legislation of that kind and would harm labor by the ridicule thus brought upon it.

Mr. BUCHANAN. If you will refer to my record you will be compelled to think that I am in favor of organized labor. I believe in organized labor using its resources in a proper and conservative manner. When I say to you that I had the friendship and support of such men as Senator Hanna and that I had an autograph letter from "The strenuous one" and others high in public life, and had their assistance in my efforts, it would indicate, at least, that I was reasonable in my requests. My

position was, as a representative of organized labor, that the best man in the labor movement for the interests of labor was that man who secured the best terms possible under the conditions that prevailed with the least friction and the least ill will on the part of his employer. I always felt that if I obtained favorable conditions for the members of my organization and at the same time kept the good will of the employer I had accomplished more than if I had called a strike for it.

The history of my organization during the four years that I was its international president speaks for itself, because no other organization in the history of the labor movement ever made greater progress than it did in the same period of time.

Through that unity of action of the ironworkers they have increased their wages from an average of $2.25 a day previous to their organization to an average of $4.50 a day since the organization has been effected and also reduced the hours per day from 10 to 8. The organization also provides for funeral expenses and disability benefits. I gave my best efforts to secure improved conditions for the men who worked at the structural-iron industry, one of the hardest and most hazardous trades there is. The structural iron workers, the men who trip the beams and girders that span the mighty rivers and make possible our great interstate commerce, are worthy of much more consideration than they have ever been given, and I only wish that I could have been of greater service to them in securing the conditions to which they are duly entitled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, I have listened with a great deal of interest to the speech of my colleague from Illinois [Mr. BUCHANAN], who, as he said, has spent a large portion of his life in the real service of the laboring people of the country. There is no man in this House who will vote more readily than I will to aid those who toil in the mines and in the shops and in the fields and other places in this country for their livelihood, and I do not like to see sport made of them or their organizations, those who belong to the organization or those who do not.

I have served eight years with the gentleman from Illinois [Mr. CANNON] and I never heard him, when the Republicans were in power in this House, offer anything that even looked like eight hours to the laboring people of the United States. [Applause on the Democratic side.] And now, when his party has been driven from power in the House and is soon to be driven from power in every branch of the Government [applause], the gentleman talks of eight hours' labor.

Mr. CANNON. Mr. Chairman, will the gentleman yield to an interruption?

Mr. HEFLIN. Yes.

Mr. CANNON. The gentleman says my amendment was unconstitutional. He is mistaken if he refers to me. I think he refers to his colleague, Dr. FOSTER. He offered an amendment that only union labor should be employed. Mine was for an eight-hour law in the production of coal.

Mr. HEFLIN. Digging coal.

Mr. CANNON. For the production of coal, either in Australia by 10-hour labor, or in British Columbia by 11-hour labor, or in the United States by 8-hour labor.

Mr. HEFLIN. Is the gentleman opposed to the man who is not a member of the union digging coal for a livelihood to provide subsistence for his wife and children?

Mr. CANNON. I would protect him, even from the gentleman from Alabama, if he wanted to work in the coal mines, whether he belonged to the union or not. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman, the gentleman is exceedingly late in his efforts to protect the laboring man [applause on the Democratic side]—after 16 years of power in this House—and now the gentleman says the laboring men have not mortgaged their souls and their politics. Let me say a word about the gentleman's party in its relation to labor organizations. The manufacturers, whom the gentleman's party pretends to protect, have served notices on organized labor the day before election that if they did not vote the Republican ticket on the morrow they need not come back to work next day. [Applause on the Democratic side.]

That is one of the fruits of Republicanism in this country. [Applause.] The first eight-hour law ever offered in the Congress of the United States was offered by a Democrat from New Jersey by the name of Rogers. The first political party that ever offered a resolution recognizing union labor in the United States, extending its sympathy and offering its services, was the Democratic Party in national convention in 1868.

Mr. CANNON. Will the gentleman yield?

Mr. HEFLIN. I will yield to the gentleman.

Mr. CANNON. President Grant was the first man in connection with legislation that proposed an eight-hour working-day, as far back as 1868. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Rogers, of New Jersey, a Democrat, offered a bill in this House prior to that time. [Applause on the Democratic side.]

Mr. CANNON. The gentleman may be correct, but if so, he is lost in space, because everybody thinks it was Grant in 1868.

Mr. HEFLIN. I am correct. I have studied the labor question a long time, and I have not been recently converted to the needs of the laboring man.

Mr. MICHAEL E. DRISCOLL. If the gentleman from Alabama has studied the labor question so long, why has he not done something for labor in his own State, just one little thing? [Applause on the Republican side.]

Mr. HEFLIN. The laborer in my State fares far better than he does in the State of the gentleman from New York, where a hundred thousand men are out of employment and begging for work to-day. [Applause on the Democratic side.] The gentleman from New York talks to me about the laboring man——

Mr. MICHAEL E. DRISCOLL. I mean in the way of legislation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HEFLIN. I see that my remarks have warmed up the opposition a little. Whenever you give them the facts you warm them. [Laughter.] Why, the poor, struggling labor masses in the United States are being driven——

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. No; not now—are being driven to want and misery by the merciless laws of the Republican Party under the system of high protection. One candidate for President says "Down with the bosses," but he does not name the bosses. The other one is talking about the "dignity of the courts" and the deceit and hypocrisy of the ex-President, but the Democratic Party says, "Here is the evil, here it is." What is it? It is the high protective-tariff system of the Republican Party. [Applause on the Democratic side.]

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. Now I will yield to the gentleman.

Mr. FARR. I desire to ask the gentleman if in the State of Alabama they are not working convicts in the mines against free labor?

Mr. HEFLIN. Some convicts are working in the mines. I am talking of national affairs. The gentleman can not dodge the issue. That is what a Republican does every time you mention the tariff. We are dealing with national issues now; we are discussing national questions. Your party promised these men employment, you promised them good wages, you promised them work for all, and I think one of you said, "All kinds of work for all kinds of people," and you can not pick up a daily paper now without reading that some poor husband and the father of children has taken carbolic acid or shot his brains out because he could not find work under a Republican administration. [Applause on the Democratic side.]

Mr. GOOD. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Mr. Chairman——

Mr. HEFLIN. I can not yield now. I have only a few moments left. I can not afford to yield any more time. Your candidates are going around the country to-day and they are not talking about the deadly upas tree flourishing in the political life of America—the high protective-tariff system—beneath whose shade you are robbing the American masses to-day. Trusts are springing up all around us, and yet when you have been driven out of this House—the only branch of power you have lost in 15 years—you are trying now to bolster yourselves up by trying to fool again that class that you have deceived so long—the laboring people of the United States. [Applause on the Democratic side.]

Mr. Chairman, thank God for the political judgment day that is coming. [Applause on the Democratic side.] It is not long off, the political judgment day in the United States, and many of you on that day will not be prepared. [Laughter and applause on the Democratic side.] You fooled the laboring people many a time, but at last their eyes are open and they are going to walk with heads erect, ballots in their hands, on election day next November with the party that has stood for labor since its birth; the party whose representative offered the first 8-hour law in Congress will find this mass of the laboring men in the United States solid beneath its flag in the November election. [Applause on the Democratic side.] After that you will have time to think of how you might have served the laboring man during the long years you were in power

before we carried this House. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Mr. CANNON. I trust the gentleman will not do that.

Mr. MICHAEL E. DRISCOLL. Before that is done I want to make a request for unanimous consent.

Mr. PADGETT. I will amend my motion, and move that the debate close after 10 minutes.

Mr. CANNON. I should like 10 minutes.

Mr. PADGETT. I will yield to the gentleman. I move that debate on this paragraph and all amendments thereto close in 10 minutes; and I ask unanimous consent that the 10 minutes be given to the gentleman from Illinois [Mr. CANNON].

Mr. HEFLIN. I reserve the right to object. If the chairman proposes to close debate in 10 minutes, he must give 5 minutes of that time to a Democrat.

Mr. PADGETT. There has been debate on both sides.

Mr. HEFLIN. I will object unless you divide the time and give some Democrat 5 minutes.

Mr. PADGETT. Who on this side wants five minutes?

Mr. FOSTER. I want a minute.

Mr. MICHAEL E. DRISCOLL. I want a minute on this side.

Mr. PADGETT. I move that at the end of 15 minutes the debate on this paragraph and amendments thereto close, and I will ask that the gentleman from Illinois [Mr. CANNON] have 10 minutes, and the other gentleman from Illinois [Mr. FOSTER] 5 minutes.

Mr. HEFLIN. Mr. Chairman, just a moment, reserving the right to object. How much time has the gentleman from Illinois [Mr. CANNON] consumed in the argument of this question?

Mr. MICHAEL E. DRISCOLL. How much time has the gentleman from Illinois [Mr. BUCHANAN] consumed?

Mr. PADGETT. I think the gentleman from Illinois [Mr. CANNON] had 10 minutes. I have not been keeping track of the time.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that at the expiration of 15 minutes all debate on the paragraph and all amendments thereto be closed.

The question being taken, on a division (demanded by Mr. HEFLIN) there were—ayes 42, noes 14.

Accordingly the motion was agreed to.

Mr. FOSTER. I ask unanimous consent to modify my amendment, and to substitute the one I now send up for the one I previously offered.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to modify his amendment to the substitute. The Clerk will report it.

Mr. CANNON. The gentleman offers an amendment to the substitute. Does he withdraw that?

Mr. FOSTER. I want to offer this as a substitute for the one I did offer.

Mr. CANNON. It is not amendable, but the gentleman can ask unanimous consent.

The CHAIRMAN. The Chair understands the gentleman from Illinois [Mr. FOSTER] to ask unanimous consent to modify his amendment by offering for it a substitute which the clerk will report.

The Clerk read as follows:

And that does not pay the union scale of wages.

The CHAIRMAN. Is there objection to the substitution of this amendment for the other one offered by the gentleman from Illinois [Mr. FOSTER]?

Mr. CANNON. I have no objection to the gentleman offering it.

The CHAIRMAN. The Chair hears no objection.

Mr. BUCHANAN. I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. If there is no further debate, the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, the gentleman from New York [Mr. MICHAEL E. DRISCOLL] desired some time.

Mr. MICHAEL E. DRISCOLL. Just a minute or two.

Mr. CANNON. Does the gentleman ask for recognition?

Mr. MICHAEL E. DRISCOLL. Yes; I asked for recognition.

Mr. CANNON. I should like to close the debate.

Mr. MICHAEL E. DRISCOLL. I should like just two minutes, if the gentleman will give it.

Mr. CANNON. I do not give it, because the gentleman can be recognized in his own right.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I do not intend to occupy more than two minutes of your time on this question, but on account of the turn which this debate has taken I am prompted to refer to it in a very few words.

There has been a good deal of buncombe here this afternoon; more playing to the galleries and for home consumption than usual. One gentleman offers an amendment that all coal purchased by the United States shall be mined by labor that is employed not exceeding eight hours a day, and another gentleman, in order to go him one better and make a stronger appeal to his home constituents, offers an amendment that it be mined by union labor. No one can tell how far these gentlemen would have gone in their maneuvering for position had not the gentleman from Illinois [Mr. BUCHANAN], who is a real friend of organized labor, taken up the subject seriously and urged the gentlemen to be careful, else the whole provision might be held to be unconstitutional. He thought they were carrying the joke too far.

The gentleman from Alabama [Mr. HEFLIN] grew so red in the face that I feared he might burst a blood vessel in avowing his sympathy for the downtrodden workingman and his desire to relieve him of some of his burden. I said I would not occupy the time of the committee in discussing this matter here at any length, and I therefore ask unanimous consent to extend a few remarks in the RECORD and to print a few extracts from the statutes, and perhaps from the constitution of the State of Alabama and of some other States which are represented here by gentlemen who are all the time talking buncombe on the question of labor, and who are doing nothing for their people at home on this question.

I question the good faith, I question the sincerity of gentlemen who come here and become very earnest and eloquent talking about labor, their interest in the working men and women, and their sympathy for the people, who in their home States do very little to improve the conditions of labor; where they have statutes in their States which are hostile to employees and servants, which provide that a person who persuades a servant to leave the employment of his master shall be imprisoned in the county jail; that a person who hires or entices away the employee of another shall be punished by a heavy fine; that a person who furnishes food or clothing to the apprentice of another shall be guilty of a penal offense; and that anyone who employs or entices from the employment of another an immigrant may be imprisoned at hard labor.

It strikes me that it would be very appropriate for those gentlemen who make such loud and long speeches in Congress to go back and do a little something for labor in their own States and set an example by acts rather than by talking here and by offering resolutions and bills. In those States the Democratic Party is in absolute and unquestioned control of their State governments. There is no real opposition to them in what they may desire to do in the way of legislation. They may, without let or hindrance, enact laws which are favorable or unfavorable to working people, and I submit that their interest in labor and in humanity manifests itself in words rather than in acts.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, I would like to know what they are to be.

Mr. MICHAEL E. DRISCOLL. I will put them into the RECORD right from the gentleman's State—your statutes. Are you afraid of your own statutes?

Mr. BARTLETT. No; not in the least; or of you, either. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I do not ask for anything except to put in the RECORD some of the statutes of your States.

Mr. BARTLETT. Let us see what they are.

Mr. MICHAEL E. DRISCOLL. Oh, I will not manufacture them.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I reserve the right to object.

Mr. MICHAEL E. DRISCOLL. They pertain to labor, employees, workingmen, employers.

Mr. BARTLETT. I think I shall not object, but of course I take it for granted that the gentleman's statement that they are from the statutes of the State of Georgia is correct.

Mr. MICHAEL E. DRISCOLL. Alabama and Georgia and other Southern States, whose Representatives here do much talking on the subject of labor.

Mr. BARTLETT. What particular statutes of Georgia has the gentleman in mind?

Mr. MICHAEL E. DRISCOLL. Oh, the gentleman has a lot of statutes down there, and I will select a few of them.

Mr. BARTLETT. Oh, we have several statutes; yes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD?

Mr. HEFLIN. Mr. Chairman, reserving the right to object, I shall have no objection if the gentleman will include in the extension of his remarks a full and complete list of the unemployed now in New York. [Cries of "Oh!"]

Mr. MICHAEL E. DRISCOLL. Is that the condition? Are you afraid of your statutes being put in the RECORD?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Are you afraid of your constitution?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Have I got to get a list of all of the men, women, and children who are out of employment in the State of New York in order that I may be permitted to extend in the RECORD a few of your statutes? [Cries of "Regular order!"]

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MICHAEL E. DRISCOLL. I will first insert a few sections from the Criminal Code of Alabama, 1907.

SEC. 6849. Any person who entices, decoys, or persuades any apprentice or servant to leave the service or employment of his master must, on conviction, be fined not less than $20 nor more than $100; and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

SEC. 6850. Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, or attempts to hire, employ, entice away, or induce to leave the service of another any laborer or servant, renter, or share cropper, who has contracted in writing to serve such other person for any given time not to exceed one year before the expiration of the time so contracted for, or who knowingly interferes with, hires, entices away, or induces any minor to leave the service of any person to whom such service is lawfully due, without the consent of the party employing, or to whom such service is due, given in writing or in presence of some credible person, must, on conviction, be fined not less than $50 nor more than $500, at the discretion of the jury, and in no case less than double the damages sustained by the party whom such laborer or servant was induced to leave, one half to the party sustaining such damage and the other half to the county.

SEC. 6851. When any laborer or servant, renter, or share cropper, having contracted as provided in the preceding section, is afterwards found in the service or employment of another before the termination of such contract, that fact is prima facie evidence that such person is guilty of a violation of that section if he fail and refuse forthwith to discharge such laborer or servant after having been notified and informed of such former contract or employment.

SEC. 6853. Any person who entices away any apprentice from his master, or knowingly employs an apprentice or furnishes him food and clothing without the written consent of his master, or gives or sells such apprentice ardent spirits without such consent, must, on conviction, be fined not exceeding $500.

SEC. 6854. Any person who employs any immigrant, or otherwise entices him from his employer, in violation of the contract of such immigrant, must, on conviction, be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned in the county jail or sentenced to hard labor for the county, at the discretion of the jury, for not more than three months.

SEC. 6855. Any immigrant who abandons or leaves the service of an employer without repaying all passage money and all other advances must, on conviction, be fined in a sum not more than double the amount of the wages for the unexpired term of service and imprisoned not longer than three months, or sentenced to hard labor for the county for not more than three months, at the discretion of the jury.

SEC. 6856. Any person who, by force or threats of violence to person or property, prevents, or seeks to prevent, another from doing work or furnishing materials, or from contracting to do work or furnish materials, for or to any person engaged in any lawful business, or who disturbs, interferes with, or prevents, or in any manner attempts to prevent the peaceable exercise of any lawful industry, business, or calling by any other person, must, on conviction, be fined not less than $10 nor more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 12 months.

SEC. 6394. Any two or more persons who conspire together for the purpose of preventing any person, persons, firm, or corporation from carrying on any lawful business within the State of Alabama, or for the purpose of interfering with the same, shall be guilty of a misdemeanor.

SEC. 6395. Any person or persons who go near to or loiter about the premises or place of business of any person, firm, or corporation engaged in a lawful business for the purpose of influencing or inducing others not to trade with, buy from, sell to, or have business dealings with such person, firm, or corporation, or to picket the works or place of business of such other person, firm, or corporation for the purpose of interfering with or injuring any lawful business or enterprise, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

SEC 6396. Any person who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, or corporation doing a lawful business, or publishing the name of any judicial officer or other public official upon any blacklist, unfair list, or other similar list because of any lawful act or decision of such official, shall be guilty of a misdemeanor.

SEC. 6397. Any person who uses force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he or she sees fit, shall be guilty of a misdemeanor.

SEC. 6399. Any person, firm, or corporation violating any section of this chapter must, on conviction, pay a fine of not less than $50 nor more than $500, or be imprisoned not to exceed 60 days' hard labor for the county.

The following extracts are taken from the Revised Statutes of Texas of 1895, Penal Code:

ART. 299. "An unlawful assembly" is the meeting of three or more persons with the intent to aid each other by violence or in any other manner to commit an offense or illegally to deprive any person of any right, or to disturb him in the enjoyment thereof.

ART. 309. If the purpose of the unlawful assembly be to prevent any person from pursuing any labor, occupation, or employment, or to intimidate any person from following his daily avocation, or to interfere in any manner with the labor or employment of another, the punishment shall be by fine not exceeding $500.

ART. 324. If any person, by engaging in a riot, shall prevent any other person from pursuing any labor, occupation, or employment, or intimidate any other person from following his daily avocation, or interfere in any manner with the labor or employment of another, he shall be punished by confinement in the county jail not less than six months nor more than one year.

ART. 600. Any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $500, or by confinement not less than one nor more than six months in the county jail.

Also the following extracts are from the Acts of 1903, chapter 94, on conspiracy and boycotting:

SEC. 3. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations, or associations of persons who are engaged in buying or selling any article of merchandise, produce, or any commodity enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation, or association of persons any article of merchandise, produce, or commodity.

2. Where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation, or association of persons for buying from or selling to any other person, firm, corporation, or association of persons.

SEC. 4. Any and all trusts * * * and conspiracies in restraint of trade as herein defined are hereby prohibited and declared to be illegal.

SEC. 11. Each and every firm, person, corporation, or association of persons who shall in any manner violate any of the provisions of this act shall, for each and every day that such violation shall be committed or continued, forfeit and pay the sum of $50, which may be recovered in the name of the State of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County, and it shall be the duty of the attorney general, or the district or county attorney under the direction of the attorney general, to prosecute for the recovery of the same, and the fees of the prosecuting attorney for representing the State in proceedings under this act shall be over and above the fees allowed him under the general fee bill.

SEC. 12. Any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or equity.

SEC. 13. And in addition to the penalties and forfeitures herein provided for every person violating this act may further be punished by imprisonment in the penitentiary not less than 1 nor more than 10 years.

By the foregoing statutes of the State of Texas it is intended, among other things, to severely punish any violation of law which ordinarily grows out of strikes, boycotting, and picketing. Apparently they are intended to protect the employer and the business man from any interference with his trade or business and from any interference with his employees or servants by organized labor or by unorganized labor.

But Texas has another law and practice the effect of which is to build up and establish a political aristocracy in the Commonwealth. It is directed against the poor man, and enhances the political power of the man of means who can pay the tax. I refer to the State poll tax and city poll tax of that State. There are many statutes on this subject for the strict enforcement of the tax and for the disfranchisement of those who do not pay it, the substance of which is as follows:

Every citizen between 21 and 60, with a few exceptions for disability, must pay throughout the State a poll tax of $1.75, and, in addition to that, every man in cities must pay from 50 cents to a dollar additional poll tax, making a tax in the country of $1.75 on every voter and in cities of 10,000 and over of from 50 cents to $1 additional. This tax must be paid on or before the 1st day of February in order that the citizen may vote at the following November election, and he is not qualified to vote at the primary election of his party in the following summer unless he has paid those taxes and is able to produce his receipts for the same. If he lives in the country at a distance from the collector of taxes, he may send in the money by another person, but if he lives in a city of 10,000 population or upward, he must go in person and pay his taxes in order to get his receipt. No man is permitted to pay those poll taxes for another. No party or organization is permitted to do so, and "any person who loans or advances money to another knowingly to be used for payment of poll taxes of such other person is guilty of a misdemeanor," and any candidate for office who pays the poll tax of another is guilty of a felony.

There is no possible subterfuge by which a man can escape paying his poll tax himself with his own money and vote.

Moreover, those taxes must be paid by the man himself and with his own money, and not by any political organization or by any opulent and ambitious individual who, were it not for this provision, might be tempted to advance the money to qualify his impecunious henchmen in the hope that they may vote for his party or himself.

In New York and many other industrial States of the North the overwhelming majority of the population reside in cities of 10,000 population and more, and especially is this true of the poorer classes. If a law such as the aristocratic lawmakers of Texas have adopted were enforced in those Northern States a very large percentage of our voters would be perpetually disfranchised. To begin with, $2.75 is a heavy poll tax and a substantial burden on a poor man. A dollar is a good deal of money when you have not got it. Those taxes would have to be paid in midwinter, before the 1st of February, when business is stagnant, labor not in great demand, money scarce, food and fuel high, extra clothing for the family needed. Under those circumstances the ordinary man would think twice before he would pay $2.75 in order to entitle him to vote in the following November. He may be public spirited and patriotic, interested in the institutions of the country and in politics, but at that time he would need the money for something else than to qualify him to vote at an election nine months in advance.

Again, many men who could spare the money without much self-denial might, through carelessness and indifference, neglect to pay and get the required receipt so long in advance, and they would be hopelessly disqualified, the same as those who could not afford the money. No one can tell what proportion of the voters this kind of a law, if as strictly enforced as in Texas, would disfranchise in the State of New York. I would not be surprised if it would disfranchise anywhere from 30 to 50 per cent. That would mean a property qualification for the exercise of the franchise, and it would mean that a very large proportion of the people would lose their political influence and the rights and privileges which flow from that influence.

The following extracts are from the revised statutes of the State of North Carolina, 1905:

SEC. 3365. If any person shall entice, persuade, and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master, or employer, any servant who shall unlawfully leave the service of such master, or employer, then, in either case, such person and servant shall be guilty of a misdemeanor and fined not exceeding $100 or imprisoned not exceeding one month.

SEC. 3374 (as amended by chapter 402, acts of 1907). If any person shall knowingly hire, employ, harbor, or detain in his own service any servant, employee, or wage hand of any other person, who shall have contracted in writing, or orally, for a fixed period of time to serve his employer, and who shall have left the service of his employer, in violation of his contract, he shall be guilty of a misdemeanor and shall be civilly liable in damages to the party so aggrieved. This section shall apply to the following counties: Beaufort, Edgecombe, Person, Pitt, Washington, Warren, Vance, Pender, Halifax, Guilford, Granville, Hertford, Wayne, Wake, and Caswell.

The following extract is from the general statutes of Florida, 1906:

SEC. 3232. Whoever shall entice or persuade by any means whatsoever any tenant, servant, or laborer under contract with another, whether written or verbal, to violate such contract, or shall employ any servant or laborer, knowing him or her to be under contract as aforesaid, shall be punished by imprisonment not exceeding 60 days or by fine not exceeding $100.

The following are extracts from the laws of the State of Tennessee, Shannon's Code of 1896 and supplement of 1904:

SEC. 4337. It shall not be lawful for any person in this State, knowingly, to hire, contract with, decoy, or entice away, directly or indirectly, anyone, male or female, who is at the time under contract or in the employ of another; and any person (s) so under contract or employ of another leaving their employ without good and sufficient cause before the expiration of the time for which they were employed shall forfeit to the employer all sums due for service already rendered and be liable for such other damages (as) the employer may reasonably sustain by such violation of contract.

SEC. 4338. Any person violating the provisions of the first clause of the last section shall be liable to the party who originally had and was entitled to the services of said employee, by virtue of a previous contract, for such damages as he may reasonably sustain by the loss of the labor of said employee; and he shall also be liable for such damages, whether he had knowledge of an existing contract or not if he fails or refuses to discharge the person so hired or to pay such damages as the original employer may claim, after he has been notified that the person is under contract, or has violated the contract with another person, which amount shall be ascertained and the collection enforced by action for damages before any justice of the peace of said county where said violation occurs, or the party violating said section may reside.

The following extracts are from the laws of Arkansas, Digest of 1904:

SEC. 5028. If any laborer shall, without good cause, abandon his employer before the expiration of his contract, he shall be liable to such employer for the full amount of any account he may owe him, and shall forfeit to his employer all wages or share of crop due him, or which might become due him from his employer.

SEC. 5030 (as amended by act No. 298, Acts of 1905). If any person shall interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract, without the consent of the employer or landlord, he shall, upon conviction before any justice of the peace or circuit court, be fined not less than twenty-five nor more than one hundred dollars, and in addition shall be liable to such employer or landlord for all advances made by him to such renter or laborer by virtue of his contract, whether verbal or written, with the said renter or laborer, and for all damages which he may have sustained by reason thereof.

The following is an extract from the Statutes of the State of Kentucky, 1903:

SEC. 1349. If any person shall willfully entice, persuade, or otherwise influence any person or persons, who have contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired without the consent of the employer, he shall be fined not exceeding $50, and be liable to the party injured for such damages as he or they may have sustained.

The following is an extract from the Statutes of Louisiana, act, 1906:

ACT NO. 54.

SEC. 2. Whoever shall willfully interfere with, entice away, intimidate, or induce a hired person, tenant, or share hand to leave the service of the employer or to abandon the land the subject of the contract, or who shall knowingly take into his employ any such person before the expiration of the contract, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than $10 nor more than $200 for each offense, and shall be liable in a civil action for damages to double the amount of any debt due by said hired person, tenant, or share hand to the person who had made the advances.

The following are extracts from the Penal Code of Georgia:

SEC. 119. If any two or more persons shall associate themselves together in any society or organization, with intent and for the purpose of preventing in any manner any person from apprenticing himself to learn and practice any trade, craft, vocation, or calling, or for the purpose of inducing, by persuasion, threats, fraud, or any other means, any apprentice or apprentices to any such trade, craft, vocation, or calling to leave the employment of their employer, or for the purpose, by any means, of preventing or deterring any person from learning and practicing any such trade, craft, vocation, or calling, every such person so associating himself in such society or organization shall be guilty of a misdemeanor.

SEC. 121. When the servant, cropper, or farm laborer of another is under written contract, attested by one or more witnesses, if any person shall employ such servant, cropper, or farm laborer during the term for which he is employed, knowing that he is so employed and that the term of service has not expired, such person so offending shall be guilty of a misdemeanor.

SEC. 122. If any person shall, by offering higher wages or in any other way entice, persuade, or decoy, or attempt to entice, persuade, or decoy any servant, cropper, or farm laborer, whether under a written or parole contract, after he shall have actually entered the service of his employer, or leave his employer during the term of service, knowing that said servant, cropper, or farm laborer was so employed, he shall be guilty of a misdemeanor.

SEC. 123. If any person or persons, by threats, violence, intimidation, or other unlawful means, shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 124. If any person or persons, singly or together, or in combination, shall conspire to prevent or attempt to prevent any person or persons, by threats, violence, or intimidation, from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 125. If any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor from so doing, or hinder any person, by threats, violence, or intimidation, from being employed as laborer or employee, such offender shall be guilty of a misdemeanor.

SEC. 126. If any person or persons, by threats, violence, intimidation, or any other unlawful means, shall hinder the owner, manager, or proprietor for the time being from controlling, using, operating, or working any property in any lawful occupation, or shall by such means hinder such person from hiring or employing laborers or employees, such offender or offenders shall be guilty of a misdemeanor.

The following extracts are from the Code of Virginia, 1904:

SEC. 44. A contract for labor for a term of service, not exceeding two years, made in a foreign country with a person who shall immigrate to this State and duly attested by the United States consul or commercial agent at the port where such immigrant shall embark, shall be respected and enforced to the same extent and in the same manner as if made within the State.

SEC. 45. Every contract made as aforesaid shall be in duplicate, the original in the vernacular language of the immigrant, which shall be retained by him; the duplicate in the English language, which shall be recorded in the county or corporation wherein such employer resides within 10 days after the arrival of said immigrant at such residence, and until so recorded such employer shall not be entitled to the benefit of the provisions of this chapter applicable to such contracts.

SEC. 46. Any immigrant who is a party to any such contract shall have the right to apply to a justice, who shall require personal security for the payment of wages at the times specified in said contract; or if not so specified, then monthly; and any immigrant who, without good and sufficient cause, shall be discharged from the service of an employer may recover from him, in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his contract.

SEC. 47. An immigrant bound by any such contract who shall, without good and sufficient cause, leave the service of his employer shall be liable to said employer for an amount not exceeding the sum which may or would be due for a period not exceeding three months of the term of his contract.

SEC. 48. All the provisions of the four preceding sections shall apply to contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, except that such contracts made within the United States may be attested by a justice or other officer authorized by law to attest and affix his official seal to such contract.

Virginia is the only State I find whose statutory law provides for contract labor of foreigners; and to show how backward it is in this respect I cite the following sections of the United States Statutes of 1883, chapter 164:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parole or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia to perform labor or service of any kind under contract or agreement, express or implied, parole or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States, and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid; and it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

You will observe that Virginia, in the face of this Federal statute, maintains a law that a contract made in a foreign country with laborers who shall immigrate to that State shall be respected and enforced. While the statute does not provide that those who make contracts with foreigners in their own country for their labor shall pay the passage of those people to this country it does not prohibit it. Hence it is easy to conclude that it is done. The payment of transportation across the ocean from southeastern Europe to a man or woman who can not raise the money is a great temptation to migrate and accept very low wages under an iron-bound and hard contract. This law and the practice under it are bad in many respects. Too many, rather than too few, immigrants are flocking to our shores of their own volition and paying their way. The flood of immigration is becoming such a menace to this country, in the judgment of many people, that they are urgently demanding legislation which will check it to a very large extent. The importation of contract labor to Virginia reminds one of the time when Africans were imported to the Old Dominion, and it is offensive to the American notion of human freedom.

The following extracts are from the Code of Mississippi, 1906:

SEC. 1146. If any person shall willfully interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract without the consent of the employer or landlord, he shall, upon conviction, be fined not less than $25 nor more than $100, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof.

SEC. 1147. Any laborer, renter, or share cropper who has contracted with another person for a specified time in writing, not exceeding one year, who shall leave his employer or leased premises before the expiration of his contract, without the consent of the employer or landlord, and makes a second contract with a second party without giving notice of the first contract to the second party, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding $50.

The following extract is from the Criminal Code of South Carolina:

SEC. 359. Any person who shall entice or persuade by any means whatsoever any tenant, servant, or laborer, under contract with another, duly entered into between the parties before one or more witnesses, whether such contract be verbal or in writing, to violate such contract, or shall employ any laborer knowing such laborer to be under contract with another, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars, or be imprisoned in the county jail not less than 10 nor more than 30 days.

I further submit a condensed reference to labor laws in those 12 States as a comparison of them with those of other States.

Twenty-eight States of the Union provide by statute that children under the age of 14 shall not be employed in mills, factories, and so forth. Only one of those States is from the above group of 12, viz, Kentucky.

Alabama, Arkansas, Florida, North Carolina, and South Carolina fix the age limit at 12 years, while Georgia fixes it at 10, and Louisiana, Mississippi, Tennessee, Texas, and Virginia have no laws for the protection of children.

Thirty-two States and Territories have statutes which provide that eight hours shall constitute a day's work. They generally apply to public service. Of those 32 only 3 are from the above group of 12, viz, Arkansas, North Carolina, and Texas, which provide, in substance, that men engaged in operating railroad trains shall not work over eight hours a day. The railroads in those States are, generally speaking, owned by foreign capital, and it is an inexpensive matter to make a record in labor legislation for which foreign capital must pay.

These extracts from and references to the statutes of Southern States are placed in the RECORD to illustrate the political inconsistency of certain gentlemen who never miss an opportunity of speaking for labor in the Congress and never improve an opportunity to say a word for it in their home States.

Let us refer back to the anti-injunction bill which was passed through the House a few days ago, and analyze the personnel of the Committee on the Judiciary that reported it. The membership of that committee is as follows:

Democrats: HENRY D. CLAYTON, of Alabama; ROBERT L. HENRY, of Texas; EDWIN Y. WEBB, of North Carolina; CHARLES C. CARLIN, of Virginia; WILLIAM W. RUCKER, of Missouri; JOHN C. FLOYD, of Arkansas; R. Y. THOMAS, Jr., of Kentucky; JAMES M. GRAHAM, of Illinois; H. GARLAND DUPRÉ, of Louisiana; MARTIN W. LITTLETON, of New York; WALTER I. MCCOY, of New Jersey; JOHN W. DAVIS, of West Virginia; and DANIEL J. MCGILLICUDDY, of Maine.

Republicans: JOHN A. STERLING, of Illinois; REUBEN O. MOON, of Pennsylvania; EDWIN W. HIGGINS, of Connecticut; PAUL HOWLAND, of Ohio; FRANK M. NYE, of Minnesota; GEORGE W. NORRIS, of Nebraska; and FRANCIS H. DODDS, of Michigan.

That is a very powerful and important committee, for it passes on constitutional questions, and has jurisdiction of most of the legislation affecting employers and employees and many bills which are of interest to labor and labor organizations.

You will observe that 14 are Democrats and 7 are Republicans. You will further observe that of the 14 Democrats the first 7 and the ninth are from Southern States. Those 8 southern Democrats dominate the 6 Democrats from other parts of the country, and the 14 determine the action of the committee on party questions, because the caucus is king in the Democratic Party in this House.

The gentleman from Texas [Mr. HENRY], who is the second member on the Committeee on the Judiciary, as well as chairman of the Committee on Rules, brought in a rule for the consideration of the anti-injunction bill which was adopted by the Democratic majority. That rule denied the right to offer amendments to the bill, and Members were required to vote either for it or against it exactly as it was reported. Let us here reproduce the last paragraph of that bill for the convenience of any who may care to compare its provisions with the foregoing statutes, and let me remark in passing that this was the paragraph about which was the greatest controversy and dispute between those who favored the bill and those who opposed it. It reads as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

The first part of this paragraph provides that no person or persons shall be restrained from terminating the relation of employer and employee at any time, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means to leave their employment.

I do not wish to be understood as criticizing this provision. The relation of employer and employee is one of contract in all enlightened countries and States, and either party who breaks it is, under the common law, liable in damages to the other. I doubt if there is a Member here from any State in the country, save a Southern State, who would think of making it a penal offense for an employee to leave the service of his employer, or that the man who persuades him to leave is

guilty of a crime. There are only 10 States in the Union which make it a crime to violate a contract of employment or to induce or persuade an employee to break such a contract and leave such employment, or to employ a person who has broken such a contract. Those States are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

These are all Democratic and Southern States, and the distinguished chairman of the Committee on the Judiciary, who introduced the bill, drafted the report, and managed it through the House, is from the State of Alabama, which heads this list. Four other distinguished Democrats on this committee come from States which make it a criminal offense for a man to leave his employment and also a criminal offense to entice an employee from his work.

The second part of this paragraph in this anti-injunction bill justifies and legalizes picketing, and in such a way as to open the door for very dangerous and lawless consequences. However, I am not discussing the merits of this bill here, but comparing the records of the Members who reported, advocated, and rushed it through the House, in Congress, and in their home States. There are two States, so far as my examination has gone, which by statutes make picketing a criminal offense, and those are Alabama and Colorado, both Democratic.

The last part of this anti-injunction bill expressly recognizes the boycott and provides for its protection and success. There are only five States which by statutes make a boycott a criminal offense. Those are Alabama, Texas, Indiana, Colorado, and Illinois. Four of these five are Democratic, and again Alabama heads the list, and appears in the three lists.

Alabama is the only State in the Union which by solemn statutory enactment condemns as criminal and penalizes as such the three successive acts which go to make a successful strike, viz, abandoning employment and inducing or persuading others to do so, the picket, and boycott.

Mr. Samuel Gompers and several other officers of the American Federation of Labor sat in the gallery all the while the anti-injunction bill was under consideration in the House. They were manifestly interested in its passage, because it legalizes those acts which the Alabama statutes penalize and would the more easily make labor strikes successful. Mr. Gompers is consistent. He knows what he wants and knows how to go after it. But what about Mr. CLAYTON, the chairman of this great committee? He was born and reared and has always lived in Alabama. Men are usually influenced by their home associations and environment, and if a thing is really good they like to have it for themselves and their home people. Is he consistent, and is he sincere?

Another gentleman was born, reared, educated, and has always lived in Alabama, Mr. HEFLIN, of the fifth district, who is one of the most vociferous advocates in the House of the plain people, and whose perfervid declamation in behalf of the downtrodden workingman, during the debate on the naval appropriation bill, prompted me to make these remarks and place before the House and the country some of the labor laws of his own State.

There are several other able and influential Members of this body from the State of Alabama, among them a prominent candidate for the Democratic presidential nomination. Let them return to their own States and repeal those outrageous statutes which are relics of industrial slavery and peonage. Let them get in step with the march of progress in other parts of the country. Let them, by their acts, give evidence of their good faith and sincerity as friends of the plain people and of labor, and they will be listened to on that subject with attention and respect.

The 10 States above mentioned whose statutes make it a criminal offense, punishable as such, for a servant to leave his master, or for a man to entice a servant away from his master, or for a man to harbor an employee who has left his employer, have 83 Members in this House, 79 of whom are Democrats and 4 Republicans. This statement tells its own story on the question of labor legislation.

Texas has 16 Representatives—all Democrats. Virginia has 10 Representatives—9 Democrats and 1 Republican. Those 12 States, some of whose statutory laws are herein cited, are represented on this floor by 111 Members—106 Democrats and 5 Republicans. The representation from those States was in several previous Congresses the same in number and practically the same as to party affiliation. Those 12 States compose what is known as the "solid South," and no matter what political storms may have swept over other parts of the country they have remained true to the Democratic Party. From the Fifty-fourth to the Sixty-first Congress, inclusive, those Democratic Representatives constituted the bulk of their party in the House. Throughout other parts of the country Democrats, and Republicans too, are swept in and out according as the political gales are favorable or otherwise. Not so in those 12 States, for they have practically only one party. Their Representatives have been solidly Democratic, and by reason of their long and continuous service, their large experience, ability, and ranking positions on most all the great committees they organized the Democratic majority in the present Congress and completely dominate it. They are the men who formulate and report bills on industrial questions. They are the men who talk buncombe in the House on labor matters, and neglect the working people in their own States. They are the men who advocate laws for the Nation which they do not expect to pass, and if they should pass they know such laws will not affect their home conditions to any appreciable extent. Therefore when they talk loudly and eloquently for labor I question their consistency, and in some cases I question their sincerity.

Mr. CANNON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois. The Chair understands that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] was speaking out of the time of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Oh, no; I think not. I think I had unanimous consent granted that I might proceed for 10 minutes. I ask unanimous consent to proceed for 10 minutes to close the debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I ask to have again reported the amendment offered by my colleague [Mr. FOSTER] as an amendment to the substitute that I offered.

Mr. FOSTER. It is not a substitute.

Mr. CANNON. It is an amendment to the substitute that I offered.

Mr. FOSTER. Yes; and I want to state this: That inadvertently I inserted the word "not" in the amendment I offered, whereas it should not be there, and I will ask that the Clerk report it correctly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment to the substitute.

There was no objection, and the Clerk read as follows:

Add at the end of the substitute the following: "And that does pay the union scale of wages."

Mr. CANNON. Mr. Chairman, the gentleman from Illinois [Mr. BUCHANAN] repudiated the amendment offered to the substitute by my colleague, Dr. FOSTER, saying that he was in favor of it in principle and believed in it, but that he believed it was not constitutional, and therefore he was not in favor of it. He went further and said that organized labor never had demanded such a provision. I think the gentleman is correct. For many years I have kept general run of the action of organized labor in its platforms. My friend from Illinois, Dr. FOSTER, however, favors class legislation, because he wants to regulate the labor which produces coal that the Government buys by providing that it shall be paid at union scale. That is class legislation. If you can say that it shall be paid at the union scale, you can say that it shall be produced by the union man. Did my good friend think that, ostrich like, he could hide his head in the sand and thereby conceal his body?

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. ALEXANDER. If it be true that it would be unconstitutional to provide that coal should be mined by union labor, is it not equally unconstitutional to say that the mine owner shall pay the union wages?

Mr. CANNON. Precisely. That is my point. One is as unconstitutional as the other, and I believe that neither side of this House will write that legislation upon the statute books. Now, I am 76 years old, Mr. Chairman. I have been almost 38 years a Member of this House. I came into Congress on the 4th of March, 1873. How marvelously this country has grown. I came from a then purely agricultural district, a young man, a rough ashler and possibly a rough ashler yet, and without the privilege of having even a good common school training. I had lots of things to learn; but, thank God, I did know touching the constitutional privileges of every citizen of the great Republic. I could wrestle very vigorously on a country circuit on questions of fact, although I did not know much law, and I guess I have not improved greatly in that respect. [Applause.]

But I know that all law in a civilized nation that does not, like the grace of God, cover every individual, without fear, favor, affection, or discrimination, is no law under the Constitution. Now, some gentleman was kind enough to say, my honored colleague, I believe—no; the gentleman from Alabama

[Mr. HEFLIN], with burly-headed statesmanship and patriotism, with lungs like a bellows and a voice like the bull of Bashan, from time to time throws all questions into the tariff and then jumps on the tariff when he is pressed. [Laughter and applause.]

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. CANNON. I have not much time, but I will yield just for a question.

Mr. HEFLIN. The gentleman says I jump on the tariff. The difference between the gentleman and myself is that he never jumps on the tariff.

Mr. CANNON. I only yielded for a question, as I only have a few moments. The gentleman says I have not been converted, and that therefore I am an enemy of organized labor; that for eight years, while I was Speaker, labor went hungry in its demand and its recognition in a Republican Congress. Thank God, I am like the old woman, when somebody said that there were infants in hell not a span long; she did not argue it; she said, "Thank God, that is a lie." [Laughter and applause.]

Take the record that was made in the eight years I was Speaker, with Theodore Roosevelt as President for six and President Taft for two years. There was more good legislation enacted by Republican Congresses in that period touching labor conditions than was enacted in all the years before or since the organization of the Government. [Applause.] There were demands made to which I did not subscribe as Speaker, and as a Member I do not now. One of them, and perhaps the principal one, demanded by Samuel Gompers and some of the other leaders, was that there should be legislation enacted providing that the right to do business at a particular place or any place is not a property right.

I said and the law says it is a property right, and I did not respond to the demand. That was the principal cause, in my judgment, that made Mr. Gompers come to my district and enter upon a campaign for my defeat. He had a right to come, and I am not abusing him. Oh, I never yet have seen the time when any American citizen is charged with the commission of a crime, as principal or accessory, that I have hotfootedly jumped on and denounced him. An American citizen, whether he be McNamara or any other labor leader or any man who is not a labor leader, whatever the crime may be that he may be charged with, is entitled to his day in court and a trial by a jury, and no man has heard me, when the denunciations came against Mr. Gompers after he had pronounced—before the case was tried—for the innocence of the McNamaras, no one has ever heard me say he is an old fraud and responsible for the crimes committed by the McNamaras on their own confession. Nay, nay. The presumption of innocence runs to him, and that innocence has to be removed beyond all reasonable doubt under the law before I will denounce him on that account. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I thank the committee for the courtesy of allowing me 10 minutes. The Chair did not count the time of the gentleman from New York in the time I have had?

The CHAIRMAN. The Chair did not. All time has expired——

Mr. FOSTER. Mr. Chairman, I will say that the gentleman from Tennessee [Mr. PADGETT], chairman of the committee, in asking unanimous consent to close debate in 15 minutes, provided that my colleague Mr. CANNON should have 10 minutes of that time, and that I should have 5 minutes to close the debate.

Mr. CANNON. Let that be as it may, I did not so understand it, but I ask unanimous consent that my colleague may have five minutes to close debate. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague Mr. FOSTER have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, my colleague from Illinois [Mr. CANNON], the distinguished ex-Speaker of this House, placed a proviso upon an amendment offered a little while ago that no coal should be bought by the Government from any operator, mine owner, or company——

Mr. CANNON. Unless produced by 8-hour labor. That applied to Australia, British Columbia, and the United States, and——

Mr. FOSTER. I am certain it applies to Australia and all the world, and I am glad it does. I want to compliment the gentleman from Illinois not only for indorsing the 8-hour bill in the United States, but indorsing the 8-hour bill for the world.

Now, Mr. Chairman, I am not a constitutional lawyer, but it occurs to me that if we have the right to limit the purchase of coal from mines that must install the 8-hour day, we must say to those mine owners, "You must maintain a union scale of wages." And I for one am ready now to go on record for an honest wage for an honest American workman. I was in this House while the former Speaker [Mr. CANNON] occupied the chair.

But for a long time there was a demand for an eight-hour bill to be passed by Congress; there was a demand by the labor interests of this country that there should be an anti-injunction bill; there was a demand that there should be passed through this Congress the right of trial by jury in cases of contempt. So we say to-day that we are going to fulfill the pledges of the Democratic Party and stand for the rights of labor in this country, that have so long been neglected in these respects.

I believe that every Member of this House ought to vote for a provision which proposes to pay decent wages to the American workmen. We have heard for years that we must levy a high protective tariff and that the laboring man must get a part of that protection. Now, when you have an opportunity to say that this money that we appropriate for the buying of coal shall not be paid to mine owners unless they do pay their men a decent wage, are you going to vote against it? I do not believe that the membership upon that side of the House or the membership upon this side of the House will vote against an amendment of this kind, because we stand for fair wages for American workmen. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for just one minute.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I just simply want to call attention to the fact that, as I said in the beginning, this whole amendment is wrong in its purpose. While there is no justification for the amendment at all, we have had a long debate, and we have had various amendments to the amendment, and it comes now to the amendment as originally offered, and it should be voted down as a whole in the interests of the Government.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am entirely in accord with the purpose of the gentleman from Illinois in his amendment. I know his desire to promote the interests of the men who work in the mines and that he would like to see union wages paid in all coal fields as they are in the State of Illinois; but, in my judgment, this amendment will not accomplish the purpose he has in mind. He proposes that none of this money shall be expended for the purchase of coal, except where union wages are paid. When the gentleman speaks of union wages, what union has he reference to? Is it a bona fide union, like the United Mine Workers, or some pseudounion which any coal operator may organize to suit his own purpose of establishing a union scale of wages far lower than the real union scale? There are many coal fields in the United States where there is no union and where no union wages have been established; and there, on various occasions, unions have been organized that were not bona fide unions, but organized for the specific purpose of preventing a real union of workingmen from getting a foothold, and there would be nothing to prevent any employer of labor in any coal field that is nonunion from organizing a union of workmen for the purpose of establishing a false union wage far lower than the real union wage and thereby bringing into existence a dual labor organization that would be injurious to the workmen in the long run by creating and using a union controlled by the coal operators to keep out a union controlled by the workingmen themselves.

Mr. GARNER. Will the gentleman yield? I know the gentleman's interest in union labor, and I would like to ask him if he would have this Government recognize any union officially?

Mr. WILSON of Pennsylvania. I do not believe that it would be good policy, although I do not believe it is unconstitutional to do so. But when you make the statement that they are to pay union wages, you do not specify what those wages are; you do not specify what union is to make those wages, and not specifying the union, the employers can organize a union themselves and contract with the union they have created, and when they contract with it the wages become union wages, no matter what they are or how far below the standard of the bona fide union those wages may be. It would place the miners in a position where they would have a dual organization that would hardly fail to come into conflict with the regular organization, and the coal operators would not hesitate to take advantage of the

animosities thus created to force reductions of wages upon their workmen. The amendment offered by the gentleman from Illinois [Mr. FOSTER] presents in a new form the idea of a minimum wage scale for all persons employed in the production of material for the use of the Government. It has been prepared and presented in the heat of debate and consequently does not reach the end sought to be attained, but sooner or later the idea will be perfected and enacted into law. In its present form I shall oppose it because I am sure it will not accomplish the purpose my friend from Illinois [Mr. FOSTER] had in mind when he presented the amendment to the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute offered by the gentleman from Iowa [Mr. PROUTY].

Mr. CANNON. No; my substitute was an amendment.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Illinois [Mr. CANNON] was adopted, and at that time the gentleman from Illinois [Mr. FOSTER] offered a further amendment.

Mr. CANNON. Then the vote is on the amendment offered by my colleague, Dr. FOSTER?

The CHAIRMAN. Yes.

Mr. BARTLETT. Mr. Chairman, may I ask to have the amendment offered by the gentleman from Illinois [Mr. FOSTER] read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Add at the end of the substitute the following words: "And that does pay the union scale of wages."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. BUCHANAN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUCHANAN. Mr. Chairman, I understood that my colleague from Illinois [Mr. FOSTER] withdrew that amendment.

Mr. RAKER. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FOSTER. A division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 58.

So the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment as a substitute. That follows the amendment that was offered by my colleague, ex-Speaker CANNON.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Add, at the end of the amendment, the following words: "who are not paid less than the union scale of wages."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. PROUTY. A division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 18.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

Mr. RAKER. Mr. Chairman, I ask unanimous consent——

Mr. SABATH. Will the Chair please have the substitute reported again? The Members do not know what it is.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Washington [Mr. HUMPHREY], as amended.

The Clerk read as follows:

But in purchasing such articles the preference shall be given to those produced in the United States which can be procured at the same price and quality: *Provided*, That the coal shall be mined by labor that is employed at not exceeding eight hours per day.

The CHAIRMAN. The question is on agreeing to the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military stores, Marine Corps: Pay of chief armorer, at $4 per diem; 1 mechanic, at $3 per diem; 2 mechanics, at $2.50 each per diem; 1 chief electrician, at $4 per diem, and 1 assistant electrician, at $3.50 per diem; per diem of enlisted men employed on constant labor for periods of not less than 10 days; purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, canteens, rifle slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, spare parts for repairing rifles, machêtes, purchase and repair of tents, field cots, field ovens, and stoves for tents; purchase and repair of instruments for bands, purchase of music and musical accessories; purchase and marking of prizes for excellence in gunnery and rifle practice; good-conduct badges; medals awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; incidental expenses of schools of application; construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums for enlisted men, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; establishment and maintenance of targets and ranges, and renting ranges, and entrance fees in competitions; procuring, preserving, and handling ammunition and other necessary military supplies; in all, $307,737.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. GREGG of Texas. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania.

Mr. FOCHT. Mr. Chairman, I have been listening daily, sometimes once and sometimes twice and as often as three times daily, to the effusions of my friend from Alabama [Mr. HEFLIN]. Sometimes they were poetic; never prosy.

He comes from the ambitious State of Alabama, where they aspire to the Presidency. [Applause on the Democratic side.] But I am afraid that the only shining light reflected from that State at the moment is Mr. UNDERWOOD'S personality, but if we get nothing more than we just received from the gentleman from Alabama, notwithstanding the courage and ability and popularity of the Democratic leader, Mr. UNDERWOOD, his case is a hopeless one.

Now, my friend from Alabama, Mr. HEFLIN, has undertaken, I think, to do something that does not become him, and in view of the record of his own State is indefensible. I want, Mr. Chairman, to read a few lines from a letter written by a friend of mine who resides near his home, and I think possibly in his district. He has something to say about labor conditions there.

This is what he says:

Shortly after I arrived at this camp—

One of these convict camps of Alabama—

the convict warden came up to me one day and said that if I wished he would show me something, as he termed it, "You damn Yankees are not used to seeing." I followed him to the stockade, where he ordered four trusties to bring out a colored convict who had committed a trivial offense. He then ordered this man to take off all his clothes (he was as fine a speciman of muscle and strength as I have ever seen), then told him to lie on the ground flat on his stomach, and placed the four trusties, one on each arm and leg in order that the man could not turn over. The warden then produced a strap about 4 feet long, one-half inch thick, and about 2 inches wide; this was on a round wooden handle; he then started to punish this man by giving him 25 lashes. When he had finished the man was bleeding from a dozen or more places on his back. He could hardly stand. Later on I saw this same warden start to lash a white convict who was so sick and weak that he looked more like a corpse than anything else. That was too much for me. I left, but later heard that this victim had fainted and they had to carry him to his pen. These were common occurrences at that time in Georgia and Alabama.

I was asked on several occasions while in those sections to help support and join the Society for the Prevention of Cruelty to Animals. I offended quite a few persons by making fun of their society and referring to the manner in which they treated convicts.

I have particularly noticed that the wardens and convict guards of Georgia and Alabama are looked upon as being lower than the convicts themselves by the better class of people, and are sprung from what the southerner calls "poor white trash and sagers." I consider that these men, if you wish to call them that, are the lowest type of manhood in the white race.

While I was in the two States mentioned, from 1905 to 1909, the following companies were working convict labor to my knowledge. The ones I mention I happen to know on account of being in the vicinity where they were worked:

Durham Coal & Coke Co., Chattanooga, Tenn.; convict camp, Durham Mines, Pittsburg, Ga. Tennessee Coal, Iron & Railway Co., Birmingham, Ala.; convict camp, Flat Top Mines, Ensley, Pratt City, and other mines in Alabama. Pratt Consolidated Coal Co., Birmingham, Ala.; Banner Mines, convict camp, Littleton, Ala. Sloss-Sheffield Steel & Iron Co., Birmingham, Ala.; convict camp, Flat Top Mines and others. Republic Iron & Steel Co., Birmingham, Ala. Dimmick Pipe Works, Birmingham, Ala.

All the above camps in Alabama are within a radius of 30 miles of Birmingham.

If you wish to investigate you will find that most of these companies prefer to work convict labor. If they can not get it they have men out all over the country looking for any kind of foreign labor. They will give anyone work in preference to Americans, and the Americans they do work they hold to the lowest possible wages, and will keep other companies from giving them better positions and higher wages, as the inclosed letters from the Tennessee Coal, Iron & Railway Co. will prove.

If what I have written you is not what you want, kindly let me know just what you want, and I can give you more details.

Yours, very truly,

BEN T. PHILLIPS.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOCHT. Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North, and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State, greater than that of the camps of Siberia and Russia. I hold in my hand a photograph of a convict camp in Alabama, which any gentleman can see. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. HEFLIN. I ask the gentleman to withdraw his amendment until I can address the House for five minutes.

Mr. GREGG of Texas. It is one of a series of amendments which have been offered to all these propositions, and I want to offer it now, so that it may be pending; and I will ask unanimous consent that it be passed over under the agreement made with the gentleman from Tennessee and the gentleman from Illinois on Saturday.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 6, page 59, insert the following: "*Provided*, That no part of this appropriation shall be expended for the purchase or manufacture of such rifles, revolvers, cartridge boxes, bayonets, scabbards, and haversacks as have been or are being manufactured in a Government establishment from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of the work on the articles named herein established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the articles named herein."

Mr. GREGG of Texas. Mr. Chairman, I understand that the gentleman from Tennessee, the chairman of the committee, is going to introduce an amendment to the 8-hour bill passed by the House, and until that is disposed of I ask to have this amendment passed and be considered as pending.

Mr. CANNON. One moment, Mr. Chairman. When the amendment is offered, then I will give my consent or make my objection.

Mr. PADGETT. The amendment is offered now.

Mr. GREGG of Texas. It is offered now, and I ask that it be passed, as have the other amendments, and be considered as pending.

Mr. CANNON. Well, Mr. Chairman, one swallow does not make a summer. Where does the gentleman's amendment come in?

Mr. PADGETT. At the end of line 6, page 59. There are two other similar amendments identical in language that have been passed.

Mr. CANNON. I have no objection, Mr. Chairman; I thought it was to the paragraph to which the gentleman from Iowa offered the amendment a short time ago and which was agreed on.

The CHAIRMAN. It is to a different paragraph.

Mr. CANNON. I shall not interpose any objection.

The CHAIRMAN. Without objection, the amendment will be passed and be considered as pending.

Mr. HEFLIN and Mr. BARTLETT rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HEFLIN. Mr. Chairman, I understood that I was to be recognized.

The CHAIRMAN. The Chair was not aware that the gentleman from Alabama was seeking the floor. He was aware that he was seeking time on this side. The Chair has recognized the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I have no duty to perform in making a reply to the gentleman from Pennsylvania [Mr. FOCHT] for anything he has said in reference to Alabama. I have no knowledge on the subject of the conditions in Alabama; nor does it devolve upon me to make any defense for her or to reply to what has been said by him with reference to that State. Alabama can take care of herself ably and well; but I want to say, with reference to the statement in the letter which the gentleman has read as to conditions in the State of Georgia, that if the man who wrote that letter referred to any conditions in Georgia as now existing or claims that they have existed since 1907, he has written what is not true.

Mr. Chairman, we did suffer in Georgia for years with an infamous convict system, under which convicts were hired out to private parties, but it was first fastened upon us by a Republican governor and a Republican legislature in 1870. [Applause on the Democratic side.] As a member of the Georgia Legislature in 1882 and 1884 I endeavored to correct it and cast my influence and my vote in favor of abolishing the system and endeavored to have the system abolished. Finally, when the contracts that had been made for 20 years under a Republican governor had expired, when Georgia was able to get control of her own affairs by the aid and influence of her Democratic governor, who insisted that the system of hiring out the convicts be abolished, thank God we did abolish it, and hiring out convicts in Georgia has ceased and never will again be permitted. [Applause.]

We have at present as humane a system as any State in this Union. We tax our people burdensomely in order to provide for a humane and proper system, and there is no convict camp in Georgia to-day controlled by private parties; nor are the convicts worked in competition with free labor as was once the case. I merely rose to say that the statement in the letter read by the gentleman from Pennsylvania, in so far as it refers to the State which I have the honor to represent, in my opinion, is a falsehood and a slander. [Applause.]

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes.

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to ask the chairman of the committee how long we are going to continue this evening, and how long we are going to continue this kind of politics?

Mr. PADGETT. I want to expedite the consideration of the bill and reach at least the increase of the Navy to-night. We ought to reach it by 6 o'clock.

Mr. GOOD. I think we ought to cease this kind of debate.

Mr. PADGETT. Mr. Chairman, I ask that general debate on this paragraph and amendments thereto close at the end of 10 minutes.

Mr. HOWARD. I wish the gentleman would make it 15 minutes.

Mr. PADGETT. I will make it 15 minutes.

Mr. GOOD. Mr. Chairman, I move as an amendment that all debate be limited to the items in the bill.

Mr. PADGETT. That is the rule anyway, if a Member insists on it.

Mr. HEFLIN. Mr. Chairman, I trust that the gentleman from Tennessee will not make any such motion as that.

Mr. GOOD. I shall object to any remarks not confined to the item now under discussion.

Mr. HEFLIN. Does the gentleman from Iowa wish to deny me the opportunity to reply to the assault made upon my State by the gentleman from Pennsylvania?

Mr. GOOD. The gentleman from Alabama has already invited all the attacks that he has received.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the pending paragraph and amendments thereto be closed in 15 minutes.

The motion was agreed to.

Mr. HEFLIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. FOCHT] has read what appears up to this time to be an anonymous letter which reflects upon the State that I have the honor in part to represent. The name of the gentleman who wrote that letter has not been given to this House.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not in order. He is not speaking to the paragraph under consideration.

Mr. LITTLEPAGE. But he got unanimous consent to proceed.

Mr. HEFLIN. Mr. Chairman, I obtained unanimous consent to proceed for 10 minutes. I requested unanimous consent——

The CHAIRMAN. The Chair would state that under the five-minute rule if the point of order be insisted upon the speaker is obliged to confine himself to the subject matter of the paragraph.

Mr. HEFLIN. But I had 10 minutes. The gentleman from West Virginia [Mr. LITTLEPAGE] did ask unanimous consent that I might proceed for 10 minutes in reply to the gentleman from Pennsylvania, and there was no objection, as I understood it.

The CHAIRMAN. The gentleman from Tennessee intervened with a motion to limit debate. The Chair did not submit the request of the gentleman from West Virginia, but will do so now.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be permitted to proceed for 10 minutes in reply to the attack made on his State by the gentleman from Pennsylvania [Mr. FOCHT].

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the gentleman from Alabama be allowed to proceed for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

Mr. HOWARD. Then, Mr. Chairman, I move that the gentleman from Alabama have 10 minutes.

The CHAIRMAN. The motion is not in order at this time. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. AUSTIN. Mr. Chairman, I rise for the purpose of appealing to my colleague from Iowa to withdraw his objection. This attack upon the State of Alabama came from the Republican side, and I ask in all justice and fair play as a Republican that the gentleman from Alabama have the opportunity to be heard in answer. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman, the point was not made against the gentleman from Pennsylvania, when he read his letter, from this side, and it is unfair for this side to object to the gentleman from Alabama having an opportunity to reply to it.

Mr. HEFLIN. Mr. Chairman, in order that I may put this matter properly before the country and in the RECORD, I ask unanimous consent, in view of the attack that has been made upon my State by the reading of the letter which purports to be from somebody——

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is out of order.

Mr. HEFLIN. Mr. Chairman, the letter does not speak the truth [applause], and I ask unanimous consent that I may have 10 minutes in which to reply.

The CHAIRMAN. The gentleman from Alabama submits a request for unanimous consent that he be permitted, out of order, to address the committee for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to say to the gentleman that I have no objection to his making any explanation that he desires to make; but he knows, and every Member of this House knows, that this is no place for this kind of discussion, and therefore, Mr. Chairman, I object.

Mr. HEFLIN. Mr. Chairman, before the gentleman does that, I will ask him why he did not make an objection when my State was slandered by a gentleman from his side. Why did he not make that objection then, when a Member on the Republican side was knowingly and intentionally slandering Alabama? Do you want to be unfair; do you want to slander a sovereign State in this fashion; do you want to speak a deliberate falsehood through a Member of that side and then deny me under the rules a chance to reply? [Applause.]

Mr. KOPP. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, was there an objection to my request?

The CHAIRMAN. The request was objected to, and the time of the gentleman from Alabama has now expired.

Mr. HEFLIN. Mr. Chairman, is it permissible to raise a question of personal privilege in the Committee of the Whole?

Mr. FOCHT. Mr. Chairman, I want to say that, notwithstanding the gentleman has already made one speech upon the subject, to which I replied, I hope the House will permit him to go ahead and say what he has to say. I may ask the House later to permit me to reply.

Mr. GOOD. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, I desire to ask this question for information. Is it permissible in the Committee of the Whole to raise the question of personal privilege?

The CHAIRMAN. The Chair is under the impression that where a question of personal privilege properly rises under the proceedings, it may be brought to the attention of the committee.

Mr. HEFLIN. Then, Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. The attack made by the gentleman from Pennsylvania [Mr. FOCHT] upon the district and upon the State that I have the honor to represent referred to me personally and constitutes a reflection upon the people that I represent, and I desire to state my question of personal privilege and to reply to that unwarranted attack and slander.

Mr. PAYNE. Mr. Chairman, what is it the gentleman from Alabama is making a speech about? I want to know what the regular order is.

The CHAIRMAN. The Chair did not hear the gentleman from New York.

Mr. PAYNE. I am trying to find out what the regular order is, and I find the gentleman from Alabama is making a speech. I can not hear what——

The CHAIRMAN. The gentleman from Alabama arose to a question of personal privilege and is now stating it

Mr. PAYNE. Mr. Chairman, I do not understand the gentleman can do that in the Committee of the Whole House on the state of the Union, and I make a point of order against it.

Mr. GOOD. Mr. Chairman, I make the further point of order that the grounds stated by the gentleman do not present a question of personal privilege.

The CHAIRMAN. The rule in regard to questions of privilege is:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only.

If it does not affect a Member in his representative capacity, the question of privilege would not arise.

Mr. HEFLIN. The gentleman from Pennsylvania has reflected upon my people and has referred to me or to my district in connection with the convict system in the State, and in order that the truth may now go in the RECORD, I desire to reply now.

The CHAIRMAN. The Chair, ruling on the point of order, would say the Chair does not think the gentleman makes out a case of personal privilege under the state of affairs so far.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent, in order that this matter may be adjusted now, that the gentleman from Alabama may have 10 minutes to address the committee, and that the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes to follow him.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Alabama may have 10 minutes in which to address the committee and the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

> Total Marine Corps, exclusive of public works, $7,425,578.78.

Mr. PADGETT. Mr. Chairman, we have now reached the increase of the Navy, I think.

Mr. CHAIRMAN. We have.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24565, the naval appropriation bill, and had directed him to report that it had come to no resolution thereon.

PORTO RICO (S. DOC. NO. 720).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress, approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the second session and the extraordinary session of the Sixth Legislative Assembly, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 27, 1912.*

The SPEAKER. Ordered to be printed and referred to the Committee on Insular Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. J. M. C. SMITH, for one week, on account of important business.

To Mr. HELM, for 30 days, on account of important business.

To Mr. GREGG of Pennsylvania, for five days, on account of important business.

To Mr. BOEHNE, for three days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at

Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post; and

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co., in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley, and in case of their failure so to do to authorize and direct the Secretary of the Interior to readjust said rights of way.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, May 28, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 24669) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm-drainage system, as well as the sanitary-sewer system, of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., reported the same without amendment, accompanied by a report (No. 763), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 24883) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 24884) to purchase and provide grounds, erect buildings, and furnish the same for the Greenville Indian School, at Greenville, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24885) to equip, build, complete, and furnish water, electric light, and sewerage systems for the Fort Bidwell Indian School, on the Government reservation at Fort Bidwell, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24886) providing for second homestead and desert-land entries, and for other purposes; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 24887) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Committee on Appropriations.

By Mr. KAHN: A bill (H. R. 24888) for the protection of certain societies, fraternal orders, or associations in the use of the mails; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 24889) to require that the printing of records, which is done under the supervision of the clerks of the United States courts, shall be let annually upon competitive bids; to the Committee on the Judiciary.

By Mr. PALMER (by request): A bill (H. R. 24890) forbidding the use of the mails to fraternal organizations adopting names already employed by such organizations duly organized; to the Committee on the Judiciary.

By Mr. DAVENPORT: A bill (H. R. 24891) to establish public highways or roads along all section lines in the Seneca, Wyandotte, Ottawa, Eastern Shawnee, Peoria, West Miami, and Quapaw Tribe of Indians in the Quapaw Agency, in eastern Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. NEELEY: A bill (H. R. 24892) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 24893) to prohibit the use of titles already used by fraternal orders; to the Committee on the Judiciary.

By Mr. ANDERSON of Ohio: Resolution (H. Res. 553) authorizing the payment of a certain sum of money to Mabel Adler; to the Committee on Accounts.

By Mr. RODDENBERY: Concurrent resolution (H. Con. Res. 53) to print 10,000 copies of Senate Document No. 219, Fifty-sixth Congress, second session; to the Committee on Printing.

By Mr. DONOHOE: Joint resolution (H. J. Res. 321) relative to observance of Memorial Day; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Missouri (by request): Memorial of the Legislature of the State of Arizona, favoring S. 3367, providing more liberal conditions under which land may be acquired by homesteaders; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, favoring legislation authorizing the State of Arizona to make land selections in lieu of selections already made and disposed of as mineral lands, etc.; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, praying Congress to call upon the Attorney General of the United States for contracts, correspondence, and papers relating to grants to the Pacific Gas & Electric Co.; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24894) granting an increase of pension to Daniel Murphy; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 24895) granting a pension to Elizabeth J. Legg; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 24896) granting an increase of pension to Zachariah T. Funk; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24897) to correct the military record of Richard Hogan; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24898) granting a pension to John Callahan; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24899) for the relief of John W. Randall; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 24900) granting an increase of pension to Fanny M. Campbell; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24901) granting a pension to Augusta A. Crommett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24902) granting an increase of pension to Mary L. Stone; to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24903) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 24904) for the relief of the legal representatives of Alexander Harlin, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 24905) granting an increase of pension to Ida M. Fiala; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 24906) for the relief of R. Jane Brewer; to the Committee on War Claims.

Also, a bill (H. R. 24907) granting compensation to Charles K. Remsburg; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 24908) granting a pension to Ellen M. Leary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24909) granting a pension to Thomas F. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24910) granting a pension to Joshua I. Cooksey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24911) granting a pension to Mary E. Dolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24912) granting a pension to Susan M. Kinkead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24913) granting a pension to Charles J. O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 24914) granting a pension to Albert W. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 24915) granting a pension to Mahala J. H. Johnson; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24916) granting an increase of pension to Alexander Sutherland; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24917) granting a pension to Clyde N. Gregson; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24918) granting a pension to William Putnam; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 24919) for the relief of Lewis W. Crain; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 24920) granting an increase of pension to Robert O. Backus; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 24921) granting a pension to Elizabeth Nazworthy; to the Committee on Pensions.

By Mr. TUTTLE: A bill (H. R. 24922) for the relief of Samuel Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petitions of the Immigration Restriction League, of Boston, Mass., and State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Protestant Episcopal Church, diocese of Washington, relative to garb worn by teachers and pupils in Government schools; to the Committee on Indian Affairs.

By Mr. BULKLEY (by request): Petitions of the World's Purity Federation and citizens of Cleveland, Ohio, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Mrs. Pence, of Brooklyn, N. Y., favoring passage of bill for the sanitary and medical uplift of the people of Alaska; to the Committee on the Territories.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., relative to sentiment in favor of plan of monetary reform; to the Committee on Banking and Currency.

Also, resolutions of the Grand Army of the Republic, Department of Missouri, indorsing action of the Missouri Members of Congress in their efforts to secure for the members of the Enrolled Missouri Militia who rendered active service a pensionable status; to the Committee on Invalid Pensions.

Also, petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Fielder & Hanan (Inc.), of New York City, N. Y., against passage of any bills for change in patent laws; to the Committee on Patents.

Also, petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring support of House resolution 357, relative to collecting data relating to the loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association and the Manufacturers' Association, of Brooklyn, N. Y., favoring passage of the vocational educational bill, known as the Page bill; and of H. H. Holley, of Brooklyn, N. Y., favoring passage of Senate bill 6497, for Federal protection for migratory birds; to the Committee on Agriculture.

Also, resolution of the National Lumber Manufacturers' Association, favoring amendment to Sherman Antitrust Act; to the Committee on Foreign Affairs.

Also, petition of the Polk & Calder Drug Co., of New York City, N. Y., against passage of the Richardson drug bill (H. R. 14060), relative to regulation of the sale of drugs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions of the Immigration Restriction League, favoring passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CALLAWAY: Resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of the Italo-American Alliance of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the United States Civil Service Retirement Association of Washington, D. C., against five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, resolution of David Wilson Camp, No. 59, United Spanish War Veterans, of Poughkeepsie, N. Y., favoring passage of House bill 11169, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, resolution of the Richmond (Va.) Chamber of Commerce, favoring a revision of our currency system; to the Committee on Banking and Currency.

Also, resolutions of the Immigration Restriction League and State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DOREMUS: Resolution of Michigan Lodge, No. 111, Order B'rith Abraham, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Detroit, Mich., against passage of the Root amendment, for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the St. Louis Red Cross Society, St. Louis, Mo., favoring passage of House bill 16844—the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, Washington, D. C., favoring passage of amendment to be offered to the naval appropriation bill, to prevent enlisted men to be used to repair ships, etc.; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of the Immigration Restriction League favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of numerous merchants of Gardner, La Salle, Yorkville, and Marseilles, Ill., in opposition to passage of legislation to establish a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the First Lutheran Church, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, relative to improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of J. H. R. Story, Philadelphia, Pa., favoring passage of House bill 1339, for granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of Chapin & Gore, Chicago, Ill., against the passage of Senate bill 5461, relating to the granting of licenses for barrooms in the District of Columbia, etc.; to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petitions of Plimpton, Cowan & Co., of Buffalo, N. Y.; Lehre & Fink, of New York; and Polk & Calder Drug Co., of Troy, N. Y., protesting against the passage of the Richardson drug bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Phonograph Co., New York, protesting against any change in the patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to amending the Sherman antitrust laws; to the Committee on Foreign Affairs.

Also, petitions of the American Association of Foreign Language Newspapers, New York; the Italo-American Alliance of the United States of America; Paul Brown Lodge, No. 421, United States Grand Lodge, Order B'rith Abraham, New York; Jewish branch of the Socialist Party of New York, N. Y.; Ladies' Waist and Dressmakers' Union, Local No. 25, I. L. G. W. U.; Eben Israel Lodge, No. 69, United States Grand Lodge, Order B'rith Abraham, New York; Jarozlausa Lodge, No. 21, Independent Order B'rith Abraham, New York, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Julius Blumberg, New York, N. Y.; E. William Sweeney, New York, N. Y.; H. M. Marks & Co., Chicago, Ill.; William H. Enhaus & Son, New York, N. Y.; and Blackman-Ross Co., New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: Resolutions of the Immigration Restriction League of Boston, Mass., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Brotherhood of Stationary Firemen, No. 270, favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of Pine Tree Lodge, No. 500, of Bangor, Me., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HAYDEN: Petition of the Legislature of the State of Arizona, relating to mineral lands included within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

By Mr. KAHN: Petition of Lodge No. 325 and Lodge No. 166, Order B'rith Abraham, San Francisco, Cal., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of F. C. Drew, San Francisco, Cal., favoring passage of the Sulzer diplomatic establishment bill; to the Committee on Foreign Affairs.

Also, petition of the Shipowners' Association of the Pacific Coast, San Francisco, Cal., opposing passage of House bill 21100, relative to United States district courts; to the Committee on the Judiciary.

Also, petition of Wolff & Dolan, San Francisco, Cal., in opposition to the Oldfield bill relative to price maintenance; to the Committee on Patents.

Also, petition of C. Shilling & Co., San Francisco, Cal., opposing the passage of Senate bill 5461, for regulating liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Dried Fruit Association of California, San Francisco, Cal., in opposition to cut in appropriation for State Department; to the Committee on Appropriations.

Also, petition of John Polikarpoff and five others of San Francisco, Cal., protesting against the Root amendment to the immigration bill, subjecting any alien liable to deportation who conspires with others to overthrow a foreign government; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the Workmen's Circle, New York, and the Italo-American Alliance of the United States of America, Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of J. E. Rhoads & Sons, New York, relative to House bill 16844, requiring the manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of Williams & Humbert, New York, protesting against the Works bill (S. 2309); to the Committee on the Judiciary.

Also, petition of the New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the North Side Board of Trade, of New York, relative to the improvement of the Bronx Kills, Harlem River, and East River, N. Y.; to the Committee on Rivers and Harbors.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York and adjacent States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of the United States Maimed Soldiers' League, of Philadelphia, Pa., favoring passage of House bill 1339, for increasing pension of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolution of the Immigration Restriction League, favoring passage of Senate bill 3175, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the Immigration Restriction League, favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Petition of the Immigration Restriction League, of Boston, Mass., favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of citizens and the city council of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Women's Trade Union League of Chicago, Ill., favoring passage of House bill 11372—the seamen's bill—for protection of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKENZIE: Petitions of business men of Chadwick, Polo, Killedgeville, Byron, Pawpaw, Lee, Leaf River, Amboy, and Subletto, Ill., protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Polo, Ill., favoring the giving of the Interstate Commerce Commission further power toward regulating the express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petition of Androscoggin Council, No. 74, Livermore Falls, Me., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Rumford, Me., favoring passage of Senate bill 5474 and House bill 19133 for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of the North Carolina Patriotic Order Sons of America favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of priests and lay delegates of the Episcopal Diocese of Central New York favoring bill for improving conditions of people of Alaska; to the Committee on the Territories.

Also, resolution of the Manufacturers' Association of New York, in favor of passage of vocational education bill; to the Committee on Agriculture.

By Mr. MORGAN: Petition of the session of the First Presbyterian Church, Oklahoma City, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Alexander Sutherland, of Tennessee; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Sierra Madre Board of Trade, relative to appropriation for fighting the Mediterranean fly; to the Committee on Agriculture.

Also, petition of the Shipowners' Association of the Pacific Coast, relative to the district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sarah Ann Jaggers Auxiliary, No. 19, United Spanish War Veterans, of Fresno, Cal., favoring passage of House bill 17470, for pensioning the widows of Spanish-American War veterans; to the Committee on Pensions.

Also, petition of the Long Beach Chamber of Commerce, protesting against the passage of House bill 11372, prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., protesting against the Root amendment, making any alien liable to deportation who conspires a violent overthrow of a foreign government; to the Committee on Immigration and Naturalization.

By Mr. POST: Petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of citizens of New York City and the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for employees of the Government; to the Committee on the Judiciary.

By Mr. SABATH: Resolutions of Captain Dreyfuss Lodge, No. 165, Order B'rith Abraham; the Polish National Alliance of the United States of North America; and the Association of Jewish Women of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty of Tuckerton and Asbury, N. J., favoring passage of House bill

22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Sophia Yacht Club, Avalon, Catalina Island, Cal., protesting against passage of bill requiring motor boats to have both a licensed pilot and engineer; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Thum, mayor of Pasadena, Cal., favoring continuance of the bureau of efficiency; to the Committee on Appropriations.

Also, petition of the Long Beach Chamber of Commerce, protesting against passage of House bill 11372, for prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Petition of the Polish Societies of Manchester, N. H., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Gossville, N. H., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Stratham, N. H., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Storer Post, Grand Army of the Republic, Portsmouth, N. H.; Albert M. Perkins Post, Grand Army of the Republic, Epping, N. H.; and George S. Cram Post, Grand Army of the Republic, Meredith, N. H., favoring passage of House bill 14070, for increasing pensions for deafness; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of the Hartford Central Labor Union, of Hartford, Conn., favoring passage of the Campbell bill (H. R. 16844), to compel manufacturers of foodstuffs to place their names and addresses upon all goods manufactured by them; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Resolutions of the Trenton (N. J.) Chamber of Commerce, favoring passage of House bill 17736 and Senate bill 4308, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Trenton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the congregation Anshe Chased, of Somerville, N. J., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of members of Local Union No. 540, Carmen's Union, and Local Union No. 228, Journeymen Tailors, of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of John O'Byrne and other citizens of Gregg and Upshur Counties, Tex., favoring passage of the old-age pension bill; to the Committee on Pensions.

Also, resolution of the Immigration Restriction League of Boston, Mass., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *May 28, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Sanders
Bacon	Curtis	Myers	Simmons
Borah	Fall	Nelson	Smith, Ariz.
Bourne	Foster	Newlands	Smith, Ga.
Brandegee	Gallinger	Nixon	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stephenson
Burnham	Guggenheim	Overman	Sutherland
Burton	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Percy	Tillman
Chilton	Jones	Perkins	Townsend
Clark, Wyo.	Lippitt	Pomerene	Warren
Clarke, Ark.	Lodge	Rayner	Watson
Culberson	McCumber	Richardson	
Cullom	McLean	Root	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted Twin City Power Co. by an act approved February 29, 1908;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

REPORT OF NAVAL BOARD (S. DOC. NO. 725).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d instant, certain information relative to the appointment of a board to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

JOSEPH M. PADGETT *v.* UNITED STATES (S. DOC. NO. 724).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Joseph M. Padgett *v.* United States (Washington Navy Yard), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of JAMES P. LATTA, late a Representative from the State of Nebraska.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Dingman's Methodist Episcopal Church, of Delaware, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Chamber of Commerce of Quincy, Ill., praying for the enactment of legislation to provide for the preparation and printing of a national directory of commercial organizations of the United States, which was referred to the Committee on Manufactures.

He also presented a memorial of the Silver Crown Building & Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hillside, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Bond County, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary of St. Paul's School, of Concord, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. POMERENE. I present letters from the legislative committee of the Grain Dealers' National Association and the transportation committee of the Peoria Board of Trade and sundry telegrams from chambers of commerce and commercial organizations throughout the State of Ohio in favor of Senate bill 6810, relating to bills of lading. I do not ask that they be read, but I should like to have them printed in the RECORD.

There being no objection, the letters and telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate.

DEAR SIR: The Grain Dealers' National Association gives its hearty support and approval to Senate bill 6810.

This association represents the entire grain interests throughout the United States in all of its branches. Its membership of more than 2,000 is composed of country shippers, receivers, and exporters. This membership makes it national in scope and thoroughly representative of the entire grain industry of the country.

The matter of bills of lading has been one of great importance and serious consideration by this organization for a great number of years, and Senate bill 6810 meets the hearty approval not only of this association itself, but of its constituent members.

It is to be hoped that this measure will receive the approval of Congress at the present session, because there is a crying necessity for remedial legislation of this character.

Respectfully submitted by the legislative committee of the Grain Dealers' National Association.

A. E. REYNOLDS, *Chairman.*

—

WASHINGTON, D. C., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate.

DEAR SIR: On behalf of the Peoria Board of Trade I want to state that we are very much in favor of Senate bill 6810, in regard to the bill of lading matter, and believe it is the bill that should be passed.

This matter is of vital importance to the whole grain interests of the country, and we are very much in need of the protection such a bill will give us.

TRANSPORTATION COMMITTEE PEORIA BOARD OF TRADE,
By WM. T. CORNELISON.

—

CINCINNATI, OHIO, *May 25, 1912.*

Senator POMERENE,
Washington, D. C.:

The Cincinnati Branch, National League of Commission Merchants, heartily indorse your amended bill S. 6810, now before the United States Senate. We trust that you will use your best efforts in urging the passage of this bill.

VIRGIL M. GERRARD, *Secretary.*

—

CHICAGO, ILL., *May 22, 1912.*

Senator ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The undersigned respectfully asks that you give your support and influence to Senate bill 6810, the Pomerene bill, in contradistinction to Senate bill 957. Letter will follow.

JOHN C. SCALES,
Chairman Refrigerator-Car Line Committee,
National League Commission Merchants.

—

EAST ST. LOUIS, ILL., *May 27, 1912.*

Senator POMERENE,
Washington, D. C.:

The East Side Manufacturing Association, representing large number of shippers, favor passage Pomerene substitute Senate bill 6810, relative bill of lading, and urge upon you the importance of your support of same.

EAST SIDE MANUFACTURERS' ASSOCIATION.
P. M. HANSON, *President.*

—

INDIANAPOLIS, IND., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Shippers and receivers of Indianapolis, represented by the Indianapolis Freight Bureau, strongly indorse Pomerene substitute Senate bill 6810, on bills of lading, and urge its adoption.

INDIANAPOLIS FREIGHT BUREAU,
By C. C. HANCH,
Chairman Executive Committee.
J. KEAVEY,
Commissioner.

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Chicago Association of Commerce sent their attorney, Cornelius Lynde, to Washington to approve, with certain modifications, which Mr. Lynde reports were acceptable, the so-called Pomerene bill-of-lading bill. With these modifications acceptable to you, we favor the Pomerene substitute bill, known, we understand, as Senate bill 6810.

THE CHICAGO ASSOCIATION OF COMMERCE,
By H. C. BARLOW, *Traffic Director.*

—

DETROIT, MICH., *May 27, 1912.*

Senator POMERENE,
Washington, D. C.:

Michigan Manufacturers' Association is anxious that substitute bill lading bill becomes a law.

H. C. HERTZ, *Secretary.*

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

We indorse substitute Senate bill 6810, and earnestly urge its passage.

THE DAVIS MILLING CO.,
ROBT. R. CLARK, *President.*

—

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Chamber, Washington, D. C.:

Many members of the Illinois Manufacturers' Association are interested in the amendments to the bill of lading measure agreed upon at the conference held in Washington, May 22, and are anxious to secure the passage of the Pomerene substitute, Senate bill 6810.

JOHN M. GLENN, *Secretary.*

—

NEW YORK, *May 27, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This organization, comprising 390 wholesale produce commission merchants, located in 29 principal cities of the United States, offers its unqualified indorsement to your substitute bill No. 6810, containing amendments agreed to by bankers and shippers at conference held at Washington on May 22, and would urge its passage on next Wednesday, at which time, we understand, this bill will come to a vote.

R. S. FRENCH, *Business Manager*
National League of Commission Merchants of the United States.

—

CEDAR RAPIDS, IOWA, *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The Cedar Rapids Commercial Club, representing the shipping interests of Cedar Rapids, Iowa, indorse the Pomerene substitute, Senate bill No. 6810, and urge its passage.

CEDAR RAPIDS COMMERCIAL CLUB,
By W. G. HASKELL, *President.*

—

MINNEAPOLIS, MINN., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

This will confirm our letter to you and other Senators comprising the committee handling Senate bill 6810, on bills of lading, and will also confirm similar letter to Senators from Minnesota approving the Pomerene substitute bill and urging all to use every effort toward passing this bill without change. We, as one of largest shippers, believe this bill fits the situation and clearly places the shipper in position of knowing his rights. Hence the necessity of favorable action is not imperative, and we request such action of United States Senate.

PILLSBURY FLOUR MILLS CO.,
By JAS. C. ANDREWS.

—

CHICAGO, *May 27, 1912.*

Senator ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

Representing the shoe wholesaling interest of the United States, we urge the passage of the Pomerene substitute Senate bill 6810, because it is a complete code on bills of lading, practically already adopted by nine States, pending in others, and the best calculated for securing uniformity in both State and Federal laws governing bills of lading.

NATIONAL SHOE WHOLESALERS' ASSOCIATION,
S. W. CAMPBELL, *Secretary.*

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The Commerce Club of St. Joseph, Mo., strongly indorses Pomerene substitute Senate bill 6810.

H. G. KRAKE, *Commissioner.*

—

MINNEAPOLIS, MINN., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Pomerene substitute Senate bill 6810, relating to bills of lading, is indorsed by our body as the best and fairest for the shippers of the country, and, in our opinion, imposes no hardship on common carriers, and we earnestly desire its passage.

THE MINNEAPOLIS CHAMBER OF COMMERCE,
By C. A. MAGNUSON, *Chairman Committee.*

—

OMAHA, NEBR., *May 27, 1912.*

ATLEE POMERENE,
Senate Office, Washington, D. C.:

Commercial Club of Omaha, representing various business interests, Omaha, South Omaha, and Council Bluff, indorses your substitute Senate bill 6810 on behalf shipping interests of these three cities. We hope you will succeed in having same enacted into law. Bill un-

doubtedly represents best thought of all interests concerned and will give relief from many abuses now prevalent. Have advised Nebraska Senators of our position and am urging them to cooperate with you.

E. J. McVANN,
Manager Traffic Bureau.

—

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

We strongly indorse and urge the passage of the Pomerene substitute Senate bill No. 6810, relating to bills of lading.

NATIONAL IMPLEMENT AND VEHICLE ASSOCIATION,
E. W. McCULLOUGH, *Manager.*

—

QUINCY, ILL., *May 27, 1912.*

Senator ATLEE POMERENE,
Washington, D. C.:

This bureau approves your substitute bill 6810, relating to bills of lading, and respectfully requests its passage by the Senate.

QUINCY FREIGHT BUREAU.
L. B. BOSWELL, *Commissioner.*

—

ST. LOUIS, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

We strongly indorse substitute Senate bill 6810, relating to bills of lading, and urge its passage.

ST. LOUIS MANUFACTURERS AND EXPORTERS' ASSOCIATION,
By JAMES A. TROY, *Assistant Secretary.*

—

MOLINE, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Understanding that the Pomerene substitute Senate bill 6810, covering bills of lading, will be reached on the Senate Calendar Wednesday, the 29th, we wish to indorse this bill, it being along the lines recommended by the National Industrial Traffic League, and being, we believe, the most satisfactory for adoption.

DEERE & CO.

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The St. Joseph Board of Trade unanimously indorses Pomerene substitute Senate bill 6810. We consider it of vital importance in safeguarding our commercial interests and respectfully solicit your favorable consideration.

THE ST. JOSEPH BOARD OF TRADE.
J. L. FREDERICK, *President.*
F. FREDERICK, *Secretary.*

—

BOSTON, MASS., *May 25, 1912.*

Hon A. POMERENE,
Washington, D. C.:

The National League of Commission Merchants strongly indorse the amended Pomerene bill. It meets the needs of both banking and business interests.

EDGAR W. J. HEARTY,
Secretary Boston Branch.

—

BOSTON, MASS., *May 25, 1912.*

Senator ATLEE POMERENE,
Washington, D. C.:

Boston Fruit and Produce Exchange much interested in the amended Pomerene Senate bill 6810. It meets the needs of bankers and shippers. Every effort for its passage will be appreciated.

ALTON E. BRIGGS, *Exchange Secretary.*

Mr. SMITH of Georgia. I present resolutions adopted by Masonic lodges in the State of Georgia, favoring the passage of House joint resolution No. 271 relating to the use of the insignia of fraternal or secret societies. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LANDRUM LODGE, NO. 48, F. AND A. M.,
Savannah, Ga., May 18, 1912.

Hon. HOKE SMITH,
United States Senator, Washington, D. C.

DEAR SIR: I have the honor to transmit to you the inclosed copy of resolution passed last night by Landrum Lodge, No. 48, Free and Accepted Masons, and to request that you give the resolution your favorable attention and exert your influence as therein urged.

Yours, very truly,
[SEAL.] W. C. TRAVIS, *Secretary.*

Whereas we are informed that there is pending in the House of Representatives a resolution introduced by Mr. HARRISON of Mississippi (H. J. Res. 271) directing the Secretary of War to permit emblems or insignia of fraternal or secret societies to be inscribed on monuments, tombstones, slabs, or markers in the national cemeteries of the United States; and

Whereas many men have found both consolation and refreshment in the brotherly love and affection which such organizations are intended to promote, and naturally many such men desire to have their last resting places marked by the emblems of some beloved fraternity; and

Whereas it seems but simple justice that the wishes of the dead should be granted in this respect: Now therefore be it

Resolved by Landrum Lodge, No. 48, Free and Accepted Masons, That Congress be requested to pass this resolution and permit the placing of such emblems and insignia over the graves of members of fraternal and secret orders.

Resolved further, That a copy of these resolutions be sent by the secretary, under the seal of the lodge, to Senators for Georgia and to the Representative from this district, and also to the Committee on Military Affairs of the House of Representatives at Washington, with the request that they exert their influence to have the said resolution, No. 271, passed.

Passed May 17, 1912.

A true copy.

W. C. TRAVIS, *Secretary.*

—

ZERUBBABEL LODGE, NO. 15, FREE AND ACCEPTED MASONS,
Savannah, Ga., May 23, 1912.

Whereas the Declaration of Independence was drawn by Masons, and all the early struggles for the independence of this country were aided and encouraged by the Masons, who have ever stood for individual liberty and for the highest ideals in private and public life; and

Whereas under a rule of the War Department no insignia or emblem of a fraternal or secret society can be placed over the grave of one buried in a national cemetery; and

Whereas many worthy and patriotic Masons have laid down their lives for their country and the members of this order still constitute a large part of the defenders of the State and Nation; and

Whereas there is now pending before the Committee on Military Affairs of the House of Representatives House joint resolution No. 271, by Mr. HARRISON of Mississippi, providing for the placing of insignia or emblems of fraternal or secret societies on graves in national cemeteries: Now therefore be it

Resolved, That Zerubbabel Lodge, No. 15, Free and Accepted Masons, and the members thereof, do most heartily approve said House joint resolution No. 271, and do most earnestly request the House Committee on Military Affairs and the National Congress to pass said resolution No. 271, and we further urge upon our Senators and Representatives in Congress to use their influence in favor of the same; be it further

Resolved, That the Secretary of this lodge forward a copy of this resolution to the two Senators from Georgia, to the Representative in Congress from this district, and to the House Committee on Military Affairs, under the seal of the lodge, and call their attention to this request.

[SEAL.] WILLIAM A. BISHOP, *Secretary.*

—

Whereas the Junior Order United American Mechanics is a secret order in which are taught the purest patriotism and the deepest devotion to our beloved country; and

Whereas it has come to our attention that under an order or rule of the War Department it is forbidden for the emblems or insignia of secret or fraternal orders to be displayed on the graves in the national cemeteries; and

Whereas it is our understanding that a resolution has been introduced in the House of Representatives by Mr. HARRISON of Mississippi, known as House joint resolution No. 271, providing that the emblems and insignia of secret and fraternal orders be permitted to be placed on tombstones, monuments, slabs, and markers in national cemeteries under certain regulations: Now therefore be it

Resolved by Resolution Council, No. 2, of the Junior Order United American Mechanics, That we most heartily approve the said resolution No. 271, above mentioned, except that we favor allowing the deceased to designate, prior to his death, what emblems or insignia shall be placed over his grave, and also favor placing such insignia and emblems as the deceased may have selected when in life, without regard to the wishes of the nearest relatives; and we further favor allowing such emblems and insignia to be placed over the graves of persons leaving no near relatives when the fraternal or secret society to which such deceased person belonged or his legal representative so requests.

Resolved further, That we urge and request the Senators from Georgia, the Congressman from this district, the House Committee on Military Affairs, and all Members of Congress to use their influence toward the passage of the said resolution by Mr. HARRISON of Mississippi, No. 271, and that the secretary of this council send to each of the said Senators and to our Representative and the House Committee on Military Affairs a copy of this resolution.

Passed by Resolution Council, No. 2, Junior Order United American Mechanics, this 20th day of May, 1912.

A true copy.

[SEAL.] ROBERT M. TENNILLE, *Secretary.*
C. W. HOLLIDAY, *Councilor.*

Mr. SANDERS. I present a communication from the secretary of the National Federation Retail Implement and Vehicle Dealers' Associations, of Abilene, Kans., and a communication from the National Implement and Vehicle Association, of Chicago, Ill., remonstrating against the establishment of a rural parcel post. I ask that the communications be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the communications were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

THE NATIONAL FEDERATION RETAIL IMPLEMENT
AND VEHICLE DEALERS' ASSOCIATIONS,
SECRETARY'S OFFICE,
Abilene, Kans., May 23, 1912.

Hon. NEWELL SANDERS,
Washington, D. C.

MY DEAR MR. SANDERS: It is needless to tell you the position our federation takes in regard to parcel-post matters. We have had this matter up a number of times with your association, and I am sure that it was discussed the year that you were president. We feel that the establishment of a rural parcel post would be very disastrous. I do not care to engage in a detailed discussion of the matter, because I think you know all of the arguments we have to set forth. I am simply writing you at this time to ask on behalf of the 5,000 implement and hardware dealers affiliated in our federation your influence in defeating any parcel-post legislation at this session of Congress. We believe that the only way to settle this matter now is to refer it all to a commission with power and means to make a thorough investigation. So many plans have been suggested that it seems to me it would be unadvisable to enact any legislation until due consideration has been given the subject.

Wishing you abundant success, and assuring you of my esteem, I remain,

Sincerely, yours, H. J. HODGE, *Secretary.*

NATIONAL IMPLEMENT AND VEHICLE ASSOCIATION
OF THE UNITED STATES OF AMERICA,
Chicago, May 25, 1912.

Hon. NEWELL SANDERS,
United States Senate, Washington, D. C.

DEAR MR. SANDERS: I have a letter from our mutual friend, Mr. H. J. Hodge, of the National Federation of Retail Implement and Vehicle Dealers' Associations, relative to parcel post, to the inauguration of which you are aware that the retail dealers in our lines are strongly opposed.

You will also recall that the old Association of Agricultural Implement and Vehicle Manufacturers were also on record against it, and while our present association has given no official expression on the subject, yet a great many of our members stand with the dealers in their position.

We believe the attitude they now take is a reasonable one, inasmuch as they suggest referring the whole question to a commission with power and means to make a thorough investigation. This certainly ought to bring valuable facts to light, and as the question has been before the public many years and will have a most important bearing on the retailing of merchandise throughout the country a little further delay pending the report of such a commission can not possibly be seriously detrimental to any interest, and we hope it will be your pleasure to take the same view of it and support any bill which will secure the desired result.

With the kindest personal regards, I beg to remain,

Yours, truly,

E. W. MCCULLOUGH.

Mr. GRONNA presented a memorial of sundry citizens of Larimore, N. Dak., remonstrating against the enactment of legislation to restrict the free and open marketing of grain, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Kintyre, N. Dak., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

Mr. ASHURST presented a petition of Grand Canyon Lodge, No. 249, Brotherhood of Railway Carmen of America, of Winslow, Ariz., praying for the enactment of legislation to prohibit fraud upon the public by requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

Mr. ROOT presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Hudson, N. Y., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri, reported it without amendment and submitted a report (No. 803) thereon.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 93) to establish a botanical laboratory at Denver, Colo., reported it with an amendment and submitted a report (No. 804) thereon.

Mr. BRISTOW, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5790) for the relief of C. E. Moore, reported it without amendment and submitted a report (No. 805) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 807) accompanied by a bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 53. William H. Wyatt.
S. 714. Eliza J. Anderson.
S. 1033. Charles E. Young.
S. 1138. William H. Power.
S. 1716. Nancy J. Tolfree.
S. 1950. William R. Amen.
S. 2102. Abner K. Gray.
S. 2651. William P. Gilbert.
S. 2861. Daniel Davenport.
S. 3094. Wesley Hunt.
S. 3107. Sue B. Merrill.
S. 3184. Godfrey Hammarberg.
S. 3359. Joseph S. Ewing.
S. 3460. Mary Ann Babcock.
S. 3554. Henry M. Dunlap.
S. 3577. Clyde W. Duvall.
S. 3690. Henry C. Carbee.
S. 4016. James S. Evans.
S. 4088. Levi Wilt.
S. 4090. Hamilton E. Turner.
S. 4299. Francis M. Berry.
S. 5252. Marcus Connelly.
S. 5289. Allen M. Ripley.
S. 5311. Orlando C. Beck.
S. 5447. Thomas E. Ellis.
S. 5448. Calvin E. Barney.
S. 5664. Etta B. Stewart.
S. 5807. Theodore H. Wilson.
S. 5951. Mary Agnes Drumgoold.
S. 5967. John T. Allen.
S. 6019. Robert Ashurst.
S. 6024. Marion H. Bolerjack.
S. 6025. James McDaniel.
S. 6026. John W. Webb.
S. 6083. Edward Murphy.
S. 6119. Robert H. Overley.
S. 6120. Samuel P. Murrell.
S. 6137. Reason Walker.
S. 6285. Martha L. Perry.
S. 6390. Rachel Ann Bovee.
S. 6395. Eliza T. Eastin.
S. 6396. Howard Mobley (known as Howard Miller).
S. 6434. John A. Camp.
S. 6448. Palmer Atkinson.
S. 6451. Robert Wood.
S. 6491. Alexander Harris.
S. 6510. Edward H. Baker.
S. 6588. Frederick O. Nims.
S. 6635. Margaret J. Grable.
S. 6645. William Dawson.
S. 6679. Thomas Maupin.
S. 6690. Edwin W. Johnson.
S. 6706. James Sweet.
S. 6708. Thomas McCarty.
S. 6752. George B. Turney.
S. 6754. George Elliott.
S. 6770. Robert W. Shaffer.
S. 6783. Thomas B. Rand.
S. 6804. Thomas A. Christy.
S. 6805. Michael McNulty.
S. 6806. George W. St. Clair.
S. 6807. Henry H. Bowman.
S. 6811. Henry Johnson.
S. 6816. Jeremiah Williams.
S. 6817. William Kenoyer.
S. 6831. Addie E. Ferrell.
S. 6832. Sarah D. Shaw.
S. 6849. Melissa J. Sheffield.
S. 6854. Smith Whitman.
S. 6856. Charles F. Wellman.
S. 6858. Cyrus E. Prindle.
S. 6859. Frederick Richards.
S. 6860. Elroy S. Jennings.
S. 6865. Lyman C. Putman.
S. 6866. James A. Dunton.
S. 6867. Elias H. Davis.
S. 6888. Charles H. Robinson.
S. 6889. Martin O'Dowd.
S. 6895. Lydia M. Cole.
S. 6917. Oliver C. Swarthout.
S. 6923. Frederick Braun.
S. 6924. Jennie Bassett.
S. 6937. Emma L. Tappan.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 808), accompanied by a bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 152. Grant Noble.
S. 350. Edward F. Shaughnessy.
S. 428. Gust Carlson.
S. 451. Ira Howell.
S. 4763. Jethro J. T. Garde.
S. 5324. William Buck.
S. 5393. Anna E. R. Webb.
S. 6676. Marion Franklin.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it without amendment and submitted a report (No. 809) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendment and submitted reports thereon:

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 810);

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 811);

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 812);

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 813); and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 814).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 6965) making it unlawful for any society, order, or association to send or receive through the United States mails, or to deposit in the United States mails, any written or printed matter representing such society, fraternal order, or association to be named or designated or entitled by any name hereafter adopted, any word or part of which title shall be the name of any bird or animal, the name of which bird or animal is already being used as a part of its title or name by any other society, fraternal order, or association; to the Committee on Post Offices and Post Roads.

By Mr. LIPPITT:

A bill (S. 6966) granting an increase of pension to Sarah J. Viall; to the Committee on Pensions.

By Mr. SANDERS:

A bill (S. 6967) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights"; to the Committee on Patents.

By Mr. SMOOT:

A bill (S. 6968) granting an increase of pension to James Luther Justice; and

A bill (S. 6969) granting a pension to Barbara Haws (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6970) to remove the charge of desertion from the military record of Jose G. Griego; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 6971) granting a pension to Corda P. Gracey (with accompanying papers); to the Committee on Pensions.

A bill (S. 6972) for the relief of John I. Brown & Son and others (with accompanying paper); to the Committee on Claims.

By Mr. ROOT:

A bill (S. 6973) granting an increase of pension to Mary A. Crocker (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6974) for the relief of the owners of the steamship *Esparta;* to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 6975) to carry out the findings of the Court of Claims in the case of Marie L. Hermance, administratrix of Jeremiah Simonson, deceased; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 6979) granting an increase of pension to Emma E. Myers (with accompanying paper); to the Committee on Pensions.

A joint resolution (S. J. Res. 110) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $1,500 for the construction of a sidewalk bordering the property of the Government at Fort Banks, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $2,000 for the salary of a chief of division of compilation in the Bureau of Foreign and Domestic Commerce, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the pay teller in the office of the assistant treasurer at Cincinnati, Ohio, from $1,800 per annum to $2,000 per annum, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 for civilian assistant in the Bureau of Yards and Docks, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

JOHN T. M'CROSSON AND OTHERS.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—GEORGE B. DUNCAN.

On motion of Mr. BRADLEY, it was

Ordered, That there be withdrawn from the files of the Senate the papers in the case of Senate bill 182, Sixty-second Congress, for the relief of George B. Duncan, there having been no adverse report thereon.

PROPOSED TARIFF LEGISLATION.

Mr. NEWLANDS. I submit a proposed amendment to the pending tariff bill, which I ask may be read.

The VICE PRESIDENT. Without objection, the proposed amendment will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic Parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer, and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now therefore

Be it enacted:

SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles and products in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President, in appointing such commissioners, shall designate the term of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

The VICE PRESIDENT. Does the Senator desire to have the proposed amendment referred to the Committee on Finance?

Mr. NEWLANDS. I will take action in regard to that later on. Let the proposed amendment lie on the table.

The VICE PRESIDENT. Without objection, the proposed amendment will lie on the table for the present.

PUBLIC-LAND ENTRIES.

Mr. SMOOT. I submit a conference report and ask that it be considered immediately.

The report was read, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with amendments as follows:

Amendment numbered 1: On page 2, line 7, of the House amendment, strike out the word "any" and insert in lieu thereof the word "that."

Amendment numbered 2: On page 2 of the House amendment strike out the following words: "That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence," and in lieu of the words stricken out insert the following: "That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office."

Amendment numbered 3: After the word "shown," on page 2, line 12, of the House amendment, strike out the semicolon and insert a comma and the following: "and the person commuting must be at the time a citizen of the United States."

Amendment numbered 4: On page 2 of the House amendment, at the end of section 2291, insert the following: "*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead laws double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided*, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act."

That the House agree to the same.

REED SMOOT,
W. L. JONES,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.
SCOTT FERRIS,
EDWARD T. TAYLOR,
FRANK W. MONDELL,
Managers on the part of the House.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. I ask that the conference report be printed and lie on the table.

The VICE PRESIDENT. Without objection, the conference report will be printed and lie over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Idaho if he would not allow us to consider the report to-day?

Mr. HEYBURN. If I had time to see how much new legislation is in the bill as reported by the conferees that was not in it when it was before our committee, I would be ready to consider the bill to-day. I have no desire to delay it; but, of course, I have not had time to read the report. There are certain provisions in it that are very radical. I merely want to look at the report, and that is only a fair request.

Mr. SMOOT. I had hoped, Mr. President, that we could have the matter considered and disposed of to-day.

Mr. HEYBURN. I know; I do not quarrel with that sentiment of getting things through, but I have some responsibility; I served on the committee which reported the bill, and I want to know how much change has been made in it.

Mr. NEWLANDS. Mr. President, I wish to make a statement regarding this report. The bill has been in conference for two months. The original bill was passed in the Senate; it went to the House, where a new bill was substituted for it. The debate in the House showed that they expected the conferees to fully consider the question of reservations embraced in the conservation policy relating to minerals, timber, and water power. The Secretary of the Interior was desirous that these reservations should be put into the bill. I was in sympathy with the Secretary of the Interior in that contention. It was the contention over that question which kept the bill so long in conference. The House conferees refused to make these reservations, contending that they should be considered in a separate bill, and at the last moment I have yielded and signed the report, because I am unwilling to withhold from the homesteaders of the country the relief to which I think they are entitled.

I favored a reduction of the period of residence from five years to three years; I favored the allowance to homesteaders of a period of absence of five months, during which they could pursue vocations that would enable them to obtain a livelihood; but I was desirous of opening up the entire surface of the public domain to homestead entries, with certain reservations from the grant as to timber, water power, and minerals, so that the entrymen would be free from vexatious investigations and inquiries regarding the character of their land, compelling the investigation of numerous special agents and delay in the ripening of their titles. I wished not only to protect the homesteader in securing for him a wider range of entry upon public lands, but I also wished to protect the future homesteader from the monopolization of the public domain likely to result from the enactment of a law which would be used for purposes of evasion and not for the purpose of settlement.

We all know that, under the existing misfit land laws of the United States, great monopolies have been created in the West in the shape of forests, ownership to the extent of a million acres having drifted into the hands of one firm, and also in coal, iron, and water power. The conservation movement was designed to protect these natural resources in land, in water, in minerals, and in timber from spoliation and monopoly.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I will state to the Senator that I would be glad to yield, and to-morrow I will——

Mr. HEYBURN. I do not desire the Senator to yield that I may speak upon this report. I desire to withdraw my objection to the present consideration of it.

The VICE PRESIDENT. Is there further objection to the present consideration of the report? The Chair hears none. The question is on agreeing to the conference report.

Mr. NEWLANDS. Mr. President, I wish to go on with my statement.

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. I was stating that the purpose of this conservation movement was to protect the natural resources in land, in water, in minerals, and in forests from spoliation and from monopoly, and to offer that protection in the interest of the real homeseeker and homesteader; and, so far as I am concerned, I am unwilling to cease my efforts in that direction until this purpose is fully accomplished by law.

Reference frequently is made, Mr. President, to the Canadian law as a more liberal land law for the homesteader than that on the statute books of the United States. With regard to that I have to say that whilst the Canadian land laws are liberal they absolutely exempt from the grant to the homesteader the water power, the minerals, and the timber; and the Secretary of the Interior, whilst in favor of liberalizing our land laws and our homestead laws so far as residence and absence from actual occupation are concerned, and patterning them after the Canadian land laws in that direction, was simply desirous that the restrictions upon the grant imposed by the Canadian land laws should be inserted in our law. I regarded that as a reasonable suggestion, and I contended through long weeks of discussion upon this subject in favor of making such a reservation.

Mr. President, the home seeker is interested only in securing the surface of the land; that is all he wants for a home; that is all he wants for cultivation. The possible minerals in the shape of coal and iron that may be beneath the surface are of no concern to him, nor is he engaged in entering upon land for the purpose of creating water power or of engaging in the lumber business. He wishes land simply for cultivation and for a home. The solicitude which has been shown for the home seeker

in this effort to withhold from the grant these resources is, in many cases, a hypocritical solicitude, a solicitude ostensibly urged in the interest of the home seeker and the homesteader, but really asserted in the interest of the concentration of these natural resources, the monopoly of these natural resources, and the exploitation of these natural resources by the great combinations of the country. It arises from the deadly hostility to the declared policy of both parties that the natural resources of the country should be protected from monopoly.

Mr. President, whilst I have been desirous that the grant should be restricted so far as the natural resources are concerned, I have not been in favor of a great national landlordship, of concentrating the administration of the public domain in Washington for all time. Legislation upon that subject will come hereafter when we have settled the crucial question as to whether these natural resources shall be retained for the benefit of all the people or whether they shall be turned over to monopoly. That question will then be discussed and disposed of in a manner satisfactory to the people of the Western States.

The Nation has always dealt fairly with the people of the West. The Nation has never regarded itself as the owner of these lands in the sense that they constitute a national asset. The Nation has always regarded itself as the trustee of these great natural resources, holding that trusteeship for the interest of the settlers of the West, both those who are there now and those who are to come, and it will, doubtless, when the beneficiaries show by their laws that they also propose to protect the people's rights, that they also intend to guard these natural resources against combination and monopoly—the Nation will doubtless turn them over to the States under some restrictions that will require a fair discharge of the trust by the States, substituted for the Nation as the trustee for the people of the States.

I am aware that the West is restive under present conditions; that it does not like this espionage of officials two or three thousand miles away; that it resents the presence of special agents, who are charged by the national laws which we have enacted with responsibility regarding the classification of these lands; that they do not like the idea of national landlordism, of the payment of royalties upon timber and coal and iron. That can be easily obviated if we will simply turn over to the States the royalties collected by the Nation, with the intention later on of turning over the entire control of these great resources to the States as soon as by their laws they show that they are strong enough to maintain their trusts; but no one will contend, at all events I will not contend, that States in a condition of infancy possess the strength to resist the great exploiting combinations which have sought to control the legislation of the country and the administration of the country, and which will find the States weaker agencies in their hands.

So, Mr. President, my contention involves nothing but loyalty to the West, nothing but loyalty to the people of the West, nothing but loyalty to the States of the West. My contention involves the protection and preservation of these great natural resources for all the people of the West, and it is against the policy which will permit them gradually to drift, as they have in the past been drifting until checked by the conservation policy, into the hands of combinations and monopolies.

Mr. President, I should like to speak more at length upon this subject, but I know that other matters are pressing, and I shall simply content myself with asking the privilege of inserting in the RECORD my letter to the conferees upon this subject and certain other letters and documents relating to the matter.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the request of the Senator from Nevada is granted.

Some of the letters and papers referred to are as follows. The rest will be printed hereafter:

THE SECRETARY OF THE INTERIOR,
Washington, May 3, 1912.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

MY DEAR SIR: By direction of Secretary Fisher I inclose herewith a copy of a letter from the Commissioner of the General Land Office addressed to the Secretary, quoting the exact wording of the Canadian statutes upon which the "three-year homestead law" of that country is based.

The provisions quoted are from the Canadian Dominion Lands Act, and there is also attached to the letter a copy of the report of the American consul general at Vancouver, British Columbia, on the subject of "Homesteading Regulations for the Province of British Columbia." There is also inclosed a copy of a memorandum furnished by Senator JONES in connection with the proposed three-year homestead law.

Yours, very truly,

H. A. MEYER,
Private Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 30, 1912.

The honorable the SECRETARY OF THE INTERIOR.

SIR: In department letter of February 15, 1912, to the chairman of the Committee on Public Lands of the House of Representatives, which was in the nature of a supplemental report on H. R. 17246 and S. 3307, being the proposed "Three-year homestead law," it was suggested that if such a law was enacted that it should embody, in addition to the liberal provisions modeled upon the Canadian Dominion Lands Act, the provisions and restrictions of that law, and these restrictions were specified.

In order that the exact wording of the provisions referred to, contained in 7-8 Edward VII, chapter 20, entitled, "An act to consolidate and amend the acts respecting the public lands of the Dominion," assented to July 20, 1908, may be presented, I set forth the same in full, numbering each to correspond with the numbering used in the different paragraphs of said letter of February 15:

"(1) All unoccupied surveyed agricultural lands to which this act applies that are not reserved or that have not been disposed of shall be open to entry for homestead: *Provided*, That no entry for a homestead shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry. (Sec. 8, p. 3, the Dominion lands act.)

"(2) The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof by declaration or otherwise that he is duly performing his homestead duties in each year subsequent to the date of his entry. (Par. 2, sec. 13, p. 7.)

"(3) If an entrant for a homestead fails in any year to fulfill the requirements of this act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: *Provided*, That any subsequent entrant for the same land may be required by the minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is canceled, and that the minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in part. (Par. 2, sec. 15, p. 7.)

"(4) If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the minister may, within six months of its date, cancel the entry. (Par. 4, sec. 15, p. 8.)

"(5) If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply, or for the location or construction of any works necessary to the development of any water power, or for the purposes of any harbor or landing, the minister may, at any time before the issue of letters patent, cancel the entry or withdraw from its application any portion of the land entered for, but where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose. (Par. 6, sec. 15, p. 8.)

"(6) Everyone is guilty of an indictable offense and liable to two years' imprisonment who buys, trades, or sells, or professes to buy, trade, or sell, land or any interest in or control of land open to homestead entry, or for which homestead entry has been granted, before patent therefor has been issued. (Par. 9, sec. 15, p. 8.)

"(7) Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (*a*) to have held the homestead for his own exclusive use and benefit for three years from the date of entry; (*b*) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence; (*c*) to have erected a habitable house thereon; (*d*) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister; and (*e*) to be a British subject. (Sec. 16, p. 8.)

"(8) Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent, or the officer acting for him, or such other person as is thereunto authorized by the minister: *Provided*, That on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly. (Par. 2, sec. 23, p. 11.)

"(9) Any person who receives consideration for abandoning a homestead, or who pays consideration for such abandonment, shall forfeit the right of homestead entry at the minister's discretion." (Par. 2, sec. 31, p. 17.)

The statement in the last paragraph of the letter of February 15, 1912, as to the requirements as to residence and the amount of land entenable in the Province of British Columbia is taken from a report dated Vancouver, B. C., August 29, 1910, made by the American consul general to the Secretary of State, on the subject of "Homesteading regulations for the Province of British Columbia." A copy of this is inclosed for your information.

Very respectfully,

FRED DENNETT, *Commissioner.*

OFFICE OF THE AMERICAN CONSULATE GENERAL,
Vancouver, B. C., Canada, August 29, 1910.

Subject: "Homesteading regulations for the Province of British Columbia."

SIR: I have the honor to quote below the homesteading regulations of British Columbia promulgated by the Dominion Government covering the homesteading of lands in the railway belt in this province:

"Regulations for the administration and disposal of Dominion lands in the railway belt of British Columbia have been passed by the governor in council.

"The belt is divided by the regulations into five main divisions dominated by the topography of the country, comprising, from east to west, upper Columbia division, lower Columbia division, Shuswap division, Kamloops division, and coast division.

"The regulations provide for the classification of the lands remaining undisposed of according to their character, location, and altitude. Considerable divergence in climate, timber, and soil conditions exists in the different divisions of the belt.

"In each division the disposal of lands will be in accordance with conditions prevailing therein. In the coast division the settler will be entitled to enter for 40 acres of bench lands as a homestead and preemption. If the settler is prepared to cultivate a larger area than is required in connection with a half legal subdivision entered as a homestead, he is permitted to preempt the adjoining 20 acres in the legal subdivision.

"The same provisions will apply to bench lands in the lower Columbia division and the Shuswap division. It is required in this case that the settler should clear a total of 10 acres and cultivate a total of 6 acres before patent, and double that amount if preemption is also taken.

"In the upper Columbia division, on account of the very high altitude of the lands and the character of the country, the area of the homestead is fixed at 40 acres, with preemption privilege on any adjoining 40 acres, and the area to be cultivated is slightly more. In the Kamloops division the area of homesteads is fixed at 160 acres, or a quarter section.

"The lands are divided into flooded lands, bench lands, and uplands. Flooded lands are lands subject to overflow at high water and are largely valuable for hay purposes, and will be administered as such; and where not reserved for hay by settlers will be disposed of only on lease.

"Uplands are lands which are for the most part at too great an elevation to admit of the successful cultivation of fruit. They may be disposed of as homesteads of one quarter section each, excepting in the lower Columbia division, where, on account of special conditions obtaining in that valley, they will be open as homesteads and preemptions in areas of 40 acres each. Uplands may also be leased to actual settlers for grazing purposes in areas of one quarter section each.

"Bench lands are deemed to include bottom lands not subject to overflow and vary in altitude in different divisions. In the upper Columbia division they comprise lands below 1,000 feet above the Columbia River, in the lower Columbia below 800 feet above the Columbia, in the Shuswap division below 1,200 feet above the Shuswap Lake, in the coast division below 2,500 feet above sea level. Above these altitudes all land is classified as upland.

"The terms of residence in all divisions for entries granted under the new regulations is fixed at five years and a residence of at least six months is required in each year.

"Provision is made for a conditional purchase entry in the case of bench lands in all divisions excepting the Kamloops division. The conditional purchase entry will be permitted for an entry of 20 acres in each of the other divisions except the upper Columbia, where the area will be 40 acres.

"Residence is not required except for six months during the fifth year after the date of entry, but the entrant is required to clear and cultivate the land each year for five years from the date of entry at a greater rate than is required for homestead and to pay for land at the rate of $10 per acre in five installments. The conditional purchase privilege and preemption privilege do not apply to the Kamloops division nor to the uplands in other divisions, where entry of 160 acres is permitted. The price of preemptions is $5 per acre, payable in five yearly installments, additional residence not required.

"Entry on land remaining in timber berths will not be permitted.

"Timberlands which are not in timber berths are defined. While the area of homesteads, preemptions, and conditional purchases is limited, as above stated, to 20 or 40 acres, as the case may be, it is not proposed to limit the right of any one person to acquire a total area of 160 acres, but only to limit his right to acquire more than he can cultivate at one time under ordinary conditions. Thus, after an entrant has secured patents for land first entered for, he may make another entry, and so on, until he has secured a total of 160 acres; but no person will be allowed to secure under homestead preemption or conditional purchase entry more than a total of 160 acres.

"The present regulations are the result of careful study by the department of the interior of conditions in the railway belt. The cultivatable land which may hereafter become available for settlement consists for the most part of bottom and bench lands rising from the large river and lake systems and constitute only a small fraction of the mountainous area. Such cultivatable lands are therefore very scarce and are very productive, and since the inauguration of the fruit industry in British Columbia they have attained high values. Twenty acres of such land properly cultivated will yield larger returns than a quarter section of prairie land, and there is similarly proportionate difference in the cost of preparing it for crop.

"It has therefore become apparent to the department that the homestead law which is suitable for the settling up of the prairie country is not adapted to conditions such as obtain in the railway belt of British Columbia, and that the successful development and settlement of respective districts in proportion to their productive capacities can only be effected by applying a homestead law such as the new regulations provide."

Respectfully submitted.

I am, sir, your obedient servant,

GEO. N. WEST,
American Consul General.

The honorable SECRETARY OF STATE,
Washington, D. C.

THE SECRETARY OF THE INTERIOR,
Washington, May 22, 1912.

MY DEAR SENATOR: As requested by you, I have examined the basis of agreement on the pending three-year homestead bill (S. 3367), which has been suggested by the House conferees in a communication to the conferees on the part of the Senate, and I return the same herewith.

I have already expressed very fully to you and to the other members of the conference committee the reasons why the first and third suggestions of the House conferees should not be adopted. I assume from what you and Congressman TAYLOR tell me, and also from the present communication from the House conferees, that the second suggestion made in this communication offers in substance the basis upon which alone there is any prospect of agreement. I regret very much the definite refusal to adopt the proposed amendments with regard to the reservation of minerals and of tracts necessary for future development of water power and reservoir sites. I believe that these amendments would enable us to establish more liberal rules for the benefit of the genuine homesteader, to reduce materially the work of the special agents, and to expedite the work of passing upon claims and issuing patents. I believe that you concur substantially in the reasons I have urged for inserting provisions upon these subjects for the protection of public rights, and also in the opinion that they are directly in the interests of the Western States and of the homesteaders themselves.

If, however, the House conferees compel the continuance of the system heretofore prevailing, under which the mineral or nonmineral character of the land must be determined as a question of fact at the time of patent, and lands suitable for water power or reservoir sites must be withdrawn from homestead entry, it becomes the more important to have the provisions with respect to residence and cultivation such as to remove as far as possible the temptation to acquire mineral lands and water power or reservoir sites under the homestead law. The purpose of the homestead law is to encourage and promote the actual settlement and agricultural development of those portions of the public domain that are suitable for homes. The real homesteader is the home maker. His object is not to acquire timber or minerals or water power. He intends to live upon the land and to cultivate it. Reasonable requirements as to residence and cultivation are therefore no obstacle to him. They protect him against those who seek to acquire the land to sell and not to settle. The requirements which the law imposes upon him should be such, and only such, as can readily be complied with by the genuine homesteader and with which it is to the real interest of the genuine homesteader to comply. It is not to his interest to make the provisions of the law so lenient that the public lands may be acquired by those who do not wish to utilize and develop them, but to sell them at a profit to real settlers like himself, who really desire them for homes for themselves. Such a profit represents merely an added burden which the real settler must carry. It is for this reason, and for this reason alone, that I have urged the amendments to the pending bill. You will find the exact language of the Canadian statutes in a communication from this department, which has been printed as Senate Document No. 644. I believe that the provision of the Canadian law requiring proof of annual cultivation to the satisfaction of the Secretary of the Interior would give greater flexibility to administration and would enable the Secretary to fit the law to the facts in each case under general regulations which he could prescribe.

If a limit is to be fixed in the statute I prefer a maximum limit of one-quarter, with power to accept less under general administrative regulations. I recognize, however, that the present suggestion of the House conferees permits a certain degree of flexibility in providing that the entryman shall "cultivate not less than one-sixteenth of the area of his entry beginning with the second year of the entry, and not less than one-eighth beginning with the third year of the entry," with a provision reducing this requirement upon a showing satisfactory to the Secretary. I assume that the effect of those provisions and of the words "not less than" would be to establish the requirement of one-sixteenth and one-eighth, respectively, as the general rule, and that to justify a different requirement exceptional circumstances would have to be shown, but could be shown. I believe the department can work out feasible regulations with respect to cultivation under such a statute. In view, however, of the fact that the provision is extended to apply to entries under the enlarged homestead laws, the character of the cultivation required should be made to conform to the language used in the enlarged homestead act, so that after the word "cultivate," in the fourth line of the suggested proviso, there should be inserted the words "to agricultural crops other than native grasses." Indeed, this language should be inserted in any event so as to make certain that such cultivation as is required includes seeding as well as plowing and excludes mere summer fallowing.

After the words "beginning with the third year of the entry" there should be inserted the words "and until final proof." If we are to reduce the period of residence and the period and extent of cultivation generally required the entryman should continue to cultivate whatever is in fact required of him until he makes his final proof. Otherwise we will be in the position of having only a single season's cultivation of any substantial part of the entry. No bona fide entryman can possibly object to such a requirement, but, on the other hand, it would constitute a real obstacle to the perversion of the law.

I suggest also that it might be well to insert after the words "upon a satisfactory showing," toward the end of the suggested proviso, the words "and under regulations prescribed by him," so that it may be clear that regulations are to be issued under which the entryman may know in advance at least the general rules upon which modifications of the cultivation requirements would be made.

I wish also to call your attention to the fact that in the copy of the bill printed for the use of the Senate Committee on Public Lands, showing proposed changes by the House, there has been an important change from the existing law, in line 7, on page 2, where the word "any" has been substituted for the word "that." The present law reads, "if at that time citizens of the United States shall be entitled to a patent"; the bill reads, "if at any time citizens of the United States shall be entitled to a patent."

In the bill introduced by Senator BORAH the word "that" is used. An examination of the proceedings of the Senate on February 5, when the bill passed, fails to disclose any motion substituting the word "any." Nevertheless, the bill as printed in the House of Representatives, as coming from the Senate and referred to the House Committee on the Public Lands, shows the change from "that" to "any," and this appears to have remained in the bill ever since. I have no means of ascertaining how it got there. It would tend to encourage the very thing of which bitter complaint is being made, namely, the exodus of American farmers to Canada, for under the bill as it now reads a homesteader in this country could remove to Canada at any time after the three-year period of residence, and upon completing his final proof could foreswear his allegiance to this country, become a citizen of Canada, and at the same time obtain a patent in the United States, where he might avoid the payment of taxes upon his land until he applied for and received his patent.

The further proviso which is suggested by the House conferees to give the entryman of an unperfected entry the full period now allowed by law within which to make final proof seems to me open to serious objection from the point of view of those who are interested in local taxation. Much complaint has reached the department with regard to settlers who postpone making proof upon their entries so as to avoid taxation. The suggested proviso would enable an entryman who had made his entry during the current year to perfect it within the next two years, and yet he would be allowed to wait until the expiration of seven years before making final proof, during all of which period the land would not be taxable. Would it not be well to permit the entryman under entries pending at the time of the passage of the act to elect whether to make proof under the new or the old law, but to require him to perfect his entry within not more than five years from the date of the entry if he elects to act under the new law?

With regard to the further suggestion as to the five months' absence, I believe the language suggested by the House conferees is an improvement upon that now in the bill, and I wish to call your attention to the fact that the proponents of this bill in the Senate—Senators JONES and BORAH—have expressed their willingness to reduce the period to four months instead of five.

I think the Senate conferees should accept the proposal of the House conferees to agree to the amendment providing that no patent shall issue to any subdivision of land more valuable for the timber it contains than for agricultural purposes.

The amendment, however, should read "no entry shall be made on nor shall any patent issue to any subdivision of land more valuable for the timber it contains than for agricultural purposes." The mere prohibition of the patent might encourage entries for the sake of cutting

timber, and thus perpetuate the very evil which the amendment is chiefly intended to prevent.

Contrary to representations that are frequently made, the general homestead law continues to be of the greatest importance, and immense areas of the public domain are being acquired under its provisions. The Commissioner of the General Land Office informs me that during the last fiscal year there were 44,360 original entries made under this law, not including those under reclamation projects or those under the enlarged homestead act or the Kinkaid Act.

Respectfully, yours,

WALTER L. FISHER, *Secretary.*

Hon. FRANCIS G. NEWLANDS,
United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

BATTLE OF GETTYSBURG.

Mr. OLIVER. I wish to give notice that to-morrow, immediately following the routine morning business, I shall ask the Senate to consider and dispose of the bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill.

EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LODGE. The Senator from Michigan [Mr. SMITH] and the Senator from Maryland [Mr. RAYNER] both gave notice some time ago that they would speak this morning. They can hardly be expected to speak on this bill.

Mr. BORAH. I observe that the Senator from Michigan is not present, and I had not noticed that the Senator from Maryland was. If the Senator from Maryland desires to proceed, I will withdraw the motion.

Mr. RAYNER. I should like to see this bill proceeded with. Although the Senator from Michigan is not present, I am ready to go ahead. I will not take over half an hour or 25 minutes of the time of the Senate.

Mr. BORAH. Under the circumstances I shall not press the motion.

Mr. RAYNER. The Senator from Michigan, the chairman of the subcommittee, is not present.

Mr. LODGE. I have been informed that he will be here in a few moments.

Mr. RAYNER. Shall I go ahead or wait for the Senator from Michigan?

Mr. SWANSON. No; go ahead.

The PRESIDING OFFICER. The Senator from Idaho withdraws the request, and the Senator from Maryland is recognized.

Mr. RAYNER. I will proceed, but if the Senator from Michigan comes in, I will stop and let him go along. He is chairman of the subcommittee.

The PRESIDING OFFICER. The Chair is informed that the Senator from Michigan has been sent for, and probably will be here very soon.

Mr. NELSON. I observe on the calendar of to-day that a notice has been given by "Mr. SMITH of Michigan, that on Tuesday, May 28, 1912, immediately after the morning business is disposed of, the subcommittee, appointed to investigate the causes leading up to the disaster of the steamship *Titanic*, will make its report, preceding which he would address the Senate thereon."

What I desire to say is that the subcommittee made its report to the full committee, and the report expected to be presented to-day is the report of the Committee on Commerce and not of the subcommittee.

Mr. BORAH. What is before the Senate?

The PRESIDING OFFICER. Nothing is before the Senate.

Mr. RAYNER. I shall proceed with the understanding that when the Senator from Michigan [Mr. SMITH] comes in he may proceed.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. HEYBURN. Is the report of the committee before the Senate?

The PRESIDING OFFICER. The report has not been submitted, the Chair will state to the Senator.

Mr. HEYBURN. I suggest we should have the report read. We could then more readily apply the Senator's remarks to it.

Mr. TILLMAN. I suggest the absence of a quorum. That will consume some time.

BRIDGE ACROSS RED RIVER OF THE NORTH, MINN.

Mr. NELSON. In order to give the Senator from Michigan time to appear, I ask unanimous consent that the Senate proceed to the consideration of a bridge bill. It is the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON ALASKA COAL LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 5800) to provide for agricultural entries on coal lands in Alaska.

Mr. HEYBURN. I ask that the matter go over.

The VICE PRESIDENT. Objection is made.

PUBLIC BUILDING AT WAYNESVILLE, N. C.

Mr. OVERMAN. While we are waiting, I ask unanimous consent for the consideration of the bill (S. 6459) for the erection of a public building at Waynesville, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 8, after the word "exceed," to strike out "seventy-five" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected, on a lot now owned by the Government of the United States at Waynesville, N. C., a suitable building to accommodate the needs of the United States post office at that place, and for other purposes, at a total cost not to exceed $60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Morning business is closed.

LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH of Michigan. Mr. President, I had expected to send to the Clerk's desk this morning the unanimous report of the Committee on Commerce. For the purpose of verifying some figures it will be delayed a few moments. I shall not detain the Senate, but will proceed with my address.

Mr. President, my associates and myself return the commission handed to us on the 18th day of April last, directing an immediate inquiry into "the causes leading up to the destruction of the steamship *Titanic*, with its attendant and unparalleled loss of life, so shocking to the people of the world." Mindful of the responsibility of our office, we desire the Senate to know that in the execution of its command we have been guided solely by the public interest and a desire to meet the expectations of our associates without bias, prejudice, sensationalism, or slander of the living or dead. That duty, we believed, would be best performed by an exact ascertainment of the true state of affairs.

Our course was simple and plain—to gather the facts relating to this disaster while they were still vivid realities. Questions of diverse citizenship gave way to the universal desire for the simple truth. It was of paramount importance that we should act quickly to avoid jurisdictional confusion and organized opposition at home or abroad. We, of course, recognized that the ship was under a foreign flag; but the lives of many of our own countrymen had been sacrificed and the safety of many had been put in grave peril, and it was vital that the entire matter should be reviewed before an American tribunal if legislative action was to be taken for future guidance. Therefore, we determined that the testimony of British officers and crew and English passengers temporarily in the United States should be first obtained. We deemed it important to have the surviving officers and sailors of this ship meet the passengers of all classes before our committee. Without any pretension to experience or special knowledge of nautical affairs, nevertheless I am of the opinion that very few important facts which were susceptible of being known escaped our scrutiny. Energy is often more desirable than learning, and the inquisition serves a useful purpose to the State.

We went to the side of the hospital ship with purpose and pity and saw the almost lifeless survivors in their garments of woe—joy and sorrow so intermingled that it was difficult to discern light from shadow, and the sad scene was only varied

by the cry of reunited loved ones whose mutual grief was written in the language of creation.

At 10 o'clock on that fateful Sunday evening this latest maritime creation was cutting its first pathway through the North Atlantic Ocean with scarcely a ripple to retard its progress.

From the builders' hands she was plunged straightway to her fate and christening salvos acclaimed at once her birth and death. Builders of renown had launched her on the billows with confident assurance of her strength, while every port rang with praise for their achievement; shipbuilding to them was both a science and a religion; parent ships and sister ships had easily withstood the waves, while the mark of their hammer was all that was needed to give assurance of the high quality of the work. In the construction of the *Titanic* no limit of cost circumscribed their endeavor and when this vessel took its place at the head of the line every modern improvement in shipbuilding was supposed to have been realized; so confident were they that both owner and builder were eager to go upon the trial trip; no sufficient tests were made of boilers or bulkheads or gearing or equipment and no life-saving or signal devices were reviewed; officers and crew were strangers to one another and passengers to both; neither was familiar with the vessel or its implements or tools; no drill or station practice or helpful discipline disturbed the tranquillity of that voyage, and when the crisis came a state of absolute unpreparedness stupefied both passengers and crew and, in their despair, the ship went down, carrying as needless a sacrifice of noble women and brave men as ever clustered about the Judgment Seat in any single moment of passing time.

We shall leave to the honest judgment of England its painstaking chastisement of the British Board of Trade, to whose laxity of regulation and hasty inspection the world is largely indebted for this awful fatality. Of contributing causes there were very many. In the face of warning signals, speed was increased and messages of danger seemed to stimulate her to action rather than to persuade her to fear.

At noon on that fatal Sunday the steamship *Baltic* warned her of ice within 5 miles of her track and near the place where the accident occurred; at 5 o'clock in the afternoon and again, an hour before the accident, when but a few miles away, the steamship *Californian* signaled the *Titanic* to beware of danger, which her operator curtly acknowledged; the same evening the *Titanic* transmitted to the Hydrographic Office in Washington a message from the steamship *Amerika*, saying she had passed "two large icebergs" near the track of the ill-fated ship. In the face of these warnings, each revolution of her engines marked at the moment of the collision her highest speed of 24½ miles per hour.

The *Titanic* rushed onward on her true course—one recognized as appropriate and agreed upon by mariners as the international highway for westbound vessels, yet dangerous at this season of the year, when the Labrador current may be bearing vast masses of ice across the track of ships. Scores of these towering glaciers planted themselves in the very pathway of this ship and were so large and so numerous that, in the absence of fog, they should have been easily discernible by the lookout, who says in his testimony that if he had been supplied with glasses, such as he had been accustomed to on the *Oceanic* and on this vessel, between Belfast and Southampton, but which were denied him by Second Officer Lightoller between Southampton and the place of this accident, he could have seen the iceberg with which this ship collided "soon enough to get out of the way." One of these icebergs was nearly 200 feet above the level of the sea, with seven-eighths of its ponderous bulk hidden beneath the surface. They are composed of ice and earth and rock, and old sailors of the coast of Newfoundland usually give them a wide berth. Land has been formed by these deposits, and icebergs have frequently grounded in 20 fathoms of water with protruding spires more than a hundred feet in height. As they go southward their journey is slow and erratic, and the influence of spring often causes explosions in the ice, which frequently serve to warn sailors of danger; sometimes the drift of field ice, led by a great berg, has been known to convoy schooners in a calm, while shipwrecked sailors have drifted hundreds of miles in safety upon the irregular surface of the ice. Skillful seamanship finds little difficulty in avoiding these obstacles, and those most familiar with the North Atlantic are usually alert at this season of the year to avoid unnecessary peril.

Capt. Smith knew the sea and his clear eye and steady hand had often guided his ship through dangerous paths. For 40 years storms sought in vain to vex him or menace his craft. But once before in all his honorable career was his pride humbled or his vessel maimed. Each new advancing type of ship built by his company was handed over to him as a reward for faithful services and as an evidence of confidence in his skill. Strong of limb, intent of purpose, pure in character, dauntless as a sailor should be, he walked the deck of this majestic structure as master of her keel.

Titanic though she was, his indifference to danger was one of the direct and contributing causes of this unnecessary tragedy, while his own willingness to die was the expiating evidence of his fitness to live. Those of us who knew him well—not in anger, but in sorrow—file one specific charge against him: Overconfidence and neglect to heed the oft-repeated warnings of his friends. But in his horrible dismay, when his brain was afire with honest retribution, we can still see, in his manly bearing and his tender solicitude for the safety of women and little children, some traces of his lofty spirit when dark clouds lowered all about him and angry elements stripped him of his command. His devotion to his craft, even "as it writhed and twisted and struggled" for mastery over its foe, calmed the fears of many of the stricken multitude who hung upon his words, lending dignity to a parting scene as inspiring as it is beautiful to remember.

The mystery of his indifference to danger, when other and less pretentious vessels doubled their lookout or stopped their engines, finds no reasonable hypothesis in conjecture or speculation; science in shipbuilding was supposed to have attained perfection and to have spoken her last word; mastery of the ocean had at last been achieved; but overconfidence seems to have dulled the faculties usually so alert. With the atmosphere literally charged with warning signals and wireless messages registering their last appeal, the stokers in the engine room fed their fires with fresh fuel, registering in that dangerous place her fastest speed.

President Ismay testified: "My recollection is that between Southampton and Cherbourg we ran at 60 revolutions, from Cherbourg to Queenstown at 70 revolutions, and when we left Queenstown we were running at 72 revolutions, and I believe that the ship was worked up to 75 revolutions, or about 22 knots per hour, but I really have no accurate knowledge of that." And he again said, when asked if she was running at her maximum speed at the time she was making 75 revolutions: "No, sir; my understanding is, or I am told, that the engines were balanced and would run their best at 78 revolutions."

It has been said many times—often in my hearing and often by letter—that the last dinner which he had partaken in the café of his ship, given by Mr. and Mrs. Widener, of Philadelphia, might have had some influence upon the action of the captain, but I have the word of the hostess, whose husband was lost in this catastrophe, that at that dinner Capt. Smith touched no liquor of any kind; indeed, that he asked that all glasses be removed from his plate. I make this statement because I think it is due to the memory of the dead, whose habits of life are worthy the highest praise.

Last Saturday, in company with Admiral Watt, of the Navy, I visited the *Olympic*, a sister ship of the *Titanic*, just before she sailed from New York. Down deep in the bottom of that ship, 24 feet below the level of the sea, I found the head fireman of the *Titanic*, and there in the grease and the heat, by a dim light and surrounded by his companions, he swore that he was the first man to see the water come through the sides of the stricken ship. He said that the tear extended through the side of the forward fireroom, that the water came from a point about 20 feet below the sea level, and rushed like a mighty torrent into the ship.

We know from those who gave the order to construct the ship that the designer of the *Titanic* and *Olympic*, who was himself aboard the *Titanic* and did not survive, a young man but 30 years of age, designed the ship to carry safely two of her water-tight compartments full of water in case of accident, the presumption being that by collision but one bulkhead and at most two of her water-tight compartments would be injured, in which event, the water-tight doors being closed, the ship could carry this additional weight without serious danger.

By the supplementary testimony of this head fireman I am able to say that five compartments filled almost instantly. He also said that at the time the ship struck the iceberg the indicator in the fireroom displayed the letters "full speed," and that the ship had been running full speed during the entire afternoon and evening; that 24 of her boilers were lighted out of the 29, and at no other time on the voyage were so many boilers lighted; that when he received a bell signal he looked hastily to the indicator and found that the white light, "full speed," had been taken from the indicator and the red light, "stop," had been substituted in its place. Instantly the water-tight doors between the firerooms were closed, but the danger had been accomplished, the harm had been done, and through a space extending past four bulkheads a tear had been made in that steel

bottom admitting more water than the ship was able to carry. The water came in with tremendous force, and within five minutes after she struck the ship listed about 5 degrees.

I then reached a conclusion which, in my opinion, accounts for the small proportion of steerage passengers who were saved. The occupants of the forward steerage were the first of the passengers to realize the danger. One or two witnesses said they stepped out of their berths into water probably an inch or two inches deep. Those in the forward steerage knew directly of the impact and of the presence of water, which came up from the lower part of the ship into the mail room and the forward steerage. Those steerage passengers went on deck and as fast as they were able took places in the lifeboats, while the after steerage, more than an eighth of a mile away, was by the operation of the added weight raised out of the water. That after steerage was a deck higher than the forward steerage, and was lifted higher and higher until the ship finally disappeared, so that these steerage passengers got their first warning of real danger as the angle of the deck became very great. I feel that the small number of steerage survivors was thus due to the fact that they got no definite warning before the ship was really doomed, when most of the lifeboats had departed.

At 12.55 Sunday afternoon, answering the warning of Capt. Ranson, of the steamship *Baltic*, at whose christening he had taken such a proud part, and on whose bridge he had so often braved the perils of the Atlantic, Capt. Smith only replied, "Thanks for your message and good wishes. Had fine weather since leaving." The soft warmth from the Gulf Stream, through which they had passed during the day, gave way at night to chill and cold; the air and water registered their lowest point an hour before the collision. The warnings of shipmasters fell upon deaf ears and officers and crew seemed to have regarded the paper bulletins of danger with absolute indifference and, as if to stir their laggard spirits, nature gave a warning of approaching peril so significant that passengers in stateroom and steerage shut out the chill and spoke to one another of the sudden cold. Sailors off the Grand Banks know the importance of the thermometer, which is almost as necessary to their safety as is the compass. Even the quartermaster, Hichens, who regularly took the temperature of the water from the sea, says, "It suddenly became bitter cold," and added that the first order received by him from Second Officer Lightoller at 8 o'clock Sunday evening was "to take his compliments down to the ship's carpenter and inform him to look to his fresh water; that it was about to freeze," and he says he was also directed by the same officer to find the deck engineer and bring him the key to open the heaters in the corridor and officers' quarters, wheelhouse, and chart room on account of the intense cold. He also said he took the temperature of the air and water just before he went to the wheel, at 8 o'clock, and that the bucket, with which he dipped the water to make the tests "was a small paint tin," an old one, only improvised for the occasion; that the new one, a long piece of leather, leaded, was not furnished him; while Mrs. Walter Douglas, of Minneapolis, asserts under oath that both she and her husband, who went down with the ship, saw the quartermaster Saturday afternoon attempt to reach the water with this bucket and says that he was unable to do so and that both she and Mr. Douglas saw him fill the bucket from a hydrant on the deck and take that water to be tested.

Hichens then said:

> At 10 o'clock I went to the wheel. * * * All went along very well until 20 minutes to 12, when three gongs came from the lookout, and immediately afterwards a report on the telephone, "Iceberg right ahead." The chief officer rushed from the wing to the bridge. * * * He rushed to the engines. I heard the telegraph bell ring; also give the order, "Hard astarboard." Repeated the order, "Hard astarboard." "The helm is hard over, sir." * * * The captain * * * came back to the wheelhouse and looked at the commutator (clinometer) in front of the compass, which is a little instrument like a clock to tell you how the ship is listing. The ship had a list of 5° to the starboard * * * about 5 to 10 minutes after the impact.

At that moment the ice, resistless as steel, stole upon her and struck her in a vital spot, while the last command of the officer of the watch in his effort to avert disaster, distracted by the sudden appearance of extreme danger, sharply turned aside the prow, the part best prepared to resist collision, exposing the temple to the blow; at the turn of the bilge the steel encasement yielded to a glancing blow so slight that the impact was not felt in many parts of the ship, although representing an energy of more than a million foot tons, said to be the equivalent of the combined broadsides of 20 of the largest guns in our battleship fleet fired at the same moment, with a blow so deadly many of the passengers and crew did not even know of the collision until tardily advised of the danger by anxious friends, and even then official statements were clothed in such confident assurances of safety as to arouse no fear.

The awful force of the impact was well known to the master and builder, Mr. Andrews, who, from the first, must have known the ship was doomed and never uttered an encouraging sign to one another. Neither ever adjusted a life belt to himself. The builder, whose heart must have broken when he realized he had not prepared that ship to resist a blow so dangerous, seemed to have been quite willing to go down with the ship. There is evidence to show that no final warning was given by any officer. President Ismay asked the captain whether he thought the blow was serious. The captain only replied, "I think it is." Col. Astor, at the request of his wife and others who stood near him on the boat deck, was asked to make the same inquiry, and did; and to that inquiry the captain replied, "I think it is dangerous."

There is evidence tending to show that even the water-tight compartments were not successfully closed either above or below. No general alarm was given, no ship's officers formally assembled, no orderly routine was attempted or organized system of safety begun. Haphazard they rushed by one another on staircase and in hallway, while men of self-control gathered here and there about the decks, helplessly staring at one another or giving encouragement to those less courageous than themselves.

Life belts were finally adjusted to all. Only Saturday night I gathered from one who rescued the bodies brought in by the Mackay-Bennett ship that, while he found 190 bodies in one "pack," as they call it at sea, 62 miles from the place where the ship went down and within 500 yards of the iceberg which is supposed to have done the damage, all of these 190, with the exception of a little child 2 years of age, were well fitted with life belts, and it is the testimony of the surgeon who accompanied the ship that in the position in which he found them he is of the opinion that many of them lived at least four hours after they were thrown into the water, and were killed by the cold, and yet no relief came. The lifeboats were cleared away, and although strangely insufficient in number—and right here I want to say that my observations on the steamship *Olympic* on Saturday were most gratifying. I saw the voluntary double equipment of lifeboats. Where they had formerly carried 20 they now carry 42, leaving ample room for passengers who desire to use her decks for other purposes and affording better protection to passengers and crew.

The *Titanic* boats were only partially loaded and in all instances unprovided with compasses and only three of them had lamps. They were manned so badly that, in the absence of prompt relief, they would have fallen easy victims to the advancing ice floe, nearly 30 miles in width and rising 16 feet above the surface of the water. Their danger would have been as great as if they had remained on the deck of the broken hull, and if the sea had risen these toy targets, with over 700 exhausted people, would have been helplessly tossed about upon the waves without food or water. One witness swore that two of the three stewards in her boat admitted that they had never had an oar in their hands before and did not even know what the oarlock was for. The lifeboats were filled so indifferently and lowered so quickly that, according to the uncontradicted evidence, nearly 500 people were needlessly sacrificed to want of orderly discipline in loading the few that were provided. There were 1,324 passengers on the ship. The lifeboats would have easily cared for 1,176 and only contained 704, 12 of whom were taken into the boats from the water, while the weather conditions were favorable and the sea perfectly calm. And yet it is said by some well-meaning persons that the best discipline prevailed. If this is discipline, what would have been disorder?

Among the passengers were many strong men who had been accustomed to command, whose lives had marked every avenue of endeavor, and whose business experience and military training especially fitted them for such an emergency. These were rudely silenced and forbidden to speak, as was the president of this company, by junior officers, a few of whom, I regret to say, availed themselves of the first opportunity to leave the ship. Some of the men, to whom had been intrusted the care of passengers, never reported to their official stations, and quickly deserted the ship with a recklessness and indifference to the responsibilities of their positions as culpable and amazing as it is impossible to believe. And some of these men say that they "laid by" in their partially filled lifeboats and listened to the cries of distress "until the noise quieted down" and surveyed from a safe distance the unselfish men and women and faithful fellow officers and seamen, whose heroism lightens up this tragedy and recalls the noblest traditions of the sea.

Some things are dearer than life itself, and the refusal of Phillips and Bride, wireless operators, to desert their posts of duty, even after the water had mounted to the upper deck,

because the captain had not given them permission to leave, is an example of faithfulness worthy of the highest praise, while the final exit of the Phillips boy from the ship and from the world was not so swift as to prevent him from pausing long enough to pass a cup of water to a fainting woman, who fell from her husband's arm into the operator's chair, as he was tardily fleeing from his wireless apparatus, where he had ticked off the last message from his ship and from his brain.

Even the electric signal of distress was only sent upon its unseen search for help after a delay of nearly 20 minutes, and its spark was arrested by an accident so providential as to excite wonder. In five minutes more the ill-paid operator on the *Carpathia*, who snatched this secret from the air, would have forgotten his perplexities in slumber, and no note would have been taken of the awful importance of the passing hour. Partially undressed, he had left the telephone receiver upon his head, and through it heard the call for help. On the instant the ship's course was changed and the captain replied: "We are coming to your relief." The elements of nature have chosen darkness as the most helpful medium of radiocommunication, and operators should be at their posts at that time of the voyage, ready to catch every unfavorable sign and to apprise officers and crew of dangers besetting the ship. Neither timber nor iron nor steel are impervious to its secrets; in its limitless quest no barrier seems insurmountable, and distance is annihilated as by the lightning's flash; schoolboys toy with its mysteries and catch its lessons from the housetops. Marconi, genius and gentleman, sitting in his office in the capital of the Argentine Republic, read, as in an open book, a wireless message direct from the coast of Ireland. When the world weeps together over a common loss, when nature moves in the same direction in all spheres, why should not the nations clear the sea of its conflicting idioms and wisely regulate this new servant of humanity? To that end wages must be increased in proportion to the responsibility assumed, and service, to be useful, must be made continuous night and day, while this new profession must rid itself of the spirit of venality, to which, in my opinion, the world is indebted for a systematic reign of silence concerning the details of this disaster, so apparent as to excite international concern, and should be discouraged.

It is no excuse that the apparatus on the *Carpathia* was antiquated; it easily caught the signal of distress and spoke with other ships nearly 200 miles away, both before and after the accident, while the operator says it was good for 250 miles. The steamship *Californian* was within easy reach of this ship for nearly four hours after all the facts were known to Operator Cottam. The captain of the *Carpathia* says he gave explicit directions that all official messages should be immediately sent through other ships, and messages of passengers should be given preference. According to "Jack" Binns, the inspector, the apparatus on the *Californian* was practically new and easily tuned to carry every detail of that calamity to the coast stations at Cape Sable and Cape Race, and should have done so. The course taken was singularly in accord with the reticence of the officials of the White Star Co., who knew at 2.30 Monday morning, through the steamship *Virginian* and their office in Montreal, what was supposed to have occurred. I recognize that this was not official and that they would insist upon confirmation because of their faith in the vessel, but it was the truth, nevertheless, and, according to their own admission, the information then given and which they battled against during all of that day, contained absolutely the entire story, and yet, at 7.51 Monday evening, a message from their own office, officially signed, contained the positive assurance of the safety of the passengers, was sent to a half-crazed father at Huntington, W. Va., nearly two hours after their admitted familiarity with the details of the disaster. Possibly this was an accident, and I know it is greatly deplored by the managing officer of that company. But it is little wonder that we have not been able to fix with definiteness the author of this falsehood.

It is not a pleasant duty to criticize the conduct or comment upon the shortcomings of others, but the plain truth should be told. Capt. Lord, of the steamship *Californian*, sailing from London to Boston, who stopped his ship in the same vicinity where the *Titanic* is supposed to have met with the accident, passed two large icebergs at 6.30 p. m. Sunday evening, April 14; at 7.15 he "passed one large iceberg and two more in sight to the southward." Because of ice he stopped his ship for the night in latitude 42° 5′ N., longitude 50° 7′ W., and at 10.50 (ship's time and 9.10 New York time) he sent a wireless message to the *Titanic*, telling them he was "stopped and surrounded by ice." The *Titanic* operator brusquely replied to "shut up," that he was "busy." Capt. Lord stated that "from the position we stopped in to the position in which the *Titanic* is supposed to have hit the iceberg was 19½ miles," and the course south, 16 west. I am of the opinion it was much nearer than the captain is willing to admit, and I base my judgment upon the scientific investigation of the Hydrographic Office of our Government. He says this was the last communication he had with the *Titanic*. He also says, "We doubled the lookout from the crew, put a man on the forecastle head—that is, right at the bow of the ship—and I was on the bridge myself with an officer" until half past 10, "which I would not have been under ordinary conditions." He thus admits extraordinary conditions, and that he received reports of icebergs, growlers, and field ice 42° north from 40° 50′ west from Capt. Barr, of the steamship *Coronian*, the day before, and also from the steamship *Parisian* on that Sunday, while the steamship *New Amsterdam* reported to him several days before that they had seen field ice "extending as far to the northeast as horizon is visible."

He also admits that the morning after this accident he "was practically surrounded by icebergs, the largest from 100 to 150 feet high and from 700 to 800 feet in width above the water." He admits that the officer on watch on the steamship *Californian* saw some signals and that when he (the captain) came off the bridge at half past 10 he said: "I pointed out to the officer that I thought I saw a light coming along, and it was a most peculiar light." He also said that he went below and told the engineer to keep the steam ready, saying that he saw these signals, and then said: "There is a steamer coming. Let us go to the wireless and see what the news is." He says he "met the operator coming" and said: "Do you know anything?" The operator replied: "The *Titanic*."

I call attention to the fact that the last communication with the *Titanic* was the one to which I have referred, which occurred at 10.50 ship time, or nearly an hour before the accident occurred.

And the captain said: "I gave him instructions to let the *Titanic* know," which he did, and found that it was the *Titanic*, although the captain said: "This is not the *Titanic;* there is no doubt about it." He then says: "She came and lay, at half past 11, alongside of us until, I suppose, a quarter past 1, within 4 miles of us. We could see everything on her quite distinctly; see her lights. We signaled her at half past 11, with the Morse lamp. She did not take the slightest notice of it. That was between half past 11 and 20 minutes to 12. We signaled her again at 10 minutes past 12, half past 12, a quarter to 1, and 1 o'clock with a very powerful Morse lamp, which you can see about 10 miles."

He further says that "when the second officer came on the bridge at 12 o'clock, or 10 minutes past 12, I told him to watch that steamer which was stopped. I pointed out the ice to him; told him we were surrounded by ice; to watch the steamer, that she did not get any closer to her.

I call attention to the fact that from the chart you can readily see the position of the *Californian*, and that to the eastward there is no ice, to the southward of her there is no ice, and to the northward there is no ice; this ship was not surrounded by ice. She was against the ice in her westward course, and was in exactly the same situation as the *Titanic* before the impact.

"At 20 minutes to 1 I whistled up the speaking tube and asked if she was getting any nearer. He said, 'No; she is not taking any notice of us;' so I said, 'I will go and lie down a bit.' At a quarter past 1 he said, 'I think she has fired a rocket,' and, continuing, 'She did not answer the Morse lamp'"—this is the officer on the bridge, who continued, "and she has commenced to go away from us."

Indeed, she had commenced to go away, never to return.

"I then said, 'Call her up and let me know at once what her name is.' So he put the whistle back, and, apparently, he was calling. Then I went to sleep." Capt. Lord then says, "Rockets are used as signals of distress and can not be mistaken." He does not believe that he could have seen the *Titanic* Morse signals, but is not quite so doubtful about being unable to see rockets that distance.

Most of the witnesses of the ill-fated vessel before the committee saw plainly the light, which Capt. Lord says was displayed for nearly two hours after the accident, while the captain and some of the officers of the *Titanic* directed the lifeboats to pull for that light and return with the empty boats to the side of the ship.

Ernest Gill, a member of the crew of the *Californian*, says that he came on deck from the engine room at 11.56, ship's time, and just before the accident that fatal Sunday evening, and saw plainly over the rail on the starboard side "the lights of a very large steamer about 10 miles away," and that he "could see her port side lights"; that he then went to his cabin and said to his mate, William Thomas, that it was "clear off to the starboard, for I saw a big vessel going along at full speed";

that he could not sleep and went on deck again and "saw a white rocket about 10 miles away on the starboard side and in seven or eight minutes saw distinctly a second rocket in the same place," saying to himself "that must be a vessel in distress."

Why did the *Californian* display its Morse signal lamp from the moment of the collision continuously for nearly two hours if they saw nothing? And the signals which were visible to Mr. Gill at 12.30 and afterwards, and which were also seen by the captain and officer of the watch, should have excited more solicitude than was displayed by the officers of that vessel, and the failure of Capt. Lord to arouse the wireless operator on his ship, who could have easily ascertained the name of the vessel in distress and reached her in time to avert loss of life, places a tremendous responsibility upon this officer from which it will be very difficult for him to escape. Had he been as vigilant in the movement of his vessel as he was active in displaying his own signal lamp, there is a very strong probability that every human life that was sacrificed through this disaster could have been saved. The dictates of humanity should have prompted vigilance under such conditions. And the law of Great Britain giving effect to article 2 of the Brussels Convention in regard to assistance and salvage at sea is as follows:

> The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew, and passengers (if any), render assistance to every person, even if such person be a subject of a foreign State at war with His Majesty, who is found at sea in danger of being lost, and if he fails to do so, he shall be guilty of a misdemeanor.

The Senate passed, on the 18th day of April last, a bill giving effect to the same treaty, which clearly indicates the disposition of the Government of England, and our own as well, in matters of this character.

I am well aware from the testimony of the captain of the *Californian* that he deluded himself with the idea that there was a ship between the *Titanic* and the *Californian*, but there was no ship seen there at daybreak and no intervening rockets were seen by anyone on the *Titanic*, although they were looking longingly for such a sign and only saw the white light of the *Californian*, which was flashed the moment the ship struck and taken down when the vessel sank. A ship would not have been held there if it had been eastbound, and she could not have gone west without passing the *Californian* on the north or the *Titanic* on the south. That ice floe held but two ships—the *Titanic* and the *Californian*. The conduct of the captain of the *Californian* calls for drastic action by the Government of England and by the owners of that vessel, who were the same owners as those of the ill-fated ship.

Contrast, if you will, the conduct of the captain of the *Carpathia* in this emergency and imagine what must be the consolation of that thoughtful and sympathetic mariner, who rescued the shipwrecked and left the people of the world his debtor as his ship sailed for distant seas a few days ago. By his utter self-effacement and his own indifference to peril, by his promptness and his knightly sympathy, he rendered a great service to humanity. He should be made to realize the debt of gratitude this Nation owes to him, while the book of good deeds, which had so often been familiar with his unaffected valor, should henceforth carry the name of Capt. Rostron to the remotest period of time. With most touching detail he promptly ordered the ship's officers to their stations, distributed the doctors into positions of greatest usefulness, prepared comforts for man and mother and babe; with foresight and tenderness he lifted them from their watery imprisonment and, when the rescue had been completed, summoned all of the rescued together and ordered the ship's bell tolled for the lost, and asked that prayers of thankfulness be offered by those who had been spared. It falls to the lot of few men to perform a service so unselfish, and the American Congress can honor itself no more by any single act than by writing into its laws the gratitude we feel toward this modest and kindly man. The lessons of this hour are, indeed, fruitless and its precepts ill-conceived if rules of action do not follow hard upon the day of reckoning. Obsolete and antiquated shipping laws should no longer encumber the parliamentary records of any Government, and overripe administrative boards should be pruned of dead branches and less sterile precepts taught and applied.

Upon the bosom of the sea the nations have for ages commingled together, arts and manufactures have been exchanged freely, and the knowledge of language spread to the remotest limit of civilization. The sea, once a torment to primitive man, has long since given way to his intelligent mastery, and in its changing moods there is real glamour; there the daring spirit of the explorer and trader still lingers in this period of sharpest rivalry; there prizes await the fleetest skipper.

I think the presence of Mr. Ismay and Mr. Andrews stimulated the ship to greater speed than it would have made under ordinary conditions, although I can not fairly ascribe to either of them any instructions to this effect.

The very presence of the owner and builder unconsciously stimulates endeavor, and the restraint of organized society is absolutely necessary to safety. As men have re-formed anew the natural banks of the ocean and struck the shackles from its contracted bounds, dedicating its bays and shores to commerce, so must we do our utmost to overcome its perils.

Piracy and pillage are twin trophies of international concern and, under the same searching scrutiny, modern shipping should be free from every inherent defect.

The calamity through which we have just passed has left traces of sorrow everywhere; hearts have been broken and deep anguish unexpressed; art will typify with master hand its lavish contribution to the sea; soldiers of state and masters of trade will receive the homage which is their honest due; hills will be cleft in search of marble white enough to symbolize these heroic deeds and, where kinship is the only tie that binds the lowly to the humble home bereft of son or mother or father, little groups of kinsfolk will recount, around the kitchen fire, the traits of human sympathy in those who went down with the ship. These are choice pictures in the treasure house of the affections, but even these will sometime fade; the sea is the place permanently to honor our dead; this should be the occasion for a new birth of vigilance, and future generations must accord to this event a crowning motive for better things.

Recently we have witnessed a marked concentration of control of ocean transportation. Three companies—the International Mercantile Marine Co., the Hamburg-American Co., and the Royal Mail Steam Packet Co.—control 604 ocean steamers with a gross tonnage of 3,632,233 tons. These companies control more tonnage than the total American tonnage of all classes on the Great Lakes—2,943,523 tons. Any one of these companies controls tonnage nine times as great as the over-sea steam tonnage of the United States, and twice as great as the total registered steam tonnage of the merchant marine of the United States.

Regulation of steamship transportation is as necessary as regulation of railroad transportation, and less difficult to obtain. Transportation by rail is conducted through settled localities, where many residents would quickly discover and immediately report any irregularities or disregard of safety requirements, while by water it is conducted beyond the criticism of any except the actual passengers on the ship, making it all the more necessary for definite regulations.

Lanes of travel must be more carefully defined, strength of bow more positive and water-tight subdivision to limit submergence, life-saving equipment better and numerous enough for all, discipline and practice a rudimentary exaction, eye more keen and ear alert to catch the warning cry; as on British battleships as well as on our own, powerful lights should be provided for merchant vessels to search out the partially submerged derelict; buoys should be carried by every ship to mark temporarily the place of the ship's burial in case of accident; and men of strength and spirit there must be, won back to a calling already demoralized and decadent. But 10 per cent of the men before the mast in our merchant marine are natives or naturalized Americans; even England, that 20 years ago had barely 7,000 Orientals on her merchant ships, now carries over 70,000 of that alien race. Americans must reenlist in this service, they must become the soldiers of the sea, and, whether on lookout, on deck, or at the wheel, whether able or common seamen, they should be better paid for their labor and more highly honored in their calling; their rights must be respected, and their work carefully performed; harsh and severe restraining statutes must be repealed, and a new dignity given this important field of labor.

"In our imagination we can see again the proud ship instinct with life and energy, with active figures again swarming upon its decks; musicians, teachers, artists, and authors; soldiers and sailors and men of large affairs; brave men and noble women of every land. We can see the unpretentious and the lowly, progenitors of the great and strong, turning their back upon the Old World, where endurance is to them no longer a virtue, and looking hopefully to the new. At the very moment of their greatest joy the ship suddenly reels, mutilated and groaning." With splendid courage the musicians fill the last moments with sympathetic melody. "The ship wearily gives up the unequal battle. Only a vestige remains of the men and women that but a moment before quickened her spacious apartments with human hopes and passions, sorrows, and joys." Upon that broken hull new vows were taken, new fealty expressed, old love renewed, and those who had been devoted in friendship and companions in life went proudly and defiantly on the last life pilgrimage together. In such a heritage we must feel ourselves more intimately related to the sea than ever

before, and henceforth it will send back to us on its rising tide the cheering salutations from those we have lost.

During the delivery of the speech of Mr. SMITH of Michigan,

The VICE PRESIDENT. The Senator from Michigan will suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be laid aside until the Senator from Michigan and the Senator from Maryland have finished the speeches of which they have given notice.

The VICE PRESIDENT. Without objection, the request of the Senator from North Carolina is complied with.

At the conclusion of his speech, Mr. SMITH of Michigan said:

Mr. President, I send to the Clerk's desk a joint resolution, which I desire to have read.

The joint resolution (S. J. Res. 111) to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the thanks of Congress be, and the same are hereby, presented to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for promptly going to the relief of the steamship *Titanic* and heroically saving the lives of 704 people who had been shipwrecked in the North Atlantic Ocean.

SEC. 2. That the President of the United States is hereby authorized and requested to cause to be made and presented to Captain Rostron a suitable gold medal appropriately inscribed, which shall express the high estimation in which Congress holds the service of this officer, to whose promptness and vigilance was due the rescue of 374 women and children and 330 men.

SEC. 3. That the sum of $1,000, or so much thereof as may be necessary, for the purchase or manufacture of said medal is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). To what committee does the Senator desire to have the joint resolution referred?

Mr. SMITH of Michigan. Mr. President, this recognition is so highly deserved, the valor shown by this officer is so marked and worthy of emulation, I am going to ask Senators to give unanimous consent for immediate consideration and that the joint resolution be put on its passage without a reference to committee.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Michigan?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Michigan. Out of order I desire to introduce a bill and joint resolution, and I will ask their reference to the Committee on Commerce.

The bill (S. 6976) to regulate navigation by steam passenger vessels, to amend sections 4400, 4471, 4488, 4490, section 3 of act of July 9, 1886, section 1 of act of June 24, 1910, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

The joint resolution (S. J. Res. 112) providing for the creation of a commission to investigate the laws and regulations for the construction and equipment in the navigation of vessels, was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Michigan. The report of the Committee on Commerce has been unanimously agreed upon, and I am directed to make the report which I send to the Clerk's desk. We have thought it desirable to give the full sailing list as well as the full list of the crew from Southampton, Cherbourg, and Queenstown, also a full and complete list of those rescued and of those lost. I will ask that the report be read following the speech of the Senator from Maryland, who has given notice of his desire to proceed now, and when it is read that it be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. RAYNER. Mr. President, I desire to ask the attention of the Senate briefly to the subject matter indicated in my notice in reference to the disaster to the *Titanic*.

I shall not bring to your attention the harrowing details of this overwhelming calamity, but my purpose is to ascertain what lessons this disaster teaches us and what legislation, if possible, can be framed in order to avoid its recurrence.

Mr. President, we must change the admiralty and navigation laws of this country. They consist of an incongruous collection of antiquated statutes which should be repealed and reenacted so as to meet the necessities of ocean intercourse of the present day. This is surely one lesson that has been taught us by this dreadful calamity. Without entering into minute details, I submit to the Senate the following suggestions for its consideration. In the first place, let me say a word about the investigation by the Senate committee. The committee of the Senate has no power beyond that which it has exercised. In conducting the investigation it acquired its jurisdiction under the constitutional clause to regulate commerce. It is because Congress has jurisdiction to regulate commerce between the States and foreign countries that the committee had the right to undertake this investigation. It would have had no right whatever to summon and examine witnesses unless it had jurisdiction over the subject matter, and the jurisdiction that it has is based upon the fact that by virtue of this examination it is able to recommend to the Senate, under this clause of the Constitution, such improvement in our laws as will enable us to avoid a recurrence of this accident. Therefore the Senate was perfectly right in appointing this committee, and the committee, acting strictly within its jurisdiction and the decision of our courts under a case that I read to the Senate a few weeks ago, has done its full duty in the premises and has done it well, and the committee, and especially its able chairman, deserves not only the gratitude of the Senate but the commendation of the country for the impartial performance of their delicate and arduous duties. If it had not been for the prompt action of the senior Senator from Michigan there would have been no investigation, and his analysis and conduct of the case, thorough in every respect, deserves the appreciation of the Senate and the approval of the people in the highest degree.

I come now to the second proposition. It seems to be universally conceded that this ship was not equipped with a sufficient number of lifeboats to provide for the safety of its passengers. There may have been a sufficient number in accordance with the rules of the British Board of Trade, but it is a conceded fact that the great loss of life occurred because there was an insufficient number to meet the necessities of the case and rescue the passengers and crew.

Third. The failure of foreign steamships to carry searchlights is utterly inexcusable, and if a proper searchlight had been upon this vessel, in my judgment, the accident could have been avoided.

Fourth. The failure to supply the proper officers with binoculars was unquestionably an act of negligence, especially as I gather from the testimony that a demand had been made by the proper officers for them, and the demand had been refused.

Fifth. There was not the proper attention paid to the wireless messages that the ship received. This appears to me to have been an inexcusable act of negligence.

Sixth. The speed of the vessel was not lowered, as it should have been, when notice was received that she was in a dangerous zone. My own judgment therefore is that there was negligence in this case and that the disaster was attributable to the want of due care upon the part of the company and of those in charge of the ship. The proper tribunals will determine upon this question unaffected by any conclusion that we may arrive at in the premises.

I have said that the navigation and admiralty laws of the United States ought to be changed. Now, in what respects ought the proper amendments to be made?

First. In the first place, we can not change the criminal features so far as crimes and criminal negligence occur upon a foreign ship on the high seas. Prosecution for criminal negligence in the *Titanic* disaster can only be brought in the British courts, as a British ship upon the high seas is British territory. This is an unbending rule, and, as announced by the Federal courts is stated as follows:

The general rule is that such courts have no jurisdiction of the offense even when committed upon the high seas, except when committed on board of a ship or vessel of the United States, unless it appears that the vessel was sailing under no national flag.

The only exception to the rule is that where death occurs in one of our States as the direct result of injuries or exposure resulting from criminal negligence of some one on the ship. Such a prosecution, as has been decided by the Supreme Court of Massachusetts, might be sustainable upon the theory that the crime was committed where it took effect.

Second. There ought to be a remedial statute providing that a civil action for personal damages against the owners of the ship could be brought in either the Federal or State courts, and the limited liability statutes of the United States should be repealed.

Third. There ought to be a statute providing that surviving relatives under Lord Campbell's Act can bring suit either in the State or Federal courts, and the limited liability statutes should be repealed so as not to apply to a case of this sort.

Fourth. There ought to be a statute providing for a sufficient number of lifeboats and for the adequate equipment of ships with wireless telegraph. There is no doubt about our right to pass such a statute, even as to foreign ships, because we have full authority to say that foreign ships shall not enter or leave our ports unless they are properly supplied in this particular, and even our statutes now are supposed to furnish that remedy.

Fifth. The doctrine of "knowledge or privity of the owner" should be swept from the statute book, and it should not be necessary in order to hold the owners to a full responsibility to prove that the negligence occurred with the privity or knowledge of the owners. There is no reason why owners of ships should not be responsible for the negligence of the crew in the same way that railroad corporations are held responsible for the negligence of their employees. The whole subject is largely in our own hands. We should, without delay, pass a system of laws that, in my judgment, would be sufficient to avoid a repetition of this heart-rending disaster. For a full discussion of the law as it now stands I refer the Senate to the following cases: Schoomaker *v.* Gilmore (102 U. S., 118); Richardson *v.* Harmon (222 U. S., 96); the case of La Bourgogne (210 U. S., 97); and Commonwealth *v.* MacLoon (101 Mass., 1).

And the cases I have already referred to in Thirteenth Wallace and One hundred and ninth and One hundred and thirtieth United States.

Now, just let me explain to Senators how the law stands. I think I can do it in a few moments.

At present you can not recover in the Federal courts for the death of a passenger. There is no recovery at all by the surviving family or the surviving relatives in the Federal courts for the death of a passenger. In these accidents the British law provides, under Lord Campbell's Act, that recovery can be had, and in the case that I have cited, in Two hundred and tenth United States, the Supreme Court held that it would administer the French law; that the law which governs a casualty of that sort is the law of the country to which the ship belongs, and therefore France having a law providing for recovery in case of death, the Supreme Court, in the case I have quoted, the *La Bourgogne* case, held that the Supreme Court of the United States would administer the French law in the Federal tribunal. This ought to be changed, and we ought to be able to administer American law in American tribunals and not have to resort to the law of the country that owns the ship upon which the accident takes place.

Now, in the second place, I want to say that you can not recover at all if the owner of the ship surrenders the ship and surrenders the freight. We have an old statute here that is a reenactment of an English statute, passed 175 years ago, and we have never changed it. It was passed during the reign of George II, in 1734. It was improved upon in the reign of George III, in 1786, and again in 1813. That is the limited-liability statute. Look at it for a moment. The owners of the *Titanic* can come into court and surrender their freight money, the pending freight, and there is no recovery against them in any State or Federal court. No matter how many suits are brought in the State court, no matter how many suits may be brought in the Federal courts, the owners of that ship, no matter how able they may be financially to answer in damages, can go into the Federal courts, sue out an injunction, have a trustee appointed, bring the ship if it exists—of course in this case the ship is gone—bring pending freight into court, and escape all liability whatever for injury to passengers, for injury to goods, or for any cause whatever.

That is the statute that is now upon the statute books of the United States. It ought to be repealed or modified. There is no reason on earth why it should continue. When it was passed it was thought to afford an invitation to shipowners to take to the sea and risk the hazardous character of the adventure, but I apprehend there is no more danger on the sea now than there is on land; and if these statutes are not repealed there certainly ought to be some modification of them.

Now, if you can prove the privity of the owner you can recover, and the only question of privity which arises in the *Titanic* case is whether the presence of Mr. Ismay on board this vessel carries with it the privity and knowledge of the owner. You can recover full damages if you can prove privity and knowledge of the owner, but if you can not prove the privity and knowledge of the owner then the company is not responsible for the negligence of its crew, and all that can be recovered is the ship if it exists and the freight money if it is brought into court.

The only open question in this case is whether or not the presence of Ismay on the ship makes the owners responsible. I am inclined to think his presence on the ship would not have this effect. He was one of the trustees of the line. He was one of the directors of the line. He was upon the executive committee of the line. He was chairman of the finance committee or upon the finance committee, and he was president of the line. In fact, he was almost the line itself. But, nevertheless, I doubt very much whether as a proposition of law his mere presence on the ship itself, admitting that he was not present as a passenger, would come within the Federal statute, which holds that damages can only be recovered where there is a privity or knowledge of the owner. Thus stands the law, and the law ought to be changed.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Yes.

Mr. NELSON. Will the Senator allow me a question? I presume the Senator refers to what is commonly called the Harter law. Under that law if the ship is properly equipped and seaworthy the owners are not liable for any mistake of the master in navigating the ship, and in case of damage occurring they are only liable for the value of the ship and the freight earned.

Now, the question I put to the Senator is whether under that law in a case of this kind where there is a total loss the insurance would not be available under that law?

Mr. RAYNER. I think not, Mr. President. It ought to be made available, but there is a decision of the Supreme Court (I can not give my friend from Minnesota the case) in which the point came up involving the question the Senator has asked, and, I believe, though I am not certain, that the court held that insurance was not counted.

In Great Britain, I believe, the law provides that the freight money shall be equal to £15 to the registered ton; and in the loss of the *Titanic* that would amount to a great deal; but we have not any such statute, and there is no recovery here at all. There is no recovery for death, because it does not come within the admiralty laws, and there is no recovery for damages against the company unless you can prove the privity and the knowledge of the owner. The Senator from Minnesota [Mr. NELSON] will notice the last case on the subject is the case in Two hundred and tenth United States Reports, which is one of the best opinions, in my judgment, that was ever delivered in the Supreme Court of the United States. Chief Justice White goes into an elaborate and exhaustive discussion of all the questions that are involved in that disaster in case of a collision, and he administered the Code Napoleon in the Supreme Court of the United States, where it required a very thorough investigation to discover what the French law upon this ruling was. The Supreme Court came to the conclusion that under the French code you could recover for death; but they came to the further conclusion that there was no privity or knowledge of the owners, and that, therefore, they had a right in the *Bourgogne* case, in the case of the collision of a French with a British ship, to go into the Federal courts, surrender freight money, and escape all liability. These provisions have been on the statute books from time immemorial. We have a bill now in the Judiciary Committee attempting to remedy these obsolete provisions of our navigation laws, and they ought to be remedied, because nearly every other civilized government has adopted statutes in reference to them.

There is another lesson that this disaster teaches us and which ought to be one of general application, and that is the lesson of corporate responsibility. We must enact legislation that will make the controlling and superior officers of corporations within our own jurisdiction criminally responsible for the careless and negligent management of the public-service corporations which they control. I have made this suggestion over and over again, and I repeat it now in the most emphatic way that I can, that it is a shame and an outrage that the criminal statutes of this land permit the men who are really responsible absolutely to escape from the penalties of the law, and inflict penalties and punishments upon those who are simply acting under their superior orders. We know how a large number of these corporations are organized, and what I have reference to now are American corporations, because in

Great Britain corporations are controlled by laws that are more efficient and severe than ours. Let us look at the scheme a minute.

A number of individuals organize a trust. We call these companies trusts for want of a better name. The promoters absorb and consolidate a number of competing companies, and then, in order to promote the scheme, a bonded indebtedness is created. The promoters in almost every instance get the bonds and the public gets the stock. Then the consolidated company goes into operation and, as a rule, the bondholders, who consist of the individuals who practically own the constituent companies, have very little, if any, interest in the active management of the concern. The president and managing officers—I will not say in all cases, but in a great many instances of the administration of public-service corporations—perform simply perfunctory duties, their position being largely a sinecure, and the management being left to other hands. I know of one railroad accident after another and one steamship accident after another that are entirely due to the negligence of the directorate of the respective companies. Did we ever hear of a director or a president of any public-service corporation being indicted for manslaughter in an American court in any case whatever where the accident was directly attributable to the oversight, neglect, or carelessness of the company's management? American corporations in a number of instances are running loose and wild without curb and without reins. Take the street railroads of Washington. I have never in any city in the Union seen such an utter disregard of the people's rights. I have time and time again intended to offer some measure here to bring them to bay and call them to terms, and I expect to follow up this purpose. They are violating their charters and they are not giving the people proper accommodations and facilities. I have been in these cars hundreds of times when afflicted and helpless people have been made to stand from almost terminus to terminus simply because the management of these railroads will not run a sufficient number of cars and will not give to the people of this District the rights that they are entitled to. They forget that they are the trustees of the public as well as the trustees of their stockholders.

It is a delusion that these gentlemen are laboring under that they represent private stockholders alone and that their duty ceases when they pay their own salaries and interest upon their bonds and a dividend upon their stock. They owe just as great a duty to the public as they do to the private interests that they represent, and I think the time has come when we must lock hands in this Congress of the United States and demand of these public-service corporations, interstate and in the District of Columbia, that under the heaviest penalties they must properly administer their charter obligations and that the public will no longer stand by and permit the gross violation of their public duty to take place from day to day as it is now doing in this District and elsewhere. What occurs here occurs all around us, and I call upon Congress, taught the lesson as it is by this terrible disaster, to fix the standard and the measure of responsibility, not against sailors and captains and conductors and brakemen and motormen, unless where they are personally negligent, but upon the heads of these corporations, where the responsibility attaches to them for the proper direction and management of the interests that they represent.

There is another lesson, however, Mr. President, that this disaster has taught us, of more importance than a change in our admiralty and navigation laws, and of far greater and more overwhelming significance than the lesson of corporate responsibility, and that is the lesson of religious faith. Disasters like this, instead of weakening, should strengthen the faith of the Nation. There is no use of appealing to reason or to philosophy in a case of this sort. The mind stands aghast and appalled as these calamities come thick and fast. We forget in our moments of sorrow that it never was intended that the intellect of man should reason out such a problem. Suffering and affliction, as they come to the pure and the innocent in a hundred forms, are inexplainable.

The convulsions of nature alone that have swept myriads of human beings to an untimely death can not be reconciled by any process of human reasoning. When reason halts, the Creator has implanted in the soul another faculty, however, that gives us light in the hours of tribulation. It is the light of faith, a pillar of fire in the night of our darkness and despair. Throughout my life I have spent many hours of the day, and many silent and sleepless hours of the night, in the struggle for the light of reason, but in my advancing years the light that gives me fortitude and courage is the sublime light of faith, that never dims nor wanes, and at the supreme moment when reason vanishes, breaks in upon us with all the radiance of the morning sun. We can reason out the negligence of man, but we can not reason out why, in the course of nature, an iceberg from the Arctic Zone should just at this very moment have taken its course upon the path of desolation and of death. Upon all this and kindred subjects the most profound intellect of the greatest philosophers who ever lived have illumined the world just about as much as the credulity of the earliest races, who attributed every phenomenon of nature to the interposition of Divine Providence. What this Nation needs are some severe lessons that will strengthen the pillars and the altars of its faith. We are to a large extent to-day defying the ordinances of God, and the sooner we awaken to a realizing sense of our responsibility the better it will be for the spiritual elevation of the country. We are running mad with the lust of wealth, and of power, and of ambition. We are separating society into castes, with fabulous fortunes upon the one side and destitution and poverty on the other. It takes a terrible warning to bring us back to our moorings and our senses. We are abandoning the devout and simple lives of our ancestors, and the fabric of our firesides is weakening at the foundation. If this disaster teaches no lesson or points no moral, then let us pass it by with stoical indifference, until the next disaster comes, and in the meantime let the carnival go on. May the heart-rending scenes upon this night of anguish and of woe give us faith and lead us back to the altars of our fathers. I will not rehearse the agonies of this midnight sacrifice. I can not afford to dwell upon them or listen to the details that almost distract the mind and break the heart. It is the lesson and the moral that I am searching for.

I will say this, however, in closing. The agonies of separation at this scene, that palsy the tongue when it attempts to describe them, were worse than the agonies of death. I knew well one of the courageous passengers who, with his wife, yielded up their lives on this occasion. The man was a splendid type of American citizenship. I served with him in the House of Representatives, and he was esteemed and beloved by all who knew him. In private life he was a benefactor of the human race. In public life he was an unpurchasable tribune of the people. His heroic wife had the blood of martyrs in her veins, and from the most authentic account that I can obtain, the account of a witness who was not examined by the committee, because her testimony was not necessary for the purposes of the investigation, she went to her death with the same spirit of heroic fortitude with which her ancestors went to the fagot and the flame.

A harrowing thought flashes across my mind, and that is, it might possibly have been unnecessary to have presented to this devoted man and woman the terrible alternative that confronted them, and it might have been possible that both of them could have been rescued. I shall dwell upon this incident no longer.

I shall close my brief remarks with this remembrance. As the ship was sinking, the strains of music were wafted over the deck. It was not the note of any martial anthem that had in days gone by led embattled legions on to victory. It was a more inspiring stanza than this. It was a loftier and holier melody amid the anguish and the sublime pathos of that awful hour that swept through the compartments of the sinking ship. It was a rallying cry for the living and the dying, to rally them not for life, but to rally them for their awaiting death. Almost face to face with their Creator, amid the chaos of this supreme and solemn moment, in inspiring notes the unison resounded through the ship. It told the victims of the wreck that there was another world beyond the seas free from the agony of pain, and, though with somber tones, it cheered them on to their untimely fate. As the sea closed upon the heroic dead, let us feel that the heavens opened to the lives that were prepared to enter.

Father of the Universe, what an admonition to the Nation! The sounds of that awe-inspiring requiem that vibrated o'er the ocean have been drowned in the waters of the deep, the instruments that gave them birth are silenced as the harps were silenced on the willow tree, but if the melody that was rehearsed could only reverberate through this land, "Nearer, my God, to Thee," and its echoes could be heard in these halls of legislation, and at every place where our rulers and representatives pass judgment and enact and administer laws, and at every home and fireside, from the mansions of the rich to the huts and hovels of the poor, and if we could be made to feel that there is a divine law of obedience and of adjustment and of compensation that should command our allegiance, far above the laws that we formulate in this presence, then, from the gloom of these fearful hours we shall pass into the dawn of a higher service and of a better day, and then, Mr. President, the lives that went down upon this fated night did not go down in vain. [Applause in the galleries.]

The VICE PRESIDENT. Visitors in the gallery will please refrain from manifestations of applause, which are in violation of the rules of the Senate.

Mr. SMITH of Michigan. Mr. President, I ask that the report be read and that the names contained at the back part of the report be printed in the RECORD as a part of the report, but not read.

The VICE PRESIDENT. The Chair thinks the report can not be read except by unanimous consent. The Senate has given consent to lay aside the unfinished business until the conclusion of the speeches delivered by the Senator from Michigan and the Senator from Maryland. The report can be printed, but the Chair thinks, under that unanimous-consent agreement, it can not now be read.

Mr. NELSON. I ask unanimous consent that the unfinished business be laid aside until the report can be read—not the names, but simply the report.

Mr. SIMMONS. I should like to inquire of the Senator from Minnesota how long he thinks it will take to read the report?

Mr. NELSON. I do not think it will take over 15 or 20 minutes.

The VICE PRESIDENT. There are 19 pages of printed matter in the report, aside from exhibits and addenda, which the Senator from Michigan does not care to have read. Without objection, the Secretary will read the report, and the unfinished business will be temporarily laid aside for that purpose.

Mr. POINDEXTER. I ask unanimous consent that the speech of the Senator from Michigan [Mr. SMITH], delivered this morning, be printed as a part of the report when the report is printed.

The VICE PRESIDENT. The Chair understands the Senator from Washington desires that the report and the speech of the Senator from Michigan be printed together as a Senate document?

Mr. POINDEXTER. Yes, sir.

The VICE PRESIDENT. Without objection, the order therefor is entered.

Mr. MYERS. Mr. President, I ask unanimous consent that the speech of the Senator from Maryland [Mr. RAYNER] be included in the document.

The VICE PRESIDENT. Without objection, that modification of the order will be made.

The Secretary proceeded to read the report submitted this day by Mr. SMITH of Michigan from the Committee on Commerce.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the further reading of the report be dispensed with and that the entire report, with illustrations, including the names of passengers, be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and an order is entered as requested.

The report in full is as follows:

[Senate Report No. 806, Sixty-second Congress, second session.]

INVESTIGATION INTO LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH, from the Committee on Commerce, submitted the following report.

The Subcommittee on Commerce, to whom was referred the resolution of inquiry into the loss of the British steamship *Titanic*, respectfully reports that that duty has been performed, and the committee has reached its conclusions thereon.

The resolution is as follows:

Resolved, That the Committee on Commerce, or a subcommittee thereof, is hereby authorized and directed to investigate the causes leading to the wreck of the White Star liner *Titanic*, with its attendant loss of life, so shocking to the civilized world.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, send for persons and papers, to administer oaths, and to take such testimony as may be necessary to determine the responsibility therefor, with a view to such legislation as may be necessary to prevent, as far as possible, any repetition of such a disaster.

Resolved further, That the committee shall inquire particularly into the number of lifeboats, life rafts, and life preservers, and other equipment for the protection of the passengers and crew; the number of persons aboard the *Titanic*, whether passenger or crew, and whether adequate inspections were made of such vessel, in view of the large number of American passengers traveling over a route commonly regarded as dangerous from icebergs; and whether it is feasible for Congress to take steps looking to an international agreement to secure the protection of sea traffic, including regulation of the size of ships and designation of routes.

Resolved further, That in the report of said committee it shall recommend such legislation as it shall deem expedient; and the expenses incurred by this investigation shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

Attest:

CHARLES G. BENNETT, *Secretary*,
By H. M. ROSE, *Assistant Secretary*.

Accordingly the following Senators were appointed as members of the subcommittee: WILLIAM ALDEN SMITH, Michigan, chairman; GEORGE C. PERKINS, California; JONATHAN BOURNE, jr., Oregon; THEODORE E. BURTON, Ohio; F. M. SIMMONS, North Carolina; FRANCIS G. NEWLANDS, Nevada; DUNCAN U. FLETCHER, Florida.

WITNESSES EXAMINED.

We examined 82 witnesses upon various phases of this catastrophe, including the examination 53 British subjects or residents of Great Britain and 29 citizens of the United States or residents thereof.

We interrogated 2 general officers of the International Mercantile Marine Co., which owned the steamship *Titanic*—J. Bruce Ismay, of Liverpool, England, president, also a passenger on the ship on this voyage, and P. A. S. Franklin, of New York, vice president in the United States of the International Mercantile Marine Co.; all the surviving officers, 4 in number—Charles Herbert Lightoller, second officer, of Netley Abbey, Hampshire, England; Third Officer Herbert John Pitman, of Somerset, England; Fourth Officer Joseph Groles Boxhall, of Hull, England; and Fifth Officer Harold Godfrey Lowe, of North Wales; and 34 members of the crew, whose names are as follows:

Andrews, C. E., assistant steward, 145 Millbrook Road, Southampton.
Archer, Ernest, seaman, 59 Porchester Road, Southampton.
Barrett, Frederick, leading fireman, Southampton.
Brice, W., seaman, 11 Lower Canal Walk, Southampton.
Bride, H. S., telegrapher, London, England.
Bright, A. J., quartermaster, 105 Firgrove Road, Southampton.
Buley, E. J., seaman, 10 Cliff Road, Woolston, Southampton.
Burke, W., saloon steward, 57 Bridge Road, Southampton.
Clench, F., seaman, 10 The Flats Chantry Road, Southampton.
Collins, J., assistant cook, 65 Ballycarry, Belfast.
Crawford, A., bedroom steward, 22 Cranbury Avenue, Southampton.
Crowe, G. F., steward, 89 Milton Road, Southampton.
Cunningham, A., bedroom steward, 60 Charlton Road, Southampton.
Evans, F. O., seaman, 14 Bond Street, Southampton.
Etches, H. S., bedroom steward, 23a Gordon Avenue, Southampton.
Fleet, F., lookout (sailor), No. 9 Norman Road, Southampton.
Haines, Albert, boatswain's mate, No. 52 Groves Street, Southampton.
Hardy, J., steward, Oakleigh Holyrood Avenue, Highfield, Southampton.
Hemming, Samuel S., lamp trimmer, 31 Kingsley Road, Southampton.
Hitchens, Robert, quartermaster, 43 James Street, Southampton.
Hogg, G. A., lookout (sailor), 44 High Street, Southampton.
Jones, Thomas, seaman, 68 Wesfield, Liverpool.
Moore, G., seaman, 51 Graham Road, Southampton.
Olliver, A., quartermaster, 38 Anderson Road, Southampton.
Osman, F., seaman, 43 High Street, Itchen, Southampton.
Perkis, W. A., quartermaster, Victoria Road, Bitterne, Southampton.
Pitman, H. J., third officer, Castle Carry, Somerset, Southampton.
Ray, F. D., saloon steward, Palmer Park Avenue, Reading.
Rowe, G. T., quartermaster, 63 Henry Street, Gosport.
Symons, G., lookout (sailor), 55 Franchise Street, Weymouth.
Taylor, W. H., fireman, No. 2 Broad Street, Southampton.
Ward, W., saloon steward, 107 Millbrook Road, Southampton.
Wheelton, E., saloon steward, Norwood House, Shirecy, Southampton.
Widgery, J. (baths), 25 Rokeby Avenue, Redland, Bristol.

We took the testimony of 21 passengers of all classes (including President Ismay) and of 23 other witnesses on subjects related to our inquiry (including Vice President Franklin).

We held our sessions in New York and in Washington, and took testimony by deposition in other parts of the country and in the Dominion of Canada.

The results of our investigation may be stated as follows:

OWNERSHIP OF STEAMSHIP "TITANIC."

We find that the *Titanic* was a White Star steamer and was owned by the Oceanic Steam Navigation Co., of England, all the stock of which company is in turn owned by the International Navigation Co. (Ltd.), of England, and the stock of that company, in turn, is owned by the International Mercantile Marine Co., an American corporation organized under the laws of New Jersey.

INTERNATIONAL MERCANTILE MARINE CO.

Mr. J. Bruce Ismay, of Liverpool, England, is president of the International Mercantile Marine Co., and Mr. P. A. S. Franklin, of New York City, is vice president of that company in the United States.

The board of directors of the International Mercantile Marine Co. is composed of the following persons:

C. A. Griscom (chairman), E. C. Grenfell, John F. Archbold, John I. Waterbury, the Right Hon. Lord Pirrie, George W. Perkins, Charles Steele, J. Bruce Ismay (president), Percy Chubb, E. J. Berwind, Harold A. Sanderson, P. A. B. Widener, Charles F. Torrey, and J. P. Morgan, jr.

The International Mercantile Marine Co., through its various ramifications and constituent companies, owns the White Star Line, the American Line, the Red Star Line, the Atlantic Transport Line, the National Line, and the majority of the stock of the Leyland Line.

This company is capitalized as follows (in round numbers): $102,000,000 between the preferred and common shares; $52,000,000 of 4½ per cent bonds; $19,000,000 (about) of 5 per cent bonds; $7,000,000 (about) of underlying bonds.

The total stock and bonded liability is about $180,000,000.

This company owns and operates a fleet of about 125 vessels, with a total of about 1,150,000 tons register, doing a general transoceanic transportation business throughout the world.

GENERAL PARTICULARS OF STEAMSHIP "TITANIC."

The *Titanic* was built by Harland & Wolff, of Belfast, Ireland. No restriction as to limit of cost was placed upon the builders. She was launched May 31, 1911. She was a vessel of 46,328 tons register; her length was 882.6 feet, and her breadth was 92.6 feet. Her boat deck and bridge were 70 feet above the water line. She was, according to the testimony of President Ismay, "especially constructed to float with her two largest water-tight compartments full of water."

The vessel, fully equipped, cost £1,500,000 sterling, or about $7,500,000.

At the time of the accident the vessel carried insurance of £1,000,000 sterling, or about $5,000,000, the remaining risk being carried by the company's insurance fund.

The *Titanic* was a duplicate of the *Olympic*, which is owned by the same company, with the single exception of her passenger accommodations, and was built to accommodate 2,599 passengers, with additional accommodations for officers and crew numbering 903 persons.

TRIAL TESTS OF STEAMSHIP "TITANIC."

The committee finds from the evidence that between six and seven hours was spent in making trial tests of this vessel at Belfast Lough on Monday, the 1st day of April last. A few turning circles were made, compasses adjusted, and she steamed a short time under approximately a full head of steam, but the ship was not driven at her full speed. One general officer of the steamship company was on board during the trial tests, while the builders were represented by Mr. Thomas Andrews, who had superintended the building of the vessel. Mr. Andrews conducted certain tests at Southampton and represented the builders both at Southampton and on the first voyage.

With a partial crew, the ship sailed from Belfast immediately after the trial, for Southampton, where she arrived on Wednesday, April 3, about midnight. She made fast with her port side to the wharf, where she remained until April 10, about 12 o'clock noon, when she sailed for Cherbourg, Queenstown, and New York.

ONLY TWO LIFEBOATS LOWERED.

Many of the crew did not join the ship until a few hours before sailing, and the only drill while the vessel lay at Southampton or on the voyage consisted in lowering two lifeboats on the starboard side into the water, which boats were again hoisted to the boat deck within a half hour. No boat list designating the stations of members of the crew was posted until several days after sailing from Southampton, boatmen being left in ignorance of their proper stations until the following Friday morning.

CERTIFICATE OF BRITISH BOARD OF TRADE.

On Wednesday morning, the day the ship sailed from Southampton, Capt. Clark, a representative of the British Board of Trade, came aboard and, after spending a brief time, issued the necessary certificate to permit sailing.

BOAT DAVITS AND LIFEBOATS OF THE STEAMSHIP "TITANIC."

The *Titanic* was fitted with 16 sets of double-acting boat davits of modern type, capable of handling 2 or 3 boats per set of davits. The davits were thus capable of handling 48 boats, whereas the ship carried but 16 lifeboats and 4 collapsibles, fulfilling all the requirements of the British Board of Trade. The *Titanic* was provided with 14 lifeboats, of capacity for 65 persons each, or 910 persons; 2 emergency sea boats, of capacity for 35 persons each, or 70 persons; 4 collapsible boats, of capacity for 49 persons each, or 196 persons. Total lifeboat capacity, 1,176. There was ample life-belt equipment for all.

DEPARTURE OF THE STEAMSHIP "TITANIC."

The ship left Southampton Wednesday, April 10, at 12.15 p. m., with the ship's complement of officers and crew (see Exhibit A) numbering 899 persons. As the *Titanic* left the wharf at Southampton the moorings of the *New York* were carried away by the backwash from the *Titanic's* starboard propeller, causing a delay of about half an hour.

PASSENGER LIST AND SURVIVORS OF STEAMSHIP "TITANIC."

The *Titanic* arrived at Cherbourg late the same afternoon. The *Titanic* left Cherbourg and proceeded to Queenstown, Ireland, arriving there on Thursday about midday, departing for New York immediately after embarking the mails and passengers. Her passenger list was made up as follows:

First-class passengers who sailed on the *Titanic:*	
Women and children	156
Men	173
Total	329
First-class passengers, survivors:	
Women and children	145
Men	54
Total	199
First-class passengers lost:	
Women and children	11
Men	119
Total	130
Second-class passengers who sailed on the *Titanic:*	
Women and children	128
Men	157
Total	285
Second-class passengers, survivors:	
Women and children	104
Men	15
Total	119
Second-class passengers lost:	
Women and children	24
Men	142
Total	166
Third-class passengers who sailed on the *Titanic:*	
Women and children	224
Men	486
Total	710
Third-class passengers, survivors:	
Women and children	105
Men	69
Total	174
Third-class passengers lost:	
Women and children	119
Men	417
Total	536

SUMMARY OF PASSENGERS AND SURVIVORS.

Including the crew, the *Titanic* sailed with 2,223 persons aboard, of whom 1,517 were lost and 706 were saved. It will be noted in this connection that 60 per cent of the first-class passengers were saved, 42 per cent of the second-class passengers were saved, 25 per cent of the third-class passengers were saved, and 24 per cent of the crew were saved.

	On board.			Saved.			Lost.			Per cent saved.
	Women and children.	Men.	Total.	Women and children.	Men.	Total.	Women and children.	Men.	Total.	
Passengers:										
First class	156	173	329	145	54	199	11	119	130	60
Second class	128	157	285	104	15	119	24	142	166	42
Third class	224	486	710	105	69	174	119	417	536	25
Total passengers	508	816	1,324	354	138	492	154	678	832	
Crew	23	876	899	20	194	214	3	682	685	24
Total	531	1,692	2,223	374	332	706	157	1,360	1,517	32

(See Exhibit B for full names and addresses of passengers rescued and passengers lost.)

WEATHER CONDITIONS DURING VOYAGE.

During the entire voyage the weather was clear, with the single exception of 10 minutes of fog, and the sea was calm throughout the voyage, with sunshine the whole of each day and bright starlight every night. No untoward incident marred the trip. Greetings were frequently exchanged with passing vessels by appropriate signals.

ICE WARNINGS.

On the third day out ice warnings were received by the wireless operators on the *Titanic*, and the testimony is conclusive that at least three of these warnings came direct to the commander of the *Titanic* on the day of the accident, the first about noon, from the *Baltic*, of the White Star Line. It will be noted that this message places icebergs within 5 miles of the track which the *Titanic* was following, and near the place where the accident occurred. The message from the commander of the *Baltic* is as follows (p. 1058):

STEAMSHIP "BALTIC," *April 14, 1912.*

Capt. SMITH, *Titanic:*

Have had moderate variable winds and clear fine weather since leaving. Greek steamer *Athinai* reports passing icebergs and large quantity of field ice to-day in latitude 41.51 north, longitude 49.52 west. Last night we spoke German oil tank *Deutschland*, Stettin to Philadelphia, not under control; short of coal; latitude 40.42 north, longitude 55.11. Wishes to be reported to New York and other steamers. Wish you and *Titanic* all success.

COMMANDER.

The second message was received by the *Titanic* from the *Californian*, of the Leyland Line, at 5.35 p. m. New York time, Sunday afternoon, reporting ice about 19 miles to the northward of the track which the *Titanic* was following. This message was as follows (p. 735):

Latitude 42.3 north, longitude 49.9 west. Three large bergs 5 miles to southward of us. Regards. (Sig.) Lord.

The third message was transmitted from the *Amerika* via the *Titanic* and Cape Race to the Hydrographic Office in Washington, D. C., reporting ice about 19 miles to the southward of the course being followed by the *Titanic*, and reads as follows (p. 507):

STEAMSHIP "AMERIKA," VIA "TITANIC" AND CAPE RACE, N. F., *April 14, 1912.*

HYDROGRAPHIC OFFICE, *Washington, D. C.:*

Amerika passed two large icebergs in 41.27 N., 50.8 W., on the 14th of April.

K. N. U. T.

This message was actually received at the Hydrographic Office in Washington at 10.51 p. m., April 14.

The fourth message was sent to the *Titanic* at 9.05 p. m. New York time, on Sunday, the 14th of April, approximately an hour before the accident occurred. The message reads as follows:

"We are stopped and surrounded by ice."

To this the operator of the *Titanic* replied:

"Shut up. I am busy. I am working Cape Race."

While this was the last message sent by the *Californian* to the *Titanic*, the evidence shows that the operator of the *Californian* kept the telephones on his head, and heard the *Titanic* talking to Cape Race up to within a few minutes of the time of the accident, when he "put the phones down, took off his clothes, and turned in."

The *Baltic's* operator on that Sunday overheard ice reports going to the *Titanic* from the *Prinz Friedrich Wilhelm*, and from the *Amerika* (p. 1059), while the *Carpathia* on the same day overheard the *Parisian* talking about ice with other ships (p. 497).

ICE BOTH TO NORTHWARD AND SOUTHWARD STEAMSHIP "TITANIC'S" TRACK.

This enables the committee to say that the ice positions so definitely reported to the *Titanic* just preceding the accident located ice on both sides of the track or lane which the *Titanic* was following, and in her immediate vicinity. No general discussion took place among

the officers; no conference was called to consider these warnings; no heed was given to them. The speed was not relaxed, the lookout was not increased, and the only vigilance displayed by the officer of the watch was by instructions to the lookouts to keep "a sharp lookout for ice." It should be said, however, that the testimony shows that Capt. Smith remarked to Officer Lightoller, who was the officer doing duty on the bridge until 10 o'clock ship's time, or 8.27 o'clock New York time, "If it was in a slight degree hazy there would be no doubt we should have to go very slowly" (p. 67), and "If in the slightest degree doubtful, let me know." The evidence is that it was exceptionally clear. There was no haze, and the ship's speed was not reduced.

SPEED.

The speed of the *Titanic* was gradually increased after leaving Queenstown. The first day's run was 464 miles, the second day's run was 519 miles, the third day's run was 546 miles. Just prior to the collision the ship was making her maximum speed of the voyage—not less than 21 knots, or 24¼ miles per hour.

THE COLLISION.

At 11.46 p. m. ship's time, or 10.13 p. m. New York time, Sunday evening, April 14, the lookout signaled the bridge and telephoned the officer of the watch, "Iceberg right ahead." The officer of the watch, Mr. Murdock, immediately ordered the quartermaster at the wheel to put the helm "hard astarboard," and reversed the engines; but while the sixth officer standing behind the quartermaster at the wheel reported to Officer Murdock "The helm is hard astarboard," the *Titanic* struck the ice (pp. 229 and 450). The impact, while not violent enough to disturb the passengers or crew, or to arrest the ship's progress, rolled the vessel slightly and tore the steel plating above the turn of the bilge.

FIRST DAMAGE REPORTED.

The testimony shows that coincident with the collision air was heard whistling or hissing from the overflow pipe to the forepeak tank, indicating the escape of air from that tank because of the inrush of water. Practically at once, the forepeak tank, No. 1 hold, No. 2 hold, No. 3 hold, and the forward boiler room, filled with water, the presence of which was immediately reported from the mail room and the racquet court and trunk room in No. 3 hold, and also from the firemen's quarters in No. 1 hold. Leading Fireman Barret saw the water rushing into the forward fireroom from a tear about 2 feet above the stokehold floor plates and about 20 feet below the water line, which tear extended 2 feet into the coal bunker at the forward end of the second fireroom.

SERIOUS NATURE OF DAMAGE REALIZED.

The reports received by the captain after various inspections of the ship must have acquainted him promptly with its serious condition, and when interrogated by President Ismay, he so expressed himself. It is believed, also, that this serious condition was promptly realized by the chief engineer and by the builders' representative, Mr. Andrews, none of whom survived.

FLOODING OF THE VESSEL.

Under this added weight of water the bow of the ship sank deeper and deeper into the water, and through the open hatch leading from the mail room, and through other openings, water promptly overflowed E deck, below which deck the third, fourth, fifth, sixth, seventh, and eighth transverse bulkheads ended, and thus flooded the compartments abaft No. 3 hold.

WATER-TIGHT COMPARTMENTS.

The *Titanic* was fitted with 15 transverse water-tight bulkheads, only 1, the first bulkhead from forward, extended to the uppermost continuous deck, C; bulkheads Nos. 2, 10, 11, 12, 13, 14, and 15 extended to the second continuous deck, D; and bulkheads Nos. 3, 4, 5, 6, 7, 8, and 9 extended only to the third continuous deck, E. The openings through deck E were not designed for water-tight closing, as the evidence shows that flooding over deck E contributed largely to the sinking of the vessel. The bulkheads above described divided the ship into 16 main water-tight compartments, and the ship was so arranged that any 2 main compartments might be flooded without in any way involving the safety of the ship. As before stated, the testimony shows that the 5 extreme forward compartments were flooded practically immediately, and under such circumstances, by reason of the nonwater-tight character of the deck at which the transverse bulkheads ended, the supposedly water-tight compartments were not water-tight, and the sinking of the vessel followed.

DISTRESS CALLS SENT OUT.

No general alarm was sounded, no whistle blown, and no systematic warning was given the passengers. Within 15 or 20 minutes the captain visited the wireless room and instructed the operator to get assistance, sending out the distress call, C. Q. D.

DISTRESS CALLS HEARD.

This distress call was heard by the wireless station at Cape Race that evening at 10.25 p. m. New York time, together with the report that she had struck an iceberg, and at the same time was accidentally overheard by the *Mount Temple*, which ship was immediately turned around (p. 760) toward the *Titanic*. Within two or three minutes a reply was received from the *Frankfurt*. Within 10 minutes the wireless operator of the *Carpathia* fortunately and largely by chance heard the *Titanic's* C. Q. D. call (pp. 901 and 929), which he reported at once to the bridge and to the captain. The *Carpathia* was immediately turned around (p. 19) and reported her latitude and longitude to the *Titanic*, together with the fact that she was steaming full speed toward the stricken ship (pp. 148 and 901). The *Frankfurt*, however, did not give her latitude or longitude, and after waiting 20 minutes asked the operator of the *Titanic*, "What is matter?" To this the *Titanic* operator replied that he was a fool (pp. 151 and 153).

In view of the fact that no position had been given by the *Frankfurt*, and that her exact distance from the *Titanic* was unknown at that time, the answer of the operator of the *Titanic* was scarcely such as prudence would have dictated. Notwithstanding this, however, the *Frankfurt* was overheard by the *Mount Temple* to report, "Our captain will go for you" (p. 929). Communication was promptly established with the *Olympic* and the *Baltic* (pp. 151, 158, and 901), and the *Caronia*, some 800 miles to the eastward, overheard the *Titanic's* C. Q. D. call. The wireless messages of the *Titanic* were recorded in part by the Cape Race station (p. 175) and by the *Mount Temple* (p. 929), and in part by the *Baltic* (pp. 1059 and 1060). The *Mount Temple* last heard the *Titanic* after the accident at 11.47 p. m. New York time (p. 929). The *Baltic* and the *Carpathia* lost touch about the same time, the last message they received being "Engine room getting flooded" (pp. 107 and 1060). The *Virginian* last heard the *Titanic's signals* at 12.27 New York time, and reported them blurred, and ending abruptly (p. 175).

FIRST PRESS REPORT.

This information is contained in a report received by the Associated Press from Cape Race, and communicated by them to the public and also to Vice President Franklin of the White Star Line, and later verified from his office in Montreal, as follows (p. 1022):

CAPE RACE, NEW BRUNSWICK,
Sunday night, April 14.

At 10.25 o'clock to-night the White Star Line steamship *Titanic* called "C. Q. D." to the Marconi wireless station here and reported having struck an iceberg. The steamer said that immediate assistance was required.

Half an hour afterwards another message came, reporting that they were sinking by the head, and that women were being put off in the lifeboats.

The weather was calm and clear, the *Titanic's* wireless operator reported, and gave the position of the vessel as 41.46 north latitude and 50.14 west longitude.

The Marconi station at Cape Race notified the Allan liner *Virginian*, the captain of which immediately advised that he was proceeding for the scene of the disaster.

The *Virginian* at midnight was about 170 miles distant from the *Titanic* and expected to reach that vessel about 10 a. m. Monday.

2 A. M. MONDAY.

The *Olympic* at an early hour this (Monday) morning was in latitude 40.32 north and longitude 61.18 west. She was in direct communication with the *Titanic* and is now making all haste toward her.

The steamship *Baltic* also reported herself as about 200 miles east of the *Titanic* and was making all possible speed toward her.

The last signals from the *Titanic* were heard by the *Virginian* at 12.27 a. m.

The wireless operator on the *Virginian* says these signals were blurred and ended abruptly.

VESSELS IN VICINITY OF STEAMSHIP "TITANIC."

At this time the committee thinks it advisable to invite attention to the reported positions of the vessels in the vicinity of the *Titanic* when her calls of distress were being sent out.

The *Californian*, of the Leyland Line, west bound, was in latitude 42° 05′ north, longitude 50° 07′ west, and was distant in a northerly direction 19½ miles according to the captain's figures (p. 716).

The *Mount Temple*, of the Canadian Pacific Railroad line, west bound, was in latitude 41° 25′ north, longitude 51° 14′ west, and was about 49 miles to the westward of the *Titanic* (pp. 759 and 760) and on her return to the *Titanic's* position passed an unknown schooner.

The *Carpathia*, of the Cunard Line, east bound, was 58 miles away, and she steered a course north 52° west to reach the *Titanic* (p. 20).

The *Birma*, a Russian ship, was 70 miles off at 12.25 a. m. on Monday, the 15th of April (pp. 780 and 929).

The *Frankfurt*, of the North German Lloyd Line, east bound, was in latitude 39° 47′ north, longitude 52° 10′ west, 153 miles to the southwest (p. 772).

The *Virginian* at midnight was about 170 miles distant from the *Titanic* (p. 175).

The *Baltic*, of the White Star Line, east bound, was about 243 miles southeast of the *Titanic's* position at about 11 o'clock Sunday evening, New York time (p. 1053).

The *Olympic*, of the White Star Line, east bound, at 12.14, New York time, was about 512 miles to the westward, in latitude 40° 22′ north, longitude 61° 18′ west (p. 771).

STEAMSHIP LIGHT SEEN FROM STEAMSHIP "TITANIC."

Sixteen witnesses from the *Titanic*, including officers and experienced seamen, and passengers of sound judgment, testified to seeing the light of a ship in the distance, and some of the lifeboats were directed to pull for that light, to leave the passengers, and to return to the side of the *Titanic*. The *Titanic* fired distress rockets and attempted to signal by electric lamp and Morse code to this vessel. At about the same time the officers of the *Californian* admit seeing rockets in the general direction of the *Titanic* and say that they immediately displayed a powerful Morse lamp, which could be easily seen a distance of 10 miles, while several of the crew of the *Californian* testify that the side lights of a large vessel going at full speed were plainly visible from the lower deck of the *Californian* at 11.30 p. m., ship's time, just before the accident. There is no evidence that any rockets were fired by any vessel between the *Titanic* and the *Californian*, although every eye on the *Titanic* was searching the horizon for possible assistance.

THE STEAMSHIP "CALIFORNIAN'S" RESPONSIBILITY.

The committee is forced to the inevitable conclusion that the *Californian*, controlled by the same company, was nearer the *Titanic* than the 19 miles reported by her captain, and that her officers and crew saw the distress signals of the *Titanic* and failed to respond to them in accordance with the dictates of humanity, international usage, and the requirements of law. The only reply to the distress signals was a counter signal from a large white light which was flashed for nearly two hours from the mast of the *Californian*. In our opinion such conduct, whether arising from indifference or gross carelessness, is most reprehensible and places upon the commander of the *Californian* a grave responsibility. The wireless operator of the *Californian* was not aroused until 3.30 a. m., New York time, on the morning of the 15th, after considerable conversation between officers and members of the crew had taken place abroad that ship regarding these distress signals or rockets, and was directed by the chief officer to see if there was anything the matter, as a ship had been firing rockets during the night (p. 736). The inquiry thus set on foot immediately disclosed the fact that the *Titanic* had sunk. Had assistance been promptly proffered, or had the wireless operator of the *Californian* remained a few minutes longer at his post on Sunday evening, that ship might have had the proud distinction of rescuing the lives of the passengers and crew of the *Titanic*.

INTERNATIONAL SIGNALS OF DISTRESS AT SEA.

The committee deems it important to emphasize the meaning of signals of distress and includes in its report the international code, which is as follows.

Signals of distress.

When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately:

In the daytime.

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) The international code signal of distress indicated by NC.

(3) The distant signal, consisting of square flag, having either above or below it a ball or anything resembling a ball. (This is purely a code signal, and is not one of the signals of distress given in the Rules of the Road, the needless exhibition of which entails penalties upon the master of the vessel displaying it.)

(4) The distant signal, consisting of a cone, point upward, having either above it or below it a ball or anything resembling a ball.

(5) A continuous sounding with any fog-signal apparatus.

At night.

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

(3) Rockets or shells, throwing stars of any color or description, fired one at a time at short intervals.

(4) A continuous sounding with any fog-signal apparatus.

STEAMSHIP "TITANIC'S" LIFEBOATS CLEARED AWAY.

When Capt. Smith received the reports as to the water entering the ship he promptly gave the order to clear away the lifeboats (p. 233), and later orders were given to put women and children into the boats. During this time distress rockets were fired at frequent intervals.

The lack of preparation was at this time most noticeable. There was no system adopted for loading the boats; there was great indecision as to the deck from which boats were to be lowered; there was wide diversity of opinion as to the number of the crew necessary to man each boat; there was no direction whatever as to the number of passengers to be carried by each boat, and no uniformity in loading them. On one side only women and children were put in the boats, while on the other side there was almost an equal proportion of men and women put into the boats, the women and children being given the preference in all cases. The failure to utilize all lifeboats to their recognized capacity for safety unquestionably resulted in the needless sacrifice of several hundred lives which might otherwise have been saved.

CAPACITY OF LIFEBOATS NOT UTILIZED.

The vessel was provided with lifeboats, as above stated, for 1,176 persons, while but 706 were saved. Only a few of the ship's lifeboats were fully loaded, while others were only partially filled. Some were loaded at the boat deck and some at the A deck, and these were successfully lowered to the water. The twentieth boat was washed overboard when the forward part of the ship was submerged, and in its overturned condition served as a life raft for about 30 people, including Second Officer Lightoller. Wireless Operators Bride and Phillips (the latter dying before rescue), passengers Col. Gracie and Mr. Jack Thayer, and others of the crew, who climbed upon it from the water at about the time the ship disappeared.

LIFEBOAT DEVICES.

Had the sea been rough it is questionable whether any of the lifeboats of the *Titanic* would have reached the water without being damaged or destroyed. The point of suspension of the *Titanic's* boats was about 70 feet above the level of the sea. Had the ship been rolling heavily the lifeboats as they were lowered would have swung out from the side of the ship as it rolled toward them and on the return roll would have swung back and crashed against its side. It is evident from the testimony that as the list of the *Titanic* became noticeable the lifeboats scraped against the high side as they were being lowered. Every effort should be made to improve boat-handling devices and to improve the control of boats while being lowered.

CONFLICT IN LIFEBOAT REPORTS.

In the reports of the survivors there are marked differences of opinion as to the number carried by each lifeboat. In lifeboat No. 1, for instance, one survivor reports 10 in all. The seaman in charge reports 7 of the crew and 14 to 20 passengers (p. 574). The officer who loaded this boat estimated that from 3 to 5 women and 22 men were aboard (pp. 404 and 405). Accepting the minimum report as made by any one survivor in every boat, the total far exceeds the actual number picked up by the *Carpathia*.

NO DISTINCTION BETWEEN PASSENGERS.

The testimony is definite that, except in isolated instances, there was no panic. In loading boats no distinction was made between first, second, and third class passengers, although the proportion of lost is larger among third-class passengers than in either of the other classes. Women and children, without discrimination, were given preference.

Your committee believes that under proper discipline the survivors could have been concentrated into fewer boats after reaching the water, and we think that it would have been possible to have saved many lives had those in charge of boats thus released returned promptly to the scene of the disaster.

CONDUCT ON LIFEBOATS.

After lowering, several of the boats rowed many hours in the direction of the lights supposed to have been displayed by the *Californian*. Other boats lay on their oars in the vicinity of the sinking ship, a few survivors being rescued from the water. After distributing his passengers among the four other boats which he had herded together, and after the cries of distress had died away, Fifth Officer Lowe, in boat No. 14, went to the scene of the wreck and rescued four living passengers from the water, one of whom afterwards died in the lifeboat, but was identified. Officer Lowe then set sail in boat No. 14, took in tow one collapsible boat, and proceeded to the rescue of passengers on another collapsible lifeboat.

The men who had taken refuge on the overturned collapsible lifeboat were rescued, including Second Officer Lightoller and passengers Gracie and Thayer, and Wireless Operators Bride and Phillips, by lifeboats No. 4 and No. 12, before the arrival of the *Carpathia*. The fourth collapsible lifeboat was rowed to the side of the *Carpathia*, and contained 28 women and children, mostly third-class passengers, 3 firemen, 1 steward, 4 Filipinos, President Ismay, and Mr. Carter, of Philadelphia, and was in charge of Quartermaster Rowe.

SHIP SINKING.

The ship went down gradually by the bow, assuming an almost perpendicular position just before sinking at 12.47 a. m., New York time, April 15. There have been many conflicting statements as to whether the ship broke in two, but the preponderance of evidence is to the effect that she assumed an almost end-on position and sank intact.

NO SUCTION.

The committee deems it of sufficient importance to call attention to the fact that as the ship disappeared under the water there was no apparent suction or unusual disturbance of the surface of the water. Testimony is abundant that while she was going down there was not sufficient suction to be manifest to any of the witnesses who were in the water or on the overturned collapsible boat or on the floating débris, or to the occupants of the lifeboats in the vicinity of the vessel, or to prevent those in the water, whether equipped with life belts or not, from easily swimming away from the ship's side while she was sinking.

CAPTAIN ROSTRON.

The committee invites your attention to the course followed by Captain Rostron, commanding the *Carpathia*. Immediately upon the receipt of the wireless call of distress Captain Rostron gave the order to turn the ship around and set a definite course toward the *Titanic* and instructed the chief engineer to call another watch of stokers and make all possible speed to that ship.

Realizing the possible presence of ice, because of the collision, Captain Rostron doubled his lookouts and exerted extra vigilance, putting an extra lookout on duty forward and having another officer on the bridge. The captain immediately instructed the first officer to "prepare all our lifeboats and have them all ready for turning outboard." He further sent for the heads of the different departments and issued the following order, which the committee deem of sufficient importance to quote in full:

English doctor, with assistants, to remain in first-class dining room.

Italian doctor, with assistants, to remain in second-class dining room.

Hungarian doctor, with assistants, to remain in third-class dining room.

Each doctor to have supplies of restoratives, stimulants, and everything to hand for immediate needs of probable wounded or sick.

Purser, with assistant purser and chief steward, to receive the passengers, etc., at different gangways, controlling our own stewards in assisting *Titanic* passengers to the dining rooms, etc.; also to get Christian and surnames of all survivors as soon as possible to send by wireless.

Inspector, steerage stewards, and master at arms to control our own steerage passengers and keep them out of the third-class dining hall, and also to keep them out of the way and off the deck to prevent confusion.

Chief steward: That all hands would be called and to have coffee, etc., ready to serve out to all our crew.

Have coffee, tea, soup, etc., in each saloon, blankets in saloons, at the gangways, and some for the boats.

To see all rescued cared for and immediate wants to be attended to.

My cabin and all officials' cabins to be given up. Smoke rooms, library, etc., dining rooms, would be utilized to accommodate the survivors.

All spare berths in steerage to be utilized for *Titanic's* passengers, and get all our own steerage passengers grouped together.

Stewards to be placed in each alleyway to reassure our own passengers, should they inquire about noise in getting our boats out, etc., or the working of engines.

To all I strictly enjoined the necessity for order, discipline, and quietness, and to avoid all confusion.

Chief and first officers: All the hands to be called, get coffee, etc. Prepare and swing out all boats.

All gangway doors to be opened.

Electric sprays in each gangway and over side.

A block with line rove hooked in each gangway.

A chair sling at each gangway for getting up sick or wounded.

Boatswains' chairs, pilot ladders, and canvas ash bags to be at each gangway, the canvas ash bags for children.

Cargo falls with both ends clear, bowlines in the ends and bights secured along ship's sides for boat ropes or to help the people up.

Heaving lines distributed along the ship's side and gaskets handy near gangways for lashing people in chairs, etc.

Forward derricks topped and rigged and steam on winches; also told off officers for different stations and for certain eventualities.

Ordered company's rockets to be fired at 2.45 a. m. and every quarter of an hour after to reassure *Titanic*.

The committee deems the course followed by Capt. Rostron of the *Carpathia* as deserving of the highest praise and worthy of especial recognition. Capt. Rostron fully realized all the risk involved. He doubled his lookouts, doubled his fireroom force, and notwithstanding such risk pushed his ship at her very highest limit of speed through the many dangers of the night to the relief of the stricken vessel. His detailed instructions issued in anticipation of the rescue of the *Titanic* are a marvel of systematic preparation and completeness, evincing such solicitude as calls for the highest commendation. The precautions he adopted enabled him to steer his course between and around icebergs until he stopped his engines at 4 o'clock in the morning in the vicinity of the accident, where he proceeded to pick up the *Titanic's* lifeboats with the survivors.

ON THE SCENE OF THE WRECK.

The first boat was picked up at 4.10 a. m. Monday, and the last of the survivors was on board by 8.30 a. m., after which Capt. Rostron made arrangements "to hold service, a short prayer of thankfulness for those rescued, and a short burial service for those who were lost."

Upon the arrival of the *Californian* upon the scene, about 8 o'clock in the morning, the captain of the *Carpathia* communicated with her commander, stating that all of the passengers had been rescued from the boats but that he thought one was still unaccounted for; and arrangements were made whereby the *Californian* made an exhaustive search in the vicinity for this missing boat.

Capt. Rostron stated that the *Carpathia* picked up 15 lifeboats and 2 collapsible boats. Evidence was given before the committee by at least one occupant of every lifeboat, satisfying the committee that the 16 lifeboats with which the *Titanic* was equipped were all accounted for. Thirteen of these lifeboats were hoisted on board and carried to New York by the *Carpathia*.

After arranging for a thorough search of the vicinity by the *Californian*, Capt. Rostron headed his vessel for New York, reporting immediately by wireless to the officials of his company in New York, as follows:

NEW YORK, latitude 41.45; longitude 50.20 west.—Am proceeding New York, unless otherwise ordered, with about 800, after having consulted with Mr. Ismay and considering the circumstances. With so much ice about consider New York best. Large number icebergs and 20 miles field ice with bergs amongst.

BODIES NOT VISIBLE.

The committee directs attention to the fact that Captain Rostron, of the *Carpathia*, although four hours in the vicinity of the accident, saw only one body, and that Captain Lord, of the *Californian*, who remained three hours in the vicinity of the wreckage, saw none. The failure of the captain of the *Carpathia*, of the captain of the *Californian*, and of the captain of the *Mount Temple* to find bodies floating in that vicinity in the early morning of the day following can only be accounted for on the theory that those who went down with the ship either did not rise to the surface or were carried away or hidden by the extensive ice floe which during the night came down over the spot where the ship disappeared, while those bodies which have been found remote from the place where the ship went down were probably carried away from the scene by the currents or by the movement of the ice.

WIRELESS SERVICE.

Numerous wireless messages of an official character were given to the operator on the *Carpathia* on Monday morning, April 15, with explicit instructions from the captain to send them immediately, and, if necessary, relay through other vessels.

Captain Rostron's testimony on this point before the committee on April 19, 1912, the day following his arrival in New York, is unqualified upon this point, and is as follows:

"From the very commencement I took charge of the whole thing and issued orders that every message sent would be sent under my authority, and no message was to be sent unless authorized by me. My orders were: First of all, the two official messages. The two official messages were to the Cunard Co. and the White Star Co., as regards the accident, telling them that I had gotten approximate number of passengers aboard and was returning to New York. That was to the White Star Co., and the other one was to our company, of course, telling them that I was proceeding to New York unless otherwise ordered, and considered New York the best for many considerations.

"After those two messages were sent, I sent a press message to the Associated Press, practically in the same words as I had sent to the companies, over my signature.

"Those were the three first messages that were sent. After these messages were sent, we began sending in the names of the first-class passengers. This was by the *Olympic* on Monday evening. We got the first, and, I think, all the second, off by the *Olympic*. Then we lost touch.

"I controlled the whole thing through my orders. I said I placed official messages first. After they had gone and the first press message, then the names of the passengers. After the names of the passengers and crew had been sent my orders were to send all private messages from the *Titanic's* passengers first in the order in which they were given in to the purser; no preference to any message."

The question having arisen as to the authority exercised over the operator of the *Carpathia*, the chairman of the subcommittee sent the following cablegram to Captain Rostron.

NEW YORK, *May 4, 1912.*

To Captain ROSTRON,
Cunard Steamship "Carpathia," Gibraltar:

Original wireless message sent by Bruce Ismay addressed Islefrank, New York City, immediately after he boarded *Carpathia* Monday morning, April 15, containing these words, "Deeply regret advise you *Titanic* sank this morning after collision iceberg, resulting serious loss life. Further particulars later," signed Bruce Ismay, is now in my possession. Ismay under oath waived secrecy, and I desire cable from you containing contents of that message and any memoranda thereon showing hour and date when sent by *Carpathia* operator and through what ship or shore station. Also whether relayed through other ship station. Also whether operator was forbidden by you to communicate such message or any other message via steamships *Californian* and *Olympic*. Also whether operator was prevented by you from sending this message or any other concerning accident. Cable answer collect to me, Washington.

WILLIAM ALDEN SMITH,
Chairman Senate Subcommittee.

And received the following reply:

GIBRALTAR, *May 18, 1912.*

Senator WILLIAM ALDEN SMITH,
Chairman Senate Subcommittee, Washington:

Ismay's telegram begins "Islefrank, New York; deeply regret advise you *Titanic* sunk this morning, 15th, after collision with iceberg, resulting serious loss of life; further particulars later. Bruce Ismay, Exe." (ends). Purser asked my permission to send it, which I granted. As it was official message, Ismay mentally very ill at time, our purser asked him to add last three words; now find sent through Sable Island 17th April. Message given to purser afternoon of 15th; purser took message to Operator Cottam personally and gave my permission to send early as possible. I did not forbid relaying message to any ship. On contrary, particularly mentioned doing all possible to get official messages, names of survivors, then survivors' messages away by most convenient means. By *Olympic* were sent my messages signed by self to Cunard, Liverpool, and New York, White Star, and press messages, Ismay's, almost identical with mine; worked *Olympic* as long as possible. Only messages I prevented sending were further press messages. I desire full investigation my actions.

ROSTRON.

10.40 p. m.

Notwithstanding the specific instructions of the captain to the wireless operator on the morning of April 15 regarding the transmission of Mr. Ismay's message to Mr. Franklin in New York, the evidence shows that the message in question was not received by Mr. Franklin until about 9 o'clock Wednesday morning, April 17. The original message, in the possession of the committee, shows that the message was transmitted from the *Carpathia*, April 17, via Halifax. Our investigation discloses the fact that the message was delivered to Mr. Franklin in New York promptly after its receipt by the Postal Telegraph & Cable Co.

The message in question is as follows:

STEAMSHIP CARPATHIA, *April 17, 1912 (via Halifax).*

ISLEFRANK, *N. Y. C.:*

Deeply regret advise you *Titanic* sank this morning, after collision iceberg, resulting serious loss life. Further particulars later.

BRUCE ISMAY.

This message was received by Mr. Franklin in New York about 9 a. m. April 17.

PUBLIC INFORMATION.

The record further discloses the first official information concerning the disaster communicated to the public by the officials of the White Star Line was received from Capt. Haddock, of the *Olympic*, at 6.16 p. m. Monday, April 15, as follows:

Carpathia reached *Titanic's* position at daybreak. Found boats and wreckage only. *Titanic* had foundered about 2.20 a. m. in 41.16 north, 50.14 west. All her boats accounted for. About 675 souls saved, crew and passengers, latter nearly all women and children. Leyland Line steamship *Californian* remaining and searching position of disaster. *Carpathia* returning to New York with survivors; please inform Cunard.

HADDOCK.

Notwithstanding this information in possession of the officials of that company, a telegram was sent to Representative J. A. HUGHES, Huntington, W. Va., dated New York, April 15, 1912, reading as follows:

Titanic proceeding to Halifax. Passengers will probably land there Wednesday all safe.

WHITE STAR LINE.

8.27 p. m.

The committee have been unable to fix the identity of the author of this telegram. We find, however, that this message was delivered to the Western Union branch office, in the same building as the offices of the White Star Line, 11 Broadway, at 7.51 p. m. on that day, but are left wholly in doubt as to the person who sent it or the purpose of the author in sending such a message. Whoever sent this message, under the circumstances, is guilty of the most reprehensible conduct.

INFORMATION WITHHELD.

The committee does not believe that the wireless operator on the *Carpathia* showed proper vigilance in handling the important work confided to his care after the accident. Information concerning an accident at sea had been used by a wireless operator prior to this accident for his own advantage. That such procedure had been permitted by the Marconi Co. may have had its effect on this occasion. The disposition of officials of the Marconi Co. to permit this practice and the fact of that company's representatives making the arrangements for the sale of the experiences of the operators of the *Titanic* and *Carpathia* subjects the participants to criticism, and the practice should be prohibited. The committee are pleased to note that Mr. Marconi approves of such prohibition.

RECOMMENDATIONS.

The committee finds that this accident clearly indicates the necessity of additional legislation to secure safety of life at sea.

By statute the United States accepts reciprocally the inspection certificates of foreign countries having inspection laws approximating those of the United States. Unless there is early revision of inspection laws of foreign countries along the lines laid down hereinafter, the committee deems it proper that such reciprocal arrangements be terminated, and that no vessel shall be licensed to carry passengers from ports of the United States until all regulations and requirements of the laws of the United States have been fully complied with.

The committee recommends that sections 4481 and 4488, Revised Statutes, be so amended as to definitely require sufficient lifeboats to accommodate every passenger and every member of the crew. That the importance of this feature is recognized by the steamship lines is indicated by the fact that on many lines steps are being taken to provide lifeboat capacity for every person on board, including crew; and the fact of such equipment is being widely advertised. The president of the International Mercantile Marine Co., Mr. Ismay, definitely stated to the committee (p. 985):

"We have issued instructions that none of the ships of our lines shall leave any port carrying more passengers and crew than they have capacity for in the lifeboats."

Not less than four members of the crew, skilled in handling boats, should be assigned to every boat. All members of the crew assigned to lifeboats should be drilled in lowering and rowing the boats not less than twice each month, and the practice of such drill or practice should be noted in the log.

The committee recommends the assignment of passengers and crew to lifeboats before sailing; that occupants of certain groups of staterooms and the stewards of such groups of rooms be assigned to certain boats most conveniently located with reference to the rooms in question; the assignment of boats and the shortest route from stateroom to boat to be posted in every stateroom.

The committee recommends that every ocean steamship carrying 100 or more passengers be required to carry 2 electric searchlights.

The committee finds that this catastrophe makes glaringly apparent the necessity for regulation of radiotelegraphy. There must be an operator on duty at all times, day and night, to insure the immediate receipt of all distress, warning, or other important calls. Direct communication either by clear-speaking telephone, voice tube, or messenger must be provided between the wireless room and the bridge, so that the operator does not have to leave his station. There must be definite legislation to prevent interference by amateurs and to secure secrecy of radiograms or wireless messages. There must be some source of auxiliary power, either storage battery or oil engine, to insure the operation of the wireless installation until the wireless room is submerged.

The committee recommends the early passage of S. 6412, already passed by the Senate and favorably reported by the House.

The committee recommends that the firing of rockets or candles on the high seas for any other purpose than as a signal of distress be made a misdemeanor.

The committee recommends that the following additional structural requirements be required as regards ocean-going passenger steamers the construction of which is begun after this date:

All steel ocean and coastwise seagoing ships carrying 100 or more passengers should have a water-tight skin inboard of the outside plat-

ing, extending not less than 10 per cent of the load draft above the full-load water line, either in the form of an inner bottom or of longitudinal water-tight bulkheads, and this construction should extend from the forward collision bulkhead over not less than two-thirds of the length of the ship.

All steel ocean and coastwise seagoing ships carrying 100 or more passengers should have bulkheads so spaced that any two adjacent compartments of the ship may be flooded without destroying the flotability or stability of the ship. Water-tight transverse bulkheads should extend from side to side of the ship, attaching to the outside shell. The transverse bulkheads forward and abaft the machinery spaces should be continued water-tight vertically to the uppermost continuous structural deck. The uppermost continuous structural deck should be fitted water-tight. Bulkheads within the limits of the machinery spaces should extend not less than 25 per cent of the draft of the ship above the load water line and should end at a water-tight deck. All water-tight bulkheads and decks should be proportioned to withstand, without material permanent deflection, a water pressure equal to 5 feet more than the full height of the bulkhead. Bulkheads of novel dimensions or scantlings should be tested by being subjected to actual water pressure.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic."*

[In many cases the addresses given only represent the places in Southampton, etc., at which the members of the crew usually stayed, their permanent home addresses not being known.]

A.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Archer, E.	59 Porchester Road, Woolston, Southampton.	A. B.	Saved.
2. Anderson, J. (2 saved.)	1 Cozens Court, Southampton.	do.	Do.

ENGINE DEPARTMENT.

1. Allsop, A. S.	134 Malmesbury Road, Southampton.	Junior electrician.	
2. Adams, R.	168 Romsey Road, Southampton.	Fireman.	
3. Allen, H.	3 French Street, Southampton.	do.	
4. Allen, E.	9 Short Street, Southampton.	Trimmer.	Saved.
5. Avery, J.	122 Hills Road, Southampton.	do.	Do.
6. Abraham, C. (2 saved, 4 lost.)	3 Charles Street, Southampton.	Fireman.	

VICTUALING DEPARTMENT.

1. Ayling, E.	22 Wilton Street, Southampton.	Assistant vegetable cook.	
2. Allen, E.	32 Grove Street, Southampton.	Scullion.	
3. Andrews, C.	145 Millbrook Road, Southampton.	Assistant steward.	Saved.
4. Akermann, A.	25 Rochester Street, Northam, Southampton.	Steward.	
5. Ashcroft, A.	28 Canterbury Road, Seacombe, Cheshire.	Clerk.	
6. Allsop, F.	73 Obelisk Road, Woolston, Hants.	Saloon steward.	
7. Ashe, H.	15 Wyresdale Road, Liverpool.	G. H. steward.	
8. Ahler, P.	136 Northumberland Road, Southampton.	Saloon steward.	
9. Abbott, E.	98 Northumberland Road, Southampton.	Pantryman.	
10. Allan, F.	Short Street, Southampton.	Lift attendant.	
11. Allan, R.	Staying at Devonfield, Charlton Road, Shirley, Southampton.	Bedroom steward.	
12. Allaria, B.	9 Orchard Place, Southampton.	(R) Assistant waiter.	
13. Aspelagi, G.	76 St. Pauls Road, London, NW.	(R) Assistant plateman.	
14. Anderson, W.	12 Queens Terrace, Southampton.	Bedroom steward.	
15. Akerman, J. (1 saved, 14 lost.)	25 Rochester Street, Northam, Southampton.	Assistant pantryman.	

B.

DECK DEPARTMENT.

1. Brice, W.	11 Lower Canal Walk, Southampton.	A. B.	Saved.
2. Boxhall, J. G.	"Manora," Westbourne Avenue, Hull.	Fourth officer.	Do.
3. Bailey, W.	377 Portswood Road, Southampton.	Master at arms.	Do.
4. Bright, A.	105 Firgrove Road, Southampton.	Quartermaster.	Do.
5. Bradley, F.	25 Threefield Lane, Southampton.	A. B.	
6. Buley, E. (5 saved, 1 lost.)	10 Cliff Road, Woolston, Southampton.	do.	Do.

ENGINE DEPARTMENT.

1. Bell, J.	34 Canute Road, Southampton.	Chief engineer.	
2. Barlow, C.	10 St. Marys Road, Southampton.	Fireman.	
3. Beauchamp, G.	Redbridge Road, Southampton.	do.	Saved.
4. Biggs, E.	65 College Street, Southampton.	do.	
5. Baines, Rich.	9 Union Place, Southampton.	Greaser.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

B—Continued.

ENGINE DEPARTMENT—continued.

Name.	Address.	Rating.	
6. Barnes, Chas.	45 York Road, Southampton.	Fireman.	
7. Brown, J.	2 Russell Street, Southampton.	do.	
8. Bendell, T.	26 Woodley Road, Southampton.	do.	
9. Bessant, W.	30 Henry Road, Southampton.	do.	
10. Bennett, G.	3 Deal Street, Southampton.	do.	
11. Bannon, J.	9 St. George Street, Southampton.	Greaser.	
12. Barrett, F.	24 King Street, Southampton.	Leading fireman.	Saved.
13. Blake, T.	35 Peel Street, Northam, Southampton.	Fireman.	
14. Bailey, G. W.	16 Brook Road, Woolston, Southampton.	do.	
15. Barrett, F. W.	26 Bevois Street, Southampton.	do.	
16. Ball, W.	51 Brintons Road, Southampton.	do.	
17. Brooks, J.	128 Lyon Street, Southampton.	Trimmer.	
18. Bevis, J.	171 Empress Road, Southampton.	do.	
19. Brewer, H.	27 Palmerston Road, Southampton.	do.	
20. Bott, W.	6 Nichols Road, Southampton.	Greaser.	
21. Burroughs, A.	73 Adelaide Road, Southampton.	Fireman.	
22. Benville, E.	4 Orchard Lane, Southampton.	do.	
23. Blackman, H.	58 College Street, Southampton.	do.	
24. Blake, P.	18 Endle Street, Southampton.	Trimmer.	Do.
25. Black, D.	Sailors' Home, Southampton.	Fireman.	
26. Brown, J.	237 Desborough Road, Eastleigh.	do.	
27. Blaney, J.	Sailors' Home, Southampton.	do.	
28. Barnes, J.	Woodley Road, Woolston, Southampton.	do.	
29. Bradley, P.	4 Greens Court, Southampton.	do.	
30. Billows, J.	28 Bell Street, Southampton.	Trimmer.	
31. Blake, S.	Holyrood House, Southampton.	Mess steward.	
32. Burton, E.	24 Chapel Street, Southampton.	Fireman.	
33. Binstead, W.	49 Endle Street, Southampton.	Trimmer.	Do.
34. Brigge, W.	Sailors' Home, Southampton.	Fireman.	
35. Butt, W.	6 Cawte Road, Southampton.	do.	
36. Blann, E.	99 Pound Street, Southampton.	do.	
37. Black, A.	6 Briton Street, Southampton.	do.	
38. Biddlecombe, C.	42 Kentish Road, Southampton.	do.	
39. Beattie, F. (4 saved, 35 lost.)	3 Isthmus Street, Belfast.	Greaser.	

VICTUALING DEPARTMENT.

1. Bennett, Mrs.	22 Cranbury Avenue, Southampton.	Stewardess.	Saved.
2. Bliss, Miss.	56 Upper Park Road, New Southgate.	do.	Do.
3. Burke, W.	57 Bridge Road, Southampton.	Saloon steward.	Do.
4. Brown, E.	43 Suffolk Road, Southampton.	do.	Do.
5. Best, E.	87 Malmesbury Road, Southampton.	do.	
6. Boyes, H.	106 Clovelly Road, Southampton.	do.	
7. Bristowe, H.	Shortlands, Kent.	do.	
8. Boughton, E.	10 Richmond Road, Southampton.	do.	
9. Barker, E.	4 Grand Parade, Harringay, London.	do.	
10. Barrows, W.	34 Hanover Street, Islington, London, N.	do.	
11. Burr, E.	34 Victoria Road, Woolston, Hants.	do.	
12. Barringer, A.	52 Padwell Road, Southampton.	do.	
13. Brown, W.	"Nestleton," Hillside Avenue, Bitterne, Southampton.	do.	
14. Baggott, A.	106 Park Road, Southampton.	do.	Do.
15. Benham, T.	61 Peach Street, Wokingham.	do.	
16. Bully, H.	31 Carlton Crescent, Southampton.	Boots.	
17. Barlow, G.	"Carminster," Foundry Lane, Southampton.	B. R. steward.	
18. Boothby, W.	31 Winchester Road, Shirley, Southampton.	do.	
19. Byrne, J.	218 Balfour Road, Ilford, Essex.	do.	
20. Beedman, G.	81 Shrewsbury Road, Southampton.	do.	
21. Bogie, L.	100 The Crescent, Eastleigh.	do.	
22. Brookman, J.	34 Richmond Street, Southampton.	Steward.	
23. Bristow, R.	49 Westridge Road, Southampton.	do.	
24. Barton, S.	85 College Street, Southampton.	do.	
25. Burrage, A.	9 Emsworth Road, Southampton.	Plates.	Do.
26. Baxter, H. R.	110 Shirley Road, Southampton.	Steward.	
27. Barker, R.	"May Bush," Old Shirley, Southampton.	Second purser.	
28. Bailey, G.	Brooklands, Shepperton.	Saloon steward.	
29. Bochetez, J.	28 Oak Bank Road, Southampton.	Assistant chef.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

B—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
30. Bedford, W.	163 Manor Road, Itchen, Hants.	Assistant cook	
31. Bull, W.	27 Shandall Street, Southampton.	Scullion	
32. Beere, W.	2 Avenue Cottage, Shirley Warren, Southampton.	Kitchen porter	
33. Buckley, H.	7 Brunswick Square, Southampton.	Assistant vegetable cook.	
34. Burgess, C.	65 Bridge Road, Southampton.	Extra third baker	Saved.
35. Barnes, W.	25 Parsonage Road, Southampton.	Assistant baker	
36. Barker, A.	Kingsworthy, Winchester	do	
37. Barker, T.	20 Upper Bugle Street, Southampton.	Assistant butcher	
38. Bride, H. S.	Care of Marconi Co., London.	Second Marconi	Do.
39. Barrow, H.	17 Derby Road, Southampton.	Assistant butcher	
40. Butt, R.	6 Cawte Road, Southampton.	Saloon steward	
41. Bagley, E.	183 Priory Road, St. Denys, Southampton.	do	
42. Boyd, J.	52 Cranbury Road, Southampton.	do	
43. Butterworth, J.	270 Priory Road, Southampton.	do	
44. Boston, W.	1 Hanley Road, Southampton.	Assistant deck steward.	
45. Burke, R.	26 Southampton Road, Chandlersford, Hants.	Lounge attendant	
46. Back, C.	38 Weymouth Terrace, Southampton.	Assistant attendant.	
47. Broome, Athol.	White Lodge, Bitterne Park, Southampton.	Assistant veranda café.	
48. Bessant, E.	39 Shirley Park Road, Southampton.	Baggage master	
49. Barrett, A.	164 Northumberland Road, Southampton.	Bell boy	
50. Broom, H.	2 High Street, East Cowes	Bath steward	
51. Baxter, F.	81 Atherly Road, Southampton.	Linen keeper	
52. Bishop, W.	17 High Street, Itchen, Hants.	Bedroom steward	
53. Bond, W.	20 Hanley Road, Southampton	do	
54. Brewster, G. H.	5 Carlton Place, Southampton.	do	
55. Bunnell, F.	Father, 212 Bedford Road, Rockferry, Liverpool.	Plate washer	
56. Bradshaw, T.	2 Portland Street, Southampton.	do	
57. Ball, Percy	7 Windsor Terrace, Southampton.	do	Do.
58. Bowker, Miss	The Cottage, Little Sutton, Cheshire.	(R) Cashier	Do.
59. Bochet, G.	4 Tonbridge House, Mercer Street, Long Acre, London.	(R) Second waiter	
60. Basilico, G.	27 Old Compton Street, London.	(R) Waiter	
61. Banfi	33 Aubert Park, Highbury Hill, London.	do	
62. Beux, D.	5 Beauchamp Place, Brompton Road, London.	(R) Assistant waiter	
63. Bernardi, B.	113 High Street, Notting Hill Gate, London.	do	
64. Bolhens, H.	37 Orchard Place, Southampton.	(R) Larder cook	
65. Bietrix, G.	22 Albert Mansions, Lambeth, London.	(R) Sauce cook	
66. Blumet, J.	26 Richmond Street, Southampton.	(R) Plateman	
67. Berthold, Florentini.	52 St. James Road, Little Poultency Street, London.	(R) Assistant scullery man.	
68. Bazzi, L. (10 saved, 58 lost.)	21 Great Chapel Street, Oxford Street, London.	(R) Waiter	

C.

DECK DEPARTMENT.

1. Couch, F.	Port Isaac, Cornwall	A. B	
2. Clench, G.	10 The Flats, Chantry Road, Southampton.	do	
3. Clinch, F. (1 saved, 2 lost.	do	do	Saved.

ENGINE DEPARTMENT.

1. Coy, F. E. G.	134 Portswood Road, Southampton.	Junior third assistant engineer.	
2. Cunningham, B.	6 Briton Street, Southampton.	Fireman	
3. Crimmins, J.	7 King Street, Southampton	do	Saved.
4. Corcoran, D.	Sailors' Home, Southampton	do	
5. Castleman, E.	37 North Road, St. Denys, Southampton.	Greaser	
6. Cooper, H.	9 George Street, Southampton	Fireman	
7. Cherrett, W.	13 Nelson Road, Southampton.	do	
8. Chorley, J.	2 Regent Street, Southampton	do	
9. Carter, F.	11 Cross Court, Southampton	Trimmer	
10. Cavell, G.	Lower East Road, Sholing, Southampton.	do	Do.
11. Coe, H.	10 Cross Court, Southampton	do	
12. Couch, J.	42 Canton Street, Southampton	Greaser	
13. Cross, W.	97 Ludlow Road, Southampton	Fireman	
14. Clark, W.	30 Paget Street, Southampton	do	Do.
15. Curtis, A.	55 Kingsley Road, Southampton.	do	
16. Collins, S.	Sailors' Home, Southampton	do	Do.
17. Canner, J.	17 Shamrock Road, Woolston, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

C—Continued.

ENGINE DEPARTMENT—continued.

Name.	Address.	Rating.	
18. Crabb, H.	101 Firgrove Road, Southampton.	Trimmer	
19. Cooper, J.	27 Pound Street, Southampton	do	
20. Carr, R.	Wellham Cottage, Winchester Road, Southampton.	do	
21. Calderwood, H.	Sailors' Home, Southampton	do	
22. Coleman, J.	7 Mortimer Road, Woolston, Southampton.	Mess steward	
23. Cotton, A.	Shore Cottage, Hythe, Southampton.	Fireman	
24. Casey, T.	Sailors' Home, Southampton	Trimmer	
25. Creese, H.	2 Enfield Grove, Woolston, Southampton.	Deck Engineer	
26. Chisnall, G.	53 High Street, Itchen, Southampton.	Boilermaker	
27. Coombes, G.	45 Coleman Street, Southampton.	Fireman	Saved.
28. Couper, R.	101 Dukes Road, Southampton	do	Do.
29. Copperthwaite, B (6 saved, 23 lost.)	39 Mount Street, Southampton	do	

VICTUALING DEPARTMENT.

1. Charman, J.	Mother, 19 Burford Road, Horsham; Malden Hill House, Lewisham.	Saloon steward	
2. Christmas, H.	4 Brintons Road, Southampton.	Assistant steward	
3. Chapman, J.	31 Belleview Road, Southampton.	Boots	Saved.
4. Chitty, G.	Sister, Mrs. Carpenter, "Clovelly," Newtown Road, Bitterne Park, Southampton.	Steward	
5. Cox, W.	110 Shirley Road, Southampton.	do	
6. Cecil, C.	194 Millbrook Road, Southampton.	do	
7. Crispin, W.	"Sanfoin Villa," Eastleigh	G. H. steward	
8. Campbell, D. S.	White Star Line, Southampton.	Clerk	
9. Crow, G. F.	89 Milton Road, Southampton.	Saloon steward	Do.
10. Carney, W.	11 Cairo, W. Derby Road, Liverpool.	Lift attendant	
11. Corben, E.	58 Floating Bridge Road, Southampton.	Assistant printer	
12. Clark, T.	Sefton Mount, Hillside Avenue, Southampton.	Bedroom steward	
13. Cunningham, A.	60 Charlton Road, Southampton.	do	Do.
14. Crawford, A.	22 Granbury Avenue, Southampton.	do	Do.
15. Cullen, C.	21 Warberton Road, Seaford, Liverpool.	do	Do.
16. Crumplin, C.	"Anchor and Hope," Threefield Lane, Southampton.	do	
17. Caton, Miss	50 Highbury Hill, London, N.	T. B. attendant	Do.
18. Crosbie, J. B.	47 St. Dunstans Road, Kensington, London.	do	
19. Cave, H.	17 Shirley Park Road, Southampton.	Saloon steward	
20. Crafter, F.	143 Albert Road, Southampton.	do	Do.
21. Cartwright, J.	77 Gossett Street, Bethnal Green, London.	do	
22. Cook, George	13 Franklin Road, Westham, Weymouth.	do	
23. Coleman, A.	2 Myrtle Bank, Oak Tree Road, Bitterne Park, Southampton.	do	
24. Cheverton, W.	Mill Street, Newport, I. O. W.	do	
25. Crisp, H.	36 Macnaughten Road, Southampton.	do	
26. Casswill, C.	81 Melbourne Street, Southampton.	do	
27. Conway, P.	Parents, 131 Bentham Road, South Hackney, London; 25 South Front, Southampton.	do	
28. Caunt, W.	55 Sidney Street, Southampton.	Grill cook	
29. Coombs, C.	78 Dukes Road, Southampton.	Assistant cook	
30. Colgan, J.	27 West Street, Southampton.	Scullion	Do.
31. Collins, John	65 Ballycarry Street, Belfast	do	Do.
32. Chitty, G.	Mrs. Carpenter, "Clovelly," Newton Road, Bitterne Park, Southampton; 69 Bevois Street.	Assistant baker	
33. Crovella, L.	5 Orchard Place, Southampton.	(R) Assistant waiter	
34. Coutin, A.	37 Orchard Place, Southampton.	(R) Entrée cook	
35. Charboison, A.	19 Kennington Park Gardens, London, S. E.	(R) Roast cook	
36. Cornaire, M. (9 saved, 27 lost.)	15 Trafalgar Square, Chelsea, London.	(R) Assistant roast.	

D.

DECK DEPARTMENT.

1. Davis, S. J. (1 lost.)	42 Duncan Street, Landport, Portsmouth.	A. B	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

D—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Dyer, H. R.	53 Middle Street, Southampton	Senior fourth assistant engineer.	
2. Dodd, E. C.	26 Queens Parade, Southampton.	Junior third engineer.	
3. Dodd, R.	12 Queens Park Terrace, Southampton.	Junior fourth assistant engineer.	
4. Duffy, William.	11 Garton Road, Itchen, Southampton.	Writer	
5. Davies, T.	2 Church Lane, Southampton.	Leading fireman	
6. Dilley, J.	44 Threefield Lane, Southampton.	Fireman	Saved.
7. Dillon, T. P.	Sailors' Home, Southampton.	Trimmer	Do.
8. Dore, A.	9 Mount Street, Southampton.	do	Do.
9. Doel, F.	20 Richmond Street, Southampton.	Fireman	Do.
10. Doyle, F.	10 Orchard Place, Southampton.	do	
11. Dymond, F.	2 Farmers Court, Southampton	do	Do.
12. Dawson, J.	70 Brintons Road, Southampton.	Trimmer	
13. Diaper, J.	102 Derby Road, Southampton	Fireman	Do.
14. Dickson, W. (6 saved, 8 lost.)	10 Oriental Terrace, Southampton.	Trimmer	

VICTUALING DEPARTMENT.

1. Deeble, A.	81 Atherley Road, Southampton.	Saloon steward	
2. Dyer, W.	46 Stafford Road, Southampton.	do	
3. Derrett, A.	Father, care of Fry, High Street Chambers, Wotton under Edge, Gloster. Tinden, Hillside Avenue, Southampton.	do	
4. Dodd, Geo.	57 Morris Road, Southampton.	Second steward	
5. Deslands, P.	405 Portswood Road, Southampton.	Saloon steward	
6. Davies, R. J.	12 the Polygon Road, Southampton.	do	
7. Davies, J.	19 Eastfield Road, St. Denys, Southampton.	Extra second baker.	
8. Dinenage, J.	4 Cawte Road, Southampton.	Saloon steward	
9. Dolby, J.	12 Devonshire Road, Polygon, Southampton.	Reception-room attendant.	
10. Davies, Gordon.	"Trefusis," Hillside Avenue, Bitterne, Southampton.	Bedroom steward	
11. Donoghue, F.	60 Ludlow Road, Southampton.	do	
12. Dashwood, W.	Sailors' Home, Southampton.	Saloon steward	
13. Doughty, W.	39 Queens Square, London	do	
14 Dean, G.	"De Kalb," King Edward Avenue, Southampton.	Assistant steward	
15. Daniels, S.	119 Albert Road, Southsea	Steward	Saved.
16. Dunford, W.	16 Bridge Street, Southampton	Hospital steward	
17. Dennarsico	20 Church Street, Soho, London.	(R) Assistant waiter.	
18. De Breucq, M.	12 Mead Street, Kennington, London.	do	
19. Donati, Italio.	3 Whitfield Street, Tottenham Court Road, London.	do	
20. Dornier, S.	3 Orchard Place, Southampton	(R) Assistant fish	
21. Desvernini, L. (1 saved, 20 lost.)	4 Queens Park Terrace, Southampton.	(R) Assistant pastry.	

E.

DECK DEPARTMENT.

1. Evans, F.	20 Deal Street, Southampton.	L. O	Saved.
2. Evans, F. O. (2 saved.)	14 Bond Street, Southampton.	A. B	Do.

ENGINE DEPARTMENT.

1. Ervine, A.	Meronfield, Belfast	Assistant electrician.	
2. Evans, W.	11 Ryde Terrace, Southampton.	Trimmer	
3. Elliott E.	1 Wilmington Street, Wilmington Square, London.	do	
4. Eagle, A. J.	13 Lyon Street, Southampton.	do	
5. Eastman, C. (5 lost.)	17 Cecil Avenue, Southampton.	Greaser	

VICTUALING DEPARTMENT.

1. Ennis, W.	141 Bedford Road, Southport.	T. B. attendant	
2. Evans, Geo.	46 Richmond Road, Southampton.	Saloon steward	
3. Etches, H. S.	23a Gordon Avenue, Southampton.	Bedroom steward	Saved.
4. Edwards, C.	7 Brunswick Square, Southampton.	Assistant pantryman	
5. Edge, F.	28 Clovelly Road, Woolston, Hants.	Deck steward	
6. Egg, W. H.	1a Trent Road, Brixton, London.	Steward	
7. Evans, Geo.	2 Nightingale Gardens	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

E—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
8. Edbrooke, F.	98 Lake Road, Landport	Steward	Saved.
9. Ede, G. B.	Manor Farm Road, Bitterne Park, Southampton.	do	
10. Ellis, J. (2 saved, 8 lost.)	40 Dukes Road, Southampton.	Assistant vegetable cook.	Do.

F.

DECK DEPARTMENT.

1. Fleet, F.	9 Norman Road, Southampton.	L. O	Saved.
2. Forward, J.	Sailors' Home, Southampton.	A. B	Do.
3. Foley, J. (3 saved.)	2 Queen's Road, Southampton.	Storekeeper	Do.

ENGINE DEPARTMENT.

1. Farquharson, W.	90 Wilton Avenue, Southampton.	Senior second engineer.	
2. Fraser, J.	54 Tennyson Road, Southampton.	Junior third assistant engineer.	
3. Fitzpatrick, H.	169 Nelson Street, Belfast	Junior boilermaker.	
4. Fitzpatrick, C. W.	93 Millbrook Road, Southampton.	Mess steward	Saved.
5. Fredericks, W.	6 Elm Road, Chapel, Southampton.	Trimmer	Do.
6. Ford, H.	Royal Oak, Southampton	do	
7. Foster, A.	38 North Front, Southampton.	Storekeeper	
8. Ford, T.	36 Russell Street, Southampton.	Ldg. fireman	
9. Flarty, E.	21 Stamford Street, Southampton.	Fireman	Do.
10. Ferris, W.	5 Hanover Buildings, Southampton.	Ldg. fireman	
11. Fraser, J.	Sailors' Home, Southampton	Fireman	
12. Fryer, A.	1 Charlotte Place, Southampton.	Trimmer	Do.
13. Ferrary, Auto.	38 St. Mary's Place, Southampton.	do	
14. Fay, F. (4 saved, 10 lost.)	31 Stamford Street, Southampton.	Greaser	

VICTUALING DEPARTMENT.

1. Fairall, H.	31 Surrey Street, Ryde, I.O.W.	Saloon steward	
2. Freeman, E.	5 Hanley Road, Southampton.	Deck steward	
3. Fletcher, P.	13 Strathville Road, Southfields, London.	Bugler	
4. Faulkner, R.	16 Malmesbury Road, Southampton.	Bedroom steward	Saved.
5. Fellows, A.	51 Bridge Road, Southampton.	Assistant boots	
6. Fenton, F.	19 Middle Road, Sholing, Hants	Saloon steward	
7. Fropper, R.	8 Washington Terrace, Southampton.	do	Do.
8. Ford, F.	Rector Dunsfold; 66 Oxford Street, Southampton.	Bedroom steward	
9. Ford, E.	100 Brintons Road, Southampton.	Steward	
10. Foley, W. C.	15 Monsons Road, Southampton.	do	Do.
11. Finch, H.	32 French Street, Southampton.	do	
12. Fox, W. T.	Totton, Hants; Polhawn, Springfield Road, Ealing.	do	
13. Farrendon, E.	23 South Street, Emsworth	Confectioner	
14. Franklin, A.	Egremont, Newton Road, Southampton.	Saloon steward	
15. Feltham, G.	64 St. Denys Road, Southampton.	Vienna	
16. Fanette, M.	Cairo Café, 3 Soho Street, Oxford Street, London.	(R) Assistant waiter.	
17. Fei, Carlo (3 saved, 14 lost.)	26 Annes Court, Dean Street, Soho, London.	(R) Scullcryman	

G.

ENGINE DEPARTMENT.

1. Golder, M. W.	15 Lansdown Road, Southampton.	Fireman	
2. Gregory, D.	30 Floating Bridge Road, Southampton.	Greaser	
3. Goree, F.	5 Belvedere Terrace, Southampton.	do	
4. Gosling, B.	11 Lower York Street, Southampton.	Trimmer	
5. Godley, G.	17 Mount Street, Southampton.	Fireman	Saved.
6. Gosling, S.	17 French Street, Southampton.	Trimmer	
7. Green, G.	57 Howards Grove, Southampton.	do	
8. Gear, A.	2 Stamford Street, Chapel, Southampton.	Fireman	
9. Gordon, J.	Sailors' Home, Southampton.	Trimmer	
10. Gunnery, G.	24 Canute Road, Southampton.	Mess steward	
11. Gardner, F.	Totton, Southampton	Greaser	
12. Graham, T.	28 Downpatrick Street, Belfast.	Fireman	Do.
13. Grodidge, E.	44 Ratcliffe Road, Southampton.	do	
14. Graves, S. (2 saved, 12 lost.)	8 North Front, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

G—Continued.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Gibbons, J. W.	Harbour View.	Saloon steward.	Saved.
2. Gunn, J.	23 Bridge Road, Southampton.	Assistant steward.	
3. Gold, Mrs.	Glenthorne, Bassett, Southampton.	Stewardess.	Do.
4. Gregson, Miss.	28 Lorne Road, Portswood, Southampton.	do.	Do.
5. Goshawk, A.	6 Conventry Road, Southampton.	Saloon steward.	
6. Gollop, C.	Sister, E. Gollop, 25 Orcheston Road, Bournemouth; 27 Briton Street.	Assistant cook.	
7. Gill, P.	24 Waverley Road, Southampton.	Ship's cook.	
8. Giles, J.	28 Compton Street, Everton, Liverpool; 104 Lyon Street, Southampton.	Second baker.	
9. Geddes, R.	80 Grove Road, Southampton.	Bedroom steward.	
01. Gill, S.	17 Suffolk Avenue, Southampton.	do.	
11. Guy, J.	5 College Terrace, Milton Abbas, Hants.	Assistant boots.	Do.
12. Gatti, L.	Montalto, Harborough Road, Southampton.	(R) Manager.	
13. Guilio, Casall.	50 Greek Street, Soho, London.	(R) Waiter.	
14. Gliardino, V.	15 Belle Vue Road, Southampton.	do.	
15. Gros, Claude G. (4 saved, 11 lost.)	8 Lumber Court, London, W. C.	(R) Assistant coffee man.	

H.

DECK DEPARTMENT.

1. Hutchinson, J. H	40 Onslow Road, Southampton.	Joiner.	
2. Haines, A.	52 Grove Street, Southampton.	Boatswain's mate.	Saved.
3. Hemmings, S.	31 Kingsley Road, Southampton.	Lamp trimmer.	Do.
4. Humphreys, S.	113 Duke's Road, Southampton.	Q. M.	Do.
5. Hichens, R.	43 James Street, Southampton.	do.	Do.
6. Hogg, G. A.	44 High Street, Southampton.	L. O.	Do.
7. Horswill, A. E.	44 Derby Road, Southampton.	A. B.	Do.
8. Holman, H.	Cascard, Britannia Road, Northam, Southampton.	do.	
9. Hopkins, R.	4 Woodstock Road, Belfast.	do.	Do.
10. Harder, W. (8 saved, 2 lost.)	46 Winton Street, Southampton.	Window cleaner.	Do.

ENGINE DEPARTMENT.

1. Hesketh, J. H.	80 Garrett Avenue, Liverpool.	Second engineer.	
2. Harrison, N.	30 Coventry Road, Southampton.	Junior second engineer.	
3. Harvey, H. G.	49 Obelisk Road, Woolston, Southampton.	Junior second assistant engineer.	
4. Hosking, G. F.	28 Avenue Road, Itchen, Southampton.	Senior third engineer.	
5. Hodge, C.	16 Ivy Road, Woolston, Southampton.	Senior third assistant engineer.	
6. Hodgkinson, L.	67 Arthur Road, Southampton.	Senior fourth engineer.	
7. Hands, B.	St. Michael's House, Southampton.	Fireman.	
8. Hurst, C. J.	Laundry Road, Southampton.	do.	
9. Hall, J.	2 Westgate Street, Southampton.	do.	
10. Hallett, G.	101 Church Street, Southampton.	do.	
11. Hurst, W.	15 Chapel Road, Southampton.	do.	Saved.
12. Hill, J.	10 Kingsland Square, Southampton.	Trimmer.	
13. Hart, T.	51 College Street, Southampton.	Fireman.	
14. Hunt, T.	2 Queens Street, Southampton.	do.	
15. Harris, F.	57 Melville Road, Gosport.	do.	Do.
16. Hodges, W.	6 Britannia Road, Southampton.	do.	
17. Hinton, W.	26 Cumberland Street, Southampton.	Trimmer.	
18. Haslin, J.	Sailors' Home, Southampton.	do.	
19. Hasgood, R.	19 Woodley Road, Woolston, Southampton.	Fireman.	
20. Hunt, S.	1 French Street, Southampton.	Trimmer.	Do.
21. Harris, F.	12 Wilton Street, Southampton.	do.	
22. Hebb, A.	5 Bells Court, Southampton.	do.	Do.
23. Head, A.	19 Russell Street, Southampton.	Fireman.	
24. Hendrickson, C.	255 Northumberland Road, Southampton.	Ldg. fireman.	Do.
25. Haggan, J.	Sailors' Home, Southampton.	Fireman.	Do.
26. Hannam, G.	1 Oxford Terrace, Southampton.	do.	
27. Harris, E.	83 Belgrade Road, Southampton.	do.	
28. Hopgood, R. (6 saved, 22 lost.)	81 Romsey Road, Southampton.	do.	

VICTUALING DEPARTMENT.

1. Hughes, H.	Ivy Bank, Dyer Road, Southampton.	Assistant second steward.	
2. Howell, A.	12 Cliff Road, Itchen, Southampton.	Saloon steward.	
3. House, W.	44 Derby Road, Southampton.	do.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

H—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
4. Hoare, Leo.	108 Lyon Street, Southampton.	Saloon steward.	
5. Hendy, E.	21 Paynes Road, Southampton.	do.	
6. Harris, C. W.	14 Short Street, Southampton.	do.	
7. Heinen, J.	Norden Hill House, Lewisham.	do.	
8. Hawkesworth, John.	18 Wilton Road, Southampton.	do.	
9. Humphreys, H.	Brother, Humphreys, 9 Plaswell Lane, Dolgelly.	Assistant steward.	
10. Hinckley, G.	2 Oxford Street, Southampton.	Baths.	
11. Hamblyn, E.	2 Norman Villas, Dyer Road, Southampton.	B. R. steward.	
12. Harding, A.	Station Cottage, Swaything, Hants.	Assistant B. R. steward.	
13. Humby, F.	2 Golden Grove, Southampton.	Plates.	
14. Hart, J.	Aberdeen, Foundry Lane, Southampton.	Steward.	Saved.
15. Hylands, L.	55 Orchard Place, Southampton.	do.	Do.
16. Hill, H.	Florence Hill, 68 Upper Richmond Street, East Sheen, London; 66 Oxford Street.	do.	
17. Halford, R.	2 Latimer Street, Southampton.	do.	Do.
18. Hartnell, F.	Miss Trestrail, Star Hotel, Southampton; 25 Argyle Road.	Saloon steward.	Do.
19. Harrison, A.	131 Oakley Road.	do.	Do.
20. Holland, T.	38 Walton Vale, Liverpool.	Assistant reception room attendant.	
21. Hawksworth, W.	Bellmoor, Lemon Road, Southampton.	Assistant deck steward.	
22. Hamilton, E.	5 Shirley Road, Southampton.	Assistant S. R. steward.	
23. Halloway, S.	60 Hertington Road, Southampton.	Assistant clothes presser.	
24. Harris, C. H.	14 Short Street, Southampton.	Bell boy.	
25. Hayter, A.	10 Mayflower Road, Southampton.	Bedroom steward.	
26. Hill, J.	64 Padwell Road, Southampton.	do.	
27. Hewett, T.	96 Devonshire Road, Southampton.	do.	
28. Hogg, C.	24 Bulwer Street, Brock Road, Liverpool.	do.	
29. Hardy, John.	Oakleigh, Holyrood Avenue, Highfield, Southampton.	Chief second-class steward.	Do.
30. Hall, F.	28 Derby Avenue, North Finchley, London; 70 Sidney Road, Shirley.	Scullion.	
31. Hutchinson, J.	91 Woodcroft Road, off Earls Road, Wavertree, Liverpool.	Vegetable cook.	
32. Hardwick, R.	4 Heysham Road, Southampton.	Kitchen porter.	Do.
33. Hatch, H.	446 Portsmouth Road, Woolston, Hants.	Scullion.	
34. Hines, G.	Bridge Street, Bruckley, Northants.	Third baker.	
35. Hensford, J.	132 Malmsbury Road, Southampton.	Assistant butcher.	
36. Harris, E.	13 Greenhill Avenue, Winchester.	Assistant pantryman.	
37. Hiscock, S.	19 Palmerston Road, Southampton.	Plate washer.	
38. Hogue, E.	Alison Gardens, Dulwich, London.	do.	
39. Hopkins, F.	14 Fanshawe Street, Southampton.	do.	
40. Henry, W. (7 saved, 33 lost.)	27 Romsey Road, Southampton.	Assistant boots.	

I.

ENGINE DEPARTMENT.

1. Instance, T.	12 Guillaume Terrace, Southampton.	Fireman.	
2. Ingram, C. (2 lost.)	18 Lower Canal Walk, Southampton.	Trimmer.	

VICTUALING DEPARTMENT.

1. Ings, W.	Care Northover, 45 Stratton Road, Southampton.	Scullion.	
2. Ingrouville, H.	15 Floating Bridge Road, Southampton.	Steward.	
3. Ide, H. (3 lost.)	Mother, Harris Mill Road, Hertford; 114 Lyon Street, Southampton.	Bedroom steward.	

J.

DECK DEPARTMENT.

1. Jewell, A.	32 College Street, Southampton.	L. O.	Saved.
2. Jones, T.	68 Nesfield Street, Liverpool.	A. B.	Do.
3. Johnson, A.[1]			
4. Johnson, W.[1] (2 saved, 2 lost.)			

[1] Not Titanic crew, both American Line men, traveling as passengers.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

J—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Jupe, H.	74 Bullar Road, Bitterne Park, Southampton.	Assistant electrician.	
2. Joas, N.	55 Bond Street, Southampton.	Fireman.	
3. James, Thos.	27 College Street, Southampton	do.	
4. Judd, C.	98 Derby Road, Southampton.	do.	Saved.
5. Jago, J.	47 Millbank Street, Northam, Southampton.	Greaser.	
6. Jukes, J.	Moor Green, West End, Southampton.	do.	
7. Jacobson, John	97 Duke's Road, Southampton	Fireman.	
8. Jarvis, W. (1 saved, 7 lost.)	29 Canal Walk, Southampton.	do.	

VICTUALING DEPARTMENT.

1. Jessop, Miss.	71 Shirley Road, Bedford Park, London.	Stewardess.	Saved.
2. Johnston, J.	Sailors' Home, Southampton.	Saloon steward.	Do.
3. Jones, R. V.	7 Portland Terrace, Southampton.	do.	
4. Jenner, H.	3 Belle View Road, Southampton.	do.	
5. Jones, H.	Broad Street, Alresford.	Roast cook.	
6. Johnston, H.	183 Albert Road, Southampton.	Assistant ship's cook	
7. Joughin, J.	Elmhurst, Leighton Road, Southampton.	Chief baker.	Do.
8. Janaway, W.	Alpha House, Richmond Road, Southampton.	Bedroom steward.	
9. Jackson, H.	22 Graham Road, Southampton.	Assistant boots.	
10. Jones, A.	Woodfield, Charlton Road, Southampton.	Saloon steward.	
11. Jenson, C. V.	17 Morris Road, Southampton.	do.	
12. Jones, A.	22 Ludlow Road, Woolston, Hants.	Plates.	
13. Jeffery, W.	2 Church Lane, Highfield, Southampton.	(R) Controller.	
14. Janin, C.	56 Seddlescombe Road, West Brompton, London, S. W.	(R) Soup cook.	
15. Jaillet, H.	Jamison Street, Notting Hill Gate, London, W.	(R) Pastry cook.	
16. Jouanmault, G. (3 saved, 13 lost.)	3 Orchard Place, Southampton.	(R) Assistant sauce.	

K.

DECK DEPARTMENT.

1. King, T. (1 lost.)	23 Middle Market Road, Great Yarmouth.	Master-at-arms.	

ENGINE DEPARTMENT.

1. Kemp, Thos.	11 Cedar Road, Southampton.	Executive fourth assistant engineer.	
2. Kelly, William.	1 Claude Road, Dublin.	Assistant electrician.	
3. Kenchenten, Fredk.	9 Latimer Street, Southampton.	Greaser.	
4. Kearl, C.	17 Chantry Road, Southampton.	do.	
5. Kirkham, J.	4 Chapel Street, Southampton.	do.	
6. Keegan, Jas.	2 Cross House Road, Southampton.	Leading fireman.	
7. Kasper, F.	6 Brunswick Square, Southampton.	Fireman.	Saved.
8. Kerr, T.	7 Hanley Street, Southampton.	do.	
9. Kearl, G.	37 Bay Road, Sholing, Southampton.	Trimmer.	
10. Kelly, Jas.	12 Woodley Road, Southampton.	Greaser.	
11. Kemish, G.	238 Shirley Road, Southampton.	Fireman.	Do.
12. Kinsella, L.	7 Canal Walk, Southampton.	do.	
13. Kenzler, A.	21 Blechynden Terrace, Southampton.	Storekeeper.	
14. Knowles, T. (3 saved, 11 lost.)	Fanner's Lane, Lymington.	Firemen's messman.	Do.

VICTUALING DEPARTMENT.

1. Kingscote, W. F.	24 Elgin Road, Southampton.	Saloon steward.	
2. King, A.	Mother, Mrs. Tait, 132 Mile Street, Gateshead-on-Tyne.	Lift attendant.	
3. Kieran, M.	7 Avenue Road, Southampton.	Assistant storekeeper	
4. Ketchley, H.	40 Northcote Road, Portswood, Southampton.	Saloon steward.	
5. Knight, Geo.	45 Ludlow Road, Woolston, Hants.	do.	Saved.
6. Kitching, A.	170 Derby Road, Southampton.	do.	
7. Keene, P.	14 Rigby Road, Southampton.	do.	Do.
8. Kelland, T.	Commercial Street, Bitterne, Southampton.	Library.	
9. Klein, H.	56 Oakley Road, Southampton	Barber.	
10. Kieran, J.	Inglewood, Bellmoor Road, Southampton.	Chief third-class steward.	
11. Knight, L.	37 Spring Lane, Bishopstoke.	Steward.	
12. King, E. W.	Currin Rectory, Clones.	Clerk.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

K—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
13. Kerley, W. T.	Woodminton Cottages, Bowerthalk, Salisbury.	Assistant steward.	
14. King, G.	46 Threefield Lane, Southampton.	Scullion.	
15. Kennell, C. (2 saved, 13 lost.)	6 Park View, Southampton.	Heb. cook.	

L.

DECK DEPARTMENT.

1. Lightoller, C. H.	Nikko Lodge, Netley Abbey, near Southampton.	Second officer.	Saved.
2. Lowe, H. G.	Penralet, Barmouth.	Fifth officer.	Do.
3. Lee, R. R.	62 Threefield Lane, Southampton.	L. O.	Do.
4. Lucas, W.	2 Corporation Flats, Southampton.	A. B.	Do.
5. Lyons, W. H. (4 saved, 1 lost.)	27 Orchard Place, Southampton.	do.	
6. Leonard, L., not Titanic crew, American Line man.			

ENGINE DEPARTMENT.

1. Lindsay, W.	3 Coleman Street, Southampton.	Fireman.	Saved.
2. Light, W.	25 Grove Street, Southampton.	do.	
3. Long, F.	19 Sidford Street, Southampton	Trimmer.	
4. Lahy, T.	19 Spulling Road, E. Dulwich.	Fireman.	
5. Lee, H.	94 Bevois Street, Southampton	Trimmer.	
6. Light, C.	24 Lower Back of Walls, Southampton.	Fireman.	
7. Long, W.	3 Marine Terrace, Southampton.	Trimmer.	
8. Lloyd, W. (1 saved, 7 lost.)	18 Orchard Place, Southampton.	Fireman.	

VICTUALING DEPARTMENT.

1. Lane, A. E.	207 Victoria Road, Woolston, Hants.	Saloon steward.	
2. Lydiatt, C.	12 Brunswick Square, Southampton.	do.	
3. Lefever, G.	25 Orchard Place, Southampton.	do.	
4. Lovett, G.	5 Shirley Cottages, New Southgate.	Assistant pantryman.	
5. Light, C.	Thorny Hill, Christchurch, Hants.	Plate washer.	
6. Lovell, J.	21 Highlands Road, Southampton.	Grill cook.	
7. Lock, A.	70 Newland Road, Worthing. 309 Portswood Road, Southampton.	Assistant cook.	
8. Leader, A.	Kelston, Fenton Road, West Southbourne.	Assistant confectioner.	
9. Lavington, Miss.	Manor Farm, Headbourne Worthy, Winchester.	Stewardess.	Saved.
10. Leather, Mrs.	28 Park Road, Port Sunlight.	do.	Do.
11. Latimer, A.	4 Glenwyllen Road, Waterloo, Liverpool.	Chief steward.	
12. Lloyd, H.	Criterion restaurant, Southampton.	Saloon steward.	
13. Littlejohn, A.	11 Western Terrace, Chapel Road, Southampton.	do.	Do.
14. Lake, W.	Florence Hotel, Southampton.	do.	
15. Lucas, W.	3 Cardigan Terrace, Southampton.	do.	Do.
16. Lawrence, A.	66 Oxford Street, Southampton.	do.	
17. Lacey, Bert. W.	26 Southampton Road, Salisbury.	Assistant steward.	
18. Longmuir, J.	130 The Crescent, Eastleigh.	Assistant B. R. steward.	
19. Leonard, M.	45 Charlesworth Street, Southampton.	Steward.	
20. Lewis, A. (5 saved, 15 lost.)	99 Radcliffe Road, Southampton.	do.	Do.

M.

DECK DEPARTMENT.

1. Murdoch, W. M.	94 Belmont Road, Portswood, Southampton.	First officer.	
2. Moody, J. P.	St. James House, Grimsby.	Sixth officer.	
3. Maxwell, J.	27 Leighton Road, Shirley, Southampton.	Carpenter.	
4. Moore, G.	51 Graham Road, Southampton.	A. B.	Saved.
5. McCarthy, W.	9 Gratton Hill Road, Cork, Ireland.	do.	Do.
6. Matherson, D.	20 Richmond Street, Southampton.	do.	
7. McGough, J.	St. George's Street, Southampton.	do.	Do.
8. Mathias, M. (3 saved, 5 lost.)	2 Western Esplanade, Southampton.	Mess-room steward.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
M—Continued.
ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Mackie, W. D.	2b Margery Park Road, Forest Gate, London, S. E.	Junior fifth assistant engineer.	
2. Millar, R.	19 North Street, Alloa, N. B.	Extra fifth assistant engineer.	
3. Magee, W.	11 Douglas Terrace, Stirling	Senior sixth assistant engineer.	
4. McReynolds, W.	1 Lagan View, Belfast	Junior sixth assistant engineer.	
5. Millar, T.	19 Meadow Street, Belfast	Assistant deck engineer.	
6. Middleton, A.	Ballisodare, Sligo	Assistant electrician.	
7. McAndrew, Thos	Sailors' Home, Southampton	Fireman	
8. Marrett, G.	32 Elm Street, Southampton	do	
9. McRae, Wm.	43 Threefield Lane, Southampton.	do	
10. Mintram, W.	15 Chapel Road, Southampton.	do	
11. Major, W.	4 Oriental Terrace, Southampton.	do	Saved.
12. Moores, R.	174 Northumberland Road, Southampton.	Greaser	
13. Mason, J.	3 Wycomb Cottages, French Street, Southampton.	Leading fireman	
14. McGregor, J.	7 Briton Street, Southampton.	Fireman	
15. May, A.	75 York Street, Southampton.	do	
16. Maskell, L.	26 Albert Road, Southampton.	Trimmer	
17. Morrell, R.	51 Malmesbury Road, Southampton.	do	
18. Morgan, A.	18 Threefield Lane, Southampton.	do	
19. McInerney, T.	38 Elston Street, Liverpool	Greaser	
20. McIntrye, W.	20 Floating Bridge Road, Southampton.	Trimmer	Do.
21. McGann, J.	18 George's Place, Southampton.	do	Do.
22. Morris, W.	5 Marine Parade, Southampton.	do	
23. Moore, R.	Manor Cottage, Headbourne, W. F.	do	
24. Mitchell, B.	45 Bevois Valley, Southampton.	do	
25. May, A. W.	75 York Street, Northam, Southampton.	Firemen's messman.	
26. Murdoch, W.	Sailors' Home, Southampton	Fireman	Do.
27. Morgan, T.	do	do	
28. Moore, J.	64 Arthur Road, Southampton	do	Do.
29. Mason, F.	30a Waverley Road, Southampton.	do	Do.
30. Morris, A.	18 Short Street, Southampton.	Greaser	
31. Mayo, W.	24 Cable Street, Southampton.	Leading fireman	
32. McGaw, E.	6 Broadlands Road, Southampton.	Fireman	
33. Mayzes, T.	8 Commercial Street, Southampton.	do	Do.
34. Marsh, F.	4 Back of Walls, Southampton.	do	
35. Milford, Geo.	3 Graham Street, Southampton.	do	
36. McGarvey, E.	54 College Street, Southampton.	do	
37. McCastlen, W.	53 French Street, Southampton.	do	
38. McQuillan, W.	Sea View Street, Belfast	do	
39. McAndrews, W. (7 saved, 32 lost.)	17 New Capley Road	do	

VICTUALING DEPARTMENT.

1. Middleton, M. V.	84 Felsham Road, Putney, London.	Saloon steward	
2. Muller, L.	67 Oxford Street, Southampton.	Interpreter	
3. Mabey, J.	190 Albany Road, Southampton.	Steward	
4. Mantle, R.	60 Brintons Road, Southampton.	do	
5. Mullen, T.	12 Onslow Road, Southampton.	do	
6. McElroy, H. W.	Polygon Hotel, Southampton.	Purser	
7. MacGrady, J.	Platform Tavern, Southampton.	Saloon steward	
8. Mellor, A.	6 Carlton Place, Southampton.	do	
9. McCawley, T. W.	22 Camden Place, Southampton.	Gymnasium	
10. Mishellany, A.	123 Ledbury Road, Bayswater, London, W.	Printer	
11. McMurray, W.	60 Empress Road, Liverpool	Bedroom steward	
12. Marks, J.	93 Livingstone Road, Southampton.	Assistant pantryman.	
13. Marriott, J. W.	5 Shingley Cottages, New Southgate; 7 Chilworth Road.	do	
14. Morris, F.	46 Deloune Street, Fulham, London.	Bath steward	Saved.
15. Major, E.	9 Old Park Villas, Palmers Green, London.	do	
16. Moore, A.	142 St. Marys Road, Southampton.	Saloon steward	
17. Martin, A.	13 High Street, Fareham	Scullion	Do.
18. Mills, C.	64 Albert Road, Southampton.	Assistant butcher	Do.
19. Maynard, J.	21 Highlands Road, Southampton.	Entrée cook	Do.
20. Maytum, A.	12 Stafford Road, Southampton.	Chief butcher	
21. Morgan, W.	46 Besboro Road, Birkenhead.	Assistant storekeeper.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
M—Continued.
VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
22. Marsden, Miss.	7 Westmoreland Terrace, Southampton.	Stewardess	Saved.
23. McLaren, Mrs.	9 Shirley Road, Southampton.	do	Do.
24. Martin, Mrs.	Fosbrooke Road, Portsmouth.	do	Do.
25. Moss, H.	37 Charlton Road, Southampton.	Saloon steward	
26. MacKay, C.	18 Milton Road, Southampton.	do	Do.
27. McMicken, A.	43 Suffolk Avenue, Southampton.	do	Do.
28. McMullen, J.	120 St. Marys Road, Southampton.	do	
29. Martin, Miss.	1 Apsley Villas, Horn Lane, Acton, London.	(R) Second cashier	Do.
30. Monoros, J.	27 Tension Street, Waterloo, London.	(R) Assistant waiter.	
31. Monteverdi, J.	4 Queens Park Terrace, Southampton.	(R) Assistant entrée.	
32. Mattman, A.	3 Orchard Place, Southampton.	(R) Ice man	
33. Manga, Paul.	53 Neal Street, London	(R) Kitchen clerk	Do.
34. McCarty, F.	Devonfield, Charlton Road, Southampton.	Bedroom steward	
35. MacKie, G. (11 saved, 24 lost)	31 Winchester Road, Shirley Southampton.	do	

N.
DECK DEPARTMENT.

1. Nichol, A. (1 lost.)	St. Cloud, Oak Tree Road, Shirley, Southampton.	Boatswain	

ENGINE DEPARTMENT.

1. Noon, John	Sailors' Home, Southampton.	Fireman	
2. Noss, H.	12 Black Lane, Southampton.	do	Saved.
3. Nutbean, W.	Sportsman's Arms, High Street, Southampton.	do	Do.
4. Newman, C.	9 Latimer Street, Southampton.	Storekeeper	
5. Norris, J.	5 Spa Road, Southampton	Fireman	
6. Nettleton, G.	23 Empress Road, Southampton.	do	
7. Noss, B. (2 saved, 5 lost.)	8 St. Peters Road, Southampton.	do	

VICTUALING DEPARTMENT.

1. Nichols, A.	43 Suffolk Avenue, Southampton.	Steward	
2. Nichols, W. K.	16 Kent Road, Southampton.	Assistant steward	Saved.
3. Neale, H.	10 Cliff Road, Freemantle, Southampton.	Assistant baker	Do.
4. Nicholls, T.	3 Brunswick Square, Southampton.	Saloon steward	
5. Nannini, F. (2 saved, 3 lost.)	33 Aubert Park, Highbury Hill.	(R) Head waiter	

O.
DECK DEPARTMENT.

1. O'Loughlin, W. F. H.	Polygon Hotel, Southampton.	Surgeon	
2. Olliver, A.	38 Anderson Road, Southampton.	Quartermaster	Saved.
3. Osman F. (2 saved, 1 lost.)	43 High Street, Itchen, Southampton.	A. B	Do.

ENGINE DEPARTMENT.

1. Olive, C.	43 College Street, Southampton.	Greaser	
2. Othen, C.	6 Northumberland Road, Southampton.	Fireman	Saved.
3. Oliver, H.	15 Nichols Road, Southampton.	do	Do.
4. O'Conner, J. (3 saved, 1 lost.)	9 Tower Place, Bargate Street, Southampton.	Trimmer	Do.

VICTUALING DEPARTMENT.

1. Orr, J.	45 Coleman Street, Southampton.	Assistant vegetable cook.	
2. Osborne, W.	7 Hewetts Roads, Freemantle, Southampton.	Saloon steward	
3. Orpet, W.	1 Vaudry Street, Southampton.	do	
4. Owens, L.	29 Earls Road, Southampton	Assistant steward	
5. Olive, E. R.	37 Hanley Road, Southampton	Clothes presser	
6. O'Connor, T. (6 lost.)	12 Linacre Lane, Liverpool	Bedroom steward	

P.
DECK DEPARTMENT.

1. Pitman, H. J.	Care W. H. Taylor, Castle Cary, Somerset.	Third officer	Saved.
2. Perkis, W.	Victoria Road, Bitterne, Southampton.	Quartermaster	Do.
3. Pascoe, C. H.	68 High Street, Itchen, Southampton.	A. B	Do.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
P—Continued.
DECK DEPARTMENT—continued.

Name.	Address.	Rating.	
4. Peters, W. C	114 Ludlow Road, Woolston, Southampton.	A. B	Saved.
5. Pigott, P	2 Windsor Terrace, Southampton.	do	Do.
6. Ponjdestae, J. (6 saved.)	4 Elm Road, Southampton	do	Do.
ENGINE DEPARTMENT.			
1. Parsons, F. A	38 Bugle Street, Southampton.	Senior fifth assistant engineer.	
2. Priest, J	27 Lower Canal Walk, Southampton.	Fireman	Saved.
3. Pand, G	Sailors' Home, Southampton	do	
4. Preston, T	42 Millbank Street, Southampton.	Trimmer	
5. Pelham, G	Sailors' Home, Southampton	do	Do.
6. Pearce, J	14 Drummond Road, Southampton.	Fireman	Do.
7. Perry, E	3 Ryde Terrace, Southampton.	Trimmer	Do.
8. Podesta, J	31 Chantry Road, Southampton.	Fireman	Do.
9. Pregnall, G	3 Brew House Court, Southampton.	Greaser	Do.
10. Palles, T	25 Upper Palmer Street, Liverpool.	do	
11. Painter, C	172 Mortimer Road, Southampton.	Fireman	
12. Paice, R	30 Houndwell Gardens, Southampton.	do	
13. Pusey, R	School Lane, Hythe, Southampton.	do	Do.
14. Phillips, G	5 Grove Street, Southampton	Greaser	
15. Pitfield, W	13 Albert Road, Woolston, Southampton.	do	
16. Painter, F	10 Bridge Road, Southampton.	Fireman	
17. Pugh, P	22 Peel Street, Northam, Southampton.	Leading fireman	
18. Proudfoot, R	2 Pear Tree Green, Southampton.	Trimmer	
19. Perry, H (7 saved, 12 lost.)	3 Ryde Terrace, Southampton	do	
VICTUALING DEPARTMENT.			
1. Phillamore, H	72 Priory Road, Southampton.	Saloon steward	Saved.
2. Parsons, R	Ashbrittle, near Wellington, Somerset.	do	
3. Proctor, C	29 South View Road, Southampton.	Chef	
4. Platt, W	107 Belgrave Road, Southampton.	Scullion	
5. Phillips, J. T	Care of Marconi Co., London	First Marconi	
6. Penny, W	29 Lodge Road, Southampton.	Assistant steward	
7. Pacey, R	Cambridge Villa, Millbrook Road, Southampton.	Lift attendant	
8. Perrin, W	24 Bellmoor Road, Southampton.	Boots	
9. Petty, E	26 Orchard Place, Southampton.	Bedroom steward	
10. Pearcey, A	23 Kent Road, Southampton	Pantry	Do.
11. Pook, R	102 Alexandra Road, Plymouth.	Assistant bedroom steward.	
12. Prideaux, J. A	23 Cotlands Road, Bournemouth.	Steward	
13. Port, F	Rockbourne	do	Do.
14. Pearce, A	Father, 76a Holderness Road, Bournemouth.	do	
15. Prior, H. J	48 Padwell Road, Southampton.	do	Do.
16. Pugh, A	72 Orchard Lane, Southampton.	do	Do.
17. Parsons, E	26 Roberts Road, Southampton.	Chief storekeeper	
18. Prentice, F	71 Denzil Avenue, Southampton.	Assistant storekeeper	Do.
19. Pritchard, Mrs	9 Roslyn Road, East Ham, London.	Stewardess	Do.
20. Puzey, Jno	61 Manor Road, Itchen, Hants.	Saloon steward	
21. Pryce, W	Heathdean, Newlands Avenue, Southampton.	do	
22. Perriton, H	11 St. Andrews Road, Southampton.	do	
23. Perkins, L	New Inn, Soberton, Hants	Telephone operator	
24. Paintin, A	48 Stratford Street, Illey Road, Oxford.	Captain's steward	
25. Pennell, F	16 West Street, Shirley, Southampton.	Bath steward	
26. Penrose, J	30 Southview Road, Southampton.	Bedroom steward	
27. Price, E	93 Grove Road, Holloway, London.	(R) Barman	
28. Piazza, P	94 Newport Building, Shaftesbury Avenue, London.	(R) Waiter	
29. Phillips, J	8 Jessie Terrace, Southampton.	(R) Storeman	
30. Piatti, L	15 Princes Street, Cavendish Square, London.	(R) Assistant waiter.	
31. Perotti, A	2 Denmark Place, Charing Cross Road, London.	do	
32. Poggi, E	Bowling Green House, Southampton.	(R) Waiter	
33. Petrachio, A	4 Richmond Building, Dean Street, London.	(R) Assistant waiter.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
P—Continued.
VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
34. Petrachio, S	4 Richmond Building, Dean Street, London.	(R) Assistant waiter.	
35. Pedrini, Alex	Bowling Green House, Southampton.	do	
36. Pacherat, J (7 saved, 29 lost.)	3 Orchard Place, Southampton.	(R) Assistant larder.	
R.			
DECK DEPARTMENT.			
1. Rowe, G (1 saved.)	63 Henry Street, Gosport	Quartermaster	Saved.
ENGINE DEPARTMENT.			
1. Reed, R	3 Wickhams Court, Southampton.	Trimmer	
2. Read, J	3 Nelson Place, Southampton	do	
3. Richards, H	25 Summers Street, Southampton.	Fireman	
4. Rudd, H	20 Peel Street, Northam, Southampton.	Storekeeper	
5. Rous, A	18 Ratcliffe Road, Southampton.	Plumber	
6. Reeves, F	22 Cable Street, Southampton	Fireman	
7. Rickman, G	40 Derby Road, Southampton	do	
8. Roberts, G	5 Withers Court, Southampton	do	
9. Rice, C	12 Oriental Terrace, Southampton.	do	Saved.
10. Ranger, T (2 saved, 8 lost.)	81 Middle Road, Southampton.	Greaser	Do.
VICTUALING DEPARTMENT.			
1. Ricks, C	1 Hanley Road, Southampton.	Assistant storekeeper	
2. Rogers, E. J	120 Oxford Avenue, Southampton.	do	
3. Roberts, Mrs	9 Chestnut Grove, Notts	Stewardess	Saved.
4. Robinson, Mrs	128 Shirley Road, Southampton.	do	Do.
5. Revell, W	102 Malmesbury Road, Southampton.	Saloon steward	
6. Ray, F	Palmer Park Avenue, Reading	do	Do.
7. Rowe, M	86 Bridge Road, Southampton.	do	
8. Ranson, Jas	72 Harrowdene Road, Knowle, Bristol.	do	
9. Rummer, G	50 Cranbury Avenue, Southampton.	do	
10. Robinson, J	Vine Cottage, Carlisle Road, Southampton.	do	
11. Rule, S	81 Atherley Road, Southampton.	Bath steward	Do.
12. Roberts, H	39 Merry Road, Liverpool	Bedroom steward	
13. Rogers, M	13 Greenhill Avenue, Winchester.	Saloon steward	
14. Russell, R	Anchor Hotel, Redbridge, Hants.	do	
15. Ridout, W	6 Queen Ann Buildings, Southampton.	do	
16. Randall, F	182 Empress Road, Southampton.	do	
17. Ross, R	70 Inkerman Road, Woolston, Hants.	Scullion	Do.
18. Roberts, F	Solicitors, Brook, Knight, and Sullivan, Farnborough; 7 Dawsons Cottages, Reading.	Third butcher	
19. Ryerson, W. E	18 Salop Road, Walthamstow, London.	Saloon steward	Do.
20. Robertson, G	36 Mount Street, Southampton.	Assistant steward	
21. Reed, C	140 Derby Road, Southampton.	Bedroom steward	
22. Rice, P	40 Thackeray Road, Southampton.	Steward	
23. Ryan, T	87 Albert Road, Southampton.	do	
24. Rice, J. R	37 Kimberly Drive, Crosby	Clerk	
25. Rotta, A	10 West Street, St. Martins Lane, London.	(R) Waiter	
26. Ratti, E	5 Lumber Court, St. Martins Lane.	do	
27. Ricardona, R	50 Greek Street, Soho, London.	(R) Assistant waiter.	
28. Rousseau, P	7 Kennerton Place, London, SW.	(R) Chef	
29. Rigozzi, A (6 saved, 23 lost.)	6 Titchfield Street, London	(R) Waiter	
S.			
DECK DEPARTMENT.			
1. Simpson, J. E	Packenham Road or Street, Belfast, Ireland.	Assistant surgeon	
2. Symons, S	55 Franchise Street, Weymouth.	L. O	Saved.
3. Smith, W	42 Bridge Street, Southampton	A. B	
4. Scarrott, J	36 Albert Road, Southampton.	do	Do.
5. Sawyer, R. F	55 Bevois Street, Southampton	Window cleaner	
6. Smith, E. J., Capt (2 saved, 4 lost.)	Woodhead, Winn Road, Southampton.	Commander	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
S—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Smith, J. M.	Cawdor, Millars Road, Itchen, Southampton.	Junior fourth engineer.	
2. Shepherd, J.	16 Bellevue Terrace, Southampton.	Junior second assistant engineer.	
3. Sloan, P.	77a Clovelly Road, Southampton.	Chief electrician	
4. Stafford, M.	4 Southbrook Square, Southampton.	Greaser	
5. Sparkman, H.	Spring Road, Sholing, Southampton.	Fireman	Saved.
6. Smither, H.	1 Ash Tree Road, Southampton.	do	
7. Shiers, A.	5 Peel Street, Southampton	do	Do.
8. Senior, H.	17 South Road, Clapham, London.	do	Do.
9. Saunders, W.	136 Edward Street, Southampton.	do	
10. Self, A.	75 Romsey Road, Southampton.	Greaser	
11. Stubbs, H.	11 Spa Road, Southampton	Fireman	
12. Snow, E.	21 Lower Canal Walk, Southampton.	Trimmer	Do.
13. Stanbrook, A.	36 York Street, Southampton.	Fireman	
14. Self, E.	3 Kingsley Road, Southampton.	do	Do.
15. Snooks, W.	Sailors' Home, Southampton.	Trimmer	
16. Shillaber, C.	21 Nelson Road, Southampton.	do	
17. Stocker, H.	Middle Road, Sholing, Southampton.	do	
18. Skeats, W.	29 King Street, Southampton.	do	
19. Sheath, F.	12 Bell Street, Southampton.	do	Do.
20. Steel, R.		do	
21. Smith, E.	1 St. Marys Buildings, Southampton.	do	
22. Shea, Thos.	18 Briton Street, Southampton.	Fireman	
23. Saunders, T.	17 Sussex Terrace, Southampton.	do	
24. Sullivan, S.	27 Marsh Lane, Southampton.	do	
25. Scott, Archd.	3 Lower Ditches, Southampton.	do	
26. Small, W.	14 Russell Street, Southampton.	Leading fireman	
27. Sangster, C.	83 Bevois Street, Southampton.	Fireman	
28. Snellgrove, G.	9 Cecil Avenue, Southampton.	do	
29. Scott, F.	107 Clifford Street, Southampton.	Greaser	Do.
30. Street, A.	10 Crown Street, Shirley, Southampton.	Fireman	Do.
31. Saunders, W. (8 saved, 23 lost.)	1 Southbrook Square, Southampton.	Trimmer	

VICTUALING DEPARTMENT.

1. Stap, Miss.	41 Bidston Avenue, Birkenhead.	Stewardess	Saved.
2. Sloan, Miss.	1 Kersland Road, Strandtown, Belfast.	do	Do.
3. Smith, Miss.	Balmoral, Cobbett Road, Southampton.	do	Do.
4. Snape, Mrs.	Hill Lane, Sandown	do	
5. Slocombe, Mrs.	8 Leopold Terrace, London, N.	T. B. attendant	Do.
6. Strugnell, Jno.	Scullard's Hotel, Southampton	Saloon steward	
7. Smillie, J.	16 Malmesbury Road, Southampton.	do	
8. Skinner, E.	Criterion Restaurant, Southampton.	do	
9. Stroud, E. A.	Mother, 167 Shirley Road, Berkshire; 120 Malmesbury Road, Southampton.	do	
10. Samuels, W.	125 Osborne Road, Southampton.	do	
11. Smith, C.	Holydene, Portsmouth Road, Woolston, Hants.	B. R. steward	
12. Stone, E.	91 Shirley Road, Southampton	do	
13. Seward, H.	54 Stamford Street, London, E. C.; 5 Shirley Road, Southampton.	Pantryman	Do.
14. Sedunary, S.	34 Emsworth Road, Southampton.	Steward	
15. Slight, H. J.	48 Bellevue Street, Southampton.	do	
16. Sevier, W.	Westbourne Street Mews, Paddington.	do	
17. Savage, C.	8 Harold Road, Southampton.	do	Do.
18. Saunders, W. E.	29 Albert Road, Southampton.	Saloon steward	
19. Simmons, F. C.	263 Millbrook Road, Southampton.	do	
20. Stewart, J.	77 Earls Road, Southampton.	Veranda café	Do.
21. Swan, W.	62 Hale Road, Walton, Liverpool.	Bedroom steward	
22. Siebert, J.	8 Harold Road, Shirley, Southampton.	do	
23. Stone, E.	105 St. Andrews Road, Southampton.	do	
24. Stebbing, S.	25 Richville Road, Shirley, Southampton.	Chief boots	
25. Scott	6 Upper Canal Walk, Southampton.	Assistant boots	
26. Smith, F.	33 Ordnance Road, Southampton.	Assistant pantryman.	
27. Shea, J.	77 Portsmouth Road, Woolston, Hants.	Saloon steward	
28. Smith, R. G.	46 Stafford Road, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
S—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
29. Symonds, J.	61 Church Street, Shirley, Southampton.	Saloon steward	
30. Stagg, J. H.	66 Commercial Road, Southampton.	do	
31. Stroud, H.	167 Shirley Road, Southampton.	do	
32. Stubbings, H.	North Cottage, Woodside, Lymington.	Cook and mess	
33. Slight, W.	Hillside, Broadland Road, Southampton.	Larder cook	
34. Simmons, W.	2 Thackeray Road, Southampton.	Pass cook	
35. Simmonds, A.	80 Bevois Valley Road, Southampton.	Scullion	Saved.
36. Smith, C.	35 Itchen Ferry, Hants	do	
37. Shaw, H.	47 Towcester Street, Liverpool.	do	
38. Smith, J.	5 Sir George's Road, Freemantle, Southampton.	Assistant baker	
39. Scovell, R.	141 Foundry Lane, Southampton.	Saloon steward	
40. Sesea, Gino.	3 Little Poulteney Chambers, Poulteney Street, London.	(R) Waiter	
41. Scavino, C.	19 Strowbridge House, 231 Hampstead Road, London.	(R) Carver	
42. Saccaggi, G.	22 Ponsonby Place, Westminster, London.	(R) Assistant waiter.	
43. Salussolia, G. (8 saved, 35 lost.)	7 Coldbath Square, Farringdon Road, London.	(R) Glass man	

T.

DECK DEPARTMENT.

1. Taylor, C.	85 High Street, Southampton.	A. B	
2. Terrell, D.	2 Trinity Cottages, Southampton.	do	
3. Tamlyn, F.	20 Southampton Street, Southampton.	Mess-room steward	
4. Turnguist, W., not Titanic crew, American Line man. (1 saved, 3 lost.)			Saved.

ENGINE DEPARTMENT.

1. Turley, R.	Sailors' Home, Southampton.	Fireman	
2. Triggs, R.	3 Canal Walk, Southampton	do	Saved.
3. Toung, F.	28 Russell Street, Southampton	do	
4. Tizard, A.	23 Lr. York Street, Southampton.	do	
5. Thomas, J.	20 Newman Street, Southampton.	do	
6. Tozer, J.	6 Chattis Street, Orchard Lane, Southampton.	Greaser	
7. Threlfall, T.	128 St. Martin's Court, Southampton.	Ldg. fireman	Do.
8. Thresher, G.	36 Mount Pleasant Road, Southampton.	Fireman	Do.
9. Taylor, J.	35 Russell Street, Southampton.	do	Do.
10. Taylor, W. H.	2 Broad Street, Southampton	do	Do.
11. Thompson, J.	11 Court, 2 House, Primrose Hill, Liverpool.	do	Do.
12. Taylor, J.	23 Queen's Street, Southampton.	do	
13. Taylor, T. (6 saved, 7 lost.)	94 Manor Road, Southampton.	do	

VICTUALING DEPARTMENT.

1. Taylor, W.	42 Morris Road, Southampton.	Saloon steward	
2. Thomas, A. C.	11 Brunswick Road, Southampton.	do	Saved.
3. Thessinger, A.	102 French Street, Southampton.	Bedroom steward	Do.
4. Tucker, B.	43 Suffolk Avenue, Southampton.	Second pantryman	
5. Terrill, F.	5 Grove Street, Southampton.	Assistant steward	Do.
6. Talbot, G. F. C.	4 Lemon Road, Southampton.	Steward	
7. Thayler, M.	19 Station Road, West Croydon.	do	
8. Taylor, C.	5 Oxford Street, Southampton.	do	
9. Turner, G. F.	Awberry, Bond Road, Bitterne Park, Southampton.	Stenographer	
10. Topp, T.	89 Millbrook Road, Farnborough.	Second butcher	
11. Thorley, W.	18 John Street, Southampton.	Assistant cook	
12. Thompson, H.	Eastwood, Lumsden Avenue, Southampton.	Second storekeeper.	
13. Taylor, L.	6 Shirbourne Road, Blackpool.	T. B. attendant	
14. Toms, F.	Allerdale, Bitterne Park, Southampton.	Saloon steward	Do.
15. Thomas, B.	122 Avenue Road, Southampton.	do	Do.
16. Turner, L.	19 Terminus Terrace, Southampton.	do	
17. Turvey, C.	90 Cornwall Road, Bayswater, London, W.	(R) Page boy	
18. Tietz, C.	Richmond Tavern, Bridgwood.	(R) Kitchen porter	
19. Testoni, E. (5 saved, 14 lost.)	32a St. James Building, Little Poulteney Street.	(R) Assistant glassman.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

U.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Urbini, R. (1 lost.)	16 Manette Street, Charing Cross Road, London.	(R) Waiter	

V.

ENGINE DEPARTMENT.

1. Veal, A.	15 Imperial Avenue, Southampton.	Greaser	
2. Vear, W.	2 Spa Gardens, Southampton	Fireman	
3. Vear, H. (3 lost.)	do	do	

VICTUALING DEPARTMENT.

1. Veal, T.	20 Forster Mount, Southampton.	Saloon stewarh	
2. Vino, H.	55 Leith Mansions, Maida Vale, London.	(R) Assistant controller.	
3. Valvarsori, E.	7 Great Russell Street, London.	(R) Waiter	
4. Vioni, R.	8 Lynton Mansions, Kennington Road, London.	do	
5. Vicat, J.	13 Howley Street, London, SE.	(R) Fish cook	
6. Vilvarlarge, P.	Rue National, Ambroise, France.	(R) Assistant soup	
7. Voegelin, H. (7 lost.)	8 Lumber Court, London, W. C	(R) Coffeeman	

W.

DECK DEPARTMENT.

1. Wilde, H. T.	25 Grey Road, Walton, Liverpool.	Chief officer	
2. Winn, W.	8 Church Street, Southampton.	Quartermaster	Saved.
3. Weller, R. (2 saved, 1 lost.)	Holyrood House, Southampton	A. B	Do.

ENGINE DEPARTMENT.

1. Wilson, B.	40 Richmond Road, Shirley, Southampton.	Senior second assistant engineer.	
2. Ward, A.	Manor House, Romsey	Junior fourth assistant engineer.	
3. Wardner, F.	45 Endle Street, Southampton.	Fireman	
4. Woods, H.	St. Michael's House, Southampton.	Trimmer	
5. Ward, J.	22 James Street, Southampton.	Leading fireman	
6. Williams, E.	2 Canal Walk, Southampton	Fireman	
7. White, F.	14 Northbrook Road, Southampton.	Trimmer	
8. Wilton, Wm.	5 Queens Street, Southampton.	do	
9. Webber, F.	49 Avenue Road, Southampton.	Leading fireman	
10. Witcher, A.	9 Wilson Street, Southampton.	Fireman	
11. White, W.	9 Coblens Street, Woking	Trimmer	Saved.
12. Witt, H.	28 Lower College Street, Southampton.	Fireman	
13. Webb, S.	Sailors' Home, Southampton	Trimmer	
14. Witt, F.	St. Michael's House, Southampton.	do	
15. White, A.	3 Southampton Place, Southampton.	Greaser	Do.
16. Woodford, H.	14 Clovelly Road, Southampton.	do	
17. Wateridge, E.	Millbrook, Southampton	Fireman	
18. Wyeth, J.	14 Millbank Street, Southampton.	do	
19. Watson, W. (2 saved, 17 lost.)	13 York Street, Southampton	do	
1. Warwick, F.	Totton, Hants	Saloon steward	
2. Webb, B.	33 Hanley Road, Southampton.	Smoke-room steward.	
3. Wright, F.	22 Steur Street, Shepherds Bush, London.	Racquet-court attendant.	
4. Watson, W.	23 Oakley Road, Southampton	Bell boy	
5. Wareham, R.	46 Park Road, Southampton	Bedroom steward	
6. Whittman, H.	12 Richville Road, Shirley, Southampton.	do	
7. Ward, P.	35 Richmond Road, Southampton.	do	
8. Ward, E.	6 Blechynden Terrace, Southampton.	do	
9. Walpole, J.	12 Stafford Road, Southampton.	Chief pantryman	
10. Wrapson, H.	33 Southampton Street, Southampton.	Assistant pantryman.	
11. Williams, W.	53 Northumberland Road, Southampton.	Assistant steward	Saved.
12. Wood, J. T.	7 Norfolk Road, Upper Clapton, London.	do	
13. Witter, J.	55 Porchester Road, Woolston, Hants.	Smoke-room steward.	Do.
14. Widgery, J.	25 Rokeby Avenue, Redland, Bristol.	Baths	Do.
15. Willis, W.	59 Derby Road, Southampton.	Steward	
16. White, J.	41 Thackeray Road, Portswood, Southampton.	G. H. steward	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

W—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
17. Wright, W.	9 Emsworth Road, Shirley, Southampton.	G. H. steward	
18. Windebank, J.	Elmhurst, Shirley, Southampton.	Sauce cook	Saved.
19. Welch, W. H.	North Haven, Bond Road, Bitterne Park, Southampton.	Assistant cook	
20. Whitford, A.	33 Richmond Street, Southampton.	Saloon steward	
21. Wiltshire, W.	8 Britannia Road, Southampton.	Assistant butcher	
22. Wake, S.	2 Gloster Passage, Southampton.	Assistant baker	
23. Williams, A.	52 Peter Road, Walton, Liverpool.	Assistant storekeeper.	
24. Whiteman, A. H.	9 Dyer Road, Southampton	Barber	Do.
25. White, A.	36 Purbrooke Road, Portsmouth.	Assistant barber	
26. Walsh, Miss	57 Church Road, Southampton.	Stewardess	
27. Wallis, Mrs.	23 St. Marys Street, Southampton.	Matron	
28. Wheat, J.	14 Cobden Gardens, Bitterne, Southampton.	Assistant second steward.	Do.
29. Wheelton, E.	Norwood House, Shirley, Southampton.	Saloon steward	Do.
30. Weatherstone, T.	5 Kenilworth Road, Polygon, Southampton.	do	
31. White, L.	248 Romsey Road, Southampton.	do	
32. Ward, W.	107 Millbrook Road, Southampton.	do	Do.
33. Whiteley, T.	29 St. Johns Park Mansions, London.	do	Do.
34. Wormald, T. (9 saved, 25 lost.)	5 Testwood Road, Southampton.	do	

Y.

ENGINE DEPARTMENT.

1. Young, F. (1 lost.)	28 Russell Street, Southampton.	Fireman	

VICTUALING DEPARTMENT.

1. Yoshack J.	103 Malmesbury Road, Southampton.	Saloon steward	
2. Yearsley, H. (1 saved, 1 lost.)	6 Gloster Passage, Southampton.	do	Saved.

Z.

VICTUALING DEPARTMENT.

1. Zarracchi, L. (1 lost.)	9 Orchard Place, Southampton	(R) Wine butler	

Summary of crew list.

	Total.	Saved.	Lost.
Deck department	70	46	24
Engine department	327	72	255
Victualing department	494	96	398
Band	8		8
Total	899	214	685

In the above totals are included 23 women in the victualing department, of whom 20 were saved and 3 lost.

EXHIBIT "B."—*Particulars of the first-class passengers who sailed on the steamer "Titanic," April 10, 1912.*

Total number sailed: Women and children, 156; men, 173; total, 329.
Total number saved: Women and children, 145; men, 54; saved, 199.
Total number lost: Women and children, 11; men, 119; total lost, 130.

ALPHABETICAL LIST OF FIRST-CLASS SURVIVORS.

Allen, Miss Elizabeth Walton.
Allison, Mrs. H. J., and maid.
Allison, Master, and nurse.
Anderson, Mr. Harry.
Andrew, Miss Cornelia I.
Appleton, Mrs. E. D.
Astor, Mrs. J. J., and maid.
Aubert, Mrs. N., and maid.
Barkworth, Mrs. A. H.
Baxter, Mrs. James.
Beckwith, Mr. R. L.
Beckwith, Mrs. R. L.
Bishop, Mr. D. H.
Bishop, Mrs. D. H.
Blank, Mr. Henry.
Bonnell, Miss Caroline.
Bonnell, Miss Lily.
Bowen, Miss.
Bowerman, Miss Elsie.
Brayton, Mr. George.
Brown, Mrs. J. J.
Brown, Mrs. J. M.
Bucknell, Mrs. W., and maid.
Calderhead, Mr. E. P.
Cardell, Mrs. Churchhill.
Cardeya, Mr. T. D. M., and manservant.
Cardeya, Mrs. J. W. M., and maid.
Carter, Mr. W. E.
Carter, Mrs. W. E., and maid.
Carter, Miss Lucile.
Carter, Master William T.
Cassebeer, Mrs. H. A.
Cavendish, Mrs. T. W., and maid.
Chaffee, Mrs. Herbert F.
Chambers, Mr. N. C.
Chambers, Mrs. N. C.
Cherry, Miss Gladys.

Chevré, Mr. Paul.
Chibnall, Mrs. E. M. Bowerman.
Clark, Mrs. Walter M.
Compton, Mrs. A. T.
Compton, Miss S. R.
Cornell, Mrs. R. C.
Crosby, Mrs. Edward G.
Crosby, Miss Harriet.
Cummings, Mrs. John Bradley.
Daly, Mr. P. D.
Davidson, Mrs. Thornton.
de Villiers, Mrs. B.
Dick, Mr. A. A.
Dick, Mrs. A. A.
Dodge, Mr. Washington.
Dodge, Mrs. Washington.
Dodge, Master Washington.
Douglas, Mrs. F. C.
Douglas, Mrs. W. D., and maid.
Earnshaw, Mrs. Boulton.
Endres, Miss Caroline.
Eustis, Miss E. M.
Flegenheim, Mrs. A.
Flynn, Mr. J. I.
Fortune, Mrs. Mark.
Fortune, Miss Ethel.
Fortune, Miss Alice.
Fortune, Miss Mabel.
Frauenthal, Mr. T. G.
Frauenthal, Dr. Henry W.
Frauenthal, Mrs. Henry W.
Frolicher, Miss Marguerite.
Futrelle, Mrs. J.
Gibson, Mrs. L.
Gibson, Miss D.
Goldenberg, Mr. E. L.
Goldenberg, Mrs. E. L.
Gordon, Lord Duff.
Gordon, Lady Duff, and maid.
Gracie, Col. Archibald.
Graham, Mrs. William G.
Graham, Miss Margaret.
Greenfield, Mrs. L. D.
Harder, Mr. George A.
Harder, Mrs. George A.
Harper, Mr. Henry Sleeper, and manservant.
Harper, Mrs. Henry Sleeper.
Harris, Mrs. Henry B.
Haven, Mr. H.
Hawksford, Mr. W. J.
Hays, Mrs. Charles M., and maid.
Hays, Miss Margaret.
Hippach, Mrs. Ida S.
Hippach, Miss Jean.
Hogeboom, Mrs. John C.
Holverson, Mrs. A. O.
Hoyt, Mr. Frederick M.
Hoyt, Mrs. Frederick M.
Ismay, Mr., and manservant.
Kenyon, Mrs. F. R.
Kimball, Mr. E. N.
Kimball, Mrs. E. N.
Leader, Mrs. F. A.
Lindstroem, Mrs. J.
Lines, Mrs. Ernest H.
Lines, Miss Mary C.
Longley, Miss Gretchen F.
Madill, Miss Georgette Alexandra.
Marechal, Mr. Pierre.
Marvin, Mrs. D. W.
McGough, Mr. J. R.
Meyer, Mrs. Edgar J.
Minahan, Mrs. W. E.
Minahan, Miss Daisy.
Mock, Mr. Philip E.
Newell, Miss Alice.
Newell, Miss Madeline.
Newsome, Miss Helen.
Omont, Mr. F.
Ostby, Miss Helen R.
Pears, Mrs. Thomas.
Penasco, Mrs. Victor, and maid.
Peuchen, Maj. Arthur.
Potter, Mrs. Thomas, jr.
Rheims, Mr. George.
Robert, Mrs. Edward S., and maid.
Rolmane, Mr. C.
Rosenbaum, Miss.
Rothes, the Countess of, and maid.
Rothschild, Mrs. M.
Ryerson, Mrs. Arthur, and maid.
Ryerson, Miss.
Ryerson, Miss.
Ryerson, Master.
Scalfeld, Mr. Adolphe.
Soloman, Mr. A. L.
Schabert, Mrs. Paul.
Seward, Mr. Frederic K.
Shutes, Miss E. W.
Silverthrone, Mr.
Silvey, Mrs. William B.
Simonius, Mr. Oberst Alfons.
Sloper, Mr. William T.
Smith, Mrs. L. P.
Snyder, Mr. John.
Snyder, Mrs. John.
Spedden, Mr. Frederick O.
Spedden, Mrs. Frederick O., and maid.
Spedden, Master R. Douglas, and nurse.
Spencer, Mrs. W. A., and maid.
Staheiln, Dr. Max.
Stehli, Mr. Max Frolicher.
Stehli, Mrs. Max Frolicher.
Stengel, Mr. C. E. H.
Stengel, Mrs. C. E. H.
Stephenson, Mrs. W. B.
Stone, Mrs. George M., and maid.
Swift, Mrs. Frederick Joel.
Taussig, Mrs. Emil.
Taussig, Miss Ruth.
Taylor, Mr. E. J.
Taylor, Mrs. E. J.
Thayer, Mrs. J. B., and maid.
Thayer, Mr. J. B., jr.
Thorne, Mrs. G.
Tucker, Mr. G. M., jr.
Warren, Mrs. F. M.
White, Mrs. J. Stuart, maid, and manservant.
Wick, Mrs. George D.
Wick, Miss Mary.
Widener, Mrs. George D., and maid.
Willard, Miss Constance.
Williams, Mr. R. M. J.
Woolner, Mr. Hugh.
Young, Miss Marie.

The following names have been cabled as amongst the first-class passengers saved; it is thought they are maids and valets:

Chandowson, Miss Victorine.
Lesneur, Gustave, Mr. Cardeya's valet.
Olivia, Mlle., Mrs. Penasco's maid.
Pericault, Miss A.
Renago, Miss Maman T.
Renalt, Miss Appie.
Segesser, Miss Emma, Mme. Aubert's maid.
Serepeca, Miss Augusta.
Steffanson, H. B.

List of first-class passengers.

[Corrected Apr. 25.]

Passenger's name.	European address.	American address.
Allen, Miss Elizabeth Walton (saved).	4 South Terrace, Littlehampton.	4140 Pendell Boulevard, St. Louis, Mo.
Allison, Mr. H. J.	152 Abbey Road, West Hampstead, NW.	Montreal, Quebec.
Allison, Mrs. H. J., and maid (saved).		
Allison, Miss.		
Allison, Master (saved), and nurse (saved).		
Anderson, Mr. Harry (saved).	Waldorf Hotel, London.	
Andrews, Miss Cornelia I. (saved).		
Andrews, Mr. Thomas.	Care of Harland & Wolff, Belfast.	
Appleton, Mrs. E. D. (saved).		
Artagaveytia, Mr. Ramon.		Care of E. Metz Green, Consul Uruguay, New York.
Astor, Col. J. J., and manservant.	840 Fifth Avenue, New York City.	
Astor, Mrs. J. J. (saved), and maid (saved).		
Aubert, Mrs. N. (saved), and maid (saved).	17 Le Souer Street, Paris.	
Barkworth, Mr. A. H. (saved).	Tranby House, Hessle, East York, England.	
Baumann, Mr. J.		
Baxter, Mrs. James (saved).		Montreal, Quebec.
Baxter, Mr. Quigg.		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Beattie, Mr. T.		Care of Mr. Morgan, 66 Leonard Street, New York.
Beckwith, Mr. R. L. (saved).		Care of McKean, Brewster & Morgan, 40 Wall Street, New York.
Beckwith, Mrs. R. L. (saved).		
Behr, Mr. K. H.		40 Wall Street, New York.
Bishop, Mr. D. H. (saved).		
Bishop, Mrs. D. H. (saved).		
Bjornstrom, Mr. H. (Steffenson; see end list.)		
Blackwell, Mr. Stephen Weart.	Brown, Shipley & Co., Son.	167 West State Street, Trenton, N. J.
Blank, Mr. Henry (saved).		Care of Whiteside & Blank, Newark, N. J.
Bonnell, Miss Caroline (saved).		Youngstown, Ohio.
Bonnell, Miss Lily (saved).	Carlton Hotel, London.	
Borebank, Mr. J. J.		Lodges of the World, Winnipeg.
Bowen, Miss (saved).		Care of A. D. Britton, 189 Montague Street, Brooklyn, N. Y.
Bowerman, Miss Elsie (saved).	Thorncliff, St. Leonards on Sea, England.	
Brady, Mr. John B.		Care of Miss E. M. Brady, Hotel Wellington, New York City.
Brandeis, Mr. E.		Omaha, Nebr.
Brayton, Mr. George (saved).	Hotel Metropole, London, W. C.	Union Trust Building, Los Angeles, Cal.
Brewe, Dr. Arthur Jackson.		
Brown, Mrs. J. J. (saved).		Denver, Colo.
Brown, Mrs. J. M. (saved).		
Bucknell, Mrs. W. (saved) and maid (saved).		
Butt, Maj. Archibald W.		Care of Lewis F. Butt, Augusta, Ga.
Calderhead, Mr. E. P. (saved).		Gimbel Bros., New York City.
Cardell, Mrs. Churchill (saved).		
Cardeza, Mrs. J. W. M. (saved) and maid.		
Cardeza, Mr. T. D. M. (saved) and manservant.		
Carlson, Mr. Frank.		
Carran, Mr. F. M.		Care of A. Metz Green, consul for Uruguay, New York City.
Carran, Mr. J. P.		
Carter, Mr. William E. (saved).	Rotherley Manor, Rotherley, Leicester.	Philadelphia, Pa., Attorneys Winthrop & Stimson, 32 Liberty Street, New York City.
Carter, Mrs. William E. (saved) and maid.		
Carter, Miss Lucile (saved).		
Carter, Master William T. (saved).		
Case, Mr. Howard B.	Vacuum Oil Co., London.	Care of Standard Oil Co., Rochester, N. Y.
Cassebeer, Mrs. H. A. (saved).	59 Rue Vaneau, Paris.	
Cavendish, Mr. T. W.	23 Chesham Place, London.	Care of Simpson Crawford Co., New York City.
Cavendish, Mrs. T. W. (saved) and maid (saved).		
Chaffee, Mr. Herbert F.		Amenia, N. Dak.
Chaffee, Mrs. Herbert F. (saved).		
Chambers, Mr. N. C. (saved).	Royal Mail S. P. Co., London.	Care of W. Bruce Cobb, 49 Wall Street, New York City.
Chambers, Mrs. N. C. (saved).		
Cherry, Miss Gladys (saved).		Care of E. H. Fallows, 30 Church Street, New York City.
Chevré, Mr. Paul (saved).	96 Avenue des Terres, Paris.	
Chibnall, Mrs. E. M. Bowerman (saved).		
Chisholm, Mr. Robert.		
Clark, Mr. Walter M.		Care of Hon. W. A. Clark, 20 Exchange Place, New York.
Clark, Mrs. Walter M. (saved).		
Clifford, Mr. George Quincy.		
Colley, Mr. E. P.	Farmagh, Rathgar, Dublin.	Care of Mrs. K. R. Burr, 451 Lexington Avenue, New York City.
Compton, Mrs. A. T. (saved).		Lakewood House, Lakewood, N. J.
Compton, Miss S. R. (saved).		
Compton, Mr. A. T., jr.		
Cornell, Mrs. R. C. (saved).		
Crafton, Mr. John B.	Victoria Hotel, London.	Care of H. R. Crafton, Roachdale, Ind.
Crosby, Mr. Edward G.	Grand Trunk Ry., London SW.	Transportation Co., Milwaukee, Wis.
Crosby, Mrs. Edward G. (saved).		
Crosby, Miss Harriett (saved).		
Cummings, Mr. John Bradley.		Care of Hervey, Barber & McKee, 30 Nassau Street, New York.
Cummings, Mrs. John Bradley (saved).		
Daly, Mr. P. D. (saved).		Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Daniel, Mr. Robert W.		328 Chestnut Street, Philadelphia, Pa.
Davidson, Mr. Thornton.		Care of Mr. Sparling, Grand Trunk Ry., 290 Broadway, New York City.
Davidson, Mrs. Thornton (saved).		
de Villiers, Mrs. B. (saved).	111 Rue Farder, Brussels.	
Dick, Mr. A. A. (saved).	Care of Dean & Dawson, Hotel Cecil, London.	Calgary, Alberta.
Dick, Mrs. A. A. (saved).		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Dodge, Mr. Washington (saved)		San Francisco, Cal.; attorney, Nathan Urdaver, 116 Nassau Street, New York City.
Dodge, Mrs. Washington (saved).		
Dodge, Master Washington (saved).		
Douglas, Mrs. F. C. (saved)		
Douglas, Mr. W. D		Minneapolis, Minn.
Douglas, Mrs. W. D. (saved) and maid.		
Duiles, Mr. William C		
Earnshaw, Mrs. Boulton (saved)		Care of R. B. Evans, 1335 Land Title Building, Philadelphia, Pa.
Endres, Miss Caroline (saved)		Care of D. H. McIntyre, Punxsutawney, Pa.
Eustis, Miss E. M. (saved)		Hotel Belmont, New York City.
Evans, Miss E		Care of E. G. Alsdorf, 40 Wall Street, New York City.
Flegenhein, Mrs. A. (saved)		
Flynn, Mr. J. I. (saved)		Gimbel Bros. New York City.
Foreman, Mr. B. L		306 West Ninety-ninth Street, New York City.
Fortune, Mr. Mark		
Fortune, Mrs. Mark (saved)		
Fortune, Miss Ethel (saved)	Hotel Metropole, London.	291½ Portage Avenue, Winnipeg, Manitoba.
Fortune, Miss Alice (saved)		
Fortune, Miss Mabel (saved)		
Fortune, Mr. Charles		
Franklin, Mr. T. P	17 Cheapside, E. C	
Frauenthal, Mr. T. G. (saved)		
Frauenthal, Dr. Henry W. (saved).		
Frauenthal, Mrs. Henry W. (saved).		
Frolicher, Miss Marguerite (saved).	Care of Mr. Obersteg, Basel.	Care of E. J. Stehli, 13 West Seventy-sixth Street, New York City.
Futrelle, Mr. J	44 Gloucester Terrace, Hyde Park, W.	Hotel Belmont, New York City.
Futrelle, Mrs. J. (saved)		
Gee, Mr. Arthur		Care of Edwin Gee, Lawrence, Mass.
Gibson, Mrs. L. (saved)		Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Gibson, Miss D. (saved)		
Giglio, Mr. Victor	57 Avenue Montaigne, Paris.	
Goldenberg, Mr. E. L. (saved)		Do.
Goldenberg, Mrs. E. L. (saved)		
Goldschmidt,, Mrs. George B		
Gordon, Lord Duff (saved)		Care of Lucile (Ltd.), 17 West Thirty-sixth Street, New York (sailed Lusitania May 8, 1912).
Gordon, Lady Duff (saved) and maid (saved).		
Gracie, Col. Archibald (saved)	Savoy Hotel, London, W	Hotel St. Loine, Washington Square, New York City.
Graham, Mr		Care of I. Eaton & Co., 45 East Seventeenth Street, New York City.
Graham, Mrs. William G. (saved).		
Graham, Miss Margaret (saved)		
Greenfield, Mrs. L. D. (saved)		
Greenfield, Mr. W. B. (saved)		
Guggenheim, Mr. Benjamin		Care of J. K. McGowan, 165 Broadway, New York.
Harder, Mr. George A. (saved)		117 Eighth Avenue, Brooklyn, N. Y.
Harder, Mrs. George A. (saved)		
Harper, Mr. Henry Sleeper (saved) and manservant (saved).		
Harper, Mrs. Henry Sleeper (saved).		
Harris, Mr. Henry B		50 Central Park West, New York City.
Harris, Mrs. Henry B. (saved)		
Harrison, Mr. W. H	30 James Street, Liverpool.	
Haven, Mr. H. (saved)		
Hawksford, Mr. W. J. (saved)		
Hays, Mr. Charles M	Grand Trunk Ry., London, SW.	Grand Trunk Ry., Montreal.
Hays, Mrs. Charles M. (saved) and maid.		
Hays, Miss Margaret (saved)		304 West Eighty-third Street, New York City.
Head, Mr. Christopher		Care of G. W. Head, Grain Exchange, Winnipeg.
Hilliard, Mr. Herbert Henry		Boston, Mass.
Hipkins, Mr. W. E		Avery Scale Co., North Milwaukee, Wis.
Hippach, Mrs. Ida S. (saved)		Hotel Imperial, New York City.
Hippach, Miss Jean (saved)		
Hogeboom, Mrs. John C. (saved).		
Holverson, Mr. A. O	Piccadilly Hotel, London, W.	Cluett, Peabody & Co., New York City.
Holverson, Mrs. A. O. (saved)		
Hoyt, Mr. Frederick M. (saved).	Care of Brown, Shipley & Co., London.	
Hoyt, Mrs. Frederick M. (saved).		
Hoyt, Mr. W. F		36 West Thirty-fifth Street, New York City.
Isham, Miss A. E		Care of Edward Isham, 26 West Thirty-seventh Street, New York.

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Ismay, Mr. (saved) and manservant.	30 James Street, Liverpool.	
Jakob, Mr. Birnbaum	11 Rue Membling, Antwerp.	
Jones, Mr. C. C		Fillimore Farms, Bennington, Vt.
Julian, Mr. H. F		Care of G. W. Shepherd, 30 Church Street, New York.
Kent, Mr. Edward A		512 Delavan Avenue, Buffalo, N. Y.
Kenyon, Mr. F. R		Care of J. Kenyon, Southington, Conn.
Kenyon, Mrs. F. R. (saved)		
Kimball, Mr. E. N. (saved)		Care of McKean, Brewster & Morgan, 40 Wall Street, New York City.
Kimball, Mrs. E. N. (saved)		
Klaber, Mr. Herman		Care of D. S. Netter, 441 Market Street, Philadelphia, Pa.
Lambert-Williams, Mr. Fletcher Fellows.	6 W. Bickerhall Mansions, Gloucester Place, London, W.	
Leader, Mrs. F. A. (saved)		
Lewy, Mr. E. G		Lewy Bros. Co., State and Adams Streets, Chicago, Ill.
Lindstroem, Mrs. J. (saved)		
Lines, Mrs. Ernest H. (saved)		Care of Kraushaar, Harmon & Mathewson, 55 Wall Street, New York City.
Lines, Miss Mary C. (saved)		
Lingrey, Mr. Edward		
Long, Mr. Milton C		Springfield, Mass.
Longley, Miss Gretchen F. (saved).		
Loring, Mr. J. H	28 Park Lane, London, W.	Care of Thos. Plunkett, 49 Broadway, New York City.
Madill, Miss Georgette Alexandra (saved).	4 South Terrace, Littlehampton.	4140 Pendell Boulevard, St. Louis, Mo.
Maguire, Mr. J. E		
Marechal, Mr. Pierre (saved)		
Marvin, Mr. D. W	58 Acre Lane, Brixton, SW.	
Marvin, Mrs. D. W. (saved)		
McCaffry, Mr. T		Vancouver, British Columbia.
McCarthy, Mr. Timothy J		
McGough, Mr. J. R. (saved)		Gimbel Bros., New York City.
Meyer, Mr. Edgar J		Care of Saks & Co., New York City.
Meyer, Mrs. Edgar J. (saved)		
Millet, Mr. Frank D		
Minahan, Dr. W. E	Savoy Hotel, London, W.	Fond du Lac, Wis.
Minahan, Mrs. W. E. (saved)		
Minahan, Miss Daisy (saved)		
Mock, Mr. Philip E. (saved)		Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Molsom, Mr. H. Markland	Junior Athenaeum Club, Piccadilly, W.	Montreal, Quebec.
Moore, Mr. Clarence, and manservant.	Almond's Hotel, Clifford Street, W.	1716 Massachusetts Avenue, Washington, D. C.
Natsch, Mr. Charles		
Newell, Mr. A. W		Care of Bureau of University Navel, Boston, Mass.
Newell, Miss Alice (saved)		
Newell, Miss Madeline (saved)		
Newsom, Miss Helen (saved)		Care of McKean, Brewster & Morgan, 40 Wall Street, New York City.
Nicholson, Mr. A. S		Care of Mrs. E. M. Cory, 1 Greenwood Avenue, Brooklyn, N. Y.
Omont, Mr. F. (saved)		
Ostby, Mr. E. C		Providence, R. I.
Ostby, Miss Helen R. (saved)		
Ovies, Mr. S		Care of H. B. Claflin Co., New York City, Mr. J. M. Menendez.
Parr, Mr. M. H. W		
Partner, Mr. Austin	Care of Meyers & Robertson, 11 Copthall Court, London, E. C.	Care of Barrow, Wade & Guthrie, 25 Broad Street, New York City.
Payne, Mr. V	Grand Trunk Ry., London, SW.	Grand Trunk Ry., Montreal.
Pears, Mr. Thomas	"Inevagissey," Ilsworth, NW.	Care of Walter Janvier, 417 Canal Street, New York City.
Pears, Mrs. Thomas (saved)		
Penasco, Mr. Victor		Care of Mrs. F. Garcia, 6 East 58th Street, New York City. Sail La Provence May 9.
Penasco, Mrs. Victor (saved), and maid.		
Peuchen, Maj. Arthur (saved)	Savoy Hotel, London, W	Toronto, Ontario.
Porter, Mr. Walter Chamberlain.		
Potter, Mrs. Thomas, jr. (saved).		Care of R. B. Evans, 1335 Land Title Building, Philadelphia, Pa.
Reuchlin, Mr. Jonkheer J. G		Care of Holland-America Line, 39 Broadway, New York City.
Rheims, Mr. George (saved)	42 Rue de Paradis, Paris.	
Robert, Mrs. Edward S. (saved), and maid (saved).	4 South Terrace, Littlehampton.	4140 Pendell Boulevard, St. Louis.
Roebling, Mr. Washington A., 2d.		Trenton, N. J.
Rolmane, Mr. C. (saved)		235 West 107th Street, New York City.

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Rood, Mr. Hugh R	Ritz Hotel, London, W.	
Rosenbaum, Miss (saved)		
Ross, Mr. J. Hugo	Savoy Hotel, London	
Rothes, the Countess of (saved), and maid (saved).		Ritz-Carlton Hotel, New York City.
Rothschild, Mr. M.		753 West End Avenue, New York City.
Rothschild, Mrs. M. (saved)		
Rowe, Mr. Alfred	6 Petersham Place, Gloucester Road, W.	Care of Knox & Co., 17 Battery Place, New York City.
Ryerson, Mr. Arthur		Care of G. S. O'Loughlin, 31 Nassau Street, New York City.
Ryerson, Mrs. Arthur (saved), and maid.		
Ryerson, Miss (saved)		
Ryerson, Miss (saved)		
Ryerson, Master (saved)		
Saalfeld, Mr. Adolphe (saved)	Victoria Park, Manchester.	Hotel Astor, New York City (sails Cedric May 16).
Salomon, Mr. A. L. (saved)		
Schabert, Mrs. Paul (saved)		Curtis, Wallet, Prevost & Colt, 30 Broad Street, New York City.
Seward, Mr. Frederic K. (saved)	Savoy Hotel, London, WC.	
Shutes, Miss E. W. (saved)		168 West One hundred and twentieth Street, New York City.
Silverthorne, Mr. (saved)		St. Louis, Mo
Silvey, Mr. William B		Care of Mrs. S. Deshler, 1811 Wyoming Avenue, Washington, D. C.
Silvey, Mrs. William B. (saved)		
Simonius, Mr. Oberst Alfons (saved).		Ritz-Carlton Hotel, New York City.
Sloper, Mr. William T. (saved).	Waldorf Hotel, London, W.	
Smart, Mr. John M		
Smith, Mr. J. Clinch		Care of C. S. Butler, 32 Nassau Street, New York City.
Smith, Mr. R. W		Care of Ford & Lyon, Fitchburg, Mass.
Smith, Mr. L. P		Huntington, W. Va.
Smith, Mrs. L. P. (saved)		
Snyder, Mr. John (saved)		Minneapolis, Minn.
Snyder, Mrs. John (saved)		
Spedden, Mr. Frederick O. (saved)		Morristown, N. J.
Spedden, Mrs. Frederick O. (saved), and maid (saved)		
Spedden, Master R. Douglas (saved), and nurse (saved)		
Spencer, Mr. W. A		Care of J. C. Tiedeman, St. George's Church, New York.
Spencer, Mrs. W. A. (saved), and maid (saved)		
Stahelin, Dr. Max (saved)		Ritz Hotel, New York City.
Stead, Mr. W. T	5 Smith Square, Westminster, London, SW.	13 Astor Place, New York City.
Stehli, Mr. Max Frolicher (saved)		Care of E. J. Stehli, 13 West Seventy-sixth Street, New York City.
Stehli, Mrs. Max Frolicher (saved)		
Stengel, Mr. C. E. H. (saved)		South Broad Street, Newark, N. J.
Stengel, Mrs. C. E. H. (saved)		
Stephenson, Mrs. W. B. (saved)		
Stewart, Mr. A. A		
Stone, Mrs. George M. (saved), and maid (saved).		Cincinnati, Ohio.
Straus, Mr. Isidor, and manservant		Care of R. H. Macy & Co., New York City.
Straus, Mrs. Isidor, and maid (saved)		
Sutton, Mr. Frederick		Care of Mrs. E. C. Sutton, Haddonfield, N. J.
Swift, Mrs. Frederick Joel (saved).		
Taussig, Mr. Emil		
Taussig, Mrs. Emil (saved)		
Taussig, Miss Ruth (saved)		
Taylor, Mr. E. Z. (saved)	Whitehall Hotel, Bloomsburg Square, W. C.	Care of S. E. Wright, Wilson, N. C.
Taylor, Mrs. E. Z. (saved)		
Thayer, Mr. J. B		Pennsylvania R. R. Co., Philadelphia, Pa.
Thayer, Mrs. J. B., and maid (saved).		
Thayer, Mr. J. B., jr. (saved)		
Thorne, Mr. G		
Thorne, Mrs. G. (saved)		
Tucker, Mr. G. M., jr. (saved)		
Uruchurtu, Mr. M. R		Care of R. R. Uruchurtu, Mexico City, Mexico.
Van der Hoef, Mr. Wyckoff		109 Joralemon Street, Brooklyn, N. Y.
Walker, Mr. W. Anderson		East Orange, N. J.
Warren, Mr. F. M		
Warren, Mrs. F. M. (saved)		
Weir, Mr. J	Care of Mrs. Carter, 6 Howe Street, Edinburgh.	
White, Mr. Percival W		Winchendon Springs, Mass.
White, Mr. Richard F		
White, Mrs. J. Stuart (saved) and maid (saved) and manservant.		Waldorf-Astoria, New York City.
Wick, Mr. George D		Youngstown, Ohio.
Wick, Mrs. George D. (saved)		
Wick, Miss Mary (saved)		
Widener, Mr. George D. and manservant.		Land Title Building, Philadelphia, Pa.
Widener, Mrs. George D. (saved), and maid (saved).		
Widener, Mr. Harry		
Willard, Miss Constance (saved).		Care of J. W. Moffit, Duluth, Minn.
Williams, Mr. Duane		Care of Alex Williams, Philadelphia Club, Philadelphia, Pa.
Williams, Mr. R. M., jr. (saved)		
Woolner, Mr. Hugh (saved)		
Wright, Mr. George		Care of I. Jackerman Polhemus Printing Co. 121 Fulton Street, New York.
Young, Miss Marie (saved)		234 West 44th Street, New York City.

The following names have also been cabled as amongst the first-class passengers saved, whom we are at present unable to identify, but it is thought they are maids and valets:

Chandowson, Miss Victorine.
Renago, Miss Maman T.
Olivia, Mlle., Mrs. Penasco's maid.
Renalt, Miss Appie (or Effie).
Segesser, Miss Emma, Mme. Aubert's maid.
Steffanson, H. B., on list as H. Bjornstrom.
Screpeca, Miss Augusta.
Lesneur, Gustave, Mr. Cardeza's valet.
Pericault, Miss A.

List of second-class passengers of steamship "Titanic," rescued by Carpathia."

1. Angle, Mrs.
2. Abelson, Mrs. Hanna.
3. Balls, Mrs. Ada E.
4. Buss, Miss Kate.
5. Becker, Mrs. A. O., and 3 children.
6. Beane, Mr. Edward.
7. Beane, Mrs.
8. Brown, Mildred.
9. Brown, Miss Elizabeth.
10. Bentham, Lillian W.
11. Bystrom, Karolina.
12. Bryhl, Dagmar.
13. Beesley, Mr. L.
14. Clark, Mrs. Ada.
15. Cameron, Miss Clara.
16. Caldwell, Albert F.
17. Caldwell, Mrs. Sylvan.
18. Caldwell, Infant Alden.
19. Collyer, Mrs. Charlotte.
20. Collyer, Miss Marjorie.
21. Christy, Alice.
22. Christy, Julia.
23. Collet, Stuart (Mr.).
24. Doling, Mrs. Ada.
25. Doling, Miss Elsie.
26. Drew, Mrs. Lulu, and child.
27. Davies, Mrs. Agnes.
28. Davis, Miss Mary.
29. Davis, John M.
30. Del Carlo, Mrs. S.
31. Drachstedt, Baun von (saved as first class).
32. Durano, Florentine.
33. Durano, Miss A.
34. Faunthorpe, Mrs. Lizzie.
35. Garside, Ethel.
36. George, Master Wm. Rons S.
37. Hart, Mrs. (Esther).
38. Hart, Child (Eva).
39. Harris, George.
40. Hewlett, Mrs. Mary.
41. Harper, Nina.
42. Hold, Mrs. A.
43. Hosno, Mr. Masabumi.
44. Hocking, Mrs., and daughter.
45. Herman, Mrs. Jane.
46. Herman, Miss Kate.
47. Herman, Miss Alice.
48. Hamlin, Mrs. H., and child.
49. Hoffman, Lolo.
50. Hoffman, Lues.
51. Ilett, Bertha.
52. Jacobsohn, Mrs. Amy.
53. Jervan, Mrs. M.
54. Keane, Miss Nora A.
55. Kelly, Mrs. F.
56. Kantor, Mrs. M.
57. Leitch, Jessie.
58. Laroche, Mrs.
59. Laroche, Miss Simmome.
60. Laroche, Miss Louise.
61. Lehman, Bertha.
62. Lauch, Mrs. A.
63. Lamore, Amelia.
64. Mellinger, Eliz.
65. Mellinger, Child.
66. Marshall, Mrs. Kate.
67. Mallett, Mrs.
68. Mallett, Master R. E.
69. Mellers, W. J.
70. Nasser, Mrs.
71. Nye, Elizabeth.
72. Oxenham, Thos.
73. Phillips, Alice.
74. Pallas, Mr. Emilio (?).
75. Padro, Mr. Julian.
76. Pinsky, Rosa.
77. Portaluppi, Emilio.
78. Parish, Mrs. Davis.
79. Quick, Mrs. Jane.
80. Quick, Miss Vera W.
81. Quick, Miss Phyllis.
82. Reynoldo, Mrs. E.
83. Ridsdale, Lucy.
84. Renouf, Miss Lily.
85. Rugg, Miss Emily.
86. Richards, Emily, and 2 children.
87. Rogers, Miss Selina.
88. Sincock, Miss Maude.
89. Slayter, Miss H. M.
90. Shelley, Mrs. J.
91. Sinkkonen, Miss Anna.
92. Smith, Miss Marion.
93. Silven, Lyllie.
94. Toomey, Miss.
95. Trent, Mrs. Jessie.
96. Trout, Miss E.
97. Williams, C. Chas.
98. Weitz, Mrs. (Mathilda).
99. Webber, Miss Susie.
100. Wright, Miss Marion.
101. Watt, Mrs. Bessie.
102. Watt, Miss Bertha.
103. West, Mrs. E. A.
104. West, Miss Constance.
105. West, Miss Barbara.
106. Wells, Addie.
107. Wells, Master.
108. Wells, Miss.
109. Ware, Mrs. Florence.
110. Whilems, Chas.
111. Walcroft, Nellie.

Total saved	119
Women and children saved	104
Men saved	15
Total	119

MAY 15, 1912.

List of second-class passengers, arranged alphabetically.

Abelson, Mrs. Hanna.
Abelson, Mr. Samson.
Angle, Mr. W.
Angle, Mrs.
Andrew, Mr. Edgar.
Andrew, Mr. Frank.
Ashby, Mr. John.
Bailey, Mr. Percy.
Balls, Mrs. Ada E.
Bambridge, Mr. Charles P.

Banfield, Mr.
Bateman, Mr. Robert J.
Beane, Mr. Edward.
Beane, Mrs. Ethel.
Beauchamp, Mr. H. J.
Becker, Mrs. A. O.
Becker, Miss Ruth Elizabeth.
Becker, Miss Marion Louise.
Becker, Master Richard.
Beesley, Mr. L.
Bentham, Miss Lillian W.
Berreman, Mr. W. S.
Botsford, Mr. W. H.
Bowenur, Mr. Solomon.
Bracker, Mr. James H.
Brown, Mrs. E. C.
Brown, Miss E.
Brown, Mr. S.
Brown, Miss Mildred.
Bryhl, Mr. Curt.
Bryht, Miss Dagmar.
Buss, Miss Kate.
Butler, Mr. Reginald.
Byles, Rev. T. R. D.
Bystrom, Mrs. Carolina.
Cameron, Miss Clear.
Carbules, Mr. W.
Campbell, Mr. William.
Caldwell, Mr. Albert Francis.
Caldwell, Mrs. Sylvia M.
Caldwell, Master Alden G.
Carver, Rev. E. C.
Carver, Mrs. E. C.
Chapman, Mr. C.
Chapman, Mr. D. H.
Chapman, Mrs. D. H.
Christy, Mrs. Alice.
Christy, Miss Jule.
Clarke, Mr. Charles U.
Clarke, Mrs. Ada Maria.
Corey, Mrs. P. C.
Collett, Mr. Stewart.
Coleridge, Mr. R. C.
Collyer, Mr. Harvey.
Collyer, Mrs. Charlotte.
Collyer, Miss Marjorie.
Corbett, Mrs. Irene C.
Collander, Mr. Erik.
Cotterill, Mr. Harry.
Cunningham, Mr. Alf.
de Carlo, Mr. Sabastiani.
de Carlo, Mrs. Sabastiani.
de Brito, Mr. Jose.
Davies, Mr. Charles.
Dawnson, Mr. William James.
Davis, Miss M.
Davis, Master John M.
Davis, Mrs. Agnes.
Deacon, Mr. Percy.
Debaen, Mr. William.
Decit, Miss Bertha.
Denbury, Mr. Herbert.
Doling, Mrs. Ada J.
Doling, Miss Elsie.
Drashsledt, Baron von.
Drew, Mr. James U.
Drew, Mrs. James U.
Drew, Master Marshall.
Durand, Miss Florentina.
Durand, Miss Asuncion.
Eitemiller, Mr. G. F.
Enander, Mr. Ingvar.
Fahlstrom, Mr. Arne D.
Fallbrook, Mr. Charles.
Faunthorpe, Mr. Harry.
Faunthorpe, Mrs. Lizzie.
Fox, Mr. Stanley H.
Frost, Mr. A.
Funk, Miss Annie.
Fyuncy, Mr. Joseph.
Gale, Mr. Henry.
Gale, Mr. Shadrach.
Garside, Miss.
Gaskell, Mr. Alfred.
Gavey, Mr. Galovence.
George, Master William Rand S.
Giles, Mr. Ralph.
Gill, Mr. John.
Giles, Mr. Fred.
Giles, Mr. Edgar.
Gilbert, Mr. William.
Gillespie, Mr. William.
Givard, Mr. Hans L.
Grais, Miss H.
Greenberg, Mr. Samuel.
Hasons, Mr. M.
Hamalainen, Mrs. Anna, and infant.
Harris, Mr.
Hart, Benjamin.
Hart, Mrs. Esther.
Hart, Miss Eva M.
Hale, Mr. Reginald.
Harper, Miss Mina.
Harper, Mr. John.
Harris, Mr. George.
Harbeck, Mr. William.
Herman, Mr. Samuel.
Herman, Mrs. Jane.
Herman, Miss Kate.
Herman, Miss Alice.
Hickman, Mr. Leonard.
Hickman, Mr. Lewis.
Hickman, Mr. Stanley.
Hodges, Mr. Henry P.
Hocking, Mrs. Eliza.
Hocking, Miss Nellie.
Hocking, Mr. George.
Hocking, Mr. Samuel J.
Hoffman, Mr.
Hoffman, Masters.
Hood, Mr. Ambrose.
Howard, Mr. Benjamin.
Howard, Mrs. Ellen T.
Hold, Mr. Stephen.
Hold, Miss Annie.
Hunt, Mr. George.
Hewlett, Mrs. M. D.
Jacobsohn, Mr. S. S.
Jacobsohn, Mrs. S. S.
Jarvis, Mr. J. D.
Jewan, Mrs. A. B.
Jefferys, Mr. Clifford.
Jefferys, Mr. Ernest.
Jonkin, Mr. Stephen.
Kantor, Mr. S.
Kantor, Mrs.
Karnes, Mrs. J. F.
Keane, Mr. Daniel.
Keane, Miss Nora A.
Kelly, Mrs. F.
Kirkland, Rev. Charles Leonard.
Knight, Mr. R.
Lahlenen, Mr. William.
Lahlenen, Mrs. William.
Lamore, Mrs. A.
Lamb, Mr. J. J.
Laroche, Mr. Joseph.
Laroche, Mrs. Joseph.
Laroche, Miss Lemoine.
Laroche, Miss Louise.
Lehman, Miss Bertha.
Leinot, Mr. Rene.
Leisch, Miss Dessie.
Levy, Mr. R. J.
Leyson, Mr. R. W.
Lingan, Mr. John.
Louch, Mr. Charles.
Louch, Mrs. Alice A.
McCrie, Mr. J. M.
McCrae, Mr. Arthur G.
McKane, Mr. Peter D.
Mack, Mrs. Mary.
Mallet, Mr. A.
Mallet, Mrs. A.
Mallet, Master Andre.
Malachard, Mr. Noel.
Manevila, Mr. Joseph.
Mangeavacche, Mr. Emilio.
Maraweck, Dr. E.
Marshall, Mr. Henry.
Marshall, Mrs. Kate.
Matthews, Mr. W. J.
Maybery, Mr. Frank H.
Mellenger, Mrs. Elizabeth, and child.
Mellers, Mr. William.
Meyer, Mr. August.
Milling, Mr. Jacob E.
Mitchell, Mr. Henry.
Mudd, Mr. Thomas C.
Myles, Mr. T. F.
Nasser, Mr. Nicolas.
Nasser, Mrs. Nicolas.
Nesson, Mr. I.
Nicholls, Mr. Joseph C.
Norman, Mr. Robert D.
Nye, Mrs. Elizabeth.
Oldworth, Mr.
Otter, Mr. Richard.
Oxenham, Mr. T.
Paard, Mr. Julian.
Pain, D. A.
Parker, Mr. Clifford R.
Parks, Mr. Frank.
Parrish, Mrs. L. D.
Pallas, Mr. Emilio.
Permachity, Rev. P. Joseph M.
Phillips, Miss Alice.
Phillips, Mr. Robert.
Pinsky, Miss Rosa.
Ponesell, Mr. Martin.
Portaluppi, Mr. Emilio.
Pulbaum, Mr. Frank.
Quick, Mrs. Jane.
Quick, Miss W. V.
Quick, Miss Phyllis.
Reeves, Mr. David.
Renouf, Mr. Peter H. Y.
Renouf, Miss Lillie.
Reynolds, Miss E.
Ridsdale, Miss Lucy.
Richards, Mrs. Emily.
Richard, Mr. Emile.
Rogers, Mr. Harry.
Rogers, Miss Selina.
Rugg, Miss Emily.
Sedgwick, Mr. C. F. W.
Senkkonen, Miss Anna.
Sharp, Mr. Percival.
Shelley, Mrs. J.
Silver, Miss Lyyli.
Sincock, Miss Maude.
Sjostedt, Mr. E. A.
Slemen, Mr. Richard J.
Slayter, Miss H. M.
Smith, Mr. A.
Smith, Miss Marion.
Sobey, Mr. Hayden.
Stanton, Mr. S. Ward.
Stokes, Mr. Philip J.
Svillner, Mr. Johan Henrik.
Swane, Mr. George.
Sweet, Mr. George.
Toomey, Miss Ellen.
Trent, Mrs. Jessie.
Trout, Miss E. E.
Troupeansky, Mr. Moses Aaron.
Turpin, Mr. William J.
Turpin, Mrs. D. A.
Veale, Mr. James.
Wells, Mrs. A. D.
Wells, Miss Joan.
Wells, Master Ralph.
West, Mr. E. A.
West, Mrs. E. A.
West, Miss E. M.
West, Miss P. J.
Watcroft, Miss Nellie.
Ware, Mr. William J.
Wheaton, Mr. Edward W.
Webber, Miss Susie.
Wheeler, Mr. Edwin.
Williams, Mr. C.
Wright, Miss Marion.
Watt, Mrs. Bessie.
Watt, Miss Bertha.
Ware, Mr. John J.
Ware, Mrs. F. L.
Wilhelms, Mr.
Weitz, Mr. L.
Weitz, Mrs. L.
Watson, Mr. E.

Particulars of the second-class passengers who sailed on the steamship "Titanic" April 10, 1912.

Total number sailed: Women and children, 128; men, 157; sailed, 285.
Total number saved: Women and children, 104; men, 15; saved, 119.
Total number lost: Women and children, 24; men, 142; lost, 166.

Second-class berthing list.

Passenger's name.	Address.
Mrs. Hanna Abelson (saved)	Hebrew Shelter and Emigrant Aid Society, 229 East Broadway, New York City
Mr. Samson Abelson	
Mr. Edgar Andrew	Brother is S. Alfredo Andrew, New York Ship Building Co., Camden, N. J.
Mrs. Angie (saved)	With sister, 212 East Forty-sixth Street, New York City.
Mr. W. Angle	1 Mill Street, Warwick, England.
Frank Andrew	
Mr. John Ashby	Wife is 517 Synnes Street, West Hoboken, N. J.
Mr. Percy Bailey	26 Gwavas Street, Penzance, Cornwall, England, or care of Harry Lutey, 1024 Hefferson Avenue, Akron, Ohio.
Mrs. Ada E. Balls (saved)	227 West One hundred and twenty-fifth Street, thence to Jacksonville, Fla.
Mr. Chas. P. Bambridge	
Mr. Banfield	20 Grenville Road, Plymouth, England. Brother is in Houghton, Mich.
Mr. Robert J. Bateman	
Mr. Edward Beane (saved)	
Mrs. Ethel Beane (saved)	
Mr. H. J. Beauchamp	
Mrs. A. O. Becker (saved)	Care of Thos. Cook & Son, Bombay, or Benton Harbor, Mich., or, until May 18, Lancaster, Ohio.
Miss Marion Louise Becker (saved)	
Master Richard Becker (saved)	
Miss Ruth Elizabeth Becker (saved)	
Mr. L. Beesley (saved)	4 Tetchfield Terrace, London, N. W.; or care Cornell Club, New York City.
Miss Lilian W. Bentham (saved)	11 Kay Terrace, Rochester, N. Y.
Mr. W. S. Berreman	
Mr. W. H. Botsford	Care of Thos. Cook & Son, London, or, father is William B. Botsford, 402 West Fifth Street, Elmira, N. Y.
Mr. Solomon Bowenur	General post office, London.
Mr. Jas. H. Bracker	
Mr. Jose de Brito	
Miss E. Brown (saved)	
Mrs. E. C. Brown (saved)	
Miss Mildred Brown (saved)	152 Abbey Road, London, N. W.
Mr. S. Brown	
Mr. Curt Bryhl	Brother of Dagmar Bryhl, who survives and returns to G'burg, Sweden, on Baltic, May 9.
Miss Dagmar Bryhl (saved)	Care Oscar Lustig, 511 Pearl Street, Rockford, Ill.; returned to Gothenburg, steamship Baltic, May 9.
Rev. T. R. D. Byles	
Mrs. Carolina Bystrom (saved)	1991 Lexington Avenue, New York City.
Miss Kate Buss (saved)	Care of Rev. Dalziel, Bellmore, Long Island, thence to San Diego, Cal.
Mr. Reginald Butler	
Mr. Albert Francis Caldwell (saved)	2 Upper Montague Street, London, England.
Master Alden G. Caldwell (saved)	
Mrs. Sylvia M. Caldwell (saved)	
Miss Clear Cameron (saved)	Mamaroneck, Conn. (?)
Mr. William Campbell	Care of Harland & Wolf, Belfast, Ireland.
Mr. W. Carbines	
Mr. Sabastiani de Carlo	Care Branchini, Lucca, Italy.
Mrs. Sebastiani de Carlo (saved)	Returned to Italy on Cretic May 18.
Mrs. E. C. Carver	
Rev. E. C. Carver	
Mr. C. Chapman	McWheelers, West Droyton, England.
Mr. D. H. Chapman	Care of George & George, Leskeard, England.
Mrs. D. H. Chapman	
Mrs. Alice Christy (saved)	Returned to England, Megantic, May 11.
Miss Jule Christy (saved)	
Mrs. Ada Maria Clarke (saved)	Returned to England, Celtic, Apr. 25.
Mr. Charles V. Clarke	Colaba - Grange Lane, Netley Abbey, England.
Mr. R. C. Coleridge	232 Strand, London, W. C.
Mr. Erik Collander	Finska, A. A.
Mr. Stewart Collett (saved)	Care of M. E. Collett, Port Byron, N. Y.
Mrs. Charlotte Collyer (saved)	Mount Hill, Bosingstoke, Hants, England, or Payette, Idaho.
Mr. Harvey Collyer	Do.
Miss Majorie Collyer (saved)	Do.
Mrs. Irene C. Corbett	General Lying-In Hospital, York Road, London.
Mrs. P. C. Corey	
Mr. Harry Cotterill	26 Adelaide Street, Penzance, England, or care of Mrs. Richards, 457 Rhodes Avenue, Akron, Ohio.
Mr. Alf Cunningham	Care of Harland & Wolf, Belfast, Ireland.

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Agnes Davis (saved)	Mohawk, Mich.
Master John M. Davis (saved)	Do.
Miss M. Davis (saved)	29 Fleet Lane, New Gate, London.
Mr. Charles Davies	
Mr. William James Dawnson	
Mr. Percy Deacon	
Mr. William Debaen	
Miss Bertha Decit (saved)	
Mr. Herbert Denbury	
Mrs. Ada J. Doling (saved)	Canute Road, Southampton, England; returned to England, Philadelphia, May 11.
Miss Elsie Doling (saved)	
Baron von Drashsledt (saved as first class).	
Mr. James V. Drew	Constantine, Penryn, Cornwall, England.
Mrs. James V. Drew (saved)	
Master Marshall (saved)	
Miss Asuncion Durand (saved)	Care of Monter, Barcelona, or Calle Zulinta, Habana Cuba.
Miss Florentina Durand (saved)	
Mr. G. F. Eitemiller	Bonnington Hotel, Southampton Row, London, or 29 Web Avenue, Detroit.
Mr. Ingvar Enander	
Mr. Arne D. Fahlstrom	
Mr. Charles Fallbrook	16 Charles Street, Truro, Cornwall, England, or care of George Filbrook, P. O. Box 115, Houghton, Mich.
Mr. Harry Faunthorpe	
Mrs. Lizzie Faunthorpe (saved)	Care of John Devine, 669 Brooklyn Street, Philadelphia, Pa.
Mr. Stanley H. Fox	Sister is D. B. Fox, 1250 Astor Street, Chicago, Ill.
Mr. A. Frost	Care of Harland & Wolf, Belfast, Ireland.
Miss Annie Funk	Care of Thos. Cook & Son, London.
Mr. Jos. Fyuncy	
Mr. Henry Gale	
Mr. Shadrach Gale	
Miss Garside (saved)	Care Mrs. Ellison, 522 Seventy-fifth Street, Brooklyn, N. Y.
Mr. Alfred Gaskell	
Mr. Gulovence Gavey	
Master Wm. Rand S. George (saved)	26 St. Marys Street, Penzance, Engind, or care of Mrs. Emily Richards, 457 Rhodes Avenue, Akron, Ohio.
Mr. William Gilbert	
Mr. Edgar Giles	Wheal Unity Road, Pordwen, Cornwall, England.
Mr. Fred Giles	
Mr. Ralph Giles	10 Gunderstone Road, West Kensington, England.
Mr. John Gill	3 Griffin Road, Clevedon, England.
Mr. William Gillespie	
Mr. Hans L. Givard	
Miss H. Grais	Alliance Hotel, Southampton.
Mr. Samuel Greenberg	Care of Alexander Wolf, 154 Nassau Street, New York City.
Mr. Reginald Hale	Care of Mrs. S. Hall, Rodney Hoke, near Cheddar, England.
Mrs. Anna Hamalainen and infant (saved).	389 Clay Avenue, Detroit, Mich.
Mr. Wm. Harbeck	
Mr. John Harper	3 Claude Villa, Denmark Hill SE., England.
Miss Mina Harper (saved)	3 Claude Villa, Denmark Hill SE.; returned Celtic Apr. 25.
Mr. Harris	47 Granvill Road, Hoe Street, Walthamston, England.
Mr. George Harris (saved)	41 Claredon Street, Pimlico SW.
Mr. Benjamin Hart	
Mrs. Esther Hart (saved)	Care of Bloomfield-Slemfold House, Whalebone Road.
Miss Eva M. Hart (saved)	Chadwell Heath, Essex, England; returned on Celtic Apr. 25.
Mr. M. Hasono (saved)	Imperial Japanese Ry. Co., Tokyo, Japan.
Miss Alice Herman (saved)	Bernardsville, N. J.
Mrs. Jane Herman (saved)	Do.
Miss Kate Herman (saved)	Do.
Mr. Samuel Herman	
Mrs. M. D. Hewlett (saved)	Care of Mrs. Groves, 6 The Avenue, Brondesbury, England, or Rapid City S. Dak.
Mr. Leonard Hickman	
Mr. Lewis Hickman	
Mr. Stanley Hickman	
Miss Marsh Hiesunen	
Mrs. Eliza Hocking (saved)	26 St. Marys Street, Penzance, England, or care of Mrs. Emily Richards, 457 Rhodes Avenue, Akron, Ohio.
Miss Nellie Hocking (saved)	
Mr. George Hocking	26 St. Marys Street, Penzance, England, or 457 Rhodes Avenue, Akron, Ohio.
Mr. Saml. J. Hocking	3 Fore Street, Devonport, England.
Mr. Henry P. Hodges	
Masters Hoffman (saved)	Children, care of Miss Hays, 304 West Eighty-third Street.
Mr. Hoffman	Care of Thos. Cook & Son, Monte Carlo.
Mrs. Annie Hold (saved)	630 M Street, Sacramento, Cal.
Mr. Stephen Hold	
Mr. Ambrose Hood	
Mr. Benjamin Howard	85 Cheltenham Street, Swindon, England.
Mrs. Ellen T. Howard	
Mr. George Hunt	The Gardens, Ashstead, Epson.
Mr. S. S. Jacobsohn	7 Fembridge Square, London, and care F. Jones, 73 Apach Road, Josephine Avenue, Buxton.
Mrs. S. S. Jacobsohn (saved)	Returned to England, Megantic, May 11.
Mr. J. D. Jarvis	The Crest, Stoneygate, Leicester, England.
Mr. Clifford Jefferys	
Mr. Ernest Jefferys	
Mrs. A. B. Jervan (saved)	227 West 145th Street, New York City.
Mr. Stephen Jonkin	

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Kantor (saved)	Care of Lieberman, 1314 Brook Avenue, Bronx, N. Y.
Mr. S. Kantor	
Mrs. J. F. Karnes	Care of Mrs. Lavely, North Water Street, Kittanning, Pa.
Mr. Daniel Keane	Father (?) of Nora Keane, who survived and went to Harrisburg, Pa.
Miss Nora A. Keane (saved)	Harrisburg, Pa.
Mrs. F. Kelly (saved)	31 Bedford Place, Russell Square, London, England, or 68 West Seventy-first Street New York City
Rev. Charles Leonard Kirkland	
Mr. R. Knight	Care of Harland & Wolf, Belfast, Ireland.
Mr. Wm. Lahlenen	
Mrs. Wm. Lahlenen	Brother is C. Albert Sylvan, Hancock, Mich.
Mr. J. J. Lamb	
Mrs. A. Lamore (saved)	Care of Linnix, 2236 Austin Avenue, Chicago, Ill.
Mr. Joseph Laroche	131 Grand Rue, Villegnif.
Mrs. Joseph Laroche (saved)	Do.
Miss Louise Laroche (saved)	Do.
Miss Lemoine Laroche (saved)	Do.
Miss Bertha Lehman (saved)	Care of Jos. Lehman, 171 West 95th Street.
Mr. Rene Leinot	12 Rue Le Sueur, Paris.
Miss Dessie Leisch (saved)	3 Claude Villa, Denmark Hill SE.; returned Celtic, Apr. 25.
Mr. R. J. Levy	Grand Hotel, Paris.
Mr. R. W. Leyson	171 Cromwell Road, South Kensington, London.
Mr. John Lingan	
Mrs. Alice A. Louch (saved)	Returned to England, Celtic, Apr. 25.
Mr. Charles Louch	Regent Street, Weston Super-Mare, England.
Mr. Arthur G. McCrae	Care Bank of Australasia, 4 Threadneedle Street, SE.
Mr. J. M. McCrie	Wife is 503 North Sixteenth Street, Sarnia, Ontario.
Mr. Peter D. McKane	
Mrs. Mary Mack	
Mr. A. Mallet	6 Rue Corumaile, Paris.
Mrs. A. Mallet (saved)	Returns to France.
Master Andre Mallet (saved)	
Mr. Noel Malachard	
Mr. Joseph Manevila	21 The Oval, Hackney Road, N. E., England.
Mr. Emilio Mangeavacche	Thos. Cook & Son, London, or care of Miss Jennie Zuckerman, 1814 Clinton Avenue, Bronx, New York City.
Dr. E. Maraweck	Brother is A. H. Maraweck, care of Pacific Phone & Telegraph Co., San Francisco, Cal.
Mr. Henry Marshall	7 New Street, Birmingham, England. Returned, Celtic, Apr. 25.
Mrs. Kate Marshall (saved)	Penwithick, St. Anstell, Cornwall, England.
Mr. W. J. Matthews	1 Whitecross Road, Weston Super-Mare, England.
Mr. Frank H. Maybery	Richmond County Club, Dongan Hills, Long Island, N. Y.
Mr. Wm. Mellers (saved)	Care of Mrs. C. C. Jones, Bennington, Vt.
Mrs. Elizabeth Mellenger and child (saved).	26 St. Kindas Road, Harron Road, England.
Mr. August Meyer	
Mr. Jacob E. Milling	
Mr. Henry Mitchell	
Mr. Thos. C. Mudd	
Mr. T. F. Myles	
Mr. Nicolas Nasser	Care of Thos. Cook & Sons, London; 652 Bolivia Road, Cleveland, Ohio.
Mrs. Nicolas Nasser (saved)	
Mr. I. Nesson	
Mr. Joseph C. Nicholls	
Mr. Robt. D. Norman	A. E. G. Electric Co., 50 Wellington Street, Glasgow.
Mrs. Elizabeth Nye (saved)	Salvation Army, London.
Mr. Oldworth	Chauffeur to Mr. Carter, first-class passenger.
Mr. Richard Otter	Care of Herbert Green, Southwell, Portland, Dorset.
Mr. T. Oxenham (saved)	86 South Street, Ponders End, N., England.
Mr. Julian Paard (saved)	Care of Montes, Barcelona, or Calle Zuleieta, Habana, Cuba.
D. A. Pain	
Mr. Emilio Pallas (saved)	Do.
Mr. Clifford R. Parker	
Mr. Frank Parks	Care of Harland & Wolf, Belfast, Ireland.
Mrs. L. D. Parrish (saved)	85 Abingdon Road, Kensington, — W. or Deer Lodge, Mont.
Rev. P. Joceph M. Permachitz	Care of P. Jaricot, St. Augustine's College, Rainsgate, England.
Miss Alice Phillips (saved)	700 Thirteenth Street, New Brighton, Beaver County, Pa.
Mr. Robert Phillips	Father of Alice Phillips, who survived and went to 700 Thirteenth Street, New Brighton, Beaver County, Pa.
Miss Rosa Pinsky (saved)	
Mr. Martin Ponesell	Milford, N. H.
Mr. Emilio Portaluppi (saved)	Luna Park, Paris.
Mr. Frank Pulbaum	
Mrs. Jane Quick (saved)	
Miss Phyllis Quick (saved)	
Miss W. V. Quick (saved)	
Mr. David Reeves	
Miss Lillie Renouf (saved)	
Mr. Peter H. Y. Renouf	
Miss E. Reynolds (saved)	
Mr. Emile Richard	St. Dean d'Angeleys, Charente, France.

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Emily Richards (saved)	26 St. Marys Street, Penzance, England, or care of Mrs. E. Richards, 457 Rhodes Avenue, Akron, Ohio.
Miss Lucy Ridsdale (saved)	8 Quebec Street, Montague Square, London; or 1117 —— Street, Marietta, Ohio.
Mr. Harry Rogers	Uncle is Fred Adams, 49 Oxford Street, Lee Park, Wilkes-Barre, Pa.
Miss Selena Rogers (saved)	Care of Mrs. Bower, 4 East Eighty-ninth Street, New York City.
Miss Emily Rugg (saved)	119 South Van Buren Street, Wilmington, Del.
Mr. C. F. W. Sedgwick	68 Ampthill Road, Aigleurith, Liverpool, England.
Miss Anna Senkkonen (saved)	Brighton, Mass.
Mr. Percival Sharp	
Mrs. J. Shelley (saved)	85 Abingdon Road, Kensington, —W. or Deer Lodge, Mont.
Miss Lyyli Silven (saved)	Care of Calvert Sylvan, Hancock, Mich.
Miss Maude Sincock (saved)	Hancock, Mich.
Mr. E. A. Sjostedt	Hjo, Sweden.
Miss H. M. Slayter (saved)	Moon Island, near Vancouver, British Columbia.
Mr. Richard J. Slemen	Landrake-St. Germans, Cornwall, England.
Mr. A. Smith	11 Berwick Street, London.
Miss Marion Smith (saved)	Care of Mrs. Kelly, 68 West Seventy-first Street, New York City.
Mr. Hayden Sobey	Port Hallow, near Helston, Cornwall, England. Intended going to Houghton, Mich.
Mr. S. Ward Stanton	Thos. Cook & Son, London and Paris.
Mr. Philip J. Stokes	Uncle is Phillip O'Grady, Kewanee, Ill.
Mr. Johan Henrik Svillner	
Mr. George Swane	154 Abbey Road, London, N. W.
Mr. George Sweet	
Miss Ellen Toomey (saved)	Care of Mrs. Bridget Hannery, 119 Bates Street, Indianapolis, Ind.
Mrs. Jessie Trent (saved)	Care J. G. Grosman, 13 South High Street, Columbus, Ohio.
Mr. Moses Aaron Troupeansky	African Hotel, Southampton.
Miss E. C. Trout (saved)	Auburndale, Mass.
Mrs. D. A. Turpin	Plymouth, England.
Mr. William J. Turpin	59 Chaddlewood Avenue.
Mr. James Veale	Care of B. Veale, Port Navis, Falmouth, England.
Mrs. F. L. Ware (saved)	186 South Main Street, New Britain, Conn.
Mr. John J. Ware	Care of H. J. Long, 13 Salthrope Road, Moreley Square, Bishopston, Bristol, England.
Mr. William J. Ware	Do.
Miss Nellie Watcroft (saved)	Mamaroneck, Conn.(?)
Mr. E. Watson	Care of Harland & Wolf, Belfast, Ireland.
Miss Bertha Watt (saved)	Care of Mrs. Ballantyne, 2 Gorst Road, Wandsworth, England, thence to Portland, Oreg., care of W. Watt.
Mrs. Bessie Watt (saved)	
Miss Susie Webber (saved)	61 Heath Street, Hartford, Conn.
Mr. L. Weitz	Care of Bronsgrove Guild, Bronsgrove, Worcestershire, England, or care of Bronsgrove Guild, Bank of Toronto Building, Montreal.
Mrs. L. Weitz (saved)	
Mrs. A. D. Wells (saved)	270 Arch Street, Akron, Ohio.
Miss Joan Wells (saved)	Do.
Master Ralph Wells (saved)	Do.
Mr. E. A. West	Newborn-Truro, Cornwall, England.
Mrs. E. A. West (saved)	Returned to England per Celtic, Apr. 25.
Miss E. M. West (saved)	
Miss P. J. West (saved)	
Mr. Edward W. Wheaton	
Mr. Edwin Wheeler	Mr. Vanderbilt's servant.
Mr. Wilhelms (saved)	
Mr. C. Williams (saved)	
Miss Marion Wright (saved)	Cottage Grove, Oreg.

Particulars of the third-class passengers (steerage) who sailed on the steamship "Titanic," Apr. 10, 1912.

THIRD-CLASS PASSENGERS, ACCORDING TO SEX, WHO EMBARKED ON THE "TITANIC."

	Male.	Female.
Southampton	366	129
Cherbourg	67	38
Queenstown	53	57
Total	486	224

Total (male and female)	710
Saved	174
Total lost	536
Number women and children saved	105
Number men saved	69
Total	174

List of third-class passengers, survivors from steamship "Titanic," reported by purser of steamship "Carpathia" April 18, 1912.

1. Abbott, Rosa.
2. Anderson, Etna.
3. Aks, Leah.
4. Aks, Filly.
5. Abrahamson, August.
6. Asplund, John.
7. Abelseth, Olaus.
8. Abelseth, Koran.
9. Asplund, Selina.
10. Asplund, Lillian.
11. Asplund, Felix.
12. Assaf, Marion.
13. Anderson, Carla.
14. Buckley, Daniel.
15. Bradley, Bridget.
16. Badman, Emily.
17. Blackstrom, Mary.
18. Bolos, Nourelain.
19. Bakline, Latifa.
20. Bakline, Marie.
21. Bakaline, Eugene.
22. Bakline, Helene.
23. Banoura, Ayout.
24. Coutts, Winnie.
25. Coutts, William.
26. Coutts, Leslie.
27. Carr, Ellen.
28. Cohen, Gurshon.
29. Cribb, Alice.
30. Conolly, Kate.
31. Dorkings, Edward.
32. Driscoll, Bridget.
33. Daly, Eugene.
34. Devany, Margaret.
35. Draplin, Jennie.
36. Dean, Ettie.
37. Dean, Bertram.
38. Dean, Gladys.
39. Davidson, Mary.
40. Dahl, Chas.
41. Daly, Marcella.
42. Dowdell, Elizabeth.
43. Dyker, Elizabeth.
44. Dugemin, Joseph.
45. Emanuel, Ethel.
46. Fat-ma, Mustmani.
47. Glynn, Mary.
48. Goldsmith, Emily.
49. Goldsmith, Frank.
50. Gilnagh, Kate.
51. Hyman, Abraham.
52. Howard, Mary.
53. Hakkuralnen, Ellen.
54. Hervonen, Hilda.
55. Hanson, Jenny.
56. Hadman, Oscar.
57. Hanna, Meme.
58. Hillstrom, Hilda.
59. Hiekkinen, Laina.
60. Hankonen, Elina.
61. Jermyn, Annie.
62. Johanson, Oscar.
63. Joseph, Katherine (Peters).
64. Joseph, Mary.
65. Jensen, Carl.
66. Johanson, Berendt.
67. Johanson, Oscar L.
68. Johnson, Alice.
69. Johnsen, Eleonora.
70. Johnsen, Harold.
71. Janson, Carl.
72. Jussila, Eric.
73. Kassen, Nassef.
74. Kelly, Annie.
75. Kelly, Mary.
76. Krikorian, Nichan.
77. Kennedy, John.
78. Kink, Anton.
79. Kink, Louisa.
80. Kink, Louisa.
81. Karum, Franz.
82. Karum, Anna.
83. Karlson, Einar.
84. Lundin, Olga.
85. Lundstrom, John.
86. Landergren, Laura.
87. *Lindquist, Einer.
88. Lulic, Nicola.
89. Madsen, Fridjof.
90. *Mulder, Theodore, De.
91. Moran, Bertha.
92. Madigan, Maggie.
93. Mocklare, Ellen.
94. McDermott, Delia.
95. Manion, Margaret.
96. Murphy, Mary.
97. Murphy, Kate.
98. *Moor, Mier.
99. *Moor, Belle.
100. Mulvihill, Bertha.
101. McCoy, Bernard.
102. Mullen, Kate.
103. Murphy, Norah.
104. Midtsjo, Carl.
105. Moss, Albert.
106. *Messenacker, Guilliamo De.
107. *Messenacker, Emma De.
108. Monbarck, Omine.
109. Monbarck, Genios.
110. Monbarck, Halim.
111. McCormack, Thos.
112. McCoy, Agnes.
113. McCarthy, Kate.
114. McCoy, Alice.
115. McGowan, Mary.
116. McGowan, Annie.
117. *Nelson, Bertha.
118. Nyster, Anna.
119. Nilson, Hemina.
120. Nicola, Jamila.
121. Nicola, Elias.
122. Naked, Said.
123. Naked, Waika.
124. Naked, Maria.
125. Niskanen, John.
126. O'Brien, Hanna.
127. O'Dwyer, Nellie.
128. O'Keefe, Pat.
129. O'Leary, Norah.
130. Olson, Arthur.
131. Olman, Vilna.
132. Osman, Mara.
133. Person, Ernest.
134. Ryan, Edward.
135. Riordan, Hannah.
136. Roth, Sarah.
137. Schurlinch, Jean.
138. Sop, Jules.
139. Shine, Ellen.
140. Smyth, Julian.
141. Stanley, Amy.
142. Swenson, Cervin.
143. Sandman, John.
144. Sjoblom, Anny.
145. Sandstrom, Agnes.
146. Sandstrom, Margaret.
147. Sandstrom, Beatrice.
148. Saljilsvik, Anna.
149. Stranden, Jules.
150. Thomas, Tamin.
151. Thomas, Assad.
152. Tonglin, Gunner.
153. Thornycroft, Florence.
154. *Trombisky, Buk.
155. *Turnquist, Wm. H.
156. Turgo, Ann.
157. Turkula, Hedvig.
158. *Vagil, Adelle Jane.
159. Wennerstrom, August.
160. Wilkes, Ellen.
161. Yasbeck, Salini.
162. Youssef, Brahmin.
163. Youssef, Hanne.
164. Youssef, Marian.
165. Youssef, Georges.
166. Vartanian, David.
167. Zuni, Fabin.
168. *Luigi, Finoli.
169. Ah Lam.
170. Bing Lee.
171. Fang Lang.
172. Hee Lang.
173. Chip Chang.
174. Foo Chiang.

Total saved, 174; women and children, 105; men, 69.

List of third-class passengers (other than foreign) embarked at Southampton, steamship "Titanic," sailed April 10.

[Those marked with an asterisk (*) were saved.]

Abbott, Eugene; *Abbott, Rosa; Abbott, Rossmore; going to Providence, R. I.
Abbing, Anthony.
Adams, J.
*Aks, Filly; Aks, Leah; care of Carrie Greene, 131 College Place, Norfolk, Va.
Alexander, William (to Albion, N. Y.).
Allen, William.
Allum, Owen G.; to New York City (father).
* Badman, Emily; going to Skaneateles, N. Y.
Barton, David.
Beavan, W. T.
Billiard, A. van.
Billiard, James (child).
Billiard, Walter (child).
* Bing, Lee.
Bowen, David.
Braund, Lewis; going to Saskatoon, Canada.
Braund, Owen; going to Saskatoon, Canada.
Brocklebank, William.
Cann, Ernest.
Carver, A.
Celotti, Francesco.
* Chip, Chang; joining steamship *Anetta*, Donald Steamship Co.
Christmann, Emil.
* Cohen, Gurshon; going to an uncle in Brooklyn, N. Y.
Cook, Jacob.
Corn, Harry.

* Coutts, Winnie; * Coutts, William (child); * Coutts, Leslie (child); going to husband and father in New York.
Coxon, Daniel.
Crease, Ernest J.; going to Cleveland, Ohio.
Cribb, John.
* Cribb, Alice.
* Dahl, Charles; going to Fingal, N. Dak.
Davies, Evan.
Davies, Alfred.
Davies, John.
Davis, Joseph.
Davison, Thomas.
* Davison, Mary; going to H. J. Finck, Bedford, Ohio.
* Dean, Bertram; * Dean, Hetty; Dean, Bertram (child); * Dean, Vera (infant); going to Hume, Mo., but returned steamship *Adriatic*, May 2.
Dennis, Samuel.
Dennis, William.
* Dorkings, Edward; going to Oglesby, Ill.
* Dowdell, Elizabeth; going to Union Hill, N. J.
* Drapkin, Jenie.
* Dugemin, Joseph; going to Albion, N. Y.
Elsbury, James.
Emanuel, Ethel (child); going to grandparents in New York City.
Everett, Thomas.
* Foo, Cheong.
Ford, Arthur.
Ford, Margaret.
Ford, Miss D. M.
Ford, Mr. E.
Ford, M. W. Y. N.
Ford, Maggie (child).
Franklin, Charles.
Garfirth, John.
Gilinski, Leslie.
* Goldsmith, Frank J.; * Goldsmith, Emily A.; Goldsmith, Frank J. W.; going to Mrs. Goldsmith's father, Henry Brown, 115 Butternut Street, Detroit, Mich.
Goodwin, Frederick.
Goodwin, Augusta.
Goodwin, Lillian.
Goodwin, Charles.
Goodwin, William (child).
Goodwin, Jessie (child).
Goodwin, Harold (child).
Goodwin, Sidney (child).
Green, George.
Guest, Robert.
Harknett, Alice.
Harmer, Abraham.
Hee, Ling.
* Howard, May; going to Jane Hewitt, 1032 Florence Avenue, Albion, N. Y.
* Hyman, Abraham; going to Springfield, Mass.
Johnston, C. (child).
Johnston, E.
Johnston, Mrs.
Johnston, William (child).
Johnstone, A.
Johnstone, W.
Keefe, Arthur.
Kelly, James.
* Lam, Ah; joining steamship *Anetta*, of Donald Steamship Co.
Lam, Len; joining steamship *Anetta*, of Donald Steamship Co.
* Lang, Fang; joining steamship *Anetta*, of Donald Steamship Co.
Leonard, L.
Lester, James.
* Ling, Lee; joining steamship *Anetta*, of Donald Steamship Co.
Lithman, Simon.
Lobb, Cordelia.
Lobb, William.
Lockyer, Edward; going to Ontario, N. Y.
Lovell, John.
MacKay, George.
Maisner, Simon.
McNamee, Eileen.
McNamee, Neal.
Meanwell, Marian.
Meek, Annie.
Meo, Alfonso.
Miles, Frank.
* Moor, Belle.
* Moor, Meier.
Moore, Leonard.
Morley, William.
Moutal, Rahamin.
Murdlin, Joseph.
Nancarrow, William.
Niklasen, Sander.
Nosworthy, Richard.
Peacock, Alfred (infant).
Peacock, Treasteall.
Peacock, Treasteall (child).
Pearce, Ernest.
Peauzzi, Joseph.
Perkin, John.
Peterson, Marius.
Potchett, George.
*Rath, Sarah; going to New York City.
Reed, James.
Reynolds, Harold.
Risien, Emma.
Risien, Samuel.
Robins, Alexander.
Robins, Charity.
Rogers, William.
Rouse, Richard H.
Rush, Alfred.
Sadowitz, Harry; going to Providence, R. I.
Sage, John.
Sage, Annie.
Sage, Stella.
Sage, George.
Sage, Douglas.
Sage, Frederick.
Sage, Dorothy.
Sage, William (child).
Sage, Ada (child).
Sage, Constance (child).
Sage, Thomas (child).
Sather, Simon.
Saundercock, W. H.
Sawyer, Frederick.
Serata, Maurice.
Shellard, Frederick.
Shorney, Charles.
Simmons, John.
Slocovski, Selman.
Somerton, F. W.
Spector, Woolf.
Spinner, Henry.
*Stanley, Amy; going to Grace French, 310 Prospect Street, New Haven, Conn.
Stanley, E. R.
Storey, T.
Sutehall, Henry.
Theobald, Thomas.
Thomson, Alex.
*Thorneycroft, Florence; going to Clinton, N. Y.
Thorneycroft, Percival; going to Clinton, N. Y.
Tomlin, Ernest.
Torber, Ernest.
*Trembisky, Berk.
*Tunquist, W.
Ware, Frederick.
Warren, Charles.
Webber, James.
*Wilkes, Ellen; going to son in Akron, Ohio.
Willey, Edward.
Williams, Harry.
Williams, Leslie.
Windelov, Einar.
Wiseman, Philip.

List of third-class Scandinavian and continental passengers embarked at Southampton, steamship "Titanic," sailed April 10.

*Abelseth, Karen; going to Los Angeles, Cal.
*Abelsett, Olai; going to Minneapolis, Minn.
*Abrahamson, August.
Adolf, Humblin.
Ahlin, Johanna; going to Chicago, Ill.
Ahmed, Ali.
Alhomaki, Iimari.
Ali, William.
Anderson, Alfreda.
*Anderson, Erna.
Anderson, Albert.
Anderson, Anders.
Anderson, Samuel.
Anderson, Sigrid (child).
Anderson, Thor.
*Anderson, Carla; returned on steamship *Adriatic*, second class.
Anderson, Ingeborg (child).
Anderson, Ebba (child).
Anderson, Sigvard (child).
Anderson, Ellis.
Andersson, Ida.
Andreason, Paul.
Angheloff, Minko.
Apslund, Carl (child); Apslund, Charles; *Apslund, Felix (child); Apslund, Gustaf (child); *Apslund, Lillian (child); Apslund, Oscar (child); and *Apslund, Selma; going to Worcester, Mass.
Arnold, Josef.
Arnold, Josephine.
Aronson, Ernest.
Asim, Adola.
*Apslund, Johan; going to friend, Mrs. A. Engstrom, 212 Fifty-third Street, Brooklyn.
Assam, Ali.
Augustsan, Albert.
Backstrom, Karl.
*Backstrom, Marie; going back to Finland.
Balkic, Cerin.
Benson, John.
Berglund, Ivar.
Berklund, Hans.
Bjorkland, Ernst.
Bostandyeff, Guentcho.
Braf, Elin.
Brobek, Carl.
Cacic, Gego.
Cacic, Luka.
Cacic, Maria.
Calic, Manda.
Calic, Peter.
Carlson, Carl.
Carlson, Julius.
Carlsson, August.
Coelho, Domingo.
Coleff, Peyo.
Coleff, Sotio.
Cor, Bartol.
Cor, Ivan.
Cor, Ludvik.
Dahl, Mauritz.
Dahlberg, Gerda; going to Chicago, Ill.
Dakic, Branko.
Danbom, Ernest.
Danbom, Gilbert (infant).
Danbom, Sigrid.
Danoff, Yoto.
Dantchoff, Christo.
Delalic, Regzo.
*De Messemacker, Emma; going to Tampico, Mont.
*De Messemacker Guillaume; going to Tampico, Mont.
*De Mulder, Theo.; going to E. De Clerck, 33 Lessine Street, Detroit.
Denkoff, Mitto.
Dimic, Jovan.

Dintcheff, Valtcho.
Dyker, Adolf; 468 Washington, West Haven, Conn.
*Dyker, Elizabeth; going to mother and father, West Haven, Conn.
Ecimovic, Joso.
Edwardson, Gustaf.
Eklung, Hans; going to Bern, Eklund, Jerome Junction, Ariz., care of J. Bergren.
Ekstrom, Johan.
* Finoli, Luigi; going to 707 Catherine Street, Philadelphia, Pa.
Fischer, Eberhard.
Goldsmith, Nathan.
Goncalves, Manoel.
Gronnestad, Daniel; going to Regina, Saskatchewan.
Gustafsen, Gideon.
Gustafson, Alfred; to Nielsen & Lundbeck, New York.
Gustafson, Anders.
Gustafson, Johan.
Haas, Alaisia.
* Hadman, Oscar; going to 414 West First Street, Sioux Falls, S. Dak.
Hagland, Ingvald; going to New York, N. Y.
Hagland, Konrad; going to New York, N. Y.
Hakkurainen, Pekka.
* Hakkurainen, Elin; going to Monessen, Pa.
* Hankonen, Eluna; going to Indianapolis, Ind.
Hansen, Claus.
* Hansen, Jenny; going to sister in Racine, Wis.
Hansen, Henry.
Heininen, Wendla.
Hendekovic, Ignaz.
Henriksson, Jenny; going to Iron Mountain, Mich. (Olaus Ras).
Hervonen, Helga; going to Monessen, Pa.
* Hervonen, Hildwe (child); going to Monessen, Pa.
* Hiekkinen, Laina; going to Monessen, Pa.
* Hillstrom, Hilda; going to Evanston, Ill.
Holm, John.
Holten, Johan.
Hieff, Ylio.
Ilmakangas, Ida.
Ilmakangas, Pista.
Ivanoff, Kanio.
*Jansen, Carl.
*Janson, Carl; going to Sioux Falls, S. Dak. (414 West First Street).
Jardin, Jose.
Jensen, Hans, Svenst, and Niels.
*Johannessen, Bernt; going to brother in Brooklyn, N. Y.
Johannessen, Elias.
Johansen, Nils.
*Johanson, Oscar; going to 65 Poplar Street, New Haven, Conn.
*Johanson, Oscar; going to Detroit, Mich.
Johansson, Erik.
Johansson, Gustav; going to Eddy, N. Dak.
Johnson, Jakob.
*Johnson, Elis; *Johnson, Harold; *Johnson, Eleanara (infant); going to husband in St. Charles, Ill.
Johnsson, Carl; going to Swedeburg, Nebr.
Johnsson, Malkolm; going to 814 Seventh Street, Minneapolis, Minn.
Jonkoff, Lazor.
Jonsson, Nils.
Jussila, Katrina.
Jussila, Mari.
*Jussila, Erik; going to Monessen, Pa.
Jutel, Henry.
Kallio, Nikolai.
Kalvig, Johannes; going to Roland, Iowa.
Karajic, Milan.
*Karlson, Elnar; going to 447 Bergen Street, Brooklyn, N. Y.
Karlson, Nils.
Kekic, Tido.
*Kink, Anton; *Kink, Louise; *Kink, Louise (child); going to uncle in Milwaukee, Wis.
Kink, Maria.
Kink, Vincenz.
Klasson, Klas.
Klasson, Hilda (child).
Klasson, Gertrud (child).
Laitinen, Sofia; going to New York City.
Laleff, Kristo.
* Landegren, Aurora; going to New York City.
Larson, Viktor; going to New York City.
Larsson, Bengt; going to 70 Smith Street, Hartford, Conn.
Lasson, Edward; going to 70 Smith Street, Hartford, Conn.
Lefebre, Frances; Lefebre, Henry (child); Lefebre, Ida (child); Lefebre, Jeanne (child); Lefebre, Mathilde (child); going to Mystic, Iowa.
Leionnen, Antti.
Lindablom, August; to Nichols Avenue, route No. 13, Starford, Conn.
Lindell, Edvard.
Lindell, Elin.
Lindhal, Agda; to mother, 20 Woodruff Street, Saranac Lake, N. Y.
*Lindqvist, Vino; going to Monessen, Pa.
*Lulic, Nicola; going to Chicago, Ill.
Lundall, John.
*Lundin, Olga; going to sister in New York.
Lundstrom, Edwin; going to brother in Chicago, Ill.
Lyntakoff, Stanko.
*Madsen, Fridjof; going to Brooklyn to join a ship.
Maenpaa, Matti.
Makinen, Kalle.
Mampe, Leon.
Marinko, Dimitri.
Markoff, Marin.
Melkebuk, Philemon.
*Midtsjo, Carl; going to Chicago, Ill.
Mikanen, John.
Milsson, Berta.
Mineff, Ivan.
Minkoff, Lazar.
Mirko, Dika.
Mitkoff, Mitto.
Moen, Sigurd.
*Moss, Albert; going to Philadelphia to join steamer.
Myhrman, Oliver.
*Nyster, Anna; going to cousin in New York City.
Naidenoff, Penko.
Nandewalle, Nestor.
Nankoff, Minko.
Nedelio, Petroff.
Nenkoff, Christo.
Nieminen, Manta.
Nilson, August.
*Nilson, Helmina; going to Joliet, Ill., care of Edward Sander.
Nirva, Isak.
*Nyskanen, John; going to Graniteville, Vt.
Nyoven, Johan.
*Nelson, Bertha; going to Missoula, Mont., 533 East Trent Street.
Odahl, Martin; going to Peoria, Ill.
*Olman, Velin; going to Chicago, Ill.
*Olsen, Arthur; going to stepmother in Brooklyn, N. Y.
Olsen, Carl.
Olsen, Henry.
Olsen, Ole; going to Moose Jaw, Saskatchewan.
Olson, Elen; going to Mitchell, S. Dak.
Olson, John.
Olson, Elida.
Oreskovic, Luka.
Oreskovic, Maria.
Oreskovic, Teko.
*Osman, Mara; going to Steelton, Pa.
Pacruic, Mate.
Pacruic, Tama.
Panula, Eina.
Panula, Erneste.
Panula, Juha.
Panula, Maria.
Panula, Sanni.
Panula, Urhu (child).
Panula, William (infant).
Pasic, Jakob.
Pastcho, Petroff.
Paulsson, Alma; Paulsson, Gosta (child); Paulsson, Paul (child); Paulsson, Stina (child); Paulsson, Torberg (child); going to husband, Nils Paulsson, 159 West Erie Street, Chicago, Ill.
Pavlovic, Stefo.
Pekonemi, E.
Pelsmaker, Alfons de.
Peltomaki, Mihalai.
* Person, Ernest; going to 3546 La Salle Avenue, Chicago, Ill.
Peterson, Ellen; going to Claus Ras, 805 East Second Street, Iron Mountain, Mich.
Peterson, John.
Petersen, Olaf.
Petranec, Matilda.
Planke, Augusta Vander.
Planke, Emilie Vander.
Planke, Jules Vander.
Planke, Leon Vander.
Plotcharsky, Vasil.
Randeff, Alexandre.
Rintamaki, Matti.
Rosblon, Helen.
Rosblon, Sally (child).
Rosblon, Viktor.
Runnestvet, Kristian.
* Salander, Carl; going to Red Wing, Minn.
Saljilsvik, Anna; going to Proctor, Minn.
Salonen, Werner.
* Sandstrom, Agnes; * Sandstrom, Beatrice (child); * Sandstrom, Margretha (child); going to husband and father in San Francisco.
Sdycoff, Todor.
* Sheerlinck, Jean; going to E. De Clerck, 33 Lessine Street, Detroit.
Sihvola, Antti.
Sivic, Hnsen.
* Sjoblon, Anna; to father, care of Gab. Gustafson, Olympia, Wash.
Skoog, Anna; Skoog, Carl (child); Skoog, Harold (child); Skoog, Mabel (child); Skoog, Margret (child); Skong, William; going to uncle, Olaus Ras, 802 East Second Street, Iron Mountain, Mich.
Slabenoff, Petco.
Smiljanic, Mile.
Soholp, Peter.
Solvang, Lena; going to Centerville, S. Dak.
* Sop, Jules; going to E. De Clerck, 33 Lessine Street, Detroit, Mich.
Staneff, Ivan.
Stoytcho, Mikoff.
Stoytchoff, Illa.
Strandberg, Ida; going to New York, N. Y. (Finnish Steamship Co. agency.)
* Stranden, Jako; going to Graniteville, Vt.
Strilic, Ivan.
Strom, Elma; Strom, Selma (child); 3905 Grapevine Street, Indiana Harbor, Ind.
Sundman, John; going to Cheyenne, Wyo.
Svensson, John.
* Swensson, Servin; going to Alcester (Beresford), S. Dak.
Tikkanen, Juho.
Todoroff, Lallo.
* Tonglin, Gunner; going to Erick Morberg, 502 South Marshall, Burlingston, Iowa.
Turcin, Stefan.
* Turgo, Anna; going to Ashtabula, Ohio.
* Turkula, Hedwig; going to Hibbing, Minn.
Uzelas, Joso.
* Vaclens, Adulle.
Van Impe, Catharine (child).
Van Impe, Jacob.
Van Impe, Rosalie.
Vande Velde, Joseph.
Vereruysse, Victor.
Vook, Janko.
Wendal, Olof.
* Wennerstrom, August; going to 7041 Center Avenue, Chicago, Ill.
Wenzel, Zinhart.
Westrom, Holda.
Widegrin, Charles.
Wiklund, Carl.
Wiklund, Jacob.
Wirz, Albert.
Wittenrougee, Camille.
Zievens, René.
Zummermann, Leo.

List of third-class passengers embarked at Cherbourg, steamship "Titanic," sailed April 10.

Abi, Weller; going to wife, 1330 South Halstead Street, Chicago, Ill.
*Assof, Marian; going to Ottawa, Ontario.
Attala, Malaka.
Babara, Catherine.
Babara, Saude.
* Bachini, Latifa; * Bachini, Marie; * Bachini, Eugene; * Bachini, Helene; going to father in New York City.
Badt, Mohamed.
* Banoura, Ayont; going to Youngstown, Ohio.
Bexros, Tannons.
Bontos, Hanna.
Boulos, Sultani.
* Boulos, Menthora; going to Troy, N. Y.
Boulos, Akar.
Canons, Elias.
Caram, Joseph.
Caram, Maria.
Cassim, Nassef; going to Fredericksburg, Va.
Chanini, Georges.
Chemat, Emir, Farres.
Chronopoulos, Apostoles.
Chronopoulos, Demetris.
Dibo, Elias.
Drazenovic, Josef.
Elias, Joseph.
Elias, Joseph.
Forfa, Assad.
Gerios, Assaf.
Gerios, Joussef.
Gerios, Youssef.
Gheorgheff, Stanio.
Hanna, Mansour.
* Hanna, Meme.
Jean Nassr, Saade.
Johann, Markin.
* Joseph, Mary.
Jusef, Shanine; going to Youngstown, Ohio.
* Karun, Franz.
Karun, Anna (child).
* Kassen, Housseing.
Kassein, Fared.
Khalil, Betros.
Khalil, Lahie.
Kraeff, Theodor.
* Krikorean, Nichan; going to Yarmouth, Nova Scotia.
Lemberopoulos, Peter.
Malinoff, Nicola.
Monbarek, Assi; going to Port Huron, Mich.
* Moncarek, Hanna; * Moncarek, Genios (child); * Moncarek, Halim (child); going to Wilkes-Barre, Pa.
Mousen, Mantoura.
Muselman, Fatima; going to Michigan City, Ind.
* Naked, Said; * Naked, Waika; * Naked, Maria; going to Waterbury, Conn.
Nasr, Mustafa.
* Nicola, Jamila; * Nicola, Elias (child); going to friends in New York.
Norel, Mansouer.
Odele, Najib, Jene.
Orsen, Sirayaman.
Ortin, Lakarian.
* Peter, Catherine Joseph.
Peter, Miki.
Peter, Anna.
Raihed, Razi.
Roufoul, Baccos.
Saad, Amin.
Saad, Khalil.
Samaan, Hanna.
Samaan, Elias.
Samann, Jousoef.
Sarkis, Mardiresian.
Sarkis, Lahond.
Seman, Betros.
Shedid, Daher.
Steinman, Attalla.
Stankovic, Jovan.
Tannans, Daper.
Tannons, Thomas.
Thomas, Charles.
* Thomas, Tamin; * Thomas, Assad (infant); going to Yarmouth, Nova Scotia.
Thomas, John.
Toutik, Nakle.
Usher, Baulmer.
* Vartanian, David; going to Brantford, Ontario.
Vassilios, Catavelas.
Yousif Weaper (Shanine).
Yalsevac, Ivan.
Yazbeck, Antoni.
* Yazbeck, Salini; going to Wilkes-Barre, Pa.
* Youssef, Brahim.
* Youssef, Hanne.
* Youssef, Marian (child).
* Youssef, Georges (child).
Zabour, Tamini.
Zabour, Hillen.
Zakarian, Mapri der.
* Zenni, Filip; going to Cincinnati, Ohio.

List of third-class passengers embarked at Queenstowns, steamship "Titanic," sailed April 11.

Barry, Julia.
* Bradley, Bridget.
* Buckley, Daniel; going to friends in New York City.
Bourke, John; Bourke, Cath.; going to Ellen Hugh, 66 Ruby Street, Chicago, Ill.
Buckley, Kath.; going to Marg. Buckley, 71 Mount View Street, Roxbury, Mass.
Burke, Jeremiah; going to Mrs. Burns, 41 Washington Street, Charleston, Mass.
Burke, Mary; going to Ellen Hugh, 66 Ruby Street, Chicago, Ill.
Burns, Mary.
Canavan, Mary.
Canavan, Pat; to sister, K. Canavan, 1512 Diamond Street, Philadelphia.
* Car, Ellen; going to Honer Carr, 38 East Seventy-fifth Street, New York.
Car, Jeannie; to P. Mullarkey, 7 Hamilton Street, Hartford, Conn.
Chartens, David; going to David Vance, 310 West One hundred and eighth Street, New York.
Colbert, Patrick; going to Rev. Brother Christopher, Sherbrooke, Quebec.
Conolly, Kate; going to J. Bunbury, Dobbs Ferry.
Conlin, Thomas H.; going to Rosa Conlin, 2238 Fairhill Street, Philadelphia.
Connaghton, Michel; going to Mrs. Horan, 965 De Kalb Avenue, Brooklyn.
* Conolly, Kate.
Connors, Pat.
* Daly, Marcella; going to friends at 356 East One hundred and fifty-seventh Street, New York City.
* Daly, Eugene; going to E. G. Schuktze, 477 Avenue E, Brooklyn, N. Y.
* Devaney, Margareth; going to brother in New York.
Dewan, Frank.
Dooley, Patrick; going to R. Dooley, 142 East Thirty-first Street, New York.
Doyle, Elin; to Bridget Fox, 123 West Eightieth Street, New York.
* Driscoll, Bridget; going to cousins in New York.
Emmeth, Thomas.
Farrell, James.
Foley, Joseph.
Foley, William; going to brother, Jer. Foley, 252 West One hundred and fifteenth Street, New York.
Flynn, James; going to his brother, Ant. Flynn, 236 East Fifty-third Street, New York.
Flynn, John; going to 3434 Frazier Street, Oakland, Pittsburgh, Pa.
Fox, Patrick; going to brother Fox, 123 West Eightieth Street, New York.
Gallager, Martin; going to 296 East One hundred and forty-third Street, New York.
*Gilnagh, Katie.
*Glynn, Mary; going to Washington, D. C.
Hagardon, Kate; to sister, M. Hagardon, 133 West One hundred and twenty-sixth Street, New York.
Hagarty, Nora; to Mrs. Burns, 41 Washington Street, Charlestown, Mass.
Hart, Henry; going to John Hart, box 307, Marion, Mass.
Healy, Nora; going to friends in New York.
Horgan, John.
Hemming, Norah.
Henery, Delia.
*Jermyn, Annie; going to sister in Boston, Mass.
Kelly, James.
*Kelly, Annie K.; going to Chicago, Ill.
*Kelly, Mary; going to friends in New York.
Keane, Andy; going to John Keane, 102 Melrose Street, Auburndale, Mass.
*Kennedy, John; going to 29 Perry Street, New York, N. Y.
Kilgannon, Thomas; going to 449 West Fifty-ninth Street, New York.
Kiernan, John.
Kiernan, Philip.
Lane, Patrick; going to O'Mahony, Hotel Webster, West Forty-fifth Street, New York.
Lemon, Denis.
Lemon, Mary.
Linehan, Michel.
*Madigan, Maggie; going to friends in New York.
*Mannion, Margareth; going to sister in New York.
Mangan, Mary; to brother, Ed. Mangan, 1848 Lincoln Avenue, Chicago.
*McCarthy, Katie; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*McCoy, Agnes; *McCoy, Alice; *McCoy, Bernard; going to 267 St. Marks Avenue, Brooklyn.
*McCormack, Thomas; going to friends in New York.
*McDermott, Delia; going to St. Louis, Mo.
McElroy, Michel.
*McGovern, Mary; going to friends in New York.
McGowan, Kath.; to 3241 North Ashland Avenue, Chicago, Ill.
*McGowan, Annie; going to aunt in Chicago, Ill.
McMahon, D.
McMahon, Martin; going to 415 West Fifty-third Street, New York.
Meehan, John; to Nora Meehan, 4745 Indiana Avenue, Chicago, Ill.
Mernagh, Robert; going to M. Mernagh, West Street, Chicago, Ill.
*Mocklare, Ellie; going to friends in New York City.
Moran, James.
*Moran, Bertha; going to 1226 Shakespeare Avenue, New York, N. Y.
Morgan, Daniel J.; going to 22 Dow Street, Troy, N. Y.
Morrow, Thomas; to brother, Waddell Morrow, Gleichen, Alberta, Canada.
*Mullen, Katie; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*Mulvihill, Bertha; going to sister in Providence, R. I.
*Murphy, Norah; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*Murphy, Mary; going to 2238 Fairhill Street, Philadelphia, Pa.
*Murphy, Kate; going to 2238 Fairhill Street, Philadelphia, Pa.
Naughton, Hannah; going to P. Naughton, 433 West Thirty-third Street, New York.
O'Brien, Denis.
O'Brien, Thomas; going to Mrs. W. Hunt, 638 Sherman Place, Chicago, Ill.
*O'Brien, Hannah; going to friend in Brooklyn, N. Y.
O'Connor, Maurice; to Michael O'Connor, 539 East Seventy-second Street, New York, N. Y.
O'Connell, Pat D.
O'Connor, Pat.
O'Donaghue, Bert.
*O'Dwyer, Nellie; going to cousin in New York City.
*O'Keefe, Pat; going to J. Phelan, 416 West Thirty-eighth Street.
*O'Leary, Norah.

O'Neill, Bridget.
O'Sullivan, Bridget.
Peters, Katie; supposed to go to Mrs. Egan, 243 East Forty-fifth Street, New York.
Rice, Margaret; Rice, Albert (child); Rice, George (child); Rice, Eric (child); Rice, Arthur (child); Rice, Eugene (child); going to Spokane, Wash., care of Mrs. T. Coleman, East 1922 Columbia Avenue.
*Riordan, Hannah; going to friends in New York.
Ryan, Patrick; going to 1503 Hoe Avenue, Bronx, N. Y.
*Ryan, Edward; going to sister in Troy, N. Y.
Sadlier, Matt; going to Thomas Sadlier, R. F. D. 3, Lakewood, N. J.
Scanlan, James; going to Kate Scanlon, The Plaza, New York.
Shaughnesay, Pat; going to sister, 1509 Lexington Avenue, New York.
*Shine, Ellen; going to brother in New York.
*Smyth, Julia; going to friends in New York.
Tobin, Roger; to Mrs. Egan, 243 East Forty-fifth Street, New York.

Mr. NELSON. I make the request that the testimony taken by the committee be printed as a Senate document. (S. Doc. No. 726.)

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the testimony of witnesses taken in the hearings of the *Titanic* disaster inquiry be printed as a Senate document.

THE METAL SCHEDULE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. BORAH. Is the unfinished business now before the Senate?

The VICE PRESIDENT. The unfinished business is now before the Senate.

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Jones	Richardson
Bailey	Culberson	Lea	Root
Bankhead	Cullom	Lodge	Sanders
Borah	Cummins	McLean	Simmons
Bourne	Dillingham	Martin, Va.	Smith, Ariz.
Brandegee	du Pont	Myers	Smith, Ga.
Bristow	Fall	Nelson	Smith, Mich.
Bryan	Fletcher	O'Gorman	Smith, S. C.
Burton	Foster	Oliver	Smoot
Catron	Gallinger	Overman	Swanson
Chamberlain	Gardner	Page	Thornton
Chilton	Gronna	Perkins	Townsend
Clapp	Heyburn	Pomerene	Watson
Clark, Wyo.	Johnston, Ala.	Rayner	Williams

Mr. OLIVER. I desire to announce that my colleague [Mr. PENROSE] is necessarily absent from the Chamber.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily detained from the Chamber.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMITH of Georgia. I send to the Secretary's desk an amendment intended to be proposed to the metal schedule bill. I will offer it when the time comes to offer amendments, and I understand that it will be accepted by the minority of the Finance Committee who have charge of the bill. I ask that the amendment may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

"Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts."

The VICE PRESIDENT. The pending question is on agreeing to the substitute offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, before continuing my observations upon the amendment I have offered I desire to supply a word in paragraph 20, which was omitted either in writing the amendment or in printing it. I desire to insert the word "saw" after the word "steel," in line 5, on page 10.

The VICE PRESIDENT. The Secretary will note the modification.

The SECRETARY. On page 10, line 5, in the proposed substitute, after the word "steel," insert the word "saw."

Mr. CUMMINS. The clause will then read:

And on steel circular-saw plates there shall be paid $3 per ton in addition to the rates provided herein for steel saw plates.

Reference to the comparative table prepared by the Finance Committee, I think, will show a very inadequate duty upon circular and steel saw plates, and the result in that comparison has been reached on account of the omission of the word I have just had inserted in the amendment.

I intend, Mr. President, to do what I think I have never done before in the discussion of any matter before the Senate; it is to ask that I be permitted to finish my remarks without interruption, for I have the greatest desire to speedily bring the debate to an end, and the subject is so vast that interruptions inevitably carry not only myself but those who engage in the colloquies into every part of the field we are examining.

The VICE PRESIDENT. So far as the Chair can, he will see that the Senator from Iowa is not interrupted.

Mr. CUMMINS. I have no doubt the Chair is in sympathy with the suggestion I have just made.

Last night, before adjournment, I was endeavoring to state concretely and briefly the basis of the amendment I have proposed. First, it is founded upon the assumption, which I believe to be sustained, and amply sustained, by the proof, that the average cost of making pig iron in this country is less, certainly not greater, than the cost of making pig iron in other countries of the world. Second, that with respect to all the heavier forms of iron and steel, ordinarily known as tonnage iron and steel, I have reached the duties which will be found in my amendment by assuming that the labor entering into the commodities, in whatever process is undertaken, from pig iron to the ultimate form, costs twice as much in this country as it costs in other countries.

Third, I have added to the duties in each instance an allowance that will fairly compensate for the additional capital involved in the production in America as compared with the production abroad. If I have faithfully complied with the rules that are involved in these three propositions it seems to me that the duties which will be found in my amendment must necessarily be protective, must preserve our market for our own producers, if our own producers are willing to occupy it with fair and reasonable profit.

It is said, especially by the Senator from Utah [Mr. SMOOT], that the report of Mr. Pepper respecting the production of pig iron in Luxemburg, Germany, shows that it costs there less than it costs here. I believe it to be true that pig iron fit to be manufactured into steel can, in some parts of the Luxemburg district, be produced at less cost than such pig iron can be produced in some parts or in some mills of the United States. But we are endeavoring here to find an average cost, and I think therein lies the error into which the Senator from North Dakota [Mr. MCCUMBER] was led, because he found one place in Germany in which pig iron could be manufactured a little more cheaply than the high cost in the United States. Taking Mr. Pepper's report as authentic and as reliable—and I am quite willing to do so—the Senator from North Dakota reached the conclusion that we ought to adjust our tariff duties with reference to that low cost. I do not think so; for if, as it seems to me, we take the lowest cost that can be found abroad and compare it with the highest cost that can be found in our own country, we will reach an end entirely unjustified by the doctrine itself or the interpretation which even my Republican friends put upon it.

We have found that the average cost in our country is less than the average cost in England. We have found with respect to part of the production in Germany that it is no less there than here. If we wanted to be entirely fair, we would compare the lowest cost in Germany with the lowest cost in the United States, and when we do we will discover that the United States Steel Corporation produced pig iron in 1910—that being the last year of which we have reliable information—more cheaply than, it is asserted by Mr. Schwab, by the Senator from North Dakota, or by Mr. Pepper, the same quality of pig iron can be produced for in the Luxemburg district; and to establish that I desire to refer again to the report of the Commissioner of Corporations.

On page 108 he submits a table know as Table No. 32. It is headed "Comparison of Steel Corporation's integration furnace cost per gross ton for Bessemer, northern basic, and southern pig iron, as shown by the records of the corporation, for 1910." The table itself discloses that there have been excluded the return upon the investment in any stage of the production from the mine to the furnace. The result is, as shown by the table, that in the examination of 6,269,534 tons of Bessemer steel the total was $9.71 per ton, and the southern pig iron, concerning which the investigation was carried over on a production of 585,273 tons, the cost was $8.57 per ton.

I instance this simply to show that if we are selecting in our country that place and that company in which and by which pig iron can be produced at its lowest cost, we will discover

that we are doing quite as well as any blast furnace in the Luxemburg district.

In the same connection I desire at this time to indicate what the Steel Corporation was doing in the way of producing steel rails in 1910, and I refer to Table 38 of the report of the Commissioner of Corporations. This table is headed "Steel Corporation's mill cost per gross ton of heavy standard Bessemer rails, as shown by producing companies' cost sheets, approximate intercompany profits included therein, and integration mill cost, as shown by the records of the corporation, for 1910." The first item of the table shows a cost of $20.23. This includes all the intercompany profits. The last column of the table is headed thus: "Integration cost, exclusive of any return to investment on any anterior stage of production or transportation." And treating the production from that standpoint, the cost of producing steel rails to the United States Steel Corporation in 1910 was, per ton, $15.37, and I hazard this statement, that there is no other rail mill in the world, no matter where it is situated, that pretends to manufacture steel railway rails at a cost of $15.37 at the present time. I have mentioned these things in order to fortify my conclusion that upon the average we produce our pig iron as cheaply as it can possibly be produced abroad.

Now I come to the second paragraph of my general proposition. If what I have stated be true, what duty ought to be attached under the Republican doctrine upon steel rails? I have in my amendment named a duty of $2.50 per ton. The Democratic bill names a duty of 10 per cent. I refer to this table again in order to apply the rules that I have just suggested.

The labor cost in producing steel rails is $1.25 a ton. Steel rails from the ingots, the raw material, or all the material that enters into the production of a ton of steel rails, cost the average company in the United States $18.29. If I have shown anything in this somewhat extended discussion, I have shown that the raw material costs the company that manufactures it into steel rails a little less, I think very considerably less, than it costs any rail mill in Europe; and therefore we need no duty to compensate our manufacturers with respect to the cost of raw material, and in the raw material there is included the American labor standard or scale from the mine to the rail mill. If we credit the rail mill with raw material costing $18.29, we have already taken care of all the labor actually employed in the production of raw material, and by raw material I mean the form in which it is used in the rail mill. We have already seen that it costs in labor, upon the very same hypothesis, 61 cents to reduce the ore, the coke, and all other materials that enter into a ton of pig iron, and therefore we have the labor cost, and it is not asserted that there is any other cost greater in this country than abroad, save the capital cost, of which I spoke a few moments ago. We have a total labor cost for manufacturing a ton of steel rails from pig iron into the finished product of $1.86. There is no escape from that proposition. It can not, as it seems to me, be controverted by anyone who is willing to accept the investigation carried on by our own Government here and abroad.

I therefore apply the rule I have suggested: If our labor costs twice as much as the labor abroad for performing the same operation—and mark you I am only adding that for the purpose of meeting what I look upon as an unreasonable demand upon the part of my brother Republicans, for I do not believe the labor cost here is greater than the labor cost abroad, but I am assuming that it is—therefore it costs the foreign manufacturer one-half of $1.86, or 93 cents, in labor; and in order to equalize our own manufacturers it is necessary to attach a duty of 93 cents.

I mean to equalize the labor cost. I have attached a duty of $2.50 instead of 93 cents. I have done that because, first, I really wanted to satisfy my friends upon this side of the Chamber; second, because I do not want to approach the danger point; and third, because the capital employed in producing a ton of steel rails in the United States is somewhat larger than the capital invested in producing a ton of steel rails abroad. That is because it costs us more to build plants, our machinery costs us a little more, and I have, out of good measure, allowed the difference between the 93 cents a ton and $2.50 a ton to cover that contingency.

There is not a man in the Senate who, looking at it with a dispassionate mind, can establish the necessity for as high a duty as I have proposed. I am speaking of it now, of course, wholly from the standpoint of the duty required for protection and not for revenue. I do not believe there will be any considerable revenue at $2.50 a ton. If you wanted to get any revenue out of steel rails you would be compelled to reduce the duty to fifty cents a ton or a dollar a ton, and even then no very great quantity of this commodity would come into the United States.

I take now the next large item in the production of steel in this country—structural iron and steel—and referring to the same table it will be found that the raw material in a ton of structural steel costs $20.21. It costs no more here than abroad, and that again accounts for all the labor expended at the American wage scale in bringing the raw material into existence. The labor cost of structural steel is $2.15. That is all that labor does in turning a ton of ingots into structural steel. Now, adding to $2.15 the 61 cents for turning the pig iron into ingots, and we have a labor cost of $2.76. That is all. In every other respect we are upon equal terms with our rivals in other countries. But if it costs us more for labor than it does them, and if it costs us twice as much, then we ought to put a duty on structural steel of one-half of $2.76, or $1.38, a ton, and there is nobody anywhere who can vindicate or can justify a duty of more than $1.38 a ton except that we may compensate the additional capital.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. The Senator from Nebraska probably was not in the Chamber when I made the announcement that I hoped to pass through my speech without further interruption. My experience leads me to believe that if I do not follow a rule of that sort I will never get through.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa indicates that he does not wish to yield.

Mr. CUMMINS. However, I will yield at this time because the Senator from Nebraska was not in the Chamber at the time I made the announcement.

Mr. HITCHCOCK. I should like to have the Senator from Iowa reconcile in some way the difference between the labor cost, as he makes it out, in these finished products and the labor cost as made out by the Senator from Utah. I believe, of course, that the Senator from Iowa is much more accurate, but I can hardly reconcile the difference between the aggregate labor cost as made up by the two Senators.

Mr. CUMMINS. I did that last night. I do not know anything about the table used by the Senator from Utah. I have no reason, however, to doubt its accuracy. The reason that he does not reach the same result that I do is largely because he gives to labor in the antecedent forms or processes no credit for the cheapened material, for the cheapened transportation, as compared with our competitors in the other countries. For instance, when I say that the metallic mixture required to produce a ton of pig iron costs in this country $7.30, I have included in that all the labor expended in mining the ore and in transporting it, as well as the other material that is necessary to enter into the furnace with the iron ore.

Now, our iron ore costs us less than it costs abroad. Our coke costs us less than it costs abroad. Our coal is much cheaper, and the transportation is much less in most instances. I have not analyzed the table of the Senator from Utah, but I do not dispute it. I only know that the table that I have produced is the proof furnished by the Commissioner of Corporations upon this subject, and I intend to accept it.

Now, the duty on structural iron and steel ought to be but $1.38 a ton. I have put a duty of $3 a ton on it for less advanced forms, and $4 a ton upon the more advanced forms. I have doubled, as I said before, the amount necessary to furnish reasonably fair protection to this industry, and when anyone votes to maintain a duty upon structural steel of from $8 to $20 a ton, as the duties are under the present law, he votes to make the American people pay a price for this material which yields to the producer, where competition at home has been extinguished, an extortionate and indefensible profit.

In passing I may say that the duty placed upon this commodity by the Democratic bill is 15 per cent ad valorem. If the structural material is worth $30 abroad, the Democratic duty would be $4.50. If it is worth $40 abroad, the duty would be $6 a ton. So I think it can be said to be true that the specific duty which I have put upon structural iron and steel is somewhat lower than the duty named by the House of Representatives.

I now pass to the next great item of iron and steel, namely, merchant bars. The raw material in merchant bars costs us in this country $21.40 a ton. The labor of conversion is involved in three processes—first, from the pig iron into the ingot; second, from the ingot into what is known as sheet bars; and, third, into the bar itself. The first process involves labor of the value of 61 cents per ton, the second process of the value of 55 cents per ton, and the last of the value of $3.06 a ton, making

a total labor cost for converting pig iron into merchant bars of $4.22.

This is again upon the hypothesis that our producers manufacture pig iron as cheaply as it can be manufactured anywhere in the world. If our labor cost was twice as much as it costs abroad for the same operations, we ought to put a duty upon merchant bars in order to just equalize that difference of $2.11. I have put a duty in my amendment upon bars of $3.50 for the larger bars, and $4.50 for the smaller bars. The Democratic bill attaches a duty on bars of 10 per cent. I think there is no material difference between the Democratic bill and my own in that respect, for merchant bars vary from $25 a ton to $50 a ton, and sometimes in very rare instances more; but I have added this additional duty solely to avoid approaching the danger point where we would be compelled to yield our markets to the other countries of the earth, and to compensate for the additional capital which we invest as compared with other countries.

I now pass to rods—wire rods—another very great article of commerce in this industry, the rods as shown by this table, and this is the table furnished by the Commissioner of Corporations. The material that makes a ton of rods costs our people $21.42. Again, there are three processes here—one in converting the pig iron into ingots; labor cost, 61 cents; then the ingot into bars, 55 cents; and again, the bars into rods, $1.53; making a total of $2.69 for all the labor—I mean the labor that we are trying to protect—involved in these three operations.

The duty therefore upon rods, to be mathematically accurate, should be $1.34½ a ton, and when we charge the importer $1.34½ a ton we have equalized the difference between the amount that we have paid for labor and the amount that he has paid for labor upon the hypothesis that ours has cost twice as much. I am proceeding upon that hypothesis, although I know it is not true in all instances. I think it is true that we pay double the wages that they pay abroad. I believe that is true, but with our greater production, with our more skillful operation, we are able to utilize, through machinery, labor in a way that they do not utilize it abroad, and we make it more efficient than they make it abroad in very many of the fields of industry.

But let us see what I have done. Although we need a duty of but $1.34 a ton, I have attached a duty of $4.25 a ton. I have done this, first, because there is a wide range in the cost of drawing rods or rolling rods. It depends somewhat upon the size of the rod. I have tried to name a duty that would protect the most expensive rod so far as cost is concerned, and in doing it I have put a duty upon the less expensive rods greater than the conditions of the trade require. Again, I have sought to keep our manufacturers free from unfair rivalry on account of the higher capital cost in our own country.

The Democratic duty upon rods is 10 per cent. I think it is somewhat lower than my duty, although I can not conceive that there would be any revenue derived under it.

The next article is wire. Wire, of course, comes from the rod, and therefore I will not go further back than the rod, as I have just been considering that article. I have found that the labor cost in a rod is $2.69 per ton. The cost of turning the rod into wire or drawing it, to use the technical expression, is $1.62 per ton according to the report we have before us. This, of course, does not include some of the finer wires that are used for pianos and other purposes, sometimes ornamental and sometimes useful. But the labor cost is $1.62 for the last operation, making a total labor cost for converting pig iron into coarse wire of $4.31 per ton. If England or Germany or France paid out half that much the labor cost there would be $2.16 a ton, and that is all the duty that under our platform could be attached to this article, except for the compensation of capital. I have put a duty upon this wire of from $5 to $8 a ton—more than double the amount required under the computation I have just made; and I have done it for the very same reason that I have given with respect to other commodities. I do not want the foreign manufacturer to be able to enter our markets. I want them all to be abundantly high to protect every interest at home, but I do not want them to be so high that our own manufacturer, freed from competition at home, can raise his price to any point his avarice may lead him.

I may say the Democratic bill puts a duty of 20 per cent upon wire.

The next item is what is known as sheet iron or iron and steel sheets. This is one of the principal commodities of the tonnage steel business. These sheets are, of course, taken first from the pig into the ingot, and then from the ingot or billet rolled into sheets, and there are three operations. The pig iron into the ingot costs 61 cents in labor. The ingot into the billet or the sheet bar costs 57 cents in labor. The bar into the sheet costs $10.39 in labor, making a total of $11.57 for turning pig iron into iron or steel. Upon the same hypothesis, our duty should be $5.75 per ton, and when we attach that duty we have equalized this difference of which our platform in 1908 speaks.

Now, mark what I have done. In my amendment I have attached a duty of $10 a ton upon the thicker sheets and $12 a ton upon the thinner sheets—almost double the amount necessary to measure the difference between the cost of production at home and abroad.

Mr. HEYBURN. Mr. President, I should like to inquire if the Senator would prefer to go on without interruption.

Mr. CUMMINS. I would rather go on and finish without interruption.

Mr. HEYBURN. I make the inquiry, because if we are going to vote on this amendment immediately upon the close of the Senator's remarks, some of the things will go out unanswered and the reading world may think there was no answer to them.

Mr. CUMMINS. Mr. President, I will say that if after I have finished my remarks upon the subject any Senator desires to make any inquiry of me, I shall be very glad to answer it. I know that is not a very satisfactory way of debating, but as I remarked when the Senator from Idaho was out of the Chamber, I felt that unless I could go on without interruption I was likely, as a very distinguished lawyer in New York once said, to make my speech immortal by making it eternal.

Mr. HEYBURN. And unanswered.

Mr. CUMMINS. I do not crave immortality of that sort.

Mr. HEYBURN. Would not the Senator also like to make it unanswerable rather than unanswered?

Mr. CUMMINS. Mr. President, I have no concern about that. I know that I am making it unanswerable. I am not so sure, however, that I can enjoy immunity from an answer.

I come now to another form of iron and steel that is well known by all true Americans, because it is intimately connected with what is known as the tin-plate industry. I mean black plate, a plate of steel prepared, gotten ready, made for the subsequent coating of tin or zinc or whatever may be put upon it. Black plate has the same process precisely that I have already instanced with regard to sheets, except the preparation of which I have spoken. The cost is first 61 cents from the pig into the ingot, 57 cents from the ingot into the sheet bar, and $14.19—now we are reaching labor, and a great deal of labor—$14.19 for converting it into the black plate. The total of these labor items is $15.37 per ton.

On the same assumption that we pay twice as much for doing this work as is paid abroad our duty upon black plate should be $7.64 per ton. Then we would be ready to start upon even terms, without regard to the transportation from the foreign country to our own, with the foreign producer.

But I have put a duty upon black plate of $12.25 a ton, before the acid or pickling process, in order to prepare it for the tin, and of $14.25 after being so prepared. I have again doubled, or substantially doubled, the difference in the cost of labor here and abroad, and it is impossible for me to conceive why anyone desires to maintain the duty which the Payne-Aldrich tariff law attaches to this commodity.

I have one other item and I shall have finished this review—universal plates. The universal plates are of course the cheaper form of plate iron and steel. The universal plates go through the same process practically—pig into ingots, ingots into billets, and then the billets into the plates. The total labor cost of performing those operations, as given by the Commissioner of Corporations, is $3.04, and a duty that will equalize us with the foreign countries, if we pay twice as much for labor as they pay abroad, would be $1.52 a ton. But I have put upon this commodity a duty on the cheaper forms of $4 a ton, and upon the higher-priced forms of 15 per cent.

Is there anyone here who will gainsay my proposition that this duty which I have named in the amendment covers the difference between the cost of production at home and abroad, if I have established my proposition that the material itself costs no more here upon the average than it costs abroad?

Before passing, I will say that the Democratic bill puts a duty upon these plates of 15 per cent.

Now, Mr. President, I have finished my specific review of the heavier forms of iron and steel. I could pass through all the items of the schedule contained in the paragraphs which I have rewritten and could show, just as I have shown concerning the items I have already mentioned, that I have pursued a logical and, as I believe, a scientific method in reaching these duties. The duties have risen as the articles themselves have passed through various processes of manufacture, and the duty varies, as it should vary, with the labor that has been expended in production.

The remainder of this amendment is precisely like the dozen great items that I have already mentioned. There is no differ-

ence in principle. If what I have already passed over in detail is accepted as sound, then all these items which relate to the heavier forms of iron and steel are also sound, but I can not and must not take up each of these items for the purpose of performing, in the presence of the Senate, the mathematical operations through which the duties were reached.

I now come for a few minutes to consider those paragraphs in the amendment which cover an entirely different kind of commodities. Twenty-eight paragraphs in this schedule—I think I have named the right number—I have not rewritten at all; and the reason I could not vote for the bill passed by the House of Representatives is that, in my opinion, the duties upon these twenty-eight or more paragraphs are reduced in the House bill below the protective point. They cover high forms of production. They cover articles into which a very great deal of labor has entered. They cover forms in which the cost of the raw material is but a slight factor in the cost of the ultimate product.

I can understand perfectly how my Democratic friends, desiring to place duties at the point at which the maximum revenue will be derived upon their importation, have reduced the duties as they have, but they differ so entirely from the commodities I have just been considering, that from the protective standpoint the Democratic duties upon many of these things can not be said to be adequate and will not be efficient. Therefore it would be impossible for me, believing that we ought to award that full measure of protection of which I have been speaking, to consent to the reduction of duties shown in the House bill.

I have, however, in one or two instances reduced the duty even below the House bill. I mentioned one of them the other day. I have reduced the duty on automobiles from 45 per cent in the Payne-Aldrich law and from 35 per cent in the House bill to 25 per cent. I do not think there is any justification from the protective standpoint of assessing a duty upon automobiles of 45 per cent. What I said a moment ago applies to automobiles and the labor cost in them. I have no doubt we pay men and women, if there are any women employed in our automobile factories, more than they pay them abroad; but because our production is so great we are able to use men in the management or the conduct of machinery, so that the efficiency of a single man is much greater in this country than it is abroad.

I desire only to mention one or two facts with regard to this industry, of which Americans ought to be very proud. France makes about 30,000 automobiles. The value at the factory in France of the 30,000 cars is substantially $50,000,000. Germany makes about 10,000 cars, with a value at the factory of about $20,000,000. Great Britain builds about 15,000 cars, with a value of about $2,000 per car. Italy, Belgium, and Switzerland have scarcely entered the race.

The United States will make this year about 175,000 cars. We make more than two-thirds of all the cars that are used in the world. We export cars of the value of more than $20,000,000 per year. Our export of automobiles is of greater value than the total value of all the cars made by either England, Germany, Switzerland, Belgium, or Italy. There is but one country that makes as many cars as the United States exports. We export these cars not so much as we do many other things to neutral ports, but we export these cars to England, to France, and to Germany. We export them because we can build a cheap car better and for a lower price than any other country in the world can build it.

It is not wise, as it seems to me, for us to maintain a practically prohibitive duty upon automobiles, because, first, we shall engender the spirit of retaliation abroad and we may shortly be excluded from a market that we very greatly desire; and, second, because while we import about $2,000,000 in value of automobiles, we export about $21,000,000 in value of cars, and our imports are largely, if not altogether, of the very highest priced cars. The importations do not seriously interfere with our production at home, and, under the proof that has been submitted, it can not be said that with respect to our manufacture the other countries of the world have any advantage over us. It can not be alleged that it costs more to produce a car here than it costs to produce it in either England, Germany, or France, although I readily admit that you can select a particular kind of car that would cost us more to build than it would cost in Germany or France. For the reason I have given I have reduced the duty from 45 per cent to 25 per cent. So much for automobiles.

Mr. BACON. Will the Senator permit me to ask him, as he has investigated the question, what does he find to be the relative cost of the cheaper cars in the European factories and the American factories?

Mr. CUMMINS. I hardly dare venture upon much of the history or explanation of this business, but I have heard this about it: The cars we export cost about from $1,000 to $1,200 each, while the cars we import come here in an unfinished condition mainly; that is, we import the chassis, and we ourselves build on the body principally, because they do not abroad manufacture these cars in sufficient quantities to warrant them in equipping to construct metal bodies, and our cars are mainly constructed with metal bodies. They have a great many advantages over the wooden bodies, and, therefore, we have adopted that kind of construction to a very great degree. So the cars come in from Germany, France, and England, in so far as they come in at all, in the unfinished condition of which I have just spoken. I think the average-priced value of the car or that part of the car coming would be more than $3,000.

Mr. BACON. The particular point of the inquiry that I made of the Senator was this: I desired to know, if he had the information, what was the relative cost of manufacturing in Europe and in this country of the cheaper grades of cars such as are commonly used?

Mr. CUMMINS. I think, Mr. President, that no one questions the fact that we can make the cheaper cars at a lower cost than can any other country anywhere.

Mr. BACON. Does the Senator think that reducing the duty to 25 per cent—and I am very frank to say I am in favor of that personally—would increase the importation of that grade of cars?

Mr. CUMMINS. No; I do not. I do not think that there would be any of the cheaper cars imported under any duty, however low it might be, but there might be some of the higher grade of cars imported under the duty of 25 per cent.

Mr. BACON. That are not now imported?

Mr. CUMMINS. That are not now imported. I think it would be a very excellent corrective. I think 25 per cent will measure the difference between the cost of producing the higher-priced cars here and abroad, and that when we put a duty on of 45 per cent, we have put a wall so high that only extreme taste or fashion will ever mount it.

Mr. BACON. If the Senator will pardon one other question, the Senator spoke of the fact that the number of cars manufactured in Italy was almost negligible. Do they, or do they not, manufacture a very high-grade car in Italy?

Mr. CUMMINS. They manufacture one car anyway of a very high grade in Italy.

Mr. BACON. I knew nothing about the number they manufactured.

Mr. CUMMINS. The number manufactured is very small.

Mr. BACON. I had my attention called to the fact that they manufactured there a very high-grade car; but I did not know the fact that they manufacture very few of such cars.

Mr. CUMMINS. That is true. France manufactures the greatest number of cars in Europe. France has the largest export trade in Europe.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. I assume that the reason we can make cars such as the Senator has been speaking of at as low a cost probably as any other country, comes from the fact that we make so many that we standardize them——

Mr. CUMMINS. Unquestionably.

Mr. GALLINGER. As we are competing with the world successfully in the making of bridges, because we have standardized our bridges, in contradistinction to our handicap in building ships, for we hardly build any, especially for the foreign trade, while England perhaps will have a dozen ships under construction at the same time; and the fact that she standardizes that particular kind of a ship enables her to build it much cheaper than she could otherwise possibly build one or we could build one. That is my view of it.

Mr. CUMMINS. The Senator from New Hampshire has stated the whole case, and it might be emphasized by reference to instances. A factory in Germany that turns out 2,000 cars, or even 1,200 cars, is regarded as a large enterprise. One man works upon all parts of each machine, and it requires a long time to build a machine, just as the old shoemaker worked on all parts of the shoe that he finally turned out. We have one enterprise in the United States, I am told, that will in the coming year build 70,000 cars. That enables the company to standardize every part of the car. The parts are all convertible, and each mechanic has his own particular thing to make, and he can employ machinery in making it. That multiplies

his efficiency; and that is the reason we can build these cars cheaper than they can be built anywhere else.

I now come to another paragraph, concerning which I think I ought to call attention. My amendment differs very materially from the Democratic bill with respect to zinc and lead. The House bill attaches a duty of 25 per cent ad valorem on the lead contained in lead ore. It attaches no duty whatever, as I remember it, upon the zinc in zinc ore; that is made free. I do not think it is wise either from a revenue standpoint or from a protective standpoint. I have not changed the duty upon lead ore or upon zinc ore. I do not believe the duty on either ought to be changed.

Mr. HEYBURN. That is, from the present duties?

Mr. CUMMINS. From the present duties. And I will explain why, inasmuch as this constitutes one of the prominent phases of that part of the bill which I have not rewritten and which is, therefore, allowed to stand. Lead ore is precisely like wool in one respect. The Tariff Board has reported that the cost of wool in this country varies all the way from less than nothing, paradoxical as that may seem, to 10 cents per pound.

Mr. HEYBURN. That is from a loss to a profit.

Mr. CUMMINS. And just so with lead. The cost of producing lead or lead ore differs quite as largely and as radically as does the cost of producing wool. The cost of producing lead in the Idaho district is one sum; the cost of producing lead in the Colorado district is another sum; the cost of producing lead in the Missouri district or the southeastern Kansas district is another sum. I pause for a moment to say that the present duty on lead no more than compensates the difference between the cost of producing lead in some of these mines, for instance, in the Idaho district. I do not believe that a cent and a half a pound, which is now the duty on lead in lead ore, is any more than the difference between the cost of producing the lead in Idaho and the cost of producing it in Mexico. The duty of a cent and a half a pound is a little more, in my opinion, than the difference between the cost of producing lead in Colorado and the cost of producing it in Mexico. So, if we reduce the duty on lead ore, the result necessarily is, that we close some of the mines that are now producing lead, for they can not continue to operate if the price is materially reduced. We do not produce more lead than we ought to produce and, therefore, viewing it from a protective standpoint, it seems to me that, inasmuch as we are not producing a surplus of lead, it would be contrary to the protective doctrine to reduce the duty on lead ore.

My remark with regard to lead ore is applicable as well to zinc ore. We can not produce zinc ore or zinc in this country as cheaply as it can be produced abroad; and the result of reducing the duty would, in my opinion, be the closing of many of our mines, which now are running to produce this commodity. So, therefore, I have not reduced these duties at all. I have not changed them.

But we pass now to the next stage. I have reduced the duty in my amendment upon lead bullion and pig lead and the like from 2⅛ cents per pound to 1⅞ cents per pound. I have reduced it because I do not believe that the differential can be defended.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SMOOT. I am aware that the Senator said at the beginning of his remarks that he did not wish to be interrupted, and if he still objects, I will not interrupt him.

Mr. CUMMINS. Well, I would rather the Senator from Utah would wait until I finish, and then I will be very glad to answer any question that he may propound to me. I want to make this part of my argument as concise as possible, because I have undertaken the very difficult task of convincing the senior Senator from Idaho [Mr. HEYBURN] that I have done right in reducing the duty on lead bullion and pig lead from 2⅛ cents per pound to 1⅞ cents per pound.

Again I introduce the parallel of the wool schedule. We put a certain duty on wool, and then, when we come to ascertain what duty ought to be placed upon the manufactures of wool, we endeavor to compensate the manufacturers for the increase, hypothetical or real, as the case may be, in his raw material occasioned by the duty upon it. So we ought to do with the lead manufacturer. I have put a duty of a cent and a half a pound on the lead in the ore, precisely as it is now in the law. Then, I give to the manufacturer or the smelter, first, the cent and a half a pound, which I have already put upon the raw material, namely, the lead in the ore, and, then, I have to ascertain the difference between the cost of reducing lead ore in this country and reducing lead ores in other countries. Our Republican platform requires us to give to that smelter just the difference between the cost of doing his work here and what it costs abroad. We have given him under the Payne-Aldrich tariff law the difference between a cent and a half a pound and 2⅛ cents a pound, or five-eighths of a cent per pound, for the purpose of compensating him for his increased labor charge. What does that mean? It means that the smelter for his protective duty—not compensatory duty, for I have already given him that in the cent and a half—but for his protective duty he is given an advantage of $12.50 a ton. That is more than it costs in the United States to reduce lead ore to lead bullion or pig lead. It is more than the smelter pays all told—I mean in labor—for doing that work.

Therefore I have reduced that differential, as I called it a few moments ago, or protective duty, as I had better call it, from five-eighths of a cent per pound to three-eighths of a cent per pound. Three-eighths of a cent per pound means $7.50 per ton, and I do not believe that it will ever be contended here or anywhere else that it costs the lead smelters in this country $7.50 per ton more than it costs the lead smelters in other countries to take ore and convert it into lead bullion or pig lead.

What I have said with regard to the lead smelter applies also to the zinc smelter, for I have pursued precisely the same policy, and I have adjusted the rates in the case of zinc in the same way that I have the rates for the lead smelter.

Mr. President, I fear that some errors which have crept into the comparative statement, to which I have referred more than once, may have made an impression on some Members of the Senate, especially upon this side. I called the attention of the Senator from Utah several days ago to the utter inaccuracy of attempting to reduce specific duties to ad valorem duties where the specific duties cover the same article with a wide range of prices or values. You will find in this comparative statement, I think, two or three articles on which it appears I have reduced the duties to an abnormally low point—covering only two or three articles, however—to a point of 4 or 5 per cent ad valorem. I have not the time, and I will not take the time, to analyze those items. I only ask that if any one of you has happened to take them up for the purpose of judging of the merits of my amendment, you will not forget to trace the article to its place, not only in the Payne-Aldrich tariff law, but in the amendment I have proposed, and you will find that in these two or three articles—they cover not very important items, it is true—the whole error lies in attempting to group commodities that vary from 1 cent a pound to 10 cents a pound in a single bracket and in reducing specific duties to ad valorem duties covering that tremendous range of values.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SUTHERLAND. Will the Senator permit me to ask him a question with reference to his lead schedule?

Mr. CUMMINS. I will.

Mr. SUTHERLAND. I wondered if the Senator had ascertained that the vast quantity of lead ores produced in this country are of low grade, while a very large proportion of the lead ores in Mexico are of high grade, and if so, whether he has taken that fact into consideration in fixing the differential of three-eighths of a cent per pound?

Mr. CUMMINS. I have.

Mr. SUTHERLAND. In other words, if I may illustrate my question, it will cost more to extract a pound of lead from a ton of low-grade ore than it will to extract a pound of lead from a ton of high-grade ore.

Mr. CUMMINS. The Senator from Utah has stated a fact with which, I am sure, we will all agree. Ordinarily it does cost more to extract a ton of lead from low-grade ore than a ton of lead from high-grade ore, and I have taken that into full consideration, because I have attached a differential of $7.50 a ton, and I do not believe there is a smelter in the United States in which the cost is $7.50 a ton for converting our own grade of lead ore into lead. I have attempted to draw as far away as possible from the danger point upon that item as I have upon all others.

Mr. SUTHERLAND. May I ask the Senator another question?

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. As I understand, in the Missouri lead-ore districts the lead ores contains no silver, or comparatively little silver, while the Mexican ores are silver-lead ores, sometimes containing a very large amount of silver. I desire to ask whether or not the Senator has taken that into consideration in making his schedule?

Mr. CUMMINS. No; I have not taken that into consideration, because that would pertain to the duty on lead ore, and I have not changed the duty on lead ore; it remains at 1½ cents per pound as it is under the present law.

Mr. SUTHERLAND. The point to which I wanted to direct the Senator's attention was that the lead in Mexican ores, which contain a high percentage of silver, might be regarded as a by-product and the cost of extracting the lead would be little or nothing, because the silver in the ores themselves would justify the smelting, while in the Missouri districts, there being no silver, the lead is not a by-product, but is the very thing which the miner is after and which the smelter is after in reducing the ore.

Mr. CUMMINS. The Senator from Utah has stated, of course, a very difficult question. He has instanced a case in which it is utterly impossible mathematically or accurately to apply the Republican doctrine of protection, namely, to ascertain and enforce the difference between the cost of production at home and abroad. The Tariff Board, in dealing with wool, has assumed that everything but wool is a by-product, and if it applied the same principle to a silver mine in Mexico it would treat the lead as a by-product, and would probably come to the conclusion that it would probably cost nothing at all either to produce lead ore in Mexico or to produce lead bullion; but it is impossible to make any law covering all those disparities.

Mr. President, I desire to call the attention of the Senate to one other item which I have changed radically among the 28 paragraphs not rewritten. Under the present law we levy a duty upon monazite sand and upon thorium and upon thorite, with its oxides and its salts, levying the same duty upon the latter as we levy upon the gas mantles, to make which the thorium is mined and manufactured. We have no hope, in my opinion, in this country of manufacturing or producing thorium. There is some monazite sand, it is said, in North Carolina that contains some thorium, but not in sufficient quantities to warrant its development. The United Gas Improvement Co., I think, tried hard to establish an industry there to produce its own thorium from American sand. I think its experiment was a failure, for it long since abandoned the effort, and it, the largest manufacturer of gas mantles in this country, imports its monazite sand from Brazil.

Now, I have rewritten this section on the assumption that it was our business to manufacture gas mantles, if we could, against the whole world, and inasmuch as we must import the raw material out of which they are made, it ought to be allowed to come into the country with as little burden as possible. I have, therefore, rewritten the section, taking the duty from monazite sand and from thorium and from gas-mantle scrap and retaining the duty of 30 per cent upon gas mantles. They are the real products in the manufacture of which American capital and American industry are now engaged. I hope earnestly that this change will meet the approval of the Senate, because I regard it as essential to the best interests of this industry. It is one of the infant industries. It is one of the enterprises which really needs the encouragement and support of our tariff law.

Mr. HEYBURN. It is a case of second childhood. It was a great industry, and it languished, and now it is starting anew in life.

Mr. CUMMINS. The production of thorium in our country has never been a great industry and apparently never will be. If the Senator means that the production of gas mantles is a great industry, he is quite right, but he is not right in assuming it is in its second childhood. It is now in its superb manhood.

The difficulty it encounters—and we might as well speak frankly about it—is that a great corporation imports the monazite sands from Brazil and makes thorium for itself. It makes no thorium for sale. It would, I assume, if it could, exclude every other manufacturer of gas mantles in the country, but the independent manufacturers of gas mantles can not import monazite sands, because they do not do their business upon a sufficient scale to warrant it. But they are compelled to import thorium or the oxide of thorium and use that in the manufacture of gas mantles, and they ought to be given a chance fairly to compete with the large manufacturer by getting their raw material free, especially as there is no reasonable hope that we will be able to furnish that raw material for many years to come, if ever.

One other section I have added to these 28 paragraphs of which I have spoken. I have made a new paragraph for metal molds—for the pattern maker in metal. He is not sufficiently protected now. The metal pattern is allowed to go with the other forms—the merchantable forms of iron and steel. The metal pattern is not for sale. It is not in common use. It is made in order that there may be a casting made from it. It has to be most carefully, most skillfully fashioned in order to accomplish its purpose, which is to receive the molten iron or steel and then turn it out without injury or damage. I have added a new paragraph in order that the industry may be sufficiently protected. I hope that that also will commend itself to the protective patriotism of the Republican Senators.

Senators, I have completed a review of my amendment. I, of course, have not gone over every item. I can not do that, but I will be very glad to do it, in so far as I may be able, if anyone is interested in any particular paragraph.

With some exceptions, a part of which I have noted, I have reduced these 28 paragraphs 20 per cent as compared with the Payne-Aldrich law, and I believe that is all they ought to be reduced in order to furnish fair and reasonable protection to the manufactures of this country.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. May I ask the Senator from Iowa what is the relative percentage of reduction made by these two bills that are presented to us?

Mr. CUMMINS. There is no such thing as a relative percentage.

Mr. NEWLANDS. What is the percentage, then?

Mr. CUMMINS. These averages with which the Senate has been deluded so often have no meaning whatsoever. My bill in a general way is as low as the House bill upon the heavier forms of iron and steel. I think, upon the whole, it is as low. It is not so low, it is very much higher than the House bill, upon these more intricate forms and more highly developed forms of manufacture into which a great deal of labor has entered and in which the raw material is but a small proportion of the ultimate value. But it is utterly impossible to compare them by percentages. The House bill is an ad valorem bill throughout. My bill is a specific bill, so far as that principle can be applied without injustice.

Mr. NEWLANDS. I will say to the Senator that I have heard it alleged that the Payne-Aldrich bill fixes an average duty of about 35 per cent, the Cummins bill an average duty of about 22½ per cent, and the Democratic bill, or the House bill, an average of about 19 per cent. Would the Senator regard that as fairly accurate?

Mr. CUMMINS. I do not. I do not believe that it means anything at all as applied to the business of the country. Of course it is accurate mathematically as applied to these figures——

Mr. NEWLANDS. I should like to ask the Senator another question, and that is, in view of his experience in the Senate during the last four years in endeavoring to accomplish tariff reductions, whether he thinks the method we have been pursuing thus far has been a satisfactory method of reducing the tariff.

Mr. CUMMINS. I say with the utmost frankness it has not been satisfactory to me, if the Senator means the result.

Mr. NEWLANDS. I will state what I mean. Undoubtedly the majority of this body favor tariff reduction, but they favor it on differing principles, the Republican Party having regard to the difference in the cost of production here and abroad, with a fair profit to the manufacturer added, and the Democratic Party having regard to a gradual reduction of the duty toward a revenue basis. Now, the country expects a reduction, and the sentiment of both Houses—the majority—is favorable to a reduction. Can not the Senator suggest some method by which we could practically accomplish that reduction at this session?

Mr. CUMMINS. I can. If the Senator from Nevada and his associates will vote for this amendment, I think it will became the law of the land. Will the Senator from Nevada do it?

Mr. NEWLANDS. Is that the only suggestion?

Mr. CUMMINS. It is the only suggestion at this moment. I believe this amendment which I have offered proposes a fair and reasonable reduction of the duties on iron and steel; that it is logical, with some claim to scientific adjustment.

I understand what the Senator from Nevada is thinking about just as well as he does. If my friends the Democrats succeed in passing their bill, it will not become a law. Therefore we will have no reduction. That is, we are told it will not become a law. If, however, the Democrats will vote for the amendment that I have now proposed by way of a substitute, and we pass that, while I will not assure the Senator from Nevada that it will become a law, it has a better chance of becoming a statute of the United States than has the House bill.

Therefore, will the Senator from Nevada come to the aid of a somewhat perplexed progressive at this moment and secure the passage of this amendment?

Mr. NEWLANDS. I will say, Mr. President, that if the Democratic measure fails to receive the signature of the President I shall be glad to vote for the measure presented by the Senator from Iowa.

Mr. CUMMINS. Ah! Then the Senator never will know whether it will receive the approval of the President or not unless he votes for it and thus enables it to become an act of Congress.

Mr. NEWLANDS. Undoubtedly we can remain here until the Senator's bill becomes a law, in the contingency of the refusal of the President to sign the Democratic measure.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I for one would be glad to have the Senator explain more fully the reasons why the Democratic bill would not be signed and why his bill would be signed. It might aid us in coming to a conclusion as to what is our duty in the matter.

Mr. CUMMINS. I will be very glad to do that. The Democratic bill is declared to be a purely revenue measure, and that there has been eliminated from it all of the protection that could be eliminated from it having regard to the revenue that is desired. The President of the United States is a Republican, and it would be easier for him to be persuaded that there is no protection or not sufficient protection in the House bill than it would be to persuade him that there is not sufficient protection in the amendment I have offered. I will be perfectly frank with the Senator. That is the reason I think if the House bill is passed there may be rocks upon which it may founder before it becomes a law.

Inasmuch as it is seen how recalcitrant a body of men I have to deal with on the other side of the Chamber, I want to address a word or two to my Republican friends. You are about to vote upon this amendment. I know that some of you do not believe that it is sufficiently protective, but I want to know whether there is a single one of you who will assert that it is not more protective than the bill which passed the House. I want to know if there is a single Republican who will dare challenge the bill in comparison with the bill that passed the House?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. HEYBURN. I assume the Senator wants a reply.

Mr. CUMMINS. Certainly.

Mr. HEYBURN. Neither is protective. They do not sufficiently reach the word "protective."

Mr. CUMMINS. Very well. I know the standards of the Senator from Idaho. I assume it does not fulfill his expectations as to protection, but the amendment I have proposed is more protective, even from his point of view, than the bill which passed the House and which is now before the Senate subject to amendment. The duties are higher in the bill I have proposed upon all the great forms of steel and iron—I mean the real manufactures of steel and iron—than in the House bill.

Mr. HEYBURN rose.

Mr. CUMMINS. I yield to the Senator.

Mr. HEYBURN. You can not span a 20-foot chasm with an 18-foot bridge any better than you can with a 15-foot bridge. Neither of them will span the chasm. The Senator's amendment does not treat lead more fairly than the House bill. He dropped into one mistake. He made sufficient provision—that is, a satisfactory one—for the protection of certain classes—lead in the ores, for instance—and then permitted the lead to be mined and smelted outside of our country, at outside wages, and brought in in competition with our labor.

Mr. CUMMINS. Of course I know that an 18-foot bridge will not enable one to successfully cover a 20-foot chasm, but is it not true that it is easier to step from the end of an 18-foot bridge to the solid ground than it is to step from the end of a 15-foot bridge to the ground?

Mr. HEYBURN. If a man could not cover the 2 feet at all, he is just as far from his destination as if there were no bridge.

Mr. CUMMINS. I am sure the Senator from Idaho will have no difficulty in covering this negligible difference, even measured by his own standard. But I appeal from him, then, to the other Republican Senators, whose views may not be so rigid. The Senator from Utah and the Senator from Pennsylvania have both reviewed my bill. The Senator from Pennsylvania came near suggesting that I had busied myself with this bill largely for the purpose of doing something, and that really I had not decreased the duties seriously enough to occasion alarm.

Mr. OLIVER. I should like to say to the Senator that I have no recollection of ever having intimated anything of the kind.

Mr. CUMMINS. I listened to the Senator from Pennsylvania, and that is the way I understood him, although I am frank to say that when his speech was published in the RECORD the intimation did not appear.

Mr. OLIVER. I said nothing that was not published in the RECORD.

Mr. CUMMINS. Very well. I suppose as I grow older my ears mislead me and deceive me more and more.

Mr. OLIVER. Very likely.

Mr. CUMMINS. But I very distinctly caught that general notion of the Senator from Pennsylvania, and I speak of it in a gratified sense. I am using it as a compliment to the Senator from Pennsylvania, because if I may infer his real belief with regard to this subject from the speech that he made—and a very able and very interesting speech it was—he himself believes that there are many articles upon which the duties of the Payne-Aldrich law could be reduced without injury to the producers of iron and steel and to the great benefit of the general public.

The Senator from Utah [Mr. SMOOT], whose knowledge upon the details of the metal schedule—and I may broaden that to include every schedule of the tariff—is surpassed by that of no Senator either now or at any time in the past, who has been over the whole subject with a comprehensiveness of learning and a keenness of analysis which has never been excelled, was of the opinion that while some of the duties in the amendment I have proposed were too low, yet they are at least in the direction of protection; whereas the House bill was headed straight for the port of free trade.

I only instance these things, not to express a hope that either the Senator from Idaho or the Senator from Utah or the Senator from Pennsylvania would as a separate proposition vote for this amendment if it were in the form of an independent bill. I mention it for the purpose of appealing to them and to all the Republican Senators to vote for it as against the bill for which it is offered as a substitute.

What defense has any Republican here for voting against the amendment I have proposed when the question upon that vote is whether it is better legislation than the House bill? You are not expressing your opinion with regard to the wisdom of this measure; you are not saying to the country you believe the duties here imposed are sufficiently and adequately protective; you are simply saying that, as between a bill which is formed along the lines of protection—and which I believe is completely and fully protective—and a bill organized upon the doctrine of a tariff for revenue alone, you think this is the better bill. If you will vote your real consciences and your real judgments, I shall be entirely satisfied, no matter what the vote on the amendment may ultimately be; but what you intend to do, as I have been informed, is to vote against the protective amendment and in favor of the free-trade bill. What you intend to do is to refuse to substitute the bill I have offered for the revenue bill, because you think there would be less danger of the Chief Executive of the United States signing the revenue bill than of signing the protective bill.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. HEYBURN. An objection which I entertain to the Senator's amendment or the substitute, whichever it may be termed, is that it is drawn or framed upon the hypothesis that no other business than that now established needs consideration or is entitled to it; upon the hypothesis that no new concerns, be they manufacturers of iron or steel or any of the articles enumerated in his bill; that no others are to follow; that the machinery and the buildings will last forever; and the men who are engaged in them will live forever.

Now, that is not the true spirit of protection. The spirit of protection is not only to maintain that which we have, but to make it possible for other similar enterprises to be born, to have their growth and others after them, and so on, forever. That is protection. But the Senator's schedule does not include the consideration of that proposition.

Mr. CUMMINS. I do not claim that it does; and therein lies, possibly, the fundamental difference between the Senator from Idaho and myself. He desires—and I grant his absolute sincerity in the position—duties levied upon iron and steel upon the hypothesis that there has never been a mine opened; that there has never been a blast furnace erected or a rail mill established; that this whole country is a virgin continent yet to be explored and still to be developed; and he desires duties

that would, under those circumstances, enlist capital in the work of exploration and production.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator.

Mr. HEYBURN. Mr. President, if I may be permitted, I do, as the Senator suggests, regard the opportunities of life in the business world in this country as absolutely virgin soil to the generations not yet launched in the business. To those who have not established business it is as virgin as ever, and that element constitutes the opportunity upon which the future greatness and wealth of the country must rest. If it rested only on the present generation, with present established business, with the existing capital, it would be only a question of a lifetime when it would pass out, or the men would pass out. But the true policy of protection goes as far as I have expressed it.

Mr. CUMMINS. Mr. President, the issue is clearly made between the Senator from Idaho and myself. If anyone believes that the duties upon iron and steel should be fixed upon the hypothesis that there had been no iron discovered, no furnaces erected, no railroads built, no rolling mills constructed, and that we were about to invite capital into this unexplored region, a country fertile and rich in its resources—if that were the situation, then the duties which I have proposed in my amendment are not sufficient. But if we are to take the country as it is, with mines of greater extent and greater richness than the mines of any other country in the world, with a railroad system that measures in its extent about one-half of all the railway mileage in the world, with rolling mills and furnaces and factories in full and complete operation, with a capacity to produce more iron and steel than any other country in the world now produces or has ever produced, then the duties which I have proposed will be found to be ample for the protection of a condition of that sort, and that is the condition which actually exists.

Now choose between the senior Senator from Idaho and myself. He is honestly of his opinion; I am honestly of mine. Speaking to the Republican Senators of this body, I want it published to the world whether you believe in the doctrine which he has so emphatically stated, or whether you believe in the doctrine which I have attempted to assert. If you vote with me and for my amendment the country will accept that vote as indicating an opinion on your part that the duties should be adjusted with reference to existing conditions. If you vote against my amendment, while I do not say it will necessarily be true, there will be much reason for the country to believe that you insist on retaining duties measured by the standard just asserted by the senior Senator from Idaho. One more word and I shall conclude.

We Republicans were taunted yesterday or the day before by a distinguished Senator on the other side of the Chamber with the statement that you, or enough of you to be effective, upon the final vote upon this measure, intend to absent yourselves and allow, by your absence and your silence, the House bill to receive a majority of the votes in this Chamber, although it is known by every Republican here and elsewhere that it does not embody the Republican doctrine. I was never so humiliated as a Republican in all my public life as to hear a taunt of that sort with no indignant response from the men to whom it was directed.

Tell me what you intend to do with regard to this amendment so far as that charge is concerned. Do you intend to allow a bill which does not pretend to meet your economic opinions and which is contrary to your fundamental beliefs to pass the Senate by refusing to vote simply in order to give the President of the United States a better opportunity, from his standpoint, to veto the measure? I do not believe that Senators will dare to repeat what was done a year ago upon the same subject covered by the measure now before you.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. HEYBURN. A taunt is not to be taken very seriously when it comes from the opposition. The fair presumption is that the Republicans will vote for the principle of a protective tariff, and in my judgment—and I set myself up as the censor of no other man's principles—to refrain from voting your principles is as bad as to vote against them.

Speaking for myself, and I assume to speak for no other, there will be no absenteeism if I am in good health and able to be here when the vote comes; and I shall not vote for the House bill. I shall do what I can within legitimate means to prevent it from coming to a vote. I am not going to filibuster, and if it comes to a vote I shall vote against it. I shall expect the senior Senator from Iowa to do the same thing, because he does not believe—he has stated to-day and yesterday that he does not believe—in the justice of the tariff schedules sent here by another body and supported by the other side. I know the Senator well enough to believe that he, not believing, will not support.

Now, where are the votes to come from on this side of the Chamber to pass the Democratic measure, for—I dislike to use different words in describing Republicans—I will say the Republicans of this side must, in justice to the principles they profess, support the Republican measure and vote against the Democratic measure at any and all times. How can the minority's tariff measure pass this body, that being the case?

Mr. CUMMINS. Mr. President, of course it could not pass the body if all the Republicans were moved by the same sense of duty which actuates the senior Senator from Idaho.

Mr. HEYBURN. We are bound to assume that they are.

Mr. CUMMINS. I never dreamed that he would attempt to pass the House bill by refraining from voting. He did not a year ago.

But I reply now to the senior Senator from Idaho in respect to my attitude toward the House bill. If the House bill were confined to a reduction of the duties, as they are reduced in it, to the heavier forms of iron and steel, I would vote for it in a moment, because I believe it to be fully protective from our standpoint. But inasmuch as it reduces the duties upon the more highly organized manufactured forms of iron and steel to a point which I believe is not protective, I can not vote for the House bill, and I do not intend to vote for it. So there need be no uncertainty with regard to that particular matter.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I should like to ask the Senator from Iowa one single question. Does the Senator from Iowa think that the House bill is better or worse than the existing Payne-Aldrich law?

Mr. CUMMINS. I believe that the House bill, as applied to the iron and steel industry, is not so good as the Payne-Aldrich tariff law.

Mr. WILLIAMS. I asked the Senator from Iowa that question, because there has been a great deal of discussion in the magazines and a great deal upon the floor of the Senate coming from the school of politics to which he belongs in denunciation of the Payne-Aldrich metal schedule, and I had hoped that even though the bill came from the Democratic Party he could find it within his heart to recognize that some good might come out of Nazareth; and as he has been contending for a reduction of duties, I had hoped that even though our scheme of reduction was not precisely his scheme—not exactly the scheme but very close to it—he might find it in his heart to vote in behalf of the great consuming public of America, in behalf of whom he has delivered very many very eloquent speeches.

I had rather hoped that we were both prepared to serve the people rather than our parties. I am. If the Democratic bill should fail, I would vote for the bill offered by the Senator from Iowa, because while I do not think it goes sufficiently far in reducing taxes upon the American people it is infinitely better than the Payne-Aldrich law, and I would be reduced to a choice between the Payne-Aldrich law and his bill. I had hoped that when he was reduced to a choice between the Democratic bill and the Payne-Aldrich law he would follow in the lines of his utterances.

Mr. CUMMINS. Mr. President, if I believed the Senator from Mississippi held the opinion that might be fairly inferred from the utterance he has just made, it would greatly concern me. But I have too high a regard for his capacity and understanding to make the inference which one might be inclined to draw.

I can not vote for the House bill, because I believe that upon a great many things it reduces the duty below the protective point. As I have said a great many times, being a protectionist, if I am forced to decide whether a duty shall be above or below the protective point, I must choose the higher point.

Mr. WILLIAMS rose.

Mr. CUMMINS. Be calm. I would do so for the reason that if the duty does not come to the protective point it ceases to answer in any degree the protective principle. I believe the House bill applied to these heavier forms of iron and steel is not a revenue bill at all. I believe you are deluding yourselves upon that subject. I do not believe it is a revenue bill, because,

I do not think that the duties are low enough to invite any considerable importations of those commodities. I would therefore vote for that part of the House bill if I were driven to a choice between it and similar paragraphs in the Payne-Aldrich tariff law. It matters not to me whether the law or bill originates with the Democratic Party or with the Republican Party. I am not held so close to the hearts of our friends upon this side of the Chamber that I can refuse the kindly offices of sympathy from my friends upon the other side. I will vote for any measure, no matter from whence it comes, that will reduce the duties upon the Payne-Aldrich law, provided they do not reduce them below the point which will furnish fair and reasonable protection for our own people.

The difficulty with the House bill, as I have said, from my standpoint—it is perfect from your standpoint—is that with regard to the 28 or 30 paragraphs which embrace the advanced forms of manufacture of the Payne-Aldrich law, in my opinion you fall below, and in many instances far below, the level of protection.

If I were to vote to put those paragraphs of the House bill into the law and so expose the producers who are protected by them to the unfair competition or rivalry from abroad, I would be compelled to abandon a principle that I have held so long as I have known anything of political economy or of national politics, whereas the Senator from Mississippi, on the other hand, is not so situated. He believes in a tariff for revenue. Really I think he believes in free trade, and that is not disparaging, because if it were not for protection, as I said the other day, I would not raise the revenue of this country at the customhouses. But he believes in a tariff for revenue. Our tariff is higher than a revenue tariff, and any reduction on any duty is an approach toward the principle which he so ably and so eloquently espouses and advocates. Therefore he can, without any inconsistency whatever, vote for any reduction in the tariff duties and he will be entirely in harmony with the views that he has held his whole life long. But it is not so with one who views the economic question from the standpoint I have occupied.

Therefore I am sure the Senator from Mississippi will see that my earnestness for tariff reduction or the sincerity of my efforts for tariff reduction is not challenged by the fact that I can not, must not, will not go below that point which I believe furnishes the people of this country a protection which they can justly demand.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa further yield to the Senator from Mississippi?

Mr. CUMMINS. I yield again to the Senator.

Mr. WILLIAMS. The Senator from Iowa has made a mistake when he says that I would vote for any reduction. I would not. I recognize that there confronts the American people a condition to which I would not apply my theory ruthlessly, or overnight, as the Germans say. I am not criticizing the Senator from Iowa. I have the highest regard for his sincerity. I believe him to be intellectually honest, and that is a very high compliment to pay to a man. I believe that he has intellectual integrity. I have not attempted to attack his sincerity or his integrity at all. I would be false to myself if I had attempted it. But it does seem to me that in his remarks to-day he has put himself outside the pale of those who differ with other men upon a question of principle, and has put himself in the pale of those who differ with them only upon a question of percentages.

The Senator from Iowa speaks of the "protective point." What is the protective point? If there be any real protective point it is the point of prohibition of foreign imports. Wherever a protective duty fails to keep out of competition with American producers the entire foreign production, whatever it may be, fails to any extent whatsoever, it fails just to that extent in being a protective duty.

Now, I have hitherto understood that the Senator from Iowa wanted a sufficient importation of foreign production to compete with American production to the extent, at any rate, of making the American producer treat the American consumer fairly. If I am mistaken about that I have mistaken the Senator from Iowa clear through. I have understood the difference between a protective prohibitionist, a reasonable protectionist, and a man who believes in a tariff for revenue. I do not understand what the Senator from Iowa means by the protective point.

Mr. CUMMINS. Does the Senator from Mississippi want me to explain now?

Mr. WILLIAMS. I would be glad to understand it.

Mr. CUMMINS. I have explained it a great many times, but possibly not in the hearing of the Senator from Mississippi. The protective point is that point at which the domestic producer can supply the entire domestic market.

Mr. WILLIAMS. Ah!

Mr. CUMMINS. Just a moment. Theoretically I have stated the protective point. If the domestic price is raised above a fair one from the American standpoint, then the importation comes in. If the domestic price is kept at or below the American level, the importation does not come in, again theoretically. When, however, we are ascertaining or fixing the protective point, it being impossible to do it with absolute and mathematical accuracy, if it be fixed along the lines I have already stated, there will be in the very nature of things a certain importation. In order to exclude all importations the wall must be raised so high that it would be far above the protective point. If it is fixed as nearly as we can fix it at a protective point, trade and commerce, with their ebb and flow, will pass over the barrier and there will be a reasonable importation.

Mr. WILLIAMS. Now, Mr. President, if I understand the Senator from Iowa, and I think probably I do, the protective point is the point of the tariff duties at which the American producer can supply the entire American market at a satisfactory profit.

I think that is a summary of what the Senator from Iowa has said. Where are we left when that definition is given? We have thousands of schedules, and the protective point is the point of tariff levy at which—and I am using now, in the first three words, the Senator's own words—the entire American market will be the field for the American producer at a satisfactory profit. The words "at a satisfactory profit" are mine, not his. Who is going to determine what the "satisfactory profit" is? How is it to be determined? Upon what basis? By whom? Are we to be left forever to determine this very important point by hearing the so-called testimony of so-called witnesses who appear in behalf of their own pocketbooks in order to make the best showing that they possibly can for themselves and against the public to the American national legislators? What will constitute a satisfactory or, as the Republican platform calls it, a reasonable profit? Who is to determine when it exists? Who is to determine when it is exceeded? Who is to determine what percentage constitutes it?

I come back to what I said. I think the Senator has extirpated all points of difference in principle between him and the Senator from Idaho. If the Senator from Idaho were called upon to testify as to what he thought was the protective point, he would say it was the point at which the duty was so high that the foreigner could not compete. If the Senator from Utah chief apostle in the church of protectionism, were called upon to define what he considered a satisfactory protective duty, he would define it in exactly the same way—that it was the rate of duty which gave to the American producer the American market, regardless of the American consumer.

The Senator from Idaho has said we are all consumers and we are all producers. With regard to any particular schedule we are not. Not 1 per cent of the American people are engaged either with their capital or their labor in making metal, and the other 99 per cent are engaged every now and then to some slight extent, more or less, in buying these numerous products. The trouble with the Senator's statement is that he has forgotten what he has sometimes previously dwelt upon so eloquently, to wit, the fact that the American consumer, the American buyer, has some rights. The negro upon my plantation who looks at the rear elevation of a mule day after day while he plows cotton and corn has some rights in this country when it comes to economical arrangements, though he does not make steel, though he does not manufacture wool nor cotton, and has nothing to do with the manufacture of those things

Mr. President, this brings me back to the Republican platform, and then I am through.

Mr. CUMMINS. I hope the Senator from Mississippi will not inject a long speech into mine; but I have no objection to——

Mr. WILLIAMS. Upon second thought, Mr. President—I forgot myself—I have injected too much already, and I will leave off even the other sentence that I intended to put in now, but I could not well keep my seat in face of the last explanation of the Senator from Iowa. Before I take my seat, however, I want to say that I have just about as much confidence in the political integrity and the intellectual integrity of the Senator from Iowa as I have in my own, which last confidence is absolute, but I think he is making a great strategic mistake.

Mr. CUMMINS. Mr. President, I never listen to the Senator from Mississippi without feeling a little better than before he began to speak. He has the faculty of lifting one up somewhat even while he criticizes him. I think I would rather have the

compliment that he has just bestowed upon me than any honor that is likely to befall me. I do not agree with the Senator from Mississippi. I do not see that I have stated my belief in any other terms or in any other form than I have often heretofore stated it. I can not plead guilty to the accusation that in my estimate of the tariff the consumer is forgotten. On the contrary, as I said the other day, the difference between the Senator from Pennsylvania [Mr. OLIVER] and myself is that I always begin the consideration of a tariff schedule by thinking of the consumer and then of the producer, while others reverse the process of reflection.

I now feel, however, before I say the final word, which I must say in a moment, that I should yield to the Senator from Utah [Mr. SMOOT], who claimed my attention some time ago.

Mr. SMOOT. Mr. President, referring to the legislative situation, I want to say merely a few words. I find myself in the position that I can not vote for the pending Democratic bill, and I do not want to vote for the substitute offered by the Senator from Iowa [Mr. CUMMINS]. There are many rates in the substitute I could approve, but, taken as a whole, it would be impossible for me to vote for it. What am I to do? Am I to vote for his amendment believing that if I did so it would become a law?

Mr. BAILEY. You mean the President would approve it?

Mr. SMOOT. I do not know what the President would do. I can not say as to that.

Mr. BAILEY. It could not become a law unless he did approve it.

Mr. SMOOT. Or am I to vote against it and allow the Democratic bill to pass?

Let us look at the history of tariff legislation at our last session. The Republicans in this Chamber voted against an amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the Democratic wool bill; they voted against the Democratic wool bill; and as soon as both of these bills were defeated, a Democrat immediately arose, asked for the reconsideration of the bill, and then the Democrats voted with a few Republican Senators, and the bill was passed. I may, on second thought, be mistaken as to the Senator who asked for a reconsideration. It may have been a Republican who asked for that reconsideration, but, be that as it may, every Democrat voted for the bill that they had a few minutes before voted against. We are told now that that shall again be the program; that if we vote against the Democratic bill and if we vote against the substitute offered by the Senator from Iowa, as soon as that is done some Senator will ask for a reconsideration, and the Cummins amendment will be passed.

What am I to do, Mr. President, as a Senator believing in the principles of protection? Am I to allow this thing to happen, knowing that that is the program? I do not believe that it would be proper or right; I do not believe that the American people, when they understand the situation, will say that a Senator who believes in protection should sit here and allow a program of that kind to be carried out.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes.

Mr. WILLIAMS. I would like to ask the Senator from Utah a question. I want to ask him to do an exceedingly difficult thing for the Senator from Utah; I want to ask him to put himself in my place for the nonce with regard to the answer that he will make to the question I am about to ask him—that is awfully difficult, I know—but suppose he were a Democrat and in favor of reducing tariff taxes, and suppose that he had failed in getting through a bill which reduced them, say, 50 per cent, just for an illustration, and suppose he then had an opportunity to vote for a bill that reduced them 20 per cent, does he not understand that it would be absolutely impossible for him in our place to be true to himself and pursue any other course than that of supporting the next best bill?

Mr. SMOOT. Mr. President, I say, just as the Senator from Iowa has stated, that the Senator from Mississippi perhaps is consistent in his position and statement, but that is not all there is in this proposition. We know what the program is; and, as was stated by the Senator from Iowa, we were taunted with it by a Democratic Senator only yesterday. So far as that is concerned, it did not trouble me in the least, because I know the Senator who taunted the Republicans knew that that would be the program, and he will help to carry it out. Therefore, Mr. President, the Republican Members who believe in protection and in all that the word "protection" implies, unless a bill can be provided that all the Republicans can agree upon, I believe are justified in doing the very best they can to defeat a bill that they do not believe would be amply protective to the industries of this country.

Mr. WILLIAMS. Before the Senator from Utah sits down——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. Before the Senator from Utah sits down I should like to ask him one question. I do not know whether I understood him or misunderstood him; but I gathered from his speech the other day that he admitted that some of the duties in the metal schedule were too high.

Mr. SMOOT. I called attention to the fact that the rate on tin plate could be reduced, based upon the testimony of the men who make it.

Mr. WILLIAMS. Now, Mr. President, having secured that confirmation of my recollection, or, rather, of my hearing, I want to ask the Senator a question: He is, of course, a great Republican constructive statesman, as all Republican statesmen are, and why is it that the Senator from Utah has not introduced a bill reducing those duties where they are too high even from his standpoint?

Mr. CUMMINS. Mr. President, I hope the Senator from Utah will not make his answer to that question long. I really think it is not quite fair to inject two such prominent figures as the Senator from Mississippi and the Senator from Utah in the foreground of my speech.

Mr. BAILEY. If the Senator from Iowa will permit me, the Senator from Utah——

The VICE PRESIDENT. Does the Senator from Iowa submit to interruption by another important character? [Laughter.]

Mr. CUMMINS. I do; I think, now that these two eminent gentlemen are grouped together, I might as well admit another.

Mr. BAILEY. Well, I wanted to make plain what the Senator from Utah intends for the initiated to understand, and that is, he is serving notice on you that Republicans like him intend to refrain from voting and let us pass the Democratic bill.

Mr. CUMMINS. Precisely. I understand that. He is not, however, serving notice upon me, but is really answering the charge that I made a few moments ago against him and those who are with him, that they were about to do that thing.

Mr. BAILEY. It is not often they can do so good a thing.

Mr. CUMMINS. I was trying to convince them that they ought not to do it.

Mr. SMOOT. That has been the burden of the Senator's speech here for the last half hour.

Mr. CUMMINS. Surely; and I think I have made a step in advance when they feel compelled to explain and defend.

Mr. WILLIAMS. They were forced into an experience meeting at any rate.

Mr. CUMMINS. Yes. Mr. President, as the Senator from Utah was describing that rather tortuous way which led him finally to the conclusion that he ought to pass a measure in which he did not believe at all in order to defeat a measure in which he believed partly, I could not help thinking of those lines which run something like this:

> Oh what a tangled web we weave
> When first we practice to deceive.

You are deceiving yourselves. Why do you not take on some of the candor and the courage displayed by the senior Senator from Idaho [Mr. HEYBURN]? He will not flee this Chamber when the House bill is to be voted upon; he will sit here and record his judgment with respect to that bill; and I simply want all Republican Senators to accept him as a model in this respect—as an example—upon the vote about to be had. I do not ask the Senator from Utah to vote for a measure in which he does not believe; but I do ask—and I believe the country will ask presently—that Republican Senators shall sit here and record their honest beliefs respecting the subject, and not refrain from voting so as to send a bill to the President in order that he may veto it because it is a Democratic bill.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I yield to the Senator from Oklahoma.

Mr. GORE. I wish to inquire of the Senator from Iowa if he intends to insist upon the use of the word "first" in his quotation?

Mr. CUMMINS. Mr. President, that was a mere act of memory, and I may not have correctly quoted the passage. It has been many years since I have had any occasion to apply it to anybody, and I therefore may have misquoted it.

Mr. GALLINGER. The Senator quoted it correctly.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Yes.

Mr. SMOOT. I do not think there is any disposition on the part of any Republican to try to deceive anybody. I do not believe that there is any disposition on the part of the Democrats to deceive the Republicans or themselves. I think the program is known by every Democrat in the Chamber, and I think they have agreed to it time and time again.

Mr. ASHURST and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. Mr. President, I must insist on finishing my observations, and then the whole subject will be open for discussion. Indeed, I had finished——

The VICE PRESIDENT. The Senator declines to yield.

Mr. CUMMINS. I intended from the beginning that my last word should be a word of adjuration, of appeal to my Republican associates to stand up and be counted upon this subject.

You know that my bill is a better bill from the protective standpoint than the Democratic bill. Therefore I am entitled to your affirmative votes in order to substitute it for the House bill, and when it is substituted for the House bill, if you are not convinced that it is a better bill than the Payne-Aldrich tariff law, then record your votes against it. In that way the record of the Senate will be written with sincerity, with courage, and with some comprehension of our responsibility in the performance of our public duties; but do not, for conscience sake, permit any amendment or any bill to pass or to be defeated in order that an ulterior purpose or object may be accomplished.

Mr. President, I have finished.

Mr. SMOOT. I should like to ask the Senator just one question. It is this: In all the tariff legislation from the beginning of tariff legislation in this country, does the Senator remember a time, with the exception of the last Congress, where bills were introduced and all of them voted down, and then the Democratic Party voted for the bill that they voted against and it was passed by the solid vote of the Democratic Party and a few votes on the Republican side of the Chamber?

Mr. CUMMINS. My experience in the Senate has been brief. The Senator from Utah knows much more about the history of the Senate and what has occurred here than I do. Therefore I will not attempt to answer his question.

Mr. WILLIAMS. Is it not true that hardly ever a measure is passed where some one does not vote against some amendment but does vote for the bill?

Mr. CUMMINS. That is not the question.

Mr. SMOOT. Not at all.

Mr. WILLIAMS. It is the same principle.

Mr. OLIVER. Mr. President, the appeal of the Senator from Iowa [Mr. CUMMINS] to his Republican associates to vote in favor of his amendment as against the Democratic bill is a very fair sample of that plausible but very fallacious kind of argument in which the Senator from Iowa is an adept. When a tariff bill similar in nature to this was before the Senate last year, the Democratic Senators and a section of the Republican Senators laid a trap for the other Republican Senators, and it succeeded. When another bill of the same nature came before the Senate, Republican Senators refused to be led into this trap.

Now, as between the bill as it came from the House and the substitute offered by the Senator from Iowa, I will say that both are objectionable to the protectionists of the Senate. The House bill is a revenue measure. The substitute offered by the Senator from Iowa is insufficiently protective. I am against both measures, and I propose, as a Senator performing my duty as one of the representatives of my State, to do everything I can, either by voting or refraining from voting, to prevent the adoption of either of these measures.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I am informed that that Senator is absent from the city on important public business. I therefore withhold my vote.

Mr. GALLINGER (when Mr. CRAWFORD'S name was called). I have been requested to announce that the Senator from South Dakota [Mr. CRAWFORD] is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], but I am released on this vote, and will vote. I vote "nay."

Mr. GORE (when Mr. OWEN'S name was called). My colleague, the Senator from Oklahoma, is paired with the Senator from South Dakota [Mr. GAMBLE].

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I transfer the pair to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Missouri [Mr. REED], and will vote. I vote "nay."

The roll call was concluded.

Mr. BURNHAM. I have a pair with the junior Senator from Maryland [Mr. SMITH]. I am informed that if he were present and voting he would vote against the pending amendment. As I am of the same mind, I will vote. I vote "nay."

Mr. BAILEY. I have a pair with the Senator from Montana [Mr. DIXON] and therefore withhold my vote. I desire this announcement to stand not only for to-day, but until the conclusion of the work in which he is now engaged.

I also desire the announcement to stand as an explanation of why I have not voted on some other roll calls.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is detained from the Chamber on public business.

Mr. LODGE. My colleague [Mr. CRANE] has a standing pair with the Senator from Maine [Mr. GARDNER].

The result was announced—yeas 12, nays 60, as follows:

YEAS—12.

Borah	Clapp	Jones	Poindexter
Bourne	Cummins	Nelson	Townsend
Bristow	Gronna	Page	Works

NAYS—60.

Ashurst	Dillingham	McCumber	Sanders
Bacon	du Pont	McLean	Shively
Bankhead	Fall	Martin, Va.	Simmons
Bradley	Fletcher	Myers	Smith, Ariz.
Brandegee	Foster	Newlands	Smith, Ga.
Bryan	Gallinger	O'Gorman	Smith, S. C.
Burnham	Gore	Oliver	Smoot
Burton	Guggenheim	Overman	Stephenson
Catron	Heyburn	Paynter	Sutherland
Chamberlain	Hitchcock	Percy	Swanson
Chilton	Johnston, Ala.	Perkins	Thornton
Clarke, Ark.	Kern	Pomerene	Tillman
Culberson	Lea	Rayner	Watson
Cullom	Lippitt	Richardson	Wetmore
Curtis	Lodge	Root	Williams

NOT VOTING—23.

Bailey	Davis	La Follette	Reed
Briggs	Dixon	Lorimer	Smith, Md.
Brown	Gamble	Martine, N. J.	Smith, Mich.
Clark, Wyo.	Gardner	Nixon	Stone
Crane	Johnson, Me.	Owen	Warren
Crawford	Kenyon	Penrose	

So the substitute of Mr. CUMMINS was rejected.

Mr. HEYBURN. I suggest that it is rather late in the day, and the Senate is not ready to vote upon the pending bill. I therefore move that the Senate adjourn.

The motion was rejected.

Mr. HEYBURN. Mr. President, the Senate is evidently in an industrious mood and desires to further consider the measure before the Senate. The zeal of Senators is rather unusual, but very gratifying. No greater mistake could be indulged in than to think that this measure has received that consideration which it will receive or must receive before being sent out to the country as an enactment, so far as the Senate is concerned.

I was engaged at a very interesting point to the Republicans when this matter was last before the Senate. I know that the Democrats take very little interest in a Republican platform. I know that Republicans are presumably very greatly interested in the principles of their party. I am going to test it, because my remarks will be addressed to the Republicans for a few moments. Then if the Democrats are still in evidence I will address some remarks to them.

The VICE PRESIDENT. Meanwhile will the Senate be in order? Will Senators please refrain from conversing in audible tones—those other than the one entitled to the floor?

Mr. HEYBURN. In support of the suggestion of the Chair I will say that I will undertake to do all the talking that is indulged in while I have the floor. I do not mean by that that I am not ready to be interrupted, but there will be some talk going on.

Yesterday I was calling the attention of the Republican Members to the promises they had made and declarations of princi-

ples that are as binding upon them to-day as they were when they were announced. The principles of a Government do not change. The declarations of principles are to be respected.

Mr. President, I would inquire if the rules permit me to stroll back where I can be close to those who are present. These Senators did not wish to adjourn. I assume that they had some reason for not desiring to adjourn. I am going to talk rather plainly about it. They will either pass on the motion to adjourn with reasonable frequency or they will make it unnecessary. They certainly do not imagine that I am going to refrain from discussing this question in the Senate Chamber because they do not care to hear it. They never were more mistaken if they do.

I am going to call the attention of Senators to what the Republican Party told the people it stood for in 1884, and that is not very far back. Most Senators were then actively engaged or interested, at least, in the affairs of the Government. This is the declaration, and it is as much a part of the Republican policy and principles to-day as it was when it was published by the convention in 1884:

It is the first duty of a good government to protect the rights and promote the interests of its own people.

The largest diversity of industry is most productive of general prosperity and of the comfort and independence of the people.

We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security—

Bear that word in mind; I will revert to it directly—

security to our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor, as well as capital, may have its just reward and the laboring man his full share in the national prosperity.

Against the so-called economic system of the Democratic Party, which would degrade our labor to the foreign standard, we enter our earnest protest.

* * * * * * *

The Republican Party pledges itself to corrrect the inequalities of the tariff and to reduce the surplus.

Now, the first part of that platform, the protective part of it, was good Republican doctrine, and it would have won the election for the Republican Party in that year. But the Democrats were making the campaign upon the cry of surplus. They made nearly as much noise about it as they now make on the tariff question, and some—enough—of the members of the committee that framed this platform were deceived by that noise, because they were charged with the iniquitous crime of so conducting the affairs of the Government as to produce a surplus that they immediately took to the woods and promised they would not do it again. The result was the American people said, "Well, if you are not for protection and the fruits of protection, we will give you a chance to think it over," and they elected a Democrat President of the United States.

So what they did—and this is a warning against giving heed to the cry of those who have it in mind to scare you away from the principles which they fear—the committee went on and said:

The Republican Party pledges itself to correct the inequalities of the tariff and to reduce the surplus.

The Republican Party, running before the charge made against them by Democrats ambitious for power and office, retreated and lost out to the Democrats. You ought to be very careful that that lesson is not repeated.

I read that platform and emphasized it particularly because we repeated that mistake in 1892. We apologized for being Republicans. We asserted the doctrine of Republicanism, asserted the benefits that had been derived from it, and then, because the Democrats were making so much noise that some of the people thought there must be something in their cry, we retreated from it and apologized and said we would not do it again. So the Democrats came in, and they got rid of the surplus. That is their strong point. No one ever charges the Democratic Party with so administering the affairs of the Government as to create a surplus. That is one thing they are not guilty of.

In that platform, however, shifting as it was, we declared specifically for the duty on wool. The Republican Party said:

We recognize the importance of sheep husbandry in the United States, the serious depression which it is now experiencing, and the danger threatening its future prosperity; and we therefore respect the demands of the representatives of this important agricultural interest for a readjustment of duties upon foreign wool.

They had that in mind, but they promised a change. Well, the people had put them in power because of what they were, what they stood for, and the people expected them to remain hitched, but because somebody gave a long yapping at their heels they broke loose and ran away. We have seen that kind of thing happen not only in conventions but elsewhere.

Now I come to a platform that commended the Republican Party to the people, the next one, in 1888. We learned some sense from the chastisement that we got in 1884, and we quit apologizing for being Republicans.

I have heard some discussion here in connection with these tariff schedules where I think, without realizing just exactly the effect of the words, there has been some apology for Republican legislation and a tacit promise to undo it. I am not in sympathy with that kind of talk or action.

Now I beg your attention to the platform that speaks Republicanism, that of 1888, when we nominated Benjamin Harrison for President of the United States on a real Republican platform. This is it:

We are uncompromisingly in favor of the American system of protection; we protest against its destruction as proposed by the President—

Cleveland—

and his party. They serve the interests of Europe; we will support the interests of America. We accept the issue and confidently appeal to the people for their judgment. The protective system must be maintained. Its abandonment has always been followed by general disaster to all interests except those of the usurer and the sheriff.

They had gotten a little Republican vigor into them by that time, and they realized the effect of their declarations of apology. The usurer and the sheriff came pretty soon afterwards, when we did have a Republican administration.

We condemn the proposition of the Democratic Party to place wool on the free list—

And yet we hear men in this body, in this Congress and in the last Congress, on the Republican side of this Chamber, who are willing to compromise for free wool or its equivalent. They stand here and engage in cheeseparing and quibbling and refining of figures to try to prove that we could possibly live if we did not have what we are entitled to. Bear that declaration in mind when we come to consider the woolen schedule—

and we insist that the duties thereon shall be adjusted and maintained so as to furnish full and adequate protection to that industry throughout the United States.

The Republican Party would effect all needed reduction of the national revenue by repealing the taxes upon tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes.

We have already legislated that last declaration into law.

Upon that platform we elected our President, and we entered upon an era of prosperity. During that administration we enacted the McKinley tariff bill. In 1888 both parties boasted of their prosperity.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. Does not the Senator think that at this time of the day we ought to have a quorum?

Mr. HEYBURN. I think there is a quorum here, probably. There are many here who had better be at home in their household, but they like to be here. I think they like to hear me talk.

Mr. JONES. I make the point of no quorum, Mr. President.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lodge	Sanders
Bailey	Cummins	McCumber	Shively
Borah	Curtis	McLean	Simmons
Bourne	du Pont	Martin, Va.	Smith, Ariz.
Bradley	Fall	Myers	Smith, Ga.
Brandegee	Fletcher	Newlands	Smith, S. C.
Bristow	Gallinger	O'Gorman	Smoot
Bryan	Gore	Oliver	Swanson
Burnham	Gronna	Page	Tillman
Burton	Heyburn	Paynter	Townsend
Catron	Hitchcock	Percy	Watson
Chilton	Johnston, Ala.	Perkins	Williams
Clapp	Jones	Poindexter	Works
Clark, Wyo.	Kern	Pomerene	
Clarke, Ark.	Lea	Richardson	
Culberson	Lippitt	Root	

The VICE PRESIDENT. Sixty-one Senators have answered the roll call. A quorum of the Senate is present.

Mr. GALLINGER. I ask the Senator from Idaho if he will yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. Mr. President, no Senator is more anxious to complete the work of the present session than I am, but there are certain things that we can not do, as is well

known to every Senator who has had much experience here. Yesterday, as a matter of courtesy to the Senator from Iowa [Mr. CUMMINS], the Senate adjourned perhaps a few minutes later than to-day, but we had been in session only from 12 o'clock on yesterday. We have been in session to-day continuously from 11 o'clock.

The Senator from Idaho is not in robust health and he wishes to discuss this question. I think he ought to be given a fair opportunity to do it when the Senators are in their seats and when they are not tired with the arduous duties of a long legislative day. Desiring to extend the same courtesy to the Senator from Idaho that was extended to other Senators, I now move that the Senate adjourn.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator withhold his motion?

Mr. GALLINGER. Certainly, I withhold it.

Mr. SIMMONS. I will ask the Senator if he will not withhold his motion for a few minutes that some amendments may be offered?

Mr. GALLINGER. With pleasure.

Mr. SIMMONS. Then there will be no opposition to an adjournment.

The VICE PRESIDENT. The Senator from Idaho has the floor, however, if the Senate continues in session.

Mr. HEYBURN. I yielded to the Senator from New Hampshire.

The VICE PRESIDENT. Does the Senator yield for the purpose of having amendments considered?

Mr. HEYBURN. Yes.

The VICE PRESIDENT. Very well.

Mr. SMITH of Georgia. I sent to the Secretary's desk an amendment which I desire to offer.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will state the amendment.

The SECRETARY. It is proposed to amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts.

Mr. GALLINGER. I inquire if there are other amendments to be offered?

Mr. SIMMONS. On behalf of the minority members of the committee in charge of the House bill, I accept the amendment just offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. The Senator desired it to lie over, did he not? The Senator did not wish action upon his amendment this evening, as I understand?

Mr. SMITH of Georgia. I offered the amendment this morning. Our purpose was to perfect such amendments to the minority report this evening as the committee agreed to.

Mr. GALLINGER. Mr. President, it is manifest that we can not consider and vote upon that amendment this evening. It will be discussed, I think, somewhat.

Mr. SIMMONS. I did not suppose, Mr. President, that a vote would be asked upon the amendment this evening; I supposed it would simply be offered, and that I would state for the minority that we would accept the amendment.

Mr. GALLINGER. Precisely.

Mr. SIMMONS. When we next consider the bill we can vote upon the amendment.

The PRESIDING OFFICER. Then the amendment offered by the Senator from Georgia will be considered as the pending amendment.

Mr. GALLINGER. I now renew my motion to adjourn.

Mr. SIMMONS. There are one or two other amendments yet to be offered, I understand.

Mr. GALLINGER. Very well. I withhold the motion.

Mr. POMERENE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Is it an amendment to the amendment or a new amendment?

Mr. POMERENE. It is a new amendment; it is to a different paragraph of the bill.

The PRESIDING OFFICER. There is one amendment now pending.

Mr. GALLINGER. I suggest that the amendment might be read for information, and be printed and lie over.

The PRESIDING OFFICER. Without objection, the amendment will be read for the information of the Senate.

The SECRETARY. On page 20, line 21, after the semicolon, it is proposed to insert: Machine tools, 20 per cent ad valorem.

And on page 22, line 9, to strike out the words "machine tools."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFCER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. I yield.

Mr. SIMMONS. I desire to state that, on behalf of the minority members of the Finance Committee, we will accept that amendment. I understand there is one other amendment to be presented.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read, for the information of the Senate only, as it is not in order at this time.

Mr. POINDEXTER. Do I understand that the amendment which was offered by the Senator from Ohio [Mr. POMERENE] is accepted by the minority members of the committee?

The PRESIDING OFFICER. The Senator from North Carolina simply expressed a willingness to that effect. The amendment can not be accepted; it will have to be voted on in its regular order.

The Chair desires to inform the Senator from Nevada [Mr. NEWLANDS] that his proposed amendment has already been read; that it is now on the table, and as it is not in order nothing further can be done with it at this time.

Mr. SIMMONS. I understood that the Senator from Nevada wished to make some statement as to his purpose with respect to that amendment.

Mr. GALLINGER. Mr. President, I will not yield for a speech from any Senator.

Mr. SIMMONS. He does not intend to make a speech.

Mr. NEWLANDS. I will state that I can make the explanation in a few words to-morrow morning.

EXECUTIVE SESSION.

Mr. GALLINGER. Certain Senators have expressed a wish to have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes) the Senate adjourned until to-morrow, Wednesday, May 29, 1912, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1912.

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Gustavus Urban Stewart to be third lieutenant.

UNITED STATES MARSHALS.

Henry L. Fassett to be United States marshal for the western district of New York.

Guy Murchie to be United States marshal for the district of Massachusetts.

POSTMASTERS.

ALABAMA.

Henry J. Godfrey, Columbia.
James W. McNeil, Luverne.
Robert L. Wilson, Stevenson.

MISSISSIPPI.

Malcolm S. Graham, Forest.
Sidney M. Jordan, Louisville.
Lewis M. Joyner, Agricultural College.
Andrew M. Patterson, jr., Como.
Wade H. Phyfer, New Albany.
James M. Tyler, Bogue Chitto.

OHIO.

Charles H. Huffman, Richwood.

PENNSYLVANIA.

John F. Fenstermacher, Mount Joy.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 28, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, in whom we live and move and have our being, make us conscious of Thy presence by quickening our minds and conscience, that we may walk in the light of Thy countenance, and, without taking ourselves too seriously, do the work Thou hast given us to do in humility, yet with courage and fortitude, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama [Mr. HEFLIN] rise?

Mr. HEFLIN. I rise to a question of personal privilege.

The SPEAKER. The motion of the gentleman from Tennessee will be pending while the gentleman from Alabama rises to a question of personal privilege. The gentleman from Alabama will state it.

Mr. HEFLIN. Mr. Speaker, on yesterday the gentleman from Pennsylvania [Mr. FOCHT] in referring to me said:

> Now, my friend from Alabama [Mr. HEFLIN] has undertaken, I think, to do something that does not become him, and, in view of the record of his own State, is indefensible.

In another place he says:

> Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State.

This is a question of privilege, Mr. Speaker, and reflects upon me and my service here, and charges something that is not true, namely, that I had assaulted the North, and I desire to address the House upon the question of personal privilege.

Mr. DALZELL. Mr. Speaker, I make the point of order that the gentleman has not stated any question of personal privilege.

The SPEAKER. The Chair could not hear distinctly what the matter was. The gentleman from Alabama will read the passage on which he claims he has the right to rise to a question of personal privilege.

Mr. HEFLIN. I am reading from the RECORD of yesterday, Mr. Speaker, page 7265. The gentleman from Pennsylvania said:

> I want, Mr. Chairman, to read a few lines from a letter written by a friend of mine who resides near his [my] home, and I think, possibly, in his district.

And in that letter, Mr. Speaker, there is a reflection not only upon my district, but the entire State.

The SPEAKER. But read what is in the letter.

Mr. HEFLIN. Of course, the letter itself, Mr. Speaker, does not refer to me, but what the gentleman himself said does. He said in another place:

> Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State—greater than the camps of Siberia and Russia.

Now, the other question of privilege. When I arose and asked unanimous consent to proceed for 10 minutes, the gentleman from Iowa [Mr. GOOD] objected.

The SPEAKER. Where is that?

Mr. HEFLIN. It it on page 7266, near the center of the second column. I said:

> Does the gentleman from Iowa wish to deny me the opportunity to reply to the assault made upon my State by the gentleman from Pennsylvania?
>
> Mr. GOOD. The gentleman from Alabama has already invited all the attacks that he has received.

I had made no statement in my speech that invited any such attack; but the gentleman from Pennsylvania proceeded undisturbed; no one objected upon this side of the House; and when I rose, after this slanderous assault had been made upon my people——

The SPEAKER. The gentleman from Alabama will suspend. What is the point that the gentleman from Pennsylvania [Mr. DALZELL] made?

Mr. DALZELL. That the gentleman has not stated any question of personal privilege.

The SPEAKER. The Chair is inclined to think that that point is well taken. Of course, men might stand up here and abuse Alabama or Missouri or any other State until they were black in the face without laying the foundation for a question of personal privilege. The rule is that the question of privilege rests upon something that affects a man injuriously or scandalously in his representative capacity.

Mr. HEFLIN. That is exactly what I am trying to get at. My grounds, as stated, constitute a question of privilege.

The SPEAKER. Now, what part of this is it that the gentleman claims appertains to him in his legislative capacity?

Mr. HEFLIN. The rule says, "The rights, reputation, and conduct of Members, individually, in their representative capacity," and so forth, constitute a question of privilege.

The SPEAKER. That is exactly it, and it is a very narrow question, too.

Mr. HEFLIN. Now, it reflects upon me, Mr. Speaker. He says that this man who writes the letter about the conditions in Alabama lives near my home, lives, he thinks, in the district that I represent, and that I can not stand here and make a speech upon these other questions because these conditions that he talks about exist down there; that my position is indefensible; that I have attacked the North, which is not true, Mr. Speaker.

The SPEAKER. That part of it, if it is considered scandalous or affecting the gentleman in his representative capacity, would lay the foundation. The Chair can understand very well how the gentleman from Alabama would feel outraged in his feelings if somebody assaults the State of Alabama, but that does not make a question of personal privilege.

Mr. HEFLIN. Mr. Speaker, the gentleman says:

> Mr. HEFLIN has undertaken, I think, to do something that does not become him——

The SPEAKER. That was the gentleman's opinion about it.

Mr. HEFLIN (continuing)—

> And, in view of the record of his own State, is indefensible.

The SPEAKER. Well, that was just simply in that gentleman's opinion.

Mr. HEFLIN. It forms a basis, Mr. Speaker, to my mind, for a question of personal privilege. I am convinced of that.

Mr. UNDERWOOD. Mr. Speaker, if my colleague will yield to me for a moment, I ask unanimous consent that my colleague from Alabama [Mr. HEFLIN] shall proceed for 20 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that his colleague be allowed to proceed for 20 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. [Applause.]

Mr. HEFLIN. Mr. Speaker, in my speech yesterday with reference to the unemployed of this country and the dreadful conditions obtaining under the high protective tariff system of the Republican Party, I reflected upon no particular State, upon no particular Member. I simply arraigned the Republican Party, and stated that for 16 years the Republican Party had been in power and that we had been trying to obtain remedial legislation for the laboring people of the United States and had failed. After I had discussed some of the things that have oppressed the laboring men of America, Mr. FOCHT, of Pennsylvania, arose and reflected upon me and delivered a slanderous assault against my State. The gentleman read a letter—and where it comes from, God only knows; no post mark, no date, no particular convict camp was referred to, and yet it contains a charge against an officer of the State of Alabama with reference to his treatment of a convict. It names no place; it names no man, and yet the gentleman from Pennsylvania calls the writer of this mysterious, slanderous letter a friend of his.

Where is that convict camp where the gentleman says they whipped a black man in the presence of a northern man? There is no truth in that statement. The State that I have the honor in part to represent has a reformatory for young criminals, both white and black, and Alabama stands well with reference to her humane treatment of convicts within her borders. [Applause.]

Mr. Speaker, Alabama has a law which forbids and punishes cruel treatment of convicts. We have State inspectors, whose duties are to report on the health, sanitary condition, and general treatment of convicts. I do not claim that conditions are perfect in the convict system of Alabama, but I do resent the false and slanderous charge contained in the letter read in this House yesterday regarding that system.

Mr. Speaker, the gentleman from Pennsylvania [Mr. FOCHT] by his attack on me and on my State yesterday is responsible for my speech this morning. As evidence of that fact I quote from the gentleman from Tennessee [Mr. AUSTIN], a Republican. On yesterday, when I tried to obtain unanimous consent to reply to the speech of the gentleman from Pennsylvania [Mr.

FOCHT], Mr. GOOD, a Republican, objected, and here is what Mr. AUSTIN said:

Mr. AUSTIN. Mr. Chairman, I rise for the purpose of appealing to my colleague from Iowa to withdraw his objection. This attack upon the State of Alabama came from the Republican side, and I ask in all justice and fair play as a Republican that the gentleman from Alabama have the opportunity to be heard in answer. [Applause on the Democratic side.]

Mr. Chairman, the point was not made against the gentleman from Pennsylvania, when he read his letter, from this side, and it is unfair for this side to object to the gentleman from Alabama having an opportunity to reply to it.

So, Mr. Speaker, what I shall say now I feel justified in saying on account of what was said here yesterday by the gentleman from Pennsylvania [Mr. FOCHT].

Now, Mr. Speaker, there is an old saying that "those who live in glass houses should not throw stones." For the benefit of the gentleman from Pennsylvania I desire to read from the hearings before the Rules Committee regarding the treatment of free labor in Pennsylvania:

Mr. FEEHAN. Mr. Chairman and members of the committee, I understand you have but little time to listen to the numerous arguments that we intended to present, and I will be as brief as possible.

I want to state that we are desirous of this investigation, and expect to prove, as Mr. WILSON stated—

Mr. WILSON is one of the honored Democratic Representatives from Pennsyvania and a true and tried friend of the laboring man.

That there is peonage—

What!

That there is peonage—

Where? In Pennsylvania. [Applause]—

that the coal companies have erected stockades, and that they have resorted to other methods to compel the mine workers and others who are not mine workers, whom they have imported into their mine localities, to work in the mines, keeping them there against their will. I know from experience hundreds of cases where men have escaped, got over what they call the "dead line," where deputies employed by the coal companies are stationed to patrol the outer edges of the company's property. They have some privileges, liberties, inside of the company's property, but if they attempt to get out at any time they are restrained from doing so, and frequently threatened, and often beaten and driven back in.

Where is this? It is in Pennsylvania. No such condition exists in Alabama—not anywhere in the State of Alabama. [Applause on the Democratic side.]

If they get over what the imported men call the "dead line" and are captured again, they are taken back forcibly, and in many instances men who have escaped from these stockades in the mining localities have come into the miners' headquarters to obtain information as to how they could get away from the place and to get financial assistance.

Listen. Taken back by force for what? For trying to escape from the clutches of the cruel industrial slavery of the State of Pennsylvania under Republican rule. [Applause on the Democratic side.]

They have been sometimes badly wounded; many of them had their heads cut; some of them even shot and otherwise disfigured—

What a fearful condition!

That is the condition that prevails, and the citizens of Westmoreland County know that condition and have known of it in a general way since the strike was inaugurated. We expect that a Federal investigation will put a stop to this. We expect to prove on investigation that men, in order to go to church on Sunday morning, were required to get a pass out from the officials of the coal company or the deputies.

Think of that. These men are not convicts, and yet they are not permitted to go out and worship God on Sunday unless the industrial boss gives them a written pass, and this in the gentleman's State of Pennsylvania.

Why, Mr. Speaker, the black slave in Alabama in the old slave days was treated a thousand times better than were these poor white industrial slaves in Pennsylvania under the reign of the Republican Party. [Applause on the Democratic side.] Men guarded in a camp, not permitted to get out, hounded by guards and deputies, lashed and shot and driven back; human beings held in the remorseless grasp of the most despotic industrial slavery in the world! [Applause.] And yet the gentleman [Mr. FOCHT] gets up and talks about a letter that some mysterious fellow, one Ben Phillips, has written. He did not give his name yesterday. If he did, I did not hear it. It was an anonymous letter then so far as this House knew. The letter speaks of punishing a convict in Alabama. Why, I suppose in all the convict camps in the United States they have some discipline; they have some means of punishment for wrongdoing and violated rules; but, as I said before, we have a statute against cruel treatment of convicts in my State.

Mr. Speaker, the condition recited here by this leader of organized labor in Pennsylvania, Mr. Feehan, could not exist in Alabama for one hour. [Applause on Democratic side.] The gentleman from Pennsylvania [Mr. FOCHT] says that in my speech yesterday I assaulted the North. Why did the gentleman make that statement? What was his purpose in making it? I have made no assault upon the North. Not one word can be found in that speech that can in any way be construed into an assault on the North. Some of my best friends in this House are northern men. I claim among my friends here some clever Republicans from the North. I have made no assault upon the North, and why did the gentleman from Pennsylvania do me the injustice to say that I had assaulted the North? I want to say to him, and those like him, the time for that kind of political buncombe is past. [Applause on the Democratic side.]

Mr. PALMER. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. HEFLIN. Yes.

Mr. PALMER. If the gentleman will permit me, I have no doubt that everything the gentleman says about industrial conditions in Pennsylvania is absolutely true; but, in justice to the fair name of our State, I want to call his attention to the fact that very recently Pennsylvania has seen the light, and both of the great political parties have driven out of power the leaders of the organizations in those parties that have been responsible for legislative conditions which have made these horrible things possible in the industrial centers of the State. [Applause on the Democratic side.] And as the promises of these new organizations in Pennsylvania will doubtless be carried out, we hope the future will be able to show conditions which will not justify any such criticism. [Applause.]

Mr. HEFLIN. Mr. Speaker, my good friend knows that I would have made no reference to these conditions had it not been for the attack on me and on my State by the gentleman from Pennsylvania [Mr. FOCHT]. I am glad the gentleman from Pennsylvania [Mr. PALMER] made the statement that he did.

Now, then, let me read a sentence from the letter which was read by the gentleman from Pennsylvania [Mr. FOCHT] yesterday. Listen:

If what I have written you is not what you want, kindly let me know just what you want and I can give you more details.

[Laughter.]

In other words, Mr. Speaker, if this picture of the weeping convict is not strong enough for political purposes drop me a note, and I will fix the next one to suit your purpose. [Laughter.]

Mr. Speaker, when wages have been reduced below a living wage and the laboring man can not get justice from his employer, what else can he do but use his power as an organization and strike? It is often his only remedy, and he has a right to exercise it. Many a time he has been wrong and many a time he has been right, and right is right as God is God. [Applause.] When they struck in Pennsylvania some time ago, what happened to them? They were cruelly treated. Some were beaten with clubs, some were shot, and some were murdered, and we are told that innocent women and children were murdered. Black policemen, it is said, with their clubs struck down women of the white race, American mothers, struck them down and murdered them in Pennsylvania during that strike. Did the gentleman from Pennsylvania [Mr. FOCHT] have this horrible condition in mind when he assaulted my State without foundation of fact [applause on the Democratic side] when he read the mysterious letter from one Ben Phillips, who promised to write any kind of letter if they would just let him know what kind of letter they wanted?

Mr. Speaker, I do not care to detain the House longer now. I regret the necessity that called forth these remarks from me. I made them in obedience to a sense of duty to my State, myself, and the truth of the matters involved.

Mr. Speaker, the issues of this campaign are going to be fought out before the American people, and they are not going to allow anyone to inject in immaterial issues or cause them to lose sight of the greatest of all evils, the high protective tariff system of the Republican Party. [Loud applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I desire to have the House understand that the gentleman from Pennsylvania [Mr. FOCHT] has not been present during the speech just delivered by the gentleman from Alabama [Mr. HEFLIN]. I do not know what the wishes of the gentleman from Pennsylvania may be in the matter, but I think that the House ought to know that the speech was made in his absence.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the Military Academy bill, as I shall be necessarily absent when that bill is considered.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend some remarks in the RECORD on the Military Academy bill (H. R. 24450). Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

CONTINGENT EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent, pending the motion of the gentleman from Tennessee, that the Speaker lay before the House House joint resolution 319.

The SPEAKER. The gentleman from New York asks unanimous consent that, pending the motion of the gentleman from Tennessee, the House consider the resolution of which the Clerk will read the title.

The Clerk read as follows:

House joint resolution 319, making appropriations to supply deficiencies for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

The title to the joint resolution was amended.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the Senate amendment was concurred in was laid on the table.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565), with Mr. HULL in the chair.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent to return to page 6 of the bill, line 7, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 6 of the bill for the purpose of offering an amendment. Is there objection?

Mr. CANNON. Mr. Chairman, let us see what it is.

The CHAIRMAN. Without objection, the amendment will be reported for information.

The Clerk read as follows:

Amend by adding, after the word "rank," in line 7, page 6, as follows: "*Provided further*, That the service of a midshipman at the United States Naval Academy or of a cadet at the United States Military Academy, who shall hereafter be appointed, shall not be counted in computing for any purpose the length of service of any officer of the Navy: *Provided further*, That so much of the act approved March 3, 1899, entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' as contained in section 13 of said act relating to five years' constructive service for officers and warrant officers entering the Navy from civil life, which reads as follows: 'That all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay with five years' service,' shall not apply to officers and warrant officers appointed to the Navy after the date of the passage of this act."

The CHAIRMAN. Is there objection?

Mr. BUTLER. I object. I know nothing at all about it, and therefore I object.

Mr. HENSLEY. Mr. Chairman, I will ask the gentleman to reserve his objection.

Mr. BUTLER. Mr. Chairman, I will reserve the objection, but I am going to object to going back to this paragraph. Here is a provision of law that I have never seen and know nothing about.

Mr. HENSLEY. Mr. Chairman, I ask for an opportunity to explain to the gentleman from Pennsylvania, and I think he will withdraw his objection. The present law provides that the time these young men are attending the Naval Academy at the expense of the Government of the United States shall be counted as service actually rendered, when the fact is that the period of time spent at the naval school is spent for the purpose of training the young men to render service afterwards when they do actually enter the Navy. As is well known, it costs the United States Government nearly $20,000 to give a young man four years' schooling at this academy. I submit to the gentleman that this four-year period is not service and should not be counted as such.

When the Army bill was before the committee the gentleman from Virginia, Mr. HAY, chairman of that committee, introduced, as an amendment coming from the committee, a similar amendment to the one I offer, and it passed the House. I see no reason why this four years' time should be counted as service, when it is not. Further, under the present law, as I understand it, when one enters the staff service from civil life he is, instanter, credited with five years' actual service, or five years' service, so to speak. This amendment eliminates that feature. I am told that this will effect a saving of something over $400,000 annually. It does not apply to those in the school to-day, but it applies to those who enter on and after the passage of this bill. That is the proposition.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Yes.

Mr. KOPP. Has this matter been submitted to the Committee on Naval Affairs?

Mr. HENSLEY. Not to the committee, but it has been submitted to the members of the committee.

Mr. KOPP. Does the gentleman think that it is quite fair to the committee to ask that we pass on such an important matter as this is without the opportunity of any consideration by that committee?

Mr. HENSLEY. I will confess to the gentleman that the matter was not called to my attention in time to have it brought before the Committee on Naval Affairs, or I should have done so.

Mr. KOPP. I might add that it appeals to me as being a sensible amendment, yet it changes a law of long standing and is very far-reaching in its results. It does seem to me we ought to give it careful consideration and not adopt it on a few minutes' discussion in the House.

Mr. LEWIS. May I interrupt the gentleman——

Mr. HENSLEY. Let me answer just one thing. I would have gladly submitted this amendment, which I prepared only yesterday morning—though it was offered in another form on Saturday—to the gentleman from Wisconsin, but I had no opportunity to do so; but I did submit it to the chairman of the committee and, as I understand, he thinks it is right and is ready to support it now.

Mr. BOWMAN. Does not the gentleman think that amounts to a reduction in wages; that this change which he proposes amounts to a reduction in the wages of these cadets?

Mr. HENSLEY. No.

Mr. BOWMAN. If they are reduced in rank, it certainly will amount to a reduction in salary.

Mr. HENSLEY. But they are not reduced in rank.

Mr. BOWMAN. But they are placed at a disadvantage with those who preceded them.

Mr. HENSLEY. It only applies to the future.

Mr. BOWMAN. I think it places them at a disadvantage in relation to those who have gone before. In view of the fact that the cost of living has increased, does the gentleman think it right to reduce these wages when we are asking everybody else to advance them?

Mr. HENSLEY. This House did it in relation to the military bill, and it is identical with the amendment which was then agreed to in that bill. What I am asking is that the House have a chance to pass on it. I am only asking now to return to that section of the bill that makes this proper, and then let the House pass upon this proposition. If a majority of the Members of this House see fit to vote against this amendment, that is their privilege.

Mr. CANNON. Mr. Chairman, I will ask for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, we have the second navy on earth. It is a necessary arm of defense. There is difficulty in securing sufficient officers, difficulty and more difficulty in securing sufficient seamen to man these great engines of war for our national defense. The law is now that a young man who goes to the Naval Academy commences his service. There is no

more strenuous discipline and service anywhere in the Navy than at the Naval Academy.

Mr. BURLESON. It is the hardest period in his whole career.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. Mr. Chairman, I make the request that the gentleman may have two minutes more in order to answer a question.

The CHAIRMAN. The gentleman from Missouri asks that the gentleman from Illinois may have two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. HENSLEY. Does the gentleman from Illinois believe that if these institutions, the academies at West Point and Annapolis, were thrown open to the young men of the country who measure up to the standard physically, mentally, and morally, they would not be willing to pay their own expenses in receiving the necessary training to qualify them in entering the Government service?

Mr. CANNON. The gentleman asks a question. I reply that it is my experience that it is almost impossible to get competent boys to enter the Naval and Military Academies. There are better rewards outside. For two years from my district it has gone without representation at West Point because there was no one desiring to go. At last I think I have a young man who passes up in G who will go.

Now, I want to say these boys are subject to this discipline. These boys are liable to be called out of the academy into active service. They have been heretofore and may again. I am for protecting these boys. Oh, there is not a great many of them, and they do not vote, and the gentleman feels free to attack them, because there is nobody to defend them——

Mr. HENSLEY. Mr. Chairman——

Mr. CANNON. I am not speaking of the gentleman personally.

Mr. HENSLEY. I never have attacked these boys. Let me ask the gentleman one question.

Mr. CANNON. The gentleman can get a little time of his own. I am here to say that I stand by the Army and stand by the Navy, and I am ready to vote a marked increase in the pay of seamen and of the minor officers. I am ready to refuse my consent or vote to make two classes of men in the Navy. I wondered the gentleman said it was not called to his attention. We all know of the strife for promotion—length of service—that exists in the Army and Navy. I imagine that it exists because the human animal that is of any account in civilization, resting upon the unit, wants to climb and better his condition. I do not know what the far-reaching effect of this provision might be, but on the merits I am against it; and if the gentleman from Pennsylvania does not object, I will. If the law is to be amended, let it be done after consideration by the Naval Committee, reported to the House, and passed by the House after consideration. I do not approve of tying this legislation on this great appropriation bill as a rider.

Mr. BUTLER. The gentleman will object if he ever gets the chance.

The CHAIRMAN. Is there objection?

Mr. BUTLER. I object for two reasons—first, that I do not want to return; secondly, I know nothing whatever of the subject and was never talked to about it. I exercise the right I have, and I object.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed the following vessels:

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 63, after line 10, insert, as a separate paragraph:

"Two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class; to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000 each."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I presume the members of the committee will desire more or less discussion on this battleship provision. I would like to see if some arrangement for time can not be made with the chairman of the committee. I will state for the benefit of the chairman that, while he was absent from his seat, I think a cog has been slipped from the understanding of last evening, and the battleship provision is now before the committee. The suggestion I make is that some arrangement be made for discussion of the battleship provision.

Mr. PADGETT. I was called out for just a moment to meet a party who was talking to me about another bill. I supposed that the debate would proceed for a minute or two until I got back.

Mr. ROBERTS of Massachusetts. I understood from the chairman last evening the matters that had been passed over during the discussion of the bill would be taken up before we got on to the increase in the Navy, but the Clerk began reading the bill under "Increase of the Navy," and came to a point where the battleship amendment should be offered and I had no other course but to offer it. Now, if the chairman desires to go back and take up the matters that were passed over before we take up the increase, I ask unanimous consent that we return to that portion of the bill and that my amendment be held as pending.

Mr. PADGETT. I would be glad to do that and dispose of matters back of that with the exception of the question of the eight-hour amendment. I stated to the committee the other day when the amendments were offered that I did not think it was good legislation to inject all through the bill provisions with reference to the eight-hour law and that I was going to ask unanimous consent at the appropriate place under the provision for the increase in the Navy to incorporate the bill that was passed by this House by a large majority of both sides of the House at the present session and is now pending in the Senate reported by the committee without amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would ask unanimous consent that the motion just offered by me be considered as pending and that the chairman of the committee be permitted to go back to such portions of the bill as he wishes to have disposed of before we take up the increase in the Navy.

Mr. McCALL. Mr. Chairman, if my colleague will yield——

Mr. ROBERTS of Massachusetts. I yield for a question.

Mr. McCALL. The gentleman from Missouri [Mr. BARTHOLDT] is proposing to offer an amendment to the amendment of my colleague, and I simply wish to have his right saved.

Mr. ROBERTS of Massachusetts. There will be a long debate over the coal provision first——

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the amendment just offered by him be considered as pending and that the committee return to unconsidered portions of the bill and take them up for consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I want to say this in reference to the matter of the gentleman from Missouri [Mr. HENSLEY]. I said the other day when he offered the amendment that there should be some amendments to his amendment in order to put it in proper shape and that it should be withdrawn and that he should put it in shape, and I further said to him so far as I was concerned that I was perfectly willing that they should return and each have an opportunity to offer his amendment, which he did this morning. Of course I had no right to bind anybody except myself.

Now, the gentleman from Missouri [Mr. HENSLEY] desires that I should ask unanimous consent to return to the provision.

Mr. CANNON. Will the gentleman allow me? Has the gentleman prepared the amendment of which he speaks?

Mr. PADGETT. I am speaking of the one offered by the gentleman awhile ago.

Mr. CANNON. Has the gentleman prepared the amendment he thought ought to be made?

Mr. PADGETT. Yes; he has prepared the one he indicated to me that he wanted to prepare along those lines.

Mr. CANNON. It meets the gentleman's approval, does it?

Mr. PADGETT. Yes; personally I have no objection to it.

Mr. CANNON. The gentleman is chairman of the Committee on Naval Affairs?

Mr. PADGETT. Yes.

Mr. CANNON. This is legislation?

Mr. PADGETT. Yes.

Mr. CANNON. Does the gentleman have any fear that his committee would not report that bill for consideration?

Mr. PADGETT. I do not know what the feelings of the committee are. I have not talked with the members of the committee. I do not know the feeling of any member of the committee except the gentleman who offered the matter.

Mr. BUTLER. We had no hearing on it?

Mr. PADGETT. None whatever.

Mr. CANNON. My objection to it is twofold: First, on the merits; and, second, it ought to be considered and passed upon its merits as a separate act of legislation and not fastened on this great money bill.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that this matter might well be considered by the committee in connection with the personnel bill, on which we are now having hearings and to which it very properly relates.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. PADGETT. Yes.

Mr. HENSLEY. I want to say, Mr. Chairman, to the gentleman from Tennessee and all the members of the Committee on Naval Affairs that, as I understood the statement made by the chairman of the Committee on Naval Affairs, there would be no question about returning to this portion of this bill, so that I should be permitted to offer this amendment at this time. I had no idea but that the House would be given an opportunity to pass upon the merits of the amendment. Now, whether I misunderstood the gentleman from Tennessee or not I am unable to say, but I submit that to me it appears unfair to have the situation that is presented here at this time.

Mr. PADGETT. Mr. Chairman, there can be no misunderstanding whatever as to the position of myself in the House. It is of record, and it speaks for itself and is known of all who were here. The gentleman asked unanimous consent on the floor to return to this point and offer an amendment. Pending the question of unanimous consent, and before unanimous consent was granted, while the discussion was going on pro and con, I suggested to him that his amendment was not in proper form and should be amended to be in proper shape, and then the matter was withdrawn. I said to him that, so far as I was concerned, he should have an opportunity to ask to return to this place and offer his amendment. I have granted that opportunity this morning. He has returned. He has submitted his request, and it has been declined. I am not responsible for that in any way, and I did not mislead him, for I simply stated to him that he could have opportunity to return.

Mr. PAYNE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. If there is no further discussion the Clerk will report the first item passed over unfinished.

Mr. PADGETT. Let us return to the question of coal transportation, on page 26.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 7, after the word "dollars," insert:

"*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of naval vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or in the Philippine Islands, or to navy yards situated in these islands."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PADGETT. Mr. Chairman, I wanted to ask the gentleman from Washington, the author of the amendment, if we can not agree upon time for closing debate on this amendment.

Mr. HUMPHREY of Washington. I think so. What time would the gentleman suggest?

Mr. PADGETT. I suggest that 30 minutes will be ample.

Mr. HUMPHREY of Washington. Thirty minutes on a side?

Mr. PADGETT. No; all told.

Mr. HUMPHREY of Washington. We never have disposed of it heretofore in 30 minutes. On a question of this importance I do not think that is long enough.

Mr. PADGETT. It has been debated over and over again.

Mr. HUMPHREY of Washington. If the gentleman is willing to confess that my amendment ought to pass, I would be willing to limit the time.

Mr. PADGETT. I never would confess that if I had the reasoning faculties that I have now.

Mr. HUMPHREY of Washington. Which did not agree with the authorities before.

Mr. PADGETT. Then I will agree to 20 minutes to a side.

Mr. HUMPHREY of Washington. I think the gentleman ought to allow 30 minutes on a side, because this is one of the most important features in the bill. I would rather proceed under the five-minute rule.

Mr. PADGETT. The gentleman may control one-half the time or the Chair can control it.

Mr. HUMPHREY of Washington. Why not make it 30 minutes on a side?

Mr. PADGETT. That is too long a time.

Mr. SIMS. Members will get up and leave the Hall.

Mr. HUMPHREY of Washington. Why not proceed under the five-minute rule?

Mr. PADGETT. I wish to serve notice now that at the end of 40 minutes I shall move to close debate under the five-minute rule on this paragraph and all amendments to it.

SEVERAL MEMBERS. Do it now.

Mr. PADGETT. I move to close debate on this paragraph and the pending amendment, and all amendments, at the end of 40 minutes.

The CHAIRMAN. The Chair will state to the gentleman that a motion to close debate is not in order at this time.

Mr. PADGETT. That is true, as there has been no debate upon it.

Mr. HUMPHREY of Washington. Why does not the gentleman ask unanimous consent?

Mr. PADGETT. I ask unanimous consent that at the end of 40 minutes debate be closed upon this paragraph and all amendments, and that one half the time be controlled by the gentleman from Washington [Mr. HUMPHREY] and the other half by myself.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate on the pending paragraph and amendments thereto be limited to 40 minutes, and that one half the time be controlled by himself and the other half by the gentleman from Washington [Mr. HUMPHREY]. Is there objection?

Mr. SHARP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHARP. Does the gentleman mean to include in this 40 minutes any amendment that may be offered to the subsequent portion of the bill?

Mr. PADGETT. This is the only paragraph to which it applies. We have read all of the bill except this, down to the increase of the Navy.

Mr. SHARP. But this does not apply to the increase of the Navy.

Mr. PADGETT. It does not apply to it in any way.

The CHAIRMAN. The Chair hears no objection to the request, and it is so ordered.

Mr. HUMPHREY of Washington. Mr. Chairman, for the benefit of the members of the committee I think it might be well to give a brief history of this proposed amendment. Two years ago it was offered by me at the suggestion of the gentleman from Alabama [Mr. UNDERWOOD] and a vote was taken upon it after a limited discussion, and it was defeated in the committee by one vote.

A year ago I offered a similar amendment, and after debate it was agreed to in the Committee of the Whole by a 3 to 1 vote. It went over to the Senate, and at about 2 o'clock on the morning of the 4th of March the conferees came to me and said that if it was insisted upon it might defeat the entire naval appropriation bill. So, under those circumstances, as the one who had offered the amendment, I did not urge that it be retained.

One would think from these expressions of the sentiment of this House, gentlemen on that side of the aisle having voted almost unanimously in favor of it, some attention would have been given to it by the Navy Department, but such has not been the fact.

I have attempted, without any success whatever, to induce the Navy Department to make use of the coal upon the Pacific coast for some purposes.

Now, it costs to-day to take a ton of Pocahontas coal from the Atlantic to the Pacific Ocean between $6 and $6.50 a ton. The Pacific coast coal laid down at the Bremerton Navy Yard costs $4 a ton. In other words, the freight upon the Pocahontas coal costs from $2 to $2.50 more than the entire cost of the coal from the Pacific coast laid down at the navy yard.

The objection has been raised that the Pacific coast coal is not equal to the Pocahontas coal, and that is true to a limited extent, but it only varies from 6 per cent to 10 per cent, according to how it is used. But I call the attention of the committee to this fact, that it costs the Government from $1,000,000 to $2,000,000 a year additional to send this coal around to the Pacific coast, and that when war comes, if it ever does come, we will be compelled to use the Pacific coast coal, because we have no means of transporting Pocahontas coal rapidly, and when it is taken over there and stored it soon becomes of less value than the Pacific coast coal. So I ask this question of this House: If we are compelled, as we would be, to use Pacific coast coal in time of war, why should we continue, at an expense of one to two million dollars a year, to use this high-priced coal in time of peace?

Mr. GOOD. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GOOD. Has the gentleman presented this argument before the committee, and is there anything in the hearings on this proposition?

Mr. HUMPHREY of Washington. I did not, because the committee was familiar with it; it has been argued on the floor of this House, and it passed the House by a vote of 3 to 1 a year ago, and the committee was familiar with all the facts.

Mr. GOOD. Did any of the officers of the Navy appear before the committee?

Mr. HUMPHREY of Washington. They did not appear before the committee, so far as I know. We had a hearing in the Navy Department on January 24, 1912, in which this matter was thoroughly discussed—gone into fully.

Mr. GOOD. Then there is nothing in the hearings?

Mr. HUMPHREY of Washington. No; there is not in regard to this matter, so far as I know.

Now, Mr. Chairman, if the Navy Department would spend the same amount of money that it costs extra for Pocahontas coal for two or three years they could develop the coal fields of Alaska and get a better coal than the Pocahontas. I am not going to make the charge that there is any collusion between the Navy Department and the Pocahontas Coal Co., but such statements have been made by high authority, and insinuations have been made on the floor of the House that such is the case. I want to read a few words from a speech made by the gentleman from Alabama [Mr. UNDERWOOD] on this question when it was up a year ago. He said:

Mr. Chairman, I agree thoroughly with the proposition advanced by the gentleman from Washington. The closest corporation in this country is the combination between the Pocahontas coal people and the Navy Department, and it has been so for 20 years. I know that during the Spanish-American War, when Alabama coals that were perfectly good for steaming purposes were offered to the Navy Department for $3.25 a ton over the ship's rail at Mobile, only a night's sail from Tampa, the Navy Department bought Pocahontas coal and shipped it by rail to Tampa at an expense of $9.60, and that proposition has been kept up ever since.

Mr. UNDERWOOD, continuing, said:

There is no reason in time of peace why these Pacific coals could not be used for our Navy. They are absolutely as good steaming coals as the Pocahontas coal. They are the same class of coals as the Alabama grades of coal, and 20 years ago, when Mr. Herbert was Secretary of the Navy, he sent out the battleships *Montgomery* and *Mobile* to test the Alabama coals, and the only difference between them and the Pocahontas coal was not that they did not produce as much steam power or that they did not have as great a steaming radius per ton per mile as the Pocahontas coal, but that they produced a little more smoke and clogged the flues a little sooner, a few hours sooner in a 40-hour trial. Now, what have these men got to do but clean the flues?

Then he added these words of warning, that I want to call to the attention of gentlemen on that side of the aisle, on February 21, 1911:

This business of making the Navy Department a close corporation, bound in here between the Allegheny Mountains and the Potomac River, has got to stop, or you will raise a prejudice against the Navy in this country that will bring more injury to it than anything else you can do. You want to build all your battleships on the eastern coast line. You want to buy all your supplies on the eastern coast line. You want all the navy yards there. You do not want the people of the United States to have any share in this Navy except in a few States. You might as well make up your minds, if you want a big navy and a navy that will be popular with the people of the United States, you have got to stop this, and you had better stop it right now by voting for the amendment of the gentleman from Washington.

Mr. HOWARD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. HOWARD. Will the gentleman comment on this statement, found on page 314 of the hearings before the Naval Committee, in which Admiral Cowie says:

This question of coal supply on the Pacific has been one so vexing on account of its vital importance to our fleet for its maintenance in the Pacific that, with the opportunity confronting us whereby high-grade fuel could be obtained, the bureau believes that every possible effort should be made by the department to cause Congress to take advantage of this opportunity to solve this problem and provide for the safety of the country by making the necessary appropriation for mining and operating these fields, whose product alone will insure the safety of our fleets in the Pacific.

Will the gentleman state whether or not there is any foundation in fact for that statement?

Mr. HUMPHREY of Washington. I will answer it by saying that they have never made a fair test of the Pacific coast coal. They have been promising to make tests ever since I have been a Member of this House. I asked them to make the test and report here so that it could be used two years ago, but they failed to do it, and I also repeated that a year ago and they also failed. They are still making tests on the Pacific coast coal or promising to do it.

In the hearing that we had before the Navy Department last January they ended the hearing by promising to make a fair and full test of the coal of the Pacific coast, but they have never done so.

Now, I want to read one more statement from the gentleman from Alabama [Mr. HOBSON], who has more knowledge upon this subject than any man in this House. He says:

I wish to register here a complaint that the Navy Department is not encouraging the development of appliances so that it can use the other coals. When it found, for instance, that the coal in Alabama approximated to the needs of the Navy it would have been in the line of economy and the best interests of the Government to have undertaken to develop smoke-consuming devices and other devices, so that the department could then use Alabama coal.

The same applies to the Pacific coast coal, not only that mined on the mainland but that in Alaska, and the Navy Department has not shown great interest in developing additional sources of supply that would prove of great, if not vital, importance in time of war, and we are put to millions of dollars of expense, perhaps, unnecessarily.

So the whole question is, Are we going to pay one or two million dollars a year unnecessarily for Pocahontas coal and permit the Navy Department to make no effort whatever to learn the use of other coals that they will have to use in the time of war?

No gentleman on the floor of this House and no man representing the Navy Department can say that in case of war they will not be compelled to use these Pacific coast coals. Had they not better get accustomed to them in time of peace? Would it not be better for this Government, instead of spending this one or two million dollars extra each year, to compel the Navy Department to experiment with Pacific coast coals, become accustomed to their use, and have some mines developed out there that would be ready to furnish fuel to them in time of emergency?

I reserve the balance of my time.

Mr. PADGETT. Mr. Chairman, the essence of this whole matter is to prohibit the Government from getting the benefit of the open market and the best terms that can be had in the purchase of its coal, and the best coal, and to limit the Government to a restricted area. It is nothing more or less than a proposition to create a coal trust for the benefit of some coal miners in the State of Washington. We may just as well understand fully and frankly what it is. That is all that it is.

With reference to the question of tests, the Navy Department has repeatedly made tests. The Bureau of Mines of the Government, a different department, has made several tests, and every single one of these tests, without exception, has shown that the coal was not suited and was not fit for use in the vessels of the Navy. I have here memoranda of various tests that have been made by the departments of the Government. The department, through the Bureau of Steam Engineering, made tests of Washington State coals and various other coals—British Columbia coal, and coal from Colorado, Wyoming, Utah, and New Mexico—giving the names of the mines, et cetera.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KAHN. Is there any evidence of any test having been made of Alaska coal?

Mr. PADGETT. Alaska coal is not available. The Matanuska coal fields are 120 miles from a railroad, and the Naval Committee has had up at this session, not in a formal way, but we have been gathering evidence and having communications, and have submitted the matter to the Navy Department, the matter of Alaskan coal, and there is a reference on page 313 of the hearings to the Alaska coals, with a view of getting them. There are in Alaska, at Matanuska, fields of coal that are of sufficient grade and test, but that coal is not available. Two gentlemen who were interested in the development of those fields were to see me, and I said to them that we would gladly cooperate with them to secure the coal whenever they put a railroad to it. They intimated to me that they wanted the Government to guarantee their bonds. I said to them that I was not willing to advocate that proposition, but for the reservation of the lands and for making contracts and all of that I was willing to cooperate.

Mr. KAHN. I understand that there was a test made of Alaska coal, and that it showed that it had 1,000 British thermal units more than any other coal that is mined in this country.

Mr. PADGETT. No; it does not show that much. It is referred to in the hearings. I think it shows a total of something like fifteen thousand and odd.

Mr. KAHN. More thermal units?

Mr. PADGETT. Yes; here it is:

From the reports of analyses made from samples recently obtained by the Director Bureau of Mines, while in Alaska, from the Matanuska and Bering fields, it is shown that these coals are exceptionally low in ash and sulphur, and exceedingly high in heating value, the British thermal units in some cases running as high as 15,400 as received, while the best eastern coals average a little under 14,800 British thermal units.

Mr. KAHN. That is what I had reference to. Does not the gentleman think, in view of the fact that these coal fields in Alaska have not been developed, it would be a good thing on the part of the Government to open them up for the use of the Navy?

Mr. PADGETT. I have indicated that I was perfectly willing to do it and would be glad to cooperate, but I am not willing to forbid the Government getting the benefit of the best coal as long as these fields are 120 miles from a railroad.

Mr. CANNON. Mr. Chairman, does not the gentleman from Tennessee believe that it is well to pursue the policy that we have pursued, namely, that the Government should not guarantee the bonds or encourage the building of the roads, and should continue to make it impossible for private capital to develop those coal fields and get the transportation? Upon the whole, is it not better that we should do without the Alaska coal for this and perhaps many other generations, and keep it there stored, as it always has been, for the benefit of a remote posterity?

Mr. PADGETT. No; I am not willing to go that length. I am not willing to adopt that policy. Now, Mr. Chairman, in my time I am going to ask that the Clerk shall read this memoranda furnished by the Paymaster of the Navy, that is a complete answer to this proposition, and I ask the attention of the committee to the reading of that statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., May 27, 1912.

MEMORANDUM RE COAL, PACIFIC COAST.

NAVY YARD, MARE ISLAND, CAL.—COAL FOR YARD USE.

1. After a full investigation of western-coast coals available for use at the navy yard, Mare Island, it is found that only one company at San Francisco was able to furnish western-coast coal—Black Diamond coal from State of Washington, cost $6.75 per ton on barges alongside sea wall, Mare Island, and $6 per ton on Navy barges at company's bunker. Cost of eastern coal at yard, $8.19 per ton.

2. Efficiency reports of Pocahontas and western-coast coals prove that for the same work as would be obtained from one ton of Pocahontas coal the cost of Black Diamond coal (State of Washington coal) would be between $10 and $11, showing an increased cost of western-coast coals where used, or between $2 and $3 over the cost of Pocahontas coal.

3. The Navy Department issued orders during the latter part of 1911 for commandants at Mare Island and Puget Sound to use western-coast coals for yard and yard craft, provided same could be done at not greater cost than the use of eastern coals. From the reports from the navy yard, Puget Sound, on the use of western-coast coals for yard craft, it has been noted that coal used aboard tugs does not furnish sufficient steam, and does not give satisfaction. It requires constant use of jet, and when tugs are handling large ships it is almost impossible to hear signals from the bridge of the ship when jet is going. The coal does not give sufficient steam for tugs to handle large ships in safety. Coal gives 80 per cent ashes and fires have to be cleaned every hour. The coal used is one of the best State of Washington coals, and coal was washed to be cleared of impurities before being received. The boiler house of the U. S. S. *Philadelphia*, station ship, at Puget Sound, used about 10 tons a day of western coal, when an average of only 2.94 tons of eastern coal had been used heretofore. The present cost of eastern coal at Puget Sound is about $7.59, and the cost of western coal is between $3.66 and $4, which price is a low figure for western coal.

4. Naval officers who are responsible under the department for the efficiency of our ships have uniformly taken the ground that our ships of war should use only the highest grade of coal. In foreign ports only the best grade of Welch coal from the admiralty list are purchased, except in such of these ports where the best American coals can be had at satisfactory prices. In our own ports, Pocahontas, New River, and Georges Creek coals are procured. It has been found from experience that the best coal is cheaper as it contains a greater heating efficiency, and a still more important fact, that it is not as subject to spontaneous combustion, and therefore will stand storage in coal piles, and in bunkers of ships of war for a much longer period than inferior coals.

5. The main source of supply of coals for the Navy is at present obtained from the largest producers of the best grades of Pocahontas, New River, and Georges Creek coals. The purchase of coal for the Navy has been made a matter of deep and careful study, and the department now feels assured at all times of a sufficient supply of coal to meet any needs from the mines producing the highest grades of steaming coals in this country and at the lowest market rates.

6. The coal supply for the Navy in the Pacific has become a matter of great national importance. The department in its endeavor to provide for a satisfactory quality of coal for the Pacific has caused careful investigation to be made under the direction of the Bureau of Mines of all the principal coals in the western coast States, as well as in British Columbia. Nine of the best of these coals have been tested under the boilers of some of our largest vessels in the Pacific, and the results of these tests have shown that these coals do not possess the required characteristics for naval fuel, the following objections being most noticeable:

Excessive smoke.

Increased consumption of coal, making a corresponding reduction in the steaming radius of the fleet.

An increase in the number of colliers to supply coal.

Deteriorating effects on the boilers.

Increase of labor in handling coal and ashes in the fireroom.

BRITISH COLUMBIA COAL—PRICE AT SAN DIEGO, CAL.

7. During the summer of 1911, while the Pacific Fleet was at San Diego, Cal., there was somewhat of a shortage of coal for the fleet. An inquiry as to the available fuel suppliers at that port was made, and it was found that 2,000 tons of Nainaimo coal (British Columbia) could be purchased at $8.75 per ton. Roughly speaking, it takes 2 tons of Nainaimo coal to do the same work as 1 ton of Pocahontas—Pocahontas coal at that time costing on the Pacific coast, at Mare Island, about $8.50 per ton, including transportation. In other words, the department was called upon to pay $17.50 for $8.50 worth of work, not to mention ill effects of western coal on boilers, etc., and reduction of steaming radius.

8. The best British Columbia coal (Crows Nest Pass or Fernie) costs at Seattle, including duty (about 50 cents per ton), about $7.55 per long ton. This coal is less efficient than eastern coal and costs but a fraction less.

9. Shipments to Pacific coast, 1906–1911, inclusive, for past six years:

Number of tons of eastern coal shipped	676,000
Cost for transportation	$3,476,000
Cost for both the coal and transportation	$5,359,000

Issues of coal at Mare Island and Puget Sound (tons).

1907	38,419.00
1908	142,943.47
1909	95,228.39
1910	73,273.44
1911	89,484.48
Total tons issued during the past 5 years	439,348.78

Shipments to Pacific coast, fiscal year 1911.

Shipments.	Tons.	Cost of coal.	Transportation.	Average per ton.		
				Coal.	Transportation.	Coal and transportation.
Foreign	124,087	$327,347.10	$660,409.02	$2.64	$5.29	$7.96
American	34,756	93,841.20	223,514.59	2.70	6.43	9.13
Total	158,843	421,188.30	883,923.61	2.65	5.56	8.85

10. The department has made 7 tests of Washington State coals, 3 tests of British Columbia coal, and on June 4 a test of 900 tons of Primero coal, from the State of Colorado, will be started on the armored cruiser *Maryland*, this coal costing $9.50 per ton on lighters in San Francisco Harbor. The prices of Washington State coal in Seattle for test have ranged from $4.10 to $5.40 a ton; the cost of British Columbia coal at Vancouver has ranged from $5.80 to $5.85 per ton. None of the coals so far tested has been found economical or satisfactory for naval use. With the battleship fleet operating in the Pacific it is estimated that 500,000 tons of eastern coal will be required on that coast, and by the use of western coast coals so far tested the consumption would be 45 per cent more than Pocahontas coal, so it will be seen that the requirements of Washington State coal would be about 725,000 tons a year. The department is doing everything in its power to procure satisfactory west-coast coal, and will continue tests with that end in view.

T. J. COWIE.

Mr. PADGETT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. PADGETT. Mr. Chairman, I yield that to the gentleman from West Virginia [Mr. LITTLEPAGE].

Mr. LITTLEPAGE. Mr. Chairman, I regret exceedingly that I have not more time. I simply want to say to this House that there is the official statement you have heard read from one of the important bureaus of our Government, a Government which every patriotic man ought and does love. This statement shows that if we let the conditions alone as they are now everything is all right and all will be well. If this amendment is adopted, as the statement shows, it means that it will cost the Government 45 per cent more for the coal which this amendment seeks to force upon this Government than the present cost. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEPAGE. The amendment offered by the gentleman from Washington on the 21st day of February, 1911, when it seemed there were five Republican Congressmen here from West Virginia, not one of whom, according to the RECORD, opened his mouth in opposition to the same, and on this account it did pass this House by the great majority the gentleman mentioned, is found on page 3228 of the RECORD, and reads as follows:

Provided, That no part of this appropriation shall be used to transport coal from the Atlantic to the Pacific Ocean.

Had I then been a Member of this House, the amendment should not have passed without the same exposition then I have been endeavoring to make during the past two days of the amendment under consideration, which reads as follows:

Provided, That no part of this appropriation shall be expended in the time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of the naval vessels or the navy yards on the Pacific Ocean, except this limitation shall not apply to the vessels crossing the Pacific or stationed in the Hawaiian Islands or in the Philippine Islands or to navy yards situated on those islands.

The same amendment as of a year ago on a much larger scale and much greater importance to us all and to this Republic.

Mr. Chairman, I submit for the candid consideration of this House the following reliable information, as it comes to me from a thoroughly reliable source, and I impart it to my brother Congressmen in absolute good faith, and trust you will give it credence with the belief upon your part that I am faithfully endeavoring to treat this important matter with candor and with perfect fairness and frankness when I say this amendment is in the interest of the Pacific slope or the western coal combine:

MEMORANDUM RE COAL, PACIFIC COAST.

NAVY YARD, MARE ISLAND, CAL.—COAL FOR YARD USE.

1. After a full investigation of western coast coals available for use at the navy yard, Mare Island, it is found that only one company at San Francisco was able to furnish western coast coal—Black Diamond coal from State of Washington cost $6.75 per ton on barges alongside sea wall, Mare Island, and $6 per ton on Navy barges at company's bunker. Cost of eastern coal at yard, $6.19 per ton.

2. Efficiency reports of Pocahontas and western coast coals prove that for the same work as would be obtained from one ton of Poca-

hontas coal, the cost of Black Diamond coal (State of Washington coal) would be between $10 and $11, showing an increased cost if western coast coals were used, or between $2 and $3 over the cost of Pocahontas coal.

3. The Navy Department issued orders during the latter part of 1911 for commandants at Mare Island and Puget Sound to use western coast coals for yard and yard craft, provided same could be done at not greater cost than the use of eastern coals. From the reports from the navy yard, Puget Sound, on the use of western coast coals for yard craft it has been noted that coal used aboard tugs does not furnish sufficient steam and does not give satisfaction. It requires constant use of jet, and when tugs are handling large ships it is almost impossible to hear signals from the bridge of the ship when jet is going. The coal does not give sufficient steam for tugs to handle large ships in safety. Coal gives 80 per cent ashes, and fires have to be cleaned every hour. The coal used is one of the best State of Washington coals; and coal was washed to be cleared of impurities before being received. The boiler house of the U. S. S. *Philadelphia*, station ship at Puget Sound, used about 10 tons a day of western coal when an average of only 2.94 tons of eastern coal had been used heretofore. The present cost of eastern coal at Puget Sound is about $7.59, and the cost of western coal is between $3.66 and $4, which price is a low figure for western coal.

4. Naval officers who are responsible under the department for the efficiency of our ships have uniformly taken the ground that our ships of war should use only the highest grade of coal. In foreign ports only the best grade of Welch coal from the admiralty list are purchased, except in such of these ports where the best American coals can be had at satisfactory prices. In our own ports, Pocahontas, New River, and Georges Creek coals are procured. It has been found from experience that the best coal is cheaper, as it contains a greater heating efficiency, and a still more important fact that it is not as subject to spontaneous combustion, and therefore will stand storage in coal piles and in bunkers of ships of war for a much longer period than inferior coals.

5. The main source of supply of coals for the Navy is at present obtained from the largest producers of the best grades of Pocahontas, New River, and Georges Creek coals. The purchase of coal for the Navy has been made a matter of deep and careful study, and the department now feels assured at all times of a sufficient supply of coal to meet any needs from the mines producing the highest grades of steaming coals in this country and at the lowest market rates.

6. The coal supply for the Navy in the Pacific has become a matter of great national importance. The department, in its endeavor to provide for a satisfactory quality of coal for the Pacific, has caused careful investigation to be made, under the direction of the Bureau of Mines, of all the principal coals in the western coast States, as well as in British Columbia. Nine of the best of these coals has been tested under the boilers of some of our largest vessels in the Pacific, and the results of these tests have shown that these coals do not possess the required characteristics for naval fuel, the following objections being most noticeable:

Excessive smoke.

Increased consumption of coal (making a corresponding reduction in the steaming radius of the fleet).

An increase in the number of colliers to supply coal.

Deteriorating effects on the boilers.

Increase of labor in handling coal and ashes in the fireroom.

BRITISH COLUMBIA COAL—PRICE AT SAN DIEGO, CAL.

7. During the summer of 1911, while the Pacific Fleet was at San Diego, Cal., there was somewhat of a shortage of coal for the fleet. An inquiry as to the available fuel suppliers at that port was made, and it was found that 2,000 tons of Nainaimo coal (British Columbia) could be purchased at $8.75 per ton. Roughly speaking, it takes two tons of Nainaimo coal to do the same work as one ton of Pocahontas—Pocahontas coal at that time costing, on the Pacific coast at Mare Island, about $8.50 a ton, including transportation. In other words, the department was called upon to pay $17.50 for $8.50 worth of work, not to mention ill effects of western coal on boilers, etc., and the reduction of steaming radius.

8. The best British Columbia coal (Crow's Nest Pass or Fernie) costs at Seattle, including duty—about 50 cents per ton—about $7.55 per long ton. This coal is less efficient than eastern coal and costs but a fraction less.

9. Shipments to Pacific coast, 1906–1911 inclusive, for past six years:

Number of tons of eastern coal shipped	676,000
Cost for transportation	$3,476,000
Cost for both the coal and transportation	$5,359,000

Issues of coal at Mare Island and Puget Sound (tons).

1907	38,419.00
1908	142,943.47
1909	95,228.39
1910	73,273.44
1911	80,484.48
Total issued during the past five years	430,348.78

Shipments to Pacific coast, fiscal year 1911.

Shipments.	Tons.	Cost of coal.	Transportation.	Average per ton.		
				Coal.	Transportation.	Coal and transportation.
Foreign	124,087	$327,347.10	$560,409.02	$2.64	$5.29	$7.96
American	34,756	93,841.20	223,514.59	2.70	6.43	9.13
Total	158,843	421,188.30	883,923.61	2.65	5.56	8.85

10. The department has made seven tests of Washington State coals, three tests of British Columbia coal, and on June 4 a test of 900 tons of Primero coal from the State of Colorado will be started on the armored cruiser *Maryland*—this coal costing $9.50 per ton on lighters, in San Francisco harbor. The prices of Washington State coal in Seattle for test have ranged from $4.10 to $5.40 a ton; the cost of British Columbia coal at Vancouver has ranged from $5.80 to $5.85 per ton. None of the coals so far tested have been found economical or satisfactory for naval use. With the battleship fleet operating in the Pacific, it is estimated that 500,000 tons of eastern coal will be required on that coast, and by the use of western coast coal so far tested the consumption would be 45 per cent more than Pocahontas coal, so it will be seen that the requirements of Washington State coal would be about 725,000 tons a year.

Now, let me say to you in addition to the foregoing that a saving of 45 per cent in the cost of coaling the ships, and especially with the best steam coal on earth, is a matter of vital importance to the Treasury Department of the Government, much less of vital importance to the Government in having the best coal to be procured on the continent; and I have no hesitancy in saying to the American people, through this Congress, that in West Virginia is to be found the finest coking and steam coal there is to be found anywhere on this earth. We are very proud of our natural wealth in West Virginia; we are very proud of our coal miners who mine the coal; we are very proud of our operators who have invested their life's savings in the development of our coal mines; who have come with their families away from the cities and builded their homes, in many instances, in the woodland, near their mines, where they can be with their property day and night, in order to facilitate in every way possible the supply of their products to the markets of the country.

I want to give you here an analysis of the New River smokeless coal, some of which the Navy Department of the Government is using. My distinguished friend Mr. HUMPHREY, from the great State of Washington, has made a great fight upon the floor of this House to protect and promote the material interests of those engaged in the mining of coal beyond the Rockies and along the Pacific slope. He has quoted from a speech made by Mr. UNDERWOOD, a very distinguished Member of this House and one of the most lovable characters in American politics, which speech was made some time ago—before I came here—and in which, he says, Mr. UNDERWOOD intimated that there was a combination and conspiracy between the Navy Department and the Pocahontas coal operators. Mr. UNDERWOOD will not say this now.

While my district in West Virginia does not include the Pocahontas region, which is a very wealthy part of my sister State, Virginia, I know the majority of the men engaged in the coal industry there, and there is no better class of men on this continent than the men engaged in the coal business in the Pocahontas region. They went into that rugged wilderness country, bought the land, built railroads, constructed houses, built tipples, opened up coal mines, and spent vast fortunes of money in getting in position to realize something upon their heavy investments. They are solvent, reliable, patriotic, and they are just as honest as the day is long, and God Almighty has never created better people than those dwelling within the Commonwealth of West Virginia; and I here resent any improper imputations sought now or heretofore by any man in or out of this Congress to impugn bad motives upon the part of these splendid men.

Very many of them do not agree with me in politics, but they are among the people of my State, and I am proud to be in position here to proclaim in this magnificent presence that they are of our best people.

This is my Government and my people's Government, and for any man to intimate there has been improper dealings between the Navy Department of this Government at any time and the men engaged in the coal industry in the Pocahontas region, or anywhere within the confines of West Virginia, I say again, I am here to resent it and proclaim to the world that there is no foundation in fact that will justify any such insinuation coming from any man. My people have the coal; they bought the land and own it; they have it for sale; their production is in the market. I am proud of them and proud of the coal we have in my State—apparently an inexhaustible amount of coal, oil, and gas—and if you people want to get rich and receive better treatment than you have ever received anywhere on this earth, come with your money into the hills of West Virginia, make your investments, take care of them as our people have, grow up with our State, and take pride in our State's institutions, and you will all lay by a competency for old age. We have churches, Sunday schools, schoolhouses, courthouses, and, above all, our people are the most generous and hospitable anywhere to be found on the American Continent. Climatic conditions are of the very best, and it is a fruitful field for investors to visit. We have no use for stragglers. When people come among us we want them to know that so long as they are law-abiding, liberty loving, and respect the rights of others, look after and take care of their own rights, we invite them to dwell with us.

Now, in this connection I submit for your consideration an analysis of the New River smokeless coal, to be found in my district, in a region of country traversed by the Chesapeake & Ohio Railroad, one of the very best railroad companies doing

business in the United States, and which analysis was finally completed on June 3, 1910:

Moisture	1.18
Fixed carbon	71.80
Volatile	22.54
Ash	4.48
	100.00
Sulphur	.89
B. T. U.	15,040
B. T. U. (dry basis)	15,220

Is it any wonder that the Government of the United States, and especially the Navy Department, is exceedingly anxious to have such coal? It does not leave clinkers in the furnaces, nor does it leave cinders; and while I do not desire to embarrass my friend from the State of Washington, nor would I say anything derogatory of the coal mined on the Pacific slope, but from what I understand from the analysis of that coal in history and the history thereof, and from what information I can get, I understand that it will produce heat and leaves the furnaces practically full of cinders and clinkers, requiring most of the time of the firemen to pull them out, and such a coal will burn out furnaces quicker than any other coal produced. There is much difference between cinders and clinkers and a soft white ash. The coal the Government is using from West Virginia, as it burns out leaves no clinkers, no cinders, and nothing but white ashes or dust.

This amendment ought to be defeated, and it will be defeated, because there are so many men in this Congress, every one of whom is an intelligent man, and I believe every one of whom is honestly inclined, a great majority of whom are men of affairs, business experience, and therefore broad minded; and they know that if it requires practically 2 tons of the western or Pacific slope coal to produce as much steam as 1 ton of the West Virginia coal will produce, and if there is from one to three dollars difference in the price of the coal per ton, every one of you men know that it is a money-saving proposition to this Government to continue the use of the West Virginia coal. The Secretary of the Navy wants it done, and insists that it shall be done. He does not want to cripple the Navy; he wants to get along as cheaply as he can and make the best record he can—that is, a record of economy—and when the information comes from that office that to continue the use of the West Virginia coal means a saving of, in round numbers, 45 per cent in the cost of the coal to the Government, I say to you that the patriotism of the men of this House, the moral desire to do right is such that this amendment can never pass this House.

I do from the bottom of my heart thank my Democratic friends all over the East of this country and from the Southland and those of you who reside in the Middle West for the very great interest you have taken in this matter. Let the vote come; let men show their colors; and when the final count is had this desperate amendment will be defeated.

I have no word of complaint against my brother Congressman from the State of Washington for waging the fight he has, as he is necessarily anxious to do what he can for the people of his western clime. And while it is true, as stated by him, this amendment has heretofore passed this Congress, I am here to-day to tell you that it has never been resisted until this contest began, nor have the facts relative to this important matter been placed before the American Congress until within the last few days.

If I have been instrumental in doing the Government a service in this matter, if I have been instrumental in saving the Government a vast amount of money, if I have been instrumental in properly presenting the cause of the business men of my State, defending the rights of the operators, and protecting the interests of the miners of my State, I am content and proud of the opportunity to do so. Let justice be done, it matters not where the chips fall. Let us look at this matter from a thoroughly business standpoint, from the standpoint of dollars and cents, and if you do I am sure the Government will not be harassed by the incorporation of this unmeritorious, if not deceptive, amendment to this important naval bill.

I have been carefully watching this amendment from the moment it was first introduced, nor have I lost a minute's time from this House while in session, as I was anxious in the discussion of this amendment to do this House a service and let the country know that the West Virginia coal operators are giving value received for every single penny they are receiving from the Government of the United States for their coal.

My friend from Washington has intimated that the Government is paying to my people $6.50 a ton for the coal delivered along the coast of the Pacific slope. Nearly all of this money is absorbed by railroad companies and steamship companies which have to haul and float the coal to the market. They give employment to hundreds of railroad men and seamen. The fact is, our operators are making very little profit on their coal. I wish they could make $6.50 a ton profit and that it was economical upon the part of the Government to pay that price.

My friend has also intimated that 2,000,000 tons of the eastern coal per annum was being shipped to the Pacific slope. So far as I am individually concerned, I hope it all comes from West Virginia, as that would mean a trade to my people of at least $12,000,000. I hope he is right in his assumption, and I wish it was $112,000,000 that the coal operators in West Virginia were getting annually for their coal, and that the consumers of the coal could make use of it, as that would give employment to hundreds and thousands of idle men and give them fair prices for their labor and good conditions under which to labor.

I love to see and deal with broadgauged men. Let us demonstrate to the American people that we are broadgauged, capable of ignoring little things in life in order to accomplish the more important matters.

Mr. Chairman, let the vote come; we are ready. This Congress is ready, and as Representatives of the American people, they are for one time, at least, in dealing with this important subject, conscientiously prepared to act. Their verdict will be the verdict of the people; their judgment will be the judgment of the American people, and when it has been explained and they have acted, all will be well with my people.

Mr. HUMPHREY of Washington. Mr. Chairman, I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from Washington will be adopted. There is, in my opinion, no question but what it is in the interest of economy. There is no question but what in time of peace, and the provision applies only to times of peace, our Navy will be supplied with a fuel in every way as satisfactory as it is supplied by shipping the Pocahontas and other Chesapeake coals around the Horn. I have another reason for favoring this amendment. In my opinion, if the Navy had been using Pacific coast coals for the last three or four years we would have found much less difficulty in settling the question of opening the Alaskan coal fields. In my mind there is no question at all but what certain influences emanating from localities where the Chesapeake coals are mined and controlled have made it more difficult to arrive at a satisfactory solution of the Alaskan coal situation. So long as the Navy uses Chesapeake coals, so long as those industries and the carrying industries which carry the coal are interested in preventing the development of the Alaskan coal fields, so long it will be more difficult than it would be otherwise to open those fields to development; and if the Navy is compelled to use Pacific coast coals, we will have an added influence in favor of a reasonable development on the Pacific coast. There are coals on the Pacific coast that are just as satisfactory in every way for naval use as the Chesapeake coals, except that perhaps they do not contain quite as many steam units in the same space, but that is a matter of entire indifference except under the stress of war.

Mr. PADGETT. Will the gentleman yield?

Mr. MONDELL. In just a moment. Under the stress of war it is absolutely essential that we shall have the greatest number of steam units in a given cargo space, but that is a matter of entire indifference in times of peace. The land service and the tender service do not need the most intensely condensed fuel in the world for efficient use——

Mr. PADGETT. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. PADGETT. The statement I have here shows from official tests made that the western coals cost $17 and for the same heat in eastern coals it costs $8.50, and there is a difference of not less than 45 per cent.

Mr. MONDELL. The gentleman has figures which, in the opinion of certain people, prove that.

Mr. PADGETT. No; that is the official test made by the Bureau of Mines.

Mr. MONDELL. I have investigated this question of steaming coals, I know something about it myself, and I do know——

Mr. BUTLER. Will the gentleman yield?

Mr. MONDELL (continuing). That there have been many tests which show that there are Pacific-coast coals that have very nearly the same steaming efficiency as the Pocahontas coals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. And I am of the opinion that the amendment is in the interest of economy.

Mr. HUMPHREY of Washington. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. HUMPHREY of Washington. Mr. Chairman, I think that if there is any place connected with the Government service

where they ought to put the soft pedal on monopoly it is in the case of the Pocahontas coal proposition and the Navy. They practically limit their purchase to that one company.

Mr. BUTLER. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I will not yield. Of all the millions of tons of coal that they have sent to the Pacific Ocean, it all comes from the Pocahontas mine, so far as I know.

Mr. PADGETT. No; there are three of them.

Mr. BUTLER. Four companies.

Mr. HUMPHREY of Washington. Four companies.

Mr. BUTLER. There are four companies—the Pennsylvania, the Georges Creek, the New River, and Pocahontas.

Mr. HUMPHREY of Washington. They never get any coal except right up here in our little part of the country. So far as monopolies are concerned, there are more than six different mines in the State of Washington that I know; there are several mines in British Columbia and one mine down in Oregon. Nobody wants to limit this coal to any particular State or mine. Now, to show you how unfair the gentleman's statement is, that the Pocahontas coal is 45 per cent better—and I have here a copy of the hearings before the Navy Department—that was only when they were running under forced draft; the Bureau of Mines says there is only 6 to 8 per cent difference in efficiency in the Washington coal and the Pocahontas.

Mr. PADGETT. Will the gentleman let me ask him a question?

Mr. HUMPHREY of Washington. I will not, because the gentleman insisted on limiting the time. It makes a difference, because the Navy does not know how to use western coal and does not want to learn. And in that particular test to which the gentleman [Mr. PADGETT] refers, let me show you the unfairness of the proposition. They refused to take freshly mined coal, although those interested offered to furnish it to them without cost. I have here a copy of the hearings in which the man who represented the coal company, Mr. Huston, made the charge, in talking to the Secretary of the Navy, that the tests had not been fair, and he admitted it and said they would give him a further test.

Now, to show you the unfairness of that long recital that was just read, they ended up by saying it would take 725,000 tons of western coal per year. For what? For the entire fleet, not for the vessels that are on the Pacific Ocean. I want to say to this committee now that there is but one vessel out on the Pacific coast, except in the reserve fleet, and that is a third-class cruiser, and the reserve fleet has only a lot of old, secondhand, dilapidated, antiquated vessels, and the Navy Department wants you to think that they ought to have high-priced coal to run them at a high rate of speed up and down that coast in time of peace.

The truth about it is it is only a question of convenience, that is all, whether or not you are going to have a little more smoke and a little more coal. I want to ask again: Are you going to pay one or two million dollars a year in order that these men who are out on the Pacific coast, in time of peace, may have a coal that makes a little too much smoke? That is the whole question.

Now, this coal is good enough for the great merchant vessels that run on the Pacific. It is used by the Pacific Mail, which has among the finest vessels in the world, and it is used by the great Hill vessel, and it is used by the Revenue Cutter Service. It is used by the merchant vessels which run from that country to Europe—foreign vessels—it is good enough for everyone, in fact, except the Navy. But the Navy wants you to buy this high-priced coal, and pay from one to two million dollars a year extra for it to be used on vessels that stay on Puget Sound or run up and down the coast to San Francisco. What is the use of running vessels in time of peace at a high rate of speed? The Navy experts even say the difference is not over 10 per cent in ordinary speed. As the gentleman from Alabama [Mr. HOBSON] says, when you compel them to use this coal, they will learn how to get rid of the smoke. And let me again call your attention to this fact: That when we had that hearing at the department, Mr. Huston, representing one of the coal companies, said to the Secretary of the Navy, "In time of war you would be compelled to use Pacific coal. Do you not think you had better get accustomed to it in time of peace?" The Secretary of the Navy admitted that this was the most serious question.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 71.

So the amendment was rejected.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 26, line 7, by adding at the end of the line the following proviso:

"*Provided*, That the coal purchased by the Government shall be mined by labor that is employed not exceeding eight hours a day."

Mr. LITTLEPAGE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is not in order at this time.

Mr. PADGETT. I would like to have the amendment read again.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 6 for the purpose of offering a proviso by way of amendment; a proviso to the amendment which was adopted last Saturday, I believe.

Mr. ROBERTS of Massachusetts. What page?

Mr. PADGETT. Page 6.

Mr. ROBERTS of Massachusetts. Reserving the right to object, Mr. Chairman, I would like to inquire as to the purport of the amendment.

Mr. PADGETT. I will state that the amendment that was adopted the other day repealed the provision passed in 1910, relative to bureau officers, and I have this amendment:

Provided, That no officer who has received his commission under the provision of said act shall be deprived of said commission or the rank, title, or emoluments thereof by virtue of this repeal.

That is the usual clause that is inserted to save the repealing clause.

Mr. FITZGERALD. Mr. Chairman, I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment for information, without objection.

There was no objection.

The Clerk read as follows:

Add, at the end of the amendment, the following proviso:

"*Provided*, That no officer who has received his commission under the provisions of said act shall be deprived of said commission or the rank, title, or emoluments thereof by virtue of this repeal."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HENSLEY. Mr. Chairman, while we are on that page, I offer an amendment.

The CHAIRMAN. The Chair will state that the gentleman's motion would require unanimous consent.

Mr. HENSLEY. We are on that page now.

The CHAIRMAN. Unanimous consent was given only to return to this page for the purpose of offering the amendment which was offered by the gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I will ask unanimous consent to return to that page in order that the gentleman may offer the amendment.

Mr. BUTLER. Is that the same amendment?

Mr. PADGETT. Yes.

Mr. BUTLER. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next unfinished amendment.

Mr. PADGETT. Mr. Chairman, this disposes of all the matters that were passed over for consideration except the amendments relative to the eight-hour provisions. I am going to ask that they remain in abeyance until we take up the question of the eight-hour provisions under the "Increase of the Navy."

Mr. ROBERTS of Massachusetts. I want to suggest to the Chairman that perhaps he is in error in saying that we have disposed of all the amendments. If I am not mistaken, my colleague, Mr. MURRAY, from Boston, has an amendment which was passed over.

Mr. PADGETT. That is included.

Mr. ROBERTS of Massachusetts. That is not an eight-hour provision.

Mr. PADGETT. That is connected with the labor question.

Mr. ROBERTS of Massachusetts. I do not want to imperil my colleague's rights.

Mr. PADGETT. Oh, no. Then suppose we return to page 59, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment pending.

Mr. MURRAY. Mr. Chairman——

Mr. PADGETT. Let me ask the gentleman from Massachusetts, was not the gentleman's amendment offered on page 59?

The CHAIRMAN. On page 45, as the Chair is informed.

Mr. MURRAY. I think it was on page 45, at the end of that portion of the bill in regard to the Bureau of Construction and Repair, at line 5, page 45.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 45, line 5, by striking out the period and inserting the following:

"*Provided*, That no part of any money appropriated in this act shall be used for construction or repair of vessels at navy yards or naval stations in the United States by enlisted men of the Navy."

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to substitute for the pending amendment an amendment which is to the same effect but which is phrased in language that is more satisfactory to the men who are affected in the navy yards by the provision.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent to substitute for his amendment the following.

Mr. PADGETT. Let the Clerk report the amendment.

The Clerk read as follows:

On page 45, line 5, after the word "dollars," insert the following:

"*Provided*, That no part of the appropriations authorized by this act shall be expended for the pay of enlisted men or seamen, not including officers, while doing repair work belonging to any recognized trade on battleships or other vessels of the Navy when such battleships or vessels are docked or laid up at any navy yard for repairs. This provision shall not apply to such ordinary duties as are engaged in by the crew while at sea, except the dismantling and assembling of armament for the purpose of repairs."

Mr. PADGETT. Mr. Chairman, I reserve the objection and also the point of order. It is clearly subject to a point of order, because it is not limited to this paragraph, but it says "this act."

Mr. MURRAY. I will withdraw it and offer it at a later place. As it relates to the same subject matter, however, I thought we might save time by offering it here.

Mr. ROBERTS of Massachusetts. Mr. Chairman, inasmuch as the matter ought to come before the committee for settlement, I suggest that my colleague Mr. MURRAY be allowed to offer his amendment as a new paragraph, on page 63, line 6, just before the increase of the Navy.

Mr. MURRAY. I had in mind to offer it at page 65, line 6.

Mr. PADGETT. Then the gentleman will not have to ask unanimous consent for that.

Mr. MURRAY. I wanted to offer it now, so that we might clean up the whole matter.

Mr. PADGETT. We will take it up when we reach it.

Mr. MURRAY. Very well, then I withdraw the amendment at this time.

Mr. PADGETT. Now, we reach the question of the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] relative to the battleships.

Mr. BARTHOLDT. I should like to offer an amendment to the amendment offered by the gentleman from Massachusetts.

Mr. MURRAY. Do I understand that the gentleman from Missouri has an amendment to my amendment or to the amendment of my colleague Mr. ROBERTS?

The CHAIRMAN. He offers his amendment to the amendment of the gentleman's colleague Mr. ROBERTS. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "two first-class battleships," and the word "each" wherever it occurs, and insert in lieu thereof the words "one first-class battleship."

Mr. PADGETT. Before we get to that, let me ask the gentleman [Mr. MURRAY] what became of the amendment he offered, for which he asked to substitute this other one, and then stated that he would bring it up on page 65. Do I understand that the gentleman withdraws the amendment on page 45 for the purpose of introducing the other one at page 65?

Mr. MURRAY. No, Mr. Chairman, I desire to have my rights on the original amendment that I offered on page 45.

Mr. PADGETT. Then we had better dispose of that.

Mr. ROBERTS of Massachusetts. May I ask my colleague if he intends to offer both amendments?

Mr. MURRAY. Yes; I want this one to this paragraph as to the Bureau of Construction and Repair. I would rather have this other one that I have in my hand, but I do not want to lose my opportunity to insist on both of them.

Mr. PADGETT. We have to come back anyway, so suppose we wait until we get to page 65.

Mr. ROBERTS of Massachusetts. As I understand, if the later amendment of my colleague is adopted, his first amendment will not be necessary, and will not be pressed.

Mr. MURRAY. That is it. That is why I wanted first consideration of this subsequent one; but that was objected to.

Mr. PADGETT. We will consider it when we reach page 65.

Mr. MURRAY. I suppose we might reach an agreement——

Mr. PADGETT. It can be offered then. I do not want to make any agreement now, because it may be subject to a point of order.

Mr. MURRAY. I do not believe it is.

Mr. PADGETT. I will ask the gentleman from Massachusetts [Mr. ROBERTS] if we can arrive at an agreement as to the debate on the paragraph and all amendments thereto.

Mr. ROBERTS of Massachusetts. I think so, Mr. Chairman. I do not know how many Members who favor battleships desire to speak at this time. I assume there will be several of them. Personally I do not propose to take much time, perhaps not over five minutes. What does the gentleman from Tennessee suggest as a reasonable time for this debate?

Mr. BARTHOLDT. I suggest an equal division of time between those who desire one and two battleships, and no battleship.

Mr. PADGETT. I do not know about that.

Mr. BARTLETT. Mr. Chairman, it is not very clear what amendment is being referred to here. Is it the battleship proposition?

Mr. PADGETT. The battleship proposition.

Mr. BARTLETT. We have had a game of battledore and shuttlecock, and I wanted to find out what was pending.

Mr. PADGETT. It occurs to me that under the existing conditions an hour's debate on this question will be ample, 30 minutes on a side. I will yield to the gentleman from Missouri [Mr. BARTHOLDT] some of my time.

Mr. ROBERTS of Massachusetts. I would suggest 40 minutes on a side, in view of the magnitude of the proposition.

Mr. BARTHOLDT. Can not the gentleman make it 30 minutes for each proposition?

Mr. PADGETT. Then those against all battleships would claim half of the time, because the one battleship is a battleship proposition. The one-ship men can get recognition with the two-ship men. I think one hour's debate will satisfy everyone.

Mr. CANNON. Of course, the bill will be read. This is general debate, I take it, that the gentleman is fixing the time for?

Mr. PADGETT. No; this is under the five-minute rule, and at the end of the hour debate will be closed.

The CHAIRMAN. The gentleman has the power to move to close debate under the five-minute rule at any time, and, after all, that is the most valuable debate. If the gentlemen desire more than five minutes, I have no objection to the hour being divided as the gentleman suggests, but this is a large committee and it is a short paragraph. The gentleman from Tennessee, on the reading of the paragraph, can close debate at any time under the five-minute rule, if the majority desire.

Mr. PADGETT. I will state that the gentleman from Massachusetts [Mr. ROBERTS] and myself discussed the matter, and after looking over the field it occurred to us that with the information we had before us an hour would be sufficient time.

Mr. CANNON. I do not know that I shall want any time, and still I might want five minutes, and I apprehend that that is the case with many gentlemen on this side.

Mr. PADGETT. Mr. Chairman, I will state that we will proceed under the five-minute rule for the present, but gentlemen may expect that after about an hour there will be a motion to close debate if it is not arranged otherwise.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this is the first time since the second session of the Fifty-ninth Congress when the Naval Committee has reported a bill that did not carry battleships. During all that time the Naval Committee has consistently reported two battleships for each session of Congress, and each session of Congress has enacted into law a provision for two battleships. Now, however, we have before us a naval program that omits battleships entirely.

The program heretofore has not been one of increase of battleships of the American Navy; it has been a program to keep an effective fighting force of the size we then had. The additions of each year have not been for the purpose of building up an enormous Navy, but they have been made for the purpose of placing in commission effective fighting vessels to take the place of those becoming obsolete by reason of age or by reason of the rapid strides in naval architecture and the development of fighting vessels.

The effect of the program which has been carried on thus far has been to place the United States to-day second among the list of naval powers of the world, second in the amount of tonnage already constructed.

And while the United States has been carrying on this moderate and sensible program, some of the other nations of the earth have been carrying on a larger program, a more elaborate construction of ships, so that, when the ships already author-

ized by the United States are constructed and the ships that are authorized by other nations are constructed, the United States will drop to third place among the naval powers of the world.

But if at this session the Congress stops the program of building battleships, it immediately drops the United States not merely from second to third, but down into the fifth position among the naval powers of the world. Is that something the people of this country want to see done? The letters, petitions, and memorials that are being received by scores by Members of this body, and by the Committee on Naval Affairs, lead me to believe that the American people do not look upon such a policy with any degree of approval. If there is any one institution in this country of which the American people are proud it is their Navy; and they want to see it maintained on its present plane of efficiency. [Applause.]

And I say to our Democratic friends on the other side that if they imagine they are making a popular move by stopping this increase of our Navy and preventing the building of battleships to take the place of those that are becoming obsolete, they are making the greatest of mistakes, as they will learn later. The Navy of the United States appeals to the patriotism of the people.

There is no institution in this country more popular among the people than the Navy; and they want to see that Navy maintained as an efficient fighting unit.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MURRAY. Mr. Chairman, I am in favor of the amendment offered by my colleague from Massachusetts, Mr. ROBERTS. In spite of the action of the Democratic caucus on a recent occasion, I rise at this time as much a Democrat as any man in this Chamber to support that amendment. I said in that caucus that I believe the Democratic Party would make a grave and serious mistake if they adjourned this Congress without carrying out the pledge of the Denver platform—to enact such laws as would give the United States an adequate Navy.

I tried to point out to my colleagues in that caucus that with a Nation which has to-day the annual wealth of more than $125,000,000,000, a restricted naval program that provided for no battleships at a time when the naval appropriation was $125,000,000 was a short-sighted policy of national defense.

I have tried to show that, in spite of the arguments as to the expenditures against the Navy, the naval appropriation is about one-tenth of 1 per cent of the annual wealth of the American people. [Applause.]

It is a fundamental of the business management of to-day that insurance against risk and loss must be paid for and accounted as a fixed charge on the business. Men may try to get insurance on their lives and property at low rates, but in the last analysis they are pretty sure to get that insurance at any rate.

I believe that it is wise from the point of view of protecting the national wealth against possible loss from causes that seem now most unlikely to arise, but causes that may come upon us at a most unlikely time, to appropriate a comparatively small amount which well may be charged up to insurance. The total expenditure of $125,000,000 a year for the Navy is a tax of 1 and a small fraction of 1 per cent of the total of capitalized industries in the country. Such an appropriation represents an actual per capita tax of about $1.30, which is small indeed when it is compared with the per capita income of $590. It is shown that the Spanish War cost the United States $500,000,000. We had a Navy in that war that was splendidly efficient [applause]; but if we had had a Navy that included then four more *Oregons* than the one we did have, it is certain there would have been no war. [Applause.] The cost of these additional ships would have been, to be sure, approximately $30,000,000. An investment, therefore, of 6 per cent of the money the war cost would have saved half a billion of dollars and hundreds of lives. [Applause.]

I said a few moments ago to one of my very good friends, the chairman of the Committee on Interstate and Foreign Commerce, Judge ADAMSON, of Georgia, that I was in favor of two battleships. He asked me if I was in favor of a navy to comprise 100 battleships. Of course, I am not and so I told him. The judge wondered what I believed an adequate navy to be, and I am glad that he asked me the question.

Mr. Chairman, I believe it is wise to quote from the remarks of the gentleman whose duty it is in this connection to advise this legislative body. I refer to the head of the great Navy Department, and I find at page 36 of the Annual Report of the Secretary of the Navy an expression of what may be accepted as an adequate American Navy. That statement gives not only the opinion of the Secretary himself, but also the consensus of opinion of the best men in the Navy and out of it who have given consideration to this subject. You may readily see by an examination of the accompanying tables the sea strength of the navies of the world as of December 1, 1911.

SEA STRENGTH.

Tables showing the relative strength of the Navy and its importance in comparison with foreign navies December 1, 1911. Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.

Vessels built.

	Battleships. Dreadnought type.[1]	Battleships.[2]	Armored cruisers. Invincible type.[3]	Armored cruisers.	Cruisers.[4]	Destroyers.	Torpedo boats.	Submarines.	Coast-defense vessels.[5]
England	12	42	5	34	[6] 79	[6] 192	59	65	.....
Germany	7	21	2	9	39	109	22	14	5
United States	6	25	.....	12	30	36	28	20	4
France	.....	20	.....	22	10	72	200	66	2
Japan	.....	13	2	11	15	58	59	10	2
Russia	.....	9	.....	6	11	95	29	31	2
Italy	.....	8	.....	10	6	22	46	9	.....
Austria	.....	6	.....	3	6	14	43	6	6

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 tons or more displacement.
[3] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection; also called battleship cruisers.
[4] Includes all unarmored cruising vessels above 1,000 tons displacement.
[5] Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.
[6] Includes vessels of colonies.

Vessels building or authorized.

[Includes vessels authorized, but not yet laid down, as well as those actually under construction.]

	Battleships, Dreadnought type.	Battleships.	Armored cruisers, Invincible type.	Armored cruisers.	Cruisers.	Destroyers.	Torpedo boats.	Submarines.
England[1]	10	.....	[2] 5	.....	[2] 10	[2] 31	.....	[2] 17
Germany[3]	9	.....	3	.....	6	12	.....	[4] 10
United States	6	.....	.....	.....	1	14	.....	18
France	4	.....	.....	.....	.....	13	.....	15
Japan[5]	3	.....	4	.....	3	2	.....	3
Russia	7	.....	.....	.....	.....	13	.....	8
Italy	4	.....	.....	.....	3	10	46	11
Austria	4	.....	.....	.....	3	6	12	6

[1] England has no continuing shipbuilding policy, but usually lays down each year 5 armored ships with a proportional number of smaller vessels.
[2] Includes vessels of colonies.
[3] Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1912 there are authorized 1 battleship, 1 armored cruiser 2 cruisers, 12 destroyers; eventual strength to consist of 38 battleships, 20 armored cruisers, 38 cruisers, 144 destroyers.
[4] $3,570,000 authorized for experiments and further construction.
[5] $78,837,591 authorized to be expended from 1911 to 1917 for the construction of war vessels.

Personnel.

Rank.	England.	France.	Germany.	Japan.	United States.
Admirals of the fleet	4	.....	2	1	[1]
Admirals	12	.....	5	7	.....
Vice admirals	22	15	12	20	.....
Rear admirals	55	30	22	38	[2] 30
Captains and commanders	636	340	302	296	212
Other line officers	2,274	1,509	1,596	1,710	1,114
Midshipmen at sea	606	61	398	154	287
Engineer officers	940	505	433	696	.....
Medical officers	593	[3] 413	286	[3] 358	348
Pay officers	697	216	236	324	202
Chaplains	138	.....	.....	.....	24
Warrant officers	2,494	[5] 2,350	2,512	1,520	645
Enlisted men	105,434	53,316	50,389	42,043	47,500
Marine officers	425	.....	109	.....	334
Enlisted men (marines)	[6] 19,635	.....	[7] 4,672	.....	9,521
Total	133,965	58,755	60,974	47,167	60,217

[1] The Admiral of the Navy.
[2] The United States now has, temporarily, as extra numbers, due to promotion for war service, and to officers restricted by law to engineering duty only on shore only, 12 flag officers, 26 captains, 4 commanders, 11 lieutenant commanders, and 1 lieutenant.
[3] Includes pharmacists and apothecaries.
[4] Includes pharmaceutical officers.
[5] Includes adjutants, premier maitres, and maitres of all branches.
[6] Includes 3,100 men of the Coast Guard.
[7] Marine Infantry and Seaman Artillery.

This table shows that the United States is now second among the navies of the world, but that it will drop to third when vessels now building, or authorized by various countries, shall have been completed.

I invite your attention also to this table which shows the warship tonnage of the principal naval powers as of December 1, 1911:

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS.

Number and displacement of warships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons, Dec. 1, 1911.

[Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; those not actually begun or ordered, although authorized; transports, colliers, repair ships, torpedo depot ships, converted merchant vessels, or yachts; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.]

Type of vessel.	Great Britain.				Germany.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	12	236,350	10	247,000	7	141,720	9	217,400
Battleships, first class[2]	42	617,500	.....	.....	21	252,712	.....	.....
Coast-defense vessels[3]	.....	.....	.....	.....	5	20,273	.....	.....
Armored cruisers[4] (invincible type)	5	96,850	[5] 4	90,800	2	41,637	3	72,650
Armored cruisers	34	406,800	.....	.....	9	94,245	.....	.....
Cruisers above 6,000 tons[6]	[5] 14	146,500	.....	.....	.....	.....	.....	.....
Cruisers, 6,000 to 3,000 tons[6]	42	200,460	[5] 10	50,040	24	98,180	6	32,650
Cruisers, 3,000 to 1,000 tons[6]	23	49,540	.....	.....	15	34,528	.....	.....
Torpedo-boat destroyers	[5] 192	108,703	[5] 31	26,980	109	58,474	12	9,000
Torpedo boats	59	12,710	.....	.....	22	3,790	.....	.....
Submarines	65	20,736	[5] 17	13,610	14	4,140	10	6,000
Total tons built and total tons building	.....	1,896,149	.....	428,430	.....	749,699	.....	337,700
Total tons built and building		2,324,579				1,087,399		

Type of vessel.	United States.				France.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	6	115,650	4	105,000	.....	.....	4	92,368
Battleships, first class[2]	25	334,146	.....	.....	20	286,005	.....	.....
Coast-defense vessels[3]	4	12,900	.....	.....	2	15,400	.....	.....
Armored cruisers[4] (invincible type)	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	12	157,445	.....	.....	22	211,070	.....	.....
Cruisers above 6,000 tons[6]	5	43,800	.....	.....	3	24,022	.....	.....
Cruisers 6,000 to 3,000 tons[6]	14	49,541	.....	.....	5	21,250	.....	.....
Cruisers 3,000 to 1,000 tons[6]	11	13,631	.....	.....	2	4,706	.....	.....
Torpedo-boat destroyers	36	21,306	14	12,550	72	26,782	13	9,170
Torpedo boats	28	4,802	.....	.....	200	19,166	.....	.....
Submarines	20	4,490	18	8,805	66	22,304	15	9,182
Total tons built and total tons building	.....	757,711	.....	127,355	.....	630,705	.....	110,720
Total tons built and building		885,066				741,425		

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protected decks.

Number and displacement of warships, built and building, etc.—Contd.

Type of vessel.	Japan.				Russia.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	.....	.....	2	41,000	.....	.....	7	153,000
Battleships, first class[2]	13	191,698	.....	.....	9	122,250	.....	.....
Coast-defense vessels[3]	2	9,086	.....	.....	2	10,380	.....	.....
Armored cruisers[4] (invincible type)	2	29,200	4	110,000	.....	.....	.....	.....
Armored cruisers	11	108,900	.....	.....	6	63,500	.....	.....
Cruisers above 6,000 tons[6]	2	13,130	.....	.....	7	46,400	.....	.....
Cruisers 6,000 to 3,000 tons[6]	8	30,303	3	15,000	2	6,385	.....	.....
Cruisers 3,000 to 1,000 tons[6]	5	9,158	.....	.....	2	2,680	.....	.....
Torpedo-boat destroyers	58	22,608	2	1,200	95	35,794	13	13,230
Torpedo boats	59	5,500	.....	.....	29	3,722	.....	.....
Submarines	10	1,725	3	950	31	6,648	8	4,800
Total tons built and total tons building	.....	421,309	.....	168,750	.....	297,819	.....	176,030
Total tons built and building		590,119				473,879		

Type of vessel.	Italy.				Austria.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	.....	.....	4	85,020	.....	.....	4	80,000
Battleships, first class[2]	8	95,700	.....	.....	6	74,613	.....	.....
Coast-defense vessels[3]	.....	.....	.....	.....	6	41,700	.....	.....
Armored cruisers[4] (Invincible type)	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	10	78,520	.....	.....	3	18,800	.....	.....
Cruisers above 6,000 tons[6]	.....	.....	.....	.....	.....	.....	.....	.....
Cruisers 6,000 to 3,000 tons[6]	.....	.....	3	9,070	3	11,483	3	10,449
Cruisers 3,000 to 1,000 tons[6]	6	12,470	.....	.....	3	7,050	.....	.....
Torpedo-boat destroyers	22	7,587	10	6,130	14	5,702	6	4,800
Torpedo boats	46	7,713	28	3,390	43	6,899	12	2,400
Submarines	9	1,822	11	3,500	6	1,686	6	1,809
Total tons built and total tons building	.....	203,812	.....	108,310	.....	167,993	.....	99,449
Total tons built and building		312,122				267,442		

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

Relative order of warship tonnage.

Present order (tonnage completed).		As would be the case were vessels building now completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain	1,896,149	Great Britain	2,324,579
United States	757,711	Germany	1,087,399
Germany	749,699	United States	885,066
France	630,705	France	741,425
Japan	421,309	Japan	590,119
Russia	297,819	Russia	473,879
Italy	203,812	Italy	312,122
Austria	167,993	Austria	267,442

Now, we do not propose to rival England and Germany and Japan in the matter of a building program for the Navy. But we do believe that the annual appropriation should be such that it will provide for the future of our Nation a fleet of at least 20 ships in the first line and 20 ships in the second line of the Navy. The present strength of the Navy is 37 battleships, of which 28 may be considered as worthy of a place in the first line and the remaining 9 as second-line ships. Sixteen of those 28 are pre-*Dreadnaughts* and their qualifications of the first line is indeed doubtful; certainly three years from now they can not be so qualified, and the first fleet has been reduced to 12 ships—new ships are added to it. Four of the nine ships classed now in the second line will reach the limit of the recognized life of a battleship in 1915–16. They must be removed, therefore, from the second fleet and relegated to the line of harbor defenses.

The ships that we may provide for at this time can not be ready for at least three years, and we must legislate at this time with the thought in mind as to what the condition of our Navy may be in the year 1915–16.

There is a splendid page of our American history that tells the story of how Perry and his men on Lake Erie in the War of 1812 hastily built a navy and with it swept England from the seas. It is only matched by that page of American history which shows that with undaunted courage the "embattled farmer" stood in Massachusetts and in other places and made a great fight for constitutional Government for equality and liberty. [Applause.]

That courage can be exampled at any time by American soldiers and sailors; but present-day conditions are such that a navy can not be hastily put together. If we permit this Congress and future Congresses to go by without making the appropriations necessary to maintain an adequate navy, the time may come, and I for one am afraid that it will come, when we shall wish that we had made this appropriation.

I listened with great interest the other day to my colleague from Massachusetts, Judge HARRIS, as he told of the great work that his illustrious father did as his share in contributing to the building of the original American Navy. I felt a reasonable and just pride as I listened to his recital of that story, and I shall never forget his recital of what that father said to him when he brought to him the news of Dewey's victory at Manila. "Well, boy," said the father, "it seems now after many years that eight years of hard work and strife has finally been of some service to the country." I wonder whether or not it will ever again be necessary to repeat the victory of Manila Bay. If such a necessity does arise, the economy of to-day will be looked upon as a foolhardy policy, in view of any such contingency, and it is because I feel this way that I am pledged to step out of the ranks of my Democratic colleagues and to urge this House to support the amendment of my colleague, Mr. ROBERTS, even though it comes from a Republican member of the Committee on Naval Affairs. I protest that this bill is not a political measure. I protest that when it comes to the matter of the American Navy we should not be Republicans, Democrats, nor partisans of any class, but we should give to the consideration of the matter the best opinion and political judgment that we can, in order that there may be a true and right solution of the great problem that confronts us. [Applause.]

It has been only 14 years since the Spanish War, and we all remember the great work the battleship *Oregon* did when she made her great triumphant world tour from Manila to Santiago. We all know what splendid work that ship did at that time, and it is hard for some to realize that the time has come when the *Oregon* must be retired from the first line of fighting ships in the Navy; but the fact is, as is contained in the Secretary's report and as given to us by the Navy experts of the country, that not only the *Oregon*, but the *Indiana*, the *Iowa*, the *Massachusetts* must soon be retired from the first line. We are not asking to do anything more than to maintain the Navy at its present standard of efficiency when we ask to have the resolution for two battleships appropriated.

Now, I have no fears of the danger of war. I have no thoughts of impending disaster; but I want to help in every way that I may to maintain an adequate Navy, particularly at this time when the Panama Canal, at an expenditure of $400,000,000 of American money, is about to be completed. I want our Navy to be of such strength that it may be able to maintain its high place among the navies of the world. And in urging this thought upon this House I am trying to reflect the sentiment of that great water-front district in the city of Boston that has honored me by sending me as its Representative to this House.

If you believe that this is a sectional question, however, let me call your attention to the editorial comments of the newspapers of the country, regardless of their political affiliations, on the days just after the caucus that we Democrats had on this matter of a building program for the Navy. If you believe that this is a sectional question, let me assure you that men who have campaigned throughout our country bear testimony to the fact that mere mention of the glorious work of the American Navy always touches a responsive chord in the breasts of the American citizens. I hope, therefore, that, regardless of party and regardless of the section of the country from which they may come, a sufficient number of the Members of this House may support this amendment for two battleships to insure an appropriation by this House. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, during the general debate I took occasion to say that the battleship question does not cause the usual excitement this year. The reason probably is that everyone knows what the final disposition of the question will be. The Democratic majority of the House will vote for no battleships. The Senate will insist on at least one, and the House will finally yield to a program so wisely limited in order to keep the Navy at its present state of efficiency. [Applause.] I have consistently voted for the last 8 or 10 years for one battleship. Way down deep in my heart I am frank to say that I am for no battleships. [Applause.] I do not think we would incur any risk whatsoever if none were provided this year. But so it may not be said that those of us who are favoring arbitration are willing to go to the extent of denying to the country such means of defense as seem, unfortunately, still necessary, under present conditions I am willing to vote for one, which means a vote not for an increase of the Navy, but for the maintenance of the Navy at its present strength. No matter what position a man may take on the question of battleships, there may be and are great differences among us, but there is no difference as to one paramount proposition, and that is we are all in favor of the absolute security of our country. [Applause.] Now, that security might be achieved in two different ways. It might be achieved according to the old system, which unfortunately is still in vogue, of building battleship after battleship and thereby taxing the resources of all the nations to their utmost.

Or it might be done in the same way that civilized nations are now guarding their domestic peace, namely, by law, or, speaking in an international sense, by the perfection of the necessary legal machinery to adjust and settle international difficulties in a peaceful way. And along this line I wish to call the attention of the Members to the fact that this legal machinery is no longer a mere dream of theorists, inasmuch as The Hague conferences, the first as well as the second, have unanimously agreed upon the creation of a high court of nations, which is to decide all questions of an international character that might be brought before it. That high court of nations was established in 1899 at the first Hague conference. At the second conference the court was perfected. In order to secure a real judicial tribunal The Hague conference agreed on a court of arbitral justice, and the motion to establish such was carried unanimously by all the nations represented at that conference—44 in number. Only the mooted question of how the judges should be distributed among the different nations and how many judges should be appointed is the cause of its not having been put in execution so far. But all signs point to the probability that at the next Hague conference in 1915 that court will be established.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I would ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. And in connection with that court, the nations will agree on general arbitration treaties such as have been proposed by President Taft recently. We are going to have them in spite of the Senate of the United States, because the time is very close at hand when that great body will have to do the bidding of the will of the American people regarding this great question. And after we have arbitration treaties with all great powers these powers among themselves will negotiate similar ones, so that the civilized world will be one great net of arbitration treaties. And the next question will be a code of international law to be sanctioned by all the parliaments and to be applied in all cases that may be brought before that court.

This, Mr. Chairman, is a substitute for your battleships, more humane and much more economical and much more in accordance with modern civilization than your method of force. And that substitute, I hope, will be supported even by those who are now supporting the policy of battleships. I think we

ought to all join hands if we can for a substitute such as that which will relieve the people of this country and other countries of a well-nigh unbearable burden of taxation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KONIG, Mr. SAUNDERS, and Mr. TURNBULL rose.

The CHAIRMAN. The gentleman from Virginia [Mr. TURNBULL] is recognized.

Mr. TURNBULL. Mr. Chairman, if I had been given the power to fix the battleship program in the bill under consideration, I think I should have included therein one battleship or one fast armored cruiser, as that has been the policy heretofore advocated by the Democrats. But when a majority of my colleagues on this side of the House, after due consideration, determined otherwise, I abided by the decision, as I always expect to do.

I am a highland man, if I may use that expression, and prior to becoming a member of the Naval Committee had given very little attention to the character of the ships to be built or of the needs of our Navy along that line. I am in favor of having a Navy sufficient to protect our rapidly increasing foreign commerce, to protect our seacoasts in time of war, and to give assurance of protection to our citizens in whatever country they may desire to do business. I attended the naval review in New York in October, 1911, and was justly proud of our 7-mile line of battleships exhibited on that occasion, and I am doubly proud of the officers in command and of the men behind the guns, for I believe the same spirit now exists among those men that animated and permeated the hearts of the brave men who manned our ships and helped so materially in giving life to our Nation and liberty to our people in the beginning. I am satisfied that as a fighting force they have no equal in any of the nations of the earth. [Applause.]

Since I have become a member of the Naval Committee I have studied the subject of the needs of our Navy in every way I possibly could, and have listened carefully to the testimony taken before the committee on the subject, and the more I try to study and consider the question from a common-sense business standpoint the more I doubt the expediency or wisdom of the construction of any more battleships of the *Dreadnought* type, such as those we are now building or have already in commission.

Let us look at the history of and effect of this battleship building. When the *Merrimac* and the *Monitor* had the engagement in Hampton Roads, our ships were wooden vessels and our guns were smooth bore and of short range. When we began to armor plate the ships, we began to improve the type of the guns, and they were changed from smooth bores to rifles. As the thickness of the armor plate was increased, the size and length of the guns were increased. As the size of the guns was increased of course the size, character, and destructiveness of the projectiles were increased.

We invented the torpedo, which is a projectile loaded with high explosives that are fired out of tubes, and when started they propel themselves, and it is admitted that when one of these strikes one of our *Dreadnoughts* it ends the life of the ship, it matters not what is the thickness of the armor plate. Then the submarine boats were invented so that they can travel under water and fire these torpedoes with the same accuracy, almost, as if they were upon the surface of the water. This necessitated the building of torpedo-boat destroyers to try and prevent the deadly effect of the torpedo boats, and now it is claimed that each one of these *Dreadnoughts* should have to protect it five torpedo boats and two destroyers. In addition to what I have stated, a torpedo shell has been invented that can be fired out of the same guns as the steel projectiles with nearly the same range, and it is admitted that if one of these shells strikes the ship or strikes and explodes in the water within from 40 to 100 feet of the ship that it will destroy it.

Now, then, what do we deduce from this state of facts? We build a battleship of the *Dreadnought* type that costs not less than $12,000,000, armored with the heaviest armor plate and equipped with the best guns known, and this ship can be destroyed, first, by a steel projectile fired out of a 14-inch rifle, which it is claimed will pierce the armor and destroy the ship certainly at a distance of 10,000 yards; second, by a torpedo fired out of a torpedo tube; third, by a torpedo shell fired out of a 14-inch gun; fourth, by a mine that may be put in any harbor.

When I consider these facts, I ask myself the question, What good is the armor if the projectile will pierce it? What superior advantage does a large ship have over a smaller one if it can be sunk by a torpedo, torpedo shell, or mine as readily as a smaller ship? We all know, whether we have any common sense or not, that a large ship can be hit more readily than a smaller one. If what I have said is true, the fighting capacity of our ships has not advanced one inch beyond the ships in which Decatur and Perry won their victories. These large ships are of slow speed and can travel only in very deep water. The ships do not do the fighting, but it is done by the men with the guns, and I can not help but feel that three ships built at the same cost that one of these big ships costs now, and with a greater rate of speed and manned by the same men and with the same character of guns will be more effective than the one big ship. This is certainly true if there is anything in the tactics of the great generals that the way to win a battle is to get there first with the most men.

In my judgment we are putting too many eggs in one basket. We are expending our revenues faster than we gather them in. Think of the great expense and ask yourself the question, Where are we drifting? We are simply aping foreign nations, with no fixed policy of our own. Have we made any progress? Yes; but principally in the facility with which we spend the people's money, wrung from them, it is claimed, by unjust taxation; for the cost of the Navy has increased in the last 20 years from about thirty millions to one hundred and thirty millions of dollars. It is easy to expand, but it is hard to contract, and it looks as if we are using greater efforts to find new subjects of taxation than we are to reduce the burdens now resting upon us.

Mr. Chairman, there is great unrest among the people all over the country. It looks as if the wealth of the country continues to accumulate in the hands of a few, and the burdens of the people who do the work and receive the wages are becoming greater as the days go by. If we would win battles in the future we must so act as to keep the men behind the guns contented and happy. Let the people at home become discontented and poverty stricken, and then patriotism and love of country will vanish and the big ships and the big guns will become useless. [Applause.]

Mr. KONIG. Mr. Chairman, it will take me but a few minutes to express my views on the subject now under discussion. I am a Democrat, and a party man at that, and, thank God, since I have been a Member of this House I have never had to vote against my party organization. The question of the size of the American Navy is not now and never has been a party question; and, moreover, whatever the caucus may have done in respect to this bill, I am not bound by it, for I remained away from the caucus.

Just exactly how many battleships or how many cruisers or how many torpedo boats we have, I confess I do not know as well, perhaps, as I ought to, and I also confess I do not know just exactly how our Navy compares in strength with that of France or of England or of Germany. But I do know, Mr. Chairman, that there are other navies far larger and far better equipped than ours. And I also know, Mr. Chairman, that the President of the United States and the Secretary of the Navy have urged Congress to make an appropriation for two additional battleships. These officials are in the possession of the information that makes them experts; and in any event I would rather follow their judgment and be guilty of an extravagance than to refuse to follow it and suffer the disastrous consequences that must attend upon a false economy in so important a matter as the strength of our Navy.

The American Nation, whether wisely or unwisely, has become a world power; our interests are no longer confined to the North American Continent. We have become an empire, with possessions in all corners of the world; we have those gold bricks within the shadow of the shores of Japan—the Philippine Islands; we have Hawaii to watch over, and also Porto Rico, and we must not forget our foster child, Cuba. The Panama Canal represents an investment of hundreds of millions of dollars and the best engineering genius of all time. If the American flag is ever to come down in any of these possessions or dependencies, it must come down of our own freely given consent. We can not let ourselves be put in the position where we may be forced to lower the flag.

These considerations and the consideration that a fellow who can take care of himself seldom has to fight compel me as a lover of peace to vote for the building of additional battleships. [Applause.]

Mr. MONDELL and Mr. MARTIN of Colorado rose.

Mr. MARTIN of Colorado. Mr. Chairman, I do not care about shutting off that side altogether. I am willing to follow the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I thank the gentleman from Colorado. I shall support the amendment of the gentleman from Missouri [Mr. BARTHOLDT] for one battleship. [Applause.] And I shall support it with some reservation, because, as a matter of fact, I had fully made up my mind not to vote for any battleships this year. It is not often that that side of the House does a really good thing, but I think they

did a very excellent thing when the caucus decided against battleships, not that I think the caucus decision will stand as a final decision of the Congress, because I think that ultimately we shall provide for one battleship. But I think it was a most excellent thing to challenge the attention of the country to the mad race of the world in competition in the building of enormous and costly ships of war, ships of a character that never have been tried out in actual warfare, and ships that, at the very best we can hope for them, will within a decade be useless and valueless. England, Germany, and France, and to a lesser extent Japan and Russia, each feels it can not afford to be too far distanced in this race for military preparedness.

We are the only nation in the world that can safely halt our naval program, for there is not a man under the flag who knows his country and understands the condition of the world that has the slightest notion that there would be any danger whatever to our country, its honor, or its people if we did not build a battleship in the next 20 years. [Applause.] Not that I believe we should wholly neglect this arm of defense. On the contrary, I have always believed that we should adopt and steadily maintain a decent and reasonable naval program, that we should have such a Navy as will form a reasonable first line of defense in the very improbable event of a great war.

We are in a position now to do the world a mighty service in calling to the attention of the civilized world the fact that we are not being carried away by this naval madness that seems now to control all the courts of Europe and the Orient—a naval madness that is well-nigh rushing into bankruptcy the greatest nations of the world. Let us stop and think how rapidly these naval expenditures have been increasing, the world over, in the past few years, and how certainly they must lead to the bankruptcy of the nations if they are to be continued in the same ratio for a few years longer. There must be a halt in this tremendous increase of naval armaments, and we are in such a position that we can show all the world that we are not carried away by this desire to have more and larger ships than any other nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. I am not one of those who look for the speedy coming of the millenium. I am not one of those who believe that wars will ever wholly cease. But I am one of those who look forward with hopeful anticipation toward the day when most of the differences between the nations shall be settled by courts of arbitration. I think we have seen more than the dawning of that day. I think we are well within it, and I sincerely hope that generations will pass before there shall be another great war among the great civilized nations of the world. And if we are not to have wars constantly recurring, then it is the duty of every citizen of every civilized country to use the influence he has, be it great or small, in the checking of the wasteful expenditures for war-like purposes. [Applause.]

How much the world might do, what benefits might be brought to the human race, what splendid monuments of peace could be erected, if we expended the money we are now expending for these huge leviathans of the deep for works that would benefit mankind, instead of joining in a mad race to prepare the biggest ships and the most ships with which to blow men off the earth and out of the water. If we could use the same sums of money in the great undertakings of peace, and if we could retain in the paths of useful productiveness the men whose lives are now wasted in warlike pursuits, how much better it would be for all the world.

We can not, of course, disarm. We must maintain a fair Army and a fair Navy. We must maintain a Navy in keeping with our great wealth and power and position in the world. But we should not endeavor to make a display of our power by building battleships as some people make display of wealth by wearing costly jewels. The one is as undesirable as the other. Our place in the world and our influence and strength in war and peace depend infinitely more upon our 90,000,000 of intelligent citizenship than upon all of the bayonets in the country and all the guns we will ever mount on battleships. [Applause.]

If we would turn our attention to and spend the money now wasted in these great armaments, upon works that would be helpful to all mankind, all the world would rise up and call us blessed. Let us not allow our Navy to be reduced to a point where we shall not have a Navy in keeping with our power and wealth and our influence in the world. One ship a year is quite sufficient to maintain an adequate Navy in this country, and if we adopt a one-battleship program we shall have given notice to all the world that we do not propose to join or participate in this unwise, wasteful, and wicked race for enormous armaments, taxing the people for their construction and their upbuilding. I hope the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT] may be adopted. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, that this is not a political question, at least that it is not properly a party question, is strikingly illustrated by the fact that the Republican Member from Wyoming approves and the Democratic Member from Colorado disapproves of the battleship program, or rather the no-battleship program, which has been adopted on this side of the House.

Right at the outset of his remarks the gentleman [Mr. MONDELL] stated a fact which strongly inclines me in favor of continuing, for the present at least, our present battleship program, and that is what he referred to as the mad race of the other powers of the world to build up great navies. I want to ask the gentleman from Wyoming if he thinks this great Nation, with its tremendous responsibilities as a world power, can afford to sit idly by and see the peace of the world—yea, even the map of the world—threatened by the building up of these great navies, and yet this Nation not place itself in a position to protect the peace of the world.

Mr. MONDELL. Is that a question?

Mr. MARTIN of Colorado. That is not a question. At least it ought not to be a question. If it is a question, it is one that ought to answer itself. It is a question that ought to point to the undoubted duty of this Nation to place itself in a position where, if necessary, it would be able to assert itself in favor of the peace of the world. One day during this session our Socialist brother, the gentleman from Milwaukee [Mr. BERGER] made what I thought was a very pat and apt suggestion, and that was that neutrality is a good thing if only you are able to enforce it.

Mr. Chairman, I subscribe most heartily to that proposition. I was one of the thirty-odd Members on this side of the House who voted for two battleships in each of the two naval appropriation bills in the Sixty-first Congress, and I regret very much that the pending naval appropriation bill does not make similar provision. [Applause.]

While I represent the State which above all others in the Union is secure from foreign attack or invasion, I take some pride in the fact that I am as much in favor of an adequate Navy as any Member of this body who represents a seacoast district. I take some pride in the fact that I am a big-Navy Democrat; not a big Navy as a threat and menace against the peace of the world, but a big Navy as a guaranty of the peace of the world; and that I understand and believe to be, in this time of striving for naval supremacy, the true need and the highest mission of an adequate American Navy.

As I have listened to the objections of gentlemen to continuing for a time longer, at least, our present naval program, it has seemed to me that they looked at this question, both in its larger and in its smaller aspects, with an entirely too limited vision. It seems to me, as I have listened to some gentlemen, that the chief question at issue is whether the Navy is built up around battleships or coal barges. Which is the unit of a navy? I have never heard that a naval engagement ever turned upon the auxiliaries. I have never heard that a naval engagement hinged upon transports and colliers, or even submarines and destroyers. In the great decisive naval battle between China and Japan, in the decisive battle between Japan and Russia, and in the two great naval battles between the United States and Spain, I did not hear anything about auxiliaries. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. There is no use asking for five minutes more. A man could not undertake to discuss this subject in five minutes. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I did not hear about auxiliaries in the China Sea, or the Japan Sea, or Manila Bay, or Santiago, or even in the present war between Italy and Turkey. I did not read about any auxiliary fleet convoying and supporting the *Oregon* in its great historic cruise around the Horn. I do not understand such a fleet could make such a cruise. But I do not say that all these auxiliaries are not necessary to the naval power which would keep abreast of

the naval equipment of other countries. I simply say that these factors, in which the American Navy is said to be deficient, are minor. As for transports and colliers, we have 300 vessels in the coastwise trade which could be seized and impressed into the defense of the country should occasion require.

But it is objected that the Navy is badly balanced because of the disparity between fighting ships and auxiliaries. A more practical and analytical way of stating the proposition would be to ask whether we have too many battleships or too few auxiliaries. If we had sufficient auxiliaries for the present number of battleships, would the Navy be too large? If no, then we should continue the present rate of increase in battleships, thus maintaining our front while bringing up our rear. If yes, then we ought to reasonably curtail the battleship program, not stop it altogether. It is all right to balance the Navy, but it is a matter of vital importance whether it is balanced up or down.

But it is further argued that our ships become quickly obsolete. My reply to this is twofold. First, they do not become obsolete any more quickly than the vessels of other nations; and second, the same objection would apply with even more force to such novel factors in naval warfare as submarines and torpedo-boat destroyers. If, as has been argued by gentlemen on this side of the House, we are to await the development of the best type of battleship, then let us await the development of the best type of submarine and destroyer. What is the use of building a lot of submarines and destroyers that may be obsolete to-morrow? And how will we know the best type when it comes? The truth is, to state these objections is to answer them. They are so feeble they fall of their own weight.

The same may be said of the proposition that we want a defensive, not an aggressive, Navy. I confess, perhaps because it is that I am so dense, that I can no more distinguish between a defensive and an aggressive navy than I can between good trusts and bad trusts. According to my way of reasoning, a navy is either adequate or inadequate, measured by the power and the responsibility of the nation.

I can conceive of no other practicable test. This is one case where, in my judgment, a half loaf is not better than no bread. A weak Navy would provoke, not prevent, trouble. Either we should have and maintain a first-class Navy or none. It takes two years to build a modern fighting ship and so long to build a modern Navy that you must keep building. When you want a Navy you want it badly and at once. One naval battle decided the war between China and Japan, one naval battle decided the war between Russia and Japan, two naval battles decided the war between the United States and Spain. In these four engagements, three navies were destroyed and their countries humbled and driven from power for decades; and unless the human race has suddenly lost the instinct of the ages, other powers will meet the same fate. Members of this House participated in the greatest civil war of all history. Since then the world has witnessed the terrible Franco-Prussian War, the war between Turkey and Greece, the war between England and the Transvaal, the war between China and Japan, the war between Japan and Russia, the war between the United States and Spain; so that, within the memories of yet vigorous and active men, every great nation of the world—England, the United States, Germany, France, Spain, Russia, Italy, Turkey, China, Japan, all of them—have been involved in war. Shall we see no more terrible wars? To ask this question in the light of history and of the racial instinct is to answer it.

And it is agreed that these future wars, and particularly so far as this country is concerned, will be determined upon the seas.

This fact ought to determine us, so far as our own welfare is concerned, upon the character of our naval policy. But, above this, standing here as the dominant and responsible power of one-half of the world, our duties and liabilities in the Western Hemisphere are vast and growing, and we must be in a position to meet them.

But, above this, we owe a duty to the whole world. We can not sit idly by and see other nations go on in a mad race to build up great navies with which to threaten the peace without being in a position to assert ourselves in behalf of the peace of the world. Our Navy is to-day steaming toward Cuba, not to intervene, but by the possibility and ability to intervene to restore peace. Does this smaller lesson convey to gentlemen no suggestion of the possibilities of its reproduction upon a far larger scale? This is what I mean, and the latter ideas I have been expressing are what I had in mind when I stated at the outset that I feared gentlemen viewed this question with a too limited vision.

Mr. Chairman, I am for an adequate Navy, as promised by the Democratic national platform, and I want to say in conclusion that no political party can afford to incur the distrust of the country with reference to the national defense. The national sense of honor is a tinder box, needing only the spark of danger to explode it, and the Nation will cry with one voice, "Are we ready?" and if we are not ready, then God help the party or the policy responsible for lack of readiness. The people will not.

Mr. NYE. Mr. Chairman, this Nation ought to have a great and high ambition, and to my mind the field of that ambition is to exert its influence toward the establishment of the world's universal peace. [Applause.]

No longer I hope will the leading minds of this great Republic be moved by an ambition, to show to the world a great Navy strutting and posing, with its cruel guns, bellowing a message of brutality and death to mankind in this civilized age.

We are told that we must stand for a Navy if we would be popular. The trouble with our House of Representatives, and the trouble with our politics, and our parties, to-day is the effort to be popular. [Applause.] The lessons of history tell us that no great hero of the past, or great man of the past, was in his day very popular. The advocates of new truth, the pioneers of justice and right, ever since the dawn of history, have not had the crowd with them. The world has waited and built their monuments centuries after they were dust. They were outcasts while they lived. They were unpopular. If our motto is always to be to vote for and support only that which is popular, the days of the Republic are numbered.

I am ready and willing to talk about something else besides popularity in these days. It is not safe for us to enshrine our heroes until they are dead and a long time dead. If there is one lesson the American people ought to learn it is not to worship individuals, but to reverence principles, to enshrine our ideals rather than men, and march forward toward the realization of those ideals of right and justice and peace. [Applause.]

We are always told that the way to have peace is to prepare for war. No long-standing proverb or saying has less sense or less logic. I assert that the way to prepare for peace is to be peaceful. [Applause.] How are we going to have peace? If we have passed the youth day of bombast and swagger as a nation, then let us stand on the rock of faith and trust to that which is best in men and in other nations as well as ourselves, and we shall have no war. The way to have peace, Mr. Chairman, is to have faith in peace [applause] and to quit the popular hurrah for navies that has so long moved men and nations to the sensational and spectacular. Human reason is always swept from its throne by the spectacular, but we face a new day and, I trust, a new era.

I want to say this in passing, that I have not any faith in "peace," if it is not to cost us something.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

There was no objection.

Mr. NYE. Mr. Chairman, the individual who avoids brutal contest and physical battle, sometimes at the cost of a little suffering, learns that it pays a bigger dividend than anything else. The greatest teacher whoever stepped upon this grain of sand has taught us that it is better to suffer wrong than to do wrong. I am not so afraid of our national pride, and all that sort of thing, that I would not be willing as an American citizen, honoring my flag, I trust, as well as any man in the Nation, that I would not be willing that we pay our share of the cost of an enduring peace among the nations of the world. [Applause.]

That which is worth the most to mankind ought to cost something and as a Nation we should be willing to pay it. I will admit I am tired of the talk of peace that seems to mean nothing. We talk peace and prepare for war. We boast that we are a peace-loving people and proceed to build large navies. This Nation made the greatest mistake in all the centuries when it voted to fortify the Panama Canal. [Applause.] It stood at the pivotal moment when it could have shown that its trust and confidence was in the good will of men and not in the disposition to fight. Yes, we talk peace and then we get ready for war. The time is coming when the manhood and character of this Nation will spurn this spirit of resentment, of war, just as civilized people to-day can only have a good standing in the world by going into court rather than by putting a chip on their shoulders and going out to slug somebody.

On what principle is it that civilized men settle their differences in courts of justice? On that same principle civilized

nations may settle their disputes without resort to force. Slowly it may be, but surely we are outgrowing the degrading brutalities of the past and asserting a higher freedom and nobler national dignity. Our true defense is moral. Our armor is the virtue and patriotism of a great people, and our real scepter is our love of peace.

I do not know but that I will vote for one battleship. I have voted for one heretofore. I have done it reluctantly, and I am frank to say that I believe you are nearer right over there than we are. [Applause on the Democratic side.]

The Navy is not symmetrical. As the gentleman from Texas [Mr. GREGG] said in his address the other day, it is top-heavy. Yes, it is top-heavy and it is show heavy. Has not the time come, Mr. Chairman and gentlemen, for us to show the world that we mean in good faith to maintain that peace which, though it may cost us, as well as other nations, something, will be a blessing to all men?

What we need in this day and age of ours is faith, faith not only in the possibility of peace, but in the practicability of peace. [Applause.] Right may be radical, but it is always practical. Only small minds shrink from it and say: "At a more convenient season I will call for thee."

I think the position of the present Executive on this subject reflects high honor upon the Nation and makes his administration worthy of a place in the centuries, because it is a step toward the world's final peace. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. WILDER. Mr. Chairman, I have listened to three men almost in succession talking against the amendment of the gentleman from Missouri. It seems to me, however, there ought to be some golden mean that we might strike on this subject between the somewhat ambitious program suggested by the distinguished gentleman from Alabama and the do-nothing policy of his party caucus. It seems as if in these days the pendulum was inclined to swing extremely to one side or extremely to the other, as if we have arrived at a time when a sane proposition would scarcely receive the attention of anyone. One has said that in order to be peaceful we should act in a peaceful manner. About everything I have heard said on this subject indicates to me that there is a lack of practical relation and application between our naval affairs and our Army affairs. An army can be built up in a very short order, but not so with a navy. Suppose when Japan started in her recent war that ended with the sinking of Rojestvensky's ships in the Japan Sea she had not been able to go in a harbor in Korea and sink a couple of Chinese ships to start with. Suppose Dewey had not been able to take his swing in Manila Bay and sink every one of Montejo's ships without a single loss of life. Suppose Sampson or Schley, whichever one it was who did the fighting at Santiago, had had no ships with which to meet and sink Cervera's ships. I might go on indicating suggestions of this sort to quite some extent. As I have said before, armies may be raised in short order, but not so with ships. We come down to the Spanish-American War, and we put $50,000,000 at the free use of the President of these United States—enough money to build five battleships such as contemplated at the present time. The result of that war went into the hundreds of millions before we were done with it. Of what moment is the cost of few or many ships compared with the need at such times? A warship means about 10 cents apiece of the entire inhabitants of this great Nation. Two mean 20 cents apiece, and it will not be paid by the very poor, but more of it will be paid by the others; but that is the average.

Another has said that we should have a Navy and Army somewhat commensurate with the great importance and wealth and power of this country, and in the same argument he rather reluctantly indicated that he might stand for one more ship and wished there might not be any. I wish there might be two. It is an incidental proposition when the insurance of this country is contemplated, when the well-being of this country with all its immense wealth is contemplated. I will doff my hat to no one in my desire for peace, but what good does it do to propose peace when the navies of some other nations are threatening our peace? That is exactly the condition in which the other nations of the earth want us. Who are we standing for? Are we standing for ourselves or other nations of the earth? It seems to me that the most common kind of prudence requires that we provide our national armament in advance for those things which we can not prepare in a moment, and that fact is essentially true in reference to the Navy; but this is not necessarily so or in such a manner the fact in reference to our Army. It is notorious that our Volunteer Army—that is, the men who come from the State militias, or even the farms or factories and otherwise—do substantially as good service as the service of the Regular Army. But what are we to do for ships? Are they to be brought from the farms? Are they to be grown on the farms? No; they must be prepared beforehand. [Applause.]

Mr. CANNON. Mr. Chairman, I have listened with much interest to speeches that have been made on each side of the House for peace, the prophecies of the millennium, and all that kind of thing. After all, I do not believe in the millennium. If we want complete rest, I trust we will get it after we cross over, because we are to be changed in the twinkling of an eye. But if there was an absolute millennium on earth, and the human family had complete rest, we would go back to barbarism. So I am not in favor of the millennium as long as we remain as we are. The human animal is a virile one. What is true of individuals is true of nations. Gentlemen, the oldest civilization is in China, with her 400,000,000 of people. The German, the English, and the French zones divide up their influence in China; and it is only because of the leadership of William McKinley and those who succeeded him that we at last have the open door in China, that otherwise would have been closed if it were not for the United States—Japan coming in as a factor with Great Britain. Mr. Chairman, if the nations of the world would let the Chinese alone, they would conquer the world by their patience and industry. We do not do it. We shut them out because we can not compete with them. They have no navy. They are a peaceful people. And yet they come and go and submit to the will of little Japan and all the other nations.

Now, the United States—and I confess it—is the greatest nation on earth—almost the greatest in population and every other respect. What are our burdens? What are our duties? They are to preserve the Government of the people first, to care for the greatest coast line of any nation on earth, to protect production at home and commerce among ourselves and with foreign nations, and to support the Monroe doctrine.

Mr. Chairman, would gentlemen reject the Monroe doctrine? It is a matter of serious consideration and, perhaps, discussion as to whether there ought to have been a Monroe doctrine; but we have it, and if you propose to abandon it the multiplied millions, amounting to the whole population, would rise up and say "no."

I want to be practical. We have these burdens. We are building the Panama Canal. We have, with a very small per cent of our production, the greatest foreign trade of any nation on earth. They do not want our trade? Oh, no. They would not take our trade if they could get it. Mr. Chairman, I met a missionary on my way home a few days ago who is located in far-away Tibet—a very intelligent man, attached to the missionary corps. He told me about the Chinese. He was in that part of Tibet that now belongs to China. I said, "How about the opium trade?" He replied, "China never wanted opium. It was forced on her." I said, "At last we have agreed it shall not be forced on her longer." He said, "The opium-producing colonies of Great Britain were so languishing in their production on account of the loss of the Chinese market that the British merchant was demanding that the exclusion of the opium policy should be abandoned." I said, "Do you think there is any danger of it?" He said, "I do." I replied, "Why, she is a great Christian nation and the mother nation of this country." "Yes," said he, "it is a great nation and it is the mother country, but for all that and with her trade and with her power she wants markets."

Mr. Chairman, suppose we sit down and inaugurate in the United States the millennium, I will say to the gentleman from Minnesota [Mr. NYE]. It would no sooner be inaugurated than this most promising market in the world would be divided up into zones of influence, as China is now divided by the virile nations of the world. Ah, you say, but they can not conquer us. We are bigger, without arms and without training and without a navy, than all the balance of the world. Great thunders of the Fourth of July, they dare not tread upon us! [Laughter and applause.]

Well, now, I believe in a reasonable Navy, not the equal of Great Britain, but——

Mr. CLINE. Would the gentleman make as the basis of our Navy our coast line?

Mr. CANNON. Coast lines are a valuable adjunct. Why, that coast line has enough tonnage and enough commerce to make it the principal factor in building up and sustaining the great shipyards in this country. Without that patronage they would go into decay.

The CHAIRMAN (Mr. MCKELLAR). The time of the gentleman has expired.

Mr. BUTLER. Will the gentleman require 10 minutes?

Mr. CANNON. Oh, no; only five minutes. I should be modest about asking for time.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. CANNON] be allowed to continue his remarks for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. Mr. Chairman, if the gentleman will permit me just a moment, I desire to say that at the conclusion of the gentleman's five minutes the gentleman from Illinois [Mr. FOWLER] desires five minutes, and I shall then move to close debate.

Mr. KAHN. Mr. Chairman, I hope the gentleman will not insist upon that. I should like to have five minutes on this question.

Mr. PADGETT. Then I will include five minutes to the gentleman from California. I now move, Mr. Chairman, that debate close at 2 o'clock. It is now 25 minutes after 1. I have allowed a great deal of leeway already.

Mr. CANNON. Now, Mr. Chairman, I hope I am conservative. I hope I do not desire to see our country engaged in war. I hope we may have continuing peace. But as to that prophecy about pruning hooks and swords—I believe it originated with Isaiah—bless my soul, I believe it is farther off now than when it was uttered over there in little Palestine.

Do you say, "Are we going to abandon progress?" No; by no manner of means. But I say there is no great nation, in my judgment, save alone the United States, that is not increasing its armament. We have got so much room to expand in, growing from ninety millions to four hundred millions, so much room upon this continent that we are not crowded now, and will not be perhaps for the next hundred years, for a breathing space. But all the other great nations of the earth are increasing their armament. What for? For trade, for commerce. Why? Because without the trade and without the commerce they believe that their people could not be employed. That is the reason why. Ah, England was willing to quit building if Germany would quit building. But Germany would not.

Now, all I want to do, inasmuch as it takes three years plus to build a battleship, is to have at least two battleships all the while in process of construction to take the place of the two or more ships that will be antiquated. [Applause.] That is all I want. Why, the *Oregon*, whose trip around the Horn caused the construction of the Panama Canal, is now practically old junk, and there are many others like it. Naval architecture progresses.

People prophesy that the aeroplane is to be the great war force or war weapon of the future. Perhaps so. But we can not afford to sit down and see the world develop the aeroplane. We can not afford to see them monopolize the high explosives and the higher explosives. We have got to keep step. It is insurance. It is the best insurance. By keeping step with the weapons with which to preserve peace we insure peace, I trust, without war.

It has been said that we have ever presented a vigorous manhood. But I do not care how vigorous is the manhood of one man or ten thousand, if you will send them up against one man or ten thousand armed with a repeating rifle that loads in the cartridge and will bring down 15 or 20 victims and then load again in less than 30 seconds, the one would almost put the unarmed ten thousand to flight under such conditions. I shall vote for two battleships, and do it heartily. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, the distinguished gentleman from Illinois [Mr. CANNON], the ex-Speaker of this House, who has just taken his seat, has voiced the sentiment of a certain school of political economists in this country whose teachings are based upon the doctrine that our future greatness depends upon the size and strength of our standing armies and threatening navies. I am truly glad to know that there is another and better school of political economy abroad in our land, based upon that immortal doctrine enunciated by our Savior more than two thousand years ago: "On earth peace, good will toward men." I stand for this doctrine to-day and invite you to accept it as our national policy instead of that offered by our distinguished ex-Speaker. While his tenure of office in this House has been long and his political sagacity is great, yet his doctrine had its origin in barbarism and blood and found its greatest supporters in paganism and polygamy. It stands to-day for force and murder and is a living menace to our intellectual and moral growth and to the prosperity and happiness of mankind. Its best boast is slavery, torture, and death, and the brightest page of its history is the blood of 15,000,000,000 men, women, and children. What a fitting tribute Gen. Sherman paid to it when he said, "War is hell." [Applause.]

On the other hand, Mr. Chairman, the doctrine of peace had its origin in love and liberty. It stands for the rights of men, wherever they be, rich or poor, high or low, and against the shedding of human blood. Its greatest weapon is, "Do unto others as you would have them do unto you." It is supported by the best religion the world ever knew, with an instinct of a happier life in a better world. The brightest page of its history is the saving of the souls of men from the sins of the world. Then, in the language of our greatest modern soldier, "Let us have peace."

Mr. Chairman, the policy of this Nation has always been for peace. Our forefathers left kindred and homes of plenty across the sea to satisfy their longings for peace of conscience and peace of state and pitched their tents in an unknown land where the flash of sabers had never been seen and the roar of cannons had never been heard. A mere handful of men and women with the Bible in their hands and the love of God and liberty in their hearts, in the midst of wild beast and savage men, established a new civilization and surrounded it by schoolhouses and church houses as its wall of defense. Acting under the inspiration of this national policy, the seed of these God-fearing men and women has developed and multiplied until to-day we stand first in power and influence among the nations of the world, while other countries, with a national policy of force and murder, have dwindled in national importance and lost much of their former prestige. The sturdy manhood of our citizenship has always been equal to the emergency, and whenever our peace has been threatened by insurrection at home or invasion by enemies from abroad it has furnished us with the volunteer soldier—the best soldier the world ever knew—and being armed with right, we have always been thrice armed for victory. On all occasions, whenever forced to fight, America, without a strong navy and a large standing army, has always maintained herself both on land and on sea, and in every contest in which she has been called to measure her metal she has acquitted herself most nobly. [Applause.] What she has done in the past she is able to do in the future.

At the court of The Hague its representatives talk of world-wide peace and spread this news to the four corners of the earth, and yet the great nations of the world are running mad in trying to outstrip each other in the size and strength of their navies. At the same time they are annually appropriating large sums of money to experiment in the construction of successful flying machines, with the hope of arming them with skyrockets to be dropped down like flaming meteors from heaven to destroy these mighty fleets. [Applause.]

And yet, Mr. Chairman, in the face of all this madness, I am sorry to say, we have men here on the floor of this House contending that we should appropriate from $30,000,000 to $40,000,000 annually for the purpose of constructing great seagoing hounds, surpassing in viciousness, if possible, Dante's hell hounds, to keep up an eternal yelping the world around. [Applause.]

Mr. Chairman, the time has come when some great power should propose to the nations of the world the dismantling of battleships and their elimination from the high seas as a means of settling international disputes. It is to the great discredit of the world that such disputes have hitherto been settled by the arbitrament of battle. The wonderful progress of mankind demands a more peaceable method of adjustment, and to continue a policy of blood and bluster is to oppose the advancement of the times. The statesmanship of to-day ought to be clothed in the garments of the progress of the times and no fourteenth-century statesmanship policy should be contemplated for America. In the light of our present advancement and our peculiar fitness for leadership among nations I feel that we should be first to propose this great reformation, and to show our good faith in the wisdom of such a national policy let us stop building for terror and trouble and let all of our works be for peace and progress. Let us propose to the representatives at The Hague that they prepare an international arbitration treaty at their next meeting for the adjustment of all international controversies, to be submitted to the civilized powers of the world for their ratification, the same to become effective between the countries so ratifying on and after such ratification. Our Constitution was drafted and adopted on this plan. Such a treaty would be worth more to the peace and advancement of mankind than all the battleships which could be constructed at the present rate of building in the entire world for the next century to come. There is no reason for a strong standing navy unless it be for the purpose of carrying on war. [Applause.]

The preachers in the pulpit plead for universal peace, the newspapers and magazines of the world daily fill their columns with reasons and plans for it, the statesmen in their council chambers throughout the civilized countries talk in favor of it, but annually construct against it.

The rulers of nations exchange diplomatic papers concerning it and lead the people to believe that they are about ready to adopt it, but at the same time they go ahead with the construction of new monsters of the deep, with greater speed and greater destructive powers. It will never be accomplished until some great power formulates a plan for it and has the moral courage to carry it out. A nation is not necessarily prepared for war because she has a large standing army and a big navy. We whipped Great Britain in two wars, one on land and the other on the sea, and yet we had no standing army for the one (Revolutionary War) and but a small navy for the other (War of 1812). The cause of right was with us in both of them and undoubtedly gave us an overshadowing advantage which resulted in our victories.

Mr. Chairman, the world is practically at peace to-day, but there never has been such a scramble among nations for big fleets and improved engines of death as is going on now. I am forcibly reminded of a story I once heard of a camel on coming in the presence of a wild boar that was busily engaged in whetting his tusks on the root of a tree, had his curiosity so aroused that he inquired of him, "What are you doing, sir?" Whereupon the boar replied, "I am preparing for war in time of peace." The wild-boar policy is what our ex-Speaker and his school of statesmen are advocating for America. Philosophers often peer into the misty future and foretell coming events, thereby giving the people an opportunity to escape disaster. Noah built the ark long before the flood, yet it was the means of perpetuating both human and animal life and the species thereof. Joseph was sold into Egyptian bondage by his envious brothers, but his preparation for the seven years of famine was the means of saving the lives of his cruel brothers. It is a most noble mission to prepare in advance for future happiness and prosperity, but no one can justify preparation for human slaughter and human destruction. The wild-boar policy originated in the dens of the devil. The Bible teaches us that on a certain occasion Jesus found a certain man possessed of many devils, and after casting them out they entered a herd of swine, and the entire herd ran into the sea and were drowned. Whether the wild boar escaped and is at large as a missionary of the devil I am not prepared to say, but it is quite evident that his doctrine is not in harmony with doctrine of peace and the golden rule and ought not to be accepted by any civilized power. Our greatest war is our war against war, and we ought to wage this war so unrelentingly in every clime until we prevent wars.

Mr. Chairman, we have not yet taken into consideration the question of our new possessions—Hawaii, Philippine Islands, Guam, Porto Rico, the Panama Canal, and the Canal Zone. Many of our citizens and some Members of this House believe that a strong navy is necessary in order to properly protect these possessions and discharge our duty to other nations whose citizens are interested therein. Members of Congress plan for the government of the Philippine Islands as though they were permanent property of ours. Capital is flocking there for investment and trying to gobble up the valuable parts of these rich islands in order, as I take it, that our permanent possession may be made possible. I am not in sympathy with this policy. America should retain the permanent possession of territory which may become States of this Union ultimately, and all property within our possession which is not so intended should be handled by us as a protectorate until a republican form of government can be established, with the view of ultimate independence for such territory. This ought to be our policy with the Philippine Islands, for it is evident that they can never become States of our Union. They are too far away and too far south. Their people are not Caucasian, and hence not desirable as part and parcel of this country. While they are intelligent and able in business and government, yet their environments and their social status is so at variance with our customs and institutions that they can never be amalgamated with us. Our other possessions are so close to us that we do not need a big navy for their protection. There can be no excuse, Mr. Chairman, for a strong navy in America unless it is to perpetuate a colonial policy. [Applause.]

It may be that America will embark upon this dangerous program, but if she does she has the history of the world against her. I have no doubt but that we have men in this Chamber who would gladly see her adopt such a policy, but even the thought of its possibility makes me tremble for the safety of my country. It is a trait of human character that we do not like to keep costly things just to look at. We are anxious to put them into use, if for no other reason, just to see how they work.

The same thing is true of nations. Large standing armies and big navies are highly expensive, and if a nation has been at great expense to maintain these luxuries, in the course of time she becomes anxious to try them to see how they work, and might pick quarrels on trivial matters as an excuse to declare war for conquest. It is the history of the world that all republics which have taken on a colonial policy have ruled their colonies ruthlessly and, in many instances, cruelly, thereby engendering hatred among the subjects against the mother country, which has invariably resulted in rebellion and the loss of liberty. Ancient Venice, Genoa, Athens, Pisa, Carthage, Syracuse, Rome, Holland, and republican France all tell the same sad story. They not only lost their colonies, but they lost their own liberties. Mr. Lincoln said that no man is good enough or wise enough to rule another without his consent. The same is true of nations. No country is good enough or wise enough to rule another country without the consent of the people of that country. With the fate of both the ancient and modern republics which have adopted a colonial policy staring us in the face, who will declare for a colonial policy for America? As the lurking magazine lieth in watery ambush to blow unsuspecting fleets into fragments, so lieth the colony of a republic to blow her ship of state into kindling wood. Beware of a colony for our Republic, my countrymen, oh, beware! [Applause.] A few days ago the House adopted an amendment to the Post Office appropriation bill for the purpose of stimulating and encouraging the construction of a system of good roads in this country by giving national aid thereto. Were we to expend as much money for this purpose annually as we have been using for the construction of battleships it would not be long until America would have an ideal system of hard roads, and it would add real and substantial happiness and prosperity to our own people. Internal improvements ought to command our best thoughts and our wisest action, for therein lies the greatest hope for the happiness of our people and the perpetuity of this Republic. Let the battleship give place to good roads and internal improvements generally.

Mr. RUCKER of Colorado. Mr. Chairman, since my refulgent light spread itself upon this House, relieving the former Erebus and atmospheric oppression, I regret that I still find there is a dearth in finding out what is done and said upon this floor in matters of so much importance as this. Why, three years ago I made a speech here—a great speech [laughter]—the greatest speech; in fact, the only speech that was made upon the battleship proposition. [Laughter.] If there had been a censor upon the speeches that went into the CONGRESSIONAL RECORD and a historian beside, who would keep account of those things, the subject matter of this debate never would have again occurred, because they may have read my speech. [Laughter.] In fact, I believe some Member having the good of the country at heart should introduce a bill making ineligible for reelection anyone who did not read my speech.

Why, Mr. Chairman, I first offered an amendment to strike out the two battleships in my adolescent period of service. I got 17 votes upon that amendment. The next time it came up, having more influence, I got about 18 votes against the two battleships.

And then you all know that I am a caucus man. [Laughter.] I have been extremely fortunate in the Democratic caucuses, because whenever I have bolted a Democratic caucus they no sooner get back into the House after my vote had been recorded and the fact was known in the Senate and its intelligence was communicated back to the House than it immediately comes over to my side. [Laughter.]

Now, in this matter, contrary to the usual method, I stood by the Democratic caucus decree, and again the Democratic caucus is standing by me. Therefore I take pleasure in casting my vote against the two battleships. [Applause.]

I want to say to you, furthermore, gentlemen, that, notwithstanding you did not read by speech of three years ago, if you had read my speech I delivered yesterday, each and all of you would vote against the battleships for the very reason that battleships have gone out of commission. Aeroplanes and waterplanes have taken their place. I asked the chairman of this committee who these experts were that they called before the committee to determine what was the proper appropriation to make for the development of aeroplanes, and it developed that these men came before this committee before the greatest exploit of the greatest development of the age had been made at Weymouth, England, on the 10th of this month, where it was shown that the aeroplane or, rather, the waterplane, can rise from the deck of a ship without running space; that it can rise from the water; that it can descend upon the water; that it can descend upon the land; and that it can go to a distance of

500 miles without making a landing either upon the land or upon the sea. In such a case, with our immense seacoast and borders, what is the necessity of longer fortifying our coast? Why, gentlemen, it is absolutely senseless, and the fortification of the Panama Canal is so much money thrown away. Gentlemen, do not be so self-centered; for the sake of the country and for your self-respect, please read my speech. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] a few moments ago spoke of the "mad rush for war." I want to ask him whether the people of the United States were not just as ready and just as mad to rush to war after the battleship *Maine* was sunk in Habana Harbor as the most excitable nations on earth? I want to ask him whether it did not require all the skill and ability and energy of the then President of the United States, the lamented McKinley, to hold Congress back from precipitately declaring war against Spain, in order that this country might be at least partially prepared for the then impending conflict?

Mr. Chairman, war comes suddenly. It comes unexpectedly; and it is the experience of the modern world that the more a nation is prepared for war the less the likelihood of that nation becoming involved in war. The highwayman lurking in the shadow of a tree for a likely victim seldom undertakes to attack a strong, powerful individual who might worst him in the fight. He rather looks for a physically weaker brother, one who shows evidence of being more apt to fall at the very beginning of his onslaught. It is even thus with nations. This country stands behind the Monroe doctrine. There is not a man in this House that dare cast his vote against the maintenance of that doctrine. I believe the overwhelming sentiment of this country would be for war if war were necessary to maintain it. If we intend to maintain it, we must have an adequate fleet. Our fleet is the only thing that will stand behind that doctrine. It has nothing behind it in international law. To-day its strength lies largely in the will of the people of the United States.

And what is happening on the American continent to-day? In South America large numbers of settlers from foreign countries are taking up great areas of the rich agricultural and grazing land. I understand that in Brazil alone German colonizing concerns have taken up 8,000 square miles of land. The States of Santa Catharina and Rio Grande do Sul are largely controlled by German companies. The nations are reaching out for the trade of South America. They are sending their immigrants and their settlers there, and these create a market for the products of the mother country. No one can tell what complications may arise as the result of this colonization. We have nothing but the tacit consent of European countries to our maintenance of the Monroe doctrine. I do not believe that a single power in all Europe has ever acknowledged acquiescence in the doctrine in writing. Indeed the soundness of our position has been attacked occasionally in recent years in various European periodicals. A sharp attack on the Monroe doctrine appeared in a recent number of a leading German review—the Grenzhotel—and the National Zeitung, commenting on that attack, urges the Fatherland to examine closely whether things resting on such shallow legal and historical foundations as the Monroe doctrine need be tolerated, or whether, at the bottom, they are not merely American arrogance which requires sharp and decisive opposition.

Admiral Mahan, in an article published in the New York Times on the 24th of this month, says that twice recently, once from Canada and once from an English source in China, has come a suggestion that the present feeling of Germany against Great Britain might be placated by Great Britain repudiating the Monroe doctrine. Personally I have no reason to believe there is anything in the suggestion to cause alarm. But the game of world politics is an absorbing one. Combinations and alliances are ofttimes made between world powers that are startling in their effect upon world policies. We are an isolated nation. Many of our statesmen have strenuously contended that therein lies our strength. But in my opinion that very isolation demands of us the construction and maintenance of a most powerful Navy, especially if we expect to continue our championship of the Monroe doctrine.

Mr. Chairman, the gentleman from Illinois [Mr. CANNON] well stated the case of the oldest nation in the world, China. The Celestial Empire has been bullied by every little nation that wanted a slice of her territory. She has had to suffer indignities, she has had to concede "spheres of influence" to the land-grabbing countries of the world. Why? Because she has neither an adequate army or navy to defend herself.

Does anyone believe that China, with her teeming millions, would be a prey to the rapacity of European nations for territorial aggrandizement if she were adequately prepared to defend her rights? Why, of course not.

Man is a fighting animal. There is no use trying to deceive ourselves. I agree with the gentleman from Illinois [Mr. CANNON] that the millenium has not yet come. The fighting instinct seems to be inborn. Deprecate the fact as we may, we see that instinct manifested in the fights among schoolboys. As we reach maturer years the instinct is outgrown by most of us. And yet in many cases it is only latent, and it frequently asserts itself upon slight provocation even among adults. The gentleman from Virginia [Mr. SAUNDERS] speaks of settling cases in court. True, the great majority of men take their differences into the courts and cheerfully abide by the judges' decisions. But some men still resort to murder in settling their disputes. Men are still shot down by such of our countrymen who refuse to submit their causes to peaceful arbitration. And while I am as strong an advocate of peace as any Member on this floor, I am nevertheless of the opinion that many questions between nations will continue to be settled by the arbitrament of war. It will be many generations before we can settle everything in the courts.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I have only five minutes. I yield, however, to the gentleman from Missouri.

Mr. BARTHOLDT. I merely wish to say that the Monroe doctrine is recognized by nearly all the nations of the earth, and certainly has not been invented for the purpose of keeping up militarism in the United States.

Mr. KAHN. Oh, there is no question about the fact as to why the Monroe doctrine was enunciated.

Mr. BARTHOLDT. And another thing——

Mr. KAHN. I can not yield any further. As a matter of fact, the Monroe doctrine was announced at the time when the Spanish-American colonies were throwing off the yoke of the mother country and were assuming their stations as American Republics. It was enunciated because President Monroe at that time believed that no foreign power ought to be allowed to take land forcibly on the American continent. He undoubtedly voiced the sentiment of his period. We had but a few years before concluded our second war with Great Britain. Our Navy played a glorious part in the settlement of that war. There was no question as to its ability to cope with the navies of the other world powers of that epoch. And in announcing his famous doctrine, President Monroe undoubtedly believed that the prestige won by the American Navy in the War of 1812, and the heroism manifested by our naval commanders and sailors in the war against Algeria, Tunis, and Tripoli in 1815 were but an earnest of a strong and powerful Navy for all time to come.

Mr. Chairman, it has been well said that "battleships are cheaper than battles." I firmly believe in that declaration, and so believing, I heartily advocate the amendment of the gentleman from Massachusetts [Mr. ROBERTS] for the construction of two battleships at this time. [Applause.]

Mr. PADGETT. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

Mr. McCALL. Will not the gentleman agree to prolong the agony for just two minutes? [Cries of "Vote."]

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate on the paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT] to the amendment proposed by the gentleman from Massachusetts [Mr. ROBERTS]. Without objection the amendment to the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment to the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken; and on a division (demanded by Mr. ROBERTS) there were—ayes 60, noes 87.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ROBERTS of Massachusetts and Mr. PADGETT were appointed tellers.

The committee again divided; and the tellers reported—ayes 80, noes 125.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Two fuel ships to cost, exclusive of armor and armament, not to exceed $1,140,000 each.

Mr. CONRY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. GOOD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. PADGETT. Mr. Chairman, it is not worth while to report the amendment until the point of order is disposed of.

The CHAIRMAN. That is true. The amendment is not in order pending the disposition of the point of order.

Mr. GOOD. Mr. Chairman, as I understand it, last year we made an appropriation for two fleet colliers at this point in the bill. As I understand it, these are unauthorized unless they are colliers.

Mr. PADGETT. Mr. Chairman, these are colliers. We are calling them fuel ships, because the last battleships are being constructed to run with oil instead of coal, and the department desires some of the colliers equipped to carry oil as well as coal, so that to designate them that they may not be confused with the exclusive coal-carrying colliers we designate them as fuel ships.

Mr. GOOD. Then they are to take the place of ones we appropriated for last year, except that they have an equipment for oil?

Mr. PADGETT. Yes.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

After the word "each," on page 63, line 13, insert the following proviso:

"*Provided*, That no part of the appropriation shall be expended for the construction of any such ships by any person, firm, or corporation which has not, at the time of the commencement and construction of such vessels, established an 8-hour work day for all employees, laborers, and mechanics engaged on or to be engaged in the construction of the vessels named herein."

Mr. PADGETT. Mr. Chairman, this is the same amendment, in substance, that was offered heretofore that has been passed over. I ask unanimous consent that it remain in abeyance until we reach line 20, on the next page, page 64, when we will take up the matter of general legislation, and if we do not agree on anything we will return and dispose of this.

Mr. CONRY. Well, on the condition that it remains pending.

Mr. PADGETT. That it remains pending, just as the others.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be considered as pending and be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 13, after the word "each" strike out the period and insert a comma and insert the words "which shall be built in a navy yard."

Mr. PADGETT. Mr. Chairman, as the other amendment provides that it should come in after the word "each" it will not come at that place if the other is adopted and the character of the amendment at this time not being either a substitute or an amendment to this amendment it would not come in unless the gentleman from New York consents that this one come in ahead of his.

Mr. BUCHANAN. Mr. Chairman, I desire to offer that as a substitute for the other amendment.

The CHAIRMAN. The Chair will state to the gentleman that the other amendment has been passed over informally.

Mr. FITZGERALD. Mr. Chairman, I suggest that by unanimous consent the gentleman from New York be given the privilege of withdrawing his amendment to be offered at the conclusion of the bill if he desires.

Mr. PADGETT. At this point?

Mr. FITZGERALD. Yes.

Mr. PADGETT. That is all right; I have no objection to that.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from New York be permitted to withdraw his amendment and have the right to return to this portion of the bill and reoffer it after that section of the bill if he so desires.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his colleague be permitted to withdraw his amendment for the present with the privilege after the consideration of the bill has been concluded of recurring to this paragraph for the purpose of reoffering this amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, I desire to discuss the amendment I have offered.

Mr. PADGETT. Mr. Chairman, has the amendment been reported?

The CHAIRMAN. It has.

Mr. BUCHANAN. Mr. Chairman, the experience of the Government in building its own war vessels, auxiliaries, and so forth, has been of great advantage not only to the Government but to the men who are employed in that class of work. It has reduced the contract price paid to the private-contract shipyards. It is admitted by all of those who know about the conditions that the men are securing better conditions, and also that we are getting a better class of work done when these vessels are constructed in the Government shipyards, and therefore I hope that the amendment which I have offered will be agreed to.

Mr. PADGETT. Mr. Chairman, this amendment provides that these ships are to be built in a navy yard and not elsewhere. It is a plain and simple question. We have had a number of illustrations with reference to it. The *Florida* and the *Utah* were duplicate ships, sister ships. One was built in a navy yard at a cost of $6,200,000, not counting $500,000 of overhead charges, which, if you add the overhead charges, would amount to $6,700,000. The other ship, the *Utah*, was built by contract at $4,020,000. There was another instance where we built the *Prometheus* and the *Vestal*, two colliers, that cost us in a navy yard $1,150,000 in round numbers and in private yards, by contract, we could produce the ships for $890,000.

Mr. CANNON. How much was the first?

Mr. PADGETT. The colliers, a million and a half in round numbers.

Mr. CANNON. And in private yards?

Mr. PADGETT. Eight hundred and ninety thousand dollars in private yards. Now, with this simple statement, I do not care to argue this question. If the House sees fit to place this limitation upon it——

Mr. HENSLEY. Will the gentleman yield?

Mr. PADGETT. In a moment. And requires them to be built in a navy yard, you must realize that we must increase the appropriations to pay for them.

Mr. HENSLEY. Will the gentleman from Tennessee give any reason why this great difference? Why should there be such a difference as this?

Mr. PADGETT. Yes; there are several reasons. One of the reasons is that the navy yard pays higher wages. Another reason is that the navy yard employees get about 28½ days of holiday with pay during the year; and then, I think, with the lack of business organization and utilizing to the best advantage, the labor employed in the navy yard is not adequate to that in private yards under private management.

All of these things contribute to the cost. Now, it is a plain, simple question, and I am not going to take up the time with it. A few weeks ago I had a conversation with a labor leader that to me was very illustrative. He came into my room and said he wanted to urge that we should build one of the battleships in the navy yard compulsorily. I said to him that I could not take that position, that it was a question of labor and that labor was employed wherever it is built—whether in the private yard or in the navy yard the labor is employed and paid. He said, "Yes, that is so; but in the navy yards we get much better pay and we get holidays with pay and leaves, and so forth." I said to him, "If that is true, why is it that the employees in the navy yards are always complaining of their wages and demanding of us that we shall increase them?" Then it was he made the reply, "If we do not

make complaints and keep up a fuss about our wages they may be reduced." I said to him, "Do you think as a patriotic citizen that is the way to deal with your Government?"

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. MARTIN of South Dakota. In the incident that the gentleman cited to the committee, where the battleship and collier were made in private yards, were they made under the eight-hour system?

Mr. PADGETT. No, sir. The outside contracts were made, as I understand it, on a nine-hour basis.

Mr. MAHER. What is the difference in the construction of the *Louisiana* and the *Connecticut?*

Mr. PADGETT. There has always been a dispute over that, but not a very great difference, I think.

Mr. MAHER. Do you know what the difference is?

Mr. PADGETT. I do not remember the exact figures. I have not looked into it of late years.

Mr. MAHER. I think the facts will show that there is no difference whatever.

Mr. PADGETT. There is some difference. The navy yard is greater—about 4 per cent.

Mr. CANNON. Will the gentleman allow me?

Mr. PADGETT. The *Louisiana* cost $7,426,000 and the *Connecticut* cost $7,911,000; something like $500,000 difference in the cost. Repairs up to an even date on the two ships are—on the *Louisiana* $547,351 and on the *Connecticut* $634,234.71.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection?

There was no objection.

Mr. PADGETT. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. As I understand the gentleman, it is proposed to amend this bill so that in cases of contract for the building of ships it shall be done by 8-hour labor.

Mr. PADGETT. No, sir. It is provided it shall not be built by contract at all, but shall be built in a Government navy yard.

Mr. CANNON. But I am speaking of the general legislation.

Mr. PADGETT. Yes, sir.

Mr. CANNON. In the bill which this House passed and the Senate has favorably reported, and which you propose to put upon this bill, that provision is made?

Mr. PADGETT. Yes, sir; for the 8-hour law. And we have placed the appropriation on the 8-hour basis for all the work.

Mr. CANNON. And the gentleman states that the wage in the navy yard is much larger than in the private yards?

Mr. PADGETT. I said materially.

Mr. CANNON. Materially larger; with leaves of absence, and so forth?

Mr. PADGETT. Yes, sir.

Mr. CANNON. Those are favored places in comparison with the great bulk of mechanics who are in union labor and who will be under the eight-hour law?

Mr. PADGETT. Yes, sir.

Mr. CANNON. Then, I will ask the gentleman if, in the last analysis, labor does not pay it all?

Mr. PADGETT. This is a discrimination against outside union labor in favor of the labor in the navy yards, to which we are already giving advantages and favors that outside labor does not possess.

Mr. CANNON. And outside union labor increases 10 times in number, in comparison with that in the yards?

Mr. PADGETT. That is true.

Mr. CALDER. There are 10 other ships in this program, are there not?

Mr. PADGETT. Yes.

Mr. CALDER. They will be built by contract in other yards?

Mr. PADGETT. There are some small ships to be built in other yards. The position I take is this: It is a wrong policy and we are running wild on this question. Let us allow the Government, which is spending the tax money of the people, free to contract this work where the Government will get the worth of its money, and for the benefit of the labor that is outside as well as inside of the navy yards.

Mr. SIMS rose.

The CHAIRMAN. Will the gentleman from Tennessee yield to his colleague [Mr. SIMS]?

Mr. PADGETT. I will.

Mr. SIMS. In making these calculations as to the cost of building a ship by contract and by the Government, does the gentleman allow nothing for interest on capital invested by the private contractor?

Mr. PADGETT. Nothing whatever.

Mr. SIMS. And does the gentleman say that the Government, on account of the increased amount of wages paid, loses all the difference claimed and allows nothing for repairs or insurance or replacement or interest on the capital?

Mr. PADGETT. Yes.

Mr. SIMS. Then you must have a very incompetent set of men in charge of the navy yards if they can not do better than that.

Mr. PADGETT. I am only telling what the cold facts are. I said that a lack of proper organization and ability to utilize the organization is contributing to the excess cost.

Mr. SIMS. If they are not any more competent to do a business transaction that that, that makes a difference as great as you make it and allows nothing absolutely for interest and replacement and maintenance and insurance, they are not competent to be in charge of a hen roost. [Laughter.]

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. Yes; I yield to the member of the committee [Mr. BUCHANAN].

Mr. BUCHANAN. Is it not a fact that those who made the statement before the committee to the effect that they were paying, I believe, 25 per cent more than private shipyards finally stated that they did not know what private shipbuilding companies were paying? Did they not?

Mr. PADGETT. No; I think not. They stated that the expenses are fixed by boards, and that upon the general average they made about 25 per cent more than the outside shipyards.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I am in favor of continuing the policy of building some of the vessels authorized for the Navy in Government yards. In 1900 I initiated a movement in this House which resulted in the adoption of a policy by which the Government yards, which are maintained at a very great expense, were utilized to a very small degree in the construction of new vessels for the Navy. Ever since that policy was initiated the department has been doing its utmost to discredit the yards and to bring into disrepute the new work done there for the Navy.

We have established powder factories, and in those factories we manufacture powder more cheaply than we can purchase it by contract. We maintain arsenals at Rock Island, Ill., Frankford, Pa., and Springfield and Watertown, Mass., and in those arsenals we manufacture small arms and ammunition more cheaply than it can be manufactured by private contractors. We seem to be able to enter into any line of manufacture of munitions of war and to compete successfully with private manufacturers excepting in the construction of ships. In determining costs in this line, by a skillful jugglery of the figures, it is made to appear that it costs inordinately more to build ships in a navy yard than by contract in private yards.

The *Connecticut* and the *Louisiana* were built as the first ships in competition, one in a navy yard and one in a private shipyard. The navy yard was without full equipment, without experience, without practice, and yet, despite the utmost efforts of the Navy Department to show a very great discrepancy, and although they charged against the yard building the ship even the cost of educating at the Naval Academy the officers employed in the yard, the best that could be done was to make a difference of about 5 per cent in the cost.

The navy yard worked 8 hours as against 10 hours in the Newport News Shipbuilding Co.'s yard. I have been reliably informed that the private yard was compelled to work overtime in order to keep pace with the progress made on the *Connecticut*. For the first time in the history of the Government, as a result of that competition, a ship authorized by the Government was turned out within the time fixed by the contract—three years—instead of running from 36 to 42 months over the time.

Since then we have been getting our ships in less than three years' time instead of in seven years' time. The ships now authorized to be built by contract are no longer utilized by the private contractors as a means of keeping their plants going while the interests of the Government are sacrificed, but the interest of the Government is now compelled to be put first.

When this movement to utilize the navy yards started a differential of 4 per cent was given to shipbuilding plants on the Pacific coast, and, taking the bids submitted year after year, the low bid on the Pacific coast was to a penny exactly 4 per cent in excess of the low bids on the Atlantic coast.

They talk about the difference in the cost of building these ships. I demonstrated to this House last year by a carefully drawn diagram prepared by an expert in the Navy Department, who resented the practices indulged in there of misleading the country and the House, that they had shifted from the ordinary yard-maintenance charges over $600,000, if I recall correctly, to the cost of the ship there under construction, and to refute the conclusions of the department I demonstrated that at a period when there was no ship under construction the overhead charges had increased at the same ratio as when a ship was under construction and the maximum force employed thereon.

What has resulted from this practice? The gentleman speaks of the cost of the *Utah*, $4,200,000, and yet the testimony before his committee is to the effect that the contractor who built that ship built it at a loss of in the neighborhood of $500,000. Is it a wise policy to have our ships built by contractors at a loss of half a million dollars? Does that explain many of the mysterious accidents that are happening upon our contract-built ships in this country? The battleship *Florida*, just completed at a navy yard, is heralded as the fastest battleship afloat, exceeding the speed requirements of the specifications and making almost a knot better than her sister ship built in a private yard, and for the first time in many years since the paying of a bonus for excess speed has any ship built for the Navy exceeded in so marked a degree the speed requirements set forth in the specifications.

Mr. KOPP. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. Is it the gentleman's position that this increased cost in the navy-yard-built ship is due to the indirect charges solely?

Mr. FITZGERALD. My position is, in the first place, that the difference in cost which is pretended by the department does not exist. In the second place, whatever difference does exist is due in some part at least to the inefficient manner in which the department is at present conducted, and I am not certain but that it is done deliberately for the purpose of stopping yard construction, although I should be reluctant to believe such to be deliberately done.

Mr. KOPP. Will the gentleman yield for another question? I call his attention to the fact that according to the testimony before the Naval Committee the difference between the two ships—the *Florida* and the *Utah*, one built by private contract and the other in the navy yard—was $2,182,000, while the total indirect charges were only $954,000, leaving over $1,000,000 after you have taken out all indirect charges. How can the gentleman explain that?

Mr. FITZGERALD. Add $500,000 dead loss to the contractor and it comes down to half a million dollars, and still the contractor apparently is engaged in the eleemosynary work of building ships for the Government for nothing.

Mr. KOPP. Will the gentleman yield for one more question?

Mr. FITZGERALD. And if there be no other objection, I would object to permitting any contractor to work for the Government for nothing, particularly in the vital matter of building battleships or other ships essential to the defense of the country.

Mr. KOPP. Granting that what the gentleman says is true and that the contractor lost $500,000 on that ship, I call the gentleman's attention to the fact that there is still a difference of $700,000 after taking out that loss, if there be a loss, and after deducting all the indirect charges.

Mr. PADGETT. I call attention to the fact that the two million one hundred thousand and some odd dollars does not include the $500,000.

Mr. FITZGERALD. I do not agree with those figures.

Mr. KOPP. That is the testimony.

Mr. FITZGERALD. The gentleman asked me a question. I do not agree to those figures.

Mr. KOPP. So far as that loss was concerned, it was merely an estimate on the part of Admiral Watts, that he believed the contractor must have lost $500,000. Personally I do not believe they are doing business for nothing or at a loss.

Mr. FITZGERALD. There is talk here about the cost of building ships at the yards, and last year or the year before much ado was made over the fact that it was necessary to increase the limit of cost of a yard-built ship, because it could not be completed within the limit of cost. Is there complaint when they can not build ships authorized by contract within the limit of cost? Not at all. The latest vessels authorized to be built by contract, I am informed, were treated in an interesting manner. When the bids were received, the bids were all in excess of the limit of cost. Did the department come to Congress and complain that it was impossible to build those ships, as they did with the ones placed in the navy yards?

Mr. PADGETT. They were less than the limit by about $100,000.

Mr. FITZGERALD. They could not be built within the limit of cost.

Mr. PADGETT. They were built within the contract. The contract limit of cost was $6,000,000.

Mr. FITZGERALD. The gentleman will pardon me while I make my statement. I think I am correct. When it was ascertained that it would not be possible to get the ship that had been laid down as planned they substituted inferior material in many respects. They substituted nickel steel for special hardened steel that was intended to be placed in the ship. I will ask the gentleman from Tennessee if that is not true?

Mr. PADGETT. I have not heard that.

Mr. FITZGERALD. I have, and it is a matter of some notoriety, but it has not been done so far as I have been able to learn as to any ship that was set to be built in a Government yard.

Mr. Chairman, there was without question some years ago an understanding among the shipbuilding plants of the country to divide the business of the Government among them, and never until we initiated the policy, not of building all the ships—we have built, I think, ships costing some $25,000,000, out of a total of $396,000,000, in Government yards—never, until this policy was established, was the hold of the Shipbuilding Trust on the Government broken. A new standard of efficiency and speed in construction was also established, which elicited the admiration even of the great British naval constructor who visited this country about two years ago and expressed surprise that it was possible to put a ship off the ways as speedily as we did the *Florida*.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUCHANAN. Mr. Chairman, I ask that the gentleman have his time extended two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended two minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. I want to ask the gentleman from New York if he can reconcile this: Here is a statement in the hearings by Rear Admiral Watts, Chief of the Bureau of Construction and Repair, who says that the labor cost on the *Florida* was $2,815,388.15—that that was the whole labor cost according to the statement of the constructor. Now they tell us that, due to the increased cost of labor in Government yards, one vessel costs more than two millions more, due to labor cost, than in a private shipyard.

Mr. FITZGERALD. I can not reconcile the figures nor can anyone else. They do not fit. The labor cost is not very much different from the cost of material. Double the labor cost, make liberal allowances for all other items, and there still remains almost a million dollars of the stated cost to be allotted. In that connection let me call attention to the fact that under the direction of Congress the Department of Commerce and Labor made an investigation to determine how it was that working 10 hours a day the Newport News Ship Yard had hardly been able to keep up with the Government yard with an 8-hour day. The report of that department made to the House shows that twenty-four and a fraction more per cent of work was turned out in the Government yard in an 8-hour day than in the private yards with a 10-hour day. So remarkable and astounding was the record that the naval attaché of the German embassy asked me to furnish a copy of that report for transmission to Germany, in order to show the capacity and efficiency of the Government yards in this country.

To illustrate the difficulty of obtaining accurate information about costs from the Navy Department let me remind the House that when it was proposed to compel contract ships to be built in yards having an eight-hour day it was asserted that the cost would be increased 20 to 25 per cent. The following statement shows bids for colliers to be constructed under the eight-hour provision and without it.

Proposals received for the construction of fleet colliers Nos. 9, 10, 11, and 12.
[Proposals opened June 20, 1911.]

Name.	Time, months.	Number of vessels.	Class 2, bidders' price—plans.	Remarks.[1]
Newport News Steamship & Dry Dock Co., Newport News, Va.	Both in 22	Nos. 9 and 10	[2] $995,000	Proposal accompanied by certified check for $60,000.
	Both in 22	Nos. 11 and 12	[2] 975,000	
	4 in 24	Nos. 9 and 10	[2] 980,000	Vessels to be constructed at Newport News.
		Nos. 11 and 12	[2] 980,000	
Maryland Steel Co., Baltimore	Both in 22	Nos. 11 and 12	[2] 997,000	Babcock & Wilcox boilers.
	1 in 18	1 of 11 and 12	984,000	Bond for $35,000.
	Both in 24	Both 11 and 12	[2] 973,000	Transverse system.
	1 in 18	1 of 11 and 12	962,000	Isherwood system.
	Both in 24	Both 11 and 12	[2] 951,000	

[1] All proposals based on second form of payment in Construction and Repair letter June 10, 1911. [2] Each.

No proposals received under Class 1, department's plans.
Publicly opened at the Navy Department by direction of the Secretary of the Navy.

——— ———, *Solicitor.*

Mr. Chairman, *Nos. 9* and *10* are to be built under the 8-hour law; *Nos. 10* and *11* are not so restricted. The Newport News Shipbuilding and Dry Dock Co.'s bids show a difference of $20,000, or 2.05 per cent, only. If they get four they would build each of them for $980,000; that is, there is apparently no difference in price between those under the 8-hour law and those not under it, or if there is any difference, as may be noted, it is $5,000, or only one-half per cent.

Comparing Maryland Steel Co.'s bids, the lowest, $951,000, as against Newport News Co.'s high bid, $995,000, there is only a difference of 4.6 per cent. It is to be noted that the Maryland Steel Co.'s bid is for the Isher-Wood system of construction, which is undoubtedly somewhat cheaper construction than that for which the Newport News Co. bid.

As far as the general provisions are concerned with regard to these bids, they speak for themselves.

They demonstrate the futility of accepting the figures of the department upon the question of cost. I favor the pending amendment; I hope it will be adopted.

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and amendments close in 10 minutes.

Mr. REDFIELD. I will say to the gentleman that I would like five minutes.

Mr. CALDER. I want a few minutes.

Mr. PADGETT. All you gentlemen are on one side, and you ought to be content with four speeches against one.

Mr. JONES. I would like five minutes on the gentleman's side.

Mr. PADGETT. Mr. Chairman, I will modify that and move that all debate close in 15 minutes, 5 minutes to be given to the gentleman from California, Mr. KNOWLAND, 5 minutes to the gentleman from New York, Mr. REDFIELD, both on one side, and 5 minutes to Mr. JONES, on the other side.

Mr. CALDER. I hope the gentleman will extend it three minutes more.

Mr. PADGETT. I will make it 18 minutes, to give 3 minutes to the gentleman from New York, Mr. CALDER.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this paragraph and amendments thereto be closed in 18 minutes.

The motion was agreed to.

Mr. KNOWLAND. Mr. Chairman, the statements of the chairman of the committee would, I am free to admit, present a very strong case against the construction of ships in navy yards were they to go unchallenged. But I want to present to the House some facts that I believe will convince this body that instead of resulting in a loss to the Government that the construction of these colliers in navy yards has resulted in a direct saving to the United States.

Let me call your attention to the fact that in 1908 the naval appropriation bill provided for the building of two colliers. It was understood that these two colliers were to be constructed in private shipyards, and the limit of cost placed upon them was $1,800,000 each. No protest was made in the committee as to the cost, and no one voiced a protest on the floor of this House. An amendment was inserted on the floor providing that one of the colliers should be built in a navy yard of the United States. That amendment remained in the bill.

Immediately private shipbuilding firms reduced their prices. Bear in mind that $1,800,000 each was to be the cost of these colliers, but as soon as we provided that one should be built in a navy yard of the United States the various private firms submitted exceptionally low bids ranging from $822,500 to $900,000. There were three or four separate bids, and these bids were all so much alike that it at least gave suspicion of collusion. The result was that the Secretary of the Navy refused to build the collier in a navy yard notwithstanding the mandate of Congress, because of these bids—no doubt at below cost. The next year the bids were raised to $900,000, then to $1,000,000, and again to $1,100,000.

This year the limit of cost is placed at $1,140,000. After the eight-hour law was placed upon construction of the colliers there was only one of these private concerns that submitted a bid, and that bid was for $1,500,000, a larger amount than it cost to build the collier in a navy yard of the United States. A contract has since been let to a private firm at a lower figure, made possible because this firm was given a contract for two colliers. A navy yard could build two much cheaper than one no doubt. I believe it is sound business policy for this great Government, in order to maintain the navy yards at a high standard of efficiency and to retain an efficient, skilled, and permanent force of mechanics, to occasionally build a ship in these yards, and I also contend that it has a tendency to keep the private shipbuilding firms from combining and submitting excessive bids. We know in one instance that it has resulted in lowering the cost of colliers from $1,800,000 to less than $1,000,000. I would not advocate the building of all ships in navy yards, but we find that nearly every foreign country—France, Germany, England, and Japan—are building some of their ships in the navy yards, because they appreciate that to keep these yards up to a high standard of efficiency, and to retain skilled mechanics, has an excellent effect upon the private shipbuilding concerns. While it may cost a few dollars more, in the long run we are saving money to the Government by providing that occasionally small ships at least be constructed in the navy yards of the Nation. [Applause.]

Mr. REDFIELD. Mr. Chairman, the distinguished chairman of the Committee on Naval Affairs, had he gone a little more in detail into the cost of the *Florida*, would have discovered a state of facts which I am inclined to think would have surprised him, for it is a fact that the engines of the *Florida*, which were built at the Brooklyn Navy Yard, actually cost less—some tens of thousands of dollars less—than the engines of the *Utah*, which were built at a private yard in Camden, N. J. The fact was stated to me by one of the engineer officers of the Navy. I went to the Chief of the Bureau of Steam Engineering and asked him if it was true that the engines of the *Florida* actually cost less than the engines of the *Utah*. He said it was true. I asked him if he would put it in writing, and he did. He gave me the figures, and I have them. I have them not here with me, but I showed them at the time to my colleague, Mr. FITZGERALD, and so far as the construction of that portion of the ship is concerned—and it is a very large portion, nearly or quite one-third of it—it actually costs less to-day to build the great engines of battleships in the Brooklyn Navy Yard than it does at private plants; and the detail facts I shall be very glad to state as soon as I can look again at the letter. The difference is some tens of thousands of dollars in that one ship.

Secondly, no one has ever ventured to question that the Government gets a better ship when it builds its own vessels; and it gets a better ship for two very excellent reasons. In the first place, the element of profit is entirely left out. The private contractor, if he will survive, must make, if he can make, a profit out of his vessels. In an effort to meet the competition of the navy yards they have sometimes failed to make a profit; but the effort for profit is always there in the private ship and can never be eliminated in any calm judgment of the wisdom of building a ship in a private or a public yard. Apart from the element of profit, which is in every one of the ships built in the private yards, there is the high professional pride of the naval constructors in building a better ship with their own hands for their fellows to use; and in a thousand little details

that make up the life of a battleship and count for its security, and especially bear upon its cost of maintenance and repair, the public-built ship is a better-built ship and a cheaper ship to maintain, a better vessel in very many ways than you get out of a private yard for the same or a less price.

I am not myself wholly unfamiliar with the facts from personal knowledge. Before I ever expected to enter these halls I was in a way connected directly with the building and equipment of four of our great vessels, one of them built in a public yard and three in private yards; and it is true that you get a better ship all through if she is built in the navy yard than you get if she is built with the necessary element of profit which is necessarily present in a private yard. And for the evidence of it you have only to look at two vessels recently constructed under the same specifications, with each of which I had myself a little something to do—the *Florida* and the *Utah*. The *Utah* far outdid any other previous ship. I said to the admiral commanding the Bureau of Steam Engineering, "Wait until the *Florida* comes." He said, "She will hardly do better." And I said, "She will." And she did better. So that the fastest ship and the strongest ship we have got, beating not only all other ships, but beating a fine ship built in a private yard, under the same specifications and at the same time, is the *Florida*, built in the Brooklyn Navy Yard. You have got to explain these hard, solid facts away before you can say it is always cheaper to build in a private yard, for in what does cheapness consist—first cost or ultimate cost? Never in first cost, unless the ultimate cost can be considered, and not alone in ultimate cash cost, but in usefulness, endurance, stability, and power, and in this respect unquestioned and so far unchallenged by anybody, the ships built in the public yards have been supreme. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I did not expect, Mr. Chairman, to take part in this debate, but I have been so much astonished at the statements that have been made by gentlemen favoring this amendment as to the comparative cost of building ships in Government yards and building them in private yards, and as to the comparative strength and speed of ships built in Government yards and those built in private yards, that I can not permit these misleading and absolutely unfounded statements to go unchallenged. The facts show just the reverse of what is claimed by these gentlemen. I wish first to notice the statements made by the gentleman from New York [Mr. FITZGERALD]. The gentleman has stated that the *Florida*, which was built at a Government yard, was one of the few of our battleships whose speed has exceeded that required in the specifications. He would create the impression that the battleships built in private yards had fallen short of the speed requirements. Let me tell the House, Mr. Chairman, that the great battleship *Delaware*, which was built at Newport News, Va., by the Newport News Shipbuilding & Dry Dock Co., one of the world's most powerful *Dreadnoughts*, exceeded its contract speed by 1 knot. Many of the greatest battleships of our Navy were built by this great private shipbuilding concern, and there has never been one of them whose speed did not exceed that required under the specifications. The *Texas*, which is designed to be the most powerful battleship afloat, and which was successfully launched only a few days ago at Newport News, is to cost the Government less than $6,000,000. It was estimated by the Brooklyn Navy Yard authorities that it would cost $7,500,000 to build this ship at that yard. The Government has thus saved more than $1,500,000 by building this ship at this great private yard. Something has been said in regard to the *Louisiana* and the *Connecticut*, built some years ago. The *Louisiana* was built at Newport News, a private yard, and was completed five months ahead of the *Connecticut*, built at a Government yard. It is true that the *Louisiana* was built under the 10-hour system, but it is not true, as has been stated, that any nightwork was done upon that ship. These facts show what little reliance can be placed upon the alleged facts of the advocates of this amendment.

I wish to say further, Mr. Chairman, in reply to the gentlemen who represent Government navy yards that it is known to everybody who possesses any knowledge upon the subject that ships can be and are built cheaper in private than in Government yards. I had not supposed until I listened to these gentlemen that this was a question about which there was any room for argument or dispute. I deny, too, most emphatically that the ships which are built in private yards are in any respect inferior to those built in the navy yards. The facts absolutely disprove such absurd charges as these.

The Government has its representatives and expert supervisors and inspectors stationed at every private yard where a Government ship is being built, and there is not a bolt that goes into the construction of that ship that is not carefully inspected. These inspectors are thoroughly trained men, whose competency is beyond question, and they reject every piece of wood or steel which does not come up to the most rigid requirements of the specifications. The naval constructors, under whose supervision the ships are built in private yards, are experts in shipbuilding and it is not possible for any private shipbuilding concern to slight Government work. Those who are competent to speak upon this subject know that this is true. It is a serious reflection upon the Navy Department to intimate that private yards turn out inferior work and for that reason are enabled to build Government vessels at a less price than they can be built in Government yards. It is easy enough for gentlemen to make these charges, but I challenge any man upon this floor to name a single ship ever built for the Government by the Newport News Shipbuilding Co. that was not built strictly according to specifications or into which inferior material or bad workmanship entered. It is easy to make unsupported and reckless charges such as these, but it will be quite another thing to prove them, and I demand the proof. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDER. Mr. Chairman, in the naval bill of two years ago one battleship was authorized to be built in a Government yard and 1 battleship and 15 auxiliary vessels were authorized to be built by contract. In the naval bill of last year 2 battleships and 13 auxiliary craft were authorized, all to be built by private contract. So that in the two years past out of 29 vessels provided for only 1 has been authorized to be built in a navy yard of the country. In the program of this year there are 13 vessels authorized. We come here to-day and ask that 2 of those 13 be built in Government yards. We do not ask that all of these vessels be built at navy yards, but simply a small proportion of them. It has been our argument, Mr. Chairman, for years that it ought to be the policy of this Government to continue in the highest state of efficiency some of its navy yards, so that at a moment's notice they will be able to handle any naval proposition that may be put upon them. Now, to those of you who are not familiar with navy-yard matters, let me suggest the fact that three or four times each year the fleets come in for repair, and between the time the fleets are in and away at sea many men are discharged from the navy yard and the efficiency of the force is broken up, and I am advised by no less authority than the Secretary of the Navy himself that while a ship is under construction at the yard, when the fleet comes in for repair or alteration, it is the custom to take the men from the new vessel and put them on the repair work. This is done without the slightest inconvenience, and enables the Government to fit the fleet for sea without delay at much less cost than if it were compelled to call in several thousand men, many unfamiliar with naval work, employ them for several weeks, and then lay them off again.

Much has been said of the difference in the cost of construction of vessels built in the yards and those built by contract. We are informed that before the session ends to-day an amendment is to be put into this bill providing for the construction of all these vessels by 8-hour labor. When that is done it will materially increase the cost of the contract-built ships, with the effect that unquestionably we will be able to compete with the private yards of the country almost on equal terms. And taking into consideration the necessity of having at least two or three of our great yards constantly in shape to handle this work at a moment's notice, it seems to me the argument falls to the ground.

Mr. Chairman, I hope the amendment of the gentleman from Illinois will prevail; it will mean that the navy yard at New York will keep its very efficient force together for another year, at least, in the construction of one of these colliers. During the debate this afternoon the gentleman from Virginia [Mr. SAUNDERS] made the statement that the attitude of the Democratic Party in caucus in opposing the construction of any battleships this year had met with almost universal favor throughout the country, and he particularly cited the attitude of the newspapers of the country. Such has not been my experience, as an evidence of the public sentiment of the great State of New York on this important subject, and, as I understand it, the feeling throughout the entire country can be no better emphasized than in the editorials of some of the great New York dailies, which I propose to print as a part of my remarks. The Brooklyn Eagle, New York Times, New York Sun, New York Herald, all four the most independent politically of any newspapers in the country:

[From the Brooklyn Daily Eagle, Mar. 27, 1912.]

A DEMOCRATIC CRISIS SELF-PRECIPITATED.

The Democratic House caucus has resolved that there shall be no increase of the strength of the Navy this year and no measure to au-

thorize any new Federal buildings. The national need had to be sacrificed to beat back the local greed. The Navy is a national need. The demand for Federal buildings on a numerous scale is a local greed. The local greed has fought the national need to a standstill, and the national need has been sacrificed to beat back the local greed.

This makes the House a slaughterhouse instead of a House of Representatives. It makes the caucus a trading body instead of a body of legislators for the public good. It is a disgraceful spectacle, but not an unintelligible or a surprising one. No political party has ever successfully been an enemy of the National Navy. The Whigs tried that before the Civil War. The Federals tried that before the Whigs. The Democrats tried it at times after the Civil War, and are now trying it again. They have made a mistake which ought to be fatal or which certainly ought to be at once retraced.

As usual, there are explanations. They are, however, explanations that will not explain. The people of the United States will not excuse Representatives who say: "We had to scant the Navy in order to beat the excessive demands for large Federal buildings in small towns." The subordination of a national need in order to curb a local greed will not be justifiable to the American electorate. The preservation of Democratic supremacy in the next House can not be made to depend on the beating of petty local sentiment for Federal buildings at national expense in hole-and-corner districts. There is a better alternative. It is to change the control of the next House of Representatives from Democracy to Republicanism. That has been done before because of the hostility of the Democracy to the Navy and of the surrender of the Democracy to banded rapacity for local buildings at national expense.

The action of the Democratic House caucus has done not a little to restore the Republican Party to House control. It can not be too soon and too absolutely renounced by the Democracy of this House, if that party would carry the next. The Navy can not be stricken down by the Federal-buildings ring of Representatives of both parties without the Democracy, which controls and is responsible for this House, losing the next. The loss of the next House should carry with it the loss of the next Presidency; and this in spite of Republican divisions or dissentions.

The Republican Party would welcome the opportunity to sink its divisions in order to rally the people for the preservation of the Navy against a party that would immediately cripple the Navy by a policy which would progressively destroy the Navy. "The Navy," triumphantly exclaimed Commodore and United States Senator Richard Field Stockton, "is the darling of the Nation." His words have not lost force or meaning or national hold on national sentiment. The House yesterday greatly weakened its hold on American sentiment, and the weakening of the hold is deserved.

We care not to deal seriously with the excuses. There was reason for patriotic Democrats to bolt the caucus. There was no reason for them to strangle the Navy in order to strangle the Federal-buildings ring. They could have left the fate of that ring to a not wholly demoralized Senate and to the action of a patriotic President and to the action of a patriotic people.

And the banded river and harbor cabal of rapacious Congressmen must yet be confronted, and it may drive the Democratic House to as pusillanimous a course as the Federal-buildings ring has done. There is no statesmanship in cowardice. There is no politics which commands respect in surrendering what should be preserved in order to flank what should not be tolerated. A party that truckled to free silver should have learned enough from surrendering its convictions not to offend the sentiment for the Navy by such a course as was taken in the caucus on Wednesday. The buildings ring could have been left to the Senate and the veto power. The Navy should not have been abandoned in order to head off a motley combination of jobbers and cranks.

—

[From the New York Times, Feb. 2, 1912.]

BUILD THE TWO DREADNOUGHTS.

The interruption of the building up of our Navy for economical reasons would be bad policy, and we do not believe that the policy will prevail, in spite of the recent action of a Democratic caucus in Congress. Secretary Meyer's protest, printed Wednesday, states the case clearly. His arguments seem unanswerable, unless we are willing to have our Navy deteriorate. England is building five new *Dreadnoughts*, and Germany three, while Japan has ordered five. The Secretary of the Navy points out that one *Dreadnought* is the equal of five battleships of the older type.

The boast that the United States now occupies second place among the naval powers of the world is ill founded, according to the Naval League. We have not been keeping pace with the other powers in the building of warships of the latest type, and it would be blind folly now to lose the advantage of such progress as we have made. Provision should be made to meet the President's request for the addition of two *Dreadnoughts* to our fleet this year. The Democrats should take pride in the fact that much of the credit for the modernization of our Navy belongs to them. It began in the first Cleveland administration. The plan of building two new battleships yearly was the result of a compromise originally, as four were asked for in 1900, and the understanding reached then was that two should be authorized each year thereafter. No party question is involved in this matter. The caucus was controlled by a false idea of economy.

—

[From the New York Times, May 24, 1912.]

THE NEED OF INCREASING OUR NAVY.

Admiral Mahan presents in The Times this morning a clear and logical argument against the plan of the Democratic majority of the House of Representatives so to cripple the United States Navy as to affect our standing in the community of nations. Only by keeping our naval establishment on a footing with the great navies of the world can we secure peace to the whole American Continent and hold securely our foreign possessions. The policy of increasing the Navy by at least two ships of the first class every year should not be abandoned. Admiral Mahan points out that Mr. Stead, the peace advocate, favored as a peace measure the building of two British warships for every one built by Germany.

We talk a great deal of the Monroe doctrine. As Admiral Mahan says, the only leg it has to stand upon is a strong Navy. He finds a curious inconsistency in the fact that in the very session in which the House Democratic caucus voted against an appropriation for two battleships a Democratic Senator saw fit to introduce a resolution reaffirming the Monroe doctrine. The action of the House of Representatives in the matter of warships is purely political. It puts the majority in the light of rebuking Republican expenditures. The United States Navy, however, is neither Republican nor Democratic. The Senate should not hesitate to restore the appropriation for the new warships.

[From the New York Sun, Mar. 20, 1912.]

CRIPPLING THE NAVY.

The Democrats at Washington, by an almost unanimous vote in caucus, have decided not to vote any money for the construction of new battleships at a time when England has 18 *Dreadnoughts* completed and 14 building, when Germany has 9 completed and 15 building, and when Japan is preparing to add 8 *Dreadnoughts* and 8 powerful battle cruisers to her fleet.

Regarding the *Michigan* and *South Carolina* as *Dreadnoughts*, only because they have a main battery of eight 12-inch guns (they would be no match for the swifter and more heavily armed *Florida* or *Utah*), the United States Navy has 6 *Dreadnoughts* in her fleet, 4 more building, and 2 authorized. That is the end of the chapter so far as the Democratic Party is concerned.

The action of the Democratic majority is notice to the world that when the Panama Canal opens the United States will have only 10 *Dreadnoughts* in commission (the 2 ships authorized by the Sixty-first Congress will not have been completed), with no more than 12 ships of the first battle line in sight. If the canal should be finished in the summer of 1914, England will have 32 *Dreadnoughts* flying the flag and Germany 21. The *Dreadnought* strength of Japan at that time can not be surely determined, but her first battle line will be almost as strong as that of the United States, and Japan will be steadily pursuing a policy of naval expansion, such as the United States has abandoned.

A more alarming aspect of the case is that Germany, which may some day challenge the Monroe doctrine, not satisfied with 24 *Dreadnoughts* completed and building, is planning a battle fleet of 1 flagship and 5 squadrons of 8 battleships each, with 10 large cruisers and 30 small cruisers as reconnaissance ships.

In the general expansion of armaments among the great naval powers, the United States is compelled to relinquish the minimum of safety in new construction and go to the rear, because the Democrats in the House are bent on posing as the party of frugal economy on the eve of a presidential election. The American people have never been treated to such an exhibition of vicious humbug. No retrenchment could be more uncalled for, unpatriotic, and perilous, and it is flagrantly indefensible, because the Democrats in the Sixty-first Congress voted for at least one new *Dreadnought*.

—

[From the New York Herald, Feb. 2, 1912.]

BATTLESHIPS AS A MATTER OF BUSINESS.

Representative CLAUDE KITCHIN, of North Carolina, has favored the country with his reasons for opposing any authorization of battleships this session. In an explanation that must make the judicious grieve he delivers himself of the great truth that small ships can be built more cheaply than large ones. Quite so. Therefore, he concludes we must, for the present, delay providing battleships and authorize auxiliaries alone.

Has Mr. KITCHIN even given serious thought to what such delays in the past have meant to us? Between 1883 and 1900, for example, one hundred and ten millions were spent on warship construction and repairs. In seven months of 1898 the Spanish War cost us something more than five hundred millions. Had one-fifth of this last expenditure—let us say one hundred millions—been devoted to fleet construction, our sea force would have been doubled and four hundred millions of dollars would have been saved, for no Spanish War would have been fought.

With such odds in sea power against her Spain could, with honor, have declined hostilities, Cuba would have been freed, and reparation have been made for the *Maine*. And, happiest of all, the suffering and pathetic waste of life would have been spared. But no. The same delay Mr. KITCHIN is preaching now was preached then, and for the same reasons, and here, offered as a cold fact of business management, was the pitiable outcome of this policy of delay.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the letter "a" before the word "navy," and inserting the letter "s" after the word "yard."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment. The Clerk will report the modification.

The Clerk read as follows:

Modify the amendment by striking out the letter "a" in front of the word "navy," and adding the letter "s" to the word "yard," so that it will read, "which shall be built at navy yards."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 81, noes 19.

So the amendment was agreed to.

The Clerk read as follows:

Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed $940,000 each.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment and ask that it be considered as pending until after the amendment of the chairman of the committee is acted upon.

The CHAIRMAN. Does the gentleman desire the amendment to be reported?

Mr. GREGG of Texas. Yes, sir; and then be considered as pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "each," in line 16, page 63, insert the following:

"*Provided*, That no part of this appropriation shall be expended for the construction of any of said torpedo-boat destroyers by any person, firm, or corporation which has not at the time of the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be considered as pending and passed for the present. Is there objection?

Mr. CANNON. Mr. Chairman, I do not object, but I ask unanimous consent that every Member may offer an amendment at every paragraph in this bill that appropriates money to the same effect, and let them be pending.

Mr. FITZGERALD. Well, that was said facetiously.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

One tender to destroyers to cost, exclusive of armor and armament, not to exceed $1,315,000.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, and I ask unanimous consent that after it is reported it be considered as pending and take the same course as the other one which I have just offered.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "dollars," in line 19, page 63, insert the following: "*Provided*, That no part of this appropriation shall be expended for the construction of said tender to destroyers by any person, firm, or corporation which has not at the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]?

There was no objection.

The Clerk read as follows:

Four submarine torpedo boats in an amount not exceeding in the aggregate $2,240,000; and the sum of $800,000 is hereby appropriated for said purpose.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment. First, let me ask the gentleman from Texas [Mr. GREGG] if he proposes to offer that same amendment?

Mr. GREGG of Texas. Yes.

Mr. PADGETT. I wanted to offer a new paragraph at that point. Let the gentleman proceed with his amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] offers an amendment which the Clerk will report.

Mr. GREGG of Texas. I ask unanimous consent——

Mr. CANNON. Unanimous consent is given to every Member to offer an amendment to every paragraph that appropriates any money. Two positives make a negative, and two negatives make a positive; and if it comes to two consents that comes to no consent.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

After the word "purpose," line 23, page 63, insert the following: "*Provided*, That no part of this appropriation shall be expended for the construction of any submarine torpedo boats by any person, firm, or corporation which has not at the time of commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels herein named."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]?

There was no objection.

Mr. PADGETT. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 63, after line 23, as a separate paragraph, insert the following: "The appropriation made by the act of May 4, 1898, for one gunboat to be built on the Great Lakes, to take the place of the U. S. S. Michigan (now Wolverine), is hereby made available for the construction of a river gunboat, which may, as advantage may offer, be built elsewhere than on the Great Lakes or their connecting waters."

Mr. PADGETT. Mr. Chairman, this is not an additional appropriation, but heretofore an appropriation was made to construct a gunboat for use on the Great Lakes; but on account of our treaty relations with Great Britain it can not be carried out. They need a gunboat of that description in Chinese waters, and this is simply to authorize the appropriation heretofore made for a gunboat on the Lakes to be for a gunboat to be used in Chinese waters.

Mr. PAYNE. To convert this appropriation in this way means, I suppose, an economy in the appropriations of this Congress.

Mr. PADGETT. This was an appropriation of a previous Congress, and it is proposed to use it for something that is now needed instead of for something that can not be used.

Mr. PAYNE. But doing it in this way will enable the gentleman to show a smaller appropriation for naval construction in this bill?

Mr. PADGETT. This Congress is not responsible for it, because this appropriation was made heretofore, and the Secretary says he can not use it.

Mr. PAYNE. On account of our relations with Great Britain?

Mr. PADGETT. Yes.

Mr. PAYNE. And so we propose to sneak that appropriation into this bill for something that we do need, that should be charged to this bill but will not be.

Mr. PADGETT. I am perfectly willing to charge it here if you want to. We are going to use that appropriation to build a gunboat to be used in Chinese waters.

Mr. PAYNE. I think the square way would be to appropriate just this amount of money and have it counted in this bill as an appropriation.

Mr. PADGETT. I am putting it exactly in the language in which the Secretary of the Navy asked for it. I do not suppose the gentleman desires to discredit his own Secretary.

Mr. PAYNE. The gentleman does me too much honor when he credits me with the possession of so important a Secretary.

Mr. GOOD. What was the amount of the former appropriation?

Mr. PADGETT. It reads—

To cost, exclusive of armament, not more than $260,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question being taken, the amendment was agreed to.

Mr. ESTOPINAL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert as a new paragraph the following:

"One submarine tender, to cost not to exceed $1,000,000; and the sum of $400,000 is hereby appropriated toward said purpose."

Mr. ESTOPINAL. Mr. Chairman, the purpose of this amendment is to provide a tender for the submarines that have been appropriated for in this bill. We have now a number of submarines in commission, but there is not in the Navy a proper tender for those submarines. What tenders we have are makeshifts.

There are at present 16 submarines in active service provided with tenders which, although sufficient in number, are in all cases improvised for the purpose and are by no means efficient or satisfactory. The *Severn*, for example, has no motive power, and must be towed by another vessel, while the *Fortune*, on the Pacific coast, is but a tug, and the *Mohican*, of the Asiatic station, besides having no motive power, is very old and can be used practically only as a stationary barrack ship.

There are 4 submarines in reserve at Charleston with no tender whatever assigned, and these vessels can not operate at any distance from that place for this reason. The 4 submarines on the west coast which will soon be commissioned will have the services of the *Alert* as tender, but that vessel is nearly 30 years old and is not suited for such duty, although being the best available.

There are, in addition, 15 submarines under construction which will be assigned to the active flotillas in the next year or two, which, with the 4 boats in reserve at Charleston without a tender, make a total of 19 for which tenders will have to be assigned and for which but one such vessel, authorized last year, is the only provision thus far made. It should be noted that I make no reference to any submarines that may be authorized in the naval appropriation bill now under discussion.

As 1 tender can care for 5 submarines, it is apparent that 3 additional tenders should be ready for service in the comparatively near future. I am informed that there are no vessels of the Navy suitable for conversion to submarine tenders that can be spared from their present assignments, and that, furthermore, a thoroughly satisfactory tender can not be developed from a ship designed for other purposes without extensive expenditures.

The existing type of submarines and those now under construction are very dependent upon their tenders, which act as mobile bases, furnish quarters for the personnel, carry stores and supplies of all kinds necessary for the operation and maintenance of the submarines, and are equipped with suitable dynamos for charging their batteries, and with machine shops capable of making all ordinary repairs. Without a tender these submarines are very much restricted in their sphere of activities and can not venture far from a fixed locality.

With the long coast line of the United States and the present number of submarines in the Navy it is apparent that circumstances might arise rendering necessary a change of base of any of the submarine groups, involving possibly long distances to be traversed. Without sufficient tenders this would not be

possible and the consideration of both offensive and defensive strategy would be accordingly handicapped.

It, therefore, seems most important that this type of vessel be authorized at the present time, and accordingly I move that there be inserted in the bill under discussion the necessary authorization for the construction of 1 submarine tender not to exceed $1,000,000 in cost.

As we are providing for submarines, we ought to provide for the necessary adjuncts to the submarines. I hope that this amendment will be adopted; it is almost useless to have submarines unless they have tenders.

I can assure the Representatives from the great interior ports of the country which are dependent, many for safety and all for their prosperity, in a large measure, on the stability of the improvement at the mouth of the Mississippi River, that the adoption of this amendment will have direct and important bearing on that protection, for it will enable the Department of the Navy to effectively patrol the waters of the Gulf of Mexico at its mouth with submarines fully equipped for such defense.

Mr. Chairman, I append a description of the modern submarine which has been furnished me, and which shows how much confidence we may place in them as instruments of defense, and the people of the Mississippi Valley may place great faith in them if a sufficiently large number, fully equipped for service, with the necessary tenders, be stationed at the mouth of the river:

The modern submarine is a vessel ranging in length from 150 to 230 feet, having a speed of from 14 to 17 knots on the surface and 10 to 12 knots submerged. Propulsion on the surface is by means of internal-combustion oil engines, usually of about 1,000 horsepower per boat, although one boat is being built with engines of 5,000 horsepower. These vessels are very seaworthy—can remain at sea without injury in the severest storms—and in this respect are superior to destroyers. They can cruise on the surface at a distance of 5,000 miles without replenishing their fuel supply. They can pass from the surface to the submerged condition in a time of only three minutes and can run completely submerged at any depth down to 200 feet, and can also, by means of their periscopes, obtain a view of the surface without danger of being themselves discovered, except when only a few hundred yards distant from the enemy. Even if discovered at this close range they are immune from attack for the reason that they can almost instantly dive to any depth desired.

Their armament consists of modern torpedoes, which, due to the fact that the submarine can approach with impunity to very close quarters, may be considered very accurate and exact. The chances of misses when fired from a submarine are very small as compared to the chances when fired from a long range from surface vessels. The uses of submarines in time of war would be both defensive and offensive. Primarily they would be used to protect seaports, landing places, and other strategic points. When provided in a sufficient number an attack from sea or the landing of an enemy's force is rendered practically impossible. For certain purposes of defense, such as the Panama Canal, the submarine would be as effective as a large fleet of battleships stationed on either side of the canal. Guns on shore alone could never fully protect this most important strategic point. A ship could lie off at such great distance as to be practically safe from the attacks of the fort and at the same time land shells into the canal, doing immense damage. As a weapon of defense the modern submarine as at present developed could be used in connection with the battleship fleet.

Its surface speed is now such that it could cruise with the fleet and would be left behind only in extreme cases—where the maximum speed of the fleet would be called for. Instead of accompanying the fleet modern submarines could be used to cruise in flotillas alone, searching out and destroying the enemy wherever he might be found.

Mr. GREGG of Texas. Mr. Chairman, I hope this amendment will be adopted. It is contemplated that some of the submarines authorized in the bill will be sent to New Orleans for the protection of the mouth of the Mississippi. They will be built in the East; they can not be sent to New Orleans nor used after they get there without a tender, and I trust that the committee will agree to this amendment.

Mr. PADGETT. Mr. Chairman, I want to say that the gentleman from Louisiana, Gen. ESTOPINAL, has presented these matters and urged them before the committee, and it is true that a submarine tender is needed. The committee did not include it in the appropriation bill, because, considering all matters and the amount of the bill, we felt that it was as much as the bill should carry in the report to the House. But this tender is needed, and if the committee sees fit to include it I shall not enter any protest against it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, to follow right after the one just adopted, and I ask that it take the same course as the other amendments that have been passed in the same line.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend the amendment by adding after the last word, as follows:
"*Provided*, That no part of this appropriation shall be expended for the construction of said submarine tender by any person, firm, or corporation which has not at the time of the commencement and the continuation of said vessel established an 8-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of said submarine tender."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the amendment should be passed?

There was no objection.

Mr. KNOWLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 63, after line 23, by adding the following paragraph:
"The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, corporations, or agents thereof bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect or the purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I raise a point of order to that provision.

Mr. KNOWLAND. That is the same provision that has been in the naval bill heretofore.

Mr. ROBERTS of Massachusetts. It has appeared in the bill ahead of the provision for submarines. Submarines are of such a character and so controlled by patents that it is not possible for the Government to build them in the navy yards. If the gentleman will modify his amendment I will withdraw the point of order. I am in sympathy with it, but do not want to tie up the construction of submarines.

Mr. KNOWLAND. Then I have no objection to excepting the submarines, and I will modify my amendment in that particular.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, can we have the amendment as modified read by the Clerk?

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized, except submarines, in such navy yards as he may designate should it reasonably appear that persons, firms, corporations, or agents thereof bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, or unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. ROBERTS of Massachusetts. I have no objection to that.

Mr. PADGETT. Mr. Chairman, the word "submarines" ought to be inserted in the first part of the amendment. It only appears once in the amendment, and it should appear twice. Let the Clerk report the amendment as it now stands.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels authorized in this act, except submarines, in such navy yards——

Mr. PADGETT. That is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California as modified.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $8,946,205.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 2, page 64, insert the following:
"*Provided*, That no part of this appropriation for the construction and machinery of vessels shall be expended for construction of any vessels by any person, firm, or corporation which have not at the time of commencement and during the construction of said vessels established an eight-hour working day for all employees, laborers, and mechanics engaged or to be engaged in the construction of vessels named herein."

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that that be considered as pending.

Mr. PADGETT. Consent has already been given for that.

Mr. PAYNE. Mr. Chairman, if the gentleman from Illinois will yield, I desire to ask the chairman of the committee, in connection with this amendment and others, if this appropriation does not apply to the completion and construction of vessels where contracts have already been made?

Mr. PADGETT. The amendment has been offered, but it is simply passed for the present, and it should not apply to those heretofore contracted for.

Mr. PAYNE. I wanted to call attention to that.

Mr. PADGETT. Yes. When we take them up for consideration we will also take up that question.

Mr. PAYNE. Of course you can not go into a wholesale violation of contracts by enacting legislation of this kind without its being subject to a point of order.

Mr. PADGETT. They are just offered now and are passed subject to points of order and for consideration.

Mr. PAYNE. I understand that part of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Increase of the Navy; colliers: On account of two fleet colliers heretofore authorized, $581,321.48.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk. It is an amendment of the same character as that which I just offered, and I ask unanimous consent that this be considered as pending.

The CHAIRMAN. Without objection, the same disposition will be made of the amendment which the gentleman from Illinois has just submitted.

There was no objection.

Mr. PADGETT. Mr. Chairman, I desire now to ask unanimous consent to offer at this place the bill H. R. 9061, the 8-hour law, as passed by this House at the present session of Congress on the 14th day of December, 1911, which is the one that I have heretofore mentioned several times. This act was passed by an overwhelming vote, a large majority on both sides of the aisle. It has been reported faborably, without amendment, by the Senate committee. Instead of having all of these various matters interjected through the bill here and there and elsewhere, so that we will have to deal with all of those separately, and which, perhaps, may be in conflict with the general law that may be passed, I am asking unanimous consent that this amendment may be incorporated. When the bill goes to conference, should the Congress change it in any way and the law become different, in the conference we would have this changed, made to conform to the law as it shall pass. If there is no change made in the bill, it would remain as it is; and should the Senate not take action before receding from the action of the House I should submit the matter to the House for its future instruction.

I desire to make that statement that it may be clearly understood what my purpose is. I ask that this may be incorporated as an amendment at this time, to come after line 20, page 64.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. What has become of the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] to follow the word "cents," in line 9, page 64?

The CHAIRMAN. The Chair was about to inquire whether the gentleman from Tennessee offered his amendment as a substitute to the amendment offered by the gentleman from Illinois.

Mr. PADGETT. I offer my amendment to come after line 20, page 64. I thought that had been reached.

The CHAIRMAN. That has not been reached.

Mr. PADGETT. Then I withdraw it until that time.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to reserve a point of order against the amendment offered by the gentleman from Illinois [Mr. BUCHANAN.] I want to suggest to the gentleman from Illinois, if he will give me his attention, that, as I understand the wording of his amendment, it would apply to all vessels that were authorized in the last Congress and which, as I understand it, are now under construction. Contracts have been let for the construction of those vessels, and to attach such an amendment as this to them would be a violation of the contracts which the Government has already entered into, and I do not think the gentleman desires to place the Government in any such position as that of impairing the obligation of its contracts.

Mr. GREGG of Texas. Would anything that we now adopt be retroactive?

Mr. ROBERTS of Massachusetts. It would make it so here.

Mr. CANNON. Suppose it does; could we not pay the damage on suits brought in the Court of Claims?

Mr. ROBERTS of Massachusetts. Oh, yes; we could pay the damages, but we do not want to subject people who have entered in good faith into contracts with this Government to a suit at law.

I am in favor of these eight-hour provisions going on to all new authorizations in the bill, but I am not in favor of an eight-hour provision going on this bill which is going to impair a contract already entered into by this Government, and I do not think the gentleman from Illinois is.

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. WILSON of Pennsylvania. I understand that those amendments are pending and are subject to points of order.

Mr. ROBERTS of Massachusetts. This is one that has just been offered.

Mr. WILSON of Pennsylvania. Yes; but the gentleman from Illinois has asked that it be considered as pending. It is in the same position as the others.

Mr. ROBERTS of Massachusetts. That is what I have been endeavoring to find out.

Mr. WILSON of Pennsylvania. Until the amendment which is proposed to be offered by the gentleman from Tennessee, to follow after line 20, page 64, has been disposed of.

Mr. ROBERTS of Massachusetts. If the gentleman from Pennsylvania will pardon me, I do not think he understood the parliamentary situation. The gentleman from Illinois [Mr. BUCHANAN] offers this amendment to which I have reserved the point of order, but before any action could be taken upon it, the chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], rose to his feet and asked unanimous consent to offer as an amendment at this time the general eight-hour law. That left the motion of the gentleman from Illinois wholly undetermined. I thereupon reserved a point of order, and pointed out to the gentleman wherein I think his amendment is out of order and not a fair motion to make on this provision of the bill.

Mr. WILSON of Pennsylvania. I simply wanted to call the attention of the gentleman to the fact that the amendment proposed by the gentleman from Tennessee [Mr. PADGETT] has in it a provision that exempts its application from contracts already made.

Mr. ROBERTS of Massachusetts. I am not finding any fault with the amendment of the gentleman from Tennessee. It is the amendment of the gentleman from Illinois, that preceded it, that I am questioning.

The Clerk read as follows:

Total increase of the Navy heretofore and herein authorized, $16,830,373.48.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to present as an amendment the bill which I have just explained, which is the eight-hour law as it passed the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 20, page 64, insert the following:

"That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for on on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation, and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting, by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor of subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department, or the Commissioners of the District of Columbia, file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

"That nothing in this section shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to

property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable. Nothing in this section shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or to apply to work done under contracts made prior to the passage of this act."

Mr. PADGETT. Mr. Chairman, just a pro forma amendment. As this was an act and we are incorporating it as one section in the bill here, in line 12, page 3, the word "act" should read "section," and, on page 4, line 8, the word "act" should read "section," as it is incorporated in this general act.

The CHAIRMAN. Without objection, the amendment will be modified as indicated by the gentleman.

There was no objection.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Now I ask——

Mr. BUCHANAN. Mr. Chairman, I have an amendment.

Mr. PADGETT. Let me dispose of this. I ask unanimous consent, to expedite matters, that all of the amendments heretofore offered and reserved which have relation to the eight-hour law be now disagreed to.

Mr. MURRAY. Do I understand the gentleman that that will include my amendment?

Mr. PADGETT. Certainly not; that is not embraced in the eight-hour law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all the amendments indicated that were offered as pending and passed by informally be considered as withdrawn. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I desire to offer the following amendment to be added as a paragraph at the end of the amendment just adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the amendment just adopted the following as a new paragraph:

"That no part of the appropriation authorized by this act shall be expended for the pay of enlisted men or seamen, not including commission and warrant officers, while doing repair work belonging to any recognized trade on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs: *Provided further*, That this provision shall not apply to such ordinary duties as are engaged in by the crew while at sea excepting dismantling and assembling armament for the purpose of repairs."

[Mr. MURRAY addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, I do not know that I quite understand the amendment. It is to prohibit repairs of any kind by enlisted men?

Mr. PADGETT. In the ships at navy yards aside from battleships. It takes the greater ships, but excludes the other vessels.

Mr. ROBERTS of Massachusetts. The amendment goes a little bit further than that. It prevents the enlisted personnel of the Navy who are on battleships that are in navy yards from doing any work on that ship that is ordinarily done by the recognized crafts or trades in the navy yard while the battleship is in the yard except such ordinary duties as the sailors do at sea.

Mr. CANNON. I want to ask, and I ask in good faith for information, is it important when a battleship goes to sea that there should be some enlisted men aboard the ship who will be competent to make repairs necessary in distress——

Mr. PADGETT. Very important.

Mr. CANNON. Either from battle or storm?

Mr. PADGETT. Under any circumstances I think it is very important, and it does not occur to me that as amended this will prevent that, and therefore I did not object.

Mr. CANNON. But the men must know how.

Mr. PADGETT. Yes.

Mr. CANNON. Now then, if when they are in the navy-yard docks and being repaired, not being skilled, they are shut out from being skilled, it seems to me if this amendment is adopted the gentleman ought to increase the membership of the crew of the battleship by a sufficient number of trained mechanics to meet emergencies that might arise from war or from storm.

Mr. CALDER. Mr. Chairman, I would like to answer the gentleman from Illinois by saying that these ships have in their service machinists, boiler makers, and all those trades who may be needed to repair vessels at sea. For the last 20 years we have had enlisted men as boiler makers and such mechanics competent to keep things in repair.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word. I want to say to the gentleman from Illinois that the reason for this amendment is because some of the battleships during the present fiscal year have been put into a navy yard for repairs and because of a lack of funds in the Navy Department the crews, while the ships were in dock there or at the wharf in the navy yard, have been put to work doing things that are ordinarily done by the yard mechanics, and to make the situation more aggravated the yard mechanics that would ordinarily do that work were being discharged right and left because there was not money enough to keep them at work. Now, that is the situation, and this amendment seeks to prevent that recurring in the future.

Mr. CANNON. Now, let me understand. For the want of an appropriation, if the battleships were repaired at all, there was no money to pay the ordinary mechanic, who was discharged, and a seaman who was a mechanic, if he was fitted to repair it, was put at work on it.

Mr. ROBERTS of Massachusetts. Now, the claim is made that these seamen are not skilled mechanics and are not doing good work in addition to taking work away from the men employed heretofore.

Mr. CANNON. I take it they must be skilled mechanics, because the other sailor and navigator, the gentleman from New York [Mr. CALDER], says that they have theses mechanics, boiler makers, etc., in the regular crews, so that the gentleman must be mistaken.

Mr. ROBERTS of Massachusetts. I am telling the gentleman what the men in the navy yard say.

Mr. CANNON. What is the fact?

Mr. ROBERTS of Massachusetts. I am not competent to judge.

Mr. CANNON. I want to ask the gentleman in charge of the bill and the gentleman from Massachusetts, who offered the amendment, if the gentlemen have taken in consideration the absolute necessity of much larger appropriations, so that these battleships when they come into dock could be repaired by the ordinary employee or mechanic in the navy yard, and therefore be something to pay? Otherwise we, by law, would shut out the mechanic, who I am sure is of equal skill and belongs to the regular crew which is enlisted, and prevent him, by this provision, from making in whole or in part——

Mr. ROBERTS of Massachusetts. I want to say to the gentleman further——

Mr. CANNON. You know I am a landlubber. I want to know.

Mr. ROBERTS of Massachusetts. I want to say to the gentleman that I have heard of complaints coming from the enlisted men that they have been compelled to do work while the ships were in the navy yard that formerly had not been done by enlisted men when the ship was in the navy yard. There is a double complaint over this practice that has come to me.

Mr. CANNON. Was the seaman, who was competent to repair the ship, under pay?

Mr. ROBERTS of Massachusetts. He was under pay, certainly; but the practice heretofore has been for the seaman not to be put to this kind of work when the ship was in the navy yard.

Mr. CANNON. What was he doing in the meantime?

Mr. ROBERTS of Massachusetts. I could not tell you. He did not want to do the work that shore mechanics should be doing.

Mr. PADGETT. I will be frank with the gentleman that I think the effect of this will be to increase the expense; but this House has manifested such a marked disposition to recognize the demand with reference to labor, that when the gentleman from Massachusetts [Mr. MURRAY] modified it and placed it in the present form I said to him I would withdraw my opposition to it.

Mr. CANNON. How much does my friend think it would increase the expense?

Mr. PADGETT. I am not prepared to say.

Mr. CANNON. I want to make this remark in justice to all parties. I know the gentlemen on both sides of the House who represent the navy-yard districts. They are most splendid Representatives, and, if it costs two or three millions more, they are worth it.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PETERS. Mr. Chairman, I heartily urge the adoption of the amendment which my colleague from Massachusetts [Mr. MURRAY] has just offered. The gentleman from Illinois [Mr. CANNON] is not conversant with the conditions in our navy

yards, or he would not voice the objections which he has just made.

The purpose of this amendment is to prevent the employment in navy yards of sailors in work which is being done at those yards by regular mechanics of recognized trades. It is obviously unfair to these mechanics to have their work taken from them and given to enlisted sailors from the vessels. Whenever this takes place it causes friction on both sides. The enlisted men from the vessels resent their employment in other work not connected with their work as seamen, and the men in the yards, who have families to support and belong to recognized trades, naturally resent the competition of enlisted men in their work.

It is urged that this seldom takes place. Then, Mr. Chairman, there can be little interference occasioned by the provisions of this amendment. This amendment is not intended to interfere with good discipline or with efficiency; it is intended to assist in the conduct of the yards and to prevent occasions arising which might cause feeling between the mechanics in the yards and the enlisted men on the vessels. Many of the employees in the Charlestown Navy Yard live in my district, and I have received letters of complaint from them on this subject. I am glad to see the chairman of the committee accept this, and trust that his decision will be followed finally by the House.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. MURRAY].

The question was taken, and the amendment was agreed to.

Mr. BUCHANAN. Mr. Chairman, I want to offer the following amendment, to follow the last two amendments.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate paragraph following the amendment:

"*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract."

Mr. PADGETT. Mr. Chairman, that is the same provision that was agreed to last year.

Mr. CANNON. Have there been any contracts let since that was adopted?

Mr. PADGETT. Yes.

Mr. CANNON. How was it ascertained as a fact that a maker of structural steel was or was not in the trust?

Mr. PADGETT. I have not been charged with the duty of finding out or ascertaining.

Mr. FITZGERALD. I understand the Secretary of the Navy made one of the officers make an affidavit.

Mr. CANNON. Now, an affidavit would be a lie without a penalty for perjury. There is a penalty for forming a trust. I am just anxious to know whether this be merely high-sounding "leather and prunella" to show to the galleries and on the stump what we have been doing to break up the trusts, or whether it really be a matter of force.

Mr. FITZGERALD. Mr. Chairman, I recollect that a few years ago an amendment was placed on the bill prohibiting the purchase of any powder from a trust. It was ascertained that the only place the powder could be purchased was from a trust, and the powder was purchased.

Mr. CANNON. In spite of the law?

Mr. FITZGERALD. In spite of the law.

Mr. CANNON. Has not the Judiciary Committee been called upon to impeach the official who purchased it for violating the law?

Mr. FITZGERALD. Oh, no. It was expected that a Republican official would violate it. Nobody paid any attention to it.

Mr. CANNON. Then it ought to be expected that a Democratic House would impeach.

Mr. FITZGERALD. It happened when the House was Republican, and nobody expected it.

Mr. CANNON. It is not barred by the statute of limitation now. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate paragraph the following:

"After January 1, 1914, no captain or commander of the line of the Navy, who is not restricted by law to shore duty only, shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade: *Provided*, That hereafter, except in time of war, no officer shall be appointed a chief of bureau, or to any other position in which his temporary rank shall be more than one grade higher than his rank in the regular service, and in no case shall an officer be appointed a chief of bureau who has not performed two years' sea service in command in the grade of commander and two years' sea service in the grade of captain."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order against the amendment.

Mr. BURLESON. Will the gentleman reserve the point of order and permit me to ask him a question?

Mr. ROBERTS of Massachusetts. I will reserve the point of order, although I assure the gentleman that it is a waste of time, because I shall insist upon it.

Mr. BURLESON. I should like to ask the gentleman if he thinks a commander of the Navy ought to be promoted to be a captain of a ship when he has never served a day at sea as a commander?

Mr. ROBERTS of Massachusetts. As a general proposition, no; but there are exceptional cases, where it would be an injustice not to promote him.

Mr. BURLESON. Will the gentleman state one of those exceptional cases?

Mr. ROBERTS of Massachusetts. Yes; I can state half a dozen.

Mr. BURLESON. State just one, and I will be content.

Mr. ROBERTS of Massachusetts. Here is a commander who is an expert in ordnance, and his services are so valuable to the Government that he is kept on ordnance work, and when his time for promotion comes he has not been able to go to sea as a commander. Ought that man to be retired and his services lost to the Government, when he has been doing the Government most valuable service in designing our guns and perfecting our means of offensive warfare?

Mr. BURLESON. This amendment does not contemplate that such an officer shall be put on the retired list.

Mr. ROBERTS of Massachusetts. Why should the man be kept out of his deserved promotion because he has not seen two years' sea service as commander through no fault of his own? I can cite half a dozen other instances where it would be a hardship not to allow a man to go from one grade to another.

Mr. BURLESON. One further question: Is the gentleman in favor of the petty favoritism that has some time been practiced in the Navy Department by denying some officers shore duty in order that others may be saved from sea service?

Mr. ROBERTS of Massachusetts. If the gentleman gets his provision into the law there will be a one-man plucking board, because one man, by refusing to detail an officer to sea duty, can force him on to the retired list.

Mr. BURLESON. Have you not under existing law got it in the power of one man now?

Mr. ROBERTS of Massachusetts. No; because the sea-service requirement is not now a prerequisite to promotion.

Mr. BURLESON. Under the law as it is, is it not within the power of one man now to take an officer of the Navy and make him chief of a bureau, and by keeping him there a few months enable him to retire as an admiral when he has completed 30 years' service?

Mr. ROBERTS of Massachusetts. No man's promotion to-day depends on his sea service, and it is not in the power of any one man to prevent an officer being promoted. I make the point of order.

Mr. BURLESON. I confidently expected the gentleman from Massachusetts would make the point of order.

Mr. ROBERTS of Massachusetts. Then the gentleman is not disappointed.

The CHAIRMAN. The point of order is sustained.

Mr. CALDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the amendment just adopted add the following as a separate paragraph:

"That hereafter the per diem clerical, drafting, inspection, and messenger force at navy yards and naval stations under the Navy Department shall be granted leave of absence with pay not to exceed 15 days in any one year, which leave may in exceptional and meritorious cases where an employee is ill be extended, in the discretion of the Secretary of the Navy, not to exceed 15 days additional in any one year."

Mr. PADGETT. Mr. Chairman, I make the point of order against that. It is legislation.

Mr. CALDER. Will the gentleman withhold the point of order?

Mr. PADGETT. No; I can not. It is too late in the day.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. CALDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

The Secretary of the Navy is requested to consider the advisability of a permanent policy of stationing torpedo boats and submarines at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico and the Pacific coast as the proper naval defense thereof.

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. It is subject to a point of order if the gentleman desires to make it. It is only expressing to the Secretary of the Navy the suggestion of the committee that he shall consider these matters.

Mr. GOOD. If the gentleman will notice, this provision simply authorizes the Secretary of the Navy to investigate this matter in one particular locality.

Mr. PADGETT. No; it says on the Gulf coast and the Pacific coast.

Mr. GOOD. It seems to me if a provision of this kind is proper it ought to give the Secretary of the Navy broader power, so that he can investigate the subject with regard to the advisability of establishing the permanent policy of stationing torpedo boats in the Atlantic and Pacific and at other places.

Mr. PADGETT. He already has some on the Pacific, but not enough, if you will allow me to express my own judgment; but there are on the Atlantic a great many in proportion to what we have. This is simply asking him to consider whether or not it is advisable to have them on the Gulf coast and additional ones on the Pacific coast.

Mr. CANNON. Has he the power to inquire touching that matter now?

Mr. PADGETT. Yes.

Mr. CANNON. I want to suggest to the gentleman from Tennessee, if I may, what is the use of this amendment? I always bow to the will of the majority, because I must; and we have voted by a great majority to-day that there is no danger of war. Why go to this useless expense? [Applause on the Republican side.]

Mr. GOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk completed the reading of the bill.

Mr. CANNON. Mr. Chairman, I desire to introduce one amendment, with one word, and have one minute to explain it. I move at the end of the last line of the bill to insert the word "notwithstanding."

In the minute, if I may be recognized, I desire to say that when I was a small boy there was a queer old creature by the name of Campbell, who could not read or write, and still he was a great correspondent. We used in that time foolscap paper, and he dictated to me until every side of that foolscap of four pages was filled, and then he would dictate until I wrote across, and then finally when I would read the letter to him that contained almost everything known and unknown, seen and unseen, from the birth of Christ to the death of the devil, he said, "Sonny, 'notwithstanding' is a mighty good word to conclude a letter with." [Laughter.]

The CHAIRMAN. The pro forma amendment by the gentleman from Illinois is withdrawn.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill, with the various amendments, to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had directed him to report the same back, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question upon the bill and all amendments to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs, to report the same back forthwith, containing the paragraph in the hands of the Clerk, and on that I move the previous question.

The SPEAKER. Is the gentleman from Massachusetts opposed to the bill?

Mr. ROBERTS of Massachusetts. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Recommit the bill to the Committee on Naval Affairs with instructions to report the same back forthwith with the following paragraph:

"That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed one first-class battleship, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, to cost, exclusive of armor and armament, not to exceed $6,000,000."

The SPEAKER. On that the gentleman moves the previous question.

The previous question was ordered.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I ask that this vote be taken by yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 140, answered "present" 14, not voting 132, as follows:

YEAS—106.

Akin, N. Y.	Green, Iowa	Longworth	Roberts, Nev.
Anderson, Minn.	Greene, Mass.	McCall	Rodenberg
Austin	Griest	McCreary	Sells
Ayres	Hamilton, Mich.	McKinley	Simmons
Barchfeld	Harris	McKinney	Sloan
Bartholdt	Haugen	McLaughlin	Smith, Saml. W.
Bates	Hawley	McMorran	Steenerson
Butler	Hayes	Maher	Stephens, Cal.
Calder	Heald	Martin, S. Dak.	Sterling
Campbell	Helgesen	Matthews	Stevens, Minn.
Cannon	Henry, Conn.	Miller	Sulloway
Cary	Higgins	Moon, Pa.	Talcott, N. Y.
Catlin	Hill	Morgan	Taylor, Ohio
Crago	Howell	Morse, Wis.	Thistlewood
Curry	Howland	Murray	Tilson
Danforth	Humphrey, Wash.	Needham	Towner
Davis, Minn.	Kahn	Nelson	Utter
Dodds	Kennedy	Norris	Volstead
Donohoe	Kent	Nye	Warburton
Draper	Knowland	Palmer	Wedemeyer
Driscoll, M. E.	Konig	Patton, Pa.	Weeks
Esch	Kopp	Payne	Wilder
Farr	La Follette	Powers	Willis
Fordney	Lawrence	Pray	Wilson, Ill.
French	Lee, Pa.	Prince	Wilson, N. Y.
Gardner, Mass.	Lenroot	Rees	
Good	Lindbergh	Roberts, Mass.	

NAYS—140.

Adair	Driscoll, D. A.	Humphreys, Miss.	Rothermel
Adamson	Dupré	Jacoway	Rubey
Alexander	Edwards	Jones	Rucker, Colo.
Allen	Ellerbe	Kitchin	Russell
Anderson, Ohio	Estopinal	Konop	Sabath
Barnhart	Evans	Korbly	Saunders
Bartlett	Faison	Lafean	Shackleford
Beall, Tex.	Fergusson	Lamb	Sharp
Blackmon	Ferris	Lever	Sherwood
Booher	Finley	Lewis	Sims
Borland	Fitzgerald	Lloyd	Sisson
Brantley	Flood, Va.	Lobeck	Slayden
Broussard	Floyd, Ark.	McDermott	Smith, N. Y.
Buchanan	Foster	McGillicuddy	Smith, Tex.
Bulkley	Fowler	McKellar	Stephens, Miss.
Burgess	Francis	McKenzie	Stephens, Nebr.
Burke, Wis.	Gallagher	Macon	Stephens, Tex.
Burleson	Garner	Maguire, Nebr.	Stone
Byrns, Tenn.	Garrett	Moon, Tenn.	Sweet
Callaway	George	Moss, Ind.	Taggart
Candler	Glass	Neeley	Taylor, Ala.
Claypool	Godwin, N. C.	Oldfield	Taylor, Colo.
Clayton	Goodwin, Ark.	Padgett	Thayer
Cline	Gregg, Tex.	Patten, N. Y.	Tribble
Collier	Gudger	Peters	Turnbull
Conry	Hamlin	Post	Underhill
Cullop	Hardwick	Pou	Watkins
Dent	Harrison, Miss.	Rainey	Webb
Dickinson	Hay	Raker	Whitacre
Dickson, Miss.	Heflin	Ranch	White
Dies	Hensley	Redfield	Wickliffe
Difenderfer	Houston	Reilly	Wilson, Pa.
Dixon, Ind.	Howard	Richardson	Witherspoon
Doremus	Hughes, Ga.	Robinson	Young, Kans.
Doughton	Hull	Roddenbery	Young, Tex.

ANSWERED "PRESENT"—14.

Davenport	Fornes	Littlepage	Speer
Davidson	Hardy	Martin, Colo.	Underwood
Dwight	Henry, Tex.	Parran	
Dyer	Johnson, S. C.	Riordan	

NOT VOTING—132.

Aiken, S. C.	Anthony	Bochne	Burke, Pa.
Ainey	Ashbrook	Bowman	Burke, S. Dak.
Ames	Bathrick	Bradley	Burnett
Andrus	Bell, Ga.	Brown	Byrnes, S. C.
Ansberry	Berger	Browning	Cantrill

Carlin	Gray	Levy	Reyburn
Carter	Gregg, Pa.	Lindsay	Rouse
Clark, Fla.	Guernsey	Linthicum	Rucker, Mo.
Connell	Hamill	Littleton	Scully
Cooper	Hamilton, W. Va.	Loud	Sheppard
Copley	Hammond	McCoy	Sherley
Covington	Hanna	McGuire, Okla.	Slemp
Cox, Ind.	Harrison, N. Y.	McHenry	Small
Cox, Ohio	Hartman	Madden	Smith, J. M. C.
Cravens	Hayden	Malby	Smith, Cal.
Crumpacker	Helm	Mann	Sparkman
Curley	Hinds	Mays	Stack
Currier	Hobson	Mondell	Stanley
Dalzell	Holland	Moore, Pa.	Stedman
Daugherty	Hubbard	Moore, Tex.	Sulzer
Davis, W. Va.	Hughes, N. J.	Morrison	Switzer
De Forest	Hughes, W. Va.	Mott	Talbott, Md.
Denver	Jackson	Murdock	Thomas
Fairchild	James	Olmsted	Townsend
Fields	Johnson, Ky.	O'Shaunessy	Tuttle
Focht	Kendall	Page	Vare
Foss	Kindred	Pepper	Vreeland
Fuller	Kinkaid, Nebr.	Pickett	Wood, N. J.
Gardner, N. J.	Kinkead, N. J.	Plumley	Woods, Iowa
Gillett	Lafferty	Porter	Young, Mich.
Goeke	Langham	Prouty	
Goldfogle	Langley	Pujo	
Gould	Lee, Ga.	Randell, Tex.	
Graham	Legare	Ransdell, La.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. PAGE with Mr. WOOD of New Jersey.

Mr. MCCOY with Mr. VREELAND.

Mr. LINTHICUM with Mr. VARE.

Mr. LEVY with Mr. SWITZER.

Mr. LEGARE with Mr. REYBURN.

Mr. LEE of Georgia with Mr. PROUTY.

Mr. KINKEAD of New Jersey with Mr. PORTER.

Mr. KINDRED with Mr. PLUMLEY.

Mr. JOHNSON of Kentucky with Mr. PICKETT.

Mr. HOLLAND with Mr. MURDOCK.

Mr. HELM with Mr. MOTT.

Mr. HAYDEN with Mr. MONDELL.

Mr. HAMILTON of West Virginia with Mr. LANGHAM.

Mr. GOULD with Mr. KINKAID of Nebraska.

Mr. GOLDFOGLE with Mr. KENDALL.

Mr. GOEKE with Mr. JACKSON.

Mr. DICKSON of Mississippi with Mr. HUGHES of West Virginia.

Mr. DAVIS of West Virginia with Mr. HINDS.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HARRISON of New York with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. COPLEY.

Mr. BYRNES of South Carolina with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. BOWMAN.

Mr. ANSBERRY with Mr. AMES.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. BELL of Georgia with Mr. FOCHT.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. GRAHAM with Mr. SLEMP.

Mr. STANLEY with Mr. ANTHONY.

Mr. SHERLEY with Mr. MALBY.

Mr. HARDY with Mr. OLMSTED.

Mr. JAMES with Mr. GUERNSEY.

Mr. BROWN with Mr. CURRIER.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. TALBOTT of Maryland with Mr. PARRAN.

On the vote:

Mr. FOSS (to recommit) with Mr. SMALL (against).

Mr. DALZELL (to recommit) with Mr. HENRY of Texas (against).

Mr. VREELAND (to recommit) with Mr. BATHRICK (against).

Mr. MOORE of Pennsylvania (to recommit) with Mr. BURNETT (against).

Mr. SULZER (to recommit) with Mr. CONNELL (against).

Mr. SPEER (to recommit) with Mr. GREGG of Pennsylvania (against).

Mr. O'SHAUNESSY (to recommit) with Mr. ROUSE (against).

Mr. CURLEY with Mr. FULLER.

Mr. PUJO with Mr. DE FOREST.

Until May 28:

Mr. HUGHES of New Jersey with Mr. YOUNG of Michigan.

Ending May 31:

Mr. MORRISON with Mr. MADDEN.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

From May 15 and ending two weeks hence:

Mr. CANTRILL with Mr. LOUD.

Mr. HARDY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. OLMSTED. I voted "no." I wish to withdraw my vote and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

Mr. JOHNSON of South Carolina. Mr. Chairman, I voted "no." I desire to withdraw my vote and answer "present." I am paired with the gentleman from Massachusetts, Mr. GILLETT.

The name of Mr. JOHNSON of South Carolina was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of 9th day of August, 1814; and

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. SMALL, for one week, on account of death in family.

To Mr. THAYER, for one week, on account of important business.

To Mr. BORLAND, for two weeks, on account of important business.

To Mr. PADGETT, for 10 days, on account of important business.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, next Thursday is Memorial Day. A great many gentlemen on both sides of the House desire to be absent upon that day. I therefore ask unanimous consent that when the House adjourns to-morrow, Wednesday, it adjourn to meet on Friday, May 31, 1912, at 11 o'clock a. m.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-morrow, Wednesday, it adjourn to meet on Friday, at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD, at 5 o'clock and 26 minutes p. m., the House adjourned until to-morrow, Wednesday, May 29, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate for appropriation for reenforcing floor in room 400, Patent Office Building, and to equip same as a file room (H. Doc. No. 779); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting special-agent report on shoe and leather trade in the United Kingdom (S. Doc. No. 719); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting, pursuant to section 2, act of July 7, 1884, schedule of claims allowed by the accounting officers of the Treasury Department (H. Doc. No. 778); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 321) relative to observance of Memorial Day, reported the same without amendment, accompanied by a report (No. 788), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 5207) to provide an American register for the steamer *Oceana*, reported the same with amendment, accompanied by a report (No. 793), which said bill and report were referred to the House Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 302) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc., reported in lieu thereof joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, accompanied by a report (No. 789), which said joint resolution and report were referred to the Committee of the whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 17709) for the relief of John M. Oak, reported the same with amendment, accompanied by a report (No. 764), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased, reported the same with amendment, accompanied by a report (No. 765), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, reported the same with amendment, accompanied by a report (No. 767), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17850) to pay Cowden & Cowden, of Armory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture, reported the same with amendment, accompanied by a report (No. 768), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 20873) for the relief of J. M. H. Mellon (administrator), James A. Mellon, Thomas D. Mellon, Mrs. E. L. Sevird, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Marlin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa., reported the same with amendment, accompanied by a report (No. 769), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 18294) for the relief of John C. Sullivan, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12476) for the relief of Henry W. Carpenter, reported the same with amendment, accompanied by a report (No. 771), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 15181) for the relief of Harry S. Wade, reported the same with amendment, accompanied by a report (No. 772), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 13938) for the relief of Theodore Salus, reported the same with amendment, accompanied by a report (No. 773), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 644) for the relief of Mary E. Quinn, reported the same with amendment, accompanied by a report (No. 774), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14333) for the relief of John Johnson, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16621) for the indemnification of Frank Wenzel, reported the same with amendment, accompanied by a report (No. 776), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 22863) for the relief of H. C. Owens, reported the same with amendment, accompanied by a report (No. 777), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 19819) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna, reported the same without amendment, accompanied by a report (No. 778), which said bill and report were referred to the Private Calendar.

Mr. CATLIN, from the Committee on Claims, to which was referred the bill (H. R. 3668) for the relief of William F. Norris, reported the same without amendment, accompanied by a report (No. 779), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey, reported the same without amendment, accompanied by a report (No. 780), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 7672) for the relief of Mary J. Manning, reported the same without amendment, accompanied by a report (No. 781), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 21760) for relief of the estate of William B. Taylor, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (H. R. 20511) for the relief of Samuel Butter & Co., reported the same without amendment, accompanied by a report (No. 783), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17355) for the relief of Robert F. Scott, reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 15594) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19,

1903, reported the same without amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (S. 462) for the relief of Slavo Ramadanovitch, heir of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, reported the same without amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased, reported the same without amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co., reported the same without amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

Mr. CATLIN, from the Committee on Claims, to which was referred the bill (S. 4007) for the relief of the J. Kennard & Sons Carpet Co., reported the same without amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 23439) granting an increase of pension to Walter K. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23852) granting an increase of pension to Clyde C. Elkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24180) granting an increase of pension to Rachel I. Halloway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24570) granting an increase of Pension to John Richardson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22462) granting an increase of pension to R. W. Tuffs; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24423) granting an increase of pension to Martin Kimble; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23503) granting a pension to John F. Klossy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16782) granting an increase of pension to Charles Almendinger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24422) granting a pension to Charles A. Ward; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24611) granting a pension to John Y. Thornton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22397) granting a pension to Thomas Corian; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23335) granting a pension to Eugene Jobe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21791) granting a pension to Anna A. Engel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22000) granting a pension to Ellen Cardenas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19373) granting a pension to Sarah Scott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20693) granting a pension to Bertie L. Wade; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13525) granting a pension to James E. Welch; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16879) granting a pension to Martha Fitzpatrick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24923) providing for site and public building at Sylvania, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24924) providing for purchase of site and for public building at Millen, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: A bill (H. R. 24925) to amend the copyright law passed March 4, 1909; to the Committee on Patents.

By Mr. PETERS: A bill (H. R. 24926) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: A bill (H. R. 24927) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 24928) regulating trials by jury; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Resolution (H. Res. 554) to print 2,500 copies of the hearings on the investigation of the strike at Lawrence, Mass.; to the Committee on Printing.

By Mr. DENT: Joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, favoring the passage of the three-year homestead bill; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Arizona, asking that said State be permitted to select additional lands within forest reserves; to the Committee of the Public Lands.

Also, memorial of the Legislature of the State of Arizona, requesting an investigation of a certain contract made by the United States Reclamation Service with the Pacific Gas & Electric Co.; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 24929) granting a pension to Charlotte C. Morrison; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 24930) granting a pension to William G. Park; to the Committee on Pensions.

Also, a bill (H. R. 24931) granting a pension to Fred A. Hecker; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 24932) granting an increase of pension to Mary C. Titman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24933) for the relief of Eli A. Helmick, major, United States Army; to the Committee on War Claims.

Also, a bill (H. R. 24934) granting an increase of pension to Joshua Duran; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 24935) for the relief of the heirs of Alexander K. Phillips, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 24936) granting a pension to George F. Dickey; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 24937) to correct the naval record of Rev. Oscar Samuel, alias August Meier; to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 24938) granting a pension to John W. Clark; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 24939) granting a pension to Amanda Dimsdale; to the Committee on Pensions.

By Mr. HARDWICK: A bill (H. R. 24940) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 24941) for the relief of William Corley; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims; to the Committee on Indian Affairs.

By Mr. KENT: A bill (H. R. 24943) granting a pension to Thomas B. Kneedler; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 24944) granting a pension to Alphonso Penley; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24945) granting an increase of pension to Theoda C. Newlon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24946) to grant an easement to the city of Kingfisher, Okla., for public street purposes, over a strip off the east, west, and south sides of the Government acre, in the city of Kingfisher, Okla.; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 24947) to establish a fish hatchery and fish-culture station in the first congressional district in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: A bill (H. R. 24948) authorizing the Secretary of War, in his discretion, to deliver to the John Mangan Post, Grand Army of the Republic, Selby, S. Dak., condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 24949) granting an increase of pension to Samuel K. Howard; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24950) granting an increase of pension to George De Garmo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24951) granting an increase of pension to Lorenzo English; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 24952) granting a pension to Mary A. Swaggerty; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24953) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 24954) granting a pension to Rutherford B. H. Kinback; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 24955) granting a pension to Flora A. White; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24956) for the relief of Ira Haworth; to the Committee on the Public Lands.

By Mr. TALCOTT of New York: A bill (H. R. 24957) granting a pension to Mary A. Snider; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 24958) granting a pension to Kate Spencer Carpenter; to the Committee on Pensions.

Also, a bill (H. R. 24959) granting an increase of pension to Thomas A. Davis; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 24960) granting an increase of pension to Jackson Kindsman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petitions of citizens of New York; the Brotherhood of Locomotive Engineers, of Harrisburg, Pa.; and the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Grand Army of the Republic, Department of Missouri, in favor of securing a pensionable status for members of the Enrolled Missouri Militia; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Papers to accompany invalid claim for increase of pension for Charlotte E. Morrison, of Milford, Steele County, State of Minnesota, widow of the late Samuel Morrison, of Company D, Eleventh Regiment Minnesota Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Charlotte C. Morrison, widow of Samuel Morrison; to the Committee on Invalid Pensions.

Also, papers to accompany claim for increase of pension for Charlotte E. Morrison, of Steele County, Minn., widow of late Samuel Morrison, Company D, Eleventh Regiment Minnesota Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of the Manufacturers' Association of New York, in opposition to any change in present patent laws; to the Committee on Patents.

Also, petition of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolution of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357, relative to investigation of the business of foreign and domestic fire insurance corporations of the United States; to the Committee on Appropriations.

By Mr. CALDER: Petition of the New York Milk Committee, of New York City, N. Y., favoring continuance of Commission on Efficiency; to the Committee on Appropriations.

Also, petition of the Samuel Felt Drug Co., of Watertown, N. Y., favoring passage of the Richardson bill (H. R. 14060) relative to pure drugs, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alice Cleaveland, of Brooklyn, N. Y., favoring passage of bill for the betterment of conditions in Alaska; to the Committee on the Territories.

Also, petition of the National Jewelers' Board of Trade, of New York City, against passage of amendment changing present patent laws; to the Committee on Patents.

Also, resolution of the American Purity Federation, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, favoring placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

Also, petition of Sample & Co., of New York City, against passage of the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Resolutions of the Merchants' Exchange, of St. Louis, Mo., favoring passage of the Newland river-regulation bill; to the Committee on Rivers and Harbors.

Also, resolutions of the Missouri State Dental Association, favoring passage of Senate bill 5177, amending the patent laws, etc., and resolution opposing bill by Senator CULLOM to restore the so-called Low patent covering crown or bridge work; to the Committee on Patents.

Also, resolutions of Pride of the West Lodge, No. 56, Order B'rith Abraham, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., favoring passage of the Hughes-Borah bill, to create a commission on industrial relations; to the Committee on Rules.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, for vocational education; to the Committee on Agriculture.

Also, petition of Alexander Lodge, No. 34, Order B'rith Abraham, of Troy, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Petition of the Woman's Auxiliary of the Board of Missions, Diocese of Central New York, relative to conditions of natives of Alaska; to the Committee on the Territories.

By Mr. ESCH: Petition of the United States Civil Service Retirement Association, of Washington, D. C., against the five-year tenure of office clause contained in House bill 24023; to the Committee on Appropriations.

By Mr. EVANS: Petition of citizens of Chicago, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of the Advertising Men's League of New York, N. Y., favoring passage of House bill 18327, relative to printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Civil Service Retirement Association, Washington, D. C., protesting against any legislation that will reestablish the spoils system; to the Committee on Appropriations.

By Mr. FULLER: Petition of the American Association of Foreign Language Newspapers, against passage of the Oldfield-Brown bills, relating to proposed amendment to patent law, etc.; to the Committee on Patents.

Also, petition of merchants of Leland and Morris, in the twelfth congressional district of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of laboring and professional men of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, favoring certain amendments to the Sherman Antitrust Act, etc.; to the Committee on Foreign Affairs.

Also, petition of John Nash, R. F. D. No. 1, Hunlock Creek, Pa., favoring passage of House bill 1339, to grant increase of pension in certain cases; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Resolution of citizens of Chicago, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of the University of Chicago, Chicago, Ill., against passage of the Root amendment, relative to the deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. GOOD: Petition of citizens of the State of Iowa, favoring passage of bill providing for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HAMILTON of Michigan: Petition of retail merchants of Hartford, Mich., against passage of the Oldfield-Brown bills, for proposed change in patent laws; to the Committee on Patents.

By Mr. HAMLIN: Papers to accompany House bill 24549, to pension Martha E. A. Ackerman, of Miami, Mo., widow of Thomas Stoker Ackerman, deceased, a teamster in the service of the United States during the War with Mexico; to the Committee on Pensions.

By Mr. HELGESEN: Petition of the Woman's Christian Temperance Union and 12 other citizens of Tyner, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of C. E. Jacobson and 120 other citizens of Glen Ullin, N. Dak., protesting against the removal of tax from colored oleomargarine; to the Committee on Agriculture.

Also, petition of a church at Leal, N. Dak., and the Presbyterian churches of Tyner, Backoo, and Cavalier, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of the Hartford Central Labor Union, Hartford, Conn., favoring passage of House bill 16844, requiring the manufacturer's brand on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Women's Auxiliary of Windham, Conn., relative to condition of the natives of Alaska; to the Committee on the Territories.

Also, petition of the United States Civil Service Retirement Association, protesting against compulsory retirement in civil service; to the Committee on Appropriations.

Also, petition of Hebrews of New Britain, Conn., against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Young People's Eastern Connecticut organizations, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Petition of 7 merchants of Danbury, Conn., against amendment changing present patent laws; to the Committee on Patents.

By Mr. HOWELL: Petition of J. A. Lawson, of Salt Lake City, Utah, favoring passage of House bill 22339, to regulate the method of directing the work of Government employees; to the Committee on the Judiciary.

Also, petition of Matthew Cullom and other citizens of Utah, against passage of House bill 17593, to divest intoxicating liquors of their interstate-commerce character in certain cases; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the Manufacturers' Association of New York, protesting against change in the present patent laws without the opinion of a committee of experts; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of Branch No. 157, East River, Workmen's Sick and Death Benefit Fund, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Lithuanian Socialist Federation of America, of Mahanoy City, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolution of Jacob S. Strahl Lodge, No. 139, Independent Order Ahawas Israel, Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of E. Locker & Co., of Brooklyn, N. Y., favoring passage of Senate bill 3607, relative to so-called disintegration of the Tobacco Trust; to the Committee on the Judiciary.

By Mr. MAHER: Petition of citizens of New York, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of a mass meeting of Americans, Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of business men of Aledo, Ill., against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of Rhode Island Lodge, No. 213, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Rhode Island favoring passage of House bill 22339 and Senate bill 6172, against use of the stop watch in timing Government workmen; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions of the Chamber of Commerce of Eureka, Cal., favoring passage of House bill 22580, for acquisition by the United States of suitable homes for its diplomatic representatives abroad; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petitions of the Daughters of Liberty, East Orange, N. J., and the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: Papers to accompany bill granting pension to Mrs. Flora A. White, of Litchfield, Mich., widow of Charles P. White, deceased, a member of Company H, Fourth Michigan Infantry; to the Committee on Invalid Pensions.

By Mr. TAGGART: Petitions of Local No. 64, Osawatomie, Kans., International Association of Machinists, and Local No. 90, United Brotherhood of Leather Workers on Horse Goods, Fort Scott, Kans., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Brotherhood of Locomotive Firemen and Engineers, of the State of Kansas, against passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of merchants of Fort Scott, Kans., protesting against any legislation that would affect price maintenance; to the Committee on Patents.

By Mr. TALCOTT of New York: Petition of Guiding Star Council, Daughters of Liberty, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Resolution of the Connecticut Merchants' Association, against passage of any parcel-post system that is not self-sustaining; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petition of U. S. Grant Post, No. 117, Grand Army of the Republic, in the fifth congressional district of the State of New Jersey, favoring passage of House bill 4070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. UTTER: Petition of citizens of Rhode Island, favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of South Providence Lodge, No. 328, Independent Order B'rith Abraham, Providence, R. I., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.